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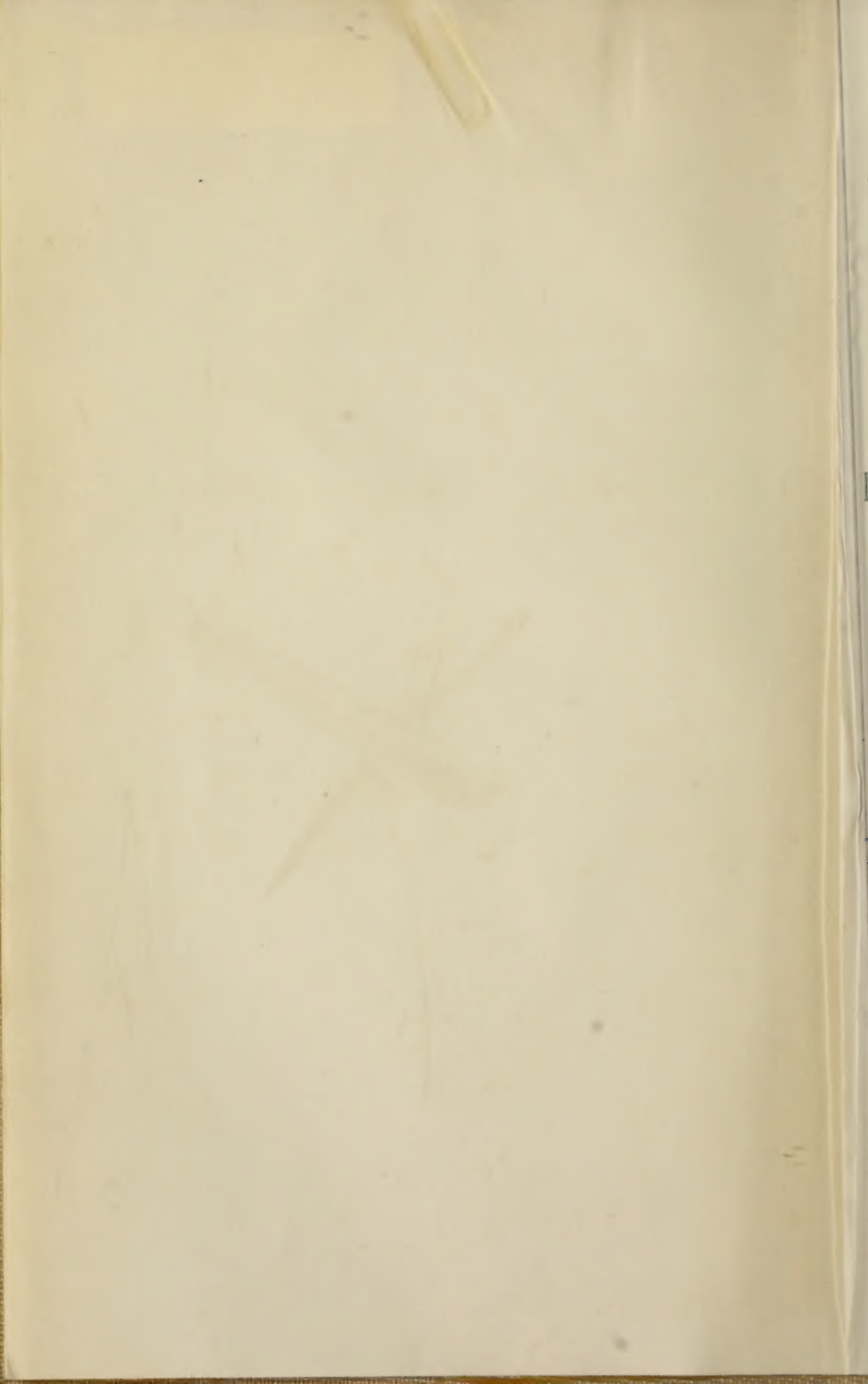
Journal of the Senate

1850-1851

Journal of the Senate

1851





Journal of the Senate

DURING THE

FIFTY-FIRST SESSION

OF THE

Legislature of the State of California

1935

FIRST PART BEGAN ON MONDAY, JANUARY SEVENTH, AND
ENDED SATURDAY, JANUARY TWENTY-SIXTH

SECOND PART BEGAN ON MONDAY, MARCH FOURTH
AND ENDED SUNDAY, JUNE SIXTEENTH

LEUTENANT GOVERNOR GEORGE J. HATFIELD, President of the Senate
JOSEPH A. BEEK, Secretary



CALIFORNIA STATE PRINTING OFFICE
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SACRAMENTO, 1935

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Journal of the Senate

AND JOURNAL OF THE SENATE

Legislature of the State of California

1917

THE SENATE OF THE STATE OF CALIFORNIA
JANUARY 1, 1917

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JANUARY 1, 1917



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THEORY TO PRACTICE IN THE CLASS



CALIFORNIA LEGISLATURE—SENATE.

FIFTY-FIRST SESSION.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, January 7, 1935.

The hour of twelve o'clock m. having arrived, Hon. Herbert W. Slater, Senior Senator, called the Senators and Senators-elect to order, and announced that the fifty-first session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the fiftieth session of the Legislature were in their respective places in the Senate Chamber, as required by section 237 of the Political Code: Joseph A. Beek, Secretary; F. E. Dalin, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms.

Prayer.

By invitation of Senator Slater, Presiding Officer of the Senate, prayer was then offered by Rev. William F. Ehmann.

Resolution.

The following resolution was offered:

By Senator Duval:

Resolved, That the hold-over Senators take their seats, and that the Senators-elect proceed to the bar of the Senate and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read, and on motion of Senator Duval adopted.

Certificate from Secretary of State.

By direction of Senator Slater, Presiding Officer of the Senate, the Secretary read the following certificate of duly elected Senators of the fifty-first session of the Legislature of the State of California:

STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, FRANK C. JORDAN, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over State Senators, together with those duly elected at the general election held on the sixth day of November, A.D. 1934, to represent the people of the State of California at the Fifty-first Session of the Legislature of said State, as appears from the statement of vote received from the county clerks of the various counties and the registrar of voters of the City and County of San Francisco, comprising the several Senatorial Districts of the State of California, said statement of vote being a record of and on file in my office, viz:

HOLD-OVER STATE SENATORS.

Name.	District.	County or Counties Comprising District.
Harold J. Powers.....	First.....	Modoc, Lassen, Plumas.
Harry A. Perry.....	Third.....	Humboldt.
John B. McColl.....	Fifth.....	Trinity, Shasta.
Jerrold L. Seawell.....	Seventh.....	Sierra, Nevada, Placer.
A. L. Pierovich.....	Ninth.....	El Dorado, Amador, Alpine.
Frank L. Gordon.....	Eleventh.....	Napa, Yolo.
Charles F. Reindollar.....	Thirteenth.....	Marin.
Thomas McCormack.....	Fifteenth.....	Solano.
Will R. Sharkey.....	Seventeenth.....	Contra Costa.
Harry L. Parkman.....	Twenty-first.....	San Mateo.

HOLD-OVER STATE SENATORS—Continued.

Name.	District.	County or Counties Comprising District.
Bert B. Snyder.....	Twenty-third.....	Santa Cruz.
Edward H. Tickle.....	Twenty-fifth.....	Monterey, San Benito.
Charles King.....	Twenty-seventh.....	Kings.
Chris N. Jespersen.....	Twenty-ninth.....	San Luis Obispo.
Edgar W. Stow.....	Thirty-first.....	Santa Barbara.
Walter H. Duval.....	Thirty-third.....	Ventura.
Nelson T. Edwards.....	Thirty-fifth.....	Orange.
Leonard Joseph Difani.....	Thirty-seventh.....	Riverside.
Ben Hulse.....	Thirty-ninth.....	Imperial.

STATE SENATORS-ELECT.

Name.	District.	County or Counties Comprising District.
Henry McGuinness.....	Second.....	Del Norte, Siskiyou.
George M. Biggar.....	Fourth.....	Mendocino, Lake.
Charles H. Deuel.....	Sixth.....	Butte.
D. Jack Metzger.....	Eighth.....	Tehama, Glenn, Colusa.
W. P. Rich.....	Tenth.....	Yuba, Sutter.
Herbert W. Slater.....	Twelfth.....	Sonoma.
Walter McGovern.....	Fourteenth.....	San Francisco.
William F. Knowland.....	Sixteenth.....	Alameda.
Sanborn Young.....	Eighteenth.....	Santa Clara.
Thomas P. Scollan.....	Nineteenth.....	Sacramento.
Bradford S. Crittenden.....	Twentieth.....	San Joaquin.
J. C. Garrison.....	Twenty-second.....	Stanislaus.
Andrew R. Schottky.....	Twenty-fourth.....	Merced, Madera.
Dan E. Williams.....	Twenty-sixth.....	Tuolumne, Mariposa, Calaveras.
Karl P. Keough.....	Twenty-eighth.....	Mono, Inyo.
Ray W. Hays.....	Thirtieth.....	Fresno.
Frank W. Mixer.....	Thirty-second.....	Tulare.
J. I. Wagy.....	Thirty-fourth.....	Kern.
Ralph E. Swing.....	Thirty-sixth.....	San Bernardino.
Culbert L. Olson.....	Thirty-eighth.....	Los Angeles.
Ed Fletcher.....	Fortieth.....	San Diego.

WITNESS my hand and the Great Seal of the State of California, at office in Sacramento, this fifteenth day of December, A.D. 1934.

FRANK C. JORDAN, Secretary of State.

[SEAL]

Leave of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for the remainder of this day.

Roll Call of Hold-over Senators.

Senator Slater, Presiding Officer of the Senate, directed the Secretary to call the roll of hold-over Senators.

The roll was called, and the following answered to their names:

Senators Difani, Duval, Edwards, Gordon, Hulse, Jespersen, King, McColl, McCormack, Parkman, Perry, Pierovich, Powers, Reindollar, Seawell, Sharkey, Snyder, Stow, and Tickle—19.

Roll Call of Senators-elect.

Senator Slater, Presiding Officer of the Senate, directed the Secretary to call the roll of Senators-elect.

The Secretary called the roll of Senators-elect, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Hays, Keough, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Rich, Schottky, Scollan, Slater, Swing, Wagy, Williams, and Young—21.

Senator Slater, Presiding Officer of the Senate, announced that the roll call disclosed twenty-one Senators-elect present.

Senator Slater, Presiding Officer of the Senate, requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

Oath of Office Administered.

The twenty-one Senators-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Honorable Rolfe L. Thompson, Associate Justice of the District Court of Appeal, Third District:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California and that I will faithfully discharge the duties of the office of State Senator, according to the best of my ability.

Roll Call.

Senator Slater, Presiding Officer of the Senate, called the Senate to order and directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Bigger, Critchfield, Daniel, DeFord, David, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McClell, McGovern, McGuinness, Metzger, Meyer, Olson, Parkman, Perry, Pomeroy, Powers, Roundell, Tar, Rich, Schottky, Seidman, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Whereupon, Senator Slater, Presiding Officer of the Senate, announced their qualification and declared that a quorum of all the Senators was present.

Temporary Organization Effected.

Temporary organization having been effected, Senator Slater, Presiding Officer of the Senate, put the question, "What is the pleasure of the Senate?"

Resolution.

The following resolution was offered:

By Senator Reindollar:

Resolved, That the Senate do now proceed to the election of the following temporary officers in the order named:

President pro tempore;
Secretary of the Senate;
Sergeant-at-Arms;
Mace Clerk, and
Chaplain.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Bigger, Critchfield, Daniel, DeFord, David, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McClell, McGovern, McGuinness, Metzger, Meyer, Olson, Parkman, Perry, Pomeroy, Powers, Roundell, Rich, Schottky, Seidman, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

NOES: None.

Nominations for and Election of President Pro Tempore of the Senate.

Senator Slater, Presiding Officer of the Senate, thereupon declared nominations for the office of President pro tempore of the Senate in order.

Senator Seawell placed in nomination for the office of President pro tempore of the Senate the Honorable William P. Rich of Yuba and Sutter counties, State Senator from the Tenth District.

Senator Sharkey seconded the nomination of Hon. William P. Rich for President pro tempore.

Senator Slater, Presiding Officer of the Senate, put the question: "Are there any further nominations for the office of President pro tempore of the Senate?"

Senator Seawell, seconded by Senator Stow, moved that the nominations for President pro tempore be closed.

Motion carried.

The roll was called, with the following result:

For HON. WILLIAM P. RICH—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Whereupon, Senator Slater, Presiding Officer of the Senate, declared Senator William P. Rich duly and unanimously elected President pro tempore of the Senate for the fifty-first session of the California Legislature.

Oath of Office of President Pro Tempore.

The following constitutional oath of office was administered to Senator Rich by Hon. Rolfe L. Thompson, Associate Justice of the District Court of Appeal, Third District:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of President pro tempore of the Senate, according to the best of my ability.

Appointment of Special Committee.

Senator Slater, Presiding Officer of the Senate, announced the appointment of Senators Seawell, Sharkey, and McCormack as a special committee to escort the President pro tempore, Hon. William P. Rich, to the chair.

President Pro Tempore in the Chair.

At twelve o'clock and thirty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Nominations for and Election of Secretary of the Senate.

The President pro tempore declared nominations for the office of Secretary of the Senate in order.

Senator Edwards placed the name of Joseph A. Beek of Balboa in nomination for Secretary of the Senate.

Senator Deuel seconded the nomination of Joseph A. Beek for Secretary of the Senate.

The President pro tempore put the question: "Are there any further nominations for the office of Secretary of the Senate?"

There being no response, the nominations were declared closed.

The President pro tempore directed the Secretary to call the roll.

The roll was called, with the following result:

For JOSEPH A. BEEK—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry,

Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Whereupon, the President pro tempore declared Joseph A. Beck duly and unanimously elected Secretary of the Senate.

Nominations for and Election of Sergeant-at Arms.

The President pro tempore declared nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Slater placed the name of Joseph Francis Nolan of Los Angeles in nomination for Sergeant-at-Arms of the Senate.

Senator Pierovich seconded the nomination of Joseph Francis Nolan for Sergeant-at-Arms.

The President pro tempore put the question: "Are there any further nominations for the office of Sergeant-at-Arms of the Senate?"

There being no response, nominations were declared closed.

The President pro tempore directed the Secretary to call the roll.

The roll was called, with the following result:

For JOSEPH FRANCIS NOLAN: Senators Biggley, Connelley, Dodd, Diller, Donald Edwards, Fletcher, Garrison, Gordon, Hays, Jepserson, Keough, King, Knowland, McCall, McCormick, McGovern, McMillan, McIntire, Milroy, Pritchard, Purdy, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Whereupon, the President pro tempore declared Joseph Francis Nolan of Los Angeles duly and unanimously elected Sergeant-at-Arms of the Senate.

Oath of Office Administered.

The newly elected officers of the Senate, Joseph A. Beck, Secretary, and Joseph F. Nolan, Sergeant-at-Arms, appeared at the bar of the Senate, where the constitutional oath of office was administered to them by the Honorable Rolfe L. Thompson, Associate Justice of the District Court of Appeal, Third District, and they subscribed to the same.

Motion.

Upon motion of Senator Swing, further nomination of officers of the Senate was referred to Committee on Attaches.

Resolution.

The following resolution was offered:

By Senator Wagy:

Resolved, That the President pro tempore of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Wagy adopted.

Appointment of Special Committee.

The President pro tempore announced the appointment of Senators Wagy, Hays, and Stow as the special committee to call upon the Governor and notify him of the organization of the Senate and that the Senate is now ready to receive any communication he may have to make.

Resolution.

The following resolution was offered:

By Senator Biggar:

Resolved, That the President pro tempore of the Senate appoint a special committee of three to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

Resolution read, and on motion of Senator Biggar adopted.

Appointment of Special Committee.

The President pro tempore announced the appointment of Senators Biggar, Snyder, and Duval as a committee from the Senate to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

Resolution.

The following resolution was offered:

By Senator Deuel:

Resolved, That the Standing Rules of the Senate of the fiftieth session of the Legislature of the State of California be, and they are hereby adopted as the temporary rules of the fifty-first session of the Senate, with the following exceptions: that Rules 8 and 74 be omitted and Rule 1 shall read as follows:

1. The sessions of the Senate shall be daily (Sundays excepted) beginning at ten o'clock a.m., unless otherwise ordered by a vote of the Senate.

Temporary Rules of the Senate.

Convening and Order of Business.

Hour of Meeting.

1. The sessions of the Senate shall be daily (Sundays excepted) beginning at ten o'clock a.m., unless otherwise ordered by a vote of the Senate.

Calling to Order.

2. The President, President pro tempore, or senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

Order of Business.

3. The order of business:

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Governor.
6. Messages from the Assembly.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions and Notices.
10. Introduction, First Reading and Reference of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Announcement of Committee Meetings.
15. Adjournment.

Presiding Officer of the Senate.

The President.

4. The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. The President shall preside over the sessions of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to properly accredited newspaper representatives.

The President Pro Tempore.

5. The President pro tempore shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tempore shall vote only as any other member of the Senate.

Presiding by Senators.

6. The President or President pro tempore, in the absence of the President, shall have the right to name any Senator to perform the duties of that office, who shall so vested, during such time, with all the powers of the President. But such substitute shall not lose the right of voting on any question while so presiding.

*Committees of the Senate.**Appointment of Committees.*

7. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the permanent member. All other committees shall be appointed in such manner as the Senate shall determine.

Schedule of Committee Meetings.

9. The President shall be empowered to prepare to the Senate each week, for the regular meetings of the standing committees an agenda, present at full attendance of their members without conflict of committee engagements.

Quorum of Standing Committees.

10. Each standing committee shall determine (a) its own quorum and (b) the number of votes necessary to take any action upon any bill, resolution or other matter referred to it.

The vote by the number of ayes and nays on each bill reported being on all committee reports shall be noted in such reports and recorded in the Journal. When a committee report is signed out, the Journal shall state said fact.

No Committee Expenditures Permitted.

11. No member of any committee shall, except by resolution of the Senate, be permitted to incur any expense for another member of the Senate or public servant, except that the chairman of the Committee on Finance shall, during the constitutional recess, be permitted to visit State Institutions for Public Improvement, as asked, and shall be allowed his actual expenses while on such business.

*Special Duties of Certain Committees.**Committee on Engrossment, Enrollment and Printing.*

12. All Senate bills, constitutional amendments and joint or concurrent resolutions shall be engrossed before final action is taken on them in the Senate. The indications of how matter engrossed or reengrossed appeared upon the printed bill shall be omitted from the engrossed copy of the bill. All such bills, amendments and resolutions, after being engrossed, the preparation of two copies of the Senate bill, shall be carefully examined and corrected back by the Committee on Engrossment, Enrollment and Printing. The engrossed copy to be transmitted to the Assembly with proper endorsements, and the original returned by the Senate. It shall be the duty for the Committee on Engrossment, Enrollment and Printing to report at any time.

Engrossing and Forwarding Bills.

13. All bills ordered engrossed shall be delivered by the Secretary of the Senate to the Committee on Engrossment, Enrollment and Printing, or to the clerk of the committee and a receipt in writing taken thereon, and all such bills shall be engrossed in the order of their receipt by that committee in its clerk. All Senate bills shall, after their final passage by, and receipt from the Assembly, be forwarded by the Secretary of the Senate in the order of their receipt from the Assembly to the Committee on Engrossment, Enrollment and Printing, or to the clerk and a receipt in writing taken thereon, and such bills shall be returned in the order of their receipt from the Secretary of the Senate.

Committee on Rules.

14. The Committee on Rules shall have the general duty of proposing and presenting recommendations as to the Standing Rules of the Senate. The President pro tempore shall be the chairman of this committee, and the President shall be an ex officio nonvoting member. When executive communication or resolutions shall be sent by the Governor to the Senate for their consideration, the same shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, which motion shall be determined without debate.

Committee on Contingent Expenses.

15. No claim shall be paid out of the contingent fund of the Senate unless the same shall have been considered by the Committee on Contingent Expenses.

Committee on Engrossment, Enrollment and Printing.

16. The committee on Engrossment, Enrollment and Printing shall have general charge of matters connected with all printing done for the Senate. It shall have the specific duties prescribed for it in the Joint Rules of Senate and Assembly.

Other Senate Officers.*Secretary of the Senate.*

17. 1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all printing and clerical work to be done for the Senate. To have supervision over all attaches and employees of the Senate. To assign, reassign or transfer all attaches or employees to their respective duties. To certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

Custody of Bills and Papers.

18. The Secretary of the Senate shall not permit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment, Enrollment and Printing and take receipts therefor.

Sergeant-at-Arms of the Senate.

19. A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all of its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and the traveling expenses for himself and special messenger going and returning shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

Distribution of Printed Matter.

20. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and journals and histories, when printed, on the desks of Senators, at least one hour previous to the opening of session.

Preparation and Introduction of Bills.*Introduction and First Reading.*

21. Any Senator desiring to introduce a bill shall rise in his seat and address the President, and upon being recognized shall present the same. The title shall be announced by the Secretary, the bill shall be read the first time and thereupon referred by the President to a standing committee.

Joint and Concurrent Resolutions and Constitutional Amendments.

22. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills; provided, that they shall have but one reading, which reading shall occur after they have been reported by committee.

Constitutional amendments, when introduced, shall be referred to the Committee on Constitutional Amendments, and when reported back by the committee shall, with its recommendations, be re-referred to the standing committee considering the subject dealt with in such constitutional amendments.

Introduction of Bills by a Committee.

23. Any committee may introduce a bill germane to any subject within the proper consideration of such committee, whereupon the bill shall immediately be read the first time, ordered to print and placed upon the second reading file.

Introduction of Bills After the Constitutional Recess.

24. The Committee on Rules shall constitute a standing committee on introduction of bills to serve after the constitutional recess. All motions for leave to introduce bills after the constitutional recess shall be sent to the desk in writing, under the order of "Introduction of Bills." The motion shall give the title of the bill and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought and generally as to the advisability of introducing the measure.

No bill shall be introduced without the consent of three-fourths of the members after report thereon by the Committee on Introduction of Bills, and shall more than two bills be introduced by any one member during the same session.

Joint and concurrent resolutions and constitutional amendments shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, nor shall the number to be introduced by any one member be limited.

Bills in Committee

Reference of Senate Bills

25. At the time of introduction the President shall first indicate to what committee a bill or resolution ought to be referred, and if doing so he refers a measure upon a motion, without debate, the Senate by a majority vote refer it to some other committee. No debate shall be allowed on any motion to refer a bill or resolution to a committee.

Order of Reference

26. When a resolution shall be offered, or a motion made to refer any bill, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate;
2. A Standing Committee;
3. A Select Committee.

Reference with Special Instructions

27. No amendment shall be reported for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its reference to a select committee upon (amendments to, or upon) Adoption of amendments to any bill by the Senate given in each reading, more than one roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, at such amendments at any point thereof by the Senate.

Reference of Assembly Bills

28. When an Assembly bill has been received by the Senate, with a message announcing that it has passed the Assembly, and that it is sent the first time, it may be referred by the President to a standing committee; provided, however, that when an Assembly bill is received the text of which is found by a majority to be identical with that of a Senate bill which has already been considered and reported by a standing committee of the Senate, such Assembly bill shall be referred to that committee on Engrossment, Enrolled and Printing the committee, upon receiving shall report without delay whether or not such bill is identical with the Senate bill. If reported identical, such Assembly bill shall be substituted for the Senate bill, shall take its place on the second reading, and be considered as having received the same committee recommendations as the Senate bill, provided that the fact that the bills are identical shall be entered in the Journal. Such Senate bill shall thereupon be placed upon the file of unfinished business.

Reference of Appropriation Bills

29. All bills appropriating money from any fund shall be referred to the Committee on Finance before being read the second time. Concurrent resolutions for appropriation shall be referred to the Committee on Finance.

Notice to Author of Bill

30. The chairman or clerk of each committee of the Senate shall notify the author of any bill or resolution pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

Committee Amendments to Bills

31. When amendments to a bill are reported by a committee offered from the floor or submitted by a Special Committee of One, such amendments shall be submitted in triplicate, two copies to go to the Secretary of the Senate and one to the Minute Clerk.

Reports of Committees

32. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; provided, that the Senate may at any time, by a majority vote, read a bill from any committee.

Order of Considering Bills.

Order of Making Files.

33. When bills are reported from committees they shall be placed upon the General File, to be kept by the Secretary as follows. All bills when reported to the Senate by the committee shall be placed at the foot of the second reading file.

in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Second reading file and third reading file, unless otherwise ordered by unanimous consent or by a two-thirds vote of the Senate. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of majority of the members present; such vote to be taken by roll call; provided, that if a bill is passed on file for any reason, other than absence of the author by leave of the Senate, note of the fact shall be made in the General File, and when passed on file a second time, the bill shall be ordered at the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File.

The General File.

34. The General File shall be the special order for each day between such hours as the Senate may determine, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

Special Order.

35. Any subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Three Readings of Bills.

36. Every bill shall be read on three several days previous to its passage (unless in case of urgency, two-thirds of the membership of the Senate in which it is being considered shall by vote of the ayes and noes dispense with this provision).

Ordering Bills to Third Reading.

37. After being read the second time bills shall be ordered by the President to third reading (or, in the case of Senate bills, to engrossment and third reading). When any member makes objection to any bill thus being ordered to third reading, the final question for such bill shall be "Shall the bill be ordered to third reading?"

Bills Considered During Last Seven Days.

38. No Senate bill shall be passed by the Senate within seven days of the time set for adjournment sine die of the two houses of the Legislature unless permission to vote on such a bill be granted by a three-fourths vote of the entire membership of the Senate, voting by roll call.

Questions and Motions.

Precedence of Motions During Debate.

39. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Provided, however, that during a call of the Senate, it may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had, during a call of the Senate, on any matter so taken up or considered while the Senate is under call. When a call of the Senate is ordered, pending the completion of a roll call, the pending roll call shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

Amendment or Division of Question.

40. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. Motions to amend the part to be stricken out shall have precedence.

Restrictions as to Amendments

41. A substitute or amendment must relate to the same subject as the original bill, resolution or constitutional amendment under consideration.

Vote Required for Amendments

42. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be passed by a majority of those voting.

Procedure of Debate.*Seconding and Announcement of Motion*

43. No motion shall be debated until the same be seconded and distinctly announced by the President, and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary before the same shall be debated.

Regulations as to Speaking

44. 1. When a Senator desires to address the Senate, he shall rise at his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have had spoken shall not again be entitled to the floor except for explanation, so long as one Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no Senator shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

Securing of the Floor.

45. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

Order in Debate

46. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to his appeal to the Senate by last Senator. If a Senator be called to order for words spoken, the subsequent language shall immediately be taken down in writing by the Secretary of the Senate.

The Previous Question.

47. The previous question shall be put in the following form: "Shall the question be now put?" It shall be admitted only when requested by a majority of the Senators present upon division, and its effect shall be to put on and to all debate except that the author of the bill or the amendments shall have the right to rise, and the question under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

Executive Session

48. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant at Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

Voting by Senate.*Calling Ayes and Noes.*

49. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question on pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

Excused from Voting.

50. When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And those proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

Reconsideration of Vote.

51. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any Senator; provided, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution, has been passed or defeated, fourteen votes to reconsider the vote by which any constitutional amendment has been passed, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been defeated. Notice of reconsideration of the vote by which a Senate bill was passed, or a Senate joint resolution, Senate concurrent resolution or Senate constitutional amendment adopted, shall not be in order on or after the eighth day preceding the last day of the session. No notice of reconsideration shall be in order on the day preceding the last day of the session.

When Bill Is Held for Reconsideration.

52. If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not transmit the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has already been transmitted to the Assembly.

When a Bill Is Recalled for Reconsideration.

53. When a bill, resolution, amendment, order or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Debate on Motion to Reconsider.

54. A Senator, after a notice to reconsider is given, as provided in Rule 53, shall, at the reconsideration thereof, present the main question in his argument thereon, and the same shall be debated by the Senate, provided that the subject matter is debatable, and the vote on reconsideration shall be on the merits of the main question.

Messages and Other Papers.*Messengers from the Governor.*

55. Messengers from the Governor may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a Senator is addressing the Senate.

Messengers from the Assembly.

56. Messengers from the Assembly may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a member is addressing the Senate.

Consideration of Assembly Messages.

57. Messages from the Assembly may be considered when indicated by the Order of Business, or at any other time, by unanimous consent, or by vote of the Senate.

Reading of Papers.

58. When the reading of a paper (except a petition) is called for, and the same is objected to by any Senator, the question shall be determined by a vote of the Senate.

Contents of Senate Journal.*Proceedings to Be Printed.*

59. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

Titles of Bills to Be Printed.

60. The titles of all bills, joint and concurrent resolutions, and constitutional amendments introduced shall be printed in the Journal.

Statement of Petitions to Be Printed.

61. Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

Other Matter to Be Printed.

62. Messages from the Governor (other than biennial messages and inaugural addresses), joint and concurrent resolutions and constitutional amendments, when

adopted, and the titles of all bills, joint and concurrent resolutions and constitutional amendments, when acted upon by the Senate, shall be printed in the Journal in full; provided, that in case of a concurrent resolution offering the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments shall not be printed in the Journal.

Legislative Printing.

Number of Bills Printed.

63. Fifteen hundred copies of all bills shall be printed, and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill on paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

Number of Journals Printed.

64. The Superintendent of State Printing shall print one thousand copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly pagged, to bind in book form in the Journals of the Senate at the end of the session, as required by law.

Number of Other Documents Printed.

65. Seven hundred fifty copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

Excess Printing Only on Written Order.

66. The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, without a written order signed by the Secretary. The Secretary, however, when necessary, may permit to be printed by the State Printer such printing as he deems necessary to be printed in pursuance of the regular order of business, under specially prepared written order to be known as a "Rush Order."

Form of Printing Amendments.

67. All bills amended by either house shall be printed with reprinted, in case new matter is added by the amendment, such new matter shall be printed in italics in the printed bill, and in case of matter being omitted, the matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "struckout" type. When a bill contains any of a code matter of a general law is engrossed, all figures or symbols shall be removed and the bill shall be printed in the usual roman type.

The Senate Chamber.

Admission Within Bar of Senate.

68. It shall be the duty of the gatekeeper to prevent all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such accredited newspaper representatives or hereafter assigned to them, by the President, from coming within the bar of the Senate, unless upon invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor while the Senate is in session.

Regulations for Lobbyists.

69. 1. All persons appearing, or being, or desiring to appear or be, at or in the Senate Chamber, or at or in any committee room of the Senate for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Senate, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Senate upon any such bill, measure, or resolution or upon any anticipated or proposed bill, measure, or resolution, shall register with the Sergeant-at-Arms his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

No person shall appear at or in the Senate Chamber, or any committee room of the Senate, for the purpose of advocating the adoption, or defeat of any bill, measure, or resolution, without first having registered and secured the certificate, as herein provided.

2. No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time

while the Senate is in session. Any person transgressing this rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tempore are charged with the enforcement of this rule, and this rule can not be suspended except by a two-thirds vote of the entire Senate.

Maintaining of Order.

70. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

Smoking Within Senate Chamber.

71. No smoking shall be allowed within the Senate Chamber when objected to by the presiding officer or by any five members.

Miscellaneous Provisions.

Duties of Members.

72. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for nonattendance as shall be made to the Senate, when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directly to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

Call of the Senate.

73. Upon a motion being carried for a call of the Senate the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous roll call. Thereupon no one shall be permitted to leave or enter the Senate except by written permission of the President or President pro tempore, or except such members as are taken into custody as herein provided. Those members who are found to be absent and for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a roll call of the Senate and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the Senate.

Suspension or Changes of Rules.

75. No standing rules or order of the Senate shall be rescinded or changed without a vote of two-thirds of the entire Senate, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members of the Senate, except that portion of Rule 13, relating to the order of enrolling bills. All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Swing, Tickle, Williams, and Young—30.

NOES—None.

Resolution.

The following resolution was offered:

By Senator Stow:

Resolved. That the following shall be the rule of procedure of the Senate in the introduction of bills on the first day when bills shall be introduced during the present session:

That the roll of Senators shall be called from B to Y and then back from Y to B, and as each member's name is called he shall have the privilege of introducing one bill.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Daniel, DeFam, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, Metzger, Mix, Mixer, Parkman, Perry, Powers, Roundtree, Root, Schottky, Seollan, Seawell, Sharkey, Slater, Swing, Tickle, Williams, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Bills

By Senator Powers: Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies.

Unanimous Consent.

Unanimous consent was granted to consider Senate Concurrent Resolution No. 1, at this time, without reference to committee.

Consideration of Senate Concurrent Resolution No. 1.

Senate Concurrent Resolution No. 1.

Relative to inaugural ceremonies.

Resolved by the Senate, the Assembly concurring. That a committee of three members of the Senate be appointed to confer with a committee of three from the Assembly, to make arrangements for the inaugural ceremonies. Said committee to be appointed by the President of the Senate and the Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expenses to be paid by the Senate and Assembly out of their respective contingent funds, and not to exceed the sum of \$500, one-half to be paid from the contingent fund of each house.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Crittenden, Daniel, DeFam, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Powers, Roundtree, Root, Schottky, Seollan, Seawell, Sharkey, Slater, Swing, Tickle, Williams, and Young—33.

NOES—None.

Senate Concurrent Resolution No. 1 ordered transmitted to the Assembly.

Appointment of Committee.

Pursuant to the provisions of Senate Concurrent Resolution No. 1, the President announced the appointment of Senators Powers, Sharkey, and Schottky as a committee to confer with a committee of three from the Assembly, to make arrangements for the inaugural ceremonies.

Report of Special Committee.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 7, 1935.

MR. PRESIDENT: Your special committee, appointed to notify the Governor of the organization of the Senate and that the Senate is now ready to receive any communication he may have to make, respectfully reports that it has communicated with the Governor as directed.

WAGY,
HAYS,
STOW,
Committee.

Report of Special Committee.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 7, 1935.

MR. PRESIDENT: Your special committee, appointed to notify the Assembly of the organization of the Senate and that the Senate is now ready to proceed with the business of the State, respectfully reports that it has communicated with the Assembly as directed.

BIGGAR,
SNYDER,
DUVAL,
Committee.

Recess.

At one o'clock and five minutes p.m., the President of the Senate declared recess until two o'clock and thirty minutes p.m.

Reconvened.

At two o'clock and thirty minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Nominations for and Election of Minute Clerk of the Senate.

The President pro tempore declared nominations for the office of Minute Clerk of the Senate in order.

Senator Tickle placed the name of F. E. Dalin of Los Angeles in nomination for Minute Clerk of the Senate.

Senator Seawell seconded the nomination of F. E. Dalin for Minute Clerk of the Senate.

The President pro tempore put the question: "Are there any further nominations for the office of Minute Clerk of the Senate?"

There being no response, nominations were declared closed.

The President pro tempore directed the Secretary to call the roll.

The roll was called, with the following result:

For F. E. DALIN—Senators Biggar, Deuel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Tickle, and Wagy—26.

Whereupon, the President pro tempore declared F. E. Dalin, of Los Angeles, duly and unanimously elected Minute Clerk of the Senate.

Nominations for and Election of Chaplain.

The President pro tempore declared nominations for the office of Chaplain of the Senate in order.

Senator Scollan placed the name of Rev. Newton E. Moats of Sacramento in nomination for Chaplain of the Senate.

Senator Seawell seconded the nomination of Rev. Newton E. Moats for Chaplain of the Senate.

The President pro tempore put the question: "Are there any further nominations for the office of Chaplain of the Senate?"

There being no response, nominations were declared closed.

The President pro tempore directed the Secretary to call the roll.

The roll was called, with the following result:

For REV. NEWTON E. MOATS—Senators Biggar, Deuel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Tickle, Wagy, and Young—28.

Whereupon, the President pro tempore declared Rev. Newton E. Moats, of Sacramento, duly and unanimously elected Chaplain of the Senate.

Oath of Office Administered.

The newly elected officers of the Senate, Rev. Newton E. Moats, Chaplain, and F. E. Dalin, Minute Clerk, were administered the constitutional oath of office.

Resolution.

The following resolution was offered:

By Senator McGuinness:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate has elected the following statutory officers:

President pro tempore, William P. Roth.
 Secretary of the Senate, Joseph A. Beck.
 Sergeant at Arms, Joseph Francis Nolan.
 Minute Clerk, F. E. Dalin.
 Chaplain, Newton E. Moats.

Resolution read and on motion of Senator McGuinness adopted.

Messages from the Assembly.

Messrs. Maloney, Evans, and Leon, a special committee from the Assembly, appeared before the bar of the Senate and notified the Senate that the Assembly was now duly organized, and ready to proceed with the business of the State.

Also:

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day organized by electing the following statutory officers:

Speaker, Edward Craig.
 Speaker pro tempore, John H. O'Donnell.
 Chief Clerk, Arthur A. Ohnimus.
 Minute Clerk, Charles H. Fick.
 Sergeant at Arms, Joseph Maloney.
 Chaplain, Father John Tumulty.
 First Assistant Clerk, Fred J. Desch.

ARTHUR A. OHNIMUS, Chief Clerk.
 By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 1—Relative to congressional ceremonies.

ARTHUR A. OHNIMUS, Chief Clerk.
 By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

Adjournment.

At three o'clock p.m., the President pro tempore of the Senate declared the Senate adjourned until ten o'clock a.m., Tuesday, January 8, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, January 8, 1935.

The Senate met at ten o'clock a.m.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair.
Secretary Joseph A. Beek at the desk.**Roll Call.**

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, January 7, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene Chase, Dr. Joseph F. Poheim, Clarence J. Dunleary, E. J. Willig, Joseph Donovan, Daniel Dennehy, and Al Cross, all of San Francisco, and Mr. and Mrs. Lewis H. Neumann of Los Gatos.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, and the Controller is hereby directed to pay the same:

	<i>Per day</i>
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms-----	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Mixter, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—31.

NOES—None.**Remarks by Senator Slater.**

Senator Slater offered the following remarks in reference to the absence of John T. "Casey" Young from his usual position in the office of the Sergeant-at-Arms.

Mr. President and Gentlemen of the Senate

At this time I would like to have an official note inscribed on the minutes of the Senate in the nature of a token of appreciation of the 22 years of faithful and steadfast service rendered this Senate by John T. "Casey" Young, whom so many of you know and esteem.

Owing to ill health, Mr. Young was not able to again undertake the duties he so splendidly performed in the office of the Sergeant at Arms. Through me he has sent his good wishes to each of you with the recollection of the many courtesies shown him and in turn shown you by him. I know you all regret he is not with us by reason of indisposition, and with me you will wish him a bright and happy New Year and a speedy return to his usual health.

I feel the recording of our appreciation in the Senate Journal of this day is a slight token which most certainly should be given a place in the official record of our proceedings. "Casey" and his connection are indelibly inscribed in the book of memory as a colorful and enduring picture.

Motion by Senator Tickle.

On motion of Senator Tickle, the Honorable William P. Rich, President pro tempore of the Senate, was empowered to appoint the Senate Standing Committee on Attaches.

Motion carried.

Appointment of Standing Committee by President Pro Tempore.

In accordance with the previous motion authorizing the President pro tempore to appoint the Senate Standing Committee on Attaches, the President pro tempore announced the appointment of the following committee: Senator Tickle (chairman), and Senators Parkway, Petrovich, Powers, Seawell, Reindollar and Rich (ex officio).

Recess.

At ten o'clock and thirty minutes a.m., the President pro tempore of the Senate, William P. Rich, declared recess until eleven o'clock a.m.

Reconvened.

At eleven o'clock a.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Recess.

At eleven o'clock and ten minutes a.m., Senator Rich, President pro tempore, declared the Senate at recess for the purpose of meeting with the Assembly in Joint Convention.

IN JOINT CONVENTION**ASSEMBLY CHAMBER.**

SACRAMENTO, Tuesday, January 8, 1935.

At eleven o'clock and twenty-five minutes a.m., the Senate and Assembly met in Joint Convention.

Hon. Edward Craig, Speaker of the Assembly, directed that Hon. John H. O'Donnell, Speaker pro tempore of the Assembly, escort Hon. William P. Rich, President pro tempore of the Senate, to the chair.

The President pro tempore directed the Secretary of the Senate to call the roll of Senators.

Senate Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack,

McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—39.

The President pro tempore declared a quorum of the Senate present.

Hon. Edward Craig, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

Assembly Roll Call.

The roll was called, and the following answered to their names:

Boyle, Breed, Brennan, Cassidy, Chatters, Clark, Corwin, Cottrell, Cronin, Crowley, Cunningham, Dawson, DeLap, Desmond, Donihue, Donnelly, Eicke, Evans, Herbert J., Evans, Ralph W., Field, Fisher, Frazier, Fulcher, Garibaldi, Geyer, Gilbert, Gilmore, Glover, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Jones, Kallam, Latham, Laughlin, Maloney, Martin, Mayo, McBride, McCarthy, McMurray, Meehan, Miller, Minard, Morgan, Nielsen, O'Donnell, Patterson, Pelletier, Peterson, Peyser, Phillips, Reaves, Redwine, Richie, Riley, Robertson, Rosenthal, Scudder, Stream, Thorp, Turner, Utt, Voigt, Wagner, Walker, Wallace, Waters, Welsh, Williamson, Wright, and Mr. Speaker—74.

The Speaker declared a quorum present.

Joint Session Resolution.

The following resolution was offered:

By Mr. Hornblower:

Resolved, That the Senate and Assembly in Joint Convention assembled, proceed with the selection in Joint Session of the Legislative Counsel, as provided in section 1 of "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913.

Resolution read, and adopted.

In accordance with the above Joint Session resolution, the Speaker declared the nomination of Legislative Counsel now in order.

Mr. Hornblower of San Francisco placed in nomination Mr. Fred Wood for Legislative Counsel.

The nomination of Mr. Wood was seconded by Senator Slater.

On motion of Senator Slater, the nominations were closed.

Roll Call.

The Speaker directed the Chief Clerk to call the roll of Assemblymen.

The roll was called with the following result:

For MR. FRED WOOD—Anderson, Andrews, Boyle, Breed, Brennan, Burns, Cassidy, Chatters, Clark, Corwin, Cottrell, Cronin, Crowley, Cunningham, Dawson, DeLap, Desmond, Donihue, Donnelly, Eicke, Evans, Herbert J., Evans, Ralph W., Field, Fisher, Flint, Frazier, Fulcher, Garibaldi, Geyer, Gilbert, Gilmore, Glover, Hawkins, Heisinger, Hornblower, Hunt, Johnson, Jones, Kallam, Latham, Laughlin, Lore, Maloney, Martin, Mayo, McBride, McCarthy, McMurray, Meehan, Miller, Minard, Morgan, Nielsen, O'Donnell, Patterson, Pelletier, Peterson, Peyser, Phillips, Reaves, Redwine, Richie, Riley, Robertson, Rosenthal, Scudder, Stream, Thorp, Turner, Utt, Voigt, Wagner, Walker, Wallace, Waters, Welsh, Williamson, Wright, and Mr. Speaker—79.

The President pro tempore of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called with the following result:

For MR. FRED WOOD—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—37.

Mr. Fred Wood, being the choice of the Senate and Assembly, sitting in Joint Convention, was declared duly elected Legislative Counsel.

Appointment of Select Committee.

Hon. W. P. Rich, President pro tempore of the Senate, appointed Joseph Nolan, Sergeant at Arms of the Senate, and Joseph Moloney, Sergeant at Arms of the Assembly, a Select Committee to escort Mr. Fred Wood to the bar of the Assembly.

**Hon. William P. Rich, President Pro Tempore of the Senate,
in the Chair.**

Regular Order of Business.

By direction of the President pro tempore of the Senate, the Secretary of the Senate read sections of the Constitution of the State of California and sections of the Political Code of the State, which provide for the two branches of the Legislature meeting in Joint Convention for the purpose of canvassing the votes cast for Governor and Lieutenant Governor, as follows:

Of the Constitution:

Section 5. The returns of every election for Governor shall be sealed up and transmitted to the seat of government directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Section 15. A Lieutenant Governor shall be elected at the same time and place and in the same manner, as the Governor, and his term of office and his qualifications shall be the same. He shall be President of the Senate, but shall have only a casting vote therein.

Of the Political Code:

Section 1292. When an election has been held to fill the office of Governor or Lieutenant Governor, the clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must as soon as the statement of the vote of his county is made out and entered upon the returns of the board of supervisors make two certified abstracts of so much thereof as relates to the vote given for each officer.

Section 1293. The clerk must seal up each abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant Governor."

Section 1294. He must at once deliver one copy to the Speaker of the Assembly, next to meet, address it to Sacramento, California, and deposit it, postpaid, in the post office.

Section 1295. The other copy he must direct and address, in the same manner, and at once deliver it to a member-elect of the Legislature, or to a Senator who holds over; and the person to whom it is so delivered must deliver it to the Speaker on or before the second day next after his election.

Section 1296. The returns of election for Governor and Lieutenant Governor must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly, in presence of both houses.

Section 1297. No declaration of the result, canvassing or otherwise, must be withheld on account of any defect or informality in the return of any election if it can with reasonable certainty be ascertained from such return what office is intended, and who is elected thereto.

Announcement.

The Speaker of the Assembly announced that the election returns from all the counties in the State had been received and were now at the desk, and that the Joint Convention would proceed with the opening of the returns from the recent election for Governor and Lieutenant Governor of the State of California.

Appointment of Tellers.

The Speaker of the Assembly appointed as tellers, on the part of the Assembly, Messrs. Jones, Johnson, Burns and Walker.

The President pro tempore of the Senate appointed as tellers, on the part of the Senate, Senators Difani, Stow, Seawell and Scollan.

Canvass of the returns was thereupon made, and the tellers reported:

Report of Select Committee.

We, the Joint Committee of the Senate and the Assembly appointed to canvass the vote for the office of Governor and Lieutenant Governor elected at the general election November 6, 1934, find the following returns to be correct.

STOW, Chairman.
SEAWELL.
DIFANI.
SCOLLAN.
JONES.
JOHNSON.
WALKER.

For Governor.

The total number of votes cast for each of the several candidates for the office of Governor of the State of California was announced as follows:

Sam Darcy-----	5,826
Milen C. Dempster-----	2,947
Raymond L. Haight-----	302,519
Frank F. Merriam-----	1,138,620
Upton Sinclair-----	879,537
Scattering-----	273

Whereupon, the Speaker of the Assembly declared Frank F. Merriam duly elected Governor of the State of California for the next succeeding four years.

For Lieutenant Governor.

The total number of votes cast for each of the several candidates for the office of Lieutenant Governor of the State of California was announced as follows:

Jesse W. Southwick-----	15,741
Pettis Perry-----	10,528
George J. Hatfield-----	1,220,515
Sheridan Downey-----	1,002,832
Scattering-----	78

Whereupon, the Speaker of the Assembly declared George J. Hatfield duly elected Lieutenant Governor of the State of California for the next succeeding four years.

Appointment of Senate Committees of Escort.

Hon. William P. Rich, President pro tempore of the Senate, announced the appointment of the following Senate Committees of Escort:

To escort Governor Frank F. Merriam to the inaugural ceremonies: Senators Edwards, Deuel and Hays.

To escort Lieutenant Governor-elect George J. Hatfield to the inaugural ceremonies: Senators Tickle, Snyder and Sharkey.

Appointment of Assembly Committee of Escort.

Hon. Edward Craig, Speaker of the Assembly, announced the appointment of the following Committees of Escort:

To escort Governor Frank F. Merriam to the inaugural ceremonies: Messrs. Kallam, Stream and Seudder.

To escort Lieutenant Governor-elect George J. Hatfield to the inaugural ceremonies: Messrs. Hornblower, Wright and Turner.

Inaugural Ceremonies.

Call to order of the Joint Convention of the Legislature of the State of California.

Hon. George J. Hatfield, Lieutenant Governor and President of the Senate.

Hon. W. P. Rich, President pro tempore of the Senate,
Hon. Edward Craig, Speaker of the Assembly, presiding
Tom Boyd's concert orchestra

Report of Committees of Escort.

The Senate and Assembly Committees of Escort appeared at the platform in company with His Excellency, Frank F. Merriam, Governor, and Hon. George J. Hatfield, Lieutenant Governor elect.

Invocation.

Prayer by Rev. George M. Rourke, D.D., Pastor, First Presbyterian Church, Long Beach.

Administration of Oath of Office.

Hon. Frank F. Merriam took and subscribed to the following oath of office administered by Hon. William H. Waste, Chief Justice of the Supreme Court:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and I will faithfully discharge the duties of the office of Governor of the State of California to the best of my ability, so help me God.

Introduction of Governor Frank F. Merriam

Hon. W. P. Rich, President pro tempore of the Senate, addressed the Joint Convention as follows:

Fellow Members of the Legislature and Fellow Citizens of California:

It is extremely difficult for me to tell you with words weight and distinction that I appear before you as your representative in executing your wishes and governing to the Governor of the State of California. Our Governor needs no introduction. The members of this Legislature know him as well as I. He was a member of the Assembly for several years. He has been a member of the Senate and he has served one term as Lieutenant Governor of the State of California. No man in the State is better qualified by experience than he is for the position he holds.

As members of the Legislature, we know that there is ahead of us for this coming session some of the greatest problems that ever faced the Legislature of the State of California.

In such trying times the Legislature and the people of the State of California are extremely fortunate in having as their Governor a man of so much experience and of such outstanding ability.

The people of the State of California are looking to this Legislature for some help and for a constructive program which will grant relief to its citizens. With such a great leader to guide us, I know we can do this.

Governor Merriam, on behalf of the members of the Legislature of California sitting here today in Joint Convention, I welcome you and greet you as Governor of the State of California and I pledge to you their hearty cooperation and support to make your administration one of progress and of justice.

Inaugural Address of Governor Frank F. Merriam

Governor Frank F. Merriam proceeded to address the Joint Convention as follows:

Inaugural Address of Governor Frank F. Merriam

Delivered to the Senate and Assembly in Joint Session Tuesday, January 8, 1935.
Members of the California Senate and Assembly:

As the representatives of the people in the legislative branch of the State government, I welcome you to Sacramento for the opening session of the State Legislature. We meet here under conditions that rob this session of our common advantages of every influence and issue not vitally concerned with the public welfare and the exceedingly grave problems immediately ahead.

The people of California expect from you and from me at this time the fullest exercise of intelligent, devoted, energetic and unselfish attention to the critical problems confronting this commonwealth.

Confidence and Cooperation Necessary.

And if you perceive a disposition on my part in the remarks I shall make to you today, or in later messages I may submit to you, to stress the imperative need for cooperation and confidence between the executive and the legislative agencies of the government, let me say now with all the emphasis at my command that only by the widest application of such cooperation and confidence can essential results be obtained.

In no perfunctory or formal manner, but wholeheartedly and earnestly, I assure you that you may rely at all times upon my readiness to give sympathetic attention to your views and to confer with you individually or collectively upon any and all matters having your attention.

We must not come here as Republicans or as Democrats, or as the representatives of any political party, but as Californians—charged with the responsibility and inspired by the opportunity to serve our people and our State.

If there is any one among us who has come to the State Capital seeking merely to accomplish personal ends, or to further the selfish interests of any class or faction or section, that individual is not only misguided, but is blind to the nature of the trust which all of us share in common.

Public Service Only Issue.

Public necessity, the security of our people, the employment of our citizens, the protection of our homes, the relief of destitution and suffering, the restoration of our constructive economic processes, and the wider and greater enjoyment of the full range of social justice and basic human rights should have, and must have, our undivided, unremitting, and unselfish care.

The next three or four months will mark an epoch in California's history. It is your opportunity, and mine, to labor so diligently, to attain results so effectively, to serve so faithfully, that this epochal period shall hereafter be regarded as a milestone in the progress and in the development of good government.

For if we fail to measure up to the requirements of the emergency with which we are faced; if we do not expeditiously and ably discharge our several duties; if we complicate and increase rather than eliminate and solve the problems of our people—then it shall be said of us that we lacked the capacity and the vision required to render the valuable public service which the people entrusted to us.

Future Outlook Is Promising.

I fear no such misfortune; rather I am filled with optimism and with confidence. We shall succeed, and our success will be interpreted in terms of greater security, happiness, and prosperity for the people of California.

We are entering upon a year of promise and of hope. Our courage is high; and if we soberly recognize the need for renewed effort and for continued service and sacrifice in the interests of our fellow citizens needing and meriting our consideration and care, we are prepared to carry our burdens uncomplainingly and with stout hearts.

With respect to all the methods to be employed or all the steps to be taken in attempting a solution of our many perplexing problems, we may not always see alike, but in the main we are in accord as to the ends to be attained; we have a common goal—service to the people.

With such an understanding, and in such a spirit, I earnestly pray we may proceed.

Government Alone Can Not Indefinitely Meet Emergency.

In this era of unprecedented dislocation of ordinary economic forces, the people have been required by necessity to look to National, State and local government for a coordination and the effective use of all their resources.

This condition has prevailed, and to an increasing extent, for almost five years.

Now, hope is revived that the normal activities of industry, agriculture, business, and commerce will steadily improve to a point where the initiative and enterprise of our citizens will once again afford full opportunity for the employment of all our able-bodied citizens and for the proper and useful expansion of our productive enterprises.

But as fondly as some may believe, and as earnestly as others may hope, government itself can not indefinitely assume the responsibility for meeting all the demands of this depression and this emergency.

People Themselves Are Masters of Their Destiny.

Government, if it be intelligent, efficient, and devoted, can aid in the solution of these problems. Government can be the medium through which an enlightened people can express their ideals and their aspirations, but government can not permanently assume responsibilities which the private citizen and private business must eventually discharge if our people are to remain free and independent.

Before we shall attain complete economic balance, however, we must eliminate the evils which aggravated, and which, in fact, contributed to the collapse of the old economic order from which we now are emerging.

Furthermore, as much as the necessity is to be regretted, we must for some time to come continue to pay the price of some of our mistakes, of our wastefulness, our extravagance, our disregard, as a people, of many of the ordinary safeguards which

we should have placed around our activities both in private enterprises and in governmental policies and functions.

Sound Financial Basis Essential to Security.

Of primary importance at this time, from the standpoint of an efficient administration of State functions, is the need for placing the government of California on a sound financial basis.

This we must do without imposing intolerable taxes upon the people and without undertaking obligations not absolutely essential to the public service.

As the first step in such a direction, we must adopt a program that will enable us to keep our expenditures below our income.

The mere accomplishment of a balanced State budget is in itself unimportant unless it definitely reflects an intelligent management of the people's business.

In the efforts of myself and those working under my direction to gain a full understanding of the State's financial needs and of measures that must be taken to meet those needs, we have kept in mind the two important facts that no tax is popular, and that no tax system can be permanent and supported unless it is equitable and in no sense discriminatory.

Need for Tax Revision and Adjustments Recognized.

I have been deeply impressed with the general feeling upon the part of citizens everywhere in the State that taxes must be temporarily increased and that the so-called tax base must be broadened to get revenues from new sources, but I have been equally struck by the fact that both individuals and groups are desirous to feel that "the other fellow" should be called upon to bear the added burden.

This is natural, and particularly so at a time when the national scene upon the income and resources of individuals and business organizations represents a genuine hardship.

Yet it is obvious that if government is to survive and if the needs of the people in this emergency are to be properly served, public funds must be raised and disbursed.

Ours is the difficult and perhaps thankless task to see to it that no one citizen, nor dollar be sought from the taxpayers, that no injustice be worked, that the individual or the corporation, or the business institution, pay all their equity and necessary demand.

Within a short time I shall submit to you a biennial budget for 1935-1937 together with a tax program designed to meet budget requirements. We will compare the current biennium with a deficit of approximately \$30,000,000. If we do not adjust our tax needs and our tax program to the emergency conditions now confronting us, we shall have a further deficit of approximately \$100,000,000 during the next biennial period.

Such conditions prevail despite a determined and widespread policy of retrenchment and economy in the administration of State functions subject to the jurisdiction and direction of the Legislature and of the Governor.

Human Needs Come First.

Human needs demand and should receive first consideration; they must be served as long as society exists and government is maintained.

To such a service we must bring not alone the words of our mouths and the wishes of our hearts, we must contribute the labor of our hands and the intelligent and practical attention of our minds.

It is impossible at this time to estimate either the extent or the exact nature of the unemployment relief program which California, in cooperation with the Federal government, will be called upon to carry out. This is a continuing obligation, however, which we neither can nor desire to shirk.

Cooperation with Federal Relief Program Assured.

The State and Federal governments are in accord on the general aspects of the relief program. The \$24,000,000 relief bond issue approved by the Legislature in special session last September and ratified by the voters of California in November, soon will be available for use.

While it is my purpose to administer State relief policies according to my best judgment as to local needs, I am likewise determined to maintain close contact with Federal relief authorities and to carry on relief activities in California in close harmony with the policies and wishes of the National administration.

Upon this phase of our State affairs I shall have more to say when officers of the National government have indicated their views of certain steps already taken by me to carry out further development of our relief program.

President's Work Program Approved.

I am in hearty accord with the announcement of President Roosevelt that every needy unemployed man and woman who is able to work should be required to do so in exchange for compensation from employment either by private business or upon some governmental or public project.

To the care of the disabled, the aged, and the sick, every consideration should be given. There is an obligation here which as a people we have never fully under-

stood or assumed. In the future, society will meet this responsibility not only in justice to the individual, but as a protection to society itself.

The hazards and the hardships encountered by the common man have been immeasurably increased and complicated during the last five years. Ours is the duty, so far as we are able, to overcome and remove such handicaps as they are imposed upon the citizenship of our own State.

California is a fertile and a fruitful land. Our natural resources are abundant, and sufficient for many generations to come if wisely utilized and properly conserved. As a people, we are industrious, progressive, and enlightened. Our public and private institutions are sound. Our wellbeing is assured as long as we act for the common good and with an understanding of our common needs.

Biennial Message to Present State's Problems.

In the regular biennial message of the Governor, which I am preparing, and which I shall present to you without unnecessary delay, I shall discuss in detail all of the various subjects and public issues which you and I will be expected to consider and upon which we must act during this legislative session.

While it is not in any sense my purpose to ask you to accept and approve, without mature consideration and discussion, such proposals as I may make to you in the furtherance of my administrative program, it is my earnest hope and expectation that your deliberations will result in expeditious handling of the business I shall place before you.

Furthermore, from my own years of experience as a legislator, I feel I may say that your success as a legislative body will be determined more by the quality, the clarity, the justice, and the effectiveness of the laws you enact than by their multiplicity and complexity.

Legislature Responsible to the People Alone.

Here in this historic State Capitol you are the independent representatives of the people, to whom alone you owe your allegiance and your duty.

Let no special interest, no selfish pleader, no secret influence intrude.

You have my best wishes and throughout the session to come you shall at all times have my assistance and support in evolving a workable program which, in its broad aspects, will encompass efficient and economic administration of government, relief of distress, and eventual reconstruction, recovery and stability.

Very promptly I shall lay before you such information and recommendations as I feel merit your consideration and official action.

Administration of Oath of Office.

Hon. George J. Hatfield took and subscribed to the following oath of office, administered by Hon. A. F. St. Sure, United States District Judge:

I do solemnly swear that I will support the Constitution of the United States, and the State of California, and I will faithfully discharge the duties of the office of Lieutenant Governor of the State of California to the best of my ability, so help me God.

Introduction of Lieutenant Governor George J. Hatfield.

Hon. Edward Craig, Speaker of the Assembly, addressed the Joint Convention as follows:

It is my pleasure and privilege to present to the members of this Joint Convention, Hon. George J. Hatfield, the Lieutenant Governor-elect of the State of California.

I deem this a personal pleasure, for George Hatfield has been a friend of mine of long years' standing, and we have worked together in the American Legion during the many years of our association.

George Hatfield is a member of a pioneer family; he received his education in the public schools of California and is a graduate of Stanford University. He is a veteran, having answered the call of the President during the World War.

For seven and one-half years George Hatfield was the United States District Attorney for northern California, which is a record, no other person having served for that length of time in this position.

One and one-half million people in California expressed their confidence in the ability of George J. Hatfield to perform the duties of the office of Lieutenant Governor. I know that all of the people of California will be well, sincerely and faithfully served by Mr. Hatfield as Lieutenant Governor.

Members of the Senate and Assembly in Joint Convention, I now present to you George J. Hatfield, Lieutenant Governor-elect.

Address by Lieutenant Governor George J. Hatfield.

Lieutenant Governor George J. Hatfield then addressed the Joint Convention as follows:

Inaugural Address of Lieutenant Governor George J. Hatfield

California, during the four years just passed, passed a period of tremendous importance, an era of tremendous confusion and rebelling about several years of distress and upheaval which have shaken the very foundations of our social and economic order.

Both to California and the entire Nation it is the most significant period since the critical years of reconstruction which came in the aftermath of the Civil War.

And the course which California, nation and humanity, a course which must be determined in large measure during the next few years just mentioned, was undoubtedly have a vital bearing on the future of California government and the welfare of California citizens for generations to come.

More than that, it is of National and international consequence, for California has been made the first major battleground of the changing order.

What we do here, in the months just passed we will determine, in large degree, whether we can have social justice within California. It will determine whether we can have a liberal and progressive idealism, with a proper regard for human rights and human needs, without compromise.

And in all honesty, we must recognize the fact that unless the impact of capitalism are removed, unless we put our hands to the wheel and restore faith in the economic fairness and in those of our governmental and business and industrial institutions—we shall reap the whirlwind of our own culture, ignorance and immaturity.

The recent revolt against the established order in California was not without cause. And we need not be in sympathy with many of the persons concerned during that revolt to have a quick sympathy for the masses suffering and distress which gave it birth.

So long as we have widespread unemployment and want and need in California, we shall have the seeds of revolution in California. So long as we have a thing of "special privilege" in California which permits tax evasion by a favored few, at the expense of the average taxpayer, we shall have public distrust of our public institutions.

I am not, in this address today, making commitments or engaging in a program of fault-finding. In fact, I believe that California, since, in a whole, we are at least equally responsible with California officials for the limitations of our tax system and the many other shortcomings of government. None of us, or at least very few of us—had taken our responsibilities as citizens very seriously during the last years of prosperity. And public government, after all, is meant to better our lives, not to harm them, but the populace behind it.

During the depression if we learned no other lesson, we learned that SELFISHNESS AND GREED ARE BAD PUBLIC POLICY. We had our wars with a reckless abandon, we had about come to have a contempt for such things about in early American as equity and justice, honesty and humanity. We had engaged our and loose with our government and carelessly "Mailed in politicians" for governmental abuses.

And finally LIFE CAUGHT UP WITH US. Finally we came to the inevitable reckoning for our belief of gambling and plunging.

Today, after four years of depression, which has touched virtually every home and every family, I think we are all a little tired of insecurity. I think—and I sincerely hope—that we are all ready to admit that there can be no true love of country without consideration for the rights and welfare of our neighbors who comprise the country.

I believe, as Americans, that we are fast acquiring a new concept of loyalty to our own fellow Americans. And in that new spring of an old season, I believe, lies the real hope of rebuilding our business and industrial structure, providing our idle workers and securing for every worker a fairer share of his production.

If we are entirely honest, we must recognize that many of the virtues of the depression—given the same open gates, the same natural equipment, preparation and environment, as we have been given—would not today be begging for bread and pleading for work but would be enjoying the comforts now denied them.

We might even admit, if we are thoroughly candid with ourselves, that much of our good fortune in not being numbered among the unemployed and destitute is, in fact, JUST GOOD FORTUNE—the whim of circumstances which gave us a certain parentage, a certain native ability, a certain resourcefulness and a fair measure of preparation to equip us for the battle with life.

I am not, today, discounting individual initiative, which has been the mainspring in the upbuilding of California and America, but I am appealing for a new spirit

of cooperation in solving common problems; a new appreciation of the other fellow's problems and a recognition that human need must come first in the new scheme of things, regardless of the cost and regardless even of a balanced or an unbalanced budget.

Many of us, as candidates, made pledges during the recent campaign—pledges that we would work for a 30-hour week in private and public business, for unemployment insurance and old age pensions, for a more equitable distribution of the tax load—and, in short, for a new order of social justice!

I believe we meant those pledges. I believe we owe it to ourselves, as well as to the voters of California, to do everything humanly possible to make them realities.

Governor Merriam, I am confident, will do all in his power to keep faith with the voters—and, as Lieutenant Governor, I will give him every possible assistance in making his program of reconstruction and recovery a success.

The immediate problem before us is to care for the unemployed and destitute until they can be returned to gainful employment. And regardless of every other consideration, the hungry **MUST** be fed; the needy **MUST** be cared for. But beyond this immediate task, there is the greater task of maintaining the advantage already gained in the battle for recovery and in restoring our people to a normal degree of security and independence.

I believe we can all cooperate in the solution of these problems—and the many other critical problems before us—without regard to narrow partisanship.

Whether we are Republicans or Democrats, we can and should honestly support President Roosevelt in his earnest and untiring efforts to help the American people through a period of crisis. And we owe the same unselfish, nonpartisan support to Governor Merriam and his administration in their efforts to chart a course to better and happier days in California.

I am not appealing, however, for blind acceptance of any program which may be suggested, or for unquestioning, unthinking loyalty to any leadership. The President of the United States and the Governor of California are entitled to our vigorous support and help when we believe they are right, and they are also entitled to intelligent and helpful criticism when we believe they are wrong. But in this period of emergency, above all else they both deserve complete freedom from petty partisan heckling and the selfish interference of political obstructionists.

There are both Republicans and Democrats in the army of the unemployed. And both Republicans and Democrats should join whole-heartedly in putting them back to work!

The task of caring for the thousands of jobless and destitute in California is made doubly difficult by the fact that our tax sources have run dry—by the fact that we must raise approximately \$130,000,000 to wipe out the present general fund deficit and effect a balance between normal income and normal outgo for the coming two years.

It is of primary importance in maintaining California's credit as a State that we balance the State budget. But it is also of primary importance that California's fine reputation for progressive and humanitarian legislation—for splendid educational facilities and for agencies which safeguard the rights and welfare of our workers—be maintained.

We have a regard for the humanities in California more priceless than the excellent credit rating of our securities. If it requires additional taxation to care for California men, women and children during a period of distress, we must find new tax sources. But we must, I believe, recognize that new taxes must be levied on ability to pay, rather than merely on the old theory of services rendered, or benefits obtained.

Those who **HAVE** must pay toward the support of those who **HAVE NOT**. And any refusal on the part of our great corporations and more wealthy taxpayers to accept their just share of the burden will inevitably fan the flames of radicalism and threaten the overthrow of our whole business and industrial structure.

We can and will achieve reconstruction in California without revolution. But we can not, in my opinion, achieve it without adopting a new policy of "live and let live"—a policy which places human rights above property rights and man above the dollar!

Benediction.

Most Rev. Robert Armstrong, D.D., Bishop of Sacramento.

Reading and Approval of Minutes.

The minutes of the Joint Convention were read, and on motion of Senator Slater, approved as read.

Adjournment.

There being no further business, at twelve o'clock and fifty five minutes p.m., the President of the Senate adjourned the Joint Convention sine die, with the statement that the Senate would reconvene in the Senate Chamber at three o'clock p.m., this day.

IN SENATE

Reconvened.

At three o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Lieutenant Governor Escorted to Chair.

A select committee, consisting of Senators Swing, Duval, Knowland and McGovern escorted Lieutenant Governor George J. Hatfield to the chair.

President pro tempore William P. Rich presented Lieutenant Governor George J. Hatfield to the Senate.

Address by Lieutenant Governor George J. Hatfield.

Lieutenant Governor George J. Hatfield then addressed the Senate as follows:

Senators:

The proprieties of this occasion probably require a few words from me who is grateful to the people for the honor heretofore done him and that now conferred.

In my first day in the chair in this historic Senate Chamber, I can think of no better way to greet you than to cite the inaugural remarks made to the United States Senate by the Honorable Chester A. Arthur in assuming the office of Vice President in 1880. The thoughts expressed by the Vice President over one-half century ago are in my opinion, very apposite today on my part. And so I beg your indulgence for just a moment to read them to you.

In taking his seat for the first time, Vice President Arthur (a Republican) said:

Senators:

I come as your presiding officer with genuine solicitude, remembering my inexperience in parliamentary proceedings. I can not forget how important, intricate, and often embarrassing are the duties of the Chair. On the threshold of our official association, I invoke that courtesy and kindness with which you have been wont to aid your presiding officer. I shall need your constant encouragement and support, and I rely with confidence upon your lenient judgment of any errors into which I may fall. In return, be assured of my earnest purpose to administer your rules in a spirit of absolute fairness, to treat every Senator at all times with that courtesy and just consideration due him, and to do my part, as assuredly each of you will do yours, to maintain the order, decorum and dignity of the Senate. I trust that the official and personal relations upon which we are now entering will be marked with mutual confidence and regard, and that all our obligations will be so fulfilled as to redound to our own honor, to the glory of our commonwealth, and the prosperity of all its people.

President of the Senate in the Chair.

At three o'clock and seven minutes p.m., Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw

his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Per day (Sundays excepted)</i>
Robert G. Alderman, Assistant Engrossing and Enrolling Clerk	\$5 00
L. Williams, Assistant Journal Clerk	5 00
Lena Sorensen, Assistant at Desk	5 00
R. C. Cross, Jr., Assistant at Desk	5 00
George Robert Horbach, Assistant at Desk	5 00
Carl Shipkey, Assistant at Desk	5 00
Charles Reindollar, Jr., Assistant at Desk	5 00
Paul M. Pierce, Assistant Sergeant-at-Arms	5 00
W. P. Staples, Assistant Sergeant-at-Arms	5 00
Willis R. McPherson, Assistant Sergeant-at-Arms	5 00
Lucille Aldridge, Stenographer	5 00
Marguerite Bridges, Stenographer	5 00
Rosebud Criddle, Stenographer	5 00
Wanda Durkee, Stenographer	5 00
Bernice Garibotto, Stenographer	5 00
Margie Cleary, Stenographer	5 00
Pauline Cassady, Stenographer	5 00
Gladys Guisto, Stenographer	5 00
Flora Gillian, Stenographer	5 00
Mrs. M. H. Franklin, Stenographer	5 00
Helene Howe, Stenographer	5 00
Belle Johnson, Stenographer	5 00
Ottie W. Maher, Stenographer	5 00
Lillian Miller, Stenographer	5 00
Helen Melhorn, Stenographer	5 00
Allen Hosman, Stenographer	5 00
Marian Sellman, Stenographer	5 00
Josephine Pewterbaugh, Stenographer	5 00
Alice Kinsman, Stenographer	5 00
Dorothy Seawell, Stenographer	5 00
Lillian Veglia, Stenographer	5 00
Patricia Whitman, Stenographer	5 00
Isabelle Woodward, Stenographer	5 00

Resolved, further, That the compensation of F. E. Dalin, heretofore elected Minute Clerk, and Newton W. Moats, heretofore elected Chaplain, be and the same is hereby fixed at the following sums, payable weekly, Sundays excepted, to wit:

	<i>Per day</i>
Minute Clerk	\$9 00
Chaplain	4 00

and the Controller is hereby directed to draw his warrants in favor of the respective persons herein named for said respective amounts, to wit, at said sums respectively, weekly, computed on the basis of six-day service, each week, and the Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—31.

NOES—None.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$100 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pomeroy, Powers, Rensselaer, Root, Schottky, Seollan, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Appointment by the President of the Senate

The following communication was received and read:

To the Senate of the State of California

I beg leave to inform you that I have appointed:

Felix Monterot, Page

Edward Difani, Page

<i>Per day</i>	
<i>(Sum total accepted)</i>	
82	50
2	50

each of said pages to be paid weekly at said per diem computed on said days serving per week, and I respectfully request the consent of the Senate Chamber.

GEORGE J. HATFIELD, President of the Senate.

Appointments Confirmed.

Senator Tickle moved that the appointments be confirmed by the Senate.

The question being upon the confirmation of the appointments.

The roll was called, and the appointments were confirmed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pomeroy, Powers, Rensselaer, Root, Schottky, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Report of Secretary of Senate.

The following report of Secretary of the Senate was received and read:

SENATE CHAMBER, SACRAMENTO, January 8, 1935.

MR. PRESIDENT: The undersigned has examined Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies and reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of January, 1935, at ten o'clock and forty-five minutes a.m.

J. A. BECK, Secretary of Senate.

Adjournment.

At three o'clock and thirty minutes p.m., the President of the Senate declared the Senate adjourned until ten o'clock a.m., Wednesday, January 9, 1935.

F. E. DALIN, Minute Clerk

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Wednesday, January 9, 1935.

The Senate met at ten o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness,

ness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, January 8, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolved, That the temporary rules of the Senate be amended as follows:

Following Rule 7, insert the following:

8. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Live Stock.
2. Air and Aviation.
3. Banking.
4. Building and Loan.
5. Civil Service.
6. Commerce and Navigation.
7. Conservation.
8. Constitutional Amendments.
9. Contingent Expenses.
10. Corporations.
11. County Government.
12. Drainage, Swamp and Overflowed Lands.
13. Education.
14. Elections.
15. Engrossment, Enrollment and Printing.
16. Fairs and Exhibitions.
17. Federal Relations.
18. Finance.
19. Fish and Game.
20. Governmental Efficiency.
21. Hospitals and Asylums.
22. Insurance.
23. Irrigation.
24. Judiciary.
25. Labor and Capital.
26. Military Affairs.
27. Mines and Mining.
28. Motor Vehicles.
29. Municipal Corporations.
30. Oil Industries.
31. Prisons and Reformatories.
32. Public Health and Quarantine.
33. Public Utilities.
34. Reapportionment.
35. Revenue and Taxation.
36. Revision of Criminal Law and Procedure.
37. Roads and Highways.
38. Rules.
39. Unemployment.
40. Universities and Teachers Colleges.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jorgensen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reinhold, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young. 34.

NOES—None.

Resolution.

The following resolution was offered:

By Senator Powers:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law:

Senators	County	Mileage	Total at two cents per mile
Biggar, George M.	Mendocino	465	\$9.30
Crittenden, Bradford S.	San Francisco	38	0.76
Deuel, Charles H.	Butte	228	4.56
Difani, Leonard Joseph	Riverside	1,004	20.08
Duval, Walter H.	Ventura	390	7.80
Edwards, Nelson T.	Orange	375	7.50
Fletcher, Ed.	San Diego	1,141	22.82
Garrison, J. C.	Stanislaus	34	0.68
Gordon, Frank L.	Napa	364	7.28
Hays, Ray W.	Fresno	375	7.50
Holte, Ben.	Imperial	1,325	26.50
Jorgensen, Chris N.	San Luis Obispo	380	7.60
Keough, Karl P.	Imperial	1,400	28.00
King, Charles	King	68	1.36
Knowland, W. F.	Alameda	78	1.56
McColl, John B.	Shasta	547	10.94
McCormack, Thomas	Sacramento	124	2.48
McGovern, Walter	San Francisco	30	0.60
McGuinness, Henry	Sacramento	50	1.00
Metzger, D. Jack	Tulare	280	5.60
Mixer, Frank M.	Tulare	40	0.80
Olson, Culbert L.	Los Angeles	894	17.88
Parkman, Harry L.	San Mateo	228	4.56
Perry, Harry A.	Riverside	620	12.40
Pierovich, A. I.	Alameda	198	3.96
Powers, Harold J.	Maricopa	830	16.60
Reindollar, Charles F.	Maricopa	245	4.90
Rich, W. P.	Yuba	394	7.88
Schottky, Andrew R.	Monterey	220	4.40
Seollan, Thomas P.	Sacramento	7	0.14
Seawell, Jerrold L.	Plumas	308	6.16
Sharkey, Will R.	Contra Costa	34	0.68
Slater, Herbert W.	Sonoma	30	0.60
Snyder, Bert B.	Santa Cruz	380	7.60
Stow, Edgar W.	Santa Barbara	320	6.40
Swine, Ralph F.	San Bernardino	1,000	20.00
Tiedke, Edward H.	Monterey	474	9.48
Wagy, J. L.	Keene	550	11.00
Williams, Dan E.	Tulare	390	7.80
Young, Sorenson	Santa Clara	258	5.16

Officers	County	Mileage	Total at two cents per mile
Hatfield, George J., President	San Francisco	180	\$3.60
Beek, Joseph A., Secretary	Orange	900	18.00
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	17.88
Datin, F. E., Minute Clerk	Los Angeles	894	17.88

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—34.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Edwards: Senate Bill No. 1—An act to amend section 6 of an act entitled "An act to provide for the formation, organization and government of storm-water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, water-course, canyon or wash, for the construction of the necessary works of protection of said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," approved March 13, 1909.

Bill read first time, and referred to Committee on Conservation.

By Senator Fletcher: Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Finance.

By Senator Garrison: Senate Bill No. 3—An act to amend sections 1261 and 1262 of the Agricultural Code, relating to produce dealers.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Knowland: Senate Concurrent Resolution No. 2—Relative to approving certain amendments to the charter of the county of Alameda, State of California.

Consideration of Senate Concurrent Resolution No. 2.

Senator Knowland asked for, and was granted, unanimous consent to consider Senate Concurrent Resolution No. 2 at this time, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 2—Approving certain amendments to the charter of the county of Alameda, State of California.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Waggy, and Williams—32.

NOES—None.

Senate Concurrent Resolution No. 2 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Schottky: Senate Bill No. 4—An act to amend sections 2, 3, and 6 of an act entitled "An act authorizing municipal corpora-

tions to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands." approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Garrison: Senate Bill No. 5—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Fletcher: Senate Bill No. 6—An act relating to and providing for flood control on San Dieguito River and for the prevention of floods and conserving of the waters of said river, making an appropriation therefor.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Biggar: Senate Bill No. 7—An act to amend section 2449 of the Political Code, relating to navigable streams and public waterways.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Perry: Senate Bill No. 8—An act to establish a State highway from Westport in Mendocino County to Ferndale in Humboldt County, and classifying it as a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Perry: Senate Bill No. 9—An act to amend section 356 of the Streets and Highways Code, relating to State highways and establishing a secondary State highway from Westport to Ferndale.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Swing: Senate Bill No. 10—An act to add section 63 to the Penal Code, relating to false statements concerning propositions on the ballot.

Bill read first time, and referred to Committee on Elections.

By Senator Metzger: Senate Bill No. 11—An act to establish a State highway and classifying it as a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

Adjournment.

On motion of Senator Rich, at ten o'clock and forty-five minutes a.m., the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Thursday, January 10, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, January 10, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, January 9, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Senator Garrison was, on motion of Senator Schottky, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. J. Collins of Yuba County Junior College with class in State and local government, consisting of the following members: Stanley Brown, George Wapple, Pedro Padua, John Rico, Mary Knicely, Rose Belza, Jack Hutchinson, Chester Inman, R. McKinsey, P. Gothard, Duane Wimple, J. W. Sanderson, Richard Fitz, and LeRoy Turner.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1—Relative to approving certain amendments to the charter of the city of Pasadena, a municipal corporation in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of November, 1934;

Also: Assembly Concurrent Resolution No. 2—Relative to approving 18 certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a special election held therein on the twenty-seventh day of September, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 1.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 1, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 1—An act relative to approving certain amendments to the charter of the city of Pasadena, a municipal corporation in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of November, 1934.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Bigger, Crittenden, Donald, Duffell, Donald, Edwards, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCalister, Metzger, Mixer, Olson, Perry, Perovich, Powers, Reichenberg, Ruff, Schlichter, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swain, Tangle, Wagy, Williams, and Young—45.
 NOES—None.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Assembly.

Consideration of Assembly Concurrent Resolution No. 2.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 2 without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 2—Relative to approving 18 certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of such city at a special election held therein on the twenty-seventh day of September, 1934.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Bigger, Crittenden, Donald, Duffell, Donald, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCalister, Metzger, Mixer, Olson, Perry, Perovich, Powers, Reichenberg, Ruff, Schlichter, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swain, Tangle, Wagy, Williams, and Young—36.
 NOES—None.

Assembly Concurrent Resolution No. 2 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 39—An act making an appropriation for the mileage of members of the Assembly at the fifty-first session of the Legislature, the act to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
 By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 39 read first time, and ordered held on file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 1—Relative to memorializing Congress to enact proposed legislation directing immediate payment of the adjusted service certificates of sailors and soldiers of the World War.

Also: Assembly Joint Resolution No. 4—Relative to memorializing the President and Congress to enact old age pension legislation.

ARTHUR A. OHNIMUS, Chief clerk.
 By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Joint Resolution No. 1.

Senator Difani asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 1, without reference to committee, for purpose of adoption.

Assembly Joint Resolution No. 1.

An act relative to memorializing Congress to enact proposed legislation directing immediate payment of the adjusted service certificates of sailors and soldiers of the World War.

WHEREAS, A period of depression exists in the State of California, throughout the United States, and the world; and

WHEREAS, The immediate cash payment of the adjusted service certificates of the sailors and soldiers of the World War, some of whom are in dire need owing to the present economic conditions, will alleviate suffering, and increase tremendously the purchasing power of millions of the consuming public, distributed uniformly throughout the Nation, and lighten immeasurably the burden which States, counties, and cities are now required to carry for relief; and

WHEREAS, The payment of such certificates will not create any additional debt, but will discharge and retire an acknowledged contract obligation of the government; and

WHEREAS, The government of the United States is now definitely committed to a policy of spending large sums of money for the purpose of hastening recovery from the present economic crisis; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly. That the Legislature of the State of California most respectfully urges and petitions the President and the Congress of the United States to enact legislation for the immediate payment, at face value, of the adjusted service certificates; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California be urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—34.

NOES—Senator Young—1.

Assembly Joint Resolution No. 1 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 4 read, and referred to Committee on Federal Relations.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, computed on six days service each week, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said amounts, and the Treasurer is hereby directed to pay the same.

The following three persons to be paid, starting with January 9, 1935:

	<i>Per day</i>
Elmer Larson, Assistant Sergeant-at-Arms.....	\$5 00
Winifred Elliott, Stenographer.....	5 00
Margaret Mickle, Stenographer.....	5 00

The following person to be paid starting with January 10, 1935:

	<i>Per day</i>
Helen Monroe, Stenographer.....	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Critchenden, Deane, Deane, Edwards, Edwards, Gordon, Gordon, Haas, Jaspersen, Keough, King, Kinsland, McCall, McCann, McGinness, Metzger, Mixer, Olson, Perry, Pritchard, Pritchard, Reinhardt, Rick, Schottky, Seallan, Seawell, Sharkey, Slater, Snavley, Stow, Swing, Tabor, Wagy, Williams, and Young—36

NOES—None.

Resolution.

The following resolution was offered:

By Senator Tickle

Resolved, That the following named person, he and he is herein appointed to the position hereinafter set forth, as provided by law, with the compensation set opposite his name, payable weekly, computed on six days basis, and when the Controller is hereby directed to draw his warrant in favor of the respective person for the said amount, and the Treasurer is hereby directed to pay the said salary to commence as of Monday, January 7, 1935.

Jack Merrick, Assistant Sergeant at Arms

One day
\$5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Critchenden, Deane, Deane, Deane, Edwards, Edwards, Gordon, Haas, Jaspersen, Keough, King, Kinsland, McCall, McCann, McGinness, Metzger, Mixer, Olson, Perry, Pritchard, Pritchard, Reinhardt, Rick, Schottky, Seallan, Seawell, Sharkey, Slater, Snavley, Stow, Swing, Tabor, Wagy, Williams, and Young—35

NOES—None.

Resolution.

The following resolution was offered:

By Senator Tickle

Resolved, That the following named person, Gladys Gusto, hereinafter appointed as stenographer to the Senate at \$5 one day, he and she is hereby considered to the position of Chief Stenographer at \$6 per day, payable weekly for six days per week, and the Controller is hereby directed to draw his warrant in favor of the said Gladys Gusto for the said amount, payable weekly, and the Treasurer is hereby directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Critchenden, Deane, Deane, Deane, Edwards, Edwards, Gordon, Haas, Keough, King, Kinsland, McCall, McCann, McGinness, Metzger, Mixer, Olson, Perry, Pritchard, Pritchard, Reinhardt, Rick, Schottky, Seallan, Seawell, Sharkey, Slater, Snavley, Stow, Swing, Tabor, Wagy, Williams, and Young—36

NOES—None.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolved, That pending the adoption of the Joint Rules of the Senate and Assembly, the following rule shall be in effect:

"All requests for mailing or distribution of bills, resolutions, histories, etc., shall be filed with the Secretary of the Senate or Chief Clerk of the Assembly, who shall compile the same with the classification or distribution as a general mailing list. Each member of the Senate and Assembly shall be permitted to submit a list of ten libraries, chambers of commerce or institutions, which shall be placed upon such general mailing list. The Secretary of the Senate and Chief Clerk of the Assembly shall order sufficient number of bills, resolutions, amendments, joint and concurrent resolutions, histories, etc., to supply this list, together with such number as may be necessary to supply members and legislative officers, accredited newspaper representatives, law libraries, legis-

lative Counsel, Attorney General, and one copy to each elective officer or board, together with such requests for individual bills as may be filed with either of the houses of the Legislature or the legislative bill room. It shall be the duty of the Secretary of the Senate or the Chief Clerk of the Assembly, when it shall appear that there is an insufficient number of any particular legislative publication on hand to supply public demand, to immediately order a reprint of such publication in a number sufficient to meet such demand as may reasonably be anticipated. Except as hereinabove provided, no complete list of bills, resolutions, etc., shall be delivered except upon payment thereof of the sum of \$85, which amount, after deducting the cost of handling and mailing, shall be by the State Printer remitted one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Except in the event of unusual demand, as hereinabove provided for, the total number of each bill, constitutional amendment, joint or concurrent resolution to be printed, shall be not more than 2500."

Consideration of resolution deferred until the next legislative day.

Introduction, First Reading and Reference of Bills.

By Senator Swing: Senate Bill No. 12—An act to amend sections 2, 3, 6, 10, 14, 15 and 21 and to repeal sections 5, 9 and 18½ of the Old Age Security Act of the State of California, relating to aid to the aged.

Bill read first time, and referred to Committee on Unemployment.

By Senator Schottky: Senate Bill No. 13—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McGovern: Senate Bill No. 14—An act relating to the solicitation of law business and to contracts and statements arising out of personal injuries.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 15—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business.

Bill read first time, and referred to Committee on Judiciary.

By Senator Biggar: Senate Bill No. 16—An act to provide for the formation and conduct of districts for the purpose of abating pests, to declare the urgency of this act and to provide that it shall take effect immediately.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McGovern: Senate Bill No. 17—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Metzger: Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Slater: Senate Bill No. 19—An act to amend section 1026 of the Penal Code, relating to procedure when defendant in a criminal case claims insanity as a defense.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Slater: Senate Bill No. 20—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Slater: Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing, preparing, and distributing the same, and to provide penalties for the violation of the provisions of this act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Perry: Senate Bill No. 22—An act to provide for the registration by county clerks of all persons in the State of California for purposes of identification, and to prescribe the penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Gordon: Senate Bill No. 23—An act to amend section 4041.17 of the Political Code, relating to the acquisition of real property by boards of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senators Seawell and Powers: Senate Bill No. 24—An act limiting the number of cars in a train, and prescribing penalties for violation thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Seawell: Senate Bill No. 25—An act making an appropriation to pay the claim of J. E. Pomm against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senators Seawell and Powers: Senate Joint Resolution No. 1—Relative to memorializing Congress to provide compensation, in lieu of taxes, for certain lands of the United States within the borders of the several States.

Referred to Committee on Federal Relations.

By Senator Sharkey: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article II

thereof a new section to be numbered section 7, relating to the registration of voters.

Referred to Committee on Elections.

By Senator McCormack: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, being an amendment of section 1 of Article II of said Constitution, relative to elections and eligibility of voters, disabilities and absent voters.

Referred to Committee on Elections.

By Senator Difani: Senate Concurrent Resolution No. 3—Approving certain amendments to the charter of the city of Riverside, a municipal corporation in the county of Riverside, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twentieth day of November, 1934.

Consideration of Senate Concurrent Resolution No. 3.

Senator Difani asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 3, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 3—Approving certain amendments to the charter of the city of Riverside, a municipal corporation in the county of Riverside, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twentieth day of November, 1934.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seclian, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Senate Concurrent Resolution No. 3 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, six days per week, starting with January 9, 1935, and the Controller is hereby directed to draw warrants in favor of said person for said amount, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i>
Ada Ford, Assistant at Desk	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE
DIVISION OF STATE LANDS, SACRAMENTO, JANUARY 7, 1935

To the Senate of the State of California.

Pursuant to the provisions of Chapter 800, Statutes of California, 1917, I respectfully report that, according to advances received, contributions of title have been made to August 1, 1934, by the registrars of land titles under the Torrens Law in eighty of the fifty-eight counties, as follows:

Alameda	155
Fresno	42
Humboldt	278
Imperial	146
Kern	114
Lassen	1
Los Angeles	78,005
Orange	7,000
Riverside	265
San Bernardino	4,500
San Diego	4,000
San Francisco	14
San Luis Obispo	4
Santa Barbara	642
Santa Cruz	79
Sonoma	498
Tulare	61
Ventura	5

The Torrens Act provides that upon the original registration of any tract, a sum equal to one-tenth of one per cent of the assessed value of the land including permanent improvements thereon as the same were valued for 1933-34 (including the one-time said land and permanent improvements on other tracts) were assessed for county taxes next preceding the filing of the petition, shall be collected by the registrar and paid to the State Treasurer in addition to the "Torrens Title Assurance fund." The books of the State Treasurer show that on December 31, 1934, the "Torrens Title Assurance fund" had a cash balance of \$239.54 and its investment of \$37,000 in bonds.

Respectfully submitted

CARL B. STURZENACKER,
Chief, Division of State Lands, Department of Finance.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 2—Approving a certain amendment to the charter of the county of Alameda, State of California.

ARTHUR A. QUINIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 2 ordered to enrollment.

Consideration of Assembly Bill No. 39.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 39, without reference to committee for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 39 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 39.

Second Reading of Assembly Bill No. 39.

Assembly Bill No. 39—An act making an appropriation for the mileage of members of the Assembly at the fifty-first session of the Legislature, the act to take effect immediately.

Amendments from the Floor.

During second reading of Assembly Bill No. 39, the following amendments, offered by Senator Rich, were read:

Amendment No. 1.

In line 1 of the title of the original bill, as introduced, strike out the words "of members", and strike out all of line 2 of the title, and insert in lieu thereof the following: "and other expenses of the".

Amendment No. 2.

On page 1 of the original bill, as introduced, at the beginning of line 5, strike out "SEC. 2", and insert in lieu thereof the following:

"SEC. 2. Out of any money in the State Treasury not otherwise appropriated, the sum of three thousand five hundred dollars is hereby appropriated for mileage of members and officers of the Senate and for contingent and other expenses of, or authorized by, the Senate.

SEC. 3."

Amendments adopted.

Bill read second time, and ordered to third reading.

Urgency Clause.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State it shall under the provisions of section 1 of Article IV of the Constitution take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Fletcher, Gordon, Hays, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 39 passed by the following vote:

AYES—Biggar, Deuel, Difani, Fletcher, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 39 ordered transmitted to the Assembly.

Adjournment.

On motion of Senator Rich, at twelve o'clock and twenty minutes p.m., the President of the Senate declared the Senate adjourned until ten o'clock a.m., Friday, January 11, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Friday, January 11, 1935.

The Senate met at ten o'clock a.m.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair.
Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Denel, Difani, Edwards, Fletcher, Gordon, Hays, Joergensen, Keough, King, Knowland, McColl, McGovern, McGowaness, Metzger, Meyer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Sessler, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young. 33.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Meats.

Reading of the Journal.

During the reading of the Journal of Thursday, January 10, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Senator Schottky was, on motion of Senator Mixer, granted leave of absence for this day.

Senator Garrison was, on motion of Senator Knowland, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Grace Stoermer, first woman to serve as Secretary of the Senate, and now vice president of the Bank of America in Los Angeles, and her brother, William Stoermer, of Los Angeles.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Alma Harris of San Francisco.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alfred Lushing of Los Angeles.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Sleeper of Santa Ana, assessor of Orange County.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 3—Relative to approving certain amendments to the charter of the city of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the tenth day of October, 1933.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 3.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 3, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 3—Relative to approving certain amendments to the charter of the city of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the tenth day of October, 1933.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—32.

NOES—None.

Assembly Concurrent Resolution No. 3 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills.

By Senator Snyder: Senate Bill No. 26—An act to add section 615.1 to the Fish and Game Code, relating to fish in districts 3 and 3A.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Snyder: Senate Bill No. 27—An act to add section 3897.5 to the Political Code, relating to lands sold or deeded to the State for taxes and placing under the control of the Department of Natural Resources.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Snyder: Senate Bill No. 28—An act to amend section 1881 of the Code of Civil Procedure, relating to privileged communications.

Bill read first time, and referred to Committee on Judiciary.

By Senator Gordon: Senate Bill No. 29—An act to amend section 1151 of the Fish and Game Code, relating to hunting and fishing at night.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Fletcher: Senate Concurrent Resolution No. 4—Relative to recognition by the Legislature of the State of California of the

California Pacific International Exposition which will open at San Diego May 29, 1935.

Consideration of Senate Concurrent Resolution No. 4.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 4, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 4.

Relative to recognition by the Legislature of the State of California of the California Pacific International Exposition which will open at San Diego May 29, 1935.

WHEREAS, The California Pacific International Exposition which will be held at San Diego, and which will open its gates on May 29, 1935, will be the first exposition of international significance to be held in this State since the World War; and

WHEREAS, The California Pacific International Exposition is a magnificent enterprise which will be held to stimulate recovery in the West, to illustrate the progress of man; to depict the past, the present and the future; to promote a new realization of culture, beauty, science, history, the arts and industry; and

WHEREAS, Many States of our Nation and many foreign nations have recognized the California Pacific International Exposition by arranging for exhibits; and

WHEREAS, The California Pacific International Exposition has been advertised and publicized throughout the world; and, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That said Legislature add to the publicity already given the California Pacific International Exposition by this official recognition; and be it further

Resolved, That the Secretary of the Senate is directed to send copies of this resolution to the governing bodies of the counties and cities of this State with a request that the resolution be given by them to their local papers, so that this great exposition may be further publicized.

Resolution read, and considered correctly expressed.

The question being on the adoption of the resolution,

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duffy, Edwards, Fletcher, Gooden, Hays, Jaspersen, Keough, Kang, Knowland, McCall, McCracken, McGuinness, McGuinniss, Metzger, Munter, Olson, Parkhurst, Peters, Powers, Powers, Rugg, Sargent, Rich, Scollin, Seawell, Sharkey, Slater, Snyder, Stow, Strong, Tickle, Wagner, Williams, and Young—36.

NOES—None.

Senate Concurrent Resolution No. 4 ordered transmitted to the Assembly.

Consideration of Resolution Concerning Mailing Lists.

The following resolution was offered:

By Senator Rich:

Resolved, That pending the adoption of the Joint Rules of the Senate and Assembly, the following rule shall be in effect:

"All requests for mailing or distribution of bills, resolutions, histories, etc., shall be filed with the Secretary of the Senate or Chief Clerk of the Assembly, who shall compile the same with the elimination of duplication as a general mailing list. Each member of the Senate and Assembly shall be permitted to submit a list of ten libraries, chambers of commerce or individuals who shall be placed upon such general mailing list. The Secretary of the Senate and Chief Clerk of the Assembly shall order sufficient number of bills, constitutional amendments, joint and concurrent resolutions, histories, etc., to supply this list, together with such number as may be necessary to supply members and legislative officers, accredited newspaper representatives, law libraries, Legislative Counsel, Attorney General, and one copy to each elective officer or board, together with such requests for individual bills as may be filed with either of the houses of the Legislature or the Legislative Bill Room. It shall be the duty of the Secretary of the Senate or the Chief Clerk of the Assembly, when it shall appear that there is an insufficient number of any particular legislative publication on hand to supply public demand, to immediately order

a reprint of such publication in a number sufficient to meet such demand as may reasonably be anticipated. Except as hereinabove provided, no complete list of bills, resolutions, etc., shall be delivered except upon payment therefor of the sum of \$35, which amount, after deducting the cost of handling and mailing, shall be by the State Printer remitted one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Except in the event of unusual demand, as hereinabove provided for, the total number of each bill, constitutional amendment, joint or concurrent resolution to be printed, shall be not more than 2500."

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Wagy, and Williams—31.

NOES—None.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, six days per week, beginning January 10, 1935, and the Controller is hereby directed to draw warrants in favor of the respective person for the said amount, and the Treasurer is hereby directed to pay the same:

Clarissa E. Bowen, Stenographer-----	<i>Per day</i>
	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Williams—30.

NOES—None.

Recess.

At ten o'clock and thirty minutes a.m., the President pro tempore of the Senate declared recess until eleven o'clock a.m.

Reconvened.

At eleven o'clock a.m., the Senate reconvened.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair.
Secretary Joseph A. Beck at the desk.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senators Hays, Deuel, and Williams: Senate Bill No. 30—An act to establish a system of unemployment reserves for this State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Unemployment.

By Senators Powers, Pierovich, Knowland, and McColl: Senate Bill No. 31—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators Seawell, Pierovich, and McColl: Senate Concurrent Resolution No. 5—Providing for the appointment of a Joint Legislative Committee to investigate and report upon the feasibility and practicability of the centralization of public ownership of public utilities in the State of California.

Referred to Committee on Public Utilities.

By Senator Swing: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Article V of the Constitution, relative to the reduction in compensation of State officers and employees and the abolishment of certain offices, boards and commissions and the taking of such action by the Legislature as may be necessary to reduce the cost of State government to an amount not exceeding the present State income.

Referred to Committee on Governmental Efficiency.

Report of the Joint Legislative Committee on Unemployment Insurance in Accordance with Assembly Concurrent Resolution No. 2, Adopted at the Fiftieth Extraordinary Session of the Legislature.

The following report was received, and on motion of Senator Donel, ordered printed in the Journal; and that 500 extra copies of the report be printed for the use of the Senate.

Motion carried.

To the Members of the Fifty-first Session of the Legislature of the State of California

SIRS: In accordance with Assembly Concurrent Resolution No. 2 adopted at the fiftieth (extraordinary) session of the California Legislature, the Joint Legislative Committee on Unemployment Insurance, appointed pursuant thereto, submits to you this, its report. As a result of our study of the matter embraced within Assembly Concurrent Resolution No. 2, the committee recommends the adoption of legislation establishing a compulsory plan of unemployment reserves and benefits for the State of California. A suggested measure accompanies this report.

General Discussion.

In 1911 the State of California adopted the first Workman's Compensation Insurance and Safety Act, the purpose of which was to protect workmen and their families against loss of earnings through injury or death by spreading this loss over industry as a whole, on the ground that it should be considered as one of the costs of doing business. The purpose of unemployment reserves is to protect the workman and his dependents, so far as possible, against a similar loss of earnings arising (again through no fault of his own) out of another type of industrial accident just as serious for the worker and his dependents—the loss of his job. Through a system of compulsory reserves this loss is to be considered as a part of the expense of doing business and spread over all industry. We do not deem it necessary to stress the effect of irregular employment on the workman and his family and the resultant excessive drain on relief agencies; nor to urge that mention that the decreased purchasing power of wage earners caused by irregular employment creates a vicious circle. Unemployment is an ever-existing social cost, but we believe that in the future a larger part of the cost must be contributed by industry and business. It is perhaps pertinent that at the present year-end we find many of the larger corporations in the country stressing the size of their respective surpluses which sums are generally accumulated in order to make certain that at least a limited return can be paid on capital through bad times as well as good. The purpose of unemployment reserves is to create a similar fund under the supervision of the State so that at least a limited return may continue to be paid to labor during the same dull periods.

It must be pointed out that the creation of a system of unemployment reserves is not a cure-all. It insures a job to no one and does not mean the end of the present economic depression. When the act has been in effect sufficiently long to have caused the accumulation of a reserve fund large enough to pay unemployment benefits the cost of unemployment will not thereafter fall entirely upon the worker and his family. The reserve plan should likewise be able to take care of

ordinary fluctuations in the demand for labor and to soften the blow of a devastating economic depression, although it definitely can not prevent it.

History.

The first stage in the evolution of employment insurance consisted of the unemployment benefit plans of trade unions. In England as early as 1824 payments were distributed by the Journeymen Steam Engine Makers Society to men out of work. The first public plan was instituted in 1893 by the public authorities of Berne, Switzerland. Numerous plans were subsequently adopted in many continental cities but the first bold step of any real importance was the adoption of the National Insurance Act in Great Britain in 1911 covering six industries which normally employed about two and one-half million workers. Since that date the British act has been extended so that it now covers approximately 13,000,000 persons constituting practically the entire wage earning population of Great Britain other than farm workers and domestic servants. It perhaps is advisable to digress a moment at this point to call attention to the difficulties experienced in the administration of the British act and the reasons therefor. Unemployment reserves are made up of contributions from employers, employees and the State, or from any one or more of them. The amount which can be paid out in benefits to unemployed persons coming within the purview of the act are necessarily limited by the size of the reserve fund. It must thus be seen that no workers are paid so much more than their share that nothing remains for the casualties later occurring. It must therefore be understood that if a worker does not secure employment within the limited period of time during which benefits can be paid, he must thereafter be taken care of through actual relief rather than through the payment of unemployment benefits. In Great Britain it was attempted to continue unemployment benefits during a major depression after the reserve fund could no longer meet the drain, having already paid out to the workers the full amount to which they were entitled under the British act. For this purpose, large sums were borrowed from the British treasury. It is submitted that this should not be done and that if reemployment is not obtained by workers within the period provided in the proposed act, the situation should be promptly and properly faced as one for relief rather than for unemployment benefits.

Compulsory insurance laws have further been enacted in Australia, Austria, Bulgaria, Germany, Irish Free State, Italy, Poland and Switzerland, and in the State of Wisconsin. As a matter of fact, 147 bills have been introduced in the various States from 1916 down through 1933 (not to mention numerous amendments and proposed constitutional amendments and enabling acts). As already mentioned, however, the only act adopted to date is the Wisconsin Unemployment Reserves and Compensation Act which although it became a law on January 29, 1932, did not become generally operative until June 27, 1934. The Wisconsin plan, however, provides for a separate reserve fund for each separate employer and is not approved by economists or students of social legislation as it fails to in any way spread the risk.

The members of your committee have communicated with the United States Department of Labor and with the Committee on Economic Security appointed by the President of the United States. It is understood that Federal legislation on the subject under consideration will be proposed and probably adopted. Due to constitutional limitations, however, it is anticipated that the Federal plan will merely impose a pay roll tax for the purpose of raising unemployment reserve funds, permitting a credit as against this tax to employers in States which have adopted a satisfactory plan of unemployment reserves. Although your committee suggests the introduction of the appended bill, it is of the belief that no measure should be actually adopted until late in the fifty-first session so that such amendments may be made as may be necessary to conform the State legislation to the requirements of any Federal legislation. It is believed by your committee that the essential points of the appended bill will satisfy any Federal requirements.

Essentials of Proposed Bill.

1. *Organization of Fund.* Your committee recommends that one reserve fund be established for all industry. It further recommends, however, that the administrators of the act be required to segregate all employers by industries and that all statistics be kept on an industry basis so that after five years a basis of merit rating can be adopted for the benefit of industries which have more stable employment. The British act is based on one fund for all industries; the proposed Minnesota plan suggests the segregation into industries after the fund is satisfactorily established.

2. *Coverage.* Your committee recommends that coverage be made as broad as possible, excluding only the smaller firms and certain industries necessarily excluded because of administrative or legal difficulties. It is thus recommended that the plan cover all employers employing an average of more than six employees, excluding entirely, however, certain agricultural and cannery workers, personal or domestic servants in homes, teachers, and public officials, certain employees engaged in interstate commerce, and casual and part-time employees. The committee further recommends that the administrators be directed to report to the Legislature after the act has been in force for a period of five years the scheme for the inclusion within the act of employers employing less than six employees.

3. *Contributions.* Your committee recommends that contributions be made by the employer and employee, the former in an amount equal to 3 per cent of wages paid to employees subject to the act and the latter in an amount equal to 1 per cent of the wage received, the same to be deducted from his wage by his employer. Employees receiving in excess of \$50 per week (\$2,600 per year) are considered, for the purpose of determining contributions and benefits, as receiving \$50 per week, their (and their employer's) contributions and their benefits being based on that amount. Based upon the expert opinions which your committee has received, it is of the belief that for the plan outlined to succeed, contributions to the fund must equal at least 4 per cent of the pay roll. Your committee believes that the employee should contribute to the fund in that he is the direct beneficiary thereof, and that he will have more control over it, be more interested in its success and more helpful in the prevention of malingering if he contributes to it. Your committee believes that the proportions suggested are proper in view of the employee's lesser ability to pay together with the fact that he makes a further contribution through the waiting period provided for. Your committee is firmly of the opinion that no limitation should be placed upon the number of contributions to be made inasmuch as to place any such limitation would prevent the creation of a fund able to be of substantial benefit when most needed at the time of economic depressions.

Your committee recommends that contributions commence January 1, 1935.

4. *Benefits.* Your committee recommends a waiting period of four weeks before the payment of benefits, this period to run from the date of the registration of the employee with a State employment exchange after the cessation of employment. Your committee further recommends that this waiting period be shortened to three weeks after contributions have been made to the fund for a period of two years. It is felt that the longer waiting period is essential in the beginning in order to build up the reserve fund. It is believed that the waiting period should ultimately be made as short as possible inasmuch as the workers sought to be protected by this plan have little or no resources to fall back on when their employment ceases and every effort must be made to have the plan effective without the need of the worker first applying for public relief. The period, however, must be sufficiently long to permit of a proper check of the applicant's case as well as his payment of a new employment. It must likewise be sufficiently long to discourage malingering.

The amount of the benefit must necessarily depend upon the amount of the contributions. It must be, however, sufficiently large to permit the worker to support himself and his family during the period it is given, but for obvious reasons must not, as well as can not, be as great as his wage. Your committee recommends that the benefit be 65 per cent of his average weekly wage, in no event to exceed, however, a maximum of \$15 per week. Your committee likewise believes that a minimum of \$7 per week should be provided in the act.

Benefits can only be paid to an unemployed worker for a limited time without exhausting the fund for the first cases. It is deemed advisable, instead of providing an arbitrary number of benefits for any year, that a worker be entitled to one week of benefits for every four weeks of contributions which he has paid. Thus if a worker has contributed to the reserve fund for a year he may receive a maximum of thirteen weeks of benefits, if he remains unemployed that long. The employee helping to build up the reserve can thus draw benefits in proportion to his number of contributions with certain stipulated maximums. Inasmuch as all of the contributions are pooled he is able to draw benefits several times as large as his contributions to the reserve.

Your committee recommends that benefits commence to be paid January 1, 1937.

5. *Conditions for Receipt of Benefits.* Your committee recommends that it be required that a certain number of payments be made before an employee be entitled to receive benefits. This is necessary in order to protect the fund in its infancy. It is further necessary that the worker seeking benefit payments present a true case of unemployment, that is that he be physically able to work, that he register at the State Employment Exchange, and that he accept suitable employment when offered. In the event his employment is terminated without just cause or because of his misconduct your committee believes that sufficient penalty is imposed upon the worker if the waiting period is lengthened, particularly in view of the fact that he, too, has contributed to the reserve.

6. *Administration.* Your committee strongly recommends the creation of a new department to administer the proposed Unemployment Reserve Act. This should be created in order to make certain that the Board of Directors may be as free from politics as possible. It is recommended that a board of five members be appointed by the Governor with standard terms similar to the Railroad Commission in order that control of the board will not be obtained by any one State administration. It is believed that the board should have the right to select its executive officer, who should be the actual director, the board to act in an advisory capacity. It is likewise believed that all employees below the directors should be subject to civil service. In this connection it is recommended that the control of the present State employment agencies be transferred to the administrators of the act inasmuch as functioning of these agencies is one of the most important features of a proper administration of an Unemployment Reserve Plan.

In closing, your committee wishes to express its debt to Miss Emily Huntington, assistant professor of economics, Charles A. Gulick, Jr., associate professor of economics, and Albert H. Mowbray, professor of insurance, all of the University of California; John B. Canning, professor of economics, Leland Stanford University; Paul Scharrenberg, executive secretary, California State Federation of Labor; Miss Dorothy Williams, of the California League of Women Voters, and Dr. Louis Bloch, of the Department of Industrial Relations.

Our appreciation must likewise be expressed for the help given us by Mr. H. E. McClellan, vice president of the Maryland Casualty Company, who furnished to the members of the committee a great amount of data on the general subject in the form of the reports of the commissions of all of the States which have attempted a study of this subject.

Dated: January 10, 1935.

Respectfully submitted.

B. J. FEIGENBAUM.
CHARLES H. DEUEL.
RAY W. HAYS.
DAN E. WILLIAMS.
WM. MOSELEY JONES.
C. C. COTTRELL.

Adjournment.

On motion of Senator Mixter, at twelve o'clock and five minutes p.m., the President pro tempore of the Senate declared the Senate adjourned until eleven o'clock a.m., Monday, January 14, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, January 14, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, January 11, 1935, the further reading was dispensed with, on motion of Senator Seawell.

Leave of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Clyde Downing, city attorney of Santa Ana.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff R. R. Veale and Mrs. Veale of Contra Costa County. Senator Sharkey stated that Sheriff Veale had just completed 40 years of service as sheriff of Contra Costa County and is the oldest sheriff in point of service in the United States.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Joseph Reilly of Bishop.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Thomas Edward Hayden, attorney at law, of San Francisco.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rose Gokovich of Fairfield, 10 years of age, daughter of Spive Gokovich, who had with her a souvenir hatchet of George Washington's inauguration as President, which had been found in her father's orchard.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 89—An act making an appropriation for the mileage and other expenses of the members of the Legislature, the act to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 89—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds and declaring the urgency of said act.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Bill No. 89.

Senator Edwards asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 89, without reference to committee, for purpose of adoption.

Assembly Bill No. 89—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds and declaring the urgency of said act.

Bill read first time, and ordered to second reading.

Resolution.

The following resolution was offered:

By Senator Edwards:

Resolved, That Assembly Bill No. 89 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that

section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—36.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15 of Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 89.

Second Reading of Assembly Bill No. 89.

Assembly Bill No. 89—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds and declaring the urgency of said act.

Bill read second time, and ordered to third reading.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Cities in this State have taken proceedings to incur bonded indebtedness for proper city purposes. Furthermore, bonds have been voted for the construction of public buildings to replace public buildings destroyed by earthquake and the public business is now being carried on in temporary quarters which are entirely inadequate for that purpose. Large numbers of persons are unemployed and in dire need. Real or purported irregularities in such proceedings have or will delay the issuance of the bonds voted and will delay the cities in getting necessary funds. The immediate validation of such bonds will permit the sale thereof at once or in the near future and such public works will relieve unemployment and preserve the public peace, health and safety, and the construction of such public buildings will provide safe housing conditions for the public officials and employees and a safe repository for important public records.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—37.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 89 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers,

Reindollar, Schottky, Scollan, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 89 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 6—Relative to approving the charter of the city of Redondo Beach, California, which was submitted to the qualified voters of said city and voted for and ratified by them at an election held on the twenty-fourth day of September, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 6.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 6, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 6—Relative to approving the charter of the city of Redondo Beach, California, which was submitted to the qualified voters of said city and voted for and ratified by them at an election held on the twenty-fourth day of September, 1934.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deard, Deane, Edwards, Frazier, Gaffney, Hays, Jespersen, Keough, King, Kneeland, McCall, McConaway, McGowan, McGinness, Metzger, Mixter, Olson, Patterson, Peery, Peterson, Powers, Reindollar, Rich, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wicks, Williams, and Young—35.

NOES—None.

Assembly Concurrent Resolution No. 6 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 4—Relative to approving seven amendments to the charter of the city of Alameda in the county of Alameda, State of California, voted for and ratified by the electors of said city at the sixth day of November, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 4 ordered held at the desk.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 5—Relative to approving certain amendments to the charter of the county of San Diego, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the sixth day of November, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 5.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 5, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 5—Relative to approving certain amendments to the charter of the county of San Diego, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the sixth day of November, 1934.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None

Assembly Concurrent Resolution No. 5 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 8—Relative to memorializing Congress to grant consent to taxation by the several States of certain interstate sales:

Also: Assembly Joint Resolution No. 9—Relative to memorializing the President and Congress to carefully consider and enact legislation to provide for a working week of not more than five days of six hours each, without any corresponding reduction in the present compensation of salary.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolutions Nos. 8 and 9 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 3—Relative to approving certain amendments to the charter of the city of Riverside, a municipal corporation in the county of Riverside, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twentieth day of November, 1934:

Also: Senate Concurrent Resolution No. 4—Relative to recognition by the Legislature of the State of California of the California Pacific International Exposition which will open at San Diego May 29, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolutions Nos. 3 and 4 ordered to enrollment.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly for six days per week, and the Controller

is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same:

	Per Day
Carmela Vecchi, Assistant at Desk	\$5.00
Margaret Donville, Stenographer	5.00
Orval L. Schreck, Assistant at Desk	5.00
Hortense May, Assistant at Desk	5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittendon, Deuel, Dillon, David Edwards, Foster, Gordon, Hays, Jepsen, Keough, King, Knowlton, McCall, McCann, McGinnis, McGinnis, Metzger, Minter, Olson, Peterson, Peterson, Powers, Rasmussen, Rick, Schottky, Scollan, Sewall, Sharkey, Slater, Snyder, Stow, Swing, Thiele, Wags, Williams, and Young—37.

NOES—None.

Resolution.

The following resolution was offered:

By Senator Metzger:

WHEREAS, It is believed by stockmen that the stock yards in California are owned by packers and that this results in a fictitious market for live stock; and

WHEREAS, If this is true it means the loss of tremendous sums to the live stock industry of this State and so affects the economic welfare of the State; now, therefore, be it

Resolved, That the President of the Senate appoint a committee of three members to investigate the ownership and control of the stock yards in California for the purpose of making recommendations to the Senate for legislation designed to prevent the establishment or existence of fictitious markets for live stock in this State; and be it further

Resolved, That said committee shall be and is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matter above referred to in order to enable the Senate to act judiciously and advisedly upon such matters, and the said committee shall have the right to subpoena and summon and subpoena witnesses, require the production of papers, books, accounts, reports and records of every kind, to issue subpoenas and take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to demand and enforce all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Penal Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof shall apply to the committee designated under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to execute any and all subpoenas and orders of other process that may be issued by said committee, when directed so to do by the chairman thereof, and to attend to all other duties required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate and or during the recess, at such times, place or places as the committee may determine. Such committee may, in its discretion, hold public or executive meetings as it shall deem necessary or expedient, and be it further

Resolved, That said committee, as speedily as possible, report to the Senate its findings and recommendations concerning the matters which it is by this resolution authorized to consider; and be it further

Resolved, That the sum of \$1,000 be and the same is hereby made available for the purpose of defraying the expenses of such committee, said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the majority of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Point of Order.

Senator Swing raised the point of order that the resolution should be referred to committee for consideration.

Decision on Point of Order.

The President announced his decision, and declared the point of order well taken.

Reference of Resolution.

The President then referred the resolution to Committee on Agriculture and Live Stock.

Introduction, First Reading and Reference of Bills.

By Senator Gordon: Senate Bill No. 32—An act to amend section 1310 of the Fish and Game Code, relating to fur-bearing mammals.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Hays: Senate Bill No. 33—An act to amend section 674 and 675 of the Code of Civil Procedure, relating to the filing and recording of abstracts and satisfactions of judgments in the office of the county recorder.

Bill read first time, and referred to Committee on Judiciary.

By Senator Snyder: Senate Bill No. 34—An act to add section 903 to the Fish and Game Code, relating to nets.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Snyder: Senate Bill No. 35—An act to amend section 1027 of the Probate Code, relating to the distribution of estates.

Bill read first time, and referred to Committee on Judiciary.

By Senator Snyder: Senate Bill No. 36—An act to amend section 660 of the Fish and Game Code and to add thereto section 660.4, relating to salmon.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Biggar: Senate Bill No. 37—An act providing for the creation, organization, and government of joint districts composed of two or more counties of the State of California for the purpose of maintaining joint county road camps and providing that persons confined in the county jail of any such county under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public work on public highways in any of such counties.

Bill read first time, and referred to Committee on County Government.

By Senator Olson: Senate Bill No. 38—An act to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment one of rehabilitation by cooperative self help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; declaring this act an emergency measure; providing for its constitutional construction; repealing conflicting laws.

Bill read first time, and referred to Committee on Unemployment.

By Senator Olson: Senate Bill No. 39—An act to amend sections 5 and 7 of the Retail Sales Tax Act of 1933, relating to the rate of tax and exemptions, including refunds.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Olson: Senate Bill No. 40—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the proceeds therefrom.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Olson: Senate Bill No. 41—An act to amend sections 4, 5, 6, 6½ of the Inheritance Tax Act, relating to exemptions and rates of taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Olson: Senate Bill No. 42—An act to amend sections 4 and 5 of the Bank and Corporation Franchise Tax Act, relating to taxes of banks, corporations, and public service companies, including the rates thereof, and the extensions thereof to companies other than insurance companies specified in section 14 of Article XIII of the Constitution of this State.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Olson: Senate Bill No. 43—An act to levy a tax on natural resources severed from the earth and waters of the State of California.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Schottky: Senate Bill No. 44—An act to add section 2639a to the Political Code, relating to county taxation for road purposes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Young: Senate Bill No. 45—An act to amend section 2051 of the Code of Civil Procedure, relating to the impeachment of witnesses convicted of certain misdemeanors.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senators Seawell and Powers: Senate Bill No. 46—An act to add a new section to the Penal Code, to be numbered 368b, relating to the safe manning of railroad engines.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Tickle: Senate Bill No. 47—An act to amend section 10 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts, to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to taxes of county fire protection districts.

Bill read first time, and referred to Committee on County Government.

By Senator Williams: Senate Bill No. 48—An act making an appropriation to pay the claim of Index Investment Corporation, a corporation, against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Scollan: Senate Bill No. 49—An act to amend section 10 of "An act to provide for the indicating of the net quantity of food-stuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, relating to false or raised bottoms of containers.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Fletcher: Senate Bill No. 50—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Finance.

By Senator Fletcher: Senate Bill No. 51—An act to amend section 441 of the Political Code, relating to rates of interest on registered warrants.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators McColl, Seawell, Snyder, and Difani: Senate Joint Resolution No. 2—Relative to memorializing the President and Congress to adopt the Townsend Plan, relating to old age security.

Referred to Committee on Federal Relations.

By Senator Young: Senate Constitutional Amendment No. 4—Proposed amendment to Article I, section 9 of the Constitution, relative to the rights of juries in criminal prosecutions for libel.

Referred to Committee on Constitutional Amendments.

By Senator Knowland: Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a general and special municipal election held therein on the sixth day of November, 1934.

Consideration of Senate Concurrent Resolution No. 6.

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 6, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the

qualified electors of said city at a general and special municipal election held therein on the sixth day of November, 1934.

Resolution read and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Bigger, Crittenden, Daniel, DeFane, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jorgensen, Keough, King, Knowland, McCall, McGinniss, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Randall, Rich, Sharkey, Slater, Snyder, Stow, Swagg, Tucke, Wagy, and Young—35.

NOES—None.

Senate Concurrent Resolution No. 6 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Fletcher: Senate Concurrent Resolution No. 7—Approving an amendment to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the sixth day of November, 1934.

Consideration of Senate Concurrent Resolution No. 7

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 7, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 7—Approving an amendment to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the sixth day of November, 1934.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Bigger, Crittenden, Daniel, DeFane, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jorgensen, Keough, King, McCall, McGinniss, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Randall, Rich, Schetky, Seawell, Sharkey, Slater, Snyder, Stow, Swagg, Tucke, Wagy, Williams, and Young—37.

NOES—None.

Senate Concurrent Resolution No. 7 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Fletcher: Senate Concurrent Resolution No. 8—Approving an amendment to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the nineteenth day of December, 1933.

Consideration of Senate Concurrent Resolution No. 8.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 8, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 8—Approving an amendment to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the nineteenth day of December, 1933.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Senate Concurrent Resolution No. 8 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Pierovich: Senate Bill No. 52—An act to amend section 616 of the Fish and Game Code, relating to trout and whitetfish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Garrison: Senate Bill No. 53—An act to amend section 6.90a of the School Code, relating to junior college buildings.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senator Garrison: Senate Bill No. 54—An act to add section 590 to the Vehicle Code, relating to motor vehicles stopping on highways.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Garrison: Senate Bill No. 55—An act to add section 676.5 to the Vehicle Code, relating to safety glass on automobiles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Garrison: Senate Bill No. 56—An act to levy an excise tax on the sale of all butter substitutes, providing for licensing dealers therein, fixing a penalty for a violation of the provisions of the act, and declaring that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Garrison: Senate Bill No. 57—An act to amend section 26 of the California Irrigation District Act, approved March 31, 1897, relating to directors of irrigation districts.

Bill read first time, and referred to Committee on Irrigation.

By Senator Garrison: Senate Bill No. 58—An act to amend section 3631 of and to add section 3653.5 to the Political Code, relating to county assessor.

Bill read first time, and referred to Committee on County Government.

By Senator Schottky: Senate Bill No. 59—An act to amend section 11 of the California District Securities Act, providing that said section shall remain in effect until Nov. 1, 1937, and declaring this act an emergency measure enacted under the police power.

Bill read first time, and referred to Committee on Irrigation.

Adjournment.

On motion of Senator Rich, at twelve o'clock m., the President of the Senate declared the Senate adjourned until ten o'clock a.m., Tuesday, January 15, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Tuesday, January 15, 1935.

The Senate met at ten o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk

Roll Call.

The roll was called, and the following answered to their names:

Senators Riggan, Crittenden, Dene, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reed, Rich, Schottky, Seidlitz, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tinkle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, January 14, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Snyder, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Charles W. Johnson of Santa Cruz.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Archie Closson of Lodi, State Commander of American Legion, Department of the State of California.

Statement by Lieutenant Governor George J. Hatfield.

The Senate standing committees, while made up by the Lieutenant Governor, represent the mass judgment of this house of the Legislature, except for three important committees whose personnel was named in response to recommendations of Governor Frank F. Merriam.

The mass judgment of the Senate is represented in the committee assignments because, in so far as was possible, Senators were named to committees of their own choice. This, I believe, has been the custom in the past and I have followed precedent

because I am convinced that it is well to capture the natural interest of committee members and to harness it for the benefit of the State of California.

Naturally it has not been possible to meet all the requests from all Senators for committee assignments or chairmanships. I wish to acknowledge and express my appreciation for the fine spirit of cooperation displayed by those whose every desire could not be met. I am convinced that there is a general disposition to pull together and that we shall have harmonious team work.

The three committees whose chairmen and members have been named upon recommendations from Governor Merriam are the Committee on Finance, the Committee on Revenue and Taxation, and the Committee on Governmental Efficiency. To these committees will fall the responsibility of acting on the major proposals of the administration. I believe this will facilitate determination of the Senate's attitude toward the Governor's program, which he has assured me will redeem the progressive planks in the Republican party platform so emphatically endorsed by the people last November.

Appointment of Standing Committees.

The President announced that he had appointed the Senate standing committees, as follows:

Members of Senate Committees—1935.

Appointed by Lieutenant Governor George J. Hatfield.

Agriculture and Live Stock (15)—Crittenden (Chairman), Duval, Gordon, Hulse, King, McCormack, Metzger, Scollan, Slater, Stow, Perry, Powers, Tickle, Wagy, and Young.

Aviation and Aircraft (5)—Scollan (Chairman), Duval, McColl, Reindollar, and Stow.

Banking (9)—Tickle (Chairman), Duval, Edwards, Keough, McCormack, McGovern, Pierovich, Reindollar, and Young.

Building and Loan Associations (11)—Knowland (Chairman), Duval, Edwards, King, McCormack, McGuinness, Pierovich, Reindollar, Rich, Slater, and Young.

Civil Service (5)—Keough (Chairman), Jespersen, Gordon, McColl, and Wagy.

Commerce and Navigation (9)—Parkman (Chairman), Crittenden, Fletcher, McColl, McGovern, McGuinness, Pierovich, Scollan, and Snyder.

Conservation (7)—Perry (Chairman), Crittenden, King, Metzger, Mixer, Scollan, and Wagy.

Constitutional Amendments (9)—Snyder (Chairman), Biggar, Crittenden, Garrison, McGovern, McGuinness, Mixer, Seawell, and Stow.

Contingent Expenses (3)—King (Chairman), Powers, and Stow.

Corporations (5)—Schottky (Chairman), Difani, Metzger, Mixer, and Perry.

County Government (9)—Hulse (Chairman), Edwards, Gordon, Keough, King, Olson, Sharkey, Slater, and Swing.

Drainage, Swamp and Overflowed Lands (5)—McCormack (Chairman), Crittenden, Garrison, King, and Schottky.

Education (15)—Jespersen (Chairman), Deuel, Garrison, Gordon, Hays, Knowland, McColl, McCormack, Olson, Parkman, Powers, Schottky, Sharkey, Slater, and Tickle.

Elections (11)—Powers (Chairman), Deuel, Edwards, Fletcher, Gordon, Biggar, Keough, Knowland, Sharkey, Swing, and Tickle.

Engrossment, Enrollment and Printing (5)—Metzger (Chairman), McColl, McCormack, Mixer, and Williams.

Exhibitions and Fairs (5)—Gordon (Chairman), Fletcher, King, Perry, and Williams.

Federal Relations (5)—Wagy (Chairman), Deuel, Mixer, Rich, and Williams.

Finance (19)—Sharkey (Chairman), Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hulse, Knowland, McCormack, Olson, Parkman, Powers, Reindollar, Schottky, Slater, Swing, Stow, and Wagy.

Fish and Game (16)—McColl (Chairman), Gordon, Hulse, Keough, McGovern, McGuinness, Metzger, Parkman, Perry, Rich, Scollan, Seawell, Slater, Swing, Williams, and Young.

Governmental Efficiency (11)—Hays (Chairman), Biggar, Deuel, Edwards, Gordon, McGovern, Perry, Rich, Scollan, Sharkey, and Swing.

Hospitals and Asylums (7)—Slater (Chairman), Fletcher, Knowland, Parkman, Perry, Reindollar, and Young.

Insurance (11)—Williams (Chairman), Biggar, Deuel, Difani, Hays, McGuinness, Parkman, Reindollar, Seawell, Swing, and Sharkey.

Irrigation (7)—Mixer (Chairman), Crittenden, Garrison, Hulse, Jespersen, Schottky, and Wagy.

Judiciary (14)—Swing (Chairman), Crittenden, Deuel, Garrison, Difani, Hays, McGovern, McGuinness, Olson, Pierovich, Rich, Schottky, Seawell, and Snyder.

Labor and Capital (9)—Olson (Chairman), Fletcher, Keough, King, Jespersen, Perry, Reindollar, Scollan, and Seawell.

Military Affairs (11)—McGuinness (Chairman), Difani, Fletcher, Hays, McColl, Mixer, Perry, Pierovich, Powers, Scollan, and Snyder.

Mines and Mining (7) —Pierovich (Chairman), McCormack, McGinniss, Powers, Rich, Seawell, and Williams.

Motor Vehicles (17) —Fletcher (Chairman), Biggar, Deuel, Deane, Garrison, Gordon, Hays, Hulse, Jepsen, McColl, McGovern, Metzger, Olson, Rich, Sharkey, Snyder, and Stow.

Municipal Corporations (11) —McGovern (Chairman), Biggar, Deuel, Hays, Keough, McGinniss, Metzger, Olson, Schottky, Seellan, and Young.

Oil Industries (9) —Stow (Chairman), Dryal, Edwards, Jepsen, Meyer, Olson, Seawell, Sharkey, and Wag.

Prisons and Reformatories (7) —Reindollar (Chairman), Fletcher, Knowland, Pierovich, Powers, Williams, and Young.

Public Health and Quarantine (7) —Deuel (Chairman), McGinniss, Meyer, Parkman, Tickle, Williams, and Young.

Public Utilities (11) —Biggar (Chairman), Deuel, Garrison, Huls, Keough, Metzger, Parkman, Reindollar, Seellan, Snyder, and Tickle.

Reapportionment (3) —Garrison (Chairman), Keough, and Williams.

Revenue and Taxation (13) —Deuel (Chairman), Edwards, Garrison, Hays, Hulse, Knowland, McCormack, Rich, Sharkey, Stoller, Snyder, Stow, and Young.

Revision of Criminal Law and Procedure (9) —Young (Chairman), Biggar, Con-

tenden, Deuel, Keough, McGovern, Pierovich, Schottky, and Seawell.

Roads and Highways (15) —Edwards (Chairman), Biggar, Deuel, Hays, Jepsen, McColl, Metzger, Parkman, Pierovich, Powers, Schottky, Seellan, Snyder, Stow, and Tickle.

Rules (5) —Rich (Chairman), Deuel, Knowland, Stoller, and Tickle.

Unemployment (11) —Seawell (Chairman), Deuel, Garrison, Hays, Jepsen, Keough, Olson, Parkman, Powers, Reindollar, and Wag.

Universities and Teachers Colleges (9) —Deuel (Chairman), Hays, Jepsen, Knowland, Perry, Snyder, Stow, Tickle, and Wag.

Consideration of Application for Press Credentials.

The President of the Senate, Hon. George J. Hatfield, presented the following communication:

SAN FRANCISCO, CALIFORNIA, January 10, 1935.

Hon. George J. Hatfield,

State House, Sacramento, California.

SIR: We beg to inform you that D. Dutton Craig and Maurice Quin are the accredited representatives of the "Western Worker" covering the sessions of the State Legislature in Sacramento.

We would appreciate your extending to them the courtesies usually accorded to press representatives.

Yours truly,

WESTERN WORKER.

L. CAMPBELL, Editor.

Ruling by the President of the Senate.

While I believe in the principles of free speech and a free press, I do not think they extend to granting the privileges of the floor in the Senate to representatives of publications which advocate the overthrow of our form of government by violence. Therefore I have refused to grant press credentials to the representatives of the Western Worker.

Motion by Senator Sharkey.

Senator Sharkey moved that the ruling by the President, refusing to grant press credentials to the Western Worker, be sustained by the Senate.

The motion was seconded by Senator Seellan.

Motion carried.

Explanation of Motion by Senator Sharkey.

Senator Sharkey submitted the following explanation of his motion.

In moving to sustain the order of the President denying admission to representatives of the Western Worker, I was prompted by my duty as a State official and my sense of obligation to our institutions. The Western Worker is the western organ of the Communist party section of the Communist International. This organization strikes at the very foundation of our National government and no self-respecting patriotic citizen can subscribe to its doctrines.

WILL R. SHARKEY.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 7—Relative to approving an amendment to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the sixth day of November, 1934:

Also: Senate Concurrent Resolution No. 8—Relative to approving an amendment to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the nineteenth day of December, 1933.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolutions Nos. 7 and 8 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 12—Relative to memorializing Congress to enact proposed legislation directing repeal of section 15 of Black-McKellar Act;

Also: Assembly Joint Resolution No. 11—Relative to memorializing the President and Congress to enact the necessary legislation to extend, for at least another two-year period, the existence and activities of the Home Owners' Loan Corporation, and to appropriate sufficient funds for the same.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolutions Nos. 11 and 12 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 120—An act making an appropriation for the mileage of members and officers of the Assembly, the act to take effect immediately:

Also: Assembly Bill No. 119—An act to provide for the formation and conduct of districts for the purpose of abating pests, to declare the urgency of this act and to provide that it shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 119 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 120 read first time.

Consideration of Assembly Bill No. 120.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 120, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 120 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Hays, Jaspersen, Keough, King, Knowland, McCall, McGowan, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pionovich, Powers, Roundell, Rich, Schottky, Sharkey, Slater, Snyder, Wagy, Williams, and Young—31.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 120.

Second Reading of Assembly Bill No. 120.

Assembly Bill No. 120—An act making an appropriation for the mileage of members and officers of the Assembly, the act to take effect immediately.

Bill read second time, and ordered to third reading.

Urgency Clause.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it shall under the provisions of section 1 of Article IV of the Constitution take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jaspersen, Keough, King, Knowland, McCall, McGowan, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pionovich, Powers, Roundell, Rich, Schottky, Sharkey, Slater, Snyder, Swag, Wagy, Williams, and Young—31.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 120 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Hays, Jaspersen, Keough, King, Knowland, McCall, McGowan, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pionovich, Powers, Roundell, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swag, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 120 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 6—Relative to approving certain amendments to the charter of the city of Alameda, State of California, voted for and ratified by the qualified electors of said city at a general and special municipal election held therein on the sixth day of November, 1934.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 6 ordered to enrollment.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Secretary of the Senate be and he is hereby authorized to purchase for such members of the Senate as feel the need thereof, sets of the 1935

edition of Deering's Codes and General Laws of the State of California, all of said sets and volumes to be paid for out of the contingent fund of the Senate.

KING.
POWERS.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—34.

NOES—None.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrants on the contingent fund of the Senate in the sum of \$300 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

KING.
POWERS.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Fletcher: Senate Bill No. 60—An act to add new sections to the Political Code to be numbered 3817j, 3817k and 3817l, relating to taxation redemptions and tax sales, declaring the urgency thereof, to take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Rich: Senate Bill No. 61—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

Bill read first time.

Consideration of Senate Bill No. 61.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 61, without reference to committee, for the purpose of passage.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolved, That Senate Bill No. 61 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby

dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Piorovich, Powers, Rensselaer, Schottky, Seawell, Slater, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 61.

Second Reading of Senate Bill No. 61.

Senate Bill No. 61—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

Bill read second time, considered correctly engrossed, and ordered to third reading.

Urgency Clause.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it shall under the provisions of section 1 of Article IV of the Constitution take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Hays, Jepserson, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Piorovich, Powers, Rensselaer, Rusk, Schottky, Seawell, Sharkey, Slater, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 61 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Jepserson, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Piorovich, Powers, Rensselaer, Rusk, Schottky, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 61 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Fletcher: Senate Bill No. 62—An act to amend section 3774 of the Political Code, relating to leasing of lands deeded to the State and regulating of proceeds thereof.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fletcher: Senate Bill No. 63—An act to amend section 3787 of the Political Code to provide for the assessment of property

which has been deeded to the State and which is included in a road or acquisition and improvement district, declaring the urgency thereof, the act to take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fletcher: Senate Bill No. 64—An act to amend section 3818 of the Political Code, relating to segregation of property on the assessment rolls.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fletcher: Senate Bill No. 65—An act to amend section 3804a of the Political Code, relating to cancellation of taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators McGovern and Olson: Senate Bill No. 66—An act relating to codes, agreements, and standards of fair competition, repealing certain acts cited herein, and declaring the urgency of this act and providing that it shall go into immediate effect.

Bill read first time, and referred to Committee on Judiciary.

By Senator Slater: Senate Bill No. 67—An act to amend section 4.52 of the School Code, relating to the support of junior college districts.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senator Seawell: Senate Bill No. 68—An act to amend section 105 of the Agricultural Code, relating to inspection of lug boxes.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Seawell: Senate Bill No. 69—An act to amend section 4260 of the Political Code, relating to compensation of county and township officers in counties of the thirty-first class.

Bill read first time, and referred to Committee on County Government.

By Senators Young, Mixter, Difani, Schottky, Crittenden, Waggy, Garrison, McCormack, and Jespersen: Senate Joint Resolution No. 3—Relative to the action of the President of the United States in lifting the tariff on hay and live stock feed from Canada, and the action by the Secretary of Agriculture in signing an agreement authorizing an "Agency for Deficiency" for the distribution in the United States of hay and live stock feed from Canada.

Consideration of Senate Joint Resolution No. 3.

Senator Young asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 3, without reference to committee, for purpose of adoption.

Senate Joint Resolution No. 3—Relative to the action of the President of the United States in lifting the tariff on hay and live stock feed from Canada, and the action by the Secretary of Agriculture in signing an agreement authorizing an "Agency for Deficiency" for the

distribution in the United States of hay and live stock feed from Canada.

Further Consideration of Senate Joint Resolution No. 3 Postponed.

At the request of Senator Olson, further consideration of Senate Joint Resolution No. 3 was postponed until the next legislative day.

Minute Clerk F. E. Dalin at the Desk.

Withdrawal of Senate Joint Resolution No. 1.

Senator Powers requested unanimous consent that Senate Joint Resolution No. 1 be withdrawn from the Committee on Federal Relations, for purpose of adoption.

Motion carried, and such was the order.

Consideration of Senate Joint Resolution No. 1

Senate Joint Resolution No. 1.

Relative to memorializing Congress to provide compensation, in lieu of taxes, for certain lands of the United States within the borders of the several States.

WHEREAS, The United States Government has withdrawn and set apart within permanent National parks or forests, numerous tracts of land, approximately 10,000,000 acres in the State of California alone; and

WHEREAS, Among other reasons, this has been made possible by the owner of timber land trading in their "cut over" lands to the government for "timber cuttings"; and

WHEREAS, The United States Government pays no taxes on such lands resulting in throwing a heavy tax burden on privately owned property in the same political subdivision; now, therefore, be it

Resolved by the Senate and Assembly, pending. That Congress is urgently requested to appropriate sufficient money so that a sum of \$5,000,000 per annum may be paid, in lieu of taxes, to the political subdivisions in which such lands situate in the United States are situated; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the Speaker of the House of Representatives and each of the members from California of the Senate and House of Representatives of the United States.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, D'Am, Dwyer, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, Knowlton, McCracken, McGowan, McGuinness, Metzger, Mixer, Parkman, Perry, Pomeroy, Powers, Reed, Schaffey, Seellan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, and Williams—32.

NOES—Senator Olson—1.

Senate Joint Resolution No. 1 ordered transmitted to Assembly.

Withdrawal of Resolution.

Senator Metzger asked for unanimous consent to withdraw from the Committee on Agriculture and Live Stock resolution introduced on January 14th, requesting Senate investigation of live stock markets and stock yard ownership in California, for consideration at this time.

Request granted.

Consideration of Resolution.

WHEREAS, It is believed by stockmen that the stock yards in California are owned by packers and that this results in a fictitious market for live stock; and

WHEREAS, If this is true it means the loss of tremendous sums to the live stock industry of this State and so affects the economic welfare of the State; now, therefore, be it

Resolved, That the President of the Senate appoint a committee of three members to investigate the ownership and control of the stock yards in California for the purpose of making recommendations to the Senate for suitable legislation to prevent

the establishment or existence of fictitious markets for live stock in this State; and be it further

Resolved, That said committee shall be and is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matter above referred to in order to enable the Senate to act judiciously and advisedly upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of persons, books, accounts, reports and records of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter 2, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate and/or during the recess, at such times, place or places as the committee may determine; such committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further

Resolved, That said committee, as speedily as possible, report to the Senate its findings and recommendations concerning the matters which it is by this resolution authorized to consider; and be it further

Resolved, That the sum of \$1,000 be and the same is hereby made available for the purpose of defraying the expenses of such committee, said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Point of Order.

Senator Deuel raised the point of order that the resolution calls for an appropriation and should be referred to committee for report and recommendation.

Decision on Point of Order.

The President announced his decision, and declared the point of order well taken, and referred the resolution to Committee on Contingent Expenses for further consideration.

Recess.

On motion of Senator Pierovich, at eleven o'clock and fifty minutes a.m., the President of the Senate declared recess for a period of ten minutes for the purpose of hearing remarks of State Commander Archie Closson of the American Legion, Department of California.

Lieutenant Governor George J. Hatfield introduced Commander Closson to the Senate, who presented the compliments of the California American Legion Department to the Senate.

The American Legion program providing for adequate National defense, maintaining the present standard of public education, asking a Universal Registration Act, curbing of radical instruction in schools and colleges, the deportation of 3,000,000 radicals, the stamping out of Communism and the exclusion of Orientals, was outlined by Commander Closson with a request that the Senate lend its support to that program.

Reconvened.

At twelve o'clock m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Rich: Senate Concurrent Resolution No. 9—Relative to the adjournment of the Legislature for the constitutional recess, and to

the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

Referred to Committee on Rules.

By Senator Gordon: Senate Bill No. 70. An act to amend section 372 of the Vehicle Code, relating to registration fees.

Bill read first time, and referred to Committee on Motor Vehicles.

Adjournment.

On motion of Senator Rich, at twelve o'clock and five minutes p.m., the President of the Senate declared the Senate adjourned until ten o'clock a.m., Wednesday, January 16, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Wednesday, January 16, 1935.

The Senate met at ten o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Bigger, Crittenden, Donel, DuFort, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, King, Knowland, McCall, McFarland, McGovern, McGuinness, Metzger, Mixer, Olson, Paryman, Perry, Pomeroy, Powers, Reedman, Rich, Schottky, Scollan, Serwell, Sharkey, Slater, Snyder, Stow, Swing, Tinkle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, January 15, 1935, the further reading was dispensed with, on motion of Senator Stow.

Leave of Absence.

Senator Hulse was, on motion of Senator Stow, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ross F. Taylor, deputy county surveyor of Sierra County, Mrs. Taylor and Mrs. Joseph Quinn of Downieville.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Roberts, Jr., of Los Angeles.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Al A. Rhine, David Sala, Captain G. H. Brokaw of San Francisco and Charles K. Atlass of Los Angeles.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marc J. Vertin of Los Gatos.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bernard Brennan, city attorney of Glendale, and director of the Metropolitan Water District of California.

Additional Appointment to Standing Committee.

The President of the Senate announced the appointment of Senators McCormack and Slater to the Committee on Roads and Highways.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, January 15, 1935.

Members of the Senate, Sacramento, California.

Herewith attached find copy of letter received from His Excellency, President Roosevelt, regarding the need for legislation to make the National Housing Act more effective in California. Copy of the letter from Mr. James A. Moffett, Administrator of the Federal Housing Act, and copy of the New York Law, to both of which reference is made, are also enclosed.

President Roosevelt has been assured of the cooperation of California along the line suggested, and I am sending the enclosed to the Senate and Assembly for such consideration and action as may be deemed desirable.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

(COPY.)

THE WHITE HOUSE, WASHINGTON, December 17, 1934.

MY DEAR GOVERNOR: I am enclosing a copy of a letter to me from Mr. James A. Moffett, the Administrator of the Federal Housing Administration. This letter calls my attention to the need for certain legislation to make Title II and III of the National Housing Act more effective.

Amendments to existing State laws seem to be called for in practically every State—44 of them—in which State Legislatures are meeting this winter.

Mr. Moffett tells me that the bill passed by the Legislature of the State of New York, in special session last August, seems to meet the general needs. I am enclosing a copy of this bill.

It would give me great satisfaction if you would give this matter your most careful consideration with the object, if you approve, of obtaining legislation in your State in 1935.

If you would care to have any further information in regard to the details or objects relating to this subject, I shall be glad to have you call on Mr. Moffett at any time.

Very sincerely yours,
(Signed)

FRANKLIN D. ROOSEVELT.

His Excellency, Frank F. Merriam, Governor of California, Sacramento, California.

(COPY.)

FEDERAL HOUSING ADMINISTRATION, WASHINGTON, December 11, 1934.

MY DEAR MR. PRESIDENT: In order that the Federal Housing Administration may attain a full measure of success throughout the country, it is essential that banks, insurance companies, building and loan associations, trust companies, fiduciaries, and other investors be able legally to make insured mortgage loans, and to invest in insured mortgages and in National mortgage association obligations, as provided by the National Housing Act.

You may recall that Title II of the National Housing Act, in order to create a sound mortgage market and induce mortgage money to finance new construction, provided for the insurance of long term, low interest bearing, fully amortized home mortgage loans, by authorizing the creation of a Federal mutual insurance fund. Title III of the act authorizes the creation of National Mortgage associations subject to the supervision and control of the Federal Housing Administrator. The object of these associations is to provide a liquid market for home mortgages and thus to aid in establishing a more sound National credit system.

At the present time there are in the States various statutory limitations upon loans and investments by the aforementioned investing institutions, which restrict their ability to benefit fully from the National Housing program. A similar limitation upon the lending power of National banks has already been removed by the Congress.

The Legislatures of many States will convene during the next few months. Could you not, with propriety, suggest to the Governors of those States that their statutes shall be amended as soon as possible so that banks, insurance companies, building and loan associations, trust companies, title companies and all other investors under statutory restrictions might be permitted to make insured mortgage loans and to invest in insured mortgages and in National mortgage association obligations as provided by the National Housing Act?

Respectfully yours,

J. A. MOFFETT, Administrator

The President, The White House, Washington, D. C.

(COPY.)

State of New York, No. 195, In Assembly (Extraordinary Session).

August 17, 1934

Senate Bill No. 187—Introduced by Mr. Wald, amended on second reading, ordered reprinted, and passed.

An act to authorize corporations and private banks, subject to the provisions of the banking law, to make loans, advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance pursuant to the provisions of an act of Congress, entitled "National Housing Act," approved by the President on June 27, 1934, and extending such loans, advances of credit and purchases from the application of general statutes.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subject to such regulations as may be prescribed by the Federal Housing Administrator, acting pursuant to the act of Congress, entitled "National Housing Act," approved on June 27, 1934, and to such regulations as the Banking Board finds to be necessary and proper, corporations and private banks subject to the banking law are authorized:

(a) To make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance pursuant to Title I, section 2 of such National Housing Act and to comply with paragraph (b).

(b) No law of this State prescribing the nature, amount or limit of security or requiring security upon which loans or advances of credit may be made or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made shall be deemed to apply to loans, advances of credit or purchases made pursuant to the foregoing paragraphs (a) and (b).

2. Subject to such regulations as the Banking Board finds to be necessary and proper, building and loan associations and savings and loan associations are authorized to secure insurance from the Federal Savings and Loan Insurance Corporation pursuant to Title IV of such National Housing Act.

3. This act shall take effect immediately.

(2473 Rev. 11-20-34)

Message ordered printed in the Journal

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 15, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 61—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 61 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 15, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 8—Approving certain amendment to the charter of the city of Oakland, a municipal corporation in the

county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the nineteenth day of December, 1933.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 8.

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 8, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 8—Approving certain amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the nineteenth day of December, 1933.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Williams, and Young—35.

NOES—None.

Assembly Concurrent Resolution No. 8 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 13—Relative to memorializing the President and Congress to carefully consider the required legislation necessary to give our citizens at least an even break with the aliens within our borders and which will tend to eliminate the unfair competition of alien labor against labor by citizens of the United States.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 13 referred to Committee on Federal Relations.

Report of Standing Committee.

The following report of standing committee was received and read:

On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, January 15, 1935.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred a Senate resolution by Senator Metzger, referring to investigation of stockyards in the State of California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted, as amended.

Committee membership—3; committee vote: Ayes—3.

KING, Chairman.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Contingent Expenses, the following amendment to the resolution was read:

Amendment No. 1.

In the last paragraph in said resolution, strike out the figures '\$1,000', and insert in lieu thereof the figures '\$500'.

Amendment adopted.

Amendment from the Floor.

During reading of the resolution, the following amendment, offered by Senator Metzger, was read:

Amendment No. 1.

In the third paragraph in said resolution, strike out the word "three", and insert in lieu thereof the word "five".

Amendment adopted.

Consideration of Resolution as Amended.

WHEREAS, It is believed by stockmen that the stockyards in California are owned by pickers and that this results in a fictitious market for live stock; and

WHEREAS, If this is true it means the loss of tremendous sums to the live stock industry of this State and so affects the economic welfare of the State; now, therefore, be it

Resolved, That the President of the Senate appoint a committee of five members to investigate the ownership and control of the stockyards in California for the purpose of making recommendations to the Senate for suitable legislation to prevent the establishment or existence of fictitious markets for live stock in this State; and be it further

Resolved, That said committee shall be and is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matter above referred to in order to enable the Senate to act judiciously and advisedly upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of persons, books, papers, reports and records of every kind, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized by affirmative action, all of the provisions of Article VIII of Chapter 2, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee organized under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate and/or during the recess, at such times, place or places as the committee may determine; said committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable, and be it further

Resolved, That said committee, as speedily as possible, report to the Senate its findings and recommendations concerning the matters which it is by this resolution authorized to consider; and be it further

Resolved, That the sum of \$500 be and the same is hereby made available for the purpose of defraying the expenses of such committee, said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, as amended.

The question being on the adoption of the resolution, as amended.

The roll was called, and the resolution, as amended, adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denei, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowlton, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Perry, Petrovich, Powers, Reinollar, Rich, Schotky, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, and Young—30.

NOES—None.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of the Senate Attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of January 15, 1935.

Lillian Miller, Stenographer----- \$5 00

Resolution read, and on motion of Senator Tickle, adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensations set opposite their names, payable weekly, six days per week, beginning January 14, 1935, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said amounts, and the Treasurer is hereby directed to pay the same:

Frances Callicot, Stenographer-----	<i>Per day</i> \$5 00
Gwen Caffey, Clerk of Committee on Finance-----	6 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Snyder, Stow, Swing, Waggy, and Young—30.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Swing: Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases.

Bill read first time, and referred to Committee on Judiciary.

By Senators Young, Deuel, Fletcher, Hays, McGovern, Perry, and Stow: Senate Bill No. 72—An act to amend sections 5.1, 5.2, 5.20, 5.21, 5.23, 5.25, 5.26, 5.27, 5.40, 5.44, 5.60, 5.61, 5.62, 5.63, 5.70, 5.80, 5.84, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.100, 5.101, 5.102, 5.103, 5.104, 5.105, 5.110 and 5.112 of the School Code, and to repeal Article II of Chapter 1 of Part I of Division V thereof, embracing section 5.10, all relating to the organization, government, and control of State teachers colleges.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senators Crittenden, Sharkey, Mixer, McColl, Waggy, Seawell, McGuinness, Schottky, McGovern, Scollan, Powers, Pierovich, Garrison, Metzger, King, and Olson: Senate Bill No. 73—An act authorizing the Division of Water Resources of the Department of Public Works to prosecute efforts to secure Federal aid and assistance in financing the construction of the Central Valley Project, as said project is authorized and defined in the Central Valley Project Act of 1933, making an appropriation therefor, and declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Irrigation.

By Senator Reindollar: Senate Bill No. 74—An act to amend section 7 of the "California Nautical School Act," relating to admission of students and fees to be collected.

Bill read first time, and referred to Committee on Education.

By Senator Reindollar: Senate Bill No. 75—An act making an appropriation to meet a deficiency in the appropriation for the support of the California Nautical School for the eighty fifth and eighty sixth fiscal years declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Education.

By Senator Fletcher: Senate Bill No. 76—An act making an appropriation to pay the claim of John N. Metcalf against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Mixer: Senate Bill No. 77—An act to add sections 3a and 3b to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health; defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor, and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to agreements between counties and deposits of funds.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senators Garrison and Jespersen: Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, county and other local governmental agency or political subdivision, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and or acquisition of public utilities and extensions and additions to public utilities for the production, purchase, sale and distribution of products, commodities, energy and or services of such public utilities, providing for the payment of such bonds and the interest thereon.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Garrison: Senate Bill No. 79—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sharkey: Senate Bill No. 80—An act to amend section 3 of the Retail Sales Tax Act of 1933, relating to the rate of tax, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

Recess.

On motion of Senator Rich, at ten o'clock and twenty minutes a.m., the President of the Senate declared a ten minute recess for the purpose of hearing remarks from the Hon. Fred S. Alward, Lieutenant Governor of the State of Nevada.

Lieutenant Governor Fred S. Alward of the State of Nevada was then introduced to the Senate by the President of the Senate, Hon. George J. Hatfield.

Lieutenant Governor Fred S. Alward in a brief speech, extended greetings to the Senate from the State of Nevada.

Reconvened.

At ten o'clock and thirty minutes a.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, January 15, 1935.

To the Honorable Members of the Senate, State of California.

It is my duty and my pleasure to inform your honorable body that since the adjournment of the fiftieth session, Governor James Rolph, Jr., made the following appointment, and I request your confirmation and consent thereto:

STATE BOARD OF HARBOR COMMISSIONERS.

A member thereof, Dr. Celestine J. Sullivan of San Francisco.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Message referred to Committee on Rules.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Biggar: Senate Joint Resolution No. 4—Relative to memorializing the Federal Relief Administrator and the California Relief Administrator to give preference to the construction of relief projects which will result in benefits of a permanent character.

Referred to Committee on Federal Relations.

Withdrawal of Senate Joint Resolution No. 4.

Senator Biggar moved that Senate Joint Resolution No. 4 be withdrawn from Committee on Federal Relations for purpose of adoption. Motion carried, and such was the order.

Consideration of Senate Joint Resolution No. 4.

Senator Biggar asked for, and was granted unanimous consent for the consideration of Senate Joint Resolution No. 4.

Senate Joint Resolution No. 4—Relative to memorializing the Federal Relief Administrator and the California Relief Administrator to give preference to the construction of relief projects which will result in benefits of a permanent character.

Consideration Postponed.

Upon request of the author, further consideration of Senate Joint Resolution No. 4 was deferred until the next legislative day.

Consideration of Senate Joint Resolution No. 3.

Senator Young asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 3 for purpose of adoption.

Senate Joint Resolution No. 3.

Relating to the action of the President of the United States in lifting the tariff on hay and live stock feed from Canada, and the action by the Secretary of Agriculture in signing an agreement authorizing an "Agency for Deficiency Distribution" for the distribution in the United States of hay and live stock feed from Canada.

WHEREAS, There is a shortage of hay and live stock feeds in certain eastern and middle-western States of the United States; and

WHEREAS, By Presidential proclamation the tariff on hay and live stock feeds from Canada has been lifted; and

WHEREAS, The Secretary of Agriculture has signed an agreement authorizing an "Agency for Deficiency Distribution" which has been organized for the purpose of bringing Canadian feed-stuffs into the United States; and

WHEREAS, A reduction in freight rates on railroads in Canada from Canada and likewise in the United States for the purpose of transporting these Canadian feed-stuffs has been secured; and

WHEREAS, There is in existence in California and other Pacific Coast States a surplus of hay, barley and other feed-stuffs; and

WHEREAS, These domestic feed-stuffs can be equitably and economically moved into the drought areas to the benefit of American cattlemen, sheep, and horses; be it

Resolved by the Senate and Assembly of the State of California, jointly: That the Legislature of the State of California most respectfully urges and petitions the President of the United States and the Secretary of the United States Department of Agriculture to postpone any action looking toward the importation of feed-stuffs from Canada until the surplus feed-stuffs produced by citizens of the United States have been equitably and efficiently distributed into the drought areas, after which distribution of domestic grown surpluses there will be sufficient time to give serious consideration to the importation of feed-stuffs from foreign countries, and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States and to the Secretary of Agriculture of the United States.

Resolution read and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difant, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Kneeland, McNeil, McQuinn, McGowan, McGinniss, Metzger, Mixer, Olson, Parkman, Penny, Powers, Reed, R. L. Schottky, Seollan, Seawell, Sharkey, Snyder, Tackle, Wagy, Williams, and Young—33.

NOES—None.

Senate Joint Resolution No. 3 ordered transmitted to Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Seawell: Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as

the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Pierovich: Senate Bill No. 82—An act to establish an additional State highway and classifying it as a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Pierovich: Senate Bill No. 83—An act to add section 601 to the Streets and Highways Code, establishing a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Mixter: Senate Bill No. 84—An act to amend section 4057 of the Political Code relating to passage of ordinances by boards of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Schottky: Senate Bill No. 85—An act to establish an additional State highway and classifying it as a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Schottky: Senate Bill No. 86—An act to add section 600 to the Streets and Highways Code, relating to secondary State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Schottky: Senate Bill No. 87—An act to amend section 422 of the Streets and Highways Code, relating to State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Schottky: Senate Bill No. 88—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to State highways.

Bill read first time, and referred to Committee on Roads and Highways.

Recess.

On motion of Senator Rich, at ten o'clock and forty minutes a.m., the President of the Senate declared recess for twenty minutes.

Reconvened.

At eleven o'clock a.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, January 16, 1935.

MR. PRESIDENT: Your Committee on Rules to which was referred the following message from the Governor:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, January 15, 1935.

To the Honorable Members of the Senate, State of California.

It is my duty and my pleasure to inform your honorable body that since the adjournment of the fiftieth session, Governor James Rolph, Jr., made the following appointment, and I request your confirmation and consent thereto:

STATE BOARD OF HARBOR COMMISSIONERS.

A member thereof, Dr. Celestine J. Sullivan of San Francisco.

Respectfully submitted.

(Signed) FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment be confirmed.

RICH, Chairman.

Consideration of Appointment by Governor.**Motion Confirming Appointment by Governor.**

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Dr. Celestine J. Sullivan as a member of the Board of State Harbor Commissioners?

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, Knowland, McCall, McCormack, McCreesh, McConness, Mixer, Parkman, Perry, Pirovich, Rendollar, Rich, Seidlan, Seawell, Sharkov, Snyder, Stow, Tickle, Waggy, Williams, and Young—31.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Dr. Celestine J. Sullivan as a member of the Board of State Harbor Commissioners.

Withdrawal of Assembly Joint Resolution No. 12.

Senator McGovern moved that Assembly Joint Resolution No. 12 be withdrawn from Committee on Federal Relations.

Motion carried, and such was the order.

Consideration of Assembly Joint Resolution No. 12.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 12 for purpose of adoption.

Assembly Joint Resolution No. 12.

Relative to memorializing Congress to enact proposed legislation directing repeal of section 15 of the Black-McKellar Act.

WHEREAS, California and the entire Pacific Coast now enjoy safe, fast and efficient air transportation service through the coast division of an airplane carrier system which carries the mail; and

WHEREAS, Unless repealed by Congress before March first, section 15 of the Black-McKellar Act will require that said system give up its mail contract leading to service abandonment; and

WHEREAS, There has been introduced in Congress by Representative Frank H. Buck, California, legislation to repeal section 15 of the Black-McKellar Act; and

WHEREAS, Business and the traveling public of the Pacific Coast require an airplane transportation service of proven dependability and, to that end, has urged in numerous resolutions by the public bodies the repeal of section 15 of the Black-McKellar Act; now therefore, be it

Resolved, by the Assembly of the State of California, the Senate concurring, That the Legislature of the State of California does hereby petition the Congress of the United States to repeal prior to March 1, 1935, section 15 of the Black-McKellar Act; and be it further

Resolved, That duly authenticated copies of this resolution be sent forthwith to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to the members of Congress from the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 12 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pirovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—36.

NOES—None.

Assembly Joint Resolution No. 12 ordered transmitted to the Assembly.

Re-Reference of Assembly Concurrent Resolution No. 4.

On request of Senator Knowland, Assembly Concurrent Resolution No. 4 was re-referred to Committee on County Government.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senators Slater and Duval: Senate Bill No. 89—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: To define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers,

agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans, postponing the effective date of the amendment of section 6.02 of said act as set forth in section 5a of Chapter 431 of the Statutes of 1933, adding to said act new sections to be numbered 8.10 relating to rate of return on shares and investment certificates, 9.18 relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, 10.03a relating to reserve or surplus accounts, 10.09 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal Savings and Loan Association and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to vote for or approve such conversion, to exchange shares, stock, investment certificates or other rights or claims for shares issued by such Federal Savings and Loan Association, and to continue to hold as a legal investment any shares so received; adding a new article to be numbered XVI to said act relating to the rehabilitation, readjustment or reorganization of one or more building and loan associations of the classes specified in such Article XVI, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article XVI, to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and declaring the urgency of this act and providing that it shall take effect immediately.

Bill read first time, and referred to Committee on Building and Loan Associations.

Rush Order to Printer.

On motion of Senator Duval, the Secretary was directed to issue a rush order for printing Senate Bill No. 89.

Adjournment.

On motion of Senator Rich, at eleven o'clock and five minutes a.m., the President of the Senate declared the Senate adjourned until ten o'clock a.m., Thursday, January 17, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Thursday, January 17, 1935.

The Senate met at ten o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, January 16, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Lloyd T. Commins, William J. Varlez and George Allen of San Francisco.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruby Overholtser of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. M. Hurford, President of Federal Home Loan Bank of Los Angeles.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles McDowell, Fred T. Dooley and Gus Wagner of Alameda.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marion Craig of Santa Maria.

On request of Senator Stow, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dwight Murphy of Santa Barbara.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following pupils of Willow Glen Grammar School, San Jose, California: Robert Hinshaw, Kirk Darling, Sam Gillman, Louis Bergna, Allen Peterson, Orlyn Gere, Gerald Berryhill, Robert Slaght, Robert Hill, Bill McReynolds, Billy Rushworth, Junior Harvey, Orlo R. Hill, Bobby Jopson, Larry Hudson, Claud Cunningham, Lloyd Aubry, Warren Thomas, Grace

Mascovich and Bernice Nelson, accompanied by Miss Mildred Lewis, teacher, Mr. R. V. Kennedy, principal, and Mrs. Charles Laune, director of Summer Home.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following pupils of Fair Oaks Grammar School, Sacramento: Betty Armstrong, Marion Frazier, Doris Gallaher, Jewel Grighsy, Thalia Heun, Hazel Holland, Constance Johns, Verna Mae Johnson, Elaine Lewis, Ruth Pognitz, Renee Price, Ruth Sheeks, Gertrude Thompson, Peggy Brillhart, Catherine Weber, Warren Byler, Clarion Cockran, Joe Canpoy, Victor Fulton, Kent Harris, Anthony Kasjaka, David McNaught, Robert Massey, Leland Orr, Leslie Reedigie, Donald Riggins and Russel Olsen, accompanied by Paul Kelley, principal.

Appointment of Special Committee.

In accordance with the Senate resolution by Senator Metzger, relative to investigating live stock market and stockyard ownership in California, as printed in the Journal of January 16th, the President announced the appointment of Senators Metzger, Pirovich, Powers, Crittenden and Olson to the committee.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, JANUARY 16, 1935.

Members of the California Senate, Sacramento.

Herewith enclosed find copy of communication received from His Excellency, President Franklin D. Roosevelt, and my reply thereto.

I am submitting this correspondence to the members of the Senate and Assembly that they may be fully informed regarding the President's generous offer of aid and my assurance of the appreciation and cooperation of the State of California.

Yours very sincerely,

FRANK F. MERRIAM, Governor of California

(COPY.)

THE WHITE HOUSE, WASHINGTON, December 22, 1934.

MY DEAR GOVERNOR MERRIAM: In the event that an additional public works program is authorized at the coming session of the Congress, I should like to see the municipalities of your State legally able to take full advantage of such a program. With this in mind, I have instructed Administrator Ickes to place at your disposal the Legal Division of the Public Works Administration for the purpose of suggesting bills which, if enacted into law, would enable municipalities of your State to secure the benefits of this phase of the recovery program.

Our experience in the past 18 months has brought to light the difficulty of gauging the legal machinery which has served municipalities of your State adequately for decades to the speed with which the Federal government must extend credit to achieve desired results. It has been found that revision of the procedure relative to municipal financing is essential, at least for the duration of the existing emergency. I wish to submit for your consideration in formulating your legislative program, the following general suggestions:

1. Simplification of the procedure for the authorization and financing by municipalities of public works projects, for example, by shortening the periods of notices before elections on bond issues.

2. Creation of municipal improvement authorities without power to tax, but with power to issue bonds payable solely from the income of revenue-producing improvements, such as water, sewer, and electric light and power systems.

3. Authorizing municipalities to engage in slum clearance, including condemnation of necessary lands, and the construction, operation and maintenance of low-cost housing, to make contributions therefor, and to enter into contracts with the Federal government in connection therewith.

4. Providing for the creation of nonprofit public benefit corporations or agencies to provide for the electrification of rural communities with the assistance of the Federal government.

5. Validation of bonds and other obligations heretofore issued by municipalities for public works projects and sold to the Federal government.

If you will write me how you feel about these suggestions, I will request Administrator Ickes to have prepared such bills as may be deemed advisable.

Quite apart from the above suggestions, I think it would be helpful if arrangements could be made whereby the Public Works Administration is furnished with copies of all laws enacted at the forthcoming legislative session. This will materially aid the administration in advancing funds on approved projects.

Very sincerely,

(Signed)

FRANKLIN D. ROOSEVELT.

Hon. Frank F. Merriam, Governor of California, Sacramento, California.

(COPY.)

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, January 16, 1935.

His Excellency, Franklin D. Roosevelt.

President of the United States, Washington, D. C.

MY DEAR MR. PRESIDENT: This will acknowledge your favor of December 22d, last, regarding enactment of any legislation necessary to enable the municipalities of California to secure benefits of any additional public works program which may be authorized by Congress at the present session.

The suggestions are most welcome, and copies of such bills as Administrator Ickes may prepare and forward will be appreciated. It will be a pleasure to forward to Public Administrator Ickes copies of such laws as may be enacted by the Legislature during the current session.

Because it is a matter of deep concern to our people and to the welfare of the State, may I call attention to the great Central Valley Water Project of California. This project is pending for approval before the Federal Emergency Administration of Public Works.

The project seems to fulfill completely and in detail the requirements of that part of your recovery program relative to the granting of Federal assistance in financing the construction by States of meritorious public works. I heartily recommend the Central Valley Water Project for your favorable consideration.

Perhaps, I am going somewhat afield, but it would be most helpful if Administrator Harold L. Ickes would present to me any suggestions or recommendations regarding legislation deemed desirable, in order to expedite the approval of this project.

Allow me, Mr. President, to thank you for your offer of assistance and to assure you that such offer is accepted by me, on behalf of the State which I represent, in the full measure in which it is made. California wishes to cooperate with you to the utmost in your great and constructive recovery program.

With highest assurances of regard, I am

Yours very sincerely,

(Signed)

FRANK F. MERRIAM, Governor of California.

Message and communications ordered printed in the Journal.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, January 16, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred Senate Concurrent Resolution No. 9—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

Special Order.

Senator Rich moved that Senate Concurrent Resolution No. 9 be made a special order for eleven o'clock a.m., Monday, January 21, 1935. Motion carried.

Report of Standing Committee.

The following report of standing committee was received and read:

On Irrigation.

SENATE CHAMBER, SACRAMENTO, January 16, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 73—An act authorizing the Division of Water Resources of the Department of Public Works to prosecute efforts to secure Federal aid and assistance in financing the construction of the Central Valley Project, as said project is authorized and defined in the Central Valley Project Act of 1932, making an appropriation therefor, and declaring the urgency thereof, and providing that this act shall take immediate effect—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass and be re-referred to the Committee on Finance.

Committee membership—7; committee vote: Ayes—6, absent—1.

MIXTER, Chairman.

Re-Reference of Senate Bill No. 73

Upon request of Senator Crittenden, Senate Bill No. 73 was re-referred to Committee on Finance without reference to printer.

Report of Standing Committee.

The following report of standing committee was received and read:

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, January 16, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 8—Relative to memorializing Congress to grant consent to taxation by the several States of certain interstate sales—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—4, absent—1.

WAGY, Chairman.

Consideration of Assembly Joint Resolution No. 8.

Senator Sharkey asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 8.

Assembly Joint Resolution No. 8.

Memorializing Congress to grant consent to taxation by the several States of certain interstate sales.

WHEREAS, Necessity for property tax relief is imperative in California as well as in other States throughout the Union; and,

WHEREAS, Twenty six States in an effort to afford property tax relief and to provide revenue for essential functions of government have enacted laws imposing taxes based upon or measured by sales of tangible personal property purchased and delivered in such States; and,

WHEREAS, No less than 65 per cent of the population of the United States now resides in States with such laws; and,

WHEREAS, By virtue of judicial interpretation of the Federal Constitution, the States may not levy without the consent of Congress taxes based upon or measured by sales moving in interstate commerce; and,

WHEREAS, As a result of such an interpretation there is a discrimination in favor of interstate sales as against intrastate sales; and,

WHEREAS, Such discrimination if permitted to continue will tend to divert business from normal channels in California and elsewhere throughout the Union, thus subjecting local merchants to unfair competition; and,

WHEREAS, It is of vital importance to the welfare of the people of the United States that all things be done to promote the stability of local business in order that the financial structure of California and other States throughout the Union may be preserved; and,

WHEREAS, It rests within the power of Congress to permit the States to levy nondiscriminatory taxes upon sales in interstate commerce; and,

WHEREAS, The Honorable Pat Harrison, Senator from Mississippi, introduced a measure at the second session of the Seventy-third Congress designed to afford the States relief in this matter, and reading as follows:

S. 2897

An act to regulate interstate commerce by granting the consent of Congress to taxation by the several States of certain interstate sales.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all taxes or excises levied by any State upon sales of tangible personal property, or measured by sales of

tangible personal property, may be levied upon, or measured by, sales of like property in interstate commerce, by the State into which the property is moved for use or consumption therein, in the same manner, and to the same extent, that said taxes or excises are levied upon or measured by sales of like property not in interstate commerce and no such property shall be exempt from such taxation by reason of being introduced into any State or Territory in original packages, or containers, or otherwise: Provided, That no State shall discriminate against sales of tangible personal property in interstate commerce, nor shall any State discriminate against the sale of products of any other States: Provided further, That no State shall levy any tax or excise upon, or measured by, the sales in interstate commerce of tangible personal property transported for the purpose of resale by the consignee: Provided further, That no political subdivision of any State shall levy a tax or excise upon, or measured by, sales of tangible personal property in interstate commerce. For the purposes of this act a sale of tangible personal property transported, or to be transported, in interstate commerce shall be considered as made within the State into which such property is to be transported for use or consumption therein, whenever such sale is made, solicited, or negotiated in whole or in part within that State.

Sec. 2. Receivers, liquidators, referees, and other officers of any court of the United States are required to pay all taxes and licenses levied by any State or subdivision thereof the same as corporations, partnerships, concerns, persons, or association of persons are required to pay the same.

And,

WHEREAS, Said measure was passed by the Senate on March 15, 1934, but was not voted upon by the House of Representatives and hence did not become law; and,

WHEREAS, Need for such legislation is imperative in order to correct grave injustice in California and in all other States throughout the Union where taxes are based upon or measured by sales of tangible personal property; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Congress of the United States be, and it is hereby memorialized, to give relief to the State of California and all other States imposing taxes based upon or measured by sales of tangible personal property by immediately providing for the regulation of interstate commerce through granting consent to taxation by the several States of certain interstate sales as provided by the measure (S. 2897) introduced by Senator Harrison during the second session of the Seventy-third Congress; and be it further

Resolved, That copies of this resolution be sent to the presiding officers of the legislative bodies of all other States of the United States, with the request that they transmit similar memorials to Congress, and that copies of this resolution be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to each of the members from California of the Senate and the House of Representatives of the United States, and to the Honorable Pat Harrison, United States Senator from Mississippi, author of the measure which would afford the States relief in this important matter.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Tickle, Waggy, and Young—30.

NOES—None.

Assembly Joint Resolution No. 8 ordered transmitted to the Assembly.

Request to Print.

The request of Senator Sharkey to print in the Journal the following statement of Hon. Fred E. Stewart was granted.

STATEMENT OF THE HONORABLE FRED E. STEWART, PRESIDENT OF NATIONAL ASSOCIATION OF TAX ADMINISTRATORS, RELATING TO STATE SALES TAX ON CERTAIN INTERSTATE TRANSACTIONS.

Subject. The act which Congress is urged to pass provides for regulation of interstate commerce by granting the consent of Congress to taxation by the several States of certain interstate sales. The measure would allow States to tax such sales on the same basis as like local transactions are taxed. A bill to do this was introduced by Senator Harrison of Mississippi at the last session of Congress. It passed the Senate but was not reported from the House Interstate Commerce Committee.

Need for Measure. California, like other States with retail sales taxes, has vital need for some protection of its local merchants who pay such taxes. Although the sales tax is in ultimate effect on the user or consumer of the goods, for efficient administration it is universally collected from the seller. California merchants as well as merchants in other States have cooperated with tax administrators in securing enforcement of sales tax laws and are entitled to reasonable protection in their business which is affected by the tax.

Experience here and elsewhere has proved that interstate sales come into substantial competition with local transactions which are subject to sales tax. This results in unnatural diversion of business from local merchants and avoidance of sales tax by those consumers who resort to interstate commerce for that purpose. The condition is particularly acute with respect to goods sold in quantities or property of substantial value where the sales tax is of considerable consequence.

Dealers in lumber, plumbing supplies, structural steel, hardware, motor vehicles and numerous other articles of personal property are finding that their trade is being lost through the competition of out-of-State dealers who ship across our State line in interstate commerce so as to avoid the tax. Millions of dollars are being diverted from California trade in this way. The results to our local industries will be disastrous.

What the Measure Does. Without imposing any undue burden on interstate commerce, this Federal bill will allow the States to protect their merchants from unfair outside competition. It will permit taxation of retail sales of tangible personal property both for use or consumption on exactly the same basis regardless of whether the transactions are of interstate or intrastate character. Certain justice demands that this should be done and the California Legislature owes it to our local merchants to make every effort to relieve them from the ruthless competition of sales across State lines made in avoidance of our 24 per cent tax.

Not only will this bill save California merchants and merchants in other sales tax States from huge losses of trade but it will also result in substantially increased sales tax collections. The State Board of Equalization estimates that in California alone at least \$2,500,000 annually has been lost in sales tax revenue due to non-taxable sales made through interstate commerce.

Measure Strongly Endorsed. This measure has the unanimous endorsement of the National Association of State Tax Administrators, of which Fred E. Stewart, member of the State Board of Equalization, is president. Following the annual conference of that association in Indiana last month, Mr. Stewart went on to Washington, D. C., to urge prompt action on the bill. There he received assurances from Senator Harrison and from Congressman Clarence Lea, both of the California delegation, that the measure would receive their strong backing. It has already been endorsed by the Los Angeles and San Francisco Chambers of Commerce and many other civic bodies, in recognition of the need for such protection for local merchants in sales tax States. The California Legislature should add its endorsement in order to assure prompt passage of the measure.

Legitimate Business Not Harmed By Measure. This measure would not impose any burden whatever on interstate commerce and does not compel sales taxes in any form. It merely allows States which have such taxes to protect their merchants from unfair competition by requiring all users or consumers of tangible personal property to contribute equally to the public revenue. No sale could be taxed more than once, and then only at the point of ultimate use or consumption. There is no conflict between this bill and any move for or against sales taxes, either National or State. The only persons opposed to the measure would be those who are profiting through exemption of interstate sales to the detriment of our local merchants. Obviously they are not entitled to this preference, and Congress should be urged to withdraw it from them through passage of the Harrison Bill. It is submitted that this memorial should have unanimous endorsement of both houses of the California Legislature.

(Signed)

FRED E. STEWART.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 16, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 2—Approving a certain amendment to the charter of the county of Alameda, State of California—and reports that the same has been correctly enrolled, and presented to the Governor on the fourteenth day of January, 1935, at ten o'clock and fifty minutes a.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies—

and reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of January, 1935, at ten o'clock and forty-five minutes a.m.

METZGER, Chairman.

Notice of Considering Standing Rules of the Senate.

Senator Rich gave notice that he would move the adoption by the Senate of the temporary rules heretofore adopted by the Senate, together with amendments thereto, on the next legislative day.

Notice by Senator Rich.

MR. PRESIDENT: I hereby give notice that on the next legislative day I will move the Senate to adopt as the Standing Rules of the Senate the temporary rules heretofore adopted by the Senate, together with the amendments thereof. Said temporary rules appearing on page 6 of the Journal of January 7, 1935, and the amendment thereof, appearing on page 2 of the Journal of January 9, 1935, with the following amendments:

Amendment No. 1.

Amend Rule 1 so that it shall read as follows:

Hour of Meeting.

1. The sessions of the Senate shall be daily (Sundays excepted) beginning at eleven o'clock a.m. Commencing on the second day after the constitutional recess, a recess shall be taken daily at the hour of one o'clock p.m. until the hour of two o'clock p.m., unless otherwise ordered by a vote of the Senate.

Amendment No. 2.

Amend Rule 8 so that it shall read as follows:

List of Standing Committees.

8. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Live Stock, fifteen members
2. Aviation and Aircraft, five members
3. Banking, nine members
4. Building and Loan Associations, eleven members
5. Civil Service, five members
6. Commerce and Navigation, nine members
7. Conservation, seven members
8. Constitutional Amendments, nine members
9. Contingent Expenses, three members
10. Corporations and Financial Institutions (other than banks and building and loan associations), seven members.
11. County Government, nine members
12. Drainage, Swamp and Overflowed Lands, five members
13. Education, fifteen members
14. Elections, eleven members
15. Engrossment, Enrollment and Printing, five members
16. Building and Construction, seven members
17. Federal Relations, five members
18. Finance, nineteen members
19. Fish and Game, sixteen members
20. Governmental Efficiency, eleven members
21. Hospitals and Asylums, seven members
22. Insurance, eleven members
23. Irrigation, seven members
24. Judiciary, fourteen members
25. Labor and Capital, nine members
26. Military Affairs, eleven members
27. Mines and Mining, seven members
28. Motor Vehicles, seventeen members
29. Municipal Corporations, eleven members
30. Oil Industries, nine members
31. Prisons and Reformatories, seven members
32. Public Health and Quarantine, seven members
33. Public Utilities, eleven members
34. Reapportionment, three members
35. Revenue and Taxation, thirteen members
36. Revision of Criminal Law and Procedure, nine members
37. Roads and Highways, seventeen members
38. Rules, five members
39. Unemployment, eleven members
40. Universities and Teachers Colleges, nine members

Amendment No. 3.

Amend Rule 74 so that it shall read as follows:

Parliamentary Rules.

74. In all cases not provided for by these rules, or by the Joint Rules of Senate and Assembly, the authority shall be Mason's Manual.

(Signed)

WILLIAM P. RICH

Introduction, First Reading and Reference of Bills.

By Senator Rich: Senate Concurrent Resolution No. 10—Relative to Joint Rules of the Legislature.

Referred to Committee on Rules.

By Senator Knowland: Senate Concurrent Resolution No. 11—Relative to approving certain amendments to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election, held therein on the sixth day of November, 1934.

Consideration of Senate Concurrent Resolution No. 11.

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 11, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 11—Relative to approving certain amendments to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election, held therein on the sixth day of November, 1934.

Resolution read and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 11 adopted by the following vote:

AYES: Senators Bigger, Crittenden, Denel, Difani, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, King, Knowland, McCall, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, and Young—32.

NOES: None.

Senate Concurrent Resolution No. 11 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Metzger: Senate Bill No. 90—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 430 to 433, inclusive, relating to ownership or control of stock yards by packers.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator McGovern: Senate Bill No. 91—An act making an appropriation to pay the claim of the Massachusetts Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senators Gordon and Slater: Senate Bill No. 92—An act to add section 614.5 to the Fish and Game Code, relating to trout.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Reindollar: Senate Bill No. 93—An act to amend section 7 of the "California Nautical School Act," approved June 3, 1929, as amended, relating to the payment by pupils enrolled in the California Nautical School of fees and other charges and the disposition thereof.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Seawell: Senate Bill No. 94—An act to establish an additional State highway and classifying it as a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Seawell: Senate Bill No. 95—An act to add section 602 to the Streets and Highways Code, establishing a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Garrison: Senate Bill No. 96—An act to amend sections 1083, 1085, 1088, 1089 and 1092 of the Agricultural Code, relating to commercial feeding stuffs.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Garrison: Senate Bill No. 97—An act to amend sections 726 and 580a of the Code of Civil Procedure, to amend section 2924½ of the Civil Code, and to add section 580d to the Code of Civil Procedure, relating to deficiency judgments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Slater: Senate Bill No. 98—An act to protect the public health by providing for the licensing of persons who perform diagnostic tests on material from persons suffering from infectious or contagious disease and to provide penalties for the violation of the provisions of this act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Knowland: Senate Bill No. 99—An act to amend sections 4.161 and 4.221 and 4.222 of the School Code, all relating to unapportioned county school funds.

Bill read first time, and referred to Committee on Education.

By Senators Slater and McCormack: Senate Concurrent Resolution No. 12—Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California.

Referred to Committee on Engrossment, Enrollment and Printing.

Withdrawal of Assembly Joint Resolution No. 9.

Senator Jespersen moved that Assembly Joint Resolution No. 9 be withdrawn from Committee on Federal Relations.

Motion carried, and such was the order.

Consideration of Assembly Joint Resolution No. 9.

Senator Jespersen asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 9, for purpose of adoption.

Assembly Joint Resolution No. 9.

Relative to memorializing the President and Congress to carefully consider and enact legislation to provide for a working week of not more than five days of six hours each, without any corresponding reduction in the present compensation or salary.

WHEREAS, There exists not only in our own State of California, but also in every State of this great Nation, a condition of unemployment, which is depriving millions of our citizens of an opportunity to engage in productive effort, and

WHEREAS, This condition, by destroying the purchasing power of so many citizens hurts them economically, physically and mentally, and will tend to harm, in the same way, the Nation of which they are a component part; and

WHEREAS, Those citizens who are working by sharing the benefits of steady employment could aid those citizens less fortunate and at the same time enhance their own prosperity and the prosperity of our country; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly:
That the President and the Congress of the United States is hereby recommended
urged to carefully consider and enact legislation to provide for a working week
of not more than five days of six hours each, without any corresponding reduction
in the present compensation or salary; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and Assembly Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Biggar, Crittenden, DeFuni, Dwyal, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, Knowland, McCall, McCracken, McGowan, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reed, Ror, S. Anthony, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, and Wags—32.

NOES None.

Assembly Joint Resolution No. 9 ordered transmitted to the Assembly.

Consideration of Senate Joint Resolution No. 4.

Senators Biggar and Swing asked for, and were granted, unanimous consent for the consideration of Senate Joint Resolution No. 4 for purpose of adoption.

Senate Joint Resolution No. 4 - Relative to memorializing the Federal Relief Administrator and the California Relief Administrator to give preference to the construction of relief projects which will result in benefits of a permanent character.

Consideration Postponed.

Further consideration of Senate Joint Resolution No. 4 was deferred until the next legislative day.

Adjournment.

On motion of Senator Rich, at eleven o'clock a.m., the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, January 18, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, January 18, 1935.

The Senate met at ten o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Williams, and Young.—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Thursday, January 17, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Senator Wagy was, on motion of Senator Biggar, granted leave of absence for this day.

Senator Snyder was, on motion of Senator Biggar, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Stow, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Edward L. Abbott of Santa Barbara.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Albert Launer, City Attorney of Fullerton.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. C. Burton Thrall, county superintendent of schools, San Bernardino County.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dean McHenry, research assistant, Bureau of Public Administration, University of California.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Malcolm of Rio Vista, California, and Dorothy Doelker of Inwood, Shasta County, California.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 1—Relative to memorializing

Congress to provide compensation in lieu of taxes, for certain lands of the United States within the borders of the several States.

ARTHUR A. OHNIMUS, *Chief Clerk*
By FRED J. DUSCH, *Assistant Clerk*

Senate Joint Resolution No. 1 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 17, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 2, Relative to the action of the President of the United States in lifting the tariff on hay and live stock from Canada, and the action by the Secretary of Agriculture in signing an agreement authorizing an "Agency for Deficiency Distribution" for the distribution in the United States of hay and live stock from Canada.

ARTHUR A. OHNIMUS, *Chief Clerk*
By FRED J. DUSCH, *Assistant Clerk*

Senate Joint Resolution No. 3 ordered to enrollment.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Finance.

SENATE CHAMBER, SACRAMENTO, JANUARY 17, 1935

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 73—An act authorizing the Division of Water Resources of the Department of Public Works to prosecute efforts to secure Federal aid and assistance in financing the construction of the Central Valley Project, as such project is authorized and defined in the Central Valley Project Act of 1934, making an appropriation therefor, and declaring the urgency thereof, and providing that said act shall take immediate effect—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote—Ayes, 17; absent, 2.

SHARKEY, *Chairman*

Senate Bill No. 73 ordered to second reading

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, JANUARY 17, 1935

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 3—Approving certain amendments to the charter of the city of Riverside, a municipal corporation in the county of Riverside, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twentieth day of November, 1934—and reports that the same has been correctly enrolled and presented to the Governor on the seventeenth day of January, 1935, at ten o'clock and forty-five minutes a.m.

METZGER, *Chairman*

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 4—Relative to recognition by the Legislature of the State of California of the California Pacific International Exposition which will open at San Diego May 29, 1935—and reports that the same has been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1935, at ten o'clock and forty-five minutes a.m.

METZGER, *Chairman*.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 61—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately—and reports that the same has been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1935, at four o'clock and fifteen minutes p.m.

METZGER, *Chairman*.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 8—Approving an amendment to the

charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the nineteenth day of December, 1933—and reports that the same has been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1935, at eleven o'clock and twenty-five minutes a.m.

METZGER, Chairman.

Introduction, First Reading and Reference of Bills.

By Senators Edwards and Duval: Senate Concurrent Resolution No. 13—Relative to the relief of overcrowded conditions in the State prisons and the construction of additional prison facilities.

Consideration of Senate Concurrent Resolution No. 13.

Senator Edwards asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 13, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 13.

Relating to the relief of overcrowded conditions in the State prisons and the construction of additional prison facilities.

WHEREAS, The present State prisons located at San Quentin and Folsom are now the most congested in the United States, and are insufficient in size and inadequate in equipment properly to care for the prisoners confined therein; and

WHEREAS, The population of said prisons is annually increasing; and

WHEREAS, The transportation of prisoners sentenced from the southern counties in this State to and from the prisons is difficult and hazardous and involves a very considerable expense to the State of California; and

WHEREAS, The overcrowded condition of said prisons greatly increases the problems of discipline and the hazards of riots and escapes; and

WHEREAS, Said overcrowded condition makes it impossible properly to segregate the prisoners, or to separate youthful first offenders from hard and degenerate types of criminals, and greatly hinders the work of rehabilitation of the prisoners confined in said prisons; and

WHEREAS, Lack of space and lack of sufficient modern equipment makes it impossible to keep the prisoners adequately and healthfully employed; and

WHEREAS, It is imperative that the conditions now existing in said prisons be alleviated; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the Governor of the State of California be and he is requested and authorized to conduct an investigation to determine the advisability of locating a State prison in one of the southern counties of the State, and to estimate the cost of construction thereof and other related matters; and for that purpose to consult with any State agency and to require and receive from such State agencies any information or data he may require; and be it further

Resolved. That the Governor of the State of California enter into negotiations with the United States government and appropriate agencies thereof for the purpose of securing Federal aid in the construction of additional prison facilities and particularly for the purpose of constructing a prison in one of the southern counties of the State.

Report.

During consideration of Senate Concurrent Resolution No. 13, the following report by Senator Edwards was received, read, and ordered printed in the Journal:

REPORT ON NECESSITY OF A PRISON IN SOUTHERN CALIFORNIA.

Overcrowded Conditions.		Per cent
<i>San Quentin.</i>		
Total population (except road camps)-----	5,734	
Normal capacity-----	3,295	
Excess-----		2,439
Percentage of occupancy over capacity-----		74.0

<i>Folsom.</i>		<i>Per cent</i>
Total population (except road camps)	2,573	
Normal capacity	1,421	
Excess		1,352
Percentage of occupancy over capacity		95.1
Average over capacity		84.5
Percentage of inmates from southern countries including those on road camps		56.8

Cost of Transporting Prisoners from Los Angeles County During the Period from January 1, 1934, to December 31, 1934.

<i>San Quentin.</i>		<i>Average</i>	<i>Total</i>
Total number of prisoners transported	787	<i>cost</i>	<i>cost</i>
Cost:			
Prisoners		\$18.44	\$14,512.28
Guards—Transportation, meals, etc.		29.7664	23,426.22
Guards—Per diem to county		4675	368.00
Total cost		\$48.674	\$38,306.50

<i>Folsom.</i>			
Total number of prisoners transported	230		
Cost:			
Prisoners		\$17.82	\$4,098.60
Guards—Transportation, meals, etc.		33.029	7,596.98
Guards—Per diem to county		1.46	336.00
Total cost		\$52.30	\$12,031.58

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, Knowland, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tinkle, Williams, and Young—36.

NOES—None.

Senate Concurrent Resolution No. 13 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senators McCormack and Rich: Senate Bill No. 100—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 37a thereof, relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176, California Statutes of 1925, and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Reindollar: Senate Bill No. 101—An act to amend section 3 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditures of funds for the construction,

maintenance and improvement of State highways," approved May 26, 1927, relating to expenditure of State highway funds within cities, declaring the urgency hereof, and to provide that this act take effect immediately.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Difani: Senate Bill No. 102—An act to authorize the Commemoration Commission to spend relief funds for the employment and operation of self-help artists' cooperatives, and to make an appropriation.

Bill read first time, and referred to Committee on Unemployment.

By Senator Metzger: Senate Bill No. 103—An act to amend section 13 of the State Liquor Control Act, relating to licenses for the sale of intoxicating liquor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Young: Senate Bill No. 104—An act to amend sections 38 and 48 of the "California Water District Act," approved June 13, 1913, relating to petitions for exclusion and inclusion of lands from and within water districts, to take effect immediately and declaring the urgency thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Young: Senate Bill No. 105—An act to add section 1093 to the Agricultural Code, relating to a tax upon commercial feeding stuffs.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Slater: Senate Bill No. 106—An act to amend sections 798.6 and 801 of the Fish and Game Code, relating to abalones.

Bill read first time, and referred to Committee on Fish and Game.

By Senators Slater, McGovern, Reindollar, Gordon, Biggar, and McGuinness: Senate Bill No. 107—An act delegating to the California Highway Commission power and authority during times when the Legislature of the State of California is not in session to accept on behalf of the State of California grants of rights of way for State roads through military reservations from the government of the United States made by the Secretary of War to the State of California or any political subdivision thereof, and declaring the effect of such acceptance.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Difani: Senate Bill No. 108—An act making an appropriation to pay the claim of Tony Siminoff against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Difani (by request): Senate Bill No. 109—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local

agencies and political subdivisions therewith; to make an appropriation and to provide for the repayment thereof.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Knowland: Senate Bill No. 110—An act to amend section 4 of the Bank and Corporation Franchise Tax Act, relating to rates of bank and corporation taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Gordon: Senate Bill No. 111—An act making an appropriation for major construction and equipment at Napa State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Edwards: Senate Bill No. 112—An act to amend section 13 of the "Orange County Water District Act," approved June 14, 1933, relating to the organization of the board of directors of said district, the term of office of said directors and the establishing of an office for said board.

Bill read first time, and referred to Committee on Irrigation.

By Senator McColl: Senate Bill No. 113—An act to amend section 613 of the Fish and Game Code, relating to trout.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McColl: Senate Bill No. 114—An act to amend section 737aaa of the Political Code, relating to the salary of the superior judge, in and for Trinity County.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McColl: Senate Bill No. 115—An act to add a new section numbered 433 to the Penal Code, relating to payment of taxes by public officers.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Schottky: Senate Bill No. 116—An act to amend section 1125 of the Code of Civil Procedure, relating to costs in election contests.

Bill read first time, and referred to Committee on Elections.

By Senator Fletcher: Senate Bill No. 117—An act to add section 990.6 to the Fish and Game Code, relating to commercial fishing licenses.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Fletcher: Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Fletcher: Senate Bill No. 119—An act to add sections 7, 8, and 9 to an act entitled "An act to regulate motor boats of less

than 15 gross tons capacity operating in California waters carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to tax clearance certificates.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Fletcher: Senate Bill No. 120—An act making an appropriation to pay the claim of Pacific Transfer Van and Truck Company against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Fletcher: Senate Bill No. 121—An act to amend section 861 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Williams: Senate Bill No. 122—An act to amend sections 156, 159 and 160 of the Vehicle Code, relating to registration of state-owned vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Williams: Senate Bill No. 123—An act to create the California Aviation Commission, to prescribe its duties and functions, to establish the California Aviation Commission fund, and to levy a tax upon motor vehicle fuel used in aircraft.

Bill read first time, and referred to Committee on Aviation and Aircraft.

By Senator Jespersen: Senate Bill No. 124—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

Bill read first time.

Consideration of Senate Bill No. 124.

Senator Jespersen asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 124, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Jespersen:

Resolved, That Senate Bill No. 124 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Stow, Swing, Tickle, and Williams—31.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 124.

Second Reading of Senate Bill No. 124.

Senate Bill No. 124—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same and declaring the urgency of said act.

Bill read second time, considered correctly engrossed and ordered to third reading.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The following is a statement of the facts constituting such necessity: Many school districts within the State of California are without sufficient money with which to purchase school lots, for building or purchasing one or more school buildings or making alterations or additions to same or repairing or rebuilding school buildings damaged, injured or destroyed by fire or other calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating and satisfaction already incurred for said purposes or repaying any valid outstanding indebtedness of such district evidenced by bonds or mortgages thereof. Many school districts have within the last two years voted bonds for raising money for such purposes and the proceedings in many of such local elections were irregular but complying with all the provisions of this act, and by reason of such irregularities and defects in such proceedings, not immediately such bonds can now be sold. The population of many of these districts has increased so rapidly that the present school facilities of such districts are unable to meet the needs of the great increase of pupils in such districts and it is necessary and urgent that such bonds and the proceedings thereunder be validated at an early date in order that said school buildings, lots, equipment and facilities may be purchased or built before the opening of the next school year which in many instances would be impossible if this act did not go into effect immediately but was required to await until 90 days after adjournment of this Legislature.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McGowan, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Piorovich, Powers, Reindollar, Rich, Schottky, Seallin, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Williams, and Young—35.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 124 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McGowan, McGovern, McGuinness, Mixer, Olson, Perry, Piorovich, Powers, Reindollar, Rich, Schottky, Seallin, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 124 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Olson: Senate Bill No. 125—An act to provide a system of State control of the manufacture, purchase, sale, importation, exportation, transportation, and use of alcohol and alcoholic liquors; including creation of a State Alcohol Control Authority provision for the sale of alcohol and alcoholic liquors by such authority; making an appropriation therefor; and providing penalties for the violation of the provisions of this act.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 126—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

Bill read first time, and referred to Committee on Judiciary.

By Senator Garrison: Senate Bill No. 127—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the State and providing penalties for violation of the provisions hereof," approved May 31, 1921.

Bill read first time, and referred to Committee on Elections.

By Senator Garrison: Senate Bill No. 128—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of an act entitled the "Direct Primary Law," relating to nonpartisan offices.

Bill read first time, and referred to Committee on Elections.

By Senator Garrison: Senate Bill No. 129—An act to amend section 1208 of the Political Code, relating to illiterate or helpless voters.

Bill read first time, and referred to Committee on Elections.

By Senator Garrison: Senate Bill No. 130—An act imposing a tax on the conducting of business by the system of chain stores for selling or otherwise disposing of goods, wares, articles or commodities at retail, providing penalties for failure to pay such tax, and defining certain crimes in connection with the enforcement of such tax.

Bill read first time, and referred to Committee on Judiciary.

By Senator Garrison: Senate Bill No. 131—An act to amend section 683 of the Civil Code, relating to joint tenancy.

Bill read first time, and referred to Committee on Judiciary.

By Senator Garrison: Senate Bill No. 132—An act to add section 1724 to the Code of Civil Procedure, relating to establishing the fact of death of a joint tenant.

Bill read first time, and referred to Committee on Judiciary.

By Senator Garrison: Senate Bill No. 133—An act to add section 3,401 to the School Code, relating to tuition fees of students in junior colleges.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senator Garrison: Senate Bill No. 134—An act to amend sections 1 and 3 of and to add section 72 to the Motor Vehicle Fuel License Tax Act, relating to the taxation of Diesel fuel and fuel of a similar nature.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Garrison: Senate Bill No. 135—An act to add section 1944.5 to the Civil Code, relating to tenancy by landlord after non-payment of rent by tenant.

Bill read first time, and referred to Committee on Judiciary.

By Senator McColl: Senate Bill No. 136—An act to amend section 5 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages, to provide for the licensing of the manufacture, distribution and sale, to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," approved April 27, 1933, relating to excise tax on beer, and to repeal acts inconsistent therewith.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McColl: Senate Bill No. 137—An act to amend section 737a of the Political Code, and to repeal sections 737b, 737c, 737g, 737h, 737j, 737k, 737m, 737o, 737p, 737q, 737r, 737s, 737u, 737v, 737w, 737x, and 737aa, 737bb, 737dd, 737de, 737f, 737ha, 737j, 737j, 737kk, 737ll, 737mm, 737ss, 737tt, 737uu, 737vv, 737ww, 737xx, 737yy, 737zz, 737bbb, 737eee, 737fff, relating to the salaries of superior judges.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McGovern: Senate Bill No. 138—An act relating to the acquisition of land, rights of way, easements and rights in land by the State or any department, agency or official thereof or by any city, city and county, or county and to the procedure therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 139—An act to provide for the burning of the brush and debris on a watershed for experimental purposes.

Bill read first time, and referred to Committee on Conservation.

By Senators McColl and Parkman: Senate Bill No. 140—An act to amend sections 2436, 2443, 2445, and 2446 of the Political Code, relating to the pilotage of vessels to, from, and within ports and bays of the State of California.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senators McColl and Parkman: Senate Bill No. 141—An act to revise and consolidate the law relating to pilotage on the waters of San Francisco Bay and tributaries, and to establish a pilot code for the bay of San Francisco and tributaries.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Reindollar: Senate Bill No. 142—An act to repeal section 11a of an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as a means thereof creating a reclamation district to be called and known as the 'Islais Creek Reclamation District,' fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to delinquent installments of assessments, and declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Tickle: Senate Bill No. 143—An act to amend section 737aa of the Political Code, relating to salaries of judges.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senators Seawell and Powers: Senate Bill No. 144—An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad adequately to man their gas, gas-electric, Diesel, or Diesel-electric cars and locomotives.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Schottky: Senate Bill No. 145—An act to amend section 36 of Chapter 266, Statutes of 1923, entitled the "California Vehicle Act," approved May 30, 1923, as amended, relating to applications for registration of vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Pierovich: Senate Bill No. 146—An act relating to the relief of debtors and guarantors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of forfeitures and terminations under such contracts of purchase, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read first time, and referred to Committee on Judiciary.

By Senator Edwards: Senate Bill No. 147—An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McGovern: Senate Joint Resolution No. 5—Relative to retirement of Federal employees who have been in the service from 15 to 30 years or more and restoration of pay of said employees as of January 1, 1935.

Consideration of Senate Joint Resolution No. 5.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 5, without reference to committee, for purpose of adoption.

Senate Joint Resolution No. 5.

Relative to retirement of Federal employees who have been in the service from 15 to 30 years or more and restoration of pay of said employees as of January 1, 1935.

WHEREAS, Employees, who have attained the age of 60 years and have rendered at least 15 years service should be eligible for retirement, and all such service employees who have rendered at least 30 years service regardless of age should be allowed to retire at their option with adequate pensions to assure their proper care during the balance of their lives; and

WHEREAS, The President of the United States has determined that the percentage of reduction of government employees salaries shall continue to be 5 per cent to and including June 30, 1935; and

WHEREAS, It is believed that such reductions should be discontinued and that full pay of government employees should be restored as of January 1, 1935; none, therefore, be it

Resolved, by the Senate and Assembly, jointly, That the Legislature of the State of California at its fifty first regular session urges that the Congress of the United States adopt such legislation as will enable this to be done; and be it further

Resolved, That copies of this resolution be forwarded by the Secretary of the Senate to the President of the United States, to the Secretary of Labor of the United States, and to each member of Congress and the United States Senate from the State of California.

Resolution read and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difant, Edwards, Fletcher, Garrison, Gordon, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pomeroy, Powers, Reed, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Swing, Tinkle, Williams, and Young—34.

NOES—None.

Senate Joint Resolution No. 5 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator McGovern: Senate Joint Resolution No. 6—Relative to accepting amendments to permit from the government of the United States for the construction of approach roads and toll areas over certain rights of way leading to the Golden Gate Bridge in the Presidio of San Francisco Military Reservation, and relating to the retrocession by the Congress of the United States of jurisdiction over said rights of way and toll areas as relocated.

Consideration of Senate Joint Resolution No. 6.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 6, without reference to committee, for purpose of adoption.

Senate Joint Resolution No. 6.

Relative to accepting amendments to permit from the government of the United States for the construction of approach roads and toll areas over certain rights of way leading to the Golden Gate Bridge in the Presidio of San Francisco Military Reservation, and relating to the retrocession by the Congress of the United States of jurisdiction over said rights of way and toll areas as relocated.

WHEREAS, On February 13, 1931, the Secretary of War pursuant to authority in him vested by section 6 of the act of Congress approved July 5, 1884 (23 Stat. 104), granted to the Golden Gate Bridge and Highway District a right of way for the extension, maintenance and operation of a State road across the Presidio of San Francisco Military Reservation, California, and across the Fort Baker Military Reservation, including space for toll booths and facilities for regulating traffic, and also the right to erect, operate and maintain the ends of the Golden Gate Bridge with cable anchorages, upon the said military reservations; and

WHEREAS, Said grant has been accepted by the Golden Gate Bridge and Highway District and also by the Legislature of the State of California under the terms of Senate Joint Resolution No. 11, of the forty-ninth session of the Legislature of the State of California; and

WHEREAS, The said permit and grant were amended by amendments dated April 1, 1931, May 1, 1933, and July 21, 1933, which said three amendments have been accepted by the Golden Gate Bridge and Highway District and approved and accepted by joint resolutions of the Legislature of the State of California; and

WHEREAS, On the nineteenth day of March, 1934, the Secretary of War did grant to the Golden Gate Bridge and Highway District a further modification of said permit as amended, and being a modification providing for the enlargement of the toll area theretofore granted under the original permit in the Presidio of San Francisco Military Reservation, which said amendment and modification of the date last mentioned is hereby expressly referred to; and

WHEREAS, It was in said last named modification and amendment, expressly provided that the amendments and modifications therein contained should not become effective and the original permit of February 13, 1931, should remain unchanged thereby, unless and until the said Golden Gate Bridge and Highway District should have accepted said amendment, and unless and until the State of California should have, with respect to said amendment, taken the same formal action which it was required to take with respect to the original permit, and which is set forth in paragraph 11 and subparagraphs 11a, 11b and 11c of that instrument, as a condition precedent to the taking effect thereof; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That said modification and amendment dated the nineteenth day of March, 1934, to said permit dated February 13, 1931, as amended by amendments dated April 1, 1931, May 1, 1933, and July 21, 1933, granted by the Secretary of War to the Golden Gate Bridge and Highway District, be and the same hereby is, together with each, all, every and singular the terms, conditions, limitations, reservations and requirements therein contained, accepted by and on behalf of the State of California; and be it further

Resolved, That the State of California does hereby make application to the Congress of the United States for a retrocession of jurisdiction over the rights of way and toll area as relocated and amended by said modification dated the nineteenth day of March, 1934, in lieu of and superseding the application for retrocession of jurisdiction over the right of way heretofore granted across the Presidio of San Francisco Military Reservation in the original permit of February 13, 1931, in case said relocation of the right of way and toll area is finally granted to the Golden Gate Bridge and Highway District; and be it further

Resolved, That the State of California will, in case such retrocession of jurisdiction is granted by Congress, accept such retrocession of jurisdiction, and will assume the responsibility of managing, controlling, policing, and regulating traffic thereon, all subject to the following limitations and to such other limitations as Congress may prescribe:

(a) That nothing in said permit contained shall be construed to give to the State of California or any of its agents, authority at any time to regulate traffic of military personnel or vehicles upon the said bridge or roads. All traffic upon said roads and upon said bridge shall be free from any tolls, charges or any form of obstruction by State or other agencies, against military and naval personnel and their dependents, civilians of the Army and Navy traveling on government business under military authority, and government traffic.

(b) That whenever in the judgment of the Secretary of War or his authorized representative any emergency exists which justifies it, he may assume exclusive control and management of said bridge and roads and may then in his discretion prohibit, limit or regulate traffic thereon.

(c) That nothing in said permit contained shall be construed to confer upon the State courts the right to try persons subject to military law for crimes or offenses committed on said roads, or upon said bridge within the boundaries of the

respective military reservations involved, but the courts of the United States or military tribunals as now or hereafter provided by law, shall retain exclusive jurisdiction to try such persons for such offenses. Be it further

Resolved, That the State of California does hereby agree to make such relocated right of way and toll area in the Presidio of San Francisco Military Reservation in said amended permit described a part of the system of public highways of the State; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Secretary of War, to each house of Congress, and to the Senators and Representatives in Congress of the State of California.

Resolution read and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, Knowland, McColl, McGowan, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Swing, Williams, and Young—34.
 NOES—None.

Senate Joint Resolution No. 6 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Senators Seawell, Tickle, and Duval:

WHEREAS, The recent prison outbreak at San Quentin has been widely publicized, and

WHEREAS, No mention has been made of the courageous action of the warden, now, therefore, be it

Resolved, That the Senate of the State of California does hereby commend the Honorable J. B. Holahan for his courageous conduct in the face of grave danger to himself and others; and be it further

Resolved, That a copy of this resolution be transmitted to said Hon. J. B. Holahan.

Resolution read, and on motion of Senator Seawell, adopted.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 11—Relative to approving certain amendments to the charter of the city of Albany, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at an election held therein November 6, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.
 By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 11.

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 11, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 11—Relative to approving certain amendments to the charter of the city of Albany, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at an election held therein November 6, 1934.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 11 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Williams, and Young—34.

NOES—None.

Assembly Concurrent Resolution No. 11 ordered transmitted to the Assembly.

Consideration of Standing Rules of the Senate.

Pursuant to notice given the previous day, Senator Rich moved the adoption of the temporary Senate Rules with the amendments thereof, as the Standing Rules of the Senate.

Special Order.

Senator Mixer moved that the adoption of the Standing Rules of the Senate be made a special order for Monday, January 21, 1935, at eleven o'clock and thirty minutes, a.m.

Motion carried.

Report of Standing Committee.

The following report of standing committee was received and read:

On Building and Loan Associations.

SENATE CHAMBER, SACRAMENTO, January 18, 1935.

Mr. President: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 89—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties, and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements, and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 254 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.00 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the amendment of section 6.02 of said act as set forth in section 5a of Chapter 431 of the Statutes of 1933; adding to said act new sections to be numbered 8.10 relating to rate of return on shares and investment certificates, 9.18 relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, 10.03a relating to reserve or surplus accounts, 10.00 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal savings and loan association and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to vote for or approve such conversion, to exchange shares, stock, investment certificates or other rights or claims for shares issued by such Federal savings and loan association, and to continue to hold as a legal investment any shares so received; adding a new article to be numbered XVI to said act relating to the rehabilitation, readjustment or reorganization of one or more building and loan associations of the classes specified in such Article XVI, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested

in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article XVI, to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received, and declaring the urgency of this act and providing that it shall take effect immediately, does and the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to Committee on Building and Loan Associations.

Committee membership—11; committee vote/ Ayes, 10; Absent, 1.

KNOWLAND, Chairman.

Senate Bill No. 89 read second time.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Loan Associations, the following amendments to Senate Bill No. 89 were read:

Amendment No. 1.

On page 3 of the printed bill, strike out lines 27 and 28, and insert in lieu thereof the following:

"Sec. 6.02. Limitation on Withdrawals. The term "matured withdrawal claims," as used in this article, shall include each and all of the following, to wit: (1) the value of all shares or investment certificates or parts thereof, in respect of which valid notices of intention to withdraw shall be on file, matured and unpaid, including notices of intention to withdraw by defaulting shareholders pursuant to section 3.05 of this act, as well as notices of withdrawal generally pursuant to section 6.01 of this act; (2) the value of all shares which shall have matured pursuant to section 3.03 of this act and which shall be unpaid; (3) the value of all investment certificates in respect of which the holders, pursuant to section 5.07 of this act but subject to section 6.02 of this act, shall be entitled to receive the redemption price, but which shall be unpaid; and (4) the value of all debenture or investment certificates which shall have reached the expressed date of their maturity but which shall be unpaid.

Regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be secondary and subsequent to the right of such association to pay, and to provide reasonable reserves for the payment of, the following: taxes, assessments, insurance, repairs, alterations and other sums necessary to protect and preserve or to furnish or equip its properties and its interest in properties (including those on the security of which it holds loans); principal and interest on borrowings by such association, otherwise than through the issuance of investment certificates; interest on investment certificates and dividends on shares; rent, compensation of officers, agents, subagents and other employees, and other usual and ordinary operating expenses of such association; and commitments on its incomplete loans or investments; provided, however, that an association on notice or on a pro rata basis shall not pay any dividends on its stock or distribute any profits to its stockholders or make any loans or investments, except loans or investments pursuant to its obligations incurred before it became an association on notice, and except loans expressly permitted by section 9.01 of this act, provided further, that an association on notice and not on a pro rata basis may with the prior consent of the commissioner, and an association not on notice and not on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, make or purchase loans or investments not exceeding the principal amount of moneys borrowed by such association from a Federal home loan bank, or other similar Federal agency, and not theretofore repaid; and provided further, that an association which is either on notice or on a pro rata basis may with the prior consent of the commissioner, and an association which is neither on notice nor on a pro rata basis may without the necessity of obtaining the consent of the commissioner, in lieu of paying matured withdrawal claims, invest in stock issued by any Federal home loan bank or other Federal agency of which such association may be eligible to be a member. Moreover, regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be limited to payments from its cash on hand or in bank, proceeds from sale of investments and loans and other cash receipts of such association; and shall be further limited to payments pursuant to the subsequent provisions of this section. The cash, proceeds and other receipts aforesaid which shall remain after deducting therefrom all payments, reserves, loans and investments above mentioned in this paragraph, are hereafter in this section 6.02 called the "available funds."

The term "free money" as hereafter used in this section 6.02, is hereby defined as that part of the available funds which may be used at the option of the association to pay any or all withdrawals without requiring notice of intention to withdraw or before the maturity of a notice of intention to withdraw and regardless of the non-payment of any or all matured withdrawal claims; or to pay any or all definite term investment certificates before the expressed date of maturity subject to such adjustment of interest, if any, as may be provided in such certificates, or for the purpose of making loans or investments, or for any other purpose not prohibited by law.

If the association is neither on notice nor on a pro rata basis, and if there are no matured withdrawal claims (excepting claims for the payment of which funds have been set aside by the association), then all of the available funds shall be free money.

If there are matured withdrawal claims (for the payment of any of which funds have not been set aside by the association), then not to exceed twenty-five per cent of the available funds shall be free money (but in such case no part of such free money shall be used to pay dividends on stock or be distributed as profits to stockholders), and all the remainder shall be applied to the payment of withdrawals. The commissioner is hereby authorized, in the case of any or all associations, to reduce the amount of such free money from twenty-five per cent of the available funds to such smaller per cent of the available funds as he may from time to time prescribe, and in such case all the remainder shall be applied to the payment of withdrawals. Whether or not the commissioner shall have reduced such amount of free money such remainder of the available funds shall be applied (regardless of whether or not the association is on notice or on a pro rata basis) at such times as the commissioner shall prescribe to the payment of matured withdrawal claims as follows:

First: To all matured withdrawal claims in respect of investment certificates until all sums payable thereon are paid, and, as between several holders thereof, pro rata according to the unpaid principal thereof at the time of each such payment.

Second: To all matured withdrawal claims in respect of shares until all sums payable thereon are paid, and, as between the several holders thereof, pro rata according to the unpaid value thereof at the time of each such payment.

Every association (whether or not it is on notice or on a pro rata basis) shall, from available funds exclusive of free money, and subject to such rules and regulations as the commissioner may prescribe, pay in each month, with or without requiring notice of intention to withdraw, and regardless of the nonpayment of any or all matured withdrawal claims, to any one or more of its shareholders or certificate holders, who shall request such payment, not to exceed whichever of the two following amounts shall be the greater (1) twenty-five dollars per person, or (2) one per cent of the value of such person's shares or investment certificates (in addition to any free money which may be applied to the payment of withdrawals); and withdrawals may be made at any time from pledged shares and investment certificates, whether or not the association is on notice or on a pro rata basis, and without notice; provided, the full amounts of such withdrawals shall be used to pay the indebtedness for which such shares or investment certificates are pledged, or any part thereof; and provided further, that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

If in any accounting period an association has not used as free money the full amounts which such association is permitted by this section 6.02 to use for such purposes, then (unless the commissioner shall otherwise order in the case of such association) the amounts not so used shall be available to the association in any subsequent period for such purpose until such amounts shall have been so used, in addition to the amounts which would otherwise be available for such purpose in such subsequent period.

No association shall make any contract waiving in any manner any of the provisions of this section and, if any such contract shall be so made, such contract shall be void.

The provisions of this act shall govern, during the existence of the emergency period as hereinafter defined and only during such period, the withdrawal and other rights of the holders of all shares and investment certificates whether heretofore or hereafter issued, and whether or not withdrawal claims shall have heretofore been filed or shall have heretofore matured."

Amendment adopted.

Amendment No. 2.

On page 6, line 49, of the printed bill, strike out period after the word "stock," and add the following: " ; provided, however, that, with the prior written approval of the commissioner in each case, any association may pay dividends on stock from that part of such net profits as shall not have resulted from the reduction, pursuant to the provisions of this section, of interest on its investment certificates or dividends on its shares, below the contractual rate or rates thereof. In no case shall the commissioner approve the payment of dividends from such net profits unless he shall have caused a notice of such intended action to be published, at least five days before such intended action is taken, in a newspaper of general circulation published in the

county or city and county in which such association's principal office in this State is located."

Amendment adopted.

Senate Bill No. 89 ordered to re print, and re referred to Committee on Building and Loan Associations.

Consideration of Senate Joint Resolution No. 4.

Senator Biggar asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 4, at this time, for purpose of adoption.

Senate Joint Resolution No. 4.

Relative to memorializing the Federal Relief Administrator and the California Relief Administrator to give preference to the construction of relief projects which will result in benefits of a permanent character.

WHEREAS, It is a matter of common knowledge that an emergency exists relative to the present dire need of men for employment; and

WHEREAS, The financing of relief projects is, in a great degree, made possible only by the issuance of bonds, the retirement of which, in most cases, will require many years; and

WHEREAS, Future generations will and should profit by and enjoy the benefits of projects which result in improvements which are lasting and permanent in their character; and

WHEREAS, Expenditures of moneys in the creation and construction of projects which are permanent in their character will relieve the present unemployment situation to the same degree and extent as will the expenditures of moneys which result only in temporary benefit; and

WHEREAS, The construction of such projects involves the purchase and use of large quantities of materials and supplies, the furnishing of which will give employment to the classes of labor hardest hit by present conditions, now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly: That the Federal Relief Administrator and the California Relief Administrator are hereby respectfully urged to give preference to the construction of roads, levees and harbor improvements, flood control systems, drainage and irrigation systems, public school buildings, and similar projects, the benefits from which will accrue to future generations, and the furnishing of materials for which will be of present benefit, and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the Federal Relief Administrator, Harry I. Hopkins, and to the California Relief Administrator.

Amendment from the Floor.

During the reading of Senate Joint Resolution No. 4, the following amendment, offered by Senator Biggar, was read:

Amendment No. 1.

On page 1, line 26, of the printed resolution, following the words "school buildings," insert the following: "State institutional buildings, permanent exposition buildings, permanent civic center buildings, self-help cooperatives, subsistence farms,".

Amendment adopted.

Resolution read, as amended, and considered correctly engrossed.

The question being on the adoption of the resolution, as amended.

The roll was called, and Senate Joint Resolution No. 4 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Williams, and Young—31.

NOES—None.

Senate Joint Resolution No. 4 ordered transmitted to the Assembly.

Adjournment.

On motion of Senator Rich, at twelve o'clock m., the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Monday, January 21, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.**SENATE CHAMBER,**

SACRAMENTO, Monday, January 21, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—33.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, January 18, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Senators Powers, Young, Williams, Fletcher, Knowland, and Rein-dollar were, on motion of Senator Tickle, granted leaves of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Margret Ward of Los Angeles.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ewing Haas of Los Angeles, and Mr. F. F. Showers of Madera.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George F. Lloyd of Yolo County.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Concurrent Resolution No. 9, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

Senate Concurrent Resolution No. 9.

Relative to the adjournment of the Legislature for the constitutional recess, and the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

WHEREAS, Section 2 of Article IV of the Constitution of the State of California requires that, after the Legislature has been in session for a period not exceeding 30 days a recess must be taken by both houses for a period of not less than 30 days; therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the fifty-first session of the Legislature of the State of California shall adjourn for said recess at three o'clock p.m. on January 26, 1935, and shall reassemble at eleven o'clock a.m. on March 4, 1935.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 9 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jaspersen, Keough, King, McCall, McCormack, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Sharkey, Slater, Snyder, Swing, Tickle, and Waggy—29.

NOES—None.

Senate Concurrent Resolution No. 9 ordered transmitted to the Assembly.

Communications.

The following communications were received, read, and on request of Senator Olson, ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, JANUARY 19, 1935.

Senate, State Capital, Sacramento, California.

As president of an organization representing the interests of thousands of distressed property owners in Los Angeles County, I respectfully request the immediate enactment, as an emergency measure, of the Trust Deed and Mortgage Moratorium Bill sponsored by the Realty Interests Nonpartisan League of Los Angeles County, now pending in the Senate and Assembly. We believe a renewal or extension of the present moratorium will be ineffective as additional protection is needed by the distressed property owners which they do not receive under the present law. We know the immediate enactment of our bill with its broader features than the present expiring moratorium is a matter of public necessity and respectfully request your hearty support of same.

M. W. TAGGART.

President Realty Interests Nonpartisan League.

Also:

LOS ANGELES, CALIFORNIA, JANUARY 16, 1935.

To all State Senators of the State Legislature, Sacramento, California.

GENTLEMEN: As officers and members of Club No. 37, Townsend Old Age Revolving Pensions Plan, also as voters of the State of California, we are asking you and expecting you to vote for the passage of the memorial to Congress and the President for the enactment of the Townsend Old Age Revolving Pension Bill introduced in the California Assembly known as the Stream-Wright Resolution.

We shall watch with interest for the State's action on this resolution.

Yours for 100 per cent acceptance and passage of this resolution.

MRS. FLORA J. GEHRER, President.

And 61 others.

Reference of Communication.

A communication offered by Senator Olson, referring to the creation of a Committee on Public Morals in the Senate, was received, and ordered referred to Committee on Rules.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 13—Relative to requesting

the State Board of Equalization of the State of California, to submit an approximate valuation of all utility properties which are to be placed upon the local county tax rolls.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 13.

Senator Deuel asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 13, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 13.

Requesting the State Board of Equalization of the State of California to submit an approximate valuation of all utility properties which are to be placed upon the local county tax rolls.

WHEREAS, The problem of taxation is superior in the interests of the members of the Legislature of the State of California, as well as the citizens of this State; and

WHEREAS, The properties of all utilities are being evaluated by the State Board of Equalization, and are to be placed upon the local county tax rolls; and

WHEREAS, The Constitution of the State of California provides for the levying and assessment of an ad valorem tax upon all property within the State in order to meet any State deficits that may exist; and

WHEREAS, The Legislature has by resolution set the twenty-sixth day of January, 1935, as the day of adjournment, and the time remaining is but a short period; now, therefore, be it

Resolved by the Assembly, the Senate of the State of California concurring therein. That the Clerk of the Assembly be directed to convey this resolution to the members of the State Board of Equalization, and to the secretary of such board, respectfully requesting and urging them to transmit to the Assembly and the Senate of the State of California, at the earliest possible moment, such an approximate valuation of the utility properties of the State of California; and, be it further

Resolved. That any additional information in the possession of the State Board of Equalization, which will be of material assistance to the Assembly and the Senate of the State of California, relating to this request, be transmitted by the Board of Equalization in like manner, together with such statement of the approximate valuations of utilities, so that the members of the Legislature may become more conversant with the approximate revenue that may be expected in the event an ad valorem tax is placed upon utility properties in the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Gordon, Hays, Jespersen, Keough, King, McColl, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Waggy—29.

NOES—None.

Assembly Concurrent Resolution No. 13 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 337—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 337 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 262—An act to validate contracts heretofore

executed by county water districts with the United States and all proceeds relative thereto, including creation of improvement districts, and to arrange for the levy and collection of taxes to pay any sums required by the terms of such contracts and to declare the urgency hereof;

Also: Assembly Bill No. 263: An act to authorize the execution of contracts between any irrigation district or districts and any county water district or districts organized under the laws of this State, each of which districts shall have executed with the United States a contract or contracts under the provisions of the Federal Reclamation Law for construction of works, acquisition, transmission, operation or maintenance of such works or for a water supply, or for the holding of rights or privileges or assumption as principal or guarantor of responsibilities in the United States, or for any of said purposes and which such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works and providing certain purposes for water such as transmission between such districts may be executed, providing for the payment of consideration in such contracts and validating such contracts heretofore executed, declaring the urgency hereof, and providing that this act shall go into immediate effect.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DUSCH, Assistant Clerk

Assembly Bills Nos. 262 and 263 read first time, and ordered on file until the next legislative day.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 37—An act relating to the possession of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof, and that this act shall go into immediate effect.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DUSCH, Assistant Clerk

Assembly Bill No. 37 read first time, and referred to Committee on Unemployment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 6—Relative to transmitting the President and Congress to carefully consider what is known as the Townsend Plan of Old Age Revolving Pension;

Also: Assembly Joint Resolution No. 18—Relative to memorializing the President and Congress to enact such legislation as shall be necessary to acquire the Petrified Redwood Forest in Sonoma County, California, for the purpose of establishing it as a National park and monument.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DUSCH, Assistant Clerk

Assembly Joint Resolution No. 6 referred to Committee on Federal Relations.

Consideration of Assembly Joint Resolution No. 18.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 18, without reference to committee, for purpose of adoption.

Assembly Joint Resolution No. 18.

Relative to memorializing the President and Congress to enact such legislation as shall be necessary to acquire the Petrified Redwood Forest in Sonoma County, California, for the purpose of establishing it as a National park and monument.

WHEREAS, There is existent in the county of Sonoma, State of California, one of nature's great phenomena in the form of a redwood forest which has become petrified; and

WHEREAS, It is a matter of almost common knowledge that but one other petrified forest exists in the United States, it consisting of trees other than redwood; and

WHEREAS, Countless numbers of people from the entire length and breadth of the land visit the forest by reason of its great natural interest; and

WHEREAS, The establishment of the area embracing the trees as a park and monument would require a great amount of excavation by manual labor and thereby provide work for a considerable number of men; and

WHEREAS, There would result a great benefit to science and the study of paleontology by adding the area to our permanently preserved institutions; and

WHEREAS, The virtue of preserving and developing the area containing the forest in the interests of the people of this State and of those of all other States is almost self-evident; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly. That the President and the Congress of the United States to enact legislation for the purpose of creating the Petrified Redwood Forest as a National park and monument; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and member of the House of Representatives from California in the Congress of the United States, to the Secretary of the Interior, the director of the Smithsonian Institute, the California State Park Commission and the Department of Paleontology at the University of California, and that such Senators and members from California and others be urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 18 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duxal, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, McCall, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—33.

NOES—None.

Assembly Joint Resolution No. 18 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 17—Relative to memorializing the President and the Congress of the United States to not impair the flax industry of the western States by reciprocal tariff arrangements with any country so as to lower the duty on flax.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 17 referred to Committee on Federal Relations.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 21, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 1—Relative to memorializing Congress to provide compensation, in lieu of taxes, for certain lands of the United States within the borders of the several States—and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-first day of January, 1935, at ten o'clock and thirty minutes a.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 3—Relating to the action of the President of the United States in lifting the tariff on hay and live stock feed from Canada, and the action by the Secretary of Agriculture in signing an agreement authorizing an "Agency for Deficiency Distribution" for the distribution in the United States of hay and live stock feed from Canada—and reports that the same

has been correctly enrolled, and presented to the Governor on the twenty first day of January, 1935, at ten o'clock and thirty minutes a.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a general and special municipal election held thereon on the sixth day of November, 1934—and reports that the same has been correctly enrolled and presented to the Governor on the twenty first day of January, 1935, at ten o'clock and thirty minutes a.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 7—Relative to approving an amendment to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held thereon on the sixth day of November, 1934—and reports that the same has been correctly enrolled and presented to the Governor on the twenty first day of January, 1935, at ten o'clock and thirty minutes a.m.

METZGER, Chairman.

On Rules.

SENATE CHAMBER, SACRAMENTO, January 17, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred Senate Concurrent Resolution No. 10—Relative to Joint Rules of the Legislature—has had the same under consideration, and respectfully reports the same read and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

Senate Concurrent Resolution No. 10 ordered held at the desk.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate Attaches, and his name be stricken from the pay roll of the Senate, to take effect as of January 19, 1935:

Allen Hosman, Stenographer.

Resolution read, and on motion of Senator Tickle, adopted.

Introduction, First Reading and Reference of Bills.

By Senator McColl: Senate Bill No. 148—An act to amend section 429 of the Fish and Game Code, relating to license fees.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McColl: Senate Bill No. 149—An act to amend section 1250 of the Fish and Game Code, relating to fully protected mammals.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McColl: Senate Bill No. 150—An act to add a new section to be numbered section 29½ to the Public Utilities Act, approved April 23, 1915, relating to reports of salaries and expenses of officers and employees of public utilities, and determination of rates.

Bill read first time, and referred to Committee on Public Utilities.

By Senators McCormack and Gordon: Senate Bill No. 151—An act to amend section 4 of the Central Valley Project Act of 1933, relating to units.

Bill read first time, and referred to Committee on Irrigation.

By Senator Keough: Senate Bill No. 152—An act to amend "An act to require security for the payment of wages of persons engaged in the mining industry," approved April 25, 1933, by amending section 1 thereof relating to security for the payment of wages.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Biggar: Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than fifteen gross tons capacity operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved January 19, 1931, relating to boats unequipped with propelling machinery.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Williams: Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Williams: Senate Bill No. 155—An act to amend section 10 of the State Medical Practice Act approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Snyder: Senate Bill No. 156—An act to amend section 4041f of the Political Code of the State of California, relating to leasing and subleasing of veterans' buildings.

Bill read first time, and referred to Committee on Governmental Efficiency.

Consideration of Special Order.

The hour having arrived for the consideration of Standing Rules of the Senate, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same were taken up for consideration.

Adoption of Standing Rules.

Resolution.

The following resolution was offered:

Resolved, That the Senate adopt as the Standing Rules of the Senate the temporary rules heretofore adopted by the Senate, together with the amendments thereof. Said temporary rules appearing on page 6 of the Journal of January 7, 1935, and the amendment thereof appearing on page 2 of the Journal of January 9, 1935, with the following amendments:

Amendment No. 1.

Amend Rule 1 so that it shall read as follows:

Hour of Meeting.

1. The sessions of the Senate shall be daily (Sundays excepted) beginning at eleven o'clock a.m. Commencing on the second day after the constitutional recess, a recess shall be taken daily at the hour of twelve-thirty o'clock p.m. until the hour of two o'clock p.m., unless otherwise ordered by a vote of the Senate.

Amendment No. 2.

Amend Rule 8 so that it shall read as follows:

List of Standing Committees.

8. The following standing Committees shall be appointed by the President of the Senate:

1. Agriculture and Live Stock, fifteen members.
2. Aviation and Aircraft, five members.
3. Banking, nine members.
4. Building and Construction, seven members.
5. Building and Loan Associations, eleven members.
6. Civil Service, five members.
7. Commerce and Navigation, nine members.
8. Conservation, seven members.
9. Constitutional Amendments, nine members.
10. Contingent Expenses, three members.
11. Corporations and Financial Institutions (other than Banks and Banking and Loan Associations), seven members.
12. County Government, nine members.
13. Drainage, Swamp and Overflowed Lands, five members.
14. Education, fifteen members.
15. Elections, eleven members.
16. Engraving, Enrollment and Printing, five members.
17. Federal Relations, five members.
18. Finance, nineteen members.
19. Fish and Game, sixteen members.
20. Governmental Efficiency, eleven members.
21. Hospitals and Asylums, seven members.
22. Insurance, eleven members.
23. Irrigation, seven members.
24. Judiciary, fourteen members.
25. Labor and Capital, nine members.
26. Military Affairs, eleven members.
27. Mines and Mining, seven members.
28. Motor Vehicles, seventeen members.
29. Municipal Corporations, eleven members.
30. Oil Industries, nine members.
31. Prisons and Reformatories, seven members.
32. Public Health and Quarantine, seven members.
33. Public Utilities, eleven members.
34. Reapportionment, three members.
35. Revenue and Taxation, thirteen members.
36. Revision of Criminal Law and Procedure, nine members.
37. Roads and Highways, seventeen members.
38. Rules, five members.
39. Unemployment, eleven members.
40. Universities and Teachers' Colleges, nine members.

Amendment No. 3.

Amend Rule 75 so that it shall read as follows:

Parliamentary Rules.

75. In all cases not provided for by these rules, or by the Joint Rules of Senate and Assembly, the authority shall be Mason's Manual.

Amendment No. 4.

Following Rule 68, add the following:

Committee of the Whole.

69. No person other than a member of the Senate or the President thereof, shall address the Senate while it is in session; provided, however, that the Senate may resolve itself into a Committee of the Whole upon a majority vote and while sitting as such Committee of the Whole, may be addressed by persons other than members.

Amendment No. 5.

Following Rule 69 provided above, renumber rules 69 to 75, inclusive, numbering them 70 to 76, inclusive.

Amendments read.

The question being on the adoption of the amendments.

The roll was called and the amendments to the Standing Rules of the Senate adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difuni, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, McCall, McCormack, McGovern, McGuire.

ness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—33.

NOES—None.

Standing Rules of the Senate.

Convening and Order of Business.

Hour of Meeting.

1. The sessions of the Senate shall be daily (Sundays excepted) beginning at eleven o'clock a.m., unless otherwise ordered by a vote of the Senate.

Commencing on the second day after the constitutional recess, a recess shall be taken daily at the hour of twelve o'clock and thirty minutes p.m., until the hour of two o'clock p.m.

Calling to Order.

2. The President, President pro tempore, or senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

Order of Business.

3. The order of business:

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Messages from the Governor.
6. Messages from the Assembly.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions and Notices.
10. Introduction, First Reading and Reference of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Announcement of Committee Meetings.
15. Adjournment.

Presiding Officer of the Senate.

The President.

4. The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. The President shall preside over the sessions of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to properly accredited newspaper representatives.

The President Pro Tempore.

5. The President pro tempore shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tempore shall vote only as any other member of the Senate.

Presiding by Senators.

6. The President or President pro tempore, in the absence of the President, shall have the right to name any Senator to perform the duties of the Chair, who shall be vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

Committees of the Senate.

Appointment of Committees.

7. All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

List of Standing Committees.

8. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Live Stock, fifteen members.
2. Aviation and Aircraft, five members.
3. Banking, nine members.
4. Building and Construction, seven members.
5. Building and Loan Associations, eleven members.
6. Civil Service, five members.
7. Commerce and Navigation, nine members.
8. Conservation, seven members.
9. Constitutional Amendments, nine members.
10. Contingent Expenses, three members.

11. Corporations and Financial Institutions (other than Banks and Building and Loan Associations), seven members.
12. County Government, nine members.
13. Drainage, Swamp and Overflowed Lands, five members.
14. Education, fifteen members.
15. Elections, eleven members.
16. Engrossment, Enrollment and Printing, five members.
17. Federal Relations, five members.
18. Finance, nineteen members.
19. Fish and Game, sixteen members.
20. Governmental Efficiency, eleven members.
21. Hospitals and Asylums, seven members.
22. Insurance, eleven members.
23. Irrigation, seven members.
24. Judiciary, fourteen members.
25. Labor and Capital, nine members.
26. Military Affairs, eleven members.
27. Mines and Mining, seven members.
28. Motor Vehicles, seventeen members.
29. Municipal Corporations, eleven members.
30. Oil Industries, nine members.
31. Prisons and Reformatories, seven members.
32. Public Health and Quarantine, seven members.
33. Public Utilities, eleven members.
34. Reapportionment, three members.
35. Revenue and Taxation, thirteen members.
36. Revision of Criminal Law and Procedure, four members.
37. Roads and Highways, seventeen members.
38. Rules, five members.
39. Unemployment, eleven members.
40. Universities and Teachers Colleges, nine members.

Schedule of Committee Meetings.

9. The President shall be empowered to propose to the Senate such schedules for regular meetings of the standing committees as shall permit a full attendance of their members without conflict of committee engagements.

Quorum of Standing Committees.

10. Each standing committee shall determine (a) its own quorum and (b) the number of votes necessary to take any action upon any bill, resolution, or other matter referred to it.

The vote by the number of ayes and noes on each bill reported back on all committee reports shall be noted in such reports and recorded in the Journal. When a committee report is signed out, the Journal shall note such fact.

No Committee Expenditures Permitted.

11. No member of any committee shall, except by resolution of the Senate, be permitted to incur any expense by visiting any part of the State on official business, except that the chairman of the Committee on Finance shall, during the constitutional recess, be permitted to visit State institutions for which appropriations are asked, and shall be allowed his actual expenses while on such business.

Special Duties of Certain Committees.

Committee on Engrossment, Enrollment and Printing.

12. All Senate bills, constitutional amendments and joint or concurrent resolutions shall be engrossed before final action is taken on them in the Senate. The indications of new matter, omissions, or amendments appearing upon the printed bill shall be omitted from the engrossed copy of the bill. All such bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment, Enrollment and Printing; the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate. It shall be in order for the Committee on Engrossment, Enrollment and Printing to report at any time.

Engrossing and Enrolling Bills.

13. All bills ordered engrossed shall be delivered by the Secretary of the Senate to the Committee on Engrossment, Enrollment and Printing or to the clerk of that committee and a receipt in writing taken therefor, and all said bills shall be engrossed in the order of their receipt by that committee or its clerk. All Senate bills shall, after their final passage by, and receipt from the Assembly, be delivered by the Secretary of the Senate in the order of their receipt from the Assembly, to the Committee on Engrossment, Enrollment and Printing or its clerk and a receipt in writing taken therefor; and said bills shall be enrolled in the order of their receipt from the Secretary of the Senate.

Committee on Rules.

14. The Committee on Rules shall have the general duty of proposing or of presenting recommendations as to the Standing Rules of the Senate. The President pro tempore shall be the chairman of this committee, and the President shall be an ex officio nonvoting member. When executive communication of nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, which motion shall be determined without debate.

Committee on Contingent Expenses.

15. No claim shall be paid out of the contingent fund of the Senate unless the same shall have been considered by the Committee on Contingent Expenses.

Committee on Engrossment, Enrollment and Printing.

16. The Committee on Engrossment, Enrollment and Printing shall have general charge of matters connected with all printing done for the Senate. It shall have the specific duties prescribed for it in the Joint Rules of Senate and Assembly.

Other Senate Officers.*Secretary of the Senate.*

17. 1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all printing and clerical work to be done for the Senate. To have supervision over all attaches and employees of the Senate. To assign, reassign or transfer all attaches or employees to their respective duties. To certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

Custody of Bills and Papers.

18. The Secretary of the Senate shall not permit any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment, Enrollment and Printing and take receipts therefor.

Sergeant-at-Arms of the Senate.

19. A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all of its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and the traveling expenses for himself and special messenger going and returning shall be paid out of the contingent fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

Distribution of Printed Matter.

20. The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and journals and histories, when printed, on the desks of Senators, at least one hour previous to the opening of session.

Preparation and Introduction of Bills.*Introduction and First Reading.*

21. Any Senator desiring to introduce a bill shall rise in his seat and address the President, and upon being recognized shall present the same. The title shall be announced by the Secretary, the bill shall be read the first time and thereupon referred by the President to a standing committee.

Joint and Concurrent Resolutions and Constitutional Amendments.

22. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills; provided, that they shall have but one reading, which reading shall occur after they have been reported by committee.

Constitutional amendments, when introduced, shall be referred to the Committee on Constitutional Amendments, and when reported back by the committee shall, with its recommendations, be re-referred to the standing committee considering the subject dealt with in such constitutional amendments.

Introduction of Bills by a Committee.

23. Any committee may introduce a bill germane to any subject within the proper consideration of such committee, whereupon the bill shall immediately be read the first time, ordered to print and placed upon the second-reading file.

Introduction of Bills After the Constitutional Recess.

24. The Committee on Rules shall constitute a standing committee on introduction of bills to serve after the constitutional recess. All motions for leave to introduce bills after the constitutional recess shall be sent to the desk in writing, under the order of "Introduction of Bills." The motion shall give the title of the bill and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

The committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought and generally as to the advisability of introducing the measure.

No bill shall be introduced without the consent of three-fourths of the members after report thereupon by the Committee on Introduction of Bills; nor shall more than two bills be introduced by any one member after the constitutional recess.

Joint and concurrent resolutions and constitutional amendments shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, nor shall the number to be introduced by any one member be limited.

Bills in Committee.*Reference of Senate Bills.*

25. At the time of introduction the President shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the Senate by a majority vote order it to some other committee. No debate shall be allowed on any motion to refer a bill or resolution to a committee.

Order of Reference.

26. When a resolution shall be offered, or a motion made to refer any subject and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

Reference with Special Instructions.

27. No amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its reference to a select committee under special instructions to amend. Adoption of amendments to any bill by the Senate prior to third reading, other than by roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments or any part thereof, by the Senate.

Reference of Assembly Bills.

28. When an Assembly bill has been received by the Senate, with a message announcing that it has passed the Assembly, such bill shall be read the first time and be referred by the President to a standing committee; provided, however, that when an Assembly bill is received, the text of which is stated by a message to be identical with that of a Senate bill which has already been considered and reported by a standing committee of the Senate, such Assembly bill shall be referred to the Committee on Engrossment, Enrollment and Printing for comparison, which committee shall report without delay whether or not such bill is identical with the Senate bill. If reported identical, such Assembly bill shall be substituted for the Senate bill, shall take its place on the second reading file and be considered as having received the same committee recommendation as the Senate bill; provided, that the fact that the bills are identical shall be entered in the Journal. Such Senate bill shall thereupon be placed upon the file of unfinished business.

Reference of Appropriation Bills.

29. All bills appropriating money from any fund shall be referred to the Committee on Finance before being read the second time. Concurrent resolutions for adjournment *sine die* shall in all cases whether originating in the Senate or coming from the Assembly be referred to the Committee on Finance.

Notice to Author of Bill.

30. The chairman or clerk of each committee of the Senate shall notify the author of any bill or resolution pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

Committee Amendments to Bills.

31. When amendments to a bill are reported by a committee, offered from the floor or submitted by a Special Committee of One, such amendments shall be submitted in triplicate, two copies to go to the Secretary of the Senate and one to the Minute Clerk.

Reports of Committees.

32. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; provided, that the Senate may at any time, by a majority vote, recall a bill from any committee.

Order of Considering Bills.*Order of Making Files.*

33. When bills are reported from committees they shall be placed upon the General File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Second-reading file and third-reading file, unless otherwise ordered by unanimous consent or by a two-thirds vote of the Senate. The bills upon third reading shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of majority of the members present; such vote to be taken by roll call; provided, that if a bill is passed on file for any reason, other than absence of the author by leave of the Senate, note of the fact shall be made in the General File, and when passed on file a second time, the bill shall be ordered at the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file shall be omitted from the General File.

The General File.

34. The General File shall be the special order for each day between such hours as the Senate may determine, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

Special Order.

35. Any subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Three Readings of Bills.

36. Every bill shall be read on three several days previous to its passage (unless in case of urgency, two-thirds of the membership of the Senate in which it is being considered shall by vote of the ayes and noes dispense with this provision).

Ordering Bills to Third Reading.

37. After being read the second time bills shall be ordered by the President to third reading (or, in the case of Senate bills, to engrossment and third reading). When any member makes objection to any bill thus being ordered to third reading, the final question for such bill shall be "Shall the bill be ordered to third reading?"

Bills Considered During Last Seven Days.

38. No Senate bill shall be passed by the Senate within seven days of the time set for adjournment *sine die* of the two houses of the Legislature unless permission to vote on such a bill be granted by a three-fourths vote of the entire membership of the Senate, voting by roll call.

Questions and Motions.*Precedence of Motions During Debate.*

39. When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Provided, however, that during a call of the Senate, it may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had, during a call of the Senate, on any

matter so taken up or considered while the Senate is under call. When a call of the Senate is ordered, pending the completion of a roll call, the pending roll call shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

Amendment or Division of Question.

40. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table it shall not carry with it or prejudice such measure.

If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert, but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment, as a question. Motions to amend the part to be stricken out shall have precedence.

Restrictions as to Amendments.

41. A substitute or amendment must relate to the same subject as the original bill, resolution or constitutional amendment under consideration.

Vote Required for Amendments.

42. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

Procedure of Debate.

Seconding and Announcement of Motion.

43. No motion shall be debated until the same be seconded and distinctly announced by the President, and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

Regulations as to Speaking.

44. 1. When a Senator desires to address the Senate, he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave, and Senators who have once spoken shall not again be entitled to the floor except for explanation, so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no question shall be asked him except those through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

Seating of the Floor.

45. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

Order in Debate.

46. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

The Previous Question.

47. The previous question shall be put in the following form: "Shall the question be now put?" It shall be admitted only when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate except that the author of the bill or the amendments shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the Senate, a call of the Senate shall be in order.

Executive Session.

48. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

Voting by Senate.*Calling Ayes and Noes.*

49. When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, assent or dissent to the question. In taking the ayes and noes, and upon call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

Excused from Voting.

50. When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

Reconsideration of Vote.

51. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any Senator: provided, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution, has been passed or defeated, fourteen votes to reconsider the vote by which any constitutional amendment has been passed, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been defeated. Notice of reconsideration of the vote by which a Senate bill was passed, or a Senate joint resolution, Senate concurrent resolution or Senate constitutional amendment adopted, shall not be in order on or after the eighth day preceding the last day of the session. No notice of reconsideration shall be in order on the day preceding the last day of the session.

When Bill Is Held for Reconsideration.

52. If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not transmit the bill, concurrent or joint resolution, or constitutional amendment to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has already been transmitted to the Assembly.

When a Bill Is Recalled for Reconsideration.

53. When a bill, resolution, amendment, order or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Debate on Motion to Reconsider.

54. A Senator, after a notice to reconsider is given, as provided in Rule 53, shall, at the reconsideration thereof, present the main question in his argument thereon, and the same shall be debated by the Senate, provided that the subject matter is debatable, and the vote on reconsideration shall be on the merits of the main question.

Messengers and Other Papers.*Messengers from the Governor.*

55. Messengers from the Governor may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a Senator is addressing the Senate.

Messengers from the Assembly.

56. Messengers from the Assembly may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while ballots are being counted, or while a member is addressing the Senate.

Consideration of Assembly Messages.

57. Messages from the Assembly may be considered when indicated by the Order of Business, or at any other time, by unanimous consent, or by vote of the Senate.

Reading of Papers.

58. When the reading of a paper (except a petition) is called for, and the same is objected to by any Senator, the question shall be determined by a vote of the Senate.

Contents of Senate Journal.***Proceedings to Be Printed.***

59. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

Title of Bills to Be Printed.

60. The title of all bills, joint and concurrent resolutions, and constitutional amendments introduced shall be printed in the Journal.

Statement of Petitions to Be Printed.

61. Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

Other Matter to Be Printed.

62. Messages from the Governor (other than identical messages and inaugural addresses), joint and concurrent resolutions and constitutional amendments when adopted, and the titles of all bills, joint and concurrent resolutions and constitutional amendments, when acted upon by the Senate, shall be printed in the Journal; but, provided, that in case of a concurrent resolution affecting the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments shall not be printed in the Journal.

Legislative Printing.***Number of Bills Printed.***

63. Fifteen hundred copies of all bills shall be printed, and the Sergeant at Arms shall be required to certify to the reception by the Senate of an printed matter and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

Number of Journals Printed.

64. The Superintendent of State Printing shall print one thousand copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy. He shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

Number of Other Documents Printed.

65. Seven hundred fifty copies shall be printed of each document or other matter ordered, unless the Senate expressly directs a different number.

Excess Printing Only on Written Order.

66. The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires it, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under specially prepared written order, to be known as a "Rush Order."

Form of Printing Amendments.

67. All bills amended by either house shall be immediately reprinted, in case new matter is added by the amendment, such new matter shall be printed in italics in the printed bill; and in case of matter being omitted, the matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "strikeout" type. When a bill amendatory of a code section of a general law is engrossed, all figures or symbols shall be removed and the bill shall be printed in the usual roman type.

The Senate Chamber.***Admission Within Bar of Senate.***

68. It shall be the duty of the gatekeeper to prevent all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor while the Senate is in session.

Committee of the Whole.

69. No person other than a member of the Senate or the President thereof, shall address the Senate while it is in session, provided, however, that the Senate may resolve itself into a Committee of the Whole upon a majority vote and while sitting as such Committee of the Whole, may be addressed by persons other than members.

Regulations for Lobbyists.

70. 1. All persons appearing, or being, or desiring to appear, or be, at or in the Senate Chamber, or at or in any committee room of the Senate for the purpose of

advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Senate, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Senate upon any such bill, measure, or resolution or upon any anticipated or proposed bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

No person shall appear at or enter the Senate Chamber, or any committee room of the Senate, for the purpose of advocating the adoption or defeat of any bill, measure, or resolution, without first having registered and secured the certificate, as herein provided.

2. No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and President pro tempore are charged with the enforcement of this rule, and this rule can not be suspended except by a two-thirds vote of the entire Senate.

Maintaining of Order.

71. In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

Smoking Within Senate Chamber.

72. No smoking shall be allowed within the Senate Chamber when objected to by the presiding officer or by any five members.

Miscellaneous Provisions.

Duties of Members.

73. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for nonattendance as shall be made to the Senate, when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the contingent fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directly to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

Call of the Senate.

74. Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous roll call. Thereupon no one shall be permitted to leave or enter the Senate except by written permission of the President or President pro tempore, or except such members as are taken into custody as herein provided. Those members who are found to be absent and for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a roll call of the Senate and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the Senate.

Parliamentary Rules.

75. In all cases not provided for by these rules, or by the Joint Rules of Senate and Assembly, the authority shall be Mason's Manual.

Suspension or Changes of Rules.

76. No standing rules or order of the Senate shall be rescinded or changed without a vote of two-thirds of the entire Senate, and one day's notice being given of

the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members of the Senate, except that portion of Rule 13, relating to the order of enrolling bills. All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate.

Standing Rules of the Senate Adopted.

The question being on the adoption of the proposed Standing Rules, as amended.

The roll was called, and the proposed Standing Rules, as amended, adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Dufford, Dwyer, Edwards, Garrison, Hays, Keough, King, McCall, McCormack, McGovern, McGovern, Messer, Meyer, Olson, Parkman, Perry, Pirovich, Rich, Schotky, Seillon, Seawall, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—31.

NOES—None.

Motion.

Senator Stow moved the enforcement of Rule 70.

Motion carried, and such was the order.

Resolution.

The following resolution was offered:

By Senator Tickle:

WHEREAS, There are many questions of procedure and rules of order which may at any time arise before the Senate, which are not covered by the Senate Rules; and **WHEREAS**, Robert's Rules of Order has heretofore been referred to as the authority to refer to in such cases as are not covered by the Senate Rules or the Joint Rules; and

WHEREAS, Robert's Rules of Order were primarily designed for State debating societies and the like, and are not well adapted to the use of legislative bodies; and

WHEREAS, Mr. Paul Mason, for many years an officer of the Senate, has, at the cost of a great deal of time and painstaking labor prepared a compilation of rules of legislative procedure, which compilation contains all the information contained in Robert's Rules of Order, plus a great deal of valuable material not embodied in Robert's Rules, and has placed the same at the disposal of the Senate; and

WHEREAS, There can be printed at the present time a sufficient number of Mason's Manual of Legislative Procedure to supply the Legislature at a very nominal cost by virtue of the fact that the State Printing Department is obliged to carry a large force for the purpose of handling legislative printing, which force is necessarily standing by between the peak loads of legislative printing; now, therefore, be it

Resolved, That the Senate adopt Mason's compilation hereabove referred to for its use, and the Secretary of the Senate is hereby instructed to have printed a sufficient number to meet the requirements of members and officers of the Legislature.

Resolution read, and on motion of Senator Tickle, adopted.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Snyder: Senate Bill No. 157—An act to amend section 990 of the Fish and Game Code, relating to commercial fishing licenses.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Snyder: Senate Bill No. 158—An act to amend section 105 of the Code of Civil Procedure, relating to justices of the peace.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Snyder: Senate Bill No. 159—An act to amend sections 117d and 117p of the Code of Civil Procedure, relating to small claims courts.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Snyder: Senate Bill No. 160—An act to amend sections 1103, 1105, and 1113 of the Political Code, relating to the registration of electors.

Bill read first time, and referred to Committee on Elections.

By Senator Snyder: Senate Bill No. 161—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Snyder: Senate Bill No. 162—An act to amend sections 4254, and 4254a to 4254s, inclusive, of the Political Code, relating to counties of the twenty-fifth class.

Bill read first time, and referred to Committee on County Government.

By Senator King: Senate Bill No. 163—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator McGovern: Senate Bill No. 164—An act to prohibit cooking, eating, sleeping or the engagement in of any other function of domestic life in any cleaning and dyeing shop, clothes cleaning establishment, agency conducted for the purpose of collecting clothing to be spotted, pressed or renovated or private school or college of spotting, sponging or pressing, and to provide for sanitation, lighting and ventilation in such places, and to repeal "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores and spotting, sponging and or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator McGovern: Senate Bill No. 165—An act to amend section 386 of the Code of Civil Procedure, relating to substitution of parties, the interpleading of conflicting claims, and counsel fees and costs in connection therewith.

Bill read first time, and referred to Committee on Judiciary.

By Senator Olson: Senate Bill No. 166—An act to amend sections 3244, 3245 and 3246 of the Political Code and to amend section 3247 as added by Chapter 85, Statutes of 1887, renumbering said section to be section 3246a, all relating to hours and wages of labor.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Olson: Senate Bill No. 167—An act to amend section 653e of the Penal Code, relating to hours of labor on public works.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Olson: Senate Bill No. 168—An act to amend section 1 of "An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works," approved May 30, 1913, relating to hours of labor in subterranean or underground employment.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Gordon: Senate Bill No. 169—An act to amend section 9 of the Central Valley Project Act of 1933, relating to the support, prices, rates and charges in the several units of the project.

Bill read first time, and referred to Committee on Irrigation.

By Senator Metzger: Senate Bill No. 170—An act to amend "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, by amending sections 1 and 3 thereof, relating to delinquent assessments, and declaring the urgency thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Perry: Senate Bill No. 171—An act to amend section 478 of the Agricultural Code, relating to cream.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Perry: Senate Bill No. 172—An act to amend sections 626, 627 of, and to add section 662.5 to, the Fish and Game Code, relating to trout and salmon.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Perry: Senate Bill No. 173—An act to amend section 652 of the Fish and Game Code, relating to salmon.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Seawell: Senate Bill No. 174—An act to amend section 730 of the Fish and Game Code relating to fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Seawell: Senate Bill No. 175—An act to regulate the construction or repairing of railway passenger or freight cars or ear trucks and for the better protection of men employed in such work.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Seawell: Senate Bill No. 176—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 177—An act to confirm and validate the boundaries of school districts, high school districts and

junior college districts of every kind and class and declaring the urgency thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 178—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 179—An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 180—An act to legalize refunding bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 181—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 182—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 183—An act to validate bonds of flood control districts, including refunding bonds, and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 184—An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 185—An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 186—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 187—An act to validate the organization and existence of municipal improvement districts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Seawell: Senate Bill No. 188—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 189—An act to validate the organization and existence of municipal water districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 190—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 191—An act to validate the organization and existence of water conservation districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 192—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any joint highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Seawell: Senate Bill No. 193—An act to validate bonds, including refunding bonds, or reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 194—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any acquisition and improvement district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof, and declaring the urgency thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 195—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings

relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 196—An act to validate the organization and existence of acquisition and improvement districts and declaring the urgency thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 197—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 198—An act to validate the organization and existence of county water districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 199—An act confirming and validating the formation or organization and existence of irrigation districts, and declaring the urgency thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 200—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such port districts voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 201—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 202—An act to legalize revenue bonds heretofore issued or sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Parkman: Senate Bill No. 203—An act relating to elections on bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Garrison: Senate Bill No. 204—An act to add Article IIp, to Chapter 3 of Title I of Part 3 of the Political Code, relating to the Department of Fish and Game.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Garrison: Senate Bill No. 205—An act to add sections 9a, 9b, 9c, 9d, and 11b to the California Real Estate Act relating to real estate brokers and salesmen.

Bill read first time, and referred to Committee on Judiciary.

By Senator Crittenden: Senate Bill No. 206—An act to amend section 737mm of the Political Code, relating to the compensation of the judges of the superior court in and for the county of San Joaquin.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Crittenden: Senate Bill No. 207—An act to amend section 4239 of the Political Code, relating to the compensation of county and township officers in counties of the tenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Crittenden: Senate Bill No. 208—An act to amend section 111 of the Penal Code, relating to a payment by the State of costs of certain criminal trials.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Pierovich: Senate Bill No. 209—An act to amend section 9 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to refunds.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Sharkey: Senate Bill No. 210—An act to amend section 415 of the Civil Code, relating to purchasing and holding of real estate by insurance companies.

Bill read first time, and referred to Committee on Insurance.

By Senator Sharkey: Senate Bill No. 211—An act authorizing savings banks, commercial banks, insurance companies, personal finance companies, mortgage companies, mortgage insurance companies, building and loan associations, trust companies, or fiduciaries or fiduciary institutions, or agencies, public or private, to make in certain cases loans, or advances or credit, which are insured pursuant to the provisions of the National Housing Act, and to invest in, or purchase, insured mortgages and obligations of national mortgage associations or similar credit institutions, the act to take effect immediately.

Bill read first time, and referred to Committee on Banking.

By Senator Scollan: Senate Concurrent Resolution No. 14—Relative to approving certain amendments to the charter of the city of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1933.

Referred to Committee on Municipal Corporations.

By Senator McGovern: Senate Concurrent Resolution No. 15—Relative to calling for the general observance of Cabrillo Day and authorizing the Governor of the State of California to make appropriate proclamations with respect thereto.

Consideration of Senate Concurrent Resolution No. 15.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 15, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 15.

Calling for the general observance of Cabrillo Day and authorizing the Governor of the State of California to make appropriate proclamations with respect thereto.

WHEREAS, Juan Rodriguez Cabrillo, a native of Portugal, discovered California on Thursday, September 28, 1542, while in the service of the King of Spain by entering the harbor of San Diego; and

WHEREAS, The discovery of California by Cabrillo was an event of world-wide importance, and the anniversary of such event is of particular interest to the people of the State of California; now, therefore, be it

Resolved by the Senate, the Assembly concurring as follows, That the people of the State of California are called upon to observe "Cabrillo Day" on the twenty-eighth day of September of each year, by appropriate patriotic observances, and the Governor of the State of California is hereby requested to issue a proclamation to the people of this State, each year, calling their attention to the anniversary of the discovery of California by Juan Rodriguez Cabrillo.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 15 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, and Wagye—32.

NOES—None.

Senate Concurrent Resolution No. 15 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator McColl: Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article IV thereof, a new section to be numbered 5½, relating to the election of members of the Legislature.

Referred to Committee on Elections.

By Senator McGovern: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California by adding to Article IV thereof, a new section to be numbered 37, relating to the legislative power of the State.

Referred to Committee on Constitutional Amendments.

By Senator Williams: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding section 11 to Article XVI thereof, relating to the issuance of bonds, debentures or other evidences of debt.

Referred to Committee on Revenue and Taxation.

Adjournment.

On motion of Senator Rich, at twelve o'clock and ten minutes p.m., the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Tuesday, January 22, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE**SENATE CHAMBER,**

SACRAMENTO, Tuesday, January 22, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Haas, Jernigan, Keene, King, Koseroff, McCall, McConnel, McGowan, McGinness, Metzger, Meyer, Olson, Parkerson, Perry, Parnsworth, Pearson, Reed, Far, Rich, Schottky, Seallan, Serwell, Shortley, Slater, Sawyer, Stow, Swing, Tackle, Wagy, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Meats.

Reading of the Journal.

During the reading of the Journal of Monday, January 21, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Senator Williams was, on motion of Senator Gordon, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Arnold Klaus and Thomas Hurley of San Diego.

Communication.

The following communication, addressed to Hon. George J. Hatfield, President of the Senate, was received, read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA.

Hon. George Hatfield, Lieutenant Governor,
Sacramento, California.

DEAR SIR: If it is not in conflict with the rules of the Senate I would like to have the following invitation read to the Senate:

To the Presiding Officer and Members of the Senate.

You and each of you are invited to attend a meeting held on Tuesday, January 22 at eight o'clock p.m. at the Washington School House, 17th and E streets, in the city of Sacramento, at which time Capt. Victor C. Lewis, of Palo Alto, California, will talk upon the Townsend Old Age Revolving Pension Plan. Capt. Lewis is a world traveler, an author and a speaker of renown.

having spoken in many of the large cities of the United States. His talk upon the Townsend Plan is concise and explains the details of and manner of operation.

Thanking you for this privilege if it is permissible, I am

Very truly yours,

H. N. DYKE.

Message from the Assembly.

The following message from the Assembly was received and read :

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day recalled from its Committee on Engrossment and Enrollment, and ordered stricken from the file Assembly Bill No. 39—An act making an appropriation for the mileage and other expenses of the Legislature, the act to take effect immediately—passed by the Assembly on January 9, 1935, and by the Senate on January 10, 1935, for the reason that the provisions of this bill are incorporated in Assembly Bill No. 120, approved by the Governor January 21, 1935, and in Senate Bill No. 61, approved by the Governor January 21, 1935, and respectfully asks your honorable body to concur in said action.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Motion by Senator Rich.

Senator Rich moved that the Senate concur in the action of the Assembly in recalling Assembly Bill No. 39 from the Assembly Committee on Engrossment and Enrollment and striking the bill from the file.

Motion carried.

Message from the Assembly.

The following message from the Assembly was received and read :

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the Assembly Concurrent Resolution No. 14—Relative to the further increase of machine work while laborers and their families are in distress:

Also: Assembly Concurrent Resolution No. 15—Relative to approving certain amendments to the charter of the City and County of San Francisco;

Also: Assembly Concurrent Resolution No. 16—Relative to the appointing of a committee from the Assembly and the Senate of the State of California to investigate the use of textbooks in all the public schools of California.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 16 referred to Committee on Education.

Consideration of Assembly Concurrent Resolution No. 14.

Senator Hays asked for unanimous consent for the consideration of Assembly Concurrent Resolution No. 14, without reference to committee, for purpose of adoption.

Unanimous consent refused.

Motion by Senator Deuel.

On motion of Senator Deuel, Assembly Concurrent Resolution No. 14 was referred to Committee on Education.

Consideration of Assembly Concurrent Resolution No. 15.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 15, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 15—Relative to approving certain amendments to the charter of the City and County of San Francisco.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 15 adopted by the following vote:

AYES: Senators Biggar, Crittenden, Deuel, DeLeon, Duval, Fletcher, Garrison, Gordon, Hays, Jorgensen, Keough, King, Knowland, McCombs, McConner, McGinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Randall, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Swing, Wagy, and Young—32.

NOES: None.

Assembly Concurrent Resolution No. 15 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 5—Relative to memorializing the President and Congress to enact unemployment insurance legislation.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DEACH, Assistant Clerk.

Assembly Joint Resolution No. 5 referred to Committee on Federal Relations.

Resolution.

The following resolution was offered:

By Senator Gordon:

WHEREAS, There are pending before the Legislature of the State of California many measures relating to the subject of fish and game; and

WHEREAS, It is desirable that the members of the Legislature have at their disposal specific information with reference to the important matter of game refuges in the State of California; now, therefore, be it

Resolved, That the Fish and Game Commission be and the same is hereby respectfully directed to furnish to the Senate a complete list of all fish and game refuges in the State, whether owned, leased or otherwise acquired, and the location of the same; and be it further

Resolved, That the Secretary of the Senate be directed to communicate the provisions of this resolution to the Fish and Game Commission.

Resolution read, and on motion of Senator Gordon adopted.

Resolution.

The following resolution was offered:

By Senator Pierovich:

WHEREAS, Section 22 of Article XX of the Constitution of the State of California was amended by vote of the people at the general election held November 6, 1934, indicating a need for a revision of the liquor control laws of the State; and

WHEREAS, It is appropriate that a study be made of the experience of the State in administering the Liquor Control Laws adopted pursuant to the provisions of said section as enacted in 1932; and

WHEREAS, A considerable number of the electors entertain the view that further amendment of the Constitution of the State may be necessary and desirable; now, therefore, be it

Resolved by the Senate of the State of California, That a committee of seven (7) be appointed, members of the Senate, by the President of the Senate to be known as the Senate Committee on Liquor Control, to meet during the legislative recess of the Legislature during its fifty-first session and investigate all aspects of the liquor control problem and submit its recommendations to the Senate at the conclusion of the legislative recess, including in its report such legislative bills, resolu-

tions and constitutional amendments as the committee may find appropriate to carry into effect its recommendations; and be it further

Resolved, That the committee shall proceed to organize by the election of one of its members as chairman and by the selection of a secretary and such technical and professional assistants as the committee shall deem necessary and thereupon proceed with the investigation in such manner as it shall determine; and be it further

Resolved, That the committee is authorized to hold hearings at any and all places in the State of California and to investigate all matters and things pertinent to the subject of this resolution; and be it further

Resolved, That the committee is hereby authorized and empowered to require the production of books, agreements, documents, records, accounts and papers of every kind; to issue subpoenas, to compel the attendance of witnesses and to procure testimony and so far as practicable to have material testimony reported so that the same may be available for use by the Senate; each member of the committee is authorized to administer oaths and all of the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code, relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution and it shall be the duty of all officers and employees of the State or of any county, city, and county, or political subdivision of the State to furnish such reports, information and evidence upon request of the committee as may be pursuant to the purposes herein stated; and be it further

Resolved, That the sum of \$250, or so much thereof as may be necessary for the purpose of defraying the expenses of the committee and the cost of its investigation, is hereby made available and appropriated for the use of the committee out of the contingent fund of the Senate, and the State Controller is authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of the committee and the State Treasurer is hereby authorized and directed to pay the same.

Amendment from the Floor.

During the reading of the resolution, the following amendment, offered by Senator Swing, was read:

Amendment No. 1.

The committee be increased from three members to a committee of seven members of the Senate.

Amendment adopted.

Resolution read, as amended.

The question being on the adoption of the resolution, as amended.

The roll was called, and the resolution, as amended, adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—35.

NOES—None.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$300 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

KING, Chairman.
STOW,
POWERS.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich,

Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swang, Tickle, Wagy, and Young—36.

NOES—None.

Re-reference of Senate Bills Nos. 187 and 192.

Unanimous consent granted, the President announced the re-reference of Senate Bills Nos. 187 and 192, to Committee on Judiciary.

Report of Standing Committee.

The following report of standing committee was received and read:

On Banking.

SENATE CHAMBER SACRAMENTO January 22, 1935

MR. PRESIDENT. Your Committee on Banking, to which was referred Senate Bill No. 211—An act authorizing savings banks, commercial banks, insurance companies, personal finance companies, mortgage companies, mortgage investment companies, building and loan associations, trust companies, or institutions or fiduciary institutions, or agencies, public or private, to make in certain cases loans or advances or credit, which are insured pursuant to the provisions of the National Housing Act, and to invest in, or purchase, insured mortgages and obligations of National mortgage associations or similar credit institutions, the act to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

TICKLE, Chairman.

Bill read second time, and ordered to third reading.

Consideration of Senate Bill No. 211.

Senator Sharkey asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 211, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Sharkey:

Resolved, That Senate Bill No. 211 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGoverness, Metzger, Mixter, Olson, Parkman, Perry, Pionevich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swang, Tickle, Wagy, and Young—35.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 211.

Urgency Clause.

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity:

There are various statutory limitations upon loans and investments by the above mentioned investing institutions which restrict their ability fully to cooperate with or benefit from the National Housing Program. Similar limitations upon the lending powers of National banks have already been removed by act of Congress. The provisions of this act will enable such institutions so to cooperate and to benefit and thus greatly and rapidly further the restoration of favorable economic conditions.

It is therefore essential to the immediate preservation of the public peace, health and safety that each and every part of this act be enacted and be immediately effective.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Bill read third time and considered correctly engrossed.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 211 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 211 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Irrigation.

SENATE CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 104—An act to amend sections 38 and 48 of the "California Water District Act," approved June 13, 1913, relating to petitions for exclusion and inclusion of lands from and within water districts, to take effect immediately and declaring the urgency thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

MIXTER, Chairman.

Bill read second time, and ordered to third reading.

Consideration of Senate Bill No. 104.

Senator Young asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 104, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Young:

Resolved, That Senate Bill No. 104 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar,

Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—37.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering at this time Senate Bill No. 104.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity: Continued dry years have made immediate action imperative in the various water districts in order to conserve the waters of the present water season in order to save not only extensive sections of crops, but also water for industrial and domestic purposes. An adequate supply of water for agricultural, domestic and industrial purposes is necessary for the public peace, health and safety of the communities affected in the State of California.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCull, McCormack, McGovern, McGuinness, Metzger, Myster, Olson, Parkman, Perry, Presovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—38.

NOES—None.

Bill read third time and considered correctly engrossed.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 104 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCull, McCormack, McGovern, McGuinness, Metzger, Myster, Olson, Parkman, Perry, Presovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 104 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills.

By Senator Hays: Senate Joint Resolution No. 7—Relative to authorizing the Governor to appoint a representative to confer with the representative of other oil producing States and the United States.

Consideration of Senate Joint Resolution No. 7.

Senator Hays asked for unanimous consent for the consideration of Senate Joint Resolution No. 7, without reference to committee, for purpose of adoption.

Unanimous consent refused.

Senate Joint Resolution No. 7 referred to Committee on Oil Industries.

Consideration of Senate Concurrent Resolution No. 10.

Senator Rich asked for consideration of Senate Concurrent Resolution No. 10, for purpose of adoption.

Amendments from the Floor.

During reading of Senate Concurrent Resolution No. 10, the following amendments, offered by Senator Rich, were read:

Amendment No. 1.

On page 5 of the printed resolution, as originally introduced, amend Rule 15 to read as follows:

"15. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly Histories shall be distributed generally, following the recess, upon such schedule as the Secretary of the Senate and Chief Clerk of the Assembly may designate.

Journals shall not be distributed to the entire mailing list, but only to State officers, libraries and such persons as may specially request copies of the Journal covering the proceedings of a certain day or covering specific legislative action."

Amendment adopted.

Amendment No. 2.

On page 6 of the printed resolution, as originally introduced, at the end of Rule 20, add the following:

"It shall be the duty of the Secretary of the Senate and the Chief Clerk of the Assembly to see that the supply of legislative publications for which there is a demand shall not be exhausted between sessions, and they are hereby authorized and directed to order from the Printing Department and to approve bills covering necessary legislative printing, between sessions of the Legislature."

Amendment adopted.

Senate Concurrent Resolution No. 10.

Resolved, by the Senate of the State of California, the Assembly concurring, That the following be, and the same are hereby adopted as the Joint Rules of the Senate and Assembly of the State of California for the fifty-first session of the Legislature.

Joint Rules of Senate and Assembly.**Committees and Committee Meetings.****Standing Committees.**

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the Senate and Assembly, the number of members and the manner of selection to be determined by the rules of each house:

- (1) Agriculture.
- (2) Banking.
- (3) Building and Loan Associations.
- (4) Commerce and Navigation.
- (5) Conservation.
- (6) Constitutional Amendments.
- (7) County Government.
- (8) Drainage, Swamp and Overflowed Lands.
- (9) Education.
- (10) Elections.
- (11) Federal Relations.
- (12) Finance in the Senate and Ways and Means in the Assembly.
- (13) Fish and Game.
- (14) Hospitals and Asylums.
- (15) Insurance.
- (16) Irrigation.
- (17) Judiciary.
- (18) Labor and Capital.
- (19) Military Affairs.
- (20) Mines and Mining.
- (21) Municipal Corporations.
- (22) Oil Industries.
- (23) Prisons and Reformatories.
- (24) Public Health and Quarantine.
- (25) Public Utilities.
- (26) Revenue and Taxation.
- (27) Roads and Highways.
- (28) Rules.

Joint Committee.

2. (1) A joint standing Committee on Joint Rules of Senate and Assembly shall be appointed to consist of the members of the Rules Committee of each house.

Joint Meeting of Committees.

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairman of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Bills and Resolutions.*Scope of Word "Bill."*

4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions.

Joint and Concurrent Resolutions.

5. Joint resolutions are those which relate to matters connected with the Federal government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

Resolutions Treated as Bills.

6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills, except that they shall be read but not passed in each house and that they shall not be deemed bills within the meaning of section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

Preparation and Introduction of Bills.*Title of Bill.*

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the subject to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections.

8. Bills amending more than one section of existing laws shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Restrictions as to Amendments.

9. A substitute or amendment must relate to the same subject as the original bill, resolution or constitutional amendment under consideration. It shall be the duty of the Legislative Counsel to note all bills upon the third reading file of the Senate and Assembly to determine whether or not such bills have been amended, and if so, whether or not a bill which has been amended affects the same subject matter as that expressed in the title of the original bill. In the event that it does not, he shall immediately notify the Secretary of the Senate in writing if the bill be upon the third reading file of the Senate, or the Chief Clerk of the Assembly if the bill be upon the third reading file of the Assembly, and shall state wherein this rule has been violated.

Changes in Existing Law to Be Marked by Author.

10. In case of a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall have a single horizontal line through the center. When printed the new matter shall be printed in italics and the matter to be omitted shall be printed in canceled or "strikeout" type.

Indorsement of Date of Introduction.

11. Bills introduced in either house shall be indorsed with the date of introduction.

Printing and Distribution of Bills.*Manner of Printing Bills, Etc.*

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; provided, however, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

Printing of Amendments.

13. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in type bearing a horizontal line through the center and commonly known as "strikeout" type. When a bill is amended in either house, the first or previous markings shall be omitted. When a bill amendatory of a code section or general law is engrossed, all figures or symbols shall be removed.

Distribution of Legislative Publications.

14. All requests for mailing or distribution of bills, resolutions, Histories, etc., shall be filed with the Secretary of the Senate or Chief Clerk of the Assembly, who shall compile the same with the elimination of duplication as a general mailing list. Each member of the Senate and Assembly shall be permitted to submit a list of ten libraries, chambers of commerce or individuals who shall be placed upon such general mailing list. The Secretary of the Senate and Chief Clerk of the Assembly shall order sufficient number of bills, constitutional amendments, joint and concurrent resolutions, Histories, etc., to supply this list, together with such number as may be necessary to supply members and legislative officers, accredited newspaper representatives, law libraries, Legislative Counsel, Attorney General, and one copy to each elective officer or board, together with such requests for individual bills as may be filed with either of the houses of the Legislature or the Legislative Bill Room. It shall be the duty of the Secretary of the Senate or the Chief Clerk of the Assembly, when it shall appear that there is an insufficient number of any particular legislative publication on hand to supply public demand, to immediately order a reprint of such publication in a number sufficient to meet such demand as may reasonably be anticipated. Except as hereinabove provided, no complete list of bills, resolutions, etc., shall be delivered except upon payment thereof of the sum of \$35, which amount after deducting the cost of handling and mailing, shall be by the State Printer remitted one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Except in the event of unusual demand, as hereinabove provided for, the total number of each bill, constitutional amendment, joint or concurrent resolution to be printed, shall be not more than 2,500.

Distribution of Bills After Constitutional Recess.

15. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly Histories shall be distributed generally, following the recess, upon such schedule as the Secretary of the Senate and Chief Clerk of the Assembly may designate.

Journals shall not be distributed to the entire mailing list, but only to State officers, libraries and such persons as may specially request copies of the Journal covering the proceedings of a certain day or covering specific legislative action.

Other Legislative Printing.*Printing of the Daily Journal.*

16. The State Printer shall print 1,000 copies of the Journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the Secretary of the Senate and Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature as required by law.

What Shall Be Printed in the Journal.

17. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional amendments when adopted by the house; provided, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the Journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

Printing of the Daily File.

18. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses.

Printing of History.

19. Each house shall cause to be printed on Monday of each week, during the session, a complete History of all bills, joint or concurrent resolutions and constitutional amendments originating in or acted upon by the respective houses.

Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the History shall be compiled and printed to date of recess.

Authority for Printing Orders.

20. The Superintendent of State Printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

It shall be the duty of the Secretary of the Senate and the Chief Clerk of the Assembly to see that the supply of legislative publications for which there is a demand shall not be exhausted between sessions, and that any books authorized and directed to order from the Printing Department and to approve bills covering necessary legislative printing, between sessions of the Legislature.

Record of Bills.

Secretary and Chief Clerk to Keep Register.

21. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution or constitutional amendment.

Secretary and Chief Clerk Shall Index Bills.

22. The Secretary of the Senate and the Chief Clerk of the Assembly shall indorse on every original bill a statement of any action taken by the Senate and Assembly.

Action in One House on Bill Transmitted from the Other.

Bills Read and Referred to Committee.

23. When a Senate bill has been received by the Assembly or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or the Chief Clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house.

After a Bill Has Been Passed by the Senate or Assembly.

24. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with observance of this rule.

Special File.

25. On the second day after the close of the recess provided for in Section 2, Article IV of the Constitution, the Senate and Assembly shall each adopt and provide a special file upon which shall be placed, in the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock and thirty minutes p.m. of each day in the Assembly and at two o'clock and thirty minutes p.m. of each day in the Senate and be considered at least one hour and a half after being so taken up, unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house.

Reports from One House to the Other as to Action on Bill.

Bill or Resolution in One House, Rejected in the Other, Requires Notice.

26. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

Each House to Transmit Papers.

27. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

Notices to Be in Writing Under Proper Signatures.

28. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the house from which such notice is to be conveyed.

Secretary, Chief Clerk, etc., to Dispatch Messages.

29. Messages shall be sent to the other house by an officer or attaché to be designated by the Secretary, if it be a Senate message, or by the Chief Clerk, if it be an Assembly message.

Messages to Be Delivered to Secretary, Chief Clerk, etc.

30. When a message shall be sent from either house to the other, it shall be delivered to the Secretary of the Senate or one of his assistants, if it be directed to the Senate, or the Chief Clerk of the Assembly, or one of his assistants, if it be directed to the Assembly, and a receipt taken from the officer to whom such message is delivered.

Passage and Enrolling of Bills.*Passage of Bills Taking Effect Immediately.*

31. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section 1, Article IV of the Constitution.

Passage of Urgency Provisions in Bills.

32. Upon the third reading of an act which is an urgency measure within the meaning of section 1, Article IV of the State Constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section, setting forth the urgency features of this bill, be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

Passage of Bills Preceding Final Adjournment.

33. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment sine die of the two houses of the Legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

Enrollment of Bill After Passage.

34. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the Engrossing and Enrolling Clerk and committee of the house in which it originated, with the engrossed bill, as passed in the two houses. It shall then receive the signatures provided for in Joint Rule 27, and be presented to the Governor of the State.

Enrolling Committee to Present Bills to Governor.

35. After a bill shall have been thus passed in each house, it shall be presented by the Engrossing and Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first indorsed by the presiding officers of the two houses, and by the Secretary of the Senate and the Chief Clerk of the Assembly). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

Amendments and Conferences.*Amendments to Amended Bills Must Be Attached.*

36. Whenever a bill or resolution which shall have been passed in one house shall be amended to the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly, as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments.

37. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

When Senate or Assembly Refuse to Concur.

38. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or the Chief Clerk shall notify the house making the amendments of such refusal, and see that they recede from their amendments. If they refuse to recede the presiding officer shall appoint a Committee of Three (3) on Conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members composing such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a plurality vote. The first Senator named on the Free Conference Committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the house, and the chairman thus selected shall arrange the time and place of all meetings and prepare or appoint the preparation of reports. The Committee on Free Conference shall report to both the Senate and Assembly.

Committee on Free Conference.

39. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committees shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

Report of Committee on Free Conference.

40. The report of the Committee on Free Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a Committee on Free Conference shall be appointed a member of another Committee on Free Conference on the same bill.

When Conference Committee Report Is in Order.

41. The presentation of the report of a Committee on Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when raised, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Miscellaneous Provisions.

42. The Committee on Joint Rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the Legislature.

Press Rules.

43. A person desiring recognition by the Senate or Assembly as a newspaper correspondent shall make application in writing to the President of the Senate or Speaker of the Assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged and will not become engaged as a lobbyist for any person, partnership, corporation or enterprise and that he is not and will not become the agent or representative of any person, partnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the Legislature, that he is not employed in any executive, administrative or legislative department of the State government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the President of the Senate and the Speaker of the Assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the Superintendent of the Capitol Building and Grounds; provided, that all rules and regulations shall be approved by the President of the Senate and the Speaker of the Assembly.

Adjournment.

44. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution; and the resolution for adjournment sine die shall be passed by both houses at least fourteen days before the date of such adjournment.

Joint Address to Governor.

45. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the Assembly and a Select Committee of six members from each house appointed by the respective presiding officers.

Dispensing With Joint Rules.

46. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rules 27 and 35 can be dispensed with only in the manner provided for in said Joint Rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or the Chief Clerk to mark the section or sections in conflict with the rules as nonconcurring in or negatived.

Resolution read, as amended, and considered correctly engrossed.

The question being on the adoption of the resolution, as amended.

The roll was called, and Senate Concurrent Resolution No. 10, as amended, adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—36.

NOES—None.

Senate Concurrent Resolution No. 10 ordered transmitted to the Assembly.

Report.

The following report, offered by Senator Sharkey, concerning Senate Bill No. 211, was received, read, and ordered printed in the Journal:

(COPY.)

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,

SACRAMENTO, CALIFORNIA, January 21, 1935.

*Hon. Will R. Sharkey, Senate Chamber,
State Capitol, Sacramento, California.*

Subject: Supplementing the National Housing Act.
Request: No. 1397.

DEAR SENATOR: The matter contained in this letter is an analysis of the bill which you introduced today which amends the laws of California so as to provide for the acceptance of the provisions of the National Housing Act. We will analyze the bill section by section in order to see what each section actually does.

In regard to section 1. That section allows the following institutions:

- (1) Savings banks
- (2) Commercial banks
- (3) Insurance companies
- (4) Personal finance companies
- (5) Mortgage companies
- (6) Mortgage insurance companies
- (7) Building and loan associations
- (8) Trust companies

to invest or purchase with their funds or funds in their custody and possession, first liens such as are commonly given to secure advances and to secure the unpaid purchase price of real estate, which have been accepted for insurance by the Federal Housing Administrator in accordance with the provisions of Title II of the National Housing Act.

Title II of the National Housing Act provides for the creation of a mutual mortgage insurance fund. This fund provides for the insurance, upon application of the mortgagee, for a mortgage which conforms to the following qualifications:

- (1) That the principal obligation must not exceed \$16,000 and also must not exceed 80 per cent of the appraised value of the property as of the date the mortgage is executed.
- (2) The maturity of the mortgage must not exceed 20 years.
- (3) It must provide for complete amortization provisions satisfactory to the administrator, requiring periodic payments by the mortgagor not in excess of his reasonable ability to pay as determined by the administrator.
- (4) It must bear interest exclusive of premium charges for insurance, not to exceed 5 per cent per year on account of the principal obligation and not to exceed 6 per cent if the administrator finds that in certain cases the mortgage market demands it.

Section 2 of the above mentioned bill provides that the following institutions:

- (1) Savings banks
- (2) Commercial banks
- (3) Insurance companies
- (4) Personal finance companies
- (5) Mortgage companies
- (6) Mortgage insurance companies
- (7) Building and loan associations
- (8) Trust companies
- (9) Fiduciaries
- (10) Fiduciary institutions or agencies, either public or private

to invest in or purchase obligations of National mortgage associations and similar credit institutions which are now organized or may be organized under the provisions of Title III of the National Housing Act. The above named institutions may also use the bonds of the National loan associations or similar credit institutions as security for any depository bonds or obligation when such is required or may be by law deposited as security.

Title III of the National Housing Act provides for the establishment of National mortgage associations which shall be authorized to purchase and sell first mortgages and such other first liens as are commonly given to secure advances on real estate held in fee simple or under a lease for not less than 99 years, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby, such mortgages not to exceed 80 per cent of the appraised value of the property as of the date the mortgage is purchased, and to borrow money for such purposes through the issuance of notes, bonds, debentures or other such obligations as hereinafter provided. So under the California Law as set out in this bill the above named institutions shall be able to invest in or to buy the bonds or debentures of such National mortgage associations, and also use such bonds for deposit as security when such security is required.

Section 3 of the bill allows:

- (1) Savings banks
- (2) Commercial banks
- (3) Insurance companies
- (4) Personal finance companies
- (5) Mortgage companies
- (6) Mortgage insurance companies

to make or to invest in or to purchase loans or advances of credit issued under Title I of the National Housing Act.

Title I of the National Housing Act provides that the administrator is authorized, under whatever conditions he may prescribe, to insure the above named institutions against losses which they may sustain as a result of loans and advances of credit, and purchase of obligations representing loans and advances of credit, made by them subsequent to the date of enactment of this act and prior to January 1, 1936, or such earlier date as the President may fix by proclamation, for the purpose of financing alterations, repairs, and improvements upon real property. In no case shall the insurance granted by the administrator under this section to any financial institutions, exceed 20 per cent of the total amount of the loans, advances of credit, and purchases made by such financial institutions for such purposes, and the total liability incurred by the administrator for such insurance shall in no case exceed the aggregate \$20,000,000. No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase, but at the face amount of which exceeds \$2,000; nor unless the obligation bears such interest, has such maturity, and contains such other terms, conditions, and restrictions as the administrator shall prescribe.

Title I also provides that the administrator is empowered to make loans to institutions which are insured under Title I and to enter into loan agreements with such institutions, upon the security of obligations which meet the requirements prescribed under this title. These loans or agreements may be made for the full face value of the obligations offered as security and shall be at such rates as the administrator shall determine.

Under section 4 of the bill, the following institutions:

- (1) Savings banks
- (2) Commercial banks
- (3) Insurance companies
- (4) Personal finance companies
- (5) Mortgage companies
- (6) Mortgage insurance companies
- (7) Building and loan companies
- (8) Trust companies

to make such loans, secured by real property or leasehold, as the Federal Housing Administrator insures, under the provisions of the above mentioned Title II of the National Housing Act and to obtain such insurance upon the above mentioned loans.

We have already indicated above the substance of the provisions of Title II, so it will not be necessary to repeat them at this point.

This concludes the analysis of the proposed California Law as introduced in your bill.

The New York Law as enacted in 1934 and set forth in the accompanying draft¹ provides only that corporations and private bankers subject to the banking law, are authorized to make loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance under Title I, section 2, of the National Housing Act. Those corporations and private bankers are not allowed under the New York Law to enter into loan agreements or to obtain loans from the National Housing Administrator as is allowed by the proposed California Law.

The New York Law provides that building and loan associations and savings and loan associations are authorized to secure insurance from the Federal savings and loan insurance corporations pursuant to Title IV of such National Housing Act.

Title IV of the National Housing Act provides for the creation of a Federal Savings and Loan Insurance Corporation, which shall insure the accounts of institutions eligible for insurance. The institutions eligible for such insurance are all Federal savings and loan associations and the building and loan, savings and loan, and home-
stead associations and cooperative banks, organized and operated according to the laws of the State, district or territory in which they are chartered or organized. Such Federal Insurance Corporation as above mentioned shall insure the accounts of the above named institutions upon application by those institutions to the said corporation.

Also, the New York Law provides that the State Banking Board shall govern the acceptance by such institutions of the benefits provided in the National Housing Act.

It seems, therefore, that the proposed California Law as set forth in the accompanying draft is far more liberal and far broader than the New York Law on the same subject. This is so especially in regard to the allowance by the California Law of the institutions named in that law to accept the benefits set out in Title II of the National Housing Act. The New York Law excludes this title entirely and also restricts the number of institutions which shall take part in the benefits provided by the National Housing Act. Also, the California Law is far more liberal in regard to building and loan associations by allowing such institutions to accept the benefits of Titles II and III which the New York Law does not provide.

In the time limited for the making of this analysis, it has not been possible to include a study of the existing limitations of California Law as to legal investments of banks, building and loan associations, insurance companies, trust companies, trustees and other agencies that hold and invest the funds of others. We believe you would want such a study prosecuted to completion by someone before you take final action on the bill.

In addition, we would suggest for your consideration the desirability of obtaining from the State Divisions of Banking, of Building and Loan, and of Insurance, and from such other State regulatory and supervisory authorities as may be concerned with the administration of the statutes affected, analyses and recommendations in relation to the financial and economic as well as the legal aspects of this bill.

Yours very truly,

FRED B. WOOD, Legislative Counsel.
By WM. P. CLECK, Assistant Counsel.

(Signed)

Approved:

(Signed) FRED B. WOOD, Legislative Counsel.

Second Reading of Senate Bill No. 73.

Senate Bill No. 73—An act authorizing the Division of Water Resources of the Department of Public Works to prosecute efforts to secure Federal aid and assistance in financing the construction of the Central Valley Project, as said project is authorized and defined in the Central Valley Project Act of 1933, making an appropriation therefor, and declaring the urgency thereof, and providing that this act shall take immediate effect.

Bill read second time, ordered to engrossment, and third reading.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Williams: Senate Bill No. 212—An act to establish an Insurance Code, thereby consolidating and revising the law relating to insurance principles, practice and business and matters incidental thereto, and to repeal certain acts and parts of acts specified herein.

Bill read first time, and referred to Committee on Insurance.

¹ Calif. Senate, Daily Journal, Jan. 16, 1935, Page 3.

By Senators Fletcher and Biggar: Senate Bill No. 213—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of \$1,000,000, together with any interest that may be due thereon, and other sums from the California Olympiad Commission, or any committee thereof, and providing for a special fund, for exposition and fair purposes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Mixter: Senate Bill No. 214—An act to amend section 3766 of the Political Code, relating to delinquent tax lists.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Duval: Senate Bill No. 215—An act to add section 1212.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senators Duval and Edwards: Senate Bill No. 216—An act authorizing the State of California to accept financial or other forms of assistance from the government of the United States or any of its agencies, for the purpose of constructing or maintaining additional prison facilities in the State and particularly for the purpose of constructing a State prison in southern California.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senators Duval and Edwards: Senate Bill No. 217—An act to establish a State prison, providing for the selection and acquisition of a site, and the construction and equipment of buildings and structures therefor, the management, conduct and use thereof and making an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Swing: Senate Bill No. 218—An act directing the Department of Public Works to lay out and construct as a part of the State highway system a road and bridge from the city of Needles easterly over and across the Colorado River and declaring the same to be a public highway and a part of the State highway system, requiring the maintenance thereof and prescribing the manner in which the cost of such construction and maintenance shall be paid.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Swing: Senate Bill No. 219—An act to amend an act entitled "An act to establish an Agricultural Code thereby consolidating and revising the law relating to plant and animal industry and the products thereof and to repeal certain acts and parts of acts specified herein," known as and called the Agricultural Code.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Rich: Senate Bill No. 220—An act making an appropriation to purchase certain real property to accommodate offices of certain State agencies, authorizing the renting and leasing of portions of such property, providing for the disposition of moneys received from the rents thereof, providing for insuring the buildings on such property and declaring the urgency of the act and providing the same shall take effect immediately.

Bill read first time, and referred to Committee on Finance.

By Senator McGovern: Senate Bill No. 221—An act to add section 283½ to the Code of Civil Procedure, relating to the authority of an attorney at law.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 222—An act to amend section 430 of the Code of Civil Procedure, relating to demurrers.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 223—An act to amend section 1032 of the Code of Civil Procedure, relating to costs.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 224—An act to authorize the adoption and approval of State codes of fair competition for certain trades and industries, both for the entire State and for subdivisions thereof; to provide for the enforcement of National codes and of the provisions of State codes of fair competition approved as in this act provided; to provide penalties for the violation of the provisions hereof; to declare the urgency of this act; to repeal all acts or parts of acts in conflict herewith; and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Judiciary.

By Senator Young: Senate Bill No. 225—An act to provide for the establishment, government, and maintenance of an institution or farm for the confinement, cure, care and rehabilitation of certain drug addicts and to provide for the admission and commitment of such addicts.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Young: Senate Bill No. 226—An act to add section 675c to the Political Code, relating to the furnishing of information to California State agencies concerning State agencies of other States.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Knowland: Senate Bill No. 227—An act prohibiting the use of white canes, except by blind persons, and providing protection against accidents to such persons, and providing penalties for violation thereof.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senators Tickle and Pierovich: Senate Bill No. 228—An act to amend section 1.01 to 15.17, inclusive, of the Building and Loan Association Act, relating to building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Senator Young: Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 10e, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit forming, narcotic and other dangerous drugs and substances.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Difani: Senate Bill No. 230—An act to add a new article to Chapter II of Part I of Division II of the School Code, to be known as Article II, relating to the inclusion of Indian Reservations of the United States government in elementary school districts.

Bill read first time, and referred to Committee on Education.

By Senator Difani: Senate Bill No. 231—An act to amend section 3.3 of the School Code, relating to separate schools for children of aliens.

Bill read first time, and referred to Committee on Education.

By Senator Difani: Senate Bill No. 232—An act to amend section 365e½ of the Political Code, relating to powers and duties of the California Highway Commission in respect to construction or repair of highways.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Difani: Senate Bill No. 233—An act repealing section 365e½ of the Political Code, relating to the California Highway Commission.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Difani: Senate Bill No. 234—An act to amend section 330.24 of the Civil Code, relating to mutual water companies.

Bill read first time, and referred to Committee on Irrigation.

By Senator Difani: Senate Bill No. 235—An act to amend sections 2 and 3 of "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the Public Utilities Act and the Railroad Commission of the State of California," approved April 25, 1913.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Difani: Senate Bill No. 236—An act amending sections 2 and 3 of an act entitled: "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair,

or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,' " relative to bidding on public contracts.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Difani: Senate Bill No. 237—An act to amend section 7 of an act entitled, "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, as amended, relating to State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Powers: Senate Bill No. 238—An act to provide for the elimination of Austrian field cress and to provide an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Fletcher: Senate Bill No. 239—An act providing for contracts for fire protection between county fire protection districts and municipalities.

Bill read first time, and referred to Committee on County Government.

By Senator Powers: Senate Bill No. 240—An act to add section 607 to the Streets and Highways Code, establishing an additional secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Fletcher (by request): Senate Bill No. 241—An act to impose a tax on the transfer of shares or certificates of stock, certificates of rights to stock, or certificates of deposits of stock, to provide for the collection thereof, to take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fletcher: Senate Bill No. 242—An act providing for the regulation of the practice of mining engineering and assaying.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Young: Senate Bill No. 243—An act to add section 675c to the Political Code, relating to the furnishing of information to California State agencies concerning State agencies of other States.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senators Slater and McCormack: Senate Bill No. 244—An act relating to revenue and taxation, providing for an excise tax on the

sale of all oleomargarine containing any fat or oil ingredient other than any one or more of the following: oleo oil, oleo stock, oleo stearine from cattle, neutral lard from hogs, sheep fat, cottonseed oil, peanut oil, corn oil, soya bean oil or milk fat, providing a penalty for a violation of the provisions thereof and declaring that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Slater: Senate Bill No. 245—An act to repeal sections 3,284 and 3,285 of the School Code, relating to the maintenance of high school courses in elementary schools.

Bill read first time, and referred to Committee on Education.

By Senator McGovern: Senate Bill No. 246—An act to add section 609 to the Streets and Highways Code, establishing an additional secondary State highway to be known as the "Divisional Highway."

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McGovern: Senate Bill No. 247—An act creating the "Divisional Highway" in the City and County of San Francisco, and making it a part of the secondary highway system of this State.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hays: Senate Bill No. 248—An act to amend section 1030 of the Political Code, relating to office hours.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Olson: Senate Bill No. 249—An act to add sections 3246a and 3246b, and to amend sections 3244, 3245 and 3246 of the Political Code and to amend section 3247 as added by Chapter 85, Statutes of 1887, renumbering said section to be section 3246c, all relating to hours and wages of labor.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Gordon (by request): Senate Bill No. 250—An act to amend sections 2052, 2071 and 2072 of and to repeal section 2051 of the Insurance Code, and to add a new section thereto to be numbered 2033, all relating to fire insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Olson: Senate Bill No. 251—An act to amend sections 12, 13 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing license fees.

Bill read first time, and referred to Committee on Judiciary.

By Senator Olson: Senate Bill No. 252—An act to amend section 2924 of the Civil Code, relating to mortgages.

Bill read first time, and referred to Committee on Judiciary.

By Senator King: Senate Bill No. 253—An act to amend section 726 of the Code of Civil Procedure, relating to deficiency judgments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 254—An act to establish a State park to be known as the "William Brown Ide Memorial Park" in the city of Red Bluff; authorizing the Department of Natural Resources to select and purchase suitable lands for such park, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Metzger: Senate Bill No. 255—An act to add a new section to be numbered 844, to the Civil Code, relating to actions for the declaration of rights of persons associated in the use of ditches, flumes, pipe lines or conduits for the conveyance of water.

Bill read first time, and referred to Committee on Irrigation.

By Senator McCormack: Senate Bill No. 256—An act to amend sections 250, 304, 307, 323, 348, 364, 374, 463, and 465 of the Streets and Highways Code, relating to State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McCormack: Senate Bill No. 257—An act to amend sections 4120 and 4121 of the Political Code of the State of California, relating to the books, accounts and vouchers in the office of county treasurers and the examination of the books and records and the counting of the money in said office.

Bill read first time, and referred to Committee on County Government.

By Senator Wagy: Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senators Wagy and Crittenden: Senate Bill No. 259—An act to amend sections 221 and 223 of, and to repeal section 230 of the Agricultural Code, relating to bovine tuberculosis.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Garrison: Senate Bill No. 260—An act to amend sections 2,870, 2,871, 2,872, 2,885, 2,887, 2,890, 2,911, 2,917, 2,940, 2,941, 2,990, 2,1055, 2,1090, 2,1152, and 2,1199 of the School Code of the State of California, relating to election of school trustees, etc.

Bill read first time, and referred to Committee on Education.

By Senator Garrison: Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property by the State under proceedings in eminent domain.

Bill read first time, and referred to Committee on Judiciary.

By Senator McColl: Senate Bill No. 262—An act to amend section 10 of an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works, to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property under which such advertising structure or sign is located, to provide for penalties, and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to disposition of fees.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Young: Senate Bill No. 263—An act to amend an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to habit-forming, narcotic and other dangerous drugs.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Young: Senate Bill No. 264—An act to amend an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to habit-forming, narcotic and other dangerous drugs.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 196—An act to amend section 2 of the "Los Angeles County Flood Control Act," approved June 12, 1915, relating to powers of the district, declaring the urgency hereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 196 read first time.

Consideration of Assembly Bill No. 196.

Senator Olson asked for, and was granted unanimous consent for the consideration of Assembly Bill No. 196, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Olson:

Resolved, That Assembly Bill No. 196 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 196.

Second Reading of Assembly Bill No. 196.

Assembly Bill No. 196—An act to amend section 2 of the "Los Angeles County Flood Control Act," approved June 12, 1915, relating to powers of the district, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Urgency Clause.

SEC. 2: This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows:

A disastrous forest fire occurred in November, 1933, completely denuding approximately seven square miles of the mountainous watershed above the towns of La Crescenta, Montrose and La Canada, in Los Angeles County, thereby permitting boulders, debris and dirt to wash down upon the populous communities lying below said watershed. The immediate construction of debris dams at the mouths of various canyons below said burned-over watershed and the construction of channels below said debris basins are necessary in order to protect the lives of persons living in said communities and to protect the homes and other property from destruction. The Sixty-third Congress of the United States adopted an act known as "H. R. 7590," appropriating \$5,000,000 to be loaned by the Reconstruction Finance Corporation for the repair or reconstruction of flood control systems and other property damaged or destroyed by floods or other catastrophes in the year 1933 and in the months of January and February, 1934, and said corporation has indicated its willingness to loan a portion of said funds to the Los Angeles County Flood Control District for the construction of said debris basins and channels in said area, provided the said district is given the authority to borrow said funds and to repay the same over a period of twenty years. Said act provides the only available means whereby funds may be procured immediately for said work.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich,

Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—35.

NOEN - None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 196 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, Metcalf, Metcalf, Metcalf, Metcalf, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rindollar, Rush, Schottky, Scollan, Senwell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young.—35.

NOES - None.

Title read and approved.

Assembly Bill No. 196 ordered transmitted to the Assembly

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator McColl : Senate Bill No. 265. An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Schottky: Senate Constitutional Amendment No. 8.—
A resolution to propose to the people of the State of California an
amendment to section 1 of Article IV of the Constitution of said State,
relating to amendments to initiative acts and initiative constitutional
amendments.

Referred to Committee on Constitutional Amendments.

Withdrawal of Senate Constitutional Amendment No. 3.

Senator Swing moved that Senate Constitutional Amendment No. 3 be withdrawn from Committee on Governmental Efficiency for consideration.

Motion carried, and such was the order.

Special Order.

Senator Swing moved that Senate Constitutional Amendment No. 3 be made a special order for Thursday, January 24, 1935, at eleven o'clock and thirty minutes, a.m.

Motion carried, and such was the order.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 94. An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 94 read first time.

Special Order.

Senator Jespersen moved that Assembly Bill No. 94 be made a special order for Wednesday, January 23, 1935, at eleven o'clock, a.m.

Motion carried, and such was the order.

Withdrawal of Assembly Joint Resolution No. 6

Senator Fletcher moved that Assembly Joint Resolution No. 6 be withdrawn from Committee on Federal Relations.

Motion carried, and such was the order.

Consideration of Assembly Joint Resolution No. 6

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 6, for purpose of adoption.

Assembly Joint Resolution No. 6.

Relative to memorializing the President and Congress to carefully consider what is known as the Townsend Plan of Old Age Revolving Pension.

WHEREAS, The care of the dependent aged has become so great a financial burden to some States that the economic welfare and stability of such States are seriously affected and even threatened; and

WHEREAS, The problem of the care of the dependent aged has recently attained major proportions throughout the Nation, owing largely to the increasing mechanization of our industrial system and to the fact that the economic depression has destroyed the financial independence of a large number of our people, including even those who had prudently prepared for the time when they could no longer earn a livelihood; and

WHEREAS, It seems wise to retire from industry and business those whose efficiency is declining because of advancing old age, thus giving more opportunity for employment and advancement to younger workers; and

WHEREAS, Experience has shown that when ownership of property disqualifies the owner for receipt of an old age pension, a serious injustice is effected and a penalty imposed upon those whose prudence and thrift has led them to prepare for old age by investment in a home or other small holdings, but who have no income with which to support themselves and to preserve their property, particularly since there is often no market for the property; and

WHEREAS, Doctor F. E. Townsend, of Long Beach, California, has devised a plan commonly known as the "Townsend Plan of Old Age Revolving Pension"; and

WHEREAS, The President of the United States has recognized the responsibility of the Federal government in this matter, and has indicated that he will recommend to the Congress of the United States, at its next session, that there be legislation bearing on this problem; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly. That the President and the Congress of the United States is hereby respectfully urged to carefully consider the enactment of an old age pension law and to study the "Townsend Plan of Old Age Revolving Pension"; and be it further

Resolved. That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully urged to study such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Pierovich, Powers, Reindollar, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wag, and Young—29.

NOES—Senators Edwards, Hays, Knowland, Mixter, Perry, Rich, and Scollan—7.

Assembly Joint Resolution No. 6 ordered transmitted to the Assembly.

Withdrawal of Senate Joint Resolution No. 2.

Senator Difani moved that Senate Joint Resolution No. 2 be withdrawn from Committee on Federal Relations.

Motion carried, and such was the order.

Consideration of Senate Joint Resolution No. 2.

Senator Difani asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 2, for purpose of adoption.

Senate Joint Resolution No. 2.

Relative to memorializing the President and Congress to adopt the Townsend Plan, relating to old age security.

WHEREAS, F. E. Townsend, M.D., has proposed a plan whereby the personal health and happiness of the aged may become more secure in their declining years; and

WHEREAS, National interest has been duly evidenced in such legislation and there has been proposed a workable system providing personal security and well being for these citizens; and

WHEREAS, The problem is one of National importance with which only the Federal government can adequately cope as the fundamental law of our Nation guarantees to its citizens the right to move freely from one State to another; and

WHEREAS, It is obviously unfair and inequitable to shift such burden upon those States in which are found a disproportionate share of the Nation's aged citizens; and

WHEREAS, Adequate relief must be provided to those aged who have lost their life's savings because of economic difficulties in the past few years and are now unable to sustain themselves with gainful occupations in commerce and industry, now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly: That the President and Congress be memorialized to investigate and enact legislation as proposed under the principles of the Townsend Plan for security and happiness of the aged; and be it further

Resolved, That copies of this legislation be respectfully transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives and to each of the Senators and Representatives of the State of California in Congress.

Resolution read and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Crittenden, Difani, Fletcher, Gordon, Jepsen, Keough, King, McColl, McGovern, McGuinness, Metzger, Olson, Parkman, Perovich, Powers, Reindollar, Seawell, Slater, Snyder, Stow, Swing, and Tickle—22.

NOES—Senators Duval, Edwards, Hays, Knowland, McCormack, Mixer, Perry, Rich, Schottky, Scollan, and Young—12.

Senate Joint Resolution No. 2 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 21—Relative to memorializing and petitioning Congress to enact legislation adequate to stamp out and abolish the evil of lynching.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 21 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 13—Relative to the relief

of overcrowded conditions in the State prisons and the construction of additional prison facilities;

Also: Senate Concurrent Resolution No. 11—Relative to approving certain amendments to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of November, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolutions Nos. 13 and 11 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 4—Relative to memorializing the Federal Relief Administrator and the California Relief Administrator to give preference to the construction of relief projects which will result in benefits of a permanent character:

Also: Senate Joint Resolution No. 6—Relative to accepting amendments to permit from the Government of the United States for the construction of approach roads and toll areas over certain rights of way leading to the Golden Gate Bridge in the Presidio of San Francisco, Military Reservation, and relating to the retrocession by Congress of the United States of jurisdiction over said rights of way and toll areas as relocated.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolutions Nos. 4 and 6 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 124—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 124 ordered to enrollment.

Recess.

On motion of Senator Rich, at one o'clock and ten minutes p.m., the President of the Senate declared recess until nine o'clock p.m.

Reconvened.

At nine o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Minute Clerk F. E. Dalin at the desk.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolved, That the President of the Senate appoint a Special Committee of Three to escort the Governor to a meeting with the Assembly in Joint Convention convened to hear the Governor's Budget Message.

Resolution read, and on motion of Senator Rich, adopted.

Appointment of Special Committee.

The President announced the appointment of Senators Slater, Swing and Sharkey as a special committee to escort the Governor to a meeting with the Assembly in Joint Convention convened to hear the Governor's Budget Message.

Motion by Senator Swing.

Senator Swing moved the appointment by the President pro tempore of a special committee to escort Hon. George J. Hatfield, President of the Senate, to the Joint Convention.

Motion carried.

Appointment of Special Committee.

Hon. William P. Rich, President pro tempore of the Senate, announced the appointment of Senators Tickle, Fletcher and Metzger as a special committee to escort the President of the Senate to the Joint Convention.

Recess.

On motion of Senator Rich, at nine o'clock and five minutes p.m., the President of the Senate declared recess, for the purpose of meeting with the Assembly in Joint Convention, to hear the Governor's Budget Message.

IN JOINT CONVENTION

ASSEMBLY CHAMBER.

SACRAMENTO, January 22, 1935

At nine o'clock and thirty minutes p.m., the Senate and Assembly met in Joint Convention.

Hon. Edward Craig, Speaker of the Assembly, directed that Hon. George J. Hatfield, President of the Senate, and Hon. William P. Rich, President pro tempore of the Senate, be escorted to the platform.

Hon. Edward Craig, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

Assembly Roll Call.

The roll was called, and the following answered to their names:

Anderson, Andreas, Boyle, Breed, Brinnan, Bures, Cassidy, Chambers, Clark, Corwin, Cottrell, Cronin, Crowley, Cunningham, Dawson, DeLay, Donnell, Donihue, Donnelly, Evans, Herbert J., Evans, Ralph W., Ford, Fison, Fitch, Frazier, Fulcher, Garibaldi, Geyer, Gilbert, Gilmore, Glover, Hawkins, Hastings, Hornblower, Hunt, Johnson, Jones, Kallam, Latham, Langille, Latta, Lane, Maloney, Martin, Mayo, McBride, McCarthy, McMurran, Meeker, Meyer, Merrill, Morgan, Nielsen, O'Donnell, Patterson, Pelletier, Petersen, Preiser, Phillips, Rogers, Redwine, Richie, Riley, Robertson, Rosenthal, Sandier, Seaman, Thompson, Ut, Voigt, Wagner, Walker, Wallace, Waters, Welsh, Williamson, Wright, and Mr. Speaker—79.

The Speaker declared a quorum of the Assembly present.

Hon. George J. Hatfield, President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

Senate Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCracken, McGowan, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Ruedollar, Rich, Schottky, Sedlan, Seawell, Sharkey, Slater, Snyder, Snow, Swing, Tickle, Wag, and Young—38.

The President declared a quorum of the Senate present.

Regular Order of Business.

Appointment of Joint Committee of Escort.

Appointment of a Joint Committee on Escort to wait upon His Excellency, Governor Frank F. Merriam, and inform him that the Joint Convention is now in session and to escort him to the convention for the purpose of delivering his budget message.

Appointment of Senate Committee of Escort.

The President of the Senate, Hon. George J. Hatfield, announced the appointment of the following Senate Committee on Escort: Senators Slater, Swing and Sharkey.

Appointment of Assembly Committee of Escort.

The Speaker of the Assembly, Hon. Edward Craig, announced the appointment of the following Committee on Escort: Messrs. Field, Jones and Brennan.

Report of Joint Committee on Escort.

The Senate and Assembly Joint Committee on Escort appeared at the platform with His Excellency, Frank F. Merriam, Governor of California.

Introduction of Governor Frank F. Merriam.

Hon. George J. Hatfield, President of the Senate, presented Governor Frank F. Merriam to the Joint Convention.

The Governor then delivered his budget message.

Budget Message of Governor Frank F. Merriam as Delivered to the Senate and Assembly of California in Joint Assembly at Sacramento, Tuesday, January 22, 1935.

To the State Legislature.

Fulfilling the requirements of the State Constitution, I am submitting herewith a proposed budget for the State of California for the eighty-seventh and eighty-eighth fiscal years, in which will be presented in detail recommended expenditures and a tax program for meeting the budgetary needs of the State government.

Also, observing the commitments contained in the party platforms adopted last September, and in keeping with certain plans and policies of my own which are neither partisan nor political in their inspiration or objective, I am presenting a discussion of general issues and problems of importance to the State.

The State's Fiscal Problem.

Members of the Senate and Assembly are familiar with the unprecedented financial condition of the State government, and, hence, I feel it is unnecessary for me to dwell at length upon the fact that our situation with respect to State finances is a critical one.

Let me impress upon you, however, the fundamental fact that unless drastic remedies are applied in this emergency, the State government soon will be unable to function in many of its essential activities, and a condition closely approximating bankruptcy will develop.

There is no precedent in this State for the financial difficulties in which we find ourselves. State revenues have decreased markedly during the last few years. At the same time, due in part to emergency demands arising from the extended economic depression, it has not been possible to accomplish any great reduction in governmental costs.

We now come face to face with the fact that the disparity between the income of the State and the expenditures of the State has reached a point of real danger.

This danger is strikingly exemplified by the sharp decline of the State's income from various important sources, some of which have been eliminated, as in the case of the gross receipts tax on the utility corporations, and others which now produce less than half the total moneys collected four years ago.

Shrinking Revenue and Increasing Expenses.

While this shrinkage in revenue has been in progress, requirements for our public schools, for aid to the needy, and for interest and redemption of bonds have more than doubled.

Our revenue situation has been complicated by the loss of the gross receipts tax on utility corporations, a biennial item of approximately \$78,000,000. This adjustment in our tax structure, and the transfer of the utility properties to the tax rolls of the several counties, was approved by the people more than eighteen months ago and became effective on the first day of this calendar year.

Through this change, also, practically the entire support of the public schools has devolved upon the State.

Because of such losses, the total mandatory expenses of the State government for the coming biennium will exceed the total revenues which existing law will provide. In fact, present rates and schedules will not furnish the State with revenues sufficient to meet payments required by the Constitution for the support of the public schools.

Such conditions must be faced with courage. They must be met with intelligence. Political considerations are not involved, parties must have no place, personal interests are entirely subordinate. We must work harmoniously and unselfishly together in a common cause for the common good.

At a time when so many hundreds of thousands of men, women and children are suffering undeserved hardships—when the very salvation of society and civilization depends upon our willingness to sacrifice and personal or social interests in the service of the people—we must meet extraordinary ills with extraordinary remedies.

And while moving with energy and determination to solve the difficulties and handicaps of this emergency, we must likewise begin in earnest and on an effective way to provide means and adopt policies that will enable the State itself to advance the ordinary precautions of the prudent citizen, who does not spend more than he may reasonably expect to earn, and who does not incur more than he will ultimately be able to repay.

Savings to be effected by reductions in expenditures readily subject to the authority and discretion of the Legislature and the Governor will not materially bring down the cost of State government.

In fact, we could not balance the budget of the State by wholly eliminating the cost of all agencies supported from the general fund, including appropriations for the Legislature, the State courts, the Governor's office, all constitutional officers, the administrative and regulatory departments, State hospitals, prisons, teachers' colleges, and the State university.

Strict Economy Necessary.

The people, who expect no such impossible action nevertheless demand that we, as their chosen representatives, shall cut out all needless costs; that we shall place the government on a sound footing of economy and efficiency, and that we shall obtain maximum returns from the expenditure of public funds.

To such an end we must unreservedly dedicate our common endeavors.

The State government, acting either under mandate of a direct vote of the people, or through legislative enactments that have the approval of the people, has followed certain well defined policies and has incurred certain specific and continuing obligations.

It must be assumed, and in fact there is no question at all, that the people want these broad policies continued and advanced and expect those obligations to be fully carried out. In my administrative program, and in the budget and tax recommendations presented herein, I am proceeding on such an assumption.

Thus we come to the question of obtaining sufficient revenues to carry out the necessary functions of the government—a question that involves both a necessity for meeting the emergency immediately before us and also for the development of a tax program that will impose no undue hardship and no inequitable or unjust burden upon any individual, class or organization.

In simple terms, our problem from a taxation and revenue standpoint may be readily summarized thus:

The minimum budget requirements from the general fund for the biennium of 1935-37, including \$69,800,000 for the general operating costs of the State government, and \$158,400,000 for disbursements to the counties, will exceed \$228,200,000. This is exclusive of the anticipated deficit for the current biennium of approximately \$29,000,000.

Estimated revenues from present sources will total \$132,600,000.

General Fund Requirements.

The following table sets forth the general outlines of the State's financial situation with respect to the general fund:

PAYMENTS TO THE COUNTIES:	
Support of public schools; aid to the needy blind, aged, orphans; tuberculosis, and other subsidies	\$158,433,892 82
OPERATING COSTS FOR 1935-37:	
Legislative, executive, judicial, and general administrative	\$4,920,532 80
Regulative, protective, and developmental	7,671,922 45
Charities and corrections, hospitals, prisons, correctional schools, social welfare	17,195,545 78
State educational establishments, including the teachers colleges and the University of California	17,723,570 00
TOTAL OPERATING COSTS	47,511,571 03
PRICES AND EMERGENCIES	\$1,500,000 00
NECESSARY CONSTRUCTION AND IMPROVEMENTS	4,349,300 00
INTEREST AND REDEMPTION OF BONDS	16,472,074 64
TOTAL	22,321,374 64
TOTAL GENERAL FUND REQUIREMENTS	\$228,266,838 49
ESTIMATED REVENUE UNDER EXISTING LAW, 1935-37	132,643,656 33
REVENUE NEEDED FROM NEW SOURCES TO BALANCE BUDGET	\$ 95,623,182 16

The Deficit Problem.

It will be noted that I have not included in the foregoing table the estimated deficit of approximately \$29,000,000 for the current biennium. In all probability the Legislature will find it feasible and advisable to retire this deficit over a period of years. I have, however, made tentative provision for assimilating this debt in the tax program contained in this message.

As a temporary solution of the deficit problem I suggest the possibility of adopting a plan calling for the payment of a greatly reduced rate of interest on the accumulated deficit items.

During the current biennium it will be possible to determine whether the deficit may be gradually absorbed through increased revenues, or through an amortization plan to be submitted to the people for their approval.

Notwithstanding the elimination of this large item from immediate revenue needs, it is apparent that we still must obtain approximately \$95,600,000 through new revenue sources if the State's budget is to be brought into balance for the ensuing biennial period.

To such an end I invite your assistance and cooperation in order that the State's business may be efficiently conducted and the State's credit be maintained.

In spite of rigid restrictions in budget recommendations for the operating expenses of the various State departments and agencies, I find that the total appropriations required from the general fund for the ensuing biennium will exceed the 5 per cent limitation on increases provided in section 34a of Article IV of the Constitution.

As will be shown by the analysis below, the budget increase, exclusive of that for public school system (which is exempt from the limitation by the constitutional provision), is taken up by fixed charges and mandatory items over which the budget-maker has practically no control.

Increase in General Fund Appropriations and Comparison with 5 Per Cent Limitation as Provided by Constitution, Art. IV, Sec. 34a.

	1933-1935	1935-1937
Total appropriations	\$214,524,747 76	\$228,296,848 49
Less appropriations for public school system	143,148,286 46	146,592,683 82
(Including State teachers colleges and special schools)		
Appropriations exclusive of public school system	\$71,376,461 30	\$81,674,154 67
Increase	14.43%	10,297,693 37
5 per cent increase would be	3,568,823 06	

The foregoing increase of \$10,296,693.37 is composed of the following items:

1. Increased requirements for payment to the counties as the State's share of and to the aged, orphans, blind, and patients in tuberculosis sanitarium	\$3,211,810 41
2. For increased requirements for interest and redemption on State bonds, the increase being very largely occasioned by the two recent relief bond issues	3,096,767 67
3. For increased operating expenses of our State institutions and prisons due to an increase in the number of the State's wards and higher prices of staple commodities	1,156,141 69
4. For necessary new construction at the State hospitals for insane	2,376,388 00
5. For reserves for emergencies and contingencies	1,398,019 56

These increases total.....\$12,129,127 33

Offset against this sum the recommendations for all other purposes show a net reduction of.....1,832,433 96

Making a total net increase in appropriations from the general fund other than for public schools.....\$10,296,693 37

Items 1 and 2 above are fixed charges over which the executive budget officer has no control whatever.

Item 3 is in a certain sense likewise a fixed charge since there is no means of controlling the number of individuals committed to our State institutions. There is a certain requirement for care and subsistence which must be met. Higher prices for provisions and other supplies have increased these budget requirements.

Item 4: Our State institutions are badly overcrowded. The amount of construction provided for in the budget will not relieve present overcrowded conditions to any great degree, but will provide merely for the anticipated increased numbers.

Item 5 is in reality not an expenditure item. It is a safety factor demanded in proper budget construction. With the budgets for all State departments and agencies reduced as they are, there remains no margin in the individual budget allotments to provide for emergency conditions.

It is essential to the welfare of the State as a whole that these adjustments in our revenue-producing program be accomplished by the imposition of new or modified taxes only upon those best able to pay. To follow any other course or principle would involve either outright confiscation or invite further dislocation of our economic situation.

New Sources of Revenue Recommended.

The following new sources of revenue are herewith recommended as being levied either upon profits or luxuries, or upon so-called nonessentials, and are thus most likely to be least burdensome upon our workers and all citizens of small means:

1. Personal Income Tax at one-third Federal normal and surtax rates-----	\$17,500,000 00
2. Real Estate Transfer Tax 1 per cent on value of sales-----	10,000,000 00
3. Increase Bank and Corporation Franchise Tax Increase rate from 2 per cent to 4 per cent-----	11,000,000 00
4. Alcoholic Beverage Tax (Beer) Increase rate from 2 cents per gallon to 3 cents per gallon-----	1,000,000 00
5. Tax on Intoxicating Liquors (Hard Liquors) Stamp Tax on sales in State at 40 cents per proof gallon-----	2,400,000 00
6. Insurance Gross Premium Tax-Increase Increase rate from 2.6 per cent to 4 per cent-----	6,000,000 00
7. Two per cent Severance Tax and Processing Tax-----	12,000,000 00
8. Tax on Admissions: Theatres, Games, etc. 1 cent on each 10 cents (first 20 cents exempt)-----	4,000,000 00
9. Motor Transportation Tax Increase from 3 per cent to 6 per cent and eliminate personal property tax-----	1,400,000 00
These nine items total-----	\$65,300,000 00
In addition to the above items, to provide funds required for support of public schools, I recommend that the Retail Sales Tax be increased from the 2 per cent rate to 3 per cent-----	42,000,000 00
Total-----	\$107,300,000 00

This proposed program for obtaining new revenue is not advanced on any basis other than necessity, nor is it imposed with any thought other than that it will fall upon those best able to support it.

In compiling the facts and figures upon which each new revenue item is based, we have sought to limit the tax to a minimum. It is axiomatic that no tax, new or old, meets with the approval of those who pay it. Furthermore, because of the economic disturbances of the last few years, with consequent loss of employment to thousands of our citizens, and great reduction in income to other individuals and to industries, we have two general opposing influences with which to contend.

The first, because of its specific needs, would approve a program of taxation that might result in confiscation, and, hence in the destruction of those productive activities to which we must look for revenue at this time. The second, yielding to the human and wholly understandable impulse of self-protection, will look with disfavor upon any further demands upon its resources.

It is my belief the program as outlined to you strikes a just balance between two such extremes, and that your approval of the recommendations herewith presented to you will result in benefits which the State as a whole will enjoy.

In Lieu Tax.

It is my recommendation that you give consideration to the advisability of eliminating personal property taxes on motor vehicles and levy fees in lieu thereof for State purposes based on weight and value. It is estimated that \$25,000,000 can be secured by this arrangement without increasing the tax load on the individual automobile owner. This would in some measure compensate the State for the loss of revenue occasioned by the transfer of the public utility property to the counties. Should you desire to substitute this source of revenue for others above recommended or use it in providing funds for additional buildings at the institutions, it will meet with my approval.

This system will also save the automobile owner the inconvenience of having his certificate stamped by the assessor or tax collector before securing the automobile license plates and will prove much more efficient.

Unemployment Relief.

For the purpose of financing unemployment relief for the coming biennium, it is recommended that certain taxes be levied, with provision for their abrogation at the discretion of the Governor when it shall appear that the present emergency has ceased to exist. In any event, I suggest that such emergency unemployment relief taxes be definitely limited to the two-year period beginning July 1, 1935.

It is recommended that a sum totaling \$47,300,000 be provided for unemployment relief for the biennium of 1935-37, to be expended under State supervision and used exclusively in a public works program, and not exceeding 50 per cent of this amount to be used for the construction of State buildings.

The following tax plan to carry out the emergency program of unemployment relief is recommended:

1. 1 cent additional tax on gasoline.....	\$23,300,000 00
2. 3 per cent consumers' tax on gas, electricity, telephone, telegraph, and other utility services.....	16,000,000 00
3. Tobacco tax: 2 cents per package of twenty cigarettes, and 10 per cent on other products.....	8,000,000 00

Total.....\$47,300,000 00

Taxes for Support of the Public Schools.

Contributions to be made by the State, as required by the Constitution, to the public schools of California for the coming biennium will exceed \$142,500,000. The major portion of this sum will be provided by a school tax levied on retail sales.

Two years ago, under provisions of the Sales Tax Law the Legislature enacted this tax for the support of our schools. The terms of the act provided for a rate of 2½ per cent on retail sales, to be reduced to 2 per cent after June 30, 1935.

At the lower rate, it is estimated this tax will produce approximately \$84,000,000, or \$58,500,000 less than the indicated school requirements.

Because of the unsatisfactory condition of our finances, and the obvious necessity for maintaining our schools at their present high standard of efficiency, I am convinced that during a continuance of our present emergency conditions this type of tax can carry, without severe hardship to our people, an even greater share of the school costs.

Such a tax reaches a large group which otherwise makes a relatively small contribution toward the support of government; and that is the group which derives the most benefit from the public schools. The increased revenue from a 3 per cent school tax will produce approximately \$126,000,000—still short of the total required for public school purposes and exclusive of the appropriations needed for the operation of the State university, the teachers' colleges, and other educational institutions of the State.

Operation of the tax on retail sales has indicated the desirability of certain minor adjustments in the method of collecting the tax. It is recommended that section 8 and section 8½ of the Retail Sales Act be repealed, and that the act be amended so as to authorize the merchant to allocate and collect this tax on the basis of his gross sales, thus enabling him to assess the tax on whatever items he may select. To a modified extent this practice has already been followed with success in certain retail establishments.

Cost of Governmental Operations Restricted.

Owing to decreased revenues, and also to the lessened ability of our citizens to carry their financial burdens, I have felt it necessary to adopt a policy calling for the strictest limitation of expenditures for the maintenance and operation of various State boards, departments, commissions and other agencies.

Operating costs have been greatly reduced. Reductions have been made in the higher salaries and further pruning may be necessary if our total income falls short of the basic needs of the government. I have been compelled—in many instances with great reluctance—to make sweeping reductions in the budget requests submitted by department heads.

It is only just to say that under this policy of rigid economy, many State agencies will be unable to operate as heretofore or, possibly, to the extent which the people may expect. In this regard the taxpayer, in his own interest, must be content with less service in some instances until increased revenues permit the government to more fully serve the public.

This much is certain, that every State official and employee will be expected to do his or her best, without complaint in a spirit of public service.

With few exceptions the restricted program of expenditures adopted by the Legislature two years ago has been adhered to and continued in effect. It has been found necessary to provide increased supply allotments for institutions charged with the custody and care of the State's wards. This is due to additional population in these institutions, and to an increase in commodity prices.

While some elasticity has been provided in the budget recommendations for such establishments, any general price increases will involve costs in excess of the budget estimates herewith submitted.

As a measure of safety and protection, I recommend establishment of an emergency reserve fund of not less than \$1,500,000 to meet contingencies that may arise.

Institutions and Prisons Overcrowded.

The recent prison break at San Quentin has served to focus public attention on deplorable conditions, due to overcrowding and inadequate facilities, existing in our great penal institutions.

Recurrences of such unfortunate episodes, more terrible and far more disastrous than the temporary escape of four desperate men, more menacing to the lives of

prison authorities and of peaceful citizens generally, are inevitable if immediate and vigorous steps are not taken to remedy conditions that have been too long neglected.

On this issue we can not temporize, we can not delay. In the ordinary sense of the term, I feel we can not economize. There is nothing to be gained by the State in saving dollars at the expense of public security and public decency.

The enforced idleness caused by the overcrowding of a prison is a curse which breeds despair, viciousness and corruption. From such consequences society itself is the chief sufferer.

California is an enlightened State, and in this commonwealth have germinated and developed some of the most forward looking and inspiring humanitarian laws and practices. What a splendid service would be the prompt development here of a prison system that would prevent, rather than create and encourage, the spread of criminal activities and the inculcation of criminal tendencies.

The mere inadequacy of prison facilities falls like a poisonous blight upon the first offender, or those convicted of lesser crimes, who must be herded day and night—month after month—with the vicious, antisocial or degenerate criminal.

It is my prayerful hope that with the aid of the Legislature we may immediately begin the work of sensible prison reform to the end that a modern penal system may be established here, providing for the segregation not only of first offenders, but of different types of offenders.

A junior prison and reformatory should be constructed in southern California as soon as a proper site can be acquired. Such an institution should be located where soil and climatic conditions are favorable to a work program which will combine healthful activity with useful and productive occupation.

I recommend prompt action looking to appropriations from State revenues, or to the acquisition of funds from the public works program of President Roosevelt, for the purchase of lands and the construction of buildings adequate to meet the requirements of this menacing problem.

At the same time we should adopt laws which will guarantee not only proper corrective procedure in our prisons, but will assure the application of policies definitely seeking the reformation of the individual prisoner. Work, which the individual is equipped by training and experience to perform, or which can be adapted to his physical needs and aptitudes, should be provided for each able-bodied prison inmate. Of course care must be taken that the products of prison labor shall not come into competition with those of free labor.

This practice should be followed as a requisite of prison routine both as a measure of economy in prison operation and in furtherance of the far more important task of rehabilitation of those whose offenses against society have brought about their incarceration.

The lessons so sharply brought home by the San Quentin escapes will have the further effect of drawing attention to our parole laws and their application. In this regard, I hope we may proceed alertly and intelligently; for no individual or public good will be accomplished by any arbitrary or hasty action on this question. Obviously, our parole procedure needs overhauling to the end that society may be more adequately protected and the case of the individual prisoner may be more carefully studied before a parole is granted.

Notwithstanding that we have, possibly, made some mistakes on the side of excessive optimism concerning the likelihood of reforming certain types of prisoners, we shall gain nothing by a sudden zeal for severity toward those who may deserve our thoughtful consideration.

The Women's Reformatory.

Operation of the Women's Reformatory at Tehachapi has been conducted on an unsatisfactory basis because of contradictions and inadequacies of existing law. This reformatory was established as a result of perseverance and unselfish devotion of leaders in the various women's organizations of California. The institution was authorized, land was purchased and buildings were erected under the directions of a State Board, the majority of whom were women.

An oversight in drafting appropriate legislation for the creation and administration of the reformatory has brought about a situation under which the management of the institution itself is under the women's board, while the prisoners are subject to control by the State Prison Board and the Board of Prison Terms and Parole.

In order that this important corrective institution be permitted to function efficiently, and in accordance with the purposes for which it was founded, I recommend the enactment of certain clarifying amendments designed to remedy the existing situation.

It is recommended that full control of the reformatory and its inmates be placed under the women's board, and that such board be authorized to fix the length of prison terms and also exercise all powers conferred under our parole laws.

Other Institutions Crowded.

Our prisons are not the only State institutions where overcrowding and inadequate facilities and equipment work severe hardships upon the inmates. Many wooden

structures, constructed more than 27 years ago as temporary housing facilities, continue to house the insane. These buildings are sheathed with larch pine boards with neither lath nor plaster to protect against heat or cold. This condition presents a serious fire hazard and a constant menace to the lives of patients and attendants.

In many of our State hospitals patients are quartered in basements and in attics. Beds in many wards are so close together that care and treatment of patients is seriously impaired.

To remedy this condition a building program calculated to relieve the situation as rapidly as funds may be made available should be adopted. If the State had been able to maintain such a program through the years, the present intolerable conditions would not exist.

In this budget only such recommendations as will meet the minimum immediate requirements for permanent construction have been included. This is illustrated by the fact that items recommended by me total \$3,700,000 for such purposes, while the requirements as estimated by department heads approximate \$46,000,000.

Your attention is also directed to the message of President Roosevelt to the present Congress in which he recommended that an augmented program of public works be undertaken without delay through and from the Federal Government.

Agencies Supported from "Special" Funds.

This message has thus far dealt solely with financial problems relating to the proposed expenditures from the State's general fund. We are not confronted with any serious difficulty in maintaining and operating State agencies supported by special funds collected specifically for their exclusive use.

Of course, most of these agencies have found it necessary to adjust their activities and expenditures to the diminished revenues which they have collected, but in the main they have suffered no restrictions in keeping with the severe hardships encountered by activities supported from general fund appropriations.

A Department of Public Safety.

The many separate agencies of the State government directly or indirectly concerned with the protection and safety of our citizens can be rendered the most efficient in their services and much more economical in their maintenance and operation through a coordination of authority and effort.

To this end the creation of a Department of Public Safety, into which department should be transferred the California Highway Patrol, the Division of Motor Vehicle Registration, the Bureau of Criminal Identification, the Detective License Division, the Division of Narcotic Enforcement, Board of Prison Terms and Pardons, the State Parole Department, the State Board of Prison Directors, and the State Capitol Police, is recommended.

The members of the California Highway Patrol should be given general police powers, subject to certain restrictions, to be exercised at the discretion of the Governor.

The prevention, detection, suppression and punishment of crime has become difficult and complex. Each political subdivision possesses its own police power and its machinery for fighting crime. The State, however, which is in a position to render effective aid in this matter, and through its widespread activities and facilities to coordinate and expedite the war on criminal activities, has been handicapped through an absence of specifically delegated police authority.

The cost of maintaining and administering a State Department of Public Safety will be more than justified by the results to be obtained.

Your approval of these suggestions will enable California to take a decisive part, within its own borders, in the constant and unrelenting war which goes on between the forces of law and order and the members of the criminal element.

Representatives from certain western States have been invited to come to California to meet with representatives from this State for a conference designed to improve, strengthen and extend crime suppression activities. This conference should result in many very definite benefits, among which can be listed more uniform laws, improvement in general police procedure, and greater cooperation between the law enforcement agencies of the several State governments.

It is my earnest determination not only to make California unpopular with the gangster, the criminal, and the thug, but to develop conditions here that will render more difficult if not impossible the operations of organized crime.

Commission to Investigate State Water and Power Program.

I now come to a matter which must be treated with absolute candor and impartiality if any ultimate public benefit is to be derived from a discussion of all of its aspects and possibilities. A mere repetition and relash of all the controversial contentions, and to some extent highly prejudiced arguments surrounding this subject will serve only to add to popular confusion.

It is a subject upon which honest opinion differs sharply and concerning which experts and other competent authorities are in disagreement. It has become an issue,

frequently misunderstood and misrepresented, in politics and political campaigns. Basically, however, it is vitally related to the economic welfare of all the people.

Hence, the suggestions I am advancing herewith must be considered as an attempt to create a basis for intelligent and just consideration of a problem which ultimately must be solved equitably and sensibly.

The appointment of a Commission to Investigate the State's Water and Power Program is recommended, to be composed of citizens of California appointed by the Governor, and to be authorized to investigate the feasibility and desirability, from the standpoint of public interest, of the acquisition by the State of California of the electric power generating and distributing facilities now under both private and public ownership within the State.

We have this situation before us in California: Developing side by side, serving a similar purpose, and utilizing the same resources for the production, distribution, and sale of an identical product, there are two great electrical power groups, one actually owned by hundreds of thousands of investors and operated under private management, and the other owned by the people and managed by public authority.

No wide difference exists in the general rates charged by these respective, and to an increasing extent competitive, groups. The privately-owned utilities, subject to government regulation, are required to pay various kinds of taxes; the publicly-owned utilities have not been subject to taxation. There are many other conditions involved in this situation which embrace either actual or potential contradictions, inequalities, and opportunities for conflict.

This problem should not be approached from the standpoint of the partisans either of public or private ownership, but solely from that of the economic well-being of the State as a whole.

Entrance of the Federal Government into gigantic power development projects, and the vast resources thus made available from the public treasury for virtually unlimited extension of publicly-owned undertakings of this nature, have greatly added to the uncertain status of privately-owned power utilities.

The Commission which I ask you to authorize, and which should have a membership of not less than nine nor to exceed fifteen persons, should be empowered to discuss the possible purchase, and to obtain independent estimates of the sale value, of such privately- and publicly-owned generating and distributing systems, which the State might determine to acquire.

It must be kept in mind that there are more than 250,000 men and women in California whose savings are invested in the privately-owned electrical industry, and that this very large group of our population is entitled to fair treatment in any negotiations looking to the acquisition, by purchase, of the properties whose securities are held by the investing public.

Whether electric power is to be supplied under private or under public ownership, it is manifest that it should be supplied by a widespread and interconnected system having a diversity of load, serving agriculture and industry as well as residences, so that all classes of consumers may continue to enjoy low rates and the continuity of service that only such a system can afford.

In its broader aspects, this whole question necessarily involves the vital problem of the development and conservation of our water resources in the State, because power development can not be dissociated from that greatest of all natural resources.

State's Water Problem.

Our water problems are complicated by unequal geographical and seasonal distribution and supply. Such inequalities occur from year to year, and from season to season. In some parts of our State, the water supply is in excess of ultimate needs of the area chiefly affected, while in other sections there is a deficiency even for present necessities.

This vital natural resource must be controlled, distributed and utilized for the benefit and the welfare of the people. So far as practicable, and equitable, the inequalities due to natural conditions must be adjusted by conservation and development.

Floods from our streams must be impounded and their destructive and wasteful forces brought under control. To this end we must plan with energy, foresight, and vision. The future progress and prosperity of California are in large degree dependent upon the economic development of our water resources.

Some of our most acute water problems involve a large area of the State. These pressing questions can not here be treated in detail, although the conditions have been the subject of legislative concern for many years and a comprehensive plan for their solution has, over a long course of time, been evolved for a large portion of the State.

These plans propose the coordination of all efforts, both public and private, for the complete development, conservation and utilization of all the water resources of California. Portions of the plans are now in course of being realized.

The Metropolitan Water District of Southern California is actively engaged in constructing works to convey and distribute water from the Colorado River, made available by the Boulder Dam Project. The Imperial Valley will benefit largely from the All-American Canal, upon which work is already commenced. Our west coast counties, as well as others in the interior, all have their water problems which must be solved at the proper time.

The two great valleys of the Sacramento and San Joaquin rivers present an exceedingly acute and complex problem, including impairment of irrigation on the Sacramento River, salt water intrusion into the fertile delta lands of the Sacramento and San Joaquin, lack of sufficient fresh water supply for the industries in the San Francisco Bay region, and an entirely inadequate water supply in the San Joaquin Valley.

The Central Valley Project has been carefully planned to embrace the solution of these problems and will confer lasting benefits upon the State and Nation.

Unemployment Relief.

The most serious problem confronting us today is the need for relief of unemployment. The situation demands perfect coordination of action between State and Nation. The President in a recent message to Congress has announced that this emergency must be solved by providing employment for those in need, but that the result of that work must be useful in that it raise official permanent unemployment in living conditions, or that it shall create future new needs for the Nation. The Central Valley Project fulfills in all its aspects these practical principles declared by the President to be the necessary foundation for a successful program of work relief.

For many years I have been in complete sympathy with this project, and I am wholeheartedly in favor of its early construction. I have done, and I propose to do, everything in my power to make the project a reality. The Legislature has passed an act, which has been approved by vote of the people, authorizing and directing the project to be constructed immediately upon funds being made available. The administrative agency created by that act has filed with the Federal Emergency Administration of Public Works an application for a grant and loan of funds for that purpose. Should Congress approve the broad program of the administration for unemployment relief, it is believed the Central Valley Project is in a favorable position to receive Federal aid. In such event we shall be privileged to participate in the erection of a conspicuous and permanent landmark in California history. It may well be placed in the class of the other four great projects now under construction in California, namely, the San Francisco-Oakland Bay Bridge, the Golden Gate Bridge, the Metropolitan Water District and the All-American Canal. These five projects involve the expenditure of \$536,000,000.

I am in receipt of a letter from the President offering the advice and assistance of the legal division of the Public Works Administration in the preparation and drafting of legislation necessary to facilitate and expedite the National Public Works Program as it may be extended to the State of California. On behalf of the people of the State of California, I have accepted that offer and given assurance that you will stand ready to cooperate with the President and Congress by enacting such legislation as may be necessary to enable our State to go forward with the President and Congress in a National Recovery Program.

Federal Cooperation with States for Social Security.

In a special message to Congress, President Roosevelt has outlined a comprehensive program for social security, including unemployment insurance, old age benefits, Federal aid to dependent children, and Federal aid to State and local governmental health agencies.

From a careful reading of the President's comments, and from a study of the plan he has urged Congress to approve, I find myself in full accord with practically all of the suggestions contained in his message.

He has submitted to Congress a report from those appointed by him to investigate the subjects which he discusses, and has asked the Congress to enact proper legislation without delay.

The success of the general social security plan depends entirely on the degree of cooperation that may be developed and maintained between the Federal Government and the governments of the several States, and as no single State at this time can undertake upon its own account a program that does not harmonize with the policies of the National Government, I recommend that we hold ourselves in readiness for prompt action following enactment of legislation by Congress.

Regardless of any differences of opinion and policy that may arise, I believe there is little opportunity for disagreeing with the principles as laid down by the President for the care of the aged and for the protection of workers thrown out of employment during periods of economic depression.

I quote herewith from his message:

"Federal action is necessary to and conditioned upon the actions of States. Forty-four legislatures are meeting or will meet soon. In order that the necessary State action may be taken promptly it is important that the Federal Government proceed speedily.

"It is overwhelmingly important to avoid any danger of permanently discrediting the sound and necessary policy of Federal legislation for economic security by attempting to apply it on too ambitious a scale before actual experience has provided guidance for the permanently safe direction of such efforts.

"The place of such a fundamental in our future civilization is too precious to be jeopardized now by extravagant action. It is a sound idea—a sound ideal. Most of the other advanced countries of the world have already adopted it and their experiment affords the knowledge that social insurance can be made a sound and workable project.

"Three principles should be observed in legislation on this subject. In the first place, the system adopted, except for the money necessary to initiate it, should be self-sustaining in the sense that funds for the payment of insurance benefits should not come from the proceeds of general taxation. Second, excepting in old age insurance, actual management should be left to the States subject to standards established by the Federal Government. Third, sound financial management of the funds and the reserves, and protection of the credit structure of the Nation should be assured by retaining Federal control over all funds through trustees in the treasury of the United States.

"At this time I recommend the following types of legislation looking to economic security:

"1—Unemployment compensation.

"2—Old age benefits, including compulsory and voluntary annuities.

"3—Federal aid to dependent children through grants to State for the support of existing mothers' pension systems and for services for the protection and care of homeless, neglected, dependent and crippled children.

"4—Additional Federal aid to State and local public health agencies and the strengthening of the Federal public health service. I am not at this time recommending the adoption of so-called health insurance, although groups representing the medical profession are cooperating with the Federal Government in the further study of the subject and definite progress is being made.

"With respect to unemployment compensation, I have concluded that the most practical proposal is the levy of a uniform Federal pay roll tax, 90 per cent of which should be allowed as an offset to employers contributing under a compulsory State unemployment compensation act. The purpose of this is to afford a requirement of a reasonably uniform character for all States cooperating with the Federal Government and to promote and encourage the passage of unemployment compensation laws in the States.

"Moreover, in order to encourage the stabilization of private employment Federal legislation should not foreclose the States from establishing means for inducing industries to afford an even greater stabilization of employment.

"In the important field of security for our old people, it seems necessary to adopt three principles—first, noncontributory old age pensions for those who are now too old to build up their own insurance; it is, of course, clear that for perhaps 30 years to come funds will have to be provided by the States and the Federal Government to meet these pensions.

"Second, compulsory contributory annuities which in time will establish a self-supporting system for those now young and for future generations. Third, voluntary contributory annuities by which individual initiative can increase the annual amounts received in old age.

"It is proposed that the Federal Government assume one-half of the cost of the old age pension plan, which ought ultimately to be supplanted by self-supporting annuity plans.

"The amount necessary at this time for the initiation of unemployment compensation, old age security, children's aid and the promotion of public health, as outlined in the report of the committee on economic security, is approximately \$100,000,000.

"The establishment of sound means toward a greater future economic security of the American people is dictated by a prudent consideration of the hazards involved in our National life. No one can guarantee this country against the dangers of future depressions but we can reduce these dangers."

I shall ask California's Representatives in the United States Congress to inform me promptly of the adoption of legislation requested by the President in this matter, and upon receipt of the necessary information, I shall transmit a further message to you, with such recommendations as may be deemed necessary to place California in harmony and cooperation with the Federal Government's social security program.

Unemployment Insurance.

The problem of the industrious, law-abiding man or woman who wants work and is unable to get it, is one of the gravest and most perplexing problems confronting and challenging our modern, highly organized, minutely specialized, industrial civilization.

The inherent difficulties of the problem are suggested when we try to differentiate between the industrious, good citizen, who is willing to work, but can not find employment, and the habitual and incurable waster, drifter, and unemployable, who thinks the world, by which he means the industrious and frugal portion of the population, owes him a living.

Nevertheless, the time has come when society, represented by government, can no longer shirk or postpone a vigorous, continued, determined effort to solve the problem of unemployment. To that task California, in common with the other States and the Federal Government, must devote itself, undisturbed by its difficulties.

Numerous unemployment insurance bills have been introduced in the Legislatures of the various States in the past year or two, and 125 such bills were introduced in the last session of Congress.

Thus far, Wisconsin is the only State in which unemployment insurance legislation has been enacted, and as the Wisconsin statute has been in effect only since July 1, 1934, that State is not in a position to aid other States through her experience. Many informed persons question whether the Wisconsin Plan of Unemployment Insurance will accomplish what every well devised plan of unemployment insurance should accomplish. The Wisconsin Plan provides for the creation of a reserve by contributions from a single employer, a group of employers, or an entire industry, but the liability of the group contributing to the fund is limited to the amount of money in the reserve. When the fund is exhausted, the liability ceases. Thus the fund can not become insolvent, but it avoids insolvency by the simple expedient of shutting off liability to support the unemployed.

England has had an insurance act since 1911 and Germany since 1927. Both were swamped by the exigencies of the depression, which upset all calculations, and both have had to seek special subsidies from tax money and have therefore become systems of unemployment relief rather than unemployment insurance based on insurance principles.

In the United States, in addition to the Wisconsin experiment, several large private corporations have adopted plans of unemployment insurance for their own employees. Other and untried plans are being advocated. It is not necessary here to discuss those various plans. My purpose in this statement is to emphasize the urgent need of some practicable plan of relief.

The Townsend Old Age Pension Plan.

Formulation of an old age pension law, generally applicable throughout the Nation and representing the joint responsibility of the Federal Government and the several States, will remove the menace of want and destitution from the lives of hundreds of thousands of men and women.

There are many plans for accomplishing this highly desirable result, among them the so-called Townsend Plan, originated by a citizen of California and now formally brought before the Congress of the United States in the form of proposed legislation introduced in the House of Representatives.

The Townsend Plan has attracted the attention and inspired the eager hopes of many thousands of our citizens throughout the Nation. Old age pensions have been recommended by the major political parties of California to the careful attention of the Federal Government.

It is my recommendation that the California Legislature memorialize the Congress, urging a full investigation and study of this plan with a view to its possible adaptation to the Federal old age benefits plan.

Shorter Work Week.

No permanent and satisfactory adjustment of our long-range unemployment problem can be accomplished until we discover an equitable and economic plan for reducing the total number of hours the average worker shall be required to labor in any one day or any one week in return for a living wage.

On this subject, the Republican Party Platform adopted in State convention at Sacramento on September 20, 1934, said:

"That as an aid to and in assistance of the greater dissemination of work among the greatest number of people, thereby relieving unemployment and aiding economic recovery, the Congress of the United States is respectfully and earnestly requested and urged to enact laws providing for a shorter working week and day, namely, a thirty-hour week and a six-hour day."

The Democratic Party's State Platform, adopted in State convention on September 20, 1934, announced:

"We declare in favor of the five-day week and six-hour day without corresponding reduction in wages."

The two major political parties are thus shown to be in close harmony on this vitally important subject, which is in no sense political, but is related to the basic influences of our economic future.

It is improbable that absolute uniformity of working hours in all lines of business and industry can readily be achieved, but this should be our goal and the thirty-hour week should be the basis for which we should strive. The accomplishment of such a result should enlist the active cooperation of the State, the employers and the workers.

All Highways in State System.

Since 1912, when the State of California began its highway-building program, good roads have played an increasingly important part in the progress and development of the State. Many millions of dollars have been expended on our highways by the State and county governments and our great highway system is described by the United States Bureau of Public Roads at this time as second to none in the Nation.

It should be our purpose, therefore, not only to maintain the high road-building and maintenance standards of the past, but to seek every avenue for greater efficiency and improvement.

To this end I recommend abandonment of the existing dual system of State and county roads, and the inclusion of all highways into a single State system, whereby greater economy in construction and maintenance may be assured.

The present sources of revenue for construction and maintenance of highways include the gasoline tax and motor vehicle registration fees, augmented in many counties by taxes on real property.

Under provisions of a program calling for exclusive construction and maintenance of highways by the State, counties will be relieved of the necessity for levying property taxes for road purposes and, through the elimination of 58 separate county road departments, millions of dollars annually will be saved to the taxpayers.

There is no economic justification of this vast duplicating system operated by the counties, and from a service standpoint, the benefits to be obtained from the centralized and coordinated control of the State are almost incalculable.

The actual savings to the taxpayers in the various counties will represent a large sum, as is indicated by the fact that for the fiscal year ending June 30, 1934, such road taxes collected in the counties reached a total of approximately \$3,000,000.00.

Furthermore, it is evident that a larger percentage of State highway revenues must be expended in the cities and towns of the State in the interest of the people as a whole and of the traveling public.

It is, therefore, recommended that legislation be enacted whereby, first, all county roads shall be constituted State highways, and, second, that the amount now required by law to be expended in cities by the Department of Public Works, out of the State highway fund, shall be doubled.

If approved, this would mean that the cities, instead of receiving $\frac{1}{2}$ -cent from the gasoline tax fund, will be allocated $\frac{3}{4}$ -cent from this fund.

The policy of opposition to any diversion of highway revenues to any use other than that for which such funds are raised should be continued and protected. This principle, which has received indorsement by vote of the people of California, also is upheld by the Congress of the United States, which has provided, in an act approved by the President on June 18, 1934, that any State which shall divert such taxes to uses other than construction and maintenance of highways shall be deprived of not less than one-third of its apportionment of Federal road-aid funds.

The State's Mineral Resources.

Wherever California's agricultural land stops, her mineral resources begin. Our deserts are rich in chemicals, our arid hills and plains are underlain with oil, and the foothills of our Sierras define the greatest established gold-bearing zone in the world. Every encouragement should be given to the exploration and conservation of these mineral resources, of benefit to no one so long as they lie buried, but which, upon development, furnish employment, and stimulate demand for power, transportation, supplies, machinery, and farm products.

In this connection I wish especially to mention our gold industry. Owing to international concern in the metal, the basis of finance and credit in times of peace, and often the determining factor in war, California's increased gold production is of world-wide interest.

Gold mining, which has played so large a part in the history of the State, merits all the encouragement that the State government can give it.

The Oil Industry.

Hundreds of thousands of our people are dependent on the oil industry for employment, for income from investments, or royalties from lands. Virtually everybody is a consumer of the products of this industry. The importance of petroleum and its derivatives to our modern civilization, their value as a safeguard to the Nation in time of war, and as a means of holding our commercial supremacy cannot be exaggerated.

It is estimated that approximately 9,000,000,000 barrels or three-fourths of our recoverable oil reserves, must be produced from some 300,000 small wells by pumping, and that this three-fourths of our proven reserve is in danger on account of the inability of the owners of these small wells to market their oil in competition with that produced from flowing wells.

Low-cost flowing oil can be brought to the surface and dumped on the market, thereby forcing the shut-down and abandonment of the small wells with higher production costs, with a resultant loss of employment, loss to the owners of the land, loss of revenue to the various units of government, and loss to the Nation of an irreplaceable resource of enormous economic value.

The taxes paid by the oil industry in California to the Federal State and local governments exceed \$5,000,000 per month.

Regulation of crude oil production by governmental authority is necessary to prevent waste of our oil reserves. For several years we have had comparatively successful regulation of oil production in this State by voluntary agreement with the industry. But this is not sufficient. We should cooperate with the other oil producing States and the Federal Government in means to protect California oil industry from the evils attendant upon excessive production and ruinous competition.

Agriculture.

The last two years have shown some improvement in prices received by producers of California crops, but prices are still below a fair normal return for most of our agricultural products. Restoration of normal prices for such products should be reflected in the increased purchasing power of farmers with a consequent spending in of many other forms of industry.

Everything possible should be done by the Legislature and the State government to encourage producing farmers and to restore the normal income of this basic industry. Laws having a practical application to the farmers' problems should be enacted in aid of the more efficient and profitable production, transportation and marketing of crops.

At the same time there should be no impairment of the valuable and multitudinous services rendered to the farmer, the dairyman, and the horticulturist, such as quarantine service, pest control, the program for wiping out bovine tuberculosis, and other governmental activities administered in the farmers' interest.

It is recommended that the Senate and Assembly consider among their next session the problems and needs of the State's agricultural activities. Federal legislation enacted by Congress in aid of the farmer and basic agricultural or supplementary State laws on the Federal enactments.

This will assure cooperation between the National and State governments and enable California to benefit from any special advantages offered by the Federal Government.

Extension of Debt Relief Legislation.

It is recommended that the temporary relief to taxpayers and certain classes of debtors afforded by the Special Legislative Session last September be extended as a further measure of protection for those unable to meet their financial obligations at this time.

Conditions which prompted such relief measures have not improved to the extent that would justify suspension of such emergency enactments as those providing for the extension of periods of redemption, reduction of penalties and postponement of times of sale, resale, and execution of deeds in respect to delinquent State, county and irrigation district taxes and assessments on real property.

Necessity also demands an extension of various emergency legislative acts adopted for the purpose of aiding other hard pressed debtors, including a moratorium on defaults on contracts of purchase and on the foreclosure of mortgages and deeds of trust, and on the sale under power of sale contained in mortgages or deeds of trust executed upon real property.

The Legislature will have ample time to give these important problems such consideration and attention as may be requisite to the adoption of a more comprehensive plan for the relief of those individuals and groups in our citizenship requiring the solicitous and helpful care of the State government.

California Pacific International Exposition.

In keeping with the ability of the State of California to participate, it is recommended that the Legislature cooperate with and aid those in charge of the California Pacific International Exposition, which is scheduled to open in San Diego on May 29 of this year.

Sponsored by the civic and business leaders of the State, and actively supported by the enterprising citizens of San Diego, this nonprofit undertaking will seek to stimulate recovery in the west by attracting to its exhibits residents from all sections of the country and from abroad.

California joins with the people of San Diego in inviting a host of visitors to this exhibit of modern invention, art, and industry.

Conclusion.

This budget is offered with no pride of opinion concerning any item. Neither have I advanced my views on other subjects relating to the State government and the welfare of the people with any arbitrary thought or purpose. Our difficulties are great, and there is no simple or easy way to meet them. There may be better solutions of some of our fiscal and social problems than I have been able to present. But I have given to the task long and anxious days, and I feel that the budget recommendations

are fair and practical, and, if approved, will enable the State government to carry on through the next biennium on a business basis.

In formulating the budget I have adhered to certain principles which seem to me not only sound, but in present circumstances, imperative. Severe economy must be practiced to the point where further economy would be injurious to the public interest. But the necessary appropriations and expenditures should be balanced by income.

Taxes from new sources should be distributed so that all shall bear some portion of the burden, but those best able to pay should carry a greater portion of the load.

If you disagree with me respecting any revenue item, I shall be glad to discuss its merits with you, but if the Legislature should decide to eliminate or modify any revenue item, then the responsibility will be on you to provide an equal amount of revenue from another source or to eliminate an equal item of expense.

If you should add expense items, it will be necessary for the Legislature to provide the money, wherewith they shall be met.

The task of solving these questions is yours as well as mine and I certainly claim no monopoly of knowledge or wisdom. In this spirit, and with this reminder of the restrictions imposed by the simple arithmetic of the situation I confide this budget to your consideration.

Submitted this twenty-second day of January, 1935.

FRANK F. MERRIAM, Governor of California.

Reading and Approval of Minutes.

The minutes of the Joint Convention were read, and on motion of Senator Slater, approved as read.

Adjournment.

There being no further business, at ten o'clock and fifteen minutes p.m., the President of the Senate adjourned the Joint Convention sine die, with the statement the Senate would reconvene in the Senate Chamber, at eleven o'clock a.m., Wednesday, January 23, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, January 23, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, January 22, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Senator Williams was, on motion of Senator Gordon, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Italian Chamber of Commerce of the East Bay: James F. Galliano, Dr. A. C. Soave, Carl Bottino, and Julius Fiepo of Oakland; Joseph Perasso of Richmond, Frank Garatti of Pleasanton, Salvatore Cardinalli of Pittsburg, Virgil Capugno of Oakland, Joseph F. Dignard of Martinez, Roy L. Bianchini and V. Mazzanti of Oakland, and Nicholas Cipero, Settimo Eusa and Muro Patane of Pittsburg.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Victor Henney and Miss Andree Henney of London, England; Professor and Mrs. W. B. Bartlett, Miss Beverly Wright, Sheriff and Mrs. R. R. Yeale of Martinez.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. Frank H. Rodin and Hugo Ernst of San Francisco.

Appointment of Members to Standing Committees and Appointment of Special Committee.

Communication from President of Senate.

The following communication was received, read, and ordered printed in the Journal:

OFFICE OF LIEUTENANT GOVERNOR, JANUARY 22, 1935.

Hon. Joseph A. Beck, Secretary of Senate.

State Capitol, Sacramento, California.

DEAR SIR: This is to advise you that I have this day made the following appointments to

Standing Committees of the Senate.

To Committee on Building and Construction:

Senators Gordon, Chairman; Fletcher, King, Perry, Williams, Seelman, and McColl.

To Committee on Corporations and Financial Institutions (other than Banks and Building and Loan):

Senators Rich and Duval.

Special Committee.

Special Investigating Committee:

As the seven (7) members of the Special Investigating Committee authorized by the resolution of Senator Pierovich adopted this morning, and authorized to investigate into the liquor business, I name the following:

Senators Pierovich, Swing, McColl, Seawell, Gordon, Crittenden, and Parkman.

Very truly yours,

GEORGE J. HATFIELD, President of Senate.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 94, heretofore set as a special order for eleven o'clock a. m., the same was taken up for consideration.

Reference of Assembly Bill No. 94.

On request of Senator Jespersen, Assembly Bill No. 94 was referred to Committee on Municipal Corporations.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 23—An act relating to the relief of debtors and guarantors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of forfeitures and terminations under such contracts of purchase, declaring the urgency thereof, and providing that it shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 23 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 75—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 75 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 104—An act to amend sections 38 and 48 of the "California Water District Act," approved June 13, 1913, relating to petitions for exclusion and inclusion of lands from and within water districts, to take effect immediately, and declaring the urgency thereof;

Also: Senate Bill No. 211—An act authorizing savings banks, commercial banks, insurance companies, personal finance companies, mortgage companies, mortgage insurance companies, building and loan associations, trust companies, or fiduciaries or fiduciary institutions, or agencies, public or private, to make in certain cases loans, or advances or credit, which are insured pursuant to the provisions of the National Housing Act, and to invest in, or purchase, insured mortgages and obligations of National mortgage associations or similar credit institutions, the act to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 104 and 211 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 18—Relative to approving the charter of the city of Redondo Beach, California, which was submitted to the qualified voters of said city and voted for and ratified by them at an election held on the twenty-fourth day of September, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 18.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 18, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 18—Relative to approving the charter of the city of Redondo Beach, California, which was submitted to the qualified voters of said city and voted for and ratified by them at an election held on the twenty-fourth day of September, 1934.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 18 adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, King, Knowland, McCool, McQuinn, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pritchett, Powers, Reinhardt, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Strong, Takle, Wagy, and Young—36.

NOES—None.

Assembly Concurrent Resolution No. 18 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 22, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 73. An act authorizing the Director of Water Resources of the Department of Public Works to prosecute efforts to secure Federal aid and assistance in financing the construction of the Central Valley Project, as said project is authorized and defined in the Central Valley Project Act of 1933, making an appropriation therefor, and declaring the urgency thereof, and providing that this act shall take immediate effect, and reports that the same has been correctly engrossed.

METZGER, Chairman.

Senate Bill No. 73 ordered to third reading.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, January 23, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which were referred Senate Bill No. 142. An act to repeal section 41a of an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Ishis Creek and as a means thereof creating a reclamation district to be called and known as the Ishis Creek Reclamation District, fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district, and to aid and assist such works of reclamation, applicable to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations, and dissolving any reclamation district wholly situate within the boundaries of said Ishis Creek Reclamation District," approved April 6, 1925, relating to delinquent installments of assessments, and declaring the urgency thereof, and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

PARKMAN, Chairman.

Senate Bill No. 142 read second time, and ordered to third reading.

Introduction, First Reading and Reference of Bills.

By Senator Biggar: Senate Bill No. 266—An act to add sections 65.5, 975, and 1069 to, and to amend sections 721, 722, and 724 of the Fish and Game Code, relating to commercial catfishing.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Biggar: Senate Bill No. 267—An act to amend section 721 of and to add sections 722a and 975 to the Fish and Game Code, relating to commercial catfishing in District 2.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Biggar: Senate Bill No. 268—An act to add section 975 to, to amend section 721 of the Fish and Game Code, relating to commercial catfishing.

Bill read first time, and referred to Committee on Fish and Game.

By Senator King: Senate Bill No. 269—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 270—An act to be known as the "Inheritance Tax Act," to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, transfers, joint tenancies and insurance, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claim of liens arising hereunder, or under any act hereby repealed; to provide penalties for failure to comply with the provisions of this act; and to repeal Chapter 821 of the laws of the session of the Legislature of California of 1921, approved June 3, 1921, known as the "Inheritance Tax Act," and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McGovern: Senate Bill No. 271—An act to amend section 281 of the Code of Civil Procedure, relating to the practice of law.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 272—An act to amend section 141½ of the California Vehicle Act, approved May 30, 1923, relating to liability of driver.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator McGovern: Senate Bill No. 273—An act to amend the California Vehicle Act, approved May 30, 1923, relating to liability of driver of vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator McGovern: Senate Bill No. 274—An act to amend section 403 of the Vehicle Code, relating to liability for personal injury or death of guest.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator McGovern: Senate Bill No. 275—An act to amend section 426 of the Code of Civil Procedure, relating to complaints in civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 276—An act authorizing cities, cities and counties, and boards of departments thereof, in issuing revenue bonds or other evidences of indebtedness, payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures thereto by facsimile, for making the same payable at places outside the State of California, and for the registration thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McGovern: Senate Bill No. 277—An act to amend section 164 of the Civil Code, relating to community property.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 278—An act to amend section 281 of the Code of Civil Procedure, relating to the practice of law.
Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 279—An act to add a new section to the Penal Code to be known as section 644a thereof, relating to persons ineligible to parole.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator McGovern: Senate Bill No. 280—An act to amend section 426 of the Code of Civil Procedure, relating to complaints in civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 281—An act to add two new sections to the Probate Code, numbers 371A and 371B, relating to the granting of nonsuits and the burden of proof in certain classes of will contests and trial by jury of such contests.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCormack: Senate Bill No. 282—An act to amend section 16x24 of the Weights and Measures Act, relating to sealers of weights and measures in counties of the twenty fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Tickle: Senate Bill No. 283—An act to amend section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to moneys received under the provisions of this act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McColl: Senate Bill No. 284—An act to amend section 1197 of the Political Code, relating to election ballots.

Bill read first time, and referred to Committee on Elections.

By Senator Seawell: Senate Bill No. 285—An act to provide, in accordance with the provisions of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," for the allocation and apportionment of balances in the "Fair and exposition fund" for the benefit of State

institutions of learning providing vocational training in agriculture, animal husbandry and kindred subjects.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators Scollan and Fletcher: Senate Bill No. 286—An act to create and establish a State system of regional colleges, providing for their formation, government, curricula and control.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senators Scollan and McGovern: Senate Bill No. 287—An act to authorize the adoption of Codes of Fair Competition for certain trades and industries within this State, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGuinness: Senate Bill No. 288—An act to amend sections 37, 371, 372 and 697 of the Vehicle Code relating to vehicles, the length thereof and the registration and license fees therefor.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Edwards: Senate Bill No. 289—An act validating the formation and existence of certain harbor districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by such districts and authorizing the levy and collection of taxes sufficient to pay the principal and interest thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Edwards: Senate Bill No. 290—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927, as amended, by adding a new section thereto to be numbered section 21 relating to the expenditure of the proceeds of harbor district bonds by the United States of America or any department, officer or agency thereof, and validating expenditures of such bond funds and work by the United States of America or any department, officer or agency thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Metzger: Senate Bill No. 291—An act to add section 311.5 to the Agricultural Code, relating to persons handling meat.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Metzger: Senate Bill No. 292—An act to amend section 312 of the Agricultural Code, relating to slaughtering establishments.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Mixter: Senate Bill No. 293—An act to amend section 98 of the California Irrigation District Act and to repeal sections 99, 99½, 106, 107 and 108 of said act all relating to the cancellation and destruction of unissued or unsold bonds and coupons of irrigation districts.

Bill read first time, and referred to Committee on Irrigation.

By Senator Fletcher: Senate Bill No. 294—An act to amend section 682 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

By Senator Fletcher: Senate Bill No. 295—Proposed amendment to "An act to be known as the Child Labor Law," etc. (Stats. 1919, Ch. 259; Stats. 1925, Ch. 123 and Ch. 14; Stats. 1929, Ch. 546.)

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Fletcher [by request]: Senate Bill No. 296—An act to amend the California Political Code, section 3627, to make it read as follows, with the amended portion underlined:

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fletcher: Senate Bill No. 297—An act to add a new section to an act entitled, "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act, approved June 16, 1913, as amended.

Bill read first time, and referred to Committee on Elections.

By Senator Reindollar: Senate Bill No. 298—An act to amend section 1430 of the Probate Code of the State of California, relating to the property of minors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Reindollar: Senate Bill No. 299—An act to amend sections 4, 9, 10, and 14 of, the act entitled "An act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition and construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, relating to municipal water districts and the officers thereof and further defining the powers and duties of each thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Sharkey: Senate Bill No. 300—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Finance.

By Senator Gordon: Senate Bill No. 301—An act to amend sections 79, 81 and 881.5 of the Fish and Game Code, relating to fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Gordon: Senate Bill No. 302—An act validating the election and qualification of certain State, county, township and district officers.

Bill read first time, and referred to Committee on Elections.

By Senator Crittenden: Senate Bill No. 303—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved May 21, 1934; entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Education.

By Senator Crittenden: Senate Bill No. 304—An act validating certificates of sale and deeds based thereon issued by irrigation districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Difani: Senate Bill No. 305—An act to provide for the reimbursement of hospitals for expenditures incurred in the emergency care and treatment of indigent persons injured in motor vehicle accidents.

Bill read first time, and referred to Committee on Finance.

By Senator Garrison: Senate Bill No. 306—An act to amend section 1111 of the Code of Civil Procedure, relating to contest of elections.

Bill read first time, and referred to Committee on Elections.

By Senator Garrison: Senate Bill No. 307—An act to amend section 9 of and to add sections 2a and 9a to an act entitled "An act to regulate the conduct of election campaigns and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, relating to election campaigns.

Bill read first time, and referred to Committee on Elections.

By Senator Garrison: Senate Bill No. 308. An act to add a new section to the School Code to be numbered 3222, relating to the establishment of junior high schools.

Bill read first time, and referred to Committee on Education.

By Senator Fletcher: Senate Constitutional Amendment No. 9. A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding section 11 to Article XVI thereof, relating to the issuance of bonds, debentures or other evidence of debt.

Referred to Committee on Revenue and Taxation.

By Senator Olson: Senate Concurrent Resolution No. 16. Approving certain amendments to the charter of the county of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at a special election held in said county for that purpose on the sixth day of November, 1934.

Consideration of Senate Concurrent Resolution No. 16.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 16, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 16. Approving certain amendments to the charter of the county of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at a special election held in said county for that purpose on the sixth day of November, 1934.

Resolution read and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 16 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGinness, Mixer, Olson, Parkman, Perry, Pionovich, Powers, Reindollar, Rach, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—35.

NOES—None.

Senate Concurrent Resolution No. 16 ordered transmitted to the Assembly.

Reference of Assembly Bills Nos. 262 and 263.

On request of Senator Difani, Assembly Bills Nos. 262 and 263 were referred to Committee on Irrigation.

Consideration of Senate Bill No. 142.

Senator Reindollar asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 142, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Reindollar:

Resolved, That Senate Bill No. 142 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is

hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, and Young—34.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 142.

Third Reading of Senate Bill No. 142.

Senate Bill No. 142—An act to repeal section 11a of an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as a means thereof creating a reclamation district to be called and known as the 'Islais Creek Reclamation District,' fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to delinquent installments of assessments, and declaring the urgency thereof, and providing that this act shall take effect immediately.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore take effect immediately. The facts constituting the necessity are as follows: It has been found necessary to immediately refund the bonds of the Islais Creek Reclamation District due to the decrease in revenues from taxation. The present bondholders refuse to accept any refunding bonds because of the fact that the penalties for delinquent installments of assessments levied under the provisions of the act cited in the title hereof have been reduced to an amount which is unsatisfactory, and therefore in order to immediately effect a plan to provide for the issuance of refunding bonds and to assure the present bondholders, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—33.

NOES—None.

Bill read third time and considered correctly engrossed.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 142 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difano, Duval, Edwards, Fletcher, Gordon, Hays, Jaspersen, Keough, King, Knowland, McColl, McCracken, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierpont, Powers, Reinschlar, Rich, Schottky, Seollan, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tackle, Wagy, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 142 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator McColl: Senate Bill No. 309—An act to amend section 7 of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to penalties.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator McColl: Senate Bill No. 310—An act to add section 221a to the Penal Code, relating to punishment for assault in certain cases.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator McColl: Senate Bill No. 311—An act to amend section 10 of "An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to punishments.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator McColl: Senate Bill No. 312—An act to amend section 264 of the Penal Code, relating to punishment for rape.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Fletcher: Senate Bill No. 313—An act to provide for the securing of payment by owners of private automobiles of damages for injuries to persons or property caused by the negligence of such owners, or their agents or presumptive agents; including provisions to require insurance, a surety bond, or a deposit of securities, to provide means and methods for the administration of said system of security, to substitute the rule of comparative negligence for contributory negligence in proceedings concerning such injuries, to provide for the form of insurance policies required hereunder, for the classification of risks covered by said insurance and for the application of the Minimum Rating Law to such insurance, to prescribe penalties for violations of this act, and making an appropriation for the administration of this act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Fletcher: Senate Bill No. 314—An act to amend sections 3817b, 3817d, 3817f, 3817g, and 3817h of, and to add sections 3817e3 and 3817i2 to, the Political Code, relating to taxation, including tax

delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

Messages from the Assembly.

The following messages from the Assembly were received and read :

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 2—Relating to memorializing Congress to continue the Home Owners' Loan Corporation in existence.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 2 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 9—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 9 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 208—An act to prohibit until January 1, 1937, sales under certain chattel mortgages for default in the payment of the principal sum, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 208 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 7—Relative to memorializing the President and Congress to favorably consider and submit to the States an amendment to the Constitution enabling Congress to grant Federal suffrage to residents of the District of Columbia:

Also: Assembly Joint Resolution No. 10—Relative to memorializing the Public Works Administration to approve the application of the Los Angeles County Flood Control District for a grant of \$5,882,000 to be used for the immediate construction and permanent improvement of the flood channel of Ballona Creek between Vineyard Station on the Pacific Electric Railway and the ocean, the same being commonly known as the Ballona Creek Project at Culver City, Del Rey and Venice Bay districts, Los Angeles County, California.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolutions Nos. 7 and 10 referred to Committee on Federal Relations.

Recess.

On motion of Senator Rich, at eleven o'clock and fifty-five minutes a.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Minute Clerk F. E. Dalin at the desk.

Announcement by President of the Senate.

Hon. George J. Hatfield, President of the Senate, announced to the Senate the recovery of Senator Ben Hulse from his recent severe illness, and his return to the floor of the Senate.

Introduction, First Reading and Reference of Bills.

By Senator Gordon: Senate Bill No. 315—An act relating to contracts by the Department of Finance, concerning the waters of Rector Creek.

Bill read first time, and referred to Committee on Judiciary.

By Senator Duval: Senate Bill No. 316—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, relating to the funds of such districts and taxes therefor.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Snyder: Senate Bill No. 317—An act to prohibit until February 1, 1936, sales under certain mortgages and deeds of trust, and the forfeiture of the interest of the purchaser under certain contracts of purchase, for default in the payment of the principal sum of obligations secured thereby or contracted to be paid thereunder, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale or forfeiture made in violation of the act, to prescribe the time within which an action to avoid the same may be brought, to postpone sales for default in payment of installments due between effective date of act and February 1, 1936, to authorize waiver hereof, to prevent actions against guarantors' obligations the enforcement of the security for which is affected by the act, and to declare the urgency hereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tickle: Senate Bill No. 318—An act to amend section 11 of the State Contract Act, relating to qualification of bidders.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Slater: Senate Bill No. 319—An act to amend section 1026 of the Penal Code, relating to procedure in a criminal case upon a plea of not guilty by reason of insanity.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Rich: Senate Bill No. 320—An act to amend section 11 of and to add a new section to be numbered section 12 to an act entitled

"An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874, as amended.

Bill read first time, and referred to Committee on Conservation.

By Senators Biggar, Seawell, Scollan, Reindollar, Perry, McGuinness, Tickle, Pierovich, Metzger, Keough, Powers, and Fletcher: Senate Bill No. 321—An act to amend sections 64, 712, 713, 714, 715, 771, and 778, and to repeal sections 779, 780, and 781 of the Vehicle Code.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senators Biggar, Seawell, Scollan, Reindollar, Perry, McGuinness, Tickle, Pierovich, Metzger, Keough, Powers, and Fletcher: Senate Bill No. 322—An act to amend section 13 of the Motor Vehicle Fuel License Tax Act, relating to the disposition of funds.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators Biggar, Seawell, Scollan, Reindollar, Perry, McGuinness, Tickle, Pierovich, Metzger, Keough, Powers, and Fletcher: Senate Bill No. 323—An act relating to public highways, the laying out, construction, improvement, maintenance, administration and control thereof, the allocation and expenditure of moneys appropriated therefor, declaring certain highways State highways, amending and repealing certain provisions of the Streets and Highways Code and adding certain provisions thereto, and repealing certain acts, relating to public highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Biggar: Senate Bill No. 324—An act to amend section 70 of the Streets and Highways Code, relating to the California Highway Commission.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Mixter: Senate Bill No. 325—An act to amend sections 2653, 2654, 2655, and 2712 of, and to repeal sections 2651 and 2652 of, the Political Code, relating to road district taxes and the expenditure from county general funds of moneys for road district purposes by the board of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Mixter: Senate Bill No. 326—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county road district and special district budgets and to the levy of taxes and prescribing limitations on county expenditures; declaring the urgency of this act, to go into immediate effect.

Bill read first time, and referred to Committee on County Government.

By Senator Swing: Senate Bill No. 327—An act to aid in carrying into effect the provisions of section 10 of Article XVI of the Constitution, relating to relief from hardship and destitution due to and

caused by unemployment, and to provide for and relating to the expenditure of moneys, authorized by said section 10, for the purpose of providing subsistence farms for persons entitled to relief under the provisions of said section, authorizing the expenditure of moneys for such purpose and prescribing the powers and duties of the Relief Administrator and the Relief Commission and repealing provisions of the Unemployment Relief Bond Act of 1933 in conflict herewith, declaring the urgency thereof and providing that it shall take effect immediately.

Bill read first time, and referred to Committee on Governmental Efficiency.

Third Reading of Senate Bill No. 73.

Senate Bill No. 73—An act authorizing the Division of Water Resources of the Department of Public Works to prosecute efforts to secure Federal aid and assistance in financing the construction of the Central Valley Project, as said project is authorized and defined in the Central Valley Project Act of 1933, making an appropriation therefor, and declaring the urgency thereof, and providing that this act shall take immediate effect.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 73:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, JANUARY 23, 1935.

To the Honorable Members of the Senate:

Senate Bill No. 73—An act authorizing the Division of Water Resources of the Department of Public Works to prosecute efforts to secure Federal aid and assistance in financing the construction of the Central Valley Project, as said project is authorized and defined in the Central Valley Project Act of 1933, making an appropriation therefor, and declaring the urgency thereof, and providing that this act shall take immediate effect.

In my opinion said Senate Bill No. 73 constitutes an emergency bill within the meaning of that term as used in section 34 of Article IV of the Constitution of the State of California, and the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend the consideration of this bill as such an emergency measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

The Water Project Authority of the State of California, created in and by Chapter 1042 of the Statutes of 1933 and designated the Central Valley Project Act of 1933, has heretofore submitted to the Federal Public Works Administration, created by and functioning under the National Industrial Recovery Act, approved June 16, 1933 (Public No. 67, 73d Congress, H. R. 5755), an application for Federal aid and assistance in financing the construction of the Central Valley Project, as said project is authorized and defined in said Central Valley Project Act of 1933, and information at hand indicates that the Congress of the United States at its forthcoming session will have under consideration the matter of extending such financial aid and assistance, and in order to secure such Federal aid and assistance it is necessary that immediate steps be taken to further present the merits of said project to the appropriate Federal agencies; and it is further necessary, in order to secure such Federal aid and assistance, that contracts be obtained by the Water Project Authority with responsible public districts and State agencies for the

purchase, sale and use of water and power, and it is necessary for the general welfare of the people of the State of California that said project be constructed as soon as possible, and said project can not be constructed at this time without such Federal aid and assistance; and it is further necessary to make immediate provisions for funds to defray the necessary expense preliminary to actual construction so that in the event of favorable action by the Congress of the United States construction of said project may proceed immediately and there are at present no funds available to defray the expense of an immediate prosecution of the objects and purposes aforesaid.

With adequate funds made immediately available, the Division of Water Resources of the Department of Public Works will be enabled to accomplish the above and foregoing objects and purposes continuously and uninterruptedly and without delay.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hayes, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wag, and Young—37.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 73 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hayes, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wag, and Young—37.

NOES—Senator Snyder—1.

Title read and approved.

Senate Bill No. 73 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Senators Difani, Edwards, Fletcher, and Young:

WHEREAS, The Standing Rules of the Senate do not provide for a Committee on Public Morals; and

WHEREAS, Various groups, individuals, associations and organizations throughout the State of California have petitioned the duly elected State officials and members of the Senate to reestablish a Committee on Public Morals; and

WHEREAS, It seems expedient and to the best interests of the citizens of California to reestablish such committee; therefore, be it

Resolved, That section 8 of the Standing Rules of the Senate, pertaining to the standing committees, be amended by the addition thereto of a Committee on Public Morals.

Resolution referred to Committee on Rules.

Recess.

On motion of Senator Knowland, at three o'clock and forty minutes p.m., the President of the Senate declared recess until three o'clock and fifty minutes p.m., for the purpose of hearing remarks concerning Italian trade conditions.

Hon. George J. Hatfield, President of the Senate, introduced Attorney at Law James F. Galliano, spokesman for visiting members of the Italian Chamber of Commerce, East Bay District, who addressed the Senate briefly, concluding with the presentation of Roy L. Bianchini, secretary of the Italian Chamber.

Secretary Bianchini then addressed the Senate briefly upon the subject of trade conditions relative to California and Italy.

Reconvened.

At three o'clock and fifty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Resolution.

The following resolution was offered:

By Senator Knowland:

WHEREAS, The Italian Chamber of Commerce of the East Bay has at considerable expense and labor undertaken the work of ascertaining what California products could be best exported to and used in Italy and has aided in effecting a better understanding between the peoples of Italy and California; and, therefore, be it

Resolved, That the Senate of the State of California commend the work of the Italian Chamber of Commerce of the East Bay and extend its best wishes to the members of the Senate to the members of said Chamber of Commerce for success of their most laudable efforts.

Resolution read, and on motion of Senator Knowland, seconded by Senator Difani, adopted.

Resolution of Respect.

The following resolution was offered:

By Senators Snyder, Parkman, Crittenden, and Harrison:

WHEREAS, On January 19, 1935, the Honorable George C. Cleveland, a former member of the Senate and of the Assembly of the State of California, was called to his eternal rest; and

WHEREAS, The Honorable George C. Cleveland was born, in May 11, 1874, coming with his parents to California at an early age, a graduate of the schools of Watsonville and of Stanford University, as well as Hastings Law School; and

WHEREAS, He was admitted to the California Bar in 1895, being at that time 21 years of age, and practiced law in the city of San Francisco, and has been prominent in the service of the people of the State of California for many years, having served in the Spanish American War and having seen distinguished service in the World War; and

WHEREAS, He was first elected as a member of the Assembly of the State of California in the year 1904, again serving his State in the Assembly in 1921, 1923, and 1925, and elected Senator from the twenty-third senatorial district from 1929 to 1933; and

WHEREAS, The life of the Honorable George C. Cleveland was marked by continuous and faithful service to the citizens of the community in which he lived, and to the citizens of the State of California; and

WHEREAS, He was actively engaged in the patriotic interest and welfare of the Watsonville Post of the American Legion and was affiliated with the Elmer Lodge of Masons, Knights of Pythias, Eagles, Foresters, and Red Men; now, therefore, be it

Resolved by the Senate of the State of California, That this body deeply regrets the untimely passing of a leading citizen, and that we specially desire to express our sympathy to his widow, and that the Secretary of the Senate be and he is hereby instructed to communicate this expression of sympathy to the widow of the late Honorable George C. Cleveland; and, be it further

Resolved, That the Senate of the State of California does this day adjourn out of respect to the memory of the late Honorable George C. Cleveland.

Resolution unanimously adopted by rising vote of the Senate.

Adjournment.

At four o'clock p.m., on motion of Senator Rich, the President declared the Senate adjourned, out of respect to the memory of the late Senator George Cleveland of Santa Cruz, until eleven o'clock a.m. Thursday, January 24, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, January 24, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, January 23, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Williams was, on motion of Senator Gordon, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James B. Abbey of San Diego.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. William Davis of Sacramento.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Louis Strohl, Mrs. M. Pomadere, Rudolph Morris, Albert Rhine, Arthur J. Gates, George Gearhart of San Francisco, and Francis P. Berry of Paris, France.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Boyd Garrison, former page of the Senate.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kenneth Walker of Westwood.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sister Marie Eucharista, Sister Mary Reginald, Sister Marie Teresa and Sister Mary of the Nativity and the following pupils of Notre Dame High School, San Jose: Dorothy Davidson, Jane Carerra, Kathern Hill, Jesse Olivieri, Charlotte Jennings, Theresa Guerin, Marie Santos, Marie Rodrigues, Bernice Allen, Mary Wenzell, Alicia Booksin, Dorothy Johnson, Rosalie Speciale, Dolores Martin, Olympia Nieri, Audrey Lundberg, Katherine

McCosker, Santino Armanino, Olivia Ghiorzi, Laura Alassa, Margaret Matasei, Helen Pecitti, Emma Venturi, Mary McCarthy, Irene Genoversi, Marian Orlando, Ethel Mae Davis, Vivienne Deleas, Ethel George, Mary Sulk, Bernice Martin, Josephine Verdier, Gunnvare Slavich, Fay Wetzel, Alice Bose, Mary Shenk, Florence Kafer, Mrs. Martin and Robert Hill.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrsessment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: Your Committee on Engrsessment, Enrollment and Printing has examined Senate Bill No. 104—An act to amend sections 48 and 48 1/2 of the California Water District Act, approved June 13, 1913, relating to petitions for exclusion and inclusion of lands from and within water districts, to take effect immediately and declaring the urgency thereof, and reports that the same has been correctly enrolled, and presented to the Governor on the twenty third day of January, 1935, at three o'clock and thirty seven minutes p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrsessment, Enrollment and Printing has examined Senate Joint Resolution No. 3—Relating to the action of the President of the United States in fixing the tariff on hay and live stock feed from Canada and the action by the Secretary of Agriculture in signing an agreement authorizing an "Agency for Deficiency Distribution" for the distribution in the United States of hay and live stock feed from Canada;

Also: Senate Concurrent Resolution No. 13—Relative to the relief of overcrowded conditions in the State prisons and the construction of additional prison facilities;

Also: Senate Joint Resolution No. 4—Relative to memorializing the Federal Relief Administration and the California Relief Administration to give preference to the construction of relief projects which will result in benefits of a permanent character;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty third day of January, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

On Unemployment.

SENATE CHAMBER, SACRAMENTO, January 23, 1935.

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Assembly Bill No. 37—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect, has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that amendments be adopted and that it do pass, as amended.

Committee membership—11.

SEAWELL, Chairman.

Assembly Bill No. 37 ordered to second reading.

Also:

On Oil Industries.

SENATE CHAMBER, SACRAMENTO, January 23, 1935.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Senate Joint Resolution No. 7—Relative to authorizing the Governor to appoint a representative to confer with the representative of other oil-producing States and the United States—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—8; noes—1.

STOW, Chairman.

Consideration of Senate Joint Resolution No. 7.

Senator Hays asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 7, for purpose of adoption.

Senate Joint Resolution No. 7.

Relative to authorizing the Governor to appoint a representative to confer with the representative of other oil-producing States and the United States.

WHEREAS, A subcommittee of the House Committee on Interstate and Foreign Commerce, acting pursuant to H. Res. 441, seventy-third Congress, has recommended to the Congress that the enactment of Federal legislation for regulation of the oil industry be withheld temporarily to give an opportunity for the oil-producing States to effect an interstate agreement for the conservation of oil and stabilization of production thereof; and

WHEREAS, It is preferable that the States, through the exercise of their police powers in cooperation with each other and the Federal government, shall meet this problem rather than surrender their sovereign function in favor of centralized Federal control;

Resolved, by the Senate and the Assembly of the State of California, jointly. That the Legislature of the State of California does hereby authorize the Governor to appoint a representative to meet with representatives of the Governors of other petroleum-producing States, and of the United States, for the purpose of formulating a compact among such States effecting the following objectives:

(a) Establishment of a Joint State and Federal Fact-Finding Agency to consist of one representative of each compacting State appointed by the Governor and one representative of the United States as Congress or the President shall direct. Said agency shall make periodic findings, of the demand for petroleum to be produced within the United States or withdrawals from storage, and for petroleum and products thereof to be imported.

(b) Voluntary regulation of production by each compacting State within its own borders in accordance with said determination of the Joint Fact-Finding Agency, to the extent that and in such manner as the laws of each State may authorize.

(c) Formulation by the joint agency of uniform conservation measures and tax laws which it shall recommend to the compacting States.

No compact made under the authority of this act shall bind this State unless and until:

(a) Said compact shall be ratified by the Legislature of this State, and Congress shall consent thereto;

(b) Congress shall make provision for the limitation of importations of petroleum and the products thereof, including natural asphalt;

(c) Congress shall provide for the control of interstate movements of petroleum produced or withdrawn from storage in violation of the compact or of the laws and valid regulations of the several States, and products of such petroleum;

(d) Any act of the Legislature of the State of California approving said compact shall likewise provide for its administration, and shall include in the provisions for the administration of the compact the creation of a commission to administer the compact, which commission shall be fairly representative of the various interests of the oil industry, with due provision for the protection of the public interest.

Resolution read and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Minter, Parkman, Perry, Pridovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, and Young—33.

NOES—Senator Olson—1.

Senate Joint Resolution No. 7 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, January 23, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 94—An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, and to declare the urgency of this act, to take

effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 11; committee vote: Ayes—9; noes—2.

McGOVERN, Chairman.

Assembly Bill No. 94 ordered to second reading.

Consideration of Assembly Bill No. 94.

Senator Fletcher asked for, and was granted unanimous consent for the consideration of Assembly Bill No. 94 for purpose of passage.

Second Reading of Assembly Bill No. 94.

Assembly Bill No. 94—An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Resolution.

The following resolution was offered:

By Senator Fletcher:

Resolved, That Assembly Bill No. 94 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house be hereby dispensed with, and it is ordered that said bill be read the third time, and passed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Fletcher moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bigger, Craftenden, Deuel, Deuel, Deuel, Fletcher, Gardner, Gardner, Hays, Jespersen, Keough, King, Ky. wheel, McClintock, McGovern, McGovern, Metzger, Mixter, Olson, Parkman, Perovich, Powers, Reedollar, Rich, Scherkey, Seelham, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tisdale, and Wagy—34.

The Secretary announced the absentees.

Time, eleven o'clock and twenty-two minutes a.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Report of Standing Committee.

The following report of standing committee was received and read:

On Judiciary.

SENATE CHAMBER, SACRAMENTO, January 23, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 23—An act relating to the relief of debtors and guarantors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of forfeitures and terminations under such contracts of purchase, declaring the urgency thereof, and providing that it shall take effect immediately—has had the same under consideration, and respect-

fully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—13; noes—1.

SWING, Chairman.

Assembly Bill No. 23 ordered to second reading.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and twenty-six minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Fletcher.

The Secretary was directed to call the roll, on the resolution to suspend the Constitution.

The roll was called, and the resolution to suspend the Constitution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Garrison, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—28.

NOES—Senators Deuel, Difani, Gordon, Hays, McCormack, Metzger, Parkman, and Powers—8.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 94.

Urgency Clause.

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows:

During the 15 years last past hundreds of districts have been organized throughout the State of California under the provisions of the Road District Improvement Act of 1907 and the Acquisition and Improvement Act of 1925. Many of these districts were created during times of great economic prosperity and high land values. In many of such districts, due to the optimism of the times, or other causes, bonds for public improvements were issued in amounts in excess of the ability of the lands of such districts to bear the assessments necessary to pay the principal and interest on such bonds. Millions of dollars in assessed land valuation are located within districts created under these acts. Due to the present economic depression land values throughout the State have shrunk to the point where, in many cases, the total assessed valuation of all lands within a given district is less than the face value of the bonds outstanding in such district. Annual assessments upon individual parcels of land within these districts amount in many instances to more than the assessed value of such land.

Under present economic conditions property owners are unable to meet these high assessments and hundreds of such districts throughout the State have reached a point of hopeless delinquency.

Inasmuch as the property owners of these districts can not, under the law, pay their county or municipal taxes without at the same time paying the district assessments many cities and counties are unable to collect large sums of money badly needed for the purposes of government.

Many hundreds of properties in these districts are being deeded to the State for delinquent taxes and assessments and unless the financial aid of the counties is immediately made available to assist these overburdened districts thousands of parcels of lands will be stricken from the tax rolls this year; thousands of property owners will lose their homes, millions of dollars in governmental revenue will be uncollectible and at the same time thousands of bondholders will be unable to realize any return upon their investments.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Constitutional Amendment No. 3, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Consideration of Senate Constitutional Amendment No. 3 Deferred.

During consideration of Assembly Bill No. 94, Senator Swing yielded the consideration of Senate Constitutional Amendment No. 3, under special order for consideration at eleven o'clock and thirty minutes a.m., to further consideration of Assembly Bill No. 94.

Further Consideration of Assembly Bill No. 94.**Point of Order.**

Senator Denel raised the point of order that Senator Schottky who had the floor was not speaking on the adoption of the urgency clause, but on the subject of the bill itself.

Decision on Point of Order.

The President announced his decision, and declared the point of order well taken.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause refused adoption by the following vote:

AYES—Senators Crittenden, Duval, Edwards, Fletcher, Garrison, Jepsen, Keough, King, McGovern, McGinness, Mixer, Olson, Piersen, Reinhardt, Ross, Schottky, Seellan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, and Young—25.

NOES—Senators Biggar, Denel, Difani, Gordon, Hays, Knowland, McCall, McCormack, Metzger, Parkman, Perry, and Powers—12.

Bill read third time.

Amendments from the Floor.

During third reading of Assembly Bill No. 94, the following amendments, offered by Senator Jepsen, were read:

Amendment No. 1.

On page 2, line 9, of the printed bill, after the word "except", strike out the figures "80", and insert in lieu thereof the figures "50".

Amendment adopted.

Amendment No. 2.

On page 2, line 46, of the printed bill, strike out the word "eighty", and insert in lieu thereof the word "fifty".

Amendment adopted.

Bill as amended read third time.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 94 was passed by the following vote:

AYES—Senators Crittenden, Difani, Edwards, Fletcher, Garrison, Jepsen, King, McGovern, McGinness, Olson, Piersen, Reinhardt, Ross, Schottky, Seellan, Seawell, Sharkey, Slater, Swing, Tickle, Wagy, and Young—22.

NOES—Senators Biggar, Denel, Gordon, Hays, Hulse, Knowland, McCall, McCormack, Metzger, Parkman, Perry, and Powers—12.

Title read and approved.

Notice of Motion to Reconsider.

Senator Difani gave notice that on the next legislative day, he would move to reconsider the vote by which Assembly Bill No. 94 was passed.

Deferred Consideration of Special Order.

Deferred consideration of Senate Constitutional Amendment No. 3, heretofore set as a special order for eleven o'clock and thirty minutes a.m., was taken up at this time.

Senate Constitutional Amendment No. 3.

Relative to the reduction in compensation of State officers and employees and the abolishment of certain offices, boards and commissions and the taking of such action by the Legislature as may be necessary to reduce the cost of State government to an amount not exceeding the present State income.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the houses of the Legislature voting therefor, hereby propose to the people of the State of California that the Constitution of said State be amended by adding to Article V, a new section to be numbered 22, to read as follows:

Sec. 22. Hereafter no officer, other than an elective officer, and no deputy, assistant or employee of any officer, board or commission shall receive, either directly or indirectly, any compensation in excess of the sum of \$5,000 per year; nor shall any such deputy, assistant or employee hereafter receive, either directly or indirectly, any compensation in excess of \$3,600 per year without the consent and approval of the Governor.

The Legislature may, without regard to title or to the number of subjects included, by general or special law, reduce, regulate and fix, within the limits herein provided, the compensation of any such officer, deputy, assistant or employee and may abolish any office, board or commission, however the same may have been created, and may, in the same manner, take such other action and do such things as may be necessary to reduce fixed and other charges and cost of State government to an amount not exceeding the normal income from present tax sources.

Notwithstanding this and other provisions of the Constitution, the Legislature may, by two-thirds vote of all of the members of each house, fix and regulate the compensation of any and all elective officers of this State and may by such vote increase and provide for a greater compensation than in this section provided for the officers, deputies, assistants and employees hereinbefore mentioned.

Senate Constitutional Amendment No. 3 read.

Motion to Re-refer.

Senator Swing moved that Senate Constitutional Amendment No. 3 be re-referred to the Committee on Governmental Efficiency.

Motion carried, and such was the order.

Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE BOARD OF EQUALIZATION, STATE OF CALIFORNIA.

SACRAMENTO, January 23, 1935.

*Hon. Joseph A. Beck, Secretary of the Senate,
State Capitol, Sacramento, California.*

DEAR MR. BECK: PURSUANT to Assembly Concurrent Resolution No. 13, I have the honor to transmit a statement prepared by the State Board of Equalization showing the approximate valuation of utility properties in the State of California, based upon operative roll assessments of 1934.

This statement is supplemented by tabulations showing this information in such detail as we think may prove of value to the members of the Legislature for the purposes indicated in resolution.

A similar letter and enclosure are being sent to Hon. Arthur A. Ohnimus, Chief Clerk of the Assembly.

Very truly yours,

DIXWELL L. PIERCE, Secretary.

Report of Board of Equalization.

Availability of Information.

In order to carry out the duties imposed upon it, pursuant to section 14 of Article XIII of the Constitution and of sections 3663a and 3663b of the Political Code, the State Board of Equalization created a division in its organization designated the Valuation Division, which division is, at present, diligently engaged in

assembling the necessary information and data to enable the board to make the required assessments annually beginning in 1935.

This information and data, however, are not yet complete, nor will it be until about June 1, 1935. Accordingly, it is impossible at this date for the State Board of Equalization to furnish the Legislature with a statement of the valuation of utility property based upon its own independent studies and conclusions. Moreover, therefore, must be had to certain other information which is in the possession of the board, and the following report is based upon such information. A statement of the information used and the value of utility property based thereon follows:

Table I.

Column 1. A statement showing the actual assessment in 1934 of those classes of operative property, which beginning in 1935 are to be assessed by the board and placed upon local tax rolls. The material under these headings has been compiled from the operative assessment rolls for 1934 submitted by the respective county assessors, pursuant to the provisions of section 3670c, in the Political Code, together with the assessments made by the State Board of Equalization for farmsteads, feed beds, rails and rolling stock of intercounty railroads, pursuant to the provisions of section 3670e of the Political Code.

Column 2. A statement showing the assessment of nonoperative property as assessed by local county assessors and as equalized by local county boards of equalization as reported by county auditors, pursuant to the provisions of section 2728 of the Political Code.

Column 3. The total of Column 1 and Column 2.

Table II.

Column 1. The assessed values as reported by the local county assessors contained in Table I, Column 1, have been converted to an estimated true value by the application of the ratios of assessed value to true value, as found by the State Board of Equalization on December 3, 1934, pursuant to the provisions of section 11, Chapter 642, Statutes of 1934, as amended by Chapter 757, Statutes of 1935, to which has been added the value of that portion of intercounty railroad property assessed by the State Board of Equalization.

Column 2. Shows the estimated true value of nonoperative property obtained by applying the assessment ratios above referred to, to the total assessments of nonoperative property as set forth in Column 2 of Table I.

Column 3. Is the estimated true value of both classes of property arrived at by the addition of Column 1 and Column 2.

Column 4. Shows the proportion that the operative property (Column 1) bears to the nonoperative property (Column 2) expressed in per cent.

The total true value of operative property to be placed upon local tax rolls as developed in Column 1 of Table II amounts to \$1,289,852,026, this figure being as of March 2, 1934.

The total value of operative property as found by the Tax Research Bureau in its report to the Legislature dated December 1, 1932, amounted to \$1,929,945,000. This figure was as of December 31, 1931.

The difference between these two figures would appear to arise from four principal causes:

A. The inclusion of the value of franchises in the figure reported by the Tax Research Bureau, which value is excluded from the amount arrived at based on the operative roll of 1934.

Franchises were excluded from the analysis of the operative roll for the reason that the franchises are especially excluded from the property to be assessed by the State Board of Equalization.

B. The inclusion of the value of other intangibles in the figure reported by the Tax Research Bureau, which value is excluded from the amount determined on the basis of the 1934 operative roll.

Intangibles were excluded from the analysis of the operative roll, and likewise from nonoperative property values, for the reason that intangibles are subject to special low rates of taxation and are not available as a part of the general property tax base.

C. The two figures are not of the same date, and it is possible that there has been a material change in values since December 31, 1931.

D. The two totals are based upon figures which represent the judgment of different groups of individuals and, therefore, may not reflect exactly the same judgment as to value.

Table No. 1.

Statement of Assessments as of the First Monday of March, 1934, Segregated between Counties and Operative and Nonoperative Property.

Assessment as of First Monday in March, 1934

No.	Counties Name	Operative Property*	Nonoperative Property	Total Operative and Nonoperative Property
		Column 1	Column 2	Column 3
1	Alameda	\$39,502,153	\$381,841,782	\$421,343,935
2	Alpine	221,290	779,124	1,000,414
3	Amador	3,547,698	6,121,150	9,668,848
4	Butte	9,274,570	31,228,993	40,503,563
5	Calaveras	1,464,530	6,699,420	8,163,950
6	Colusa	3,262,634	17,884,255	21,146,889
7	Contra Costa	10,589,416	82,943,457	93,532,873
8	Del Norte	163,750	9,143,282	9,307,032
9	El Dorado	1,718,640	10,192,325	11,910,965
10	Fresno	44,393,267	129,615,505	174,008,772
11	Glenn	3,566,474	17,572,780	21,139,254
12	Humboldt	2,663,500	44,714,485	47,377,985
13	Imperial	6,391,183	38,749,159	45,140,342
14	Inyo	5,703,354	11,099,195	16,802,549
15	Kern	31,298,890	139,219,840	170,518,730
16	Kings	4,525,274	38,000,160	42,525,434
17	Lake	768,690	7,906,500	7,775,190
18	Lassen	6,500,657	12,657,825	19,158,483
19	Los Angeles	188,715,167	2,178,925,205	2,367,640,372
20	Madera	4,298,737	20,623,400	24,922,137
21	Marin	2,933,500	28,719,299	31,652,799
22	Mariposa	508,805	4,293,908	4,802,713
23	Mendocino	2,636,020	19,408,905	22,044,925
24	Merced	5,952,275	32,815,885	38,768,160
25	Modoc	5,113,338	6,953,028	12,066,366
26	Mono	2,807,668	3,223,200	6,030,868
27	Monterey	7,665,156	52,463,910	60,129,066
28	Napa	3,015,111	21,018,060	24,033,171
29	Nevada	2,852,719	6,396,185	9,248,904
30	Orange	13,691,633	125,884,945	139,576,578
31	Placer	9,106,437	19,407,500	28,513,937
32	Plumas	10,796,652	7,919,335	18,716,187
33	Riverside	13,642,190	46,201,550	59,843,740
34	Sacramento	17,783,893	126,856,640	144,640,533
35	San Benito	1,518,999	12,938,275	14,457,274
36	San Bernardino	31,746,100	67,711,243	99,457,343
37	San Diego	21,287,624	149,176,925	170,463,649
38	San Francisco	47,499,075	737,677,746	785,176,821
39	San Joaquin	15,393,197	82,020,940	97,414,137
40	San Luis Obispo	4,102,477	32,902,288	37,004,765
41	San Mateo	4,904,723	50,051,101	54,955,824
42	Santa Barbara	10,092,446	77,609,556	87,702,002
43	Santa Clara	11,132,347	119,775,525	130,907,872
44	Santa Cruz	2,744,134	23,873,735	26,617,869
45	Shasta	9,790,348	13,518,035	23,308,383
46	Sierra	383,796	2,508,715	2,892,511
47	Siskiyou	6,551,781	17,526,840	24,078,621
48	Solano	5,632,775	31,542,834	37,175,609
49	Sonoma	4,904,474	40,240,232	45,144,706
50	Stanislaus	6,780,067	42,464,645	49,244,712
51	Sutter	3,948,983	15,938,175	19,887,158
52	Tehama	3,689,921	13,629,240	17,319,161
53	Trinity	355,240	2,935,660	3,290,900
54	Tulare	13,512,180	52,371,699	65,883,879
55	Tuolumne	2,926,905	7,082,750	10,009,655
56	Ventura	9,039,669	66,709,950	75,749,619
57	Yolo	5,361,814	25,992,362	31,354,176
58	Yuba	4,619,885	13,766,920	18,386,805
Totals		\$694,994,231*	\$5,386,544,884	\$6,081,539,115

*Includes operative property of companies specified in section 14 of Article XIII.

Table No. II.

Statement of True Value as of the First Monday in March, 1934, Segregated Between Counties and Operative and Non-operative Property, and the Ratio of True Value of Operative Property to True Value of Non-operative Property.

Estimated True Value as of March 1, 1934.

Counties	Operative	Non-operative	Operative	Ratio
No. Name	Property	Property	Property	Property
1 Alameda	\$72,161,085	\$756,868,906	\$8,200,022,988	9.77
2 Alpine	389,595	1,371,697	1,701,092	28.49
3 Amador	7,082,491	12,697,798	19,799,289	55.78
4 Butte	16,346,232	71,739,648	88,681,689	22.79
5 Calaveras	2,055,746	12,806,722	14,862,269	36.65
6 Colusa	4,021,916	34,467,291	38,489,297	11.67
7 Contra Costa	19,348,296	211,137,433	239,485,699	9.16
8 Del Norte	377,611	19,900,040	26,729,161	1.79
9 El Dorado	2,576,772	21,807,218	24,789,969	14.89
10 Fresno	78,125,197	278,991,225	336,128,232	20.28
11 Glenn	4,624,635	35,042,278	49,696,941	42.78
12 Humboldt	4,270,947	96,599,754	109,861,291	4.42
13 Imperial	9,397,128	76,041,802	87,419,999	12.36
14 Inyo	19,761,053	39,038,453	56,419,596	27.13
15 Kern	67,972,181	377,880,759	445,872,074	17.09
16 Kings	6,517,929	77,046,792	84,154,721	8.49
17 Lake	1,964,954	17,968,512	19,878,669	19.97
18 Lassen	6,914,363	24,099,128	31,467,697	28.79
19 Los Angeles	355,508,700	4,340,297,836	4,695,896,796	8.19
20 Madera	6,317,194	39,897,497	49,214,031	15.89
21 Marin	5,061,222	77,589,273	82,669,667	6.49
22 Mariposa	677,980	7,864,069	8,482,249	8.69
23 Mendocino	5,054,915	52,490,990	57,467,965	9.65
24 Merced	9,721,373	99,242,242	109,962,115	10.32
25 Modoc	6,261,943	26,497,965	32,739,098	10.09
26 Mono	4,181,069	5,491,907	9,672,476	76.16
27 Monterey	13,322,579	136,593,736	149,911,975	9.75
28 Napa	4,119,152	42,345,116	46,977,268	9.71
29 Nevada	6,123,213	16,787,476	22,910,699	39.47
30 Orange	28,769,458	354,148,904	379,918,392	8.19
31 Placer	14,211,096	39,928,417	59,569,516	26.42
32 Plumas	16,644,859	1,187,2045	36,344,791	119.66
33 Riverside	25,472,181	144,066,822	179,777,699	17.98
34 Sacramento	27,980,695	225,431,770	263,444,465	19.41
35 San Benito	2,523,391	25,745,646	28,269,657	9.80
36 San Bernardino	60,368,734	217,158,441	277,527,175	27.89
37 San Diego	44,402,923	337,463,529	381,896,452	16.16
38 San Francisco	90,401,218	1,499,395,769	1,499,796,987	6.41
39 San Joaquin	27,115,493	199,261,688	217,397,181	14.25
40 San Luis Obispo	11,087,409	66,792,004	77,879,413	16.69
41 San Mateo	15,070,770	185,939,535	201,610,365	8.17
42 Santa Barbara	18,141,016	179,191,135	197,242,151	10.13
43 Santa Clara	20,681,863	270,485,074	291,166,937	7.65
44 Santa Cruz	5,499,716	67,289,825	72,991,541	8.16
45 Shasta	26,091,346	41,993,705	68,088,061	62.13
46 Sierra	550,058	5,878,254	6,428,312	9.96
47 Siskiyou	8,598,709	33,315,217	41,913,926	25.81
48 Solano	8,639,967	64,379,150	73,619,117	13.42
49 Sonoma	9,782,576	114,131,865	123,914,441	8.57
50 Stanislaus	12,195,386	106,736,960	118,932,286	11.43
51 Sutter	6,291,042	42,835,901	49,126,943	14.69
52 Tehama	5,961,804	28,389,664	34,342,468	21.01
53 Trinity	671,446	7,415,155	8,086,601	9.06
54 Tulare	21,726,146	127,448,391	149,174,537	17.05
55 Tuolumne	8,888,024	22,500,214	31,388,238	39.59
56 Ventura	16,293,171	133,519,888	169,813,039	10.61
57 Yolo	7,594,755	57,536,397	65,041,152	13.04
58 Yuba	8,193,392	29,802,896	37,996,258	27.49
Totals	\$1,280,852,026	\$11,543,350,260	\$12,824,202,286	11.10

*Includes operative property of companies specified in section 14 of Article XIII.

Introduction, First Reading and Reference of Bills.

By Senator Stow: Senate Bill No. 328—An act relating to rural relief or rehabilitation corporations or agencies, and authorizing persons holding State offices or employments to participate therein, declaring the urgency of this act and providing that it shall go into immediate effect.

Bill read first time.

Special Order.

Senator Stow moved that Senate Bill No. 328 be made a special order for this day at two o'clock and five minutes p.m.

Motion carried.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Hays: Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; creating the office of Truck Commissioner; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Biggar: Senate Bill No. 330—An act to add sections 762, 763 and 764 to, and to repeal sections 789, 790 and 791 of, the Probate Code, relating to sales of property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Young: Senate Bill No. 331—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Swing: Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than \$10,000; requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923; and adding a new section thereto to be numbered 3, providing a penalty for violation of any of the provisions of said act, relating to public officers and employees subject to the provisions hereof.

Bill read first time, and referred to Committee on Unemployment.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 328, heretofore set as a special order for two o'clock and five minutes p.m., the same was taken up for consideration.

Consideration of Senate Bill No. 328.

Senator Stow asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 328, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Stow:

Resolved, That Senate Bill No. 328 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision in that section requiring that the bill shall be read on three several days in each branch is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donal, DeFina, David, Edwards, Fletcher, Gordon, Hays, Keough, King, Knowland, McCormack, McGowan, McGowaness, Metzger, Mixer, Olson, Perry, Powers, Roundellat, Scollan, Shaver, Sawyer, Snow, Tickle, Waggy, and Young—28.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 328.

Second Reading of Senate Bill No. 328.

Senate Bill No. 328—An act relating to rural relief or rehabilitation corporations or agencies, and authorizing persons holding State offices or employments to participate therein, declaring the urgency of this act and providing that it shall go into immediate effect.

Bill read second time, considered correctly engrossed and ordered to third reading.

Urgency Clause.

Sec. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution, and shall accordingly go into immediate effect. The facts constituting such urgency are the following:

This act is intended to facilitate cooperation with the Federal government in connection with a comprehensive program for rural relief and rehabilitation in the State of California and the United States. It is necessary to establish agencies in this State to provide credit facilities to carry out the purposes and to assist in the administration of this program. It is anticipated that the Federal government will make substantial grants to be utilized through such agencies for such purposes. Immediate establishment and functioning of such agencies are essential to secure

assistance as early as possible in accordance with Federal plans and policies, and until such agencies are established this State will be unable to participate in the benefits of such plans and policies. This act will place this State in a position to receive and enjoy such benefits without delay, and should therefore go into immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Seadlan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 328 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Seadlan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 328 ordered transmitted to the Assembly.

Consideration of Assembly Bill No. 23.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 23, for purpose of passage.

Second Reading of Assembly Bill No. 23.

Assembly Bill No. 23—An act relating to the relief of debtors and guarantors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of forfeitures and terminations under such contracts of purchase, declaring the urgency thereof, and providing that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 23 were read:

Amendment No. 1.

In line 2 of the title of the printed bill, strike out the words "permitting postponement of foreclosures and", and insert in lieu thereof the following: "postponing".

Amendment No. 2.

In line 3 of the title of the printed bill, strike out the word "or", and insert in lieu thereof the following: "and".

Amendment No. 3.

In line 4 of the title of the printed bill, strike out the words "or postponement of", and substitute in lieu thereof the following: "postponing".

Amendment No. 4.

In line 5 of the title of the printed bill, following the comma, insert the following: "in certain cases".

Amendment No. 5.

On page 2 of the printed bill, strike out all of lines 10 to 52, inclusive, and insert in lieu thereof the following:

"SEC. 2. Until February 1, 1937, except in the case of mining property, no sale shall be made under any power of sale contained in any mortgage or deed of trust

heretofore executed upon real property, nor shall any sale be made under any final decree of foreclosure rendered in any action to foreclose a mortgage heretofore executed upon real property nor shall the interest of any purchaser under a contract of purchase of real property heretofore executed, be terminated or forfeited, in any case in which the only default in the performance of the obligation for which said mortgage or deed of trust was given as security or in the performance of such contract consists solely of the failure to pay when due the principal sum of such obligation.

Nothing contained in this act shall prevent the acceleration, by reason of the nonpayment of taxes, interest or insurance, of the entire obligation secured by any such mortgage or deed of trust, nor prevent the sale thereunder by reason of such default.

Sec. 3. In all cases in which the time within which an action upon any obligation founded upon a written instrument secured by a mortgage or deed of trust upon real property, or any guaranty thereof, may be commenced would expire by virtue of section 337 of the Code of Civil Procedure during the period extending between the date upon which this act takes effect and the first day of February, 1937, such time is hereby extended so as not to expire until April 1, 1937.

Sec. 4. Any sale of real property under a deed of trust or mortgage with power of sale made in violation of this act shall be voidable, except as against a bona fide purchaser or encumbrancer for value, at the instance of the record owner of such real property at the time of such sale, provided that any action to avoid such sale or any deed executed pursuant thereto must be brought within one year of the date of such sale.

Sec. 5. Nothing contained in this act shall apply to or be deemed to affect (a) any mortgage, deed of trust or contract of sale upon real property executed after the effective date of this act, or (b) any mortgage or deed of trust securing the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations or made by public utilities subject to the provisions of the Public Utilities Act.

Sec. 6. Except in the case of leasing property, no sale shall be made under any power of sale contained in any mortgage or deed of trust executed before the effective date of this act upon real property, nor shall any sale be made under any final decree of foreclosure rendered in any action to foreclose a mortgage executed before the effective date of this act upon real property, nor shall the interest of any purchaser under a contract of purchase of real property executed before the effective date of this act be terminated or forfeited, in any case in which the only default in the performance of the obligation for which said mortgage or deed of trust was given as security or in the performance of such contract consists solely of the failure to pay when due installments of the principal sum of such obligation which became due according to the terms of such obligation between the effective date of this act and February 1, 1937, until at least six months after the due date of the last installment of the principal sum of such obligation.

Nothing contained in this section shall prevent the acceleration by reason of the nonpayment of taxes, interest or insurance, of the entire obligation secured by any such mortgage or deed of trust, nor prevent the sale thereunder by reason of such default.

In all cases in which the time within which an action upon any installment of the principal sum of an obligation, or any guaranty thereof, a sale for default in the payment of which is postponed by this act, would expire by virtue of section 337 of the Code of Civil Procedure prior to the time when such sale is permitted by this section, then such time in which such action may be brought is extended to and until three months after the date upon which such sale might be held under this section.

Sec. 7. No suit or action shall be commenced against the guarantor of any note secured by a mortgage or deed of trust upon real property in any case while by virtue of any law no sale may be made under any power of sale contained in such mortgage or deed of trust, or while no sale may be made under the final decree of foreclosure rendered in an action to foreclose such mortgage.

Sec. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: A severe economic depression exists throughout the State, rendering many of its citizens unable to pay the principal sum of their debts or to otherwise refinance their loans. As a result thereof, through foreclosure actions, they are being deprived of their property."

Amendment No. 6.

Strike out all of pages 3, 4, 5 and 6 of the printed bill.

Amendment to the Amendment.

Senator Swing moved to amend the proposed amendment No. 5 as follows:

Amendment No. 1.

On page 2, line 15, of the proposed committee amendments, after the word "of", strike out the word "taxes,".

Ayes and Noes Demanded.

A roll call was demanded by Senators Swing, Sharkey, and Jespersen on the adoption of the amendment to the amendment.

The roll was called, and amendment to the amendment adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Scollan, Seawell, Sharkey, Swing, Tickle, and Young—26.

NOES—Senators Duval, Edwards, Hays, McGovern, McGuinness, Reindollar, Rich, Schottky, Snyder, and Wagy—10

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Jespersen, and McColl on the adoption of the committee amendments as amended.

The roll was called, and the committee amendments as amended adopted by the following vote:

AYES—Senators Deuel, Difani, Duval, Edwards, Fletcher, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixer, Parkman, Reindollar, Rich, Seawell, Sharkey, Snyder, Swing, Tickle, Wagy, and Young—23.

NOES—Senators Biggar, Crittenden, Garrison, Hulse, Jespersen, McColl, Metzger, Olson, Perry, Pierovich, Powers, Schottky, and Scollan—13.

Bill read second time, and ordered to third reading.

Resolution.

The following resolution was offered:

By Senator Olson:

Resolved, That Assembly Bill No. 23 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Swing, Tickle, Wagy, and Young—36.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 23.

Urgency Clause.

SEC. 16. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately.

The facts constituting the necessity are the dangers to the State and to the people involved in the unusually large number of foreclosures, sales, forfeitures and terminations which will result in the near future under mortgages, deeds of trust, and contracts of purchase of real property, because of defaults in payments by the owners

or purchasers of such property. Such defaults are the result of exceptionally depressed economic conditions in this State, which have deprived a large proportion of the land owners and land purchasers of sufficient income to meet their obligations. The dangers in the situation are such as to threaten the maintenance of law and order, and to lead to the pauperization of many persons who have hitherto constituted an important part of the self-supporting and economically independent people of this State. This act will provide a means for ducking such sales, foreclosures, terminations, and forfeitures so as to permit land owners and land purchasers to find means of meeting their obligations; and at the same time will protect the interests of creditors. The dangers mentioned will thus be avoided.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Dufur, Duval, Edwards, Fletcher, Garrison, Hays, Hulke, Jaspersen, Keough, King, Knowland, McColl, McGowan, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pionovich, Powers, Reindollar, Rich, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—37.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 23 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Dufur, Fletcher, Garrison, Hays, Jaspersen, Keough, King, Knowland, McColl, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pionovich, Powers, Reindollar, Rich, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—29.

NOES—Senators Duval, Edwards, McGovern, Reindollar, Rich, and Schotky—6.

Title read and approved.

Assembly Bill No. 23 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 19—Relative to sending the entire Atlantic Fleet of the United States Navy to the Pacific Coast for several months this year.

Also: Assembly Joint Resolution No. 20—Relative to Government control and ownership of munition plants.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolutions Nos. 19 and 20 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 16—Relative to approving certain amendments to the charter of the county of Los Angeles, State of California, submitted to, voted for, and ratified by the electors of said county at a special election held in said county for that purpose on the sixth day of November, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 16 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 142—An act to repeal section 11a of an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as a means thereof creating a reclamation district to be called and known as the 'Islais Creek Reclamation District,' fixing the boundaries

thereof, providing for the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the City and County of San Francisco and its successors any title of the State in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to delinquent installments of assessments, and declaring the urgency thereof, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 142 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 15—Calling for the general observance of Cabrillo Day and authorizing the Governor of the State of California to make appropriate proclamations with respect thereto.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 15 ordered to enrollment.

Notice of Motion to Reconsider.

Senator Snyder gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 23 was passed.

Notice of Motion to Reconsider.

Senator Deuel gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 23 was passed; also the vote by which the committee amendments were adopted; also the vote by which the amendment to the amendment was adopted.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senators Crittenden, Deuel, McCormack, Rich, Scollan and Metzger: Senate Bill No. 333—An act making an appropriation to the Reclamation Board of the State of California to carry out the provisions of an act entitled, "An act approving the report of the California Debris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1911, as modified by the report of California Debris Commission, dated January 5, 1925, and providing the extent to which the State of California will contribute to the expense of executing the plan approved in said report, conditioned upon the United States assuming a corresponding obligation and further providing the purposes to which said expenditures made hereunder shall be applied," approved May 4, 1925.

Bill read first time, and referred to Committee on Finance.

By Senator Metzger: Senate Bill No. 334—An act relating to reclamation and irrigation districts.

Bill read first time, and referred to Committee on Irrigation.

By Senator Metzger: Senate Bill No. 335—An act to amend section 40 of the Agricultural Code, relating to the State Board of Agriculture.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Keough: Senate Bill No. 336—An act requiring licenses for the operation or maintenance of commercial institutions having outlets or establishments in more than one county in this State; prescribing the license and filing fees to be paid therefor; providing for

penalties for the violation of this act and providing for the enforcement of this act.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGuinness: Senate Bill No. 337—An act requiring licenses for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, providing for penalties for the violation of this act, providing for the enforcement of this act.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGuinness: Senate Bill No. 338—An act to amend section 1 of an act entitled "An act regulating the hours of labor of the operators of certain motor vehicles," approved June 10, 1933, relating to hours of labor.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Hays: Senate Bill No. 339—An act making an appropriation for the armed forces of the State when called on active service.

Bill read first time, and referred to Committee on Finance.

By Senator Hays: Senate Bill No. 340—An act to authorize the deposit of selective tax installment payments prior to or subsequent to tax due dates, the establishment of a special trust fund therefor, and the procedure relating thereto.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Hays: Senate Bill No. 341—An act making an appropriation to pay the claim of Paul Arndt against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Hays: Senate Bill No. 342—An act making an appropriation for the purchase of a site and the construction of an armory in the city of Fresno, Fresno County, California.

Bill read first time, and referred to Committee on Finance.

By Senator Fletcher: Senate Bill No. 343—An act to amend sections 101 and 102, and to add sections 37a, 37b, 37c, 37d, 37e, 76a, 102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 102i, 115a, 382a, and 382b to the Military Code, relating to personnel.

Bill read first time, and referred to Committee on Military Affairs.

By Senator McCormack: Senate Bill No. 344—An act to amend section 3480d of the Political Code, relating to crediting on calls of installment of assessments made by reclamation districts amounts of outstanding bonds exchanged in refunding proceedings, or otherwise canceled, and to the redemption of property sold to reclamation districts for delinquent assessments and installments thereof, and to the sale by county treasurers of land sold for delinquent assessments and installments thereof, and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing this act shall take effect immediately.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator McCormack: Senate Bill No. 345—An act to amend section 3480d of the Political Code, relating to crediting on calls of installment of assessments made by reclamation districts amounts of outstanding bonds exchanged in refunding proceedings, or otherwise canceled, and to the redemption of property sold to reclamation districts for delinquent assessments and installments thereof, and to the sale by county treasurers of land sold for delinquent assessments and installments thereof, and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing this act shall take effect immediately.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Snyder: Senate Bill No. 346—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to written instruments.

Bill read first time, and referred to Committee on Judiciary.

By Senators Slater and Duval: Senate Bill No. 347—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 1.01 relating to definitions, 12.07 relating to bonds of officers and employees, 13.16 relating to liquidation by the Building and Loan Commissioner, 13.17 relating to assessments for salaries and expenses and 15.16 relating to borrowers' mutual building and loan associations; and adding to said act new sections to be numbered 12.04a relating to foreign building and loan associations and 14.09 relating to liability for acts done or omitted in conformity with any rule, regulation, approval, consent, order, direction or other act of the Building and Loan Commissioner.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Senator Metzger: Senate Bill No. 348—An act to amend section 4 of the Central Valley Project Act of 1933, relating to mills.

Bill read first time, and referred to Committee on Irrigation.

By Senator Pierovich: Senate Bill No. 349—An act to amend sections 373a and 373g, and to repeal section 373h of the Political Code, and to add a new article to Chapter III of Title I of Part III of the Political Code, to be numbered Article IIp, embracing sections 373 to 379g, relating to the creation, powers, duties and functions of a Department of Mineral Resources.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Pierovich: Senate Bill No. 350—An act to add a new article, to be numbered Article 1a and comprising section 11725, to Chapter 3 of Part 3 of Division 2 of the Insurance Code, relating to premium on compensation payments covering mining risks.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Pierovich: Senate Bill No. 351—An act for the establishment of a mill testing laboratory by the State Division of Mines, and making an appropriation therefor.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Pierovich: Senate Bill No. 352—An act to amend section 3 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to occupational diseases.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, Duval, McCormack, and Gordon: Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural and horticultural products and of any competing commodity or product thereof, to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Gordon: Senate Bill No. 354—An act to amend sections 1065 and 1071 of the Agricultural Code, relating to economic poisons.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Hays: Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Tickle: Senate Bill No. 356—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and to add a new section thereto numbered 9a.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Tickle: Senate Bill No. 357—An act to repeal section 452a of the Political Code, relating to the safekeeping of bonds deposited with treasurers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tickle: Senate Bill No. 358—An act to amend sections 1, 3, 4 and 10 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with the act," approved April 28, 1933, and to add a new section to said act numbered 9a.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Slater: Senate Bill No. 359—An act to amend section 2 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Schottky: Senate Bill No. 360—An act creating a Commission for the Improvement of the Administration of Criminal Justice, defining its duties, making an appropriation for its expenses, and repealing an act creating the Crime Commission.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Schottky: Senate Bill No. 361—An act to add a new section to the Code of Civil Procedure, to be numbered 675b, relating to the discharge of a bankrupt from judgment.

Bill read first time, and referred to Committee on Judiciary.

By Senator Schottky: Senate Bill No. 362—An act to amend section 801 of the Penal Code, and to add section 801a to said code, relating to limitation on indictments, informations, or complaints in misdemeanor cases.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Schottky: Senate Bill No. 363—An act to amend section 423 of the Probate Code, relating to appointment of administrators.

Bill read first time, and referred to Committee on Judiciary.

By Senator Schottky: Senate Bill No. 364—An act to amend section 580a of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator Schottky: Senate Bill No. 365—An act to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924 of the Civil Code, relating to recording of notice of default and to giving notice of sale under deeds of trust and mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924b of the Civil Code, relating to giving of notice of recording of notice of default and of time and place of sale under deeds of trust or mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924c of the Civil Code, relating to reinstatement of loans when due date of principal sum has been accelerated; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580b of the Code of Civil Procedure, prohibiting deficiency judgments on purchase money mortgages and deeds of trust; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580c of the Code of Civil Procedure, limiting the trustee's or attorney's fees which a mortgagor or trustor may be required to pay; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 725a of the Code of Civil Procedure, permitting the beneficiary or trustee named in a deed of trust to bring suit to foreclose the same in the manner of a mortgage; and to amend section 2924½ of the Civil Code, relating to mortgages and deeds of trust, all relating to the hypothecation of real property and to obligations secured thereby.

Bill read first time, and referred to Committee on Judiciary.

By Senator Schottky: Senate Bill No. 366—An act to renumber section 532a of the Penal Code, as added by Chapter 70 of the Statutes of 1913, to be section 532e of said code, relating to giving lots on the drawing of numbers.

Bill read first time, and referred to Committee on Judiciary.

By Senators Seawell and McColl: Senate Bill No. 367—An act to amend section 1 of "An act regulating the hours of labor of the operators of certain motor vehicles," approved June 10, 1933, relating to operators of vehicles.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Seawell: Senate Bill No. 368—An act to amend the Placer Mining District Act by adding new sections thereto, relating to State operation of gold mining properties, directly or through State agencies or public corporations.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Seawell: Senate Bill No. 369—An act to provide for operation of gold mining properties by the State directly or through State agencies or public corporations.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Fletcher (by request): Senate Bill No. 370—An act to amend section 3 of an act entitled "An act providing for the sale of street, rail and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting acts approved March 22, 1905, relating to franchises in counties and municipalities.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Deuel: Senate Bill No. 371—An act to amend sections 226 and 227 and to repeal section 227a of the Civil Code, relating to adoption.

Bill read first time, and referred to Committee on Judiciary.

By Senator Deuel: Senate Bill No. 372—An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Deuel: Senate Bill No. 373—An act to amend section 1 of "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores and spotting, sponging, and or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing penalties for violations," approved May 28, 1931.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Deuel: Senate Bill No. 374—An act to amend "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Deuel: Senate Bill No. 375—An act to add section 420.5 to the Fish and Game Code, relating to licenses.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Deuel: Senate Bill No. 376—An act to repeal Article II of Chapter II of Part II of Division III of the School Code and to add to Chapter II of Part II of Division III of the School Code a new article to be known as Article II, relating to contracts between State teachers colleges and elementary school districts for the education of pupils of such districts.

Bill read first time, and referred to Committee on Education.

By Senator Knowland: Senate Bill No. 377—An act to validate the organization and existence of regional park districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Young: Senate Bill No. 378—An act to amend section 274 of the Penal Code, relating to the crime of abortion.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Mixer: Senate Bill No. 379—An act to amend section 1 of Chapter 339 of the Statutes of 1933 entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the construction of certain words and phrases used in said act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Difani: Senate Bill No. 380—An act creating a State Board of Eugenics and defining the powers and duties thereof, and providing for the care, protection, and decrease of the State's defectives, and lowering of the expenses therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Scollan: Senate Bill No. 381—An act to amend sections 616, 617 and 618 of the Fish and Game Code, relating to trout.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Difani: Senate Bill No. 382—An act to amend sections 5 and 6 of "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," approved April 27, 1933, relating to the allocation to cities of a portion of the tax collected under this act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Difani: Senate Bill No. 383—An act to amend sections 5 and 6 of "An act to impose an excise tax on the manufacture and distribution of certain beverages, to provide for the collection and disposition thereof, to provide penalties for the violation hereof and

to declare that this act shall take effect as a statute immediately," approved April 6, 1933, relating to the allocation to cities of the State of a portion of the 2-cent tax on alcoholic beverages based on sales made in such cities.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Difani: Senate Bill No. 384—An act to add section 133 to the Civil Code, relating to entry of final judgment in divorce cases *nunc pro tunc*.

Bill read first time, and referred to Committee on Judiciary.

By Senator Difani: Senate Bill No. 385—An act to amend section 3 of "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the allowing of police commissioners to create ordinances governing local conditions.

Bill read first time, and referred to Committee on County Government.

By Senator Difani: Senate Bill No. 386—An act to add section 133 to the Civil Code, relating to entry of final judgment in divorce cases *nunc pro tunc*.

Bill read first time, and referred to Committee on Judiciary.

By Senator Pierovich: Senate Bill No. 387—An act making an appropriation to pay the claims of H. P. Royer, Mildred Bowen, and Mary Donohue against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Mixer: Senate Bill No. 388—An act amending section 2 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties" approved April 17, 1929, relating to the period of time said act shall be in force and effect.

Bill read first time, and referred to Committee on County Government.

By Senator Pierovich: Senate Bill No. 389—An act to amend section 630 of the Probate Code, relating to summary probate proceedings.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tickle: Senate Bill No. 390—An act to provide for the establishment and administration of a system of health insurance.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Tickle: Senate Bill No. 391—An act to provide for the establishment, regulation and supervision of systems of health service insurance in California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Parkman: Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists for the purpose of protecting the public health and defining a clinical laboratory and a clinical laboratory technologist, and to provide penalties for the violation of the provisions of this act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Reindollar: Senate Bill No. 393—An act to amend section 692 of the Code of Civil Procedure, relating to giving notice of sales under execution.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, Biggar, and Mixer: Senate Bill No. 394—An act making an appropriation to reimburse the owners of animals having bovine tuberculosis which have been slaughtered pursuant to the provisions of the Agricultural Code.

Bill read first time, and referred to Committee on Finance.

By Senator Olson: Senate Bill No. 395—An act to levy a tax on all sales, or agreements to sell, or memoranda of sales and all deliveries or transfers of shares or certificate of stock, or certificates of rights to stock, or certificates of deposit representing certificates payable under this article, in any domestic or foreign association, company or corporation, or certificates of interest in business conducted by a trustee or trustees and for other purposes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Edwards: Senate Bill No. 396—An act to amend section 12 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the conservation of natural resources.

Bill read first time, and referred to Committee on Oil Industries.

By Senator Edwards: Senate Bill No. 397—An act to amend section 18 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the powers of the Surveyor General now the Chief of the Division of State Lands.

Bill read first time, and referred to Committee on Oil Industries.

By Senator Edwards: Senate Bill No. 398—An act to amend section 4 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the extension of prospecting permits for oil and gas which were in effect June 1, 1933, and upon which has been expended \$25,000 or more in the prospecting for oil and gas.

Bill read first time, and referred to Committee on Oil Industries.

By Senator Hulse: Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees.

Bill read first time, and referred to Committee on Irrigation.

By Senator Hulse: Senate Bill No. 400—An act to amend section 893 of, and to add section 897.1 to the Agricultural Code, relating to field crops.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Hulse: Senate Bill No. 401—An act to add section 612 to the Streets and Highways Code, establishing an additional secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hulse: Senate Bill No. 402—An act to add section 613 to the Streets and Highways Code, establishing an additional secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Powers: Senate Bill No. 403—An act making an appropriation to pay the claim of Modoc County Fair Association against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Powers: Senate Bill No. 404—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senators Powers and Pierovich: Senate Bill No. 405—An act relating to the construction, maintenance and administration of public highways in the State of California, making an appropriation therefor, repealing sections 2, 3 and 5 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for

the construction, maintenance and improvement of State highways" approved May 26, 1927, as amended, and repealing all laws inconsistent herewith.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Scollan: Senate Bill No. 406—An act to amend section 610 of the Fish and Game Code, relating to trout and whitefish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Scollan: Senate Bill No. 407—An act to amend section 611.5 of the Fish and Game Code, relating to golden trout.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Biggar: Senate Bill No. 408—An act to add sections 614 and 615 to the Streets and Highways Code, establishing additional secondary State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Scollan: Senate Bill No. 409—An act to repeal section 611.6 of the Fish and Game Code, relating to steelhead trout.

Bill read first time, and referred to Committee on Fish and Game.

By Senators Knowland and Sharkey: Senate Bill No. 410—An act to amend Chapter 763 Statutes of 1929, approved June 10, 1929 as amended by Chapter 401 Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10, Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act" by amending the title thereof and by amending sections 2, 9, 11, 14, 16, 20 and 22½, and by adding thereto new sections numbered 4½, 5½, 5¾, 8½, 8¾, 9½, 9¾, 12½, 13¾, 16½ and 16¾, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto, and providing that this act become effective immediately.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Garrison: Senate Bill No. 411—An act to appropriate the sum of \$4,000 to lease the necessary facilities and to incorporate the city of Modesto into the teletype system.

Bill read first time, and referred to Committee on Finance.

By Senator Garrison: Senate Bill No. 412—An act to amend the California Irrigation District Act by adding thereto section 32f, providing for extension of maturity and reduction of interest and/or principal of bonds, and authorizing the directors of irrigation districts to enter into contracts for that purpose.

Bill read first time, and referred to Committee on Irrigation.

By Senator Schottky: Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section 1a of Article VI, relating to the Judicial Council.

Referred to Committee on Constitutional Amendments.

Withdrawal of Assembly Bill No. 75.

Senator Olson moved that Assembly Bill No. 75 be withdrawn from Committee on Municipal Corporations for purpose of passage.

Motion carried, and such was the order.

Resolution.

The following resolution was offered:

By Senator Olson:

Resolved, That Assembly Bill No. 75 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Waggy, and Young—30.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 75.

Second Reading of Assembly Bill. No. 75.

Assembly Bill No. 75—An act in relation to and regulating the commencement and continuation of proceedings to enforce or foreclose the lien of special assessment bonds issued for public improvements, and declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read second time, and ordered to third reading.

Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, with the meaning of section 1, Article IV of the Constitution of the State of California, and shall take effect immediately.

The following is a statement of the facts constituting such urgency: The peace, safety and welfare of the citizens of this State are dependent upon immediate relief from the payment of the principal or installments thereof due upon said special assessment bonds. Because of the present economic crisis, the owners of property upon which such special assessment bonds are a lien are unable to pay principal due thereon and unless foreclosure and enforcement of such bonds is delayed where such principal or installments thereof are unpaid, such owners will lose their property and will cause great financial loss.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, and Young—32.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 75 passed by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Powers, Rasmussen, Rich, Schottky, Scollan, Sewell, Sharkey, Slater, Snyder, Snyw, Snyw, Tinkle, and Wagy—35.

NOES—None.

Title read and approved.

Assembly Bill No. 75 ordered transmitted to the Assembly.

Adjournment.

At four o'clock p.m., on motion of Senator Rich, the President declared the Senate adjourned, until eleven o'clock a.m., Friday, January 25, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Friday, January 25, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Daniel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Powers, Rasmussen, Rich, Schottky, Scollan, Sewell, Sharkey, Slater, Snyder, Snyw, Snyw, Tinkle, and Young—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Meats.

Reading of the Journal.

During the reading of the Journal of Thursday, January 24, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Williams was, on motion of Senator Gordon, granted leave of absence for this day.

Senator Difani was, on motion of Senator Sharkey, granted leave of absence for this day.

Senator Tinkle was, on motion of Senator Slater, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mary E. Blake-Burke of Saratoga.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. John S.

Ramsay, Mrs. E. Gleason, Messrs. Waldemar Gnerich, Albert Kasper, Francis A. Walsh, and William Fulton, all of San Francisco.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Frank A. Walsh, President, California State Board of Pharmacy, John Ramsey, Albert Kasper; and Edna E. Gleason, members, and William Fulton, Secretary, of the California State Board of Pharmacy; Clarence Brogan, President, California Pharmaceutical Association; Waldemar Gnerich, Secretary, Northern California Retail Druggists Association; Frank Mortensen, Secretary, Southern California Retail Drug Association.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. B. W. Painter, principal; Mrs. L. F. Best, teacher, and the following pupils of Sutter Junior High School: Donald Boschert, Ray Draper, Richard Ensbury, Bill Ferrell, Frank Gomes, Bobby Hoyes, Billy Kidder, Clarence Kulil, Ned Pedisich, James Plunkett, Rodney Robinson, Dempsey Rossetto, William Rotas, Kenneth Slocum, Boyd Webber, Virgil Yee, Mary Ellen Adams, Eleanor Barr, Annie Borgia, Dorothy Brennan, Betty Jean Broady, Louise Fletcher, Dorothy Frieden, Nona Green, Jacqueline James, Violet Johnson, Mary Jane Kelly, Jeanne Lewis, Shirley Matheson, Elaine McCallen, Eliene Medford, Irene Medford, Marian Patterson, Laura Renny, Florette Silva, Pearl Strach, Dorothy Struck, Marie VanSlyke and Vivian Williams.

On request of the President of the Senate, Hon. George J. Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. William May Garland, dean of Los Angeles realtors; war-time president, National Real Estate Association; honorary president, California Real Estate Association; former president, State Chamber of Commerce; member, Notification Committee to Presidents McKinley and Roosevelt; chairman, International Olympiad, 1932, and world famous expounder of the virtues of America, and particularly of California.

Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS.

SACRAMENTO, JANUARY 4, 1935.

To the Honorable Members of the State Legislature of California, Session of 1935.

Pursuant to the provisions of Assembly Concurrent Resolution No. 49 (Chapter 88, Statutes of 1931), directing the Department of Public Works to investigate the possibilities of taking over the Muir Woods Toll Road, Marin County, California, or building a State highway into the National park, maintained by the United States government, and to report its findings to the 1935 session of the Legislature, I have the honor to transmit to you, in the accompanying report, the results of such study.

Yours very truly,

EARL LEE KELLY, Director of Public Works.

Report on Muir Woods Toll Road, Marin County, California.

At the last session of the State Legislature was passed Assembly Concurrent Resolution No. 49, reading as follows:

"WHEREAS, The United States government maintains the Muir Woods in Marin County as a National Park; and

"WHEREAS, Thousands of the citizens of the State of California and of other States visit said park annually; and

"WHEREAS, The only highway leading to and from said park is privately owned and is a toll road; and

"WHEREAS, The existence of a toll road is of great disadvantage to the people of the State of California and tends to deprive great numbers of people from the advantages of the park maintained by the Federal government, now, therefore, be it

"Resolved by the Assembly of the State of California the Senate thereof concurring, That the Department of Public Works be and it is hereby requested to investigate the possibilities of taking over said toll road or becoming a State highway into said park, and to report its findings to the 1935 session of the Legislature."

In accordance with the above an investigation and study were made and the following report is prepared for consideration and further action.

The Muir Woods National Monument is a beautiful spot of virgin Redwood timber of high scenic value. It comprises an area of approximately 426 acres originally included in the monument proper, to which a subsequent addition of 29.25 acres was secured by the monument to prevent encroachment of unsightly developments by commercial exploitation. It is situated at the base of and on the slope of Redwood Creek, west of a divide that runs northwesterly from Mt. Tamalpais. Its location is indicated on the attached map, marked in orange west of Mill Valley on the Marin Peninsula.

The monument lies in an area of Marin County removed from main traveled highways. Present highway access to the monument is provided by a toll road owned and operated by the Muir Woods Toll Road Company. The entrance end of the toll road joins a county road that extends southwesterly from Mill Valley. This toll road terminus is on a point of the aforesaid county road on the ridge 0.9 mile north of a road from Manzanita across the Marin Peninsula to the coast, now being maintained as State Highway Route 56. The east entrance to the toll road is accordingly approached by using the road from Manzanita to approximately the summit of the Marin Peninsula and thence by county road northerly for 0.9 mile, or by an alternative and more circuitous route by way of Mill Valley and a minor standard road ascending to the ridge terminus.

From the above mentioned east terminus of the toll road the latter descends rapidly to the southeast corner of the Muir Woods National Monument in a distance of 1.8 miles. The road has steep grades, ranging from 8 per cent to 11 per cent, with very sharp curvature. Roadway width averages 18 feet and its alignment closely follows the contour of ridges in descending to the base of Frank Valley.

Another section of toll road descends southwesterly from the monument following Frank Canyon for a distance of approximately 2.7 miles to a connection with said State Route 56 at a point where the latter approaches close to the coast from its descent from the ridge that divides the Marin Peninsula. The west leg of the toll road on the floor of Frank Valley is on rather poor alignment but on light grades. It also averages 18-foot width.

The toll road, comprising the two above sections aggregating 4.5 miles in length, came under the jurisdiction of the Muir Woods Toll Road Company in 1926 through the efforts of the William Kent interests, who still control it. It was built primarily to furnish highway facilities to the Muir Woods Monument by improving an existing road which was not traversable by automobile. The toll road company made this road improvement approximately on the location of the existing road. It is estimated that about 50,000 cubic yards of material were removed in widening and constructing the former road on the east leg thereof and approximately 25,000 cubic yards of material were removed on the west leg section in Frank Canyon. The road was earth graded and at present but a few sections have been lightly surfaced with local material. There are a few minor structures for drainage, consisting mostly of timber type, and at the present time in poor condition.

In its present location, shown on the map in yellow, the toll road is not considered a suitable location on which improvements could be made that would render it satisfactory for any considerable period of time or for that volume of traffic which would induce serious consideration for improvement of the road. Particularly on the east toll road entrance the sharp alignment, steep gradients, narrow roadway width and general low type of improvement make the location not adaptable to higher standards. It would be necessary to construct on a new location to obtain adequate standards. The east approach road to the monument constitutes the routing leading most directly from the points of origin of the majority of travel to the monument.

The west section of the toll road in Frank Canyon is susceptible to improvement because the sharp alignment could be rectified on gradients that are not excessive. This west section, however, has its terminus on the State highway near the coast and to use it traffic must negotiate the entire length of the State maintained route from Manzanita across the Marin Peninsula, a road section which in itself would require much improvement prior to and to be consistent with improvement of an approach to the Muir Woods National Monument.

The entire toll road could be made more safe for traffic by widening in the nature of minor improvements. It would be necessary to replace old timber structures and to oil surface the roadbed. Such improvements might be accomplished on the present road with an expenditure of approximately \$25,000. The general character of the road would not be materially changed by this procedure.

To construct a highway on better standards to the present point of contact at the Muir Woods National Monument would require a new location. A feasible location has been indicated on the map in dotted green line. The projected location departs from Manzanita Highway on the ridge near the point of departure of the present county road approach to the east toll gate. The location would descend on maximum 6 per cent grade northerly to the floor of Frank Valley near the southeast corner of the monument. It would be 1.9 miles in length. Alignment would necessarily be on curvature requiring 200-foot minimum radius curves in the gulches. The cost of constructing such a road would be approximately \$150,000, which includes grading for a 36-foot roadway and a bituminous type surfacing 22 feet in width.

From observation of the map it will be noted that the existing toll road and the suggestion for a location on modern standards serve as an entrance to one extreme corner of the Muir Woods National Monument. Before considering the expenditure of the considerable sum necessary to provide an adequate highway for the sole purpose of reaching one point on the monument, or of acquiring the existing toll road of inferior standards and inherent disadvantages for continued maintenance thereof, it would be advisable to study roadways in relation to the scenic area in the vicinity of the National monument.

North of the monument lies a considerable area of State park and north of the latter lies a wide area surrounding Mt. Tamalpais. The ultimate creation of a large recreational area or park would include much of the mountain area contiguous to Mt. Tamalpais, which has a beautiful growth of redwood, fir and other species of native trees. The wooded areas accessible from and the panoramic views that are obtained from the summit and ridges offer recreational advantages of an area close to San Francisco and the Bay cities. With the construction of the Golden Gate Bridge, the demand for developing adequate highway through this area will increase and will not be satisfied with access only to the National monument.

With the above in mind it would be possible to construct a highway approach to the monument which would provide access to both the State park and to the monument and could be eventually extended to serve a wider area. On this suggestion a routing has been indicated in heavy green line, a road starting from the Manzanita Highway as on the present county road that approaches the east toll road entrance from the south. This highway would continue northwesterly along the ridge north of the east toll road entrance to a point near the northeast corner of the State park land. Thence it is projected to descend through the State park to a site which could be used as its general terminal, central to points of interest in Muir Woods National Monument and in the State park. It is estimated that such a road, with a length of approximately 3.75 miles, could be built on a standard 36-foot graded width with 22 feet bituminous surfacing at approximately \$185,000. The estimated cost is \$35,000 in excess of that required to construct the previously described road direct to the floor of Frank Valley at the southerly tip of the Muir Woods National Monument.

The accompanying map shows the relation of the alternative highway to the existing county road from Mill Valley across the Marin Peninsula to Stinson Beach. There is also shown the location of the toll road known as the Ridgecrest Toll Road, which connects with the Mill Valley-Stinson Beach County Road on the south and with the Bolinas Bay-Fairfax County Road on the north. One leg of the toll road ascends to the summit of Mt. Tamalpais.

The investigation of practical roads to the Muir Woods National Monument naturally lead to considerations of a more comprehensive nature. The facts developed are:

1. The Muir Woods Toll Road has relatively small value as a permanent facility and would not be adaptable to other than minor improvements.

2. The Muir Woods Toll Road serves only as an approach to an extreme corner of the National monument. Construction of a modern highway on new location, intended for the same purpose, would cost approximately \$150,000.

3. An alternative location of high scenic value and serving a greater area of State park and Muir Woods National Monument can be constructed for approximately \$185,000. The alternative route would be adaptable to extension through a wider recreational area.

4. Available records show that within the last six years visitors to the National monument have decreased 50 per cent. The maximum number of visitors occurred in 1928, when 103,000 visited the monument, approximately 50 per cent being hikers, approximately 20 per cent came by the cog train then operating, and approximately 30 per cent by passenger cars and stages. At the present time approximately 50,000 visit the park annually, of which about 13,000 enter by automobile and about 37,000 are hikers.

5. At the present time approximately 4000 to 5000 vehicles utilize the toll road annually. Removal of the toll, 50 cents per car and 15 cents per passenger, would induce an increase in traffic over the available road facility

but require a considerable betterment thereof and considerable second maintenance. Betterment, limited by the inherent deficiencies in the existing location, would be a temporary and not wholly adequate improvement.

6. A satisfactory approach road requires new construction in some location. To provide a new approach road to the kindergarten will cost \$150,000 to \$185,000. The projected new approach roads to serve in lieu of the toll road are predicated upon forming connection to State Highway Route 50 as now maintained from Manzanita across the Marine Peninsula. It would be inconsistent to plan construction of the new toll road until the State Highway route providing access thereto is brought to better standard. State Highway Route 50 may be subject to relocation or rerouting which would alter present suggestions for coordinating the movement approach road through it. Final routing and location of Route 50 is consequently deferred at least to the extent to determine upon location and construction of a new standard road.

The conclusion reached is that under the above circumstances the State would not be justified in taking over the present low standard toll road for temporary use or in adopting and constructing a permanent toll approach road before permanent routing and location of State Highway Route 50 is established and consistent improvement is made in this State route.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 328—An act relating to local police or prohibition corporations or agencies, and authorizing municipal bodies, State officers or employments to participate therein, declaring the urgency of this act and providing that it shall go into immediate effect.

Also: Senate Bill No. 73—An act authorizing the Director of Water Resources of the Department of Public Works to prosecute claims for water, flood and assistance in financing the construction of the Central Valley Project, as said project is authorized and defined in the Central Valley Project Act of 1933, making an appropriation therefor, and declaring the urgency thereof, and providing that this act shall take immediate effect.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 328 and 73 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 25—Relative to recommending the President and Congress to enact the required legislation for a complete and impartial investigation of the military defense situation in the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 25 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 27—Relative to recommending the President and Congress to carefully consider the required legislation necessary to restrict all immigration into the United States until such a time as the United States may recover its economic stability and its vast army of unemployed workers are returned to positions of employment.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 27 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 20—Relative to the variance between the enrolled copy of Assembly Concurrent Resolution No. 1a and Assembly Concurrent Resolution No. 1 as it was submitted to and approved by the Legislature of the State of California, approving certain amendments to the charter

of the city of Pasadena ratified at a municipal election held on the sixth day of November, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 20 ordered held at the desk.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 22—Relative to approving certain amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the nineteenth day of December, 1933.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 22.

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 22, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 22—Relative to approving certain amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the nineteenth day of December, 1933.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 22 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—31.

NOES—None.

Assembly Concurrent Resolution No. 22 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 5—Relative to retirement of Federal employees who have been on the service from 15 to 30 years or more and restoration of pay of said employees as of January 1, 1925;

Also: Senate Joint Resolution No. 7—Relative to authorizing the Governor to appoint a representative to confer with the representative of other oil-producing States and the United States.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolutions Nos. 5 and 7 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 170—An act to establish a Vehicle Code, thereby consolidating and revising the law relating to vehicles and vehicular traffic, and to repeal certain acts and parts of acts specified herein;

Also: Assembly Bill No. 411—An act to add section 3888a to the Political Code, relating to the payment of taxes.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DUSCH, Assistant Clerk

Assembly Bill No. 170 read first time, and referred to Committee on Motor Vehicles.

Consideration of Assembly Bill No. 411.

Senator McGuinness asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 411, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator McGuinness:

Resolved, That Assembly Bill No. 411 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—34.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 411.

Second Reading of Assembly Bill No. 411.

Assembly Bill No. 411—An act to add section 3888a to the Political Code, relating to the payment of taxes.

Bill read second time, and ordered to third reading.

Urgency Clause.

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: Del Norte County has over \$100,000 in registered warrants, the merchants and the banks are overburdened with them, and will not take any more, and Del Norte County has no credit. Hence, it is necessary that such merchants be allowed to pay their county taxes with county warrants.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—34.

NOES—None.

Reference of Assembly Bill No. 411.

On request of Senator McGuinness, the President of the Senate ordered Assembly Bill No. 411 referred to Committee on County Government.

Withdrawal of Assembly Bill No. 337.

Senator Olson moved that Assembly Bill No. 337 be withdrawn from Committee on Judiciary.

Motion refused adoption.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 6—Relative to accepting amendments to permit from the government of the United States for the construction of approach roads and toll areas over certain rights of way leading to the Golden Gate Bridge in the Presidio of San Francisco Military Reservation, and relating to the retrocession by the Congress of the United States of jurisdiction over said rights of way and toll areas as relocated;

Also: Senate Concurrent Resolution No. 9—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling;

Also: Senate Bill No. 211—An act authorizing savings banks, commercial banks, insurance companies, personal finance companies, mortgage companies, mortgage insurance companies, building and loan associations, trust companies, or fiduciaries or fiduciary institutions, or agencies, public or private, to make in certain cases loans, or advances or credit, which are insured pursuant to the provisions of the National Housing Act, and to invest in, or purchase, insured mortgages and obligations of National mortgage associations or similar credit institutions, the act to take effect immediately;

Also: Senate Bill No. 124—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same, and declaring the urgency of said act;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fourth day of January, 1935, at three o'clock and thirty-five minutes p.m.

METZGER, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 13—Relative to memorializing the President and Congress to carefully consider the required legislation necessary to give our citizens at least an even break with the aliens within our borders and which will tend to eliminate the unfair competition of aliens against labor by citizens of the United States—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3; absent—2.

WAGY, Chairman.

Assembly Joint Resolution No. 13 ordered held at the desk.

On Finance.

SENATE CHAMBER, SACRAMENTO, January 24, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass, as amended.

Committee membership—19; committee vote: Ayes—11; noes—1; absent—7.

SHARKEY, Chairman.

Senate Bill No. 2 ordered held at the desk.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, JANUARY 24, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 17—Relative to memorializing the President and the Congress of the United States to not impair the flax industry of the western States by reciprocal tariff arrangements with any country so as to lower the duty on flax—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3, absent—2.

WAGY, Chairman.

Consideration of Assembly Joint Resolution No. 17.

Senator Hulse asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 17, without reference to committee, for purpose of adoption.

Assembly Joint Resolution No. 17.

Relative to memorializing the President and the Congress of the United States to not impair the flax industry of the western States by reciprocal tariff arrangements with any country so as to lower the duty on flax.

WHEREAS, A comparatively new and extensive industry has arisen in the western States in the propagation and cultivation of flax; and

WHEREAS, The acreage planted to flax in California alone has increased from approximately 80 acres to over 50,000 acres under cultivation in the last three years; and

WHEREAS, This tremendous percentage of increase in this short space of time merits serious consideration before any reduction in tariffs is contemplated; and

WHEREAS, This infant industry has grown with such rapidity that in a few short years it bids to surpass at the present rate of increase all other crops of the western States; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly. That the President and the Congress of the United States be memorialized and respectfully urged to carefully consider the interests of the farmers who have entered this new industry, and that no reciprocal tariff arrangements be entered into by this Nation with other countries which shall lower the tariff rates applicable to the flax industry, and be it further

Resolved. That the Chief Clerk of the Assembly is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully requested and urged to protect the flax industry of the western States and in particular the industry in California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 17 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pironovich, Powers, Remondollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swang, Wagy, and Young—35.

NOES—None.

Assembly Joint Resolution No. 17 ordered transmitted to the Assembly.

Recess.

At eleven o'clock and fifty-five minutes a.m., the President of the Senate declared recess until twelve o'clock m., for the purpose of presenting William May Garland to the Senate.

Hon. George J. Hatfield, President of the Senate, introduced William May Garland, who addressed the Senate briefly.

Reconvened.

At twelve o'clock m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Introduction, First Reading and Reference of Bills.

By Senator Olson: Senate Bill No. 413—An act to amend sections 1 and 2 of "An act to regulate the work and hours of employees engaged in selling, at retail, drugs, medicines and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905, relating to hours of labor.

Bill read first time, and referred to Committee on Labor and Capital.

Unfinished Business.**Motion to Reconsider.**

Pursuant to notice given by Senator Difani on a previous day, Senator Metzger moved to reconsider the vote whereby Assembly Bill No. 94 was passed.

Point of Order.

Senator Olson raised the point of order that the motion was not made by the Senator who gave notice of reconsideration of the vote whereby Assembly Bill No. 94 was passed.

Decision on Point of Order.

The President announced his decision and declared the point of order not well taken, for the reason that any Senator may make the motion if a notice has been given in accordance with the rules of the Senate.

Withdrawal of Motion.

Senator Metzger withdrew his motion to reconsider the vote whereby Assembly Bill No. 94 was passed.

Bill ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Duval: Senate Bill No. 414—An act to amend section 3617 of the Political Code, relating to the definition of terms for purposes of taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Snyder: Senate Bill No. 415—An act to add a new section to the Political Code, to be numbered 3887, relating to the priority of the State of California for taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Keough: Senate Bill No. 416—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCormack: Senate Bill No. 417—An act authorizing a nursing survey to be made by the University of California, defining the

powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Reindollar: Senate Bill No. 418—An act to add a new section to the Political Code to be numbered 3663c, relating to the correction of errors by the State Board of Equalization in assessments made by said board.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Rich: Senate Bill No. 419—An act to amend section 3658a of the Political Code, relating to assessments by reference to maps.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McColl: Senate Bill No. 420—An act to amend section 44 of the Vehicle Code, relating to emergency vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator McColl: Senate Bill No. 421—An act to amend sections 782 and 786 of the Fish and Game Code, relating to lobsters.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McColl: Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Sharkey: Senate Bill No. 423—An act to provide for the sale and conveyance of certain swamp and overflowed, salt marsh and tidelands lying in the county of Contra Costa, State of California.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Sharkey: Senate Bill No. 424—An act granting to the city of Richmond and its successors the salt marsh, tide and submerged land of the State of California, situated in said city, including the right to wharf out therefrom and grant franchises and leases thereon and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands or wharf-out privileges hereby granted.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Sharkey: Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Sharkey: Senate Bill No. 426—An act to amend sections 1030, 1038, and 1043 of the Agricultural Code, relating to fertilizing materials.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Sharkey: Senate Bill No. 427—An act to amend section 4360 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Education.

By Senator Seawell: Senate Bill No. 428—An act to authorize the Governor of the State of California to grant an easement or title to state-owned land to the United States of America in aid of public work, relief or other projects aiding recovery.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Seawell: Senate Bill No. 429—An act to amend section 1341 of the Fish and Game Code, relating to rabbits.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Waggy: Senate Bill No. 430—An act to amend sections 3727 and 3728 of the Political Code, relating to the entering of values and acreages in the assessment book and the preparation of duplicate statistical statements of assessments.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McGovern: Senate Bill No. 431—An act to amend section 685 of the Code of Civil Procedure, relating to the execution of judgments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Schottky: Senate Bill No. 432—An act to amend section 859 of the Civil Code, relating to trusts.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, Schottky, Slater, and Garrison: Senate Bill No. 433—An act making an appropriation for the enforcement of standards, quality and identity, covering the manufacture and sale of California wines and brandy.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Scollan: Senate Bill No. 434—An act to amend section 400 of the Fish and Game Code, relating to licenses.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Scollan: Senate Bill No. 435—An act to amend section 613 of the Fish and Game Code, relating to trout.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Scollan: Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653 and 655 thereof, relating to fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Scollan: Senate Bill No. 437—An act to repeal section 618 of the Fish and Game Code, relating to trout.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Swing: Senate Bill No. 438—An act to carry into effect the provisions of section 20 of Article XI of the Constitution, relating to limitations upon the expenditures and tax levies of counties, cities and counties, municipalities, districts and other political subdivisions of this State.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McColl: Senate Bill No. 439—An act to add sections 603 and 604 and to amend section 697 of the Vehicle Code, relating to trucks and trailers.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Crittenden: Senate Bill No. 440—An act to add a new section to the Insurance Code to be known as section 6052, relating to county mutual fire insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Crittenden: Senate Bill No. 441—An act to add a new section to the Insurance Code to be known as section 6020 5, relating to county mutual fire insurers.

Bill read first time, and referred to Committee on Insurance.

Consideration of Assembly Concurrent Resolution No. 20.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 20, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 20—Relative to the variance between the enrolled copy of Assembly Concurrent Resolution No. 1 and Assembly Concurrent Resolution No. 1 as it was submitted to and approved by the Legislature of the State of California, approving certain charter amendments to the charter of the city of Pasadena ratified at a municipal election held on the sixth day of November, 1934.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McGovern, McGuinness, Olson, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Young—28.

NOES—None.

Assembly Concurrent Resolution No. 20 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Crittenden: Senate Bill No. 442—An act to amend section 652 of the Civil Code and to add four new sections thereto to be numbered sections 652.1, 652.2, 652.3, and 652.4, all relating to the

consolidation and government of the colleges and institutions of higher education.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senator Edwards: Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 3720, relating to the filing by county clerks with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts.

Bill read first time, and referred to Committee on County Government.

By Senator Edwards: Senate Bill No. 444—An act to amend section 990 of the Fish and Game Code, relating to commercial fishing licenses.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Crittenden: Senate Bill No. 445—An act making an appropriation to be expended in carrying out the provisions of the Bovine Tuberculosis Law.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Crittenden: Senate Bill No. 446—An act relating to contracts between companies and public agencies for the delivery or sale of water or electrical energy by the former to the latter and providing for the enforcement of the provisions of the act.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Crittenden: Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 19½, relating to wharfingers.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Crittenden: Senate Bill No. 448—An act to add a new section to the Insurance Code to be numbered 6071.5, relating to county mutual fire insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Crittenden: Senate Bill No. 449—An act to add a new chapter to be known as Chapter 6a of Part 1 of Division 2 of the Insurance Code, relating to the organization, powers and functions of reinsurance bureaus and to reinsurance of and by county mutual fire insurers.

Bill read first time, and referred to Committee on Insurance.

By Senators Parkman and Reindollar: Senate Bill No. 450—An act to amend section 4030 of the Political Code, relating to a vacancy in the board of supervisors of a county.

Bill read first time, and referred to Committee on County Government.

By Senator McGovern: Senate Bill No. 451—An act to add section 619 to the Streets and Highways Code, establishing additional secondary State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Biggar: Senate Bill No. 452—An act to amend section 135 of the Vehicle Code, relating to the California Highway Patrol.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McGovern: Senate Bill No. 453—An act extending Skyline Boulevard easterly along the Santa Clara Santa Cruz county line to a junction with Hecker Highway at or near the summit, and declaring such extension to be a State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senators Williams, Tickle, and Difani: Senate Bill No. 454—An act to provide for the establishment and administration of a system of health insurance for persons in certain income groups.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Metzger: Senate Bill No. 455—An act to amend sections 4130, 4140 and 4300e of the Political Code, relating to county recorders.

Bill read first time, and referred to Committee on County Government.

By Senator Metzger: Senate Bill No. 456—An act relating to mortgages and conditional sales of personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 457—An act to amend sections 2965 to 2973, inclusive, and section 2980 of the Civil Code, relating to mortgages and conditional sales of personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 458—An act to amend sections 2955 to 2964, inclusive, of the Civil Code, relating to mortgages and conditional sales of personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 459—An act to amend section 408 of the Political Code, relating to the duties of the Secretary of State.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Metzger: Senate Bill No. 460—An act to amend sections 335 to 348, inclusive, of the Code of Civil Procedure, relating to Statutes of Limitation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 461—An act to amend section 943 of the Code of Civil Procedure, relating to appeals.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 462—An act to amend sections 2986 to 3011, inclusive, of the Civil Code, relating to pledges of personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 463—An act to amend sections 2920 to 2942, inclusive, of the Civil Code, relating to mortgages.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 464—An act to amend sections 3046 to 3065b, inclusive, of the Civil Code, relating to liens.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 465—An act to provide for the establishment of a code or codes of fair competition for the live stock industry.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Knowland: Senate Bill No. 466—An act to amend section 27 of an act entitled "An act providing for the incorporation, government, and management of regional park districts including therein city and county territory, for the purpose of acquiring, improving and maintaining parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation; providing for the management and government of such districts; authorizing such districts to incur bonded indebtedness and to levy and collect taxes to pay the principal and interest on bonds and for carrying out the purposes of this act; and providing for the powers of such districts; and imposing certain duties and functions in connection with such districts upon certain county officers; and providing that this act shall take effect immediately," approved August 7, 1933, relating to the board of directors.

Bill read first time, and referred to Committee on County Government.

By Senator King: Senate Bill No. 467—An act to amend sections 2411, 2418 and 2419 of the School Code, relating to disincorporation of high school districts.

Bill read first time, and referred to Committee on Education.

By Senator Williams: Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1913, as amended, relating to remedies for violations.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Unfinished Business.

Reconsideration Waived.

Pursuant to his notice given on a previous day, Senator Snyder waived his motion to reconsider the vote whereby Assembly Bill No. 23 was passed.

Reconsideration Waived.

Pursuant to his notice given on a previous day, Senator Deuel waived his motion to reconsider the vote whereby the amendment to the amendment was adopted; also the vote whereby the committee amendments were adopted; also the vote whereby Assembly Bill No. 23 was passed.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.
Secretary Joseph A. Beck at the desk.

Communication.

The following communication was received and read:

CALIFORNIA CODE COMMISSION.

SACRAMENTO, CALIFORNIA, January 25, 1935.

*Hon. Joseph A. Beck, Secretary of the Senate,
State Capitol, Sacramento, California.*

DEAR MR. BECK: I have the privilege to transmit herewith to the Senate, the report of the California Code Commission to the Governor and the Legislature, at the legislative session of 1935.

Very truly yours,

THOMAS C. RIDGWAY, Chairman.

Printed copies of the report of the California Code Commission were ordered distributed to the members of the Senate, in lieu of printing the report in the Journal.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Gordon: Senate Bill No. 469—An act to authorize the city of Napa to execute certain conveyances to the United States of America, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read first time.

Consideration of Senate Bill No. 469.

Senator Gordon asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 469, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Gordon:

Resolved, That Senate Bill No. 469 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Huise, Keough, King, Knowland, McColl, McCormack, McGovern, McGuintess, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Sedlan, Sharkey, Slater, Snyder, Swing, and Wagy—30.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 469.

Second Reading of Senate Bill No. 469.

Senate Bill No. 469—An act to authorize the city of Napa to execute certain conveyances to the United States of America, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, considered correctly engrossed and ordered to third reading.

Urgency Clause.

Sec. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately. The facts constituting such necessity are as follows:

Because of the existing economic conditions which make it imperative and necessary to furnish as much work as possible so that unemployment may be relieved, the work necessary to straighten the Napa River and increase its navigability will furnish needed employment. By the immediate conveyance to the United States of the titles to these parcels of land, the plan for the work to be so done on the Napa River can be presented to the Congress of the United States at its present session, thus enabling the actual work to be started before the forthcoming winter season.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—32.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 469 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 469 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Judiciary.

SENATE CHAMBER, SACRAMENTO, January 25, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 337—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately—has had the same under consideration, and respectfully reports the same back, with the recommendation that it do pass.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Consideration of Assembly Bill No. 337.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 337, for purpose of passage.

Second Reading of Assembly Bill No. 337.

Assembly Bill No. 337—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Resolution.

The following resolution was offered:

By Senator Olson:

Resolved, That Assembly Bill No. 337 promote a case of urgency, in that same is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Crittenden, Duval, Edwards, Gordon, Hays, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, and Young—29.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 337.

Urgency Clause.

SEC. 3. This act is hereby declared an *urgent measure deemed necessary* for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The facts constituting such necessity are as follows:

Extensions of time given by statutes of this State similar to this act will soon cease. The Legislature declares that an economic crisis and period of unusual distress still exists in this State. It is necessary for this act to take effect immediately to prevent the loss of lands and homes by a large number of school land purchasers.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Crittenden, Duval, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, and Young—30.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 337 passed by the following vote:

AYES—Senators Bigger, Crittenden, Duval, Duval, Edwards, Fletcher, Garrison, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 337 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Agriculture.

SENATE CHAMBER, SACRAMENTO, January 25, 1935.

MR. PRESIDENT: Your Committee on Agriculture, to which was referred Assembly Bill No. 119—An act to provide for the formation and conduct of districts for the purpose of abating pests, to declare the urgency of this act and to provide that it shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

Consideration of Assembly Bill No. 119.

Senator Biggar asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 119, for purpose of passage.

Second Reading of Assembly Bill No. 119.

Assembly Bill No. 119—An act to provide for the formation and conduct of districts for the purpose of abating pests, to declare the urgency of this act and to provide that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture, the following amendments to Assembly Bill No. 119 were read:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to provide for the formation, government, operation, and dissolution of pest abatement districts, for the assessment, levy, collection, and disbursement of taxes therein, to declare the urgency hereof, and to provide that this act take effect immediately.

Amendment adopted.

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 26, inclusive, also all of page 2, and insert in lieu thereof the following:

SECTION 1. As used in this act, the term "pest" includes any plant, animal, insect, fish, or other matter or material, not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, and is not protected under any other provision of law. It is the purpose of this act to provide for the abatement of pests, and the provisions of this act shall be cumulative to any other provisions of law relating to the abatement of pests or nuisances.

SEC. 2. The organization of a pest abatement district may be initiated by a petition, describing the exterior boundaries of the proposed district, and the nature of the pest or pests to be controlled or abated. The petition may fix the maximum rate of assessment to be levied for the district.

SEC. 3. The petition shall be signed by registered voters resident in the proposed district equal in number to ten per cent of the votes cast therein at the last preceding general election. The petition may consist of any number of separate instruments, which shall be duplicates, except as to the signatures and addresses of the signers. Each person who signs the petition shall also include his address.

SEC. 4. The petition shall be presented to the clerk of the county in which the land in the proposed district is situated. The clerk shall compare the signatures on the petition with the names of the registered voters for the purpose of ascertaining whether or not the petition contains sufficient signatures.

SEC. 5. If the petition lacks the necessary number of signatures the clerk shall certify that fact, and at any time within sixty days thereafter additional signatures may be presented to supplement the signatures on the original petition and such signatures shall be compared by the clerk in the manner above prescribed. If sufficient additional signatures are not so presented, proceedings under such petition shall be terminated, without prejudice to the right to file a new petition.

SEC. 6. If the petition is found to contain the requisite number of signatures the clerk shall make a certificate to that effect and shall present the petition, with his certificate, to the board of supervisors.

SEC. 7. If the board of supervisors finds that the petition has been properly presented, the board shall, by resolution, fix a time for the hearing of said petition

not less than two nor more than five weeks from the time of presentation thereof, and shall cause notice to be given of the time and place of and hearing by publication in some newspaper of general circulation, printed and published in said county, for not less than two weeks prior to the time of such hearing.

SEC. 8. At the time of the hearing or at any time to which it may be adjourned the board shall determine whether or not the petition supports a case, has been published as required and shall hear and consider all competent and relevant testimony or evidence offered in support of or in opposition to the formation of such district. The board may make such changes in the proposed boundaries of the district as it may deem advisable, and upon the application of the owners of land within the proposed district may exclude such land, or upon the application of the owner of any land outside of the district and contiguous thereto, may include such land within the district, if the board determines that such exclusion or inclusion is proper.

SEC. 9. If, upon such hearing, the board determines that the public interest or welfare of the proposed territory and the inhabitants thereof require the formation of such district, the board, by resolution, shall declare its findings, and shall order that the territory within the boundaries determined by the board be created into a pest abatement district, under an appropriate name to be selected by the board.

SEC. 10. The clerk of the board shall immediately cause to be filed in the office of the county recorder in which the district is situated a certified copy of this order, and shall cause to be filed a certified copy thereof with the Secretary of State, and after the date of the last mentioned filing the district named therein shall be incorporated as a pest abatement district, with all of the rights, privileges and powers set forth in this act, or necessarily incident thereto.

SEC. 11. Within thirty days after such incorporation the board of supervisors shall appoint a board of trustees, consisting of five trustees, to be the governing body of such district. The members of the board of trustees shall be chosen by the pleasure of the board of supervisors, and shall serve in such position without compensation, but shall be allowed their necessary traveling and other expenses incurred in the performance of their official duties.

SEC. 12. The board of trustees of such district shall have power to take all necessary or proper steps for the extermination of the pest or pests referred to in the petition, subject to the control of municipal or other public authorities having jurisdiction in the matter. The board of trustees may acquire, own, hold, lease and use personal property; may employ such labor as may be necessary; may acquire by purchase, condemnation, or otherwise, in the name of the district, and condemn lands, rights of way, easements, real property, or other property as may be deemed necessary for any of the purposes of the district; may acquire, own, hold, lease, or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this act or incident thereto, and may sue and be sued and do all things that are necessary to carry out the powers hereby conferred and to carry out the objects of the formation of the district.

SEC. 13. The board of trustees of each district shall annually before the fourth day of July file with the board of supervisors an estimate of the amount of money necessary to be raised by taxation for the purposes of the district during the ensuing fiscal year.

SEC. 14. The board of supervisors shall levy, annually, a tax sufficient to raise the amount required for the purposes of the district. The board of supervisors shall determine the rate of such tax by deducting fifteen per cent from the total assessed value of the taxable property of the district as it appears from the assessment roll and then dividing the sum required for the purposes of the district by the remainder of such assessed value. If the rate has been fixed by the petition, the rate fixed by the board shall not exceed such rate.

SEC. 15. All taxes levied under the provisions of this act shall be assessed and collected at the same time and in the same manner as other taxes are collected for county purposes, and when collected shall be paid into the county treasury for the credit of the district.

SEC. 16. The funds of the district shall be withdrawn from the treasury upon the warrant of the board of trustees. The board of supervisors, from time to time, may order a temporary transfer from other funds in the treasury available for the purpose to the credit of the fund of the district. Such temporary transfer shall be made only upon resolution adopted by the board of supervisors directing the treasurer to make such transfer, and shall not exceed eighty-five per cent of the taxes accruing to the district, and shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year. Any funds so transferred shall be replaced from the taxes accruing to such district before any other obligation of the district is met from such taxes.

SEC. 17. At any time after the incorporation of the district, upon petition of the owners of land contiguous thereto, such land may be annexed to the district, if the board of supervisors find that such annexation shall be for the benefit of the land so annexed and for the benefit of the district.

SEC. 18. Upon application of such persons as could have initiated proceedings for the formation of a district, the board of supervisors may, after notice of hearing, published in the manner herein prescribed for the notice of a hearing of a petition,

dissolve such district if it appears to the board that such dissolution is proper. The dissolution of a district shall not have any effect on any assessment theretofore levied. Upon such dissolution the board of supervisors shall succeed to all the powers and jurisdiction of the board of trustees for the purpose of winding up the affairs of the district, and may continue to levy such assessments as are necessary in the winding up of the affairs of the district. No district shall be finally dissolved until all outstanding obligations of the district, including the repayment of funds transferred to the credit of the district from other funds of the county, have been fully paid and discharged.

Sec. 19. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows:

In certain areas within this State there exist pests, the abatement of which is necessary and desirable in order to promote the comfort and welfare of the residents of such areas. The purpose of this act is to provide a method for the abatement of such pests. Facilities of the State Emergency Relief Administration are now available to assist in the work of eradicating or controlling these pests in cooperation with local governmental units such as a district, the organization of which is herein provided for. These facilities may not long continue to be available and in order to utilize these facilities, and in order that the work of abating these pests and relieving persons from the discomforts caused by such pests may be accomplished as soon as possible, it is necessary that this act take effect immediately.

Amendment adopted.

Bill read second time, and ordered to third reading.

Resolution.

The following resolution was offered:

By Senator Biggar:

Resolved, That Assembly Bill No. 119 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—33.
NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 119.

Urgency Clause.

Sec. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows:

In certain areas within this State there exist pests which are obnoxious to residents and tourists, especially in the vicinity of Clear Lake. In that lake a certain type of fish commonly called "rough fish," dies in great numbers annually, and the presence of the dead fish in the waters of the lake and on the shores thereof causes great discomfort. In the same area, a species of gnat exists in great numbers and causes great discomfort. In order that the work of abating these pests, and relieving residents and visitors from these discomforts as soon as possible, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGowan, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reinhold, Rich, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Starn, Swing, Wagy, and Young—34.

NOES—None.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 119 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGowan, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reinhold, Rich, Schotky, Sharkey, Slater, Snyder, Swing, and Wagy—29.

NOES—None.

Title read and approved.

Assembly Bill No. 119 ordered transmitted to the Assembly.

Lieutenant Governor in the Chair.

At three o'clock and fifteen minutes p.m., Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Minute Clerk F. E. Dalin at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, JANUARY 25, 1935

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 21—Relative to memorializing and petitioning Congress to enact legislation adequate to stamp out and abolish the evil of lynching—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3; absent—2.

WAGY, Chairman.

Consideration of Assembly Joint Resolution No. 21.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 21, for purpose of adoption.

Assembly Joint Resolution No. 21.

Relative to memorializing and petitioning Congress to enact legislation adequate to stamp out and abolish the evil of lynching.

WHEREAS, During the last few years and throughout the Nation as a whole, there have been many lynchings and attempts at lynchings; and

WHEREAS, There is inadequate legislation by the United States and among the several States to discourage lynching; and

WHEREAS, Proper legislation by the Congress of the United States would have a salutary effect and would greatly tend to decrease the number of lynchings and attempts at lynchings; and

WHEREAS, It has been definitely proved that legislation by the United States of America with regard to other crimes has tended to decrease such crimes, and that public protection now demands that the United States extend its legislation to this field of crime; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly. That the Legislature of the State of California hereby memorializes and petitions Congress to enact adequate legislation to decrease and abolish mob violence and lynching; and be it further

Resolved, That a copy of this joint resolution be transmitted to the President of the United States, to the Vice President of the United States, and to each member of the Senate and the House of Representatives of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 21 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Slater, Snyder, Stow, Swing, and Wagy—29.

NOES—Senator Gordon—1.

Assembly Joint Resolution No. 21 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On County Government.

SENATE CHAMBER, SACRAMENTO, January 25, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 411—An act to add section 3888a to the Political Code, relating to the payment of taxes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

Third Reading of Assembly Bill No. 411.

Assembly Bill No. 411—An act to add section 3888a to the Political Code, relating to the payment of taxes.

Bill read third time.

Motion to Reconsider.

Senator McGuinness moved to reconsider the vote whereby the urgency clause to Assembly Bill No. 411 was on this day adopted.

The question being on the motion to reconsider the vote whereby the urgency clause was adopted.

The roll was called, and the vote on the urgency clause was reconsidered by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seavell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—34.

NOES—None.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 411 were read:

Amendment No. 1.

On page 1 of the amended bill, after the words "may by resolution of the board of supervisors", insert "passed by a four-fifths vote".

Amendment adopted.

Amendment No. 2.

On page 1 of the printed bill, strike out lines 11 to 16, inclusive, and insert in lieu thereof the following: "The facts constituting the necessity are as follows: Various counties of the State have registered warrants of their own issue outstanding in large amounts, and the merchants and the banks in those several communities are overloaded with such warrants and are unable to take up more of them, all of which tends to impair and threatens to continue to impair the credit of the counties of the State. The provisions of this act are calculated to tend to remedy this situation, wherefore it is necessary that this act take effect immediately."

Amendment adopted.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: Various counties of the State have registered warrants of their own issue amounting to large amounts and the merchants and the banks in those several communities are overwhelmed with such warrants and are unable to take up more of them, but at the same time to reject and threatens to continue to impair the credit of the currency of the State. Two generations of this act are calculated to tend to render the situation absolutely if it is necessary that this act take effect immediately.

Urgency clause read, as amended.

The question being on the adoption of the urgency clause as amended.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Peters, Peterson, Peters, Knowland, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swang, Wagon, and Young—34.

NOES—None.

Bill read third time, as amended.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 411 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Deuel, Edwards, Fletcher, Gordon, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Peterson, Peters, Knowland, Rich, Seallan, Seawell, Slater, Snyder, Stow, Swang, Wagon, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 411 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate for the sum of \$1,744.77 in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below. The same being bills for contingent expenses incurred during and prior to the first part of the fifty-first session and expenses to be incurred during the constitutional recess, and the Treasurer is directed to pay the same.

State supply department	\$743 34
Bancroft-Whitney Company—codes, gas per resolution of January 15)	1,791 63
Cascade Towel Supply Company	19 22
Pacific Telephone and Telegraph Company	14 55
Geo. M. Hammond Co. (typewriter repairs)	82 50
Mebius and Drescher Company	8 87
Remington Rand Service	8 20
Wm. S. Taile	10 25
H. S. Crocker Company	58 27
Dept. of Finance (Senate pro rata telephone service)	12 62
Virginia Crossan (illuminating resolutions)	20 00
Western Union	27 32
Postage for mailing department	650 00
Incidental expense (during constitutional recess)	100 00

KING.
STOW.
POWERS.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metz-

ger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, and Wagy—31.
NOES—None.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolved, That the following rule shall govern the distribution of the Governor's Budget:

The price of copies of the Budget to be sold shall be fifty cents (\$0.50) each; provided, however, that there shall be delivered to the State Department of Finance one hundred (100) copies to exchange for budgets of other States and other jurisdictions.

Consideration of Resolution.

Senator Rich asked for, and was granted, unanimous consent for the consideration of the resolution, without reference to committee, for purpose of adoption.

Resolution read, and on motion of Senator Rich adopted.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 23—An act relating to the relief of debtors and guarantors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of forfeitures and terminations under such contracts of purchase, declaring the urgency thereof, and providing that it shall take effect immediately—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Motion by Senator Olson.

Senator Olson moved that the Senate recede from the Senate amendments to Assembly Bill No. 23.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 23?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 23 by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Jespersen, McColl, Olson, Perry, Pierovich, Powers, Schottky, Scollan, Slater, Stow, and Wagy—15.

NOES—Senators Duval, Edwards, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Reindollar, Rich, Seawell, Sharkey, Snyder, Swing, and Young—21.

Appointment of Committee on Conference.

The President announced the appointment of Senators Snyder, Rich, and Stow as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 23.

Resolution.

The following resolution was offered:

By Senator Seawell:

WHEREAS, On the twenty-second day of January, 1935, the Senate adopted a resolution authorizing the appointment of a committee to study the administration of and the necessity for revision of the liquor laws in all matters connected therewith; and

WHEREAS, Since such time the Governor has submitted his message to the Legislature, in and by which message he suggested certain material changes and increases in tax upon alcoholic beverages and upon intoxicating liquors, which suggested increases aggregate \$3,400,000; and

WHEREAS, Because of such suggestion and the additional burdens imposed upon the committee appointed pursuant to such resolution, it will be necessary for said committee to hold hearings in the different parts of the State and incur expenses in excess of that provided in said resolution; and

WHEREAS, The information which such committee shall obtain from such hearings will be of material benefit and aid to the Legislature in determining the character of legislation and the amount of tax increase to be imposed upon such liquors; now, therefore, be it

Resolved, That the sum of \$1,000 or so much thereof as may be necessary for the purpose of defraying expenses of said committee and the cost of its investigation, including the cost and expense of such committee is hereby made available and appropriated for the use of the committee out of the contingent fund of the Senate and the State Controller is directed and authorized to draw his warrant in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of the committee and the State Treasurer is directed to pay the same.

Resolution read, and ordered referred to Committee on Contingent Expenses.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the Assembly Joint Resolution No. 29—Relative to fostering and protecting grape and wine industries.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk

Consideration of Assembly Joint Resolution No. 29.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 29, without reference to committee, for purpose of adoption.

Assembly Joint Resolution No. 29.

Relative to fostering and protecting grape and wine industries.

WHEREAS, The grape and wine industries provide a livelihood for upwards of 150,000 persons, comprising grape growers, winery workers and their dependents, in California, in addition to many thousands in other States and in addition to many thousands employed in various allied industries in this State and elsewhere; and

WHEREAS, These industries, after 15 years of compulsory stagnation due to the Prohibition Laws, are now again in a position to recover their losses and to contribute greatly to the public welfare, because the industries above-named already comprise the second largest agricultural pursuit in California, within excess of 500,000 acres of vineyards and 654 wineries in active operation, altogether representing an investment exceeding \$420,000,000; and

WHEREAS, The increasing use of wine as an article of food in certain major consuming centers, including California, offers the most promising available means of increasing the prosperity and speeding the agricultural, industrial and business recovery of this State and also holds promise of developing the grape and wine industries to the greatest industries of California; and

WHEREAS, The principal obstacle now delaying the extensive development, and, in fact, seriously hampering the present recovery of these industries is the blocking of the wine distribution channels in many parts of the Nation by certain types of excessive taxation, excessive licensing and regulatory restrictions, which obstacle is created almost entirely by the widely prevalent misunderstanding of the true function of wine, which is in fact an integral part of the diet, entitled to be classified and treated as a food rather than as a liquor; and

WHEREAS, Such obstacles to wine distribution act to increase the cost of wine beyond the average family's food budget and also to prevent the product from being made conveniently available for use in the home, therefore working a discrimination against consumers of ordinary means by placing wine in a luxury class in which it is available only to a wealthy few; and

WHEREAS, The experience of the State of California which has during the past year received in excess of \$250,000 in revenue from a reasonable tax upon wine, has demonstrated that a reasonable tax upon wine can return a larger net revenue to a taxing unit than can be obtained from an excessive tax which hampers distribution; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the President and Congress of the United States and California's Senators and Representatives in Congress to do all in their power to remove all unwarranted obstacles to wine distribution, so that the

recovery and the Nation-wide growth of the grape and wine industry may be encouraged in this State as well as in other States and so that consumers of average means may be enabled to obtain wine conveniently and at reasonable prices within the family food budget; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President, the Speaker of the House of Representatives of the Congress of the United States and to California's Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 29 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Gordon, Hulse, Jespersen, Kough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, and Young—30.

NOES—None.

Assembly Joint Resolution No. 29 ordered transmitted to the Assembly.

Second Reading of Assembly Bill No. 37.

Assembly Bill No. 37—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Bill read second time, and ordered to third reading.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Difani: Senate Bill No. 470—An act to repeal Chapters 8 and 9 of Part 2 of Division 2 of the Insurance Code, relating to mutual benefit associations and to life and disability insurance on the assessment plan, and to enact in lieu thereof a new chapter, to be added to the Insurance Code, to Part 2 of Division 2 of said code, to be numbered Chapter 8 of said part and said division of said code, relating to life and disability insurance on the assessment plan.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 471—An act to amend the Insurance Code by adding thereto a new chapter, to Part 2 of Division 2 of said code and to be numbered Chapter 13, relating to medical and hospital service insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 473—An act to amend section 100 of the Insurance Code and to add a new section to said code, to be numbered section 106a, relating to medical and hospital service insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 474—An act to amend the Insurance Code by adding thereto a new chapter, to be numbered Chapter 13, to Part 2 of Division 2 of said code, relating to medical and hospital service insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 475—An act to amend sections 970, 972 and 974 of the Insurance Code, relating to security for the payment of taxes and other obligations of insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 476—An act to amend section 986 of the Insurance Code, relating to insolvency of life insurers issuing non-assessable policies on a reserve basis.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 477—An act to amend section 1151 of the Insurance Code, relating to real property held by insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 478—An act to repeal section 1700 of the Insurance Code, relating to life agents.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 479—An act to amend section 10482 of the Insurance Code, relating to valuation of life policies.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 480—An act to amend section 10840 and 10844 of the Insurance Code, relating to domestic assessment plan life or disability insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 481—An act to amend section 11715 of the Insurance Code, relating to deposits required to secure payment of awards of workmen's compensation.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 482—An act to amend section 1370 of the Insurance Code, relating to the assets of reciprocal insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 483—An act to add a new chapter to the Insurance Code, to be numbered Chapter 1B of Part 2 of Division 2 thereof, relating to the voluntary mutualization of incorporated life insurers of life and disability insurers having a share capital and issuing nonassessable policies on a reserve basis.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 484—An act to amend the Insurance Code by adding a new article to Chapter 5 of Part 2 of Division 2 of said code, and to be numbered Article 4, relating to rating and advisory agencies.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 485—An act to amend sections 12350, 12352, 12353, 12355, 12356, and 12357 of the Insurance Code, relating to title insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 486—An act to amend section 5 of the Inheritance Tax Act, relating to estates.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Biggar: Senate Bill No. 487—An act making an appropriation to pay the claim of the Western Union Telegraph Company against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator McGovern: Senate Bill No. 488—An act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 954a, relating to abandonment and withdrawal of appeals.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 489—An act to amend section 1053 of the Penal Code, relating to substitution of judges in criminal actions.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator McGovern: Senate Bill No. 490—An act to amend section 1029 of the Penal Code, relating to trial of a judge of the superior court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Snyder: Senate Bill No. 491—An act to amend section 3 of Chapter 586, Laws of 1917, as amended, Workmen's Compensation Insurance and Safety Act.

Bill read first time, and referred to Committee on Insurance.

By Senator Snyder: Senate Bill No. 492—An act to amend section 3 of Chapter 586, Laws of 1917, as amended, Workmen's Compensation Insurance and Safety Act.

Bill read first time, and referred to Committee on Insurance.

By Senator Snyder: Senate Bill No. 493—An act to provide for the care and rehabilitation of persons suffering from the effects of industrial injury and disease.

Bill read first time, and referred to Committee on Insurance.

By Senator Snyder: Senate Bill No. 494—An act to amend section 11 of Chapter 1121, Laws of 1931, Workmen's Compensation Insurance and Safety Act.

Bill read first time, and referred to Committee on Insurance.

By Senator McGuinness: Senate Bill No. 495—An act to provide for the regulation of the flow of water over the Copeo Dam in order to insure a sufficient amount of water to preserve fish life.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McGuinness: Senate Bill No. 496—An act to amend sections 224m and 226 of the Civil Code, relating to adoptions.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGuinness: Senate Bill No. 497—An act to add section 610 to the Vehicle Code, relating to signs on trucks operated on highways.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Young: Senate Bill No. 478—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator McGovern: Senate Bill No. 479—An act to add a new section, to be numbered 146, to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing punishment for the violation thereof," approved May 21, 1915, as amended, relating to the enforcement of said act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Swellan: Senate Bill No. 500—An act to create a board or authority to be known as California State Capitol Park Extension Authority, to provide for its organization and specify its powers and duties.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Swellan: Senate Bill No. 501—An act to create a board or authority to be known as California State Capitol Park Extension Authority, and to provide for its membership and specifying its powers and duties; to authorize said California State Capitol Park Extension Authority to purchase, condemn or otherwise acquire for and in the name of the State of California certain real property situate in the city of Sacramento, State of California, to construct or cause to be prepared plans and specifications and to execute the same, to make contracts, purchase material and employ labor for the purpose of an extension to the present State Capitol Park; also to authorize and empower, city, county, city and county, incorporated city or town, to advance or contribute money, rights of way, labor, materials, or other property in aid of the acquisition of said property, or to close and abandon streets and alleys; also to authorize the said California State Capitol Park Extension Authority to enter into any agreement with any such political subdivisions for the repayment of contributions or advances, and providing the time and manner of making such repayments; also to authorize said California State Capitol Park Extension Authority to receive donations of money from the United States government, or any department or instrumentality thereof, and also to make and enter into such deeds, leases, agreements, contracts or stipulations with the United States government, or with any agent or officer thereof, or any corporation, agency or instrumentality existing thereunder as it may deem proper, for assistance or contribution in the acquisition of said property; also to authorize said California State Capitol Park Extension Authority to make agreements with steam and electric or other railroad or transportation companies for the use of any portion of any street running through said extension or the property hereafter acquired under the provisions of this act; to authorize any portion of the ground to be created into a park for the erection thereon of buildings to be used for State purposes; also to provide for the closing and abandoning of any street or alley forming a

part of said extension of Capitol Park; also to empower the Department of Public Works to designate roads or streets through said extension as State highways; and also to do any other act or thing that may be useful, convenient or proper in carrying out the provisions of this act.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Scollan: Senate Bill No. 502—An act to create a board or authority to be known as California State Capitol Park Extension Authority, to provide for its organization and specify its powers and duties.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Scollan: by request: Senate Bill No. 503—An act levying and providing for the collection of a stamp tax on the sale of cigarettes, providing methods and time of affixing stamps, the disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations hereof and providing this act to take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Scollan: Senate Bill No. 504—An act to amend section 677a of the Political Code, relating to departmental budgets.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Scollan: Senate Bill No. 505—An act to amend section 535 of the Political Code, relating to purchase of machinery or equipment for the State Printing Plant.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Scollan: Senate Bill No. 506—An act to authorize the adoption of codes of fair competition for certain trades and industries within this State, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Judiciary.

By Senator Pierovich: Senate Bill No. 507—An act to amend section 5 of, to add sections 1a and 1e to, and to amend and renumber section 1 to be section 1e of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McGovern: Senate Bill No. 508—An act to amend sections 2 and 5 of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under State authority and, in that behalf, to create a State Civil Service Commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be incon-

istent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended.

Bill read first time, and referred to Committee on Civil Service.

By Senator McGowan: Senate Bill No. 508—An act making an appropriation to pay the claim of Louise C. Meffie, widow of Philip Meffie, deceased.

Bill read first time, and referred to Committee on Finance.

By Senator McGowan: Senate Bill No. 510—An act to authorize the Department of Public Works to acquire abandoned railway rights of way and rights of way of railroads that are in process of abandonment.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McGowan: Senate Bill No. 511—An act to provide for the incorporation and organization and management of water district districts and to provide for the construction by said districts of water and the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, and for the levying of taxes and the collection of charges and tolls by said districts and for the issuance of additional inventory bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Swing: Senate Bill No. 512—An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy."

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Swing: Senate Bill No. 513—An act relating to the administration and liquidation of banks and amending an act entitled "An act to define and regulate the business of banking" known as the "Bank Act" and relating to such business.

Bill read first time, and referred to Committee on Banking.

By Senator Swing: Senate Bill No. 514—An act relating to the administration and liquidation of banks and amending an act entitled "An act to define and regulate the business of banking" known as the "Bank Act" and relating to such business.

Bill read first time, and referred to Committee on Banking.

By Senator Fletcher: Senate Bill No. 515—An act to provide for the formation, government and operation of agricultural districts as public corporations; to enumerate and regulate the exercise of the powers thereof; to authorize and provide for the incurring and payment of indebtedness, the issuance of bonds, and the levy and collection of taxes by such districts for the payment of the principal and interest on such bonds; to limit the period of time for commencing actions to contest the validity of such bonds; and to declare the urgency thereof.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fletcher: Senate Bill No. 516—An act to amend section 47 of the California Irrigation District Act, relating to time allowed for redemption of property.

Bill read first time, and referred to Committee on Irrigation.

By Senator Rich: Senate Bill No. 517—An act to amend section 5a of an act entitled "An act concerning the construction and repair of levees in the city of Marysville and the mode of raising revenue therefor," approved March 6, 1876, relating to powers of levee commissioners.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Rich: Senate Bill No. 518—An act to amend the title and to add Division IIIa to "An act to revise and consolidate the law relating to probate, including the custody, disposal by will, succession, administration and distribution of estates of decedents, the custody and administration of estates of persons under guardianship; and the custody of persons under guardianship; to repeal certain provisions of law therein revised and consolidated and therein specified; and to establish a Probate Code," approved May 11, 1931.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rich: Senate Bill No. 519—An act to repeal "An act to regulate the business of selling live stock at public auction and requiring live stock auctioneers to obtain a license and to execute a bond to the State of California, and providing penalties for violation of this act, and repealing acts in conflict herewith," approved June 1, 1921.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Tickle: Senate Bill No. 520—An act providing for State planning and a State Planning Board, prescribing the powers, duties and jurisdiction thereof.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Snyder: Senate Bill No. 521—An act to amend sections 83 and 883 of the Fish and Game Code, relating to fishing in District 15.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Snyder: Senate Bill No. 522—An act to add a new section to the Probate Code of the State of California, to be known as section 1028, relating to the ratable, partial, and final distribution of estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Snyder: Senate Bill No. 523—An act relating to game storage licenses, and the issuance of game storage license tags by the Fish and Game Commission, or its agents, upon the payment of certain fees.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Garrison: Senate Bill No. 524—An act to amend sections 511 and 750 of the Vehicle Code, relating to motor vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Wagy: Senate Bill No. 311.—An act to amend section 1 of an act entitled "An act imposing a license fee as tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the transportation of persons or property for hire or compensation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Wagy: Senate Bill No. 312.—An act to amend sections 1077 of the Agricultural Code, relating to products used in the treatment of domestic animals.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Wagy: Senate Bill No. 325.—An act to add a new article to Division III, Chapter 4, of the Agricultural Code to be numbered 14, relating to establishments slaughtering or processing animals for purposes other than human consumption, but including establishments.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Young: Senate Bill No. 328.—An act to amend the "Building and Loan Association Act," approved May 2, 1931, relating to building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Senator Pierovich: Senate Bill No. 329.—An act to add three new sections to the Civil Code, to be numbered 14264½, 14264½ and 14264½, relating to discovery shafts on late and placer mining locations.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Pierovich: Senate Bill No. 330.—An act to amend sections 2 and 3 of the "Corporate Securities Act," approved May 18, 1931, relating to mining corporations.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Pierovich: Senate Bill No. 331.—An act providing for the regulation and supervision of companies engaged in the business of mining and sales of securities of such companies as the same are therein defined, and to prevent fraud in the sale of such securities, providing for the enforcement of said act and penalties for the violation thereof, and placing the duty of enforcement of said act in the Department of Mineral Resources.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Pierovich: Senate Bill No. 332.—An act to amend section 290 of the Civil Code, relating to corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Olson: Senate Bill No. 333.—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative associations, who may organize, purpose and powers.

distribution of benefits, and vote and consisting of sections 653.1 to 653.16.

Bill read first time, and referred to Committee on Corporations.

By Senator Perry: Senate Bill No. 534—An act relating to persons in private psychopathic institutions.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Olson (by request): Senate Bill No. 535—An act to amend the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, and by adding three new sections to said act to be numbered sections 3a, 3b and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Powers: Senate Bill No. 536—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to make an appropriation for the enforcement of this act; and to prescribe penalties for the violation of this act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Metzger: Senate Bill No. 537—An act to add section 1354 to the Fish and Game Code, relating to the taking of frogs for educational and scientific purposes.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Metzger: Senate Bill No. 538—An act to amend sections 650.5, 661, 1064, 1151 and 1414 of the Fish and Game Code, relating to fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Swing: Senate Bill No. 539—An act to amend the law relating to the Department of Motor Vehicles.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Swing: Senate Bill No. 340.—An act to amend the Juvenile Code, relating to the law governing juveniles and providing for the administration and enforcement thereof.

Bill read first time, and referred to Committee on Juveniles.

By Senator Swing: Senate Bill No. 341.—An act to amend the law relating to the Department of Agriculture.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Hays: Senate Bill No. 342.—An act to add a new part to Division II of the School Code to be known as Part VI, relating to the formation, government, support, control and administration of unified school districts created from elementary and high school districts, and of unincorporated high school and junior college districts having continuous boundaries and comprising some of identical personnel.

Bill read first time, and referred to Committee on Education.

By Senator Hays: Senate Bill No. 343.—An act to add a new part to Division II of the School Code to be known as Part VII, relating to the formation, government, support, control and administration of unified school districts created from school districts not continuous and not having governing boards of identical personnel.

Bill read first time, and referred to Committee on Education.

By Senator Hays: Senate Bill No. 344.—An act to amend sections 5 and 6 of an act entitled "An act providing certain duties to be performed by the State Auditor, State Treasurer and State Board of Examiners," approved February 20, 1897, relating to warrants.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Hays: Senate Bill No. 345.—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities, providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Bill read first time, and referred to Committee on Judiciary.

By Senator Slater: Senate Bill No. 346.—An act to amend sections 1104, 1108, 1143, 1144, 1146 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products, and to make an appropriation.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Raggart: Senate Bill No. 347.—An act to add two new sections to the School Code to be known as sections 4767-1 and 4725, relating to the computation of average daily attendance in the public elementary school districts and high school districts.

Bill read first time, and referred to Committee on Education.

By Senator McGovern: Senate Bill No. 548—An act to amend section 4 of an act entitled "An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing that notices as to pay days must be kept posted by the employer and making failure to keep such notices posted *prima facie* evidence of violation of the act, providing criminal penalties for the violation of its provisions, authorizing the Commissioner of the Bureau of Labor Statistics to enforce this act, defining the duties of district attorneys and prosecuting attorneys of cities relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner for failure to maintain regular pay days and the disposition of penalties so collected, providing a civil penalty for failure of the employer to pay discharged employees or employees who quit and permitting such employees to sue directly or through an assignee for such penalties as well as permitting the said commissioner to sue for same in such cases as he may deem proper; repealing an act entitled 'An act providing for the time of payment of wages', approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the Commissioner of the Bureau of Labor Statistics to enforce the provision of this act', approved June 8, 1915", approved May 6, 1919 (Stats. 1919, Chap. 202), as amended, providing for the use of civil penalties collected for violation of the monthly and semimonthly pay day laws, and of fines for violation of the act, by the Division of Labor Statistics and Law Enforcement for the administration of the act in augmentation of its current appropriations.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator McGovern: Senate Bill No. 549—An act to amend the title and section 1 and 2 of, and to add a new section, to be numbered section 3 to an act entitled "An act requiring public bodies or officers withholding penalties or forfeitures from contractors for violations by contractors or subcontractors of any public works labor acts carrying penalties or forfeitures from the contract payments to transfer such penalties or forfeitures to the State Treasurer to become a part of the general fund of the State 90 days after completion of the contract, unless suit is brought and formal notice of suit is given, requiring any court collecting criminal penalties or fines under such acts to likewise transmit same to the State Treasurer to become a part of the general fund of the State, providing for the temporary retention of such penalties or forfeitures by the public awarding body or officer pending litigation in cases where suit is brought and formal notice of such suit is given within 90 days after completion of the contract, limiting the time for action by the contractor or his assignee for the recovery of the said penalties or forfeitures to the said 90-day period, making such suit the exclusive remedy of the contractor or his assignee with reference to such penalties or forfeitures and providing that suit shall be brought without permission from any State or other authority and be limited to the recovery of such penalties or forfeitures without prejudice to the contractor's or assignee's rights in regard to other matters affecting

the contract but with the burden on the plaintiff to establish his right to the penalties or forfeitures withheld", approved April 25, 1933 (State Bill, Chap. 289), providing for the deposit of penalties, forfeitures and fines under the Public Works Labor Laws in a trust account of the Division of Labor Statistics and Law Enforcement and their use by and disposal for the administration of said laws in augmentation of its current appropriations.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Powers: Senate Bill No. 308.—An act to provide for the cooperation of State officers and agencies, and establish a relationship with the Federal Government in raising or growing foods, and for the disposition of money received from the Federal Government in relation thereto.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Salinger: Senate Bill No. 351.—An act to amend the title and sections 2, 3, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, prescribing the penalty for violation, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violations of the provisions thereof, and providing that this act shall take effect immediately", approved July 31, 1931, to repeal sections 7 and 12 of said act, to add sections 7 and 12 to said act, all relating to the levying of the privilege of selling tangible personal property, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Hays: Senate Bill No. 352.—An act to amend section 4220 of the Political Code, relating to duties of county supervisors, declaring the urgency thereof and providing the same shall take effect immediately.

Bill read first time, and referred to Committee on County Government.

By Senator Cuthbertson: Senate Bill No. 353.—An act to add a new section to the Public Utilities Act to be numbered 252, relating to the operation and ownership of wharves or dock facilities by railroad corporations.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Slater: Senate Bill No. 354.—An act to add Article 3 to Chapter 1 of Division 1 of the Agricultural Code, embracing sections 45 to 48, inclusive, relating to the State Board of Agricultural Commissioners.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Slater: Senate Bill No. 555—An act to amend sections 1143, 1144, 1146 and 1147 of the Agricultural Code, relating to egg products.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Young: Senate Bill No. 556—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education.

Bill read first time, and referred to Committee on Education.

By Senators Deuel, Slater, Snyder, Stow, Pierovich, Sharkey, Parkman, and Reindollar: Senate Bill No. 557—An act relating to a convention to revise the Constitution of this State and providing for calling and holding the same, including the election of delegates, the proceedings, powers, and duties of the convention and the delegates, and the submission to the people of the Constitution that may be agreed upon by the convention and making an appropriation therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Powers: Senate Bill No. 558—An act to amend sections 4.161, 4.162, 4.190, 4.220 and 4.221 of the School Code, relating to unapportioned county school funds.

Bill read first time, and referred to Committee on Education.

By Senator Powers: Senate Bill No. 559—An act to amend section 3.331 of the School Code, relating to the county high school tuition tax.

Bill read first time, and referred to Committee on Education.

By Senators Knowland, Crittenden, Olson, Scollan, Slater, and Tickle: Senate Bill No. 560—An act to amend section 13 of the "Motor Vehicle Fuel License Tax Act," Chapter 267, Statutes of 1923, approved May 30, 1923, as amended, relating to the allocation of motor vehicle fuel fund moneys to counties.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators Knowland, Crittenden, Olson, Scollan, Slater, and Tickle: Senate Bill No. 561—An act to amend sections 3 and 5 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to the allocation and expenditure of State highway funds.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McColl: Senate Bill No. 562—An act relating to the instruction of the art of golf and creating the California Board of Professional Instructors of Golf.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McGill: Senate Bill No. 564—An act to add section 2247 to the Political Code, relating to contracts for materials for use on public buildings.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Scollan: Senate Bill No. 564—An act to amend section 535 of the Political Code, relating to purchase of machinery or equipment for the State Printing Plant.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Scollan: Senate Bill No. 565—An act to amend section 677a of the Political Code, relating to departmental budgets.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Knowland: Senate Bill No. 566—An act to provide means for making applicable to judges of the superior courts the provisions of section 26 of Article VI of the Constitution of this State, relating to the method of selecting judges.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Garrison: Senate Bill No. 567—An act to add a new chapter to Part III of Division VI of the School Code to be known as Chapter III, relating to the establishment of a State insurance fund for the purpose of insuring real and personal property of school districts and of insuring school districts, their officers, agents and employees against liability.

Bill read first time, and referred to Committee on Education.

By Senator Schottky: Senate Bill No. 568—An act to prohibit until January 1, 1936, sales of real property on foreclosure of mortgages or deeds of trust, or under a power contained in a mortgage or deed of trust; to prohibit the foreclosure of the interest of a purchaser under a contract for the purchase of real property; to extend the Statute of Limitations upon certain obligations; and to postpone such sales or foreclosures until January 1, 1936, to authorize the waiver of the provisions of this act, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 569—An act to amend section 2802 of the School Code, relating to judgments against school districts.

Bill read first time, and referred to Committee on Education.

By Senator Fletcher: Senate Bill No. 570—An act to repeal an act entitled "An act to create a State Advisory Commission on Indian Affairs, to prescribe its membership, and its powers and duties," adopted May 26, 1933.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fletcher: Senate Bill No. 571—An act to amend section 862 of an act entitled "An act to provide for the organization, incor-

poration, and government of municipal corporation," approved March 13, 1883, relating to cities and towns of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Knowland: Senate Bill No. 572—An act to add sections 4060 to 4060.54, inclusive, to the Political Code, and to amend section 3714 of said code, relating to the fiscal affairs of counties, cities and counties, and districts, including budgeting, accounting, reporting, and auditing.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McGovern: Senate Bill No. 573—An act to amend section 7 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913 (Stats. 1913, Ch. 282), as amended, relating to the amount of license fees and bonds of employment agencies, and providing for the use of license fees and fines by the Division of Labor Statistics and Law Enforcement for the administration of the act in augmentation of its current appropriations.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Crittenden: Senate Bill No. 574—An act to amend sections 1, 3, 9, 12a, 15, 19, 20a, and 20b and to add sections 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 9a, 9c, 12b, 20b, 20c, 20d, 20e, 20f, 20g, 20h, 20i, 20j, and 20k to the California Real Estate Act, relating to the creation of the Real Estate Board and prescribing the powers and duties thereof, to the regulation and licensing of real estate brokers and salesmen, and to the inspection and regulation of subdivisions.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Schottky: Senate Bill No. 575—An act to amend section 365, 365a, 365b, 365c, 365d, 365e, 365f, 365g, and 365h of the Political Code of the State of California, relating to the California Highway Commission.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Duval: Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, the removal or destruction of improvements thereon, the cutting and removal of timber or the doing of any act impairing the value of the lands or of the improvements; providing for the renting of said lands and the collection of rents, issues and profits thereof, and the appointment of representatives by the Controller; providing for the recovery of the possession of said property and an accounting of rents, issues and

profits; providing for the compromise of actions and the disposition of moneys received, and the removal or sale of property which has become a public nuisance.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Dwyer: Senate Bill No. 577—An act to amend section 3780 of the Political Code, relating to the redemption of property sold to the State for delinquent taxes and limiting the same to a period of three years from and after the date of the deed to the State pursuant to section 3785 of the Political Code.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Seidlitz: Senate Bill No. 578—An act to amend section 627 of the Penal Code, relating to trespass.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator McGovern: Senate Bill No. 579—An act to add a new section to the Code of Civil Procedure to be known as section 1021 (a), creating the lien of an attorney at law.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 580—An act directing the Department of Public Works to construct the railroad approaches to the toll bridge now in course of construction across the bay of San Francisco from the City and County of San Francisco to the county of Alameda, declaring the construction of said railroad approaches to be in the public interest of the people of the State of California, and prescribing the manner in which the cost thereof shall be paid.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Seidlitz: Senate Bill No. 581—An act to amend section 602 of the Penal Code, relating to trespass.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Swing: Senate Bill No. 582—An act to amend sections 365, 365a, 365b, 365c, 365d, 365e, 365f, 365g, and 365h of the Political Code of the State of California.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fletcher: Senate Bill No. 583—An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter IX of the act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCormack: Senate Bill No. 584—An act to add a new section to the Political Code to be known as section 3663d, relating to the assessment of property by the State Board of Equalization and the allocation of the assessed value of such property to the various taxing jurisdictions of the State.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McCormack: Senate Bill No. 585—An act to amend section 3663b of the Political Code, relating to the assessment of property by the State Board of Equalization.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McCormack: Senate Bill No. 586—An act to amend section 3663a of the Political Code, relating to the assessment of property by the State Board of Equalization.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McCormack: Senate Bill No. 587—An act to repeal sections 3664, 3664a, 3664d of the Political Code and other acts inconsistent with section 14 of Article XIII of the Constitution of the State of California, to amend sections 3664b and 3664b-1 of the Political Code, all relating to the carrying into effect of the provisions of section 14 of Article XIII of the Constitution of the State of California.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fletcher: Senate Bill No. 588—An act providing for the exemption from taxation of personal property brought within the State of California exclusively for purposes of use, display or exhibition at expositions, fairs, carnivals or public exhibits of literary, scientific, educational, religious or artistic works, and for claim of exemption.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McCormack: Senate Bill No. 589—An act to add section 2540(a) to Civil Code, relating to contract of minors for life, health and accident insurance and annuity contracts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Parkman: Senate Bill No. 590—An act to amend an act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Parkman: Senate Bill No. 591—An act to amend an act to provide for the organization of the Railroad Commission, to define its

powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "Railroad Commission Fund" and appropriating the moneys therein to carry out the provisions of this act, and repealing Title XV of Part IV of Division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Parkman: Senate Bill No. 520.—An act regulating the use of public highways by motor carriers of passengers for hire, requiring the operators of such vehicles to secure permits from the Railroad Commission of California for the operation thereof, to foster a fair distribution of traffic between the several highway transportation systems to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Duval: Senate Bill No. 521.—An act to amend sections 3897 and 3898 of the Political Code, relating to the sale and disposal of lands deeded to the State for delinquent taxes and to abolish the tax land fund and to repeal section 3774 of the Political Code relating to the possession, rental, lease or cultivation, and the duty to provide for rental and care, of lands deeded to the State under section 3756 of the Political Code, and also to a political subdivision of State taxing agency lying in an irrigation district delivering water to lands thereon, or lying within a municipality not in an irrigation district, or lying in neither, for delinquent taxes or assessment.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Duval: Senate Bill No. 524.—An act to amend sections 3817d of the Political Code, relating to the sale of property for delinquent taxes, and the sale of tax deeded property by the State.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Swing: Senate Bill No. 525.—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Seollan: Senate Bill No. 526.—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 9a of an act entitled, "An act providing for the registration of contractors, and defining the term contractor: providing

the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

Bill read first time, and referred to Committee on Building and Construction.

By Senator Seawell: Senate Bill No. 597—An act to amend section 13 of the Reciprocal or Interinsurance Act of the State of California, approved June 3, 1921, Statutes of 1921, page 1599, as amended, relating to applicability of insurance laws thereto.

Bill read first time, and referred to Committee on Insurance.

By Senator Seawell: Senate Bill No. 598—An act to amend section 2 of the Reciprocal or Interinsurance Act of the State of California, approved June 3, 1921, Statutes of 1921, page 1599, as amended to require certain provisions in forms used thereunder.

Bill read first time, and referred to Committee on Insurance.

By Senator Seawell: Senate Bill No. 599—An act to amend the Reciprocal or Interinsurance Act of the State of California, approved June 3, 1921, Statutes of 1921, page 1599, as amended, by adding thereto a new section to be numbered 6(a), relating to statements to the public.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 600—An act to amend section 13.16 of the "Building and Loan Association Act," relating to the powers and duties of the Building and Loan Commissioner, and to building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Senator Hays: Senate Bill No. 601—An act to amend section 136 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," relating to the employment of deputies, assistants and legal counsel in liquidation proceedings.

Bill read first time, and referred to Committee on Banking.

By Senator Hulse: Senate Bill No. 602—An act to amend an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to the powers of said districts and the acquisition of utility property.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Knowland: Senate Bill No. 693—An act to amend the "Streets and Highways Code," relating to streets and highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Knowland: Senate Bill No. 694—An act to add sections 476, 477, 478, and 479 to the Political Code, relating to the powers and duties of the Attorney General, and to make an annual appropriation therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Snyder: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 1 of Article XVI thereof, relating to incurrence and settlement of bonded indebtedness by the State.

Referred to Committee on Revenue and Taxation.

By Senator Fletcher: Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections 2 and 34 of Article IV thereof, relating to the Legislature.

Referred to Committee on Constitutional Amendments.

By Senator McGovern: Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections 1, 4, 4b, 4c, 10, 18, 23 and 24 of Article VI, and by adding sections 4d, 4e, and 4f to said Article VI of the Constitution, relating to the judicial power of the State.

Referred to Committee on Constitutional Amendments.

By Senator McGovern: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding to Article XVI thereof, a new section to be numbered 4c, relating to the judicial power of the State.

Referred to Committee on Constitutional Amendments.

By Senator McGuinness: Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section 18 of Article XI thereof, relating to the incurring of indebtedness by political subdivisions.

Referred to Committee on Constitutional Amendments.

By Senator Seollan: Senate Concurrent Resolution No. 17—Relative to the increase of machine work while laborers and their families are in distress.

Referred to Committee on Labor and Capital.

By Senator Seawell: Senate Joint Resolution No. 8—Relative to hours of employment of persons on interstate carriers.

Referred to Committee on Labor and Capital.

By Senator Fletcher (by request): Senate Concurrent Resolution No. 18—Relative to creating a Joint Legislative Committee on Governmental Efficiency and defining its powers and duties.

Referred to Committee on Governmental Efficiency.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1258—An act to amend section 2 of the "Los Angeles County Flood Control Act," approved June 12, 1915, relating to powers of the district, declaring the urgency hereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Special Order.

Senator Olson moved that Assembly Bill No. 1258 be made a special order for Saturday, January 26, 1935, at eleven o'clock a.m.

Motion carried, and such was the order.

Adjournment.

On motion of Senator Rich, at five o'clock and thirty minutes p.m., the President of the Senate declared the Senate adjourned until ten o'clock a.m., Saturday, January 26, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Saturday, January 26, 1935.

The Senate met at ten o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—35.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, January 25, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Williams was, on motion of Senator Keough, granted leave of absence for this day.

Senator McColl was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. James Sheehan of San Francisco, Mrs. John H. Russell, Mrs. John W. Maitman of Alameda, and Mrs. Fred H. Johnson of Placer, California.

Withdrawal and Re reference of Senate Bills Nos. 232, 233, and 236

Senator Duffin moved that Senate Bills Nos. 232, 233, and 236 be withdrawn from Committee on Constitutional Amendments, and referred to Committee on Rules and Highway.

Motion carried, and such was the order.

Messages from the Assembly

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 469—An act to authorize the city of Kings to execute certain improvements in the United States of America, including the payment thereof, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By Fred J. Johnson, Assistant Clerk.

Senate Bill No. 469 ordered to engrossment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1256—An act making an appropriation to pay the cost of printing miscellaneous documents and publications, including the 1933 and 1934 editions, including the ongoing interest, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By Fred J. Johnson, Assistant Clerk.

Assembly Bill No. 1256 read first time, and ordered held at the desk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1257—An act making an appropriation of the emergency fund specified in Item 201 of session 1 of previous sessions, for making appropriations for the support of the government of the State of California, and for several public purposes, in conformity with the government of Article IV of the Constitution of the State of California, approved the project in the people at the general election held November 7, 1922, including the payment thereof, and providing that this act shall take effect immediately, January 14, 1933, for the purposes herein specified, and declaring the urgent interest.

ARTHUR A. OHNIMUS, Chief Clerk.
By Fred J. Johnson, Assistant Clerk.

Assembly Bill No. 1257 read first time, and ordered held at the desk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Public Confessions of Assembly Bill No. 28—An act relating to the bond of debtors and guarantors, and providing for payment of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of foreclosures and mortgages while such contracts of purchase, including the ongoing interest, and providing that it shall take effect immediately—Assemblymen James O'Brien and Senator to meet a subcommittee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By Fred J. Johnson, Assistant Clerk.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work of January 26, 1935

F. E. Dalin, Minute Clerk.....	\$9 00
Newton E. Mounts, Chaplain.....	1 00
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms.....	5 00
Lena Sorensen, Assistant at Desk.....	5 00
L. Williams, Assistant Journal Clerk.....	5 00
Robert Horbach, Assistant at Desk.....	5 00
Carl A. Shipkey, Assistant at Desk.....	5 00
Bob Cross, Assistant at Desk.....	5 00
Charles Reindollar, Jr., Assistant at Desk.....	5 00
Ada Ford, Assistant at Desk.....	5 00
Orval L. Schreck, Assistant at Desk.....	5 00
Hortense May, Assistant at Desk.....	5 00
Robert G. Alderman, Assistant Engrossment and Enrollment Clerk.....	5 00
Gladys Giusto, Chief Stenographer.....	6 00
Winifred Elliot, Stenographer.....	5 00
Josephine Pewsterbaugh, Stenographer.....	5 00
Alice Kinsman, Stenographer.....	5 00
Dorothea Seawell, Stenographer.....	5 00
Ottie W. Maher, Stenographer.....	5 00
Bernice Garibotto, Stenographer.....	5 00
Lillian Veglia, Stenographer.....	5 00
Wanda Durkee, Stenographer.....	5 00
Patricia Whitman, Stenographer.....	5 00
Marion Sellman, Stenographer.....	5 00
Isabelle Woodward, Stenographer.....	5 00
Helen Melhorn, Stenographer.....	5 00
Marguerite Bridges, Stenographer.....	5 00
Rosebud Criddle, Stenographer.....	5 00
Lucile Aldridge, Stenographer.....	5 00
Marie H. Franklin, Stenographer.....	5 00
Belle Johnson, Stenographer.....	5 00
Flora Gilliam, Stenographer.....	5 00
Margie Cleary, Stenographer.....	5 00
Pauline Cassidy, Stenographer.....	5 00
Helen Monroe, Stenographer.....	5 00
Mrs. Charissa F. Bowen, Stenographer.....	5 00
Margaret Donville, Stenographer.....	5 00
Frances Cullicott, Stenographer.....	5 00
Gwen Caffee, Clerk of Committee on Finance.....	6 00
Helene Howe, Stenographer.....	5 00
Margaret Mickle, Stenographer.....	5 00
Carmela Vecchi, Assistant at Desk.....	5 00
W. P. Staples, Assistant Sergeant-at-Arms.....	5 00
Elmer J. Larson, Assistant Sergeant-at-Arms.....	5 00
Wallis R. McPherson, Assistant Sergeant-at-Arms.....	5 00
Jack Merrick, Assistant Sergeant-at-Arms.....	5 00
Paul M. Pierce, Assistant Sergeant-at-Arms.....	5 00
Felix Mottaret, Page.....	2 50
Edward Difani, Page.....	2 50

Resolution read, and on motion of Senator Tickle, adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

WHEREAS, There will be certain services which will of necessity have to be performed by certain officers of the Senate, other than the Secretary and the Sergeant-at-Arms, during the constitutional recess; and

WHEREAS, Under the provisions of Article IV, section 23a of the Constitution, compensation for such services must be paid from the allowance for legislative help; now, therefore, be it

Resolved, That the Controller be and he is hereby directed to draw his warrant on the fund for pay of officers and employees of the Senate in the sum of \$200 in favor of the Secretary of the Senate, and the Treasurer is directed to pay the same,

and amount to be used for compensation for services to be performed during the constitutional recess. Resolutions relating to expenses introduced in the Hall with the Controller by the Secretary of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Cushman, Eilers, Edwards, Fitcher, Garrison, Hays, Hays, Jespersen, Knight, King, Knudsen, McCann, McCarroll, Morrison, Myers, Olsen, Perry, Powers, Powers, Rosendahl, Sorenson, Stang, Stenroos, Strong, Thoms, Wager, and Young—27.

NOES—None.

Withdrawal and Re-reference of Senate Bill No. 416

Unanimous consent granted the President pro tempore that Senate Bill No. 416 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Roads and Highways.

Resolution

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the SERGEANT of the Senate be and he is hereby ordered and directed to procure, during the constitutional recess, for the use of the members of the Legislature, a complete and comprehensive Legislative Manual, or Handbook, of the same and style similar with similar publications of various sessions, upon the current list of State officers, members and officers of both houses of the Legislature; lists of committees and titles of both houses and their bills, together with indices to the same, also to procure for the use of members of the Legislature a complete Calendar containing a listing of all bills introduced to date, together with a complete index and cross index to the same, to be printed and distributed during the constitutional recess, and the Controller is hereby ordered and directed to draw his warrant on the contingent fund of the Senate to pay to the Sergeant of the Senate the sum of seven hundred fifty dollars (\$750) to pay for such printing and binding; Calendar, and the Treasurer is hereby ordered and directed to pay the same. The Secretary of the Senate is further directed to furnish the Controller with vouchers for all expenditures made by him in pursuance of this resolution.

KING, Chairman.
POWERS.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Cushman, Eilers, Edwards, Fitcher, Garrison, Knudsen, Hays, Jespersen, Knight, King, McCann, McCarroll, Morrison, Myers, Olsen, Perry, Powers, Powers, Rosendahl, Sorenson, Stang, Stenroos, Strong, Thoms, Wager—25.

NOES—None.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That there is hereby appropriated out of the contingent fund of the Senate two hundred dollars (\$200), or so much thereof as may be needed, for the purpose of purchasing boxes, packing, mailing and expressing all papers and documents belonging to Senators to their places of residence. Immediately after the adjournment for the constitutional recess, the Sergeant at Arms of the Senate shall cause this work to be done and shall the work the Committee of the State requires covering the different items of expenses. Whenever the Controller shall draw his warrant or warrants in favor of the Sergeant at Arms of the Senate for the amount necessarily expended, and the Treasurer is directed to pay the same.

KING, Chairman.
POWERS.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES:—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Schottky, Seollan, Sharkey, Slater, Tickle, and Wagy—25.

NOES:—None.

Introduction, First Reading and Reference of Bills.

By Senator Mixer: Senate Bill No. 605—An act to amend section 3479 of the Civil Code, relating to nuisances.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Difani: Senate Bill No. 606—An act to amend section 26 of the Public Utilities Act, relating to foreign corporations which may transact public utility business.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Reindollar: Senate Bill No. 607—An act to add section 7½ to an act entitled "An act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, relating to penalties.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reindollar: Senate Bill No. 608—An act to amend section 487 of the Penal Code defining grand theft.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reindollar: Senate Bill No. 609—An act to amend section 669 of the Penal Code, relating to terms of imprisonment.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reindollar: Senate Bill No. 610—An act to add section 1203a to the Penal Code, relating to filing of reports by probation officers with the State Board of Prison Directors.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reindollar: Senate Bill No. 611—An act to add section 10½ to an act entitled "An act to regulate the sale, possession, distribution and use of habit forming narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to penalties.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reindollar: Senate Bill No. 612—An act to establish a prison farm under the management and control of the State Board of Prison Directors; to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; for the transfer of prisoners thereto and therefrom; and for the employment of prisoners therein; and to make an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reinholdar: Senate Bill No. 613—An act to amend section 1084 of Part III, Title II, Chapter II of the Penal Code, relating to persons not entitled to vote.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reinholdar: Senate Bill No. 614—An act to amend section 644 of the Penal Code, relating to habitual criminals.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reinholdar: Senate Bill No. 615—An act to establish a reformatory under the management and control of the State Board of Prison Directors, to provide for the selection and position of a suitable site therefor, and the construction of buildings and other improvements in connection therewith, for the commitment and transfer of prisoners thereto and therefrom, and for the employment of prisoners therein, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reinholdar: Senate Bill No. 616—An act to amend section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads, providing for the compensation of such convict labor; regulating the handling of such convict labor, providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation, providing for creation of prisoners' recreation and educational fund; providing for manner of payment of compensation to said convicts upon release or parole or release or discharge from prison; authorizing allowance of extra time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, as amended by Statutes 1924, Chapter 887, relating to the use of convict labor on State Highways or State roads.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reinholdar: Senate Bill No. 617—An act to amend subdivision 2 of section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reinholdar: Senate Bill No. 618—An act to amend subsection 1, section 1203 of the Penal Code, relating to probation and probation officers.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reinholdar: Senate Bill No. 619—An act to amend section 3 of an act entitled "An act to authorize and regulate the employment of prisoners in the State prisons of this State to provide for the

disposition of the products of their skill and labor," approved February 23, 1911.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reindollar: Senate Bill No. 620—An act to amend section 4 of an act entitled "An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, to add new sections to be numbered 5a and 9a to that certain act entitled 'An act to license and regulate the business of private detectives and detective agencies and to repeal the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915,'" approved June 10, 1933, relating to the regulation of detectives, investigators and detective agencies.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reindollar: Senate Bill No. 621—An act to amend sections 217, 220, 221, 286 and 664.1 and to add section 220a to the Penal Code, relating to the punishment of crime.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reindollar: Senate Bill No. 622—An act to amend section 1590 of the Penal Code, relating to the powers of the State Board of Prison Directors.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Mixer: Senate Bill No. 623—An act to add new sections to the Agricultural Code, to be numbered 1148, 1149 and 1150, relating to disease.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Mixer: Senate Bill No. 624—An act providing for the incorporation of a horticultural protection district, authorizing such district to levy and collect taxes to carry on its operation and provide for the powers, management and government of such district and imposing certain duties and functions in connection with such district upon certain county officials.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Young: Senate Bill No. 625—An act to amend sections 691, 694, 695, 696, 697 and 865 of the Fish and Game Code and to add section 697.5 thereto, and to repeal section 691.6 thereof, relating to fishing.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Edwards: Senate Bill No. 626—An act to add a new section, to be numbered 715.5, to the Vehicle Code, relating to weights of vehicles on certain highways.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Perry: Senate Bill No. 627.—An act to add a new section to be numbered 1461 to the Probate Code, relating to guardianship proceedings of incompetent or insane persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Perry: Senate Bill No. 628.—An act to amend section 2142a of the Political Code, relating to insane or incompetent persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Perry: Senate Bill No. 629.—An act to repeal section 52a of the California Irrigation Act, relating to irrigation districts.

Bill read first time, and referred to Committee on Irrigation.

By Senator Perry: Senate Bill No. 630.—An act to repeal section 2 of the California District Sanitation Commission Act.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McGovern: Senate Bill No. 631.—An act setting forth a procedure for the declaration of any improved sidewalk or parkway, which is out of repair or in a dangerous or defective condition, or is in condition to endanger persons passing thereon, to be a public nuisance, and to provide for the abatement thereof and for the levying of a lien of not to exceed \$50 upon the particular parcel of property fronting upon such sidewalk or parkway for the cost of such abatement, and authorizing the legislative bodies of any city or city and county to adopt such procedure by ordinance.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator McGovern: Senate Bill No. 632.—An act to add two new articles to Part 4, Title 2, Chapter 6 of the Political Code to be numbered Article XI, embracing sections 4149a to 4149p, inclusive, and Article XII, embracing sections 4149p to 4149w, inclusive, and to amend sections 4017, 4041.18 and 4041.21 of said code, and to amend sections 4041.13, 4041.26 and 4048 of said code, relating to central purchasing by counties and school districts, including the appointment powers and duties of county purchasing agents, and prescribing certain penalties for violation hereof.

Bill read first time and referred to Committee on County Government.

By Senator McGovern: Senate Bill No. 633.—An act to add section 3343 to the Civil Code, relating to damages in connection with fraud and deceit.

Bill read first time, and referred to Committee on Judiciary.

By Senator Edwards: Senate Bill No. 634.—An act to add section 24 to the District Investigation Act of 1933, relating to emergencies.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Garrison: Senate Bill No. 635.—An act to add Article 3a to Division II of the Agricultural Code, relating to Bang's disease in cattle.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Garrison: Senate Bill No. 636—An act to provide for the purchase by the State of California, under certain conditions, of certificates of sale of property sold for delinquent assessments of irrigation districts, and ----.

Bill read first time, and referred to Committee on Irrigation.

By Senator Schottky: Senate Bill No. 637—An act to amend an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said district," approved June 10, 1913, as amended by adding to said act as amended section 52-a, relating to an optional method of electing directors.

Bill read first time, and referred to Committee on Irrigation.

By Senator Schottky: Senate Bill No. 638—An act to amend an act entitled "An act validating the formation and organization, and determining the boundaries of Alameda County Water District in the County of Alameda, State of California," approved April 10, 1915, by amending section 2 of said act, relating to the boundaries of said district and by adding section 3 to said act, relating to the laws governing said district and providing for elections therein.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hays: Senate Bill No. 639—An act to repeal Article VI of Chapter 1 of Part IV of Division IV embracing sections 4.750 to 4.753, inclusive, of the School Code and to enact in lieu thereof a new Article VI, embracing sections 4.750 to 4.752, all relating to emergency average daily attendance.

Bill read first time, and referred to Committee on Education.

By Senator Keough: Senate Bill No. 640—An act to add sections 617 and 618 to the Streets and Highways Code, establishing additional secondary State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Keough: Senate Bill No. 641—An act to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Keough: Senate Bill No. 642—An act to add section 21.4 to the Fish and Game Code, relating to damages for destruction of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Schottky: Senate Bill No. 643—An act to amend sections 1261 to 1273 of the Agricultural Code, relating to produce dealers.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Fletcher: Senate Bill No. 644—An act to amend section 862 of an act entitled "An act to provide for the organization, incor-

poration, and government of municipal corporation," approved March 13, 1883, relating to cities and towns of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Fletcher, Senate Bill No. 643—An act relating to the compensation of public officers who are receiving financial aid from any governmental agency for disability or illness.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fletcher, Senate Bill No. 646—An act to create the State of California a Tax Commission, providing for the employment by said commission of a secretary, agents and other employees, authorizing said commission to fix their compensation, prescribing the duties of said commission, its officers and employees, and empowering said commission to levy, collect and distribute all of the taxes for the State of California, the political subdivisions thereof, all municipalities and districts within said State, and making an appropriation for the purpose of carrying out the provisions hereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fletcher, Senate Bill No. 647—An act relating to the payment of certain special assessments and providing relief for owners of property subject thereto.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Jespersen, Senate Bill No. 648—An act requiring license for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, providing for penalties for the violation of this act, providing for the enforcement of this act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Jespersen, Senate Bill No. 649—An act to prohibit the formation of corporations for the purpose of engaging in retail chain store business.

Bill read first time, and referred to Committee on Corporations and Financial Institutions.

By Senator Jespersen, Senate Bill No. 650—An act relating to corporations and the ownership thereof and prohibiting the ownership or control of corporate stock by any other corporation.

Bill read first time, and referred to Committee on Corporations and Financial Institutions.

By Senator Jespersen, Senate Bill No. 651—An act to add section 625b to the Penal Code, relating to removal of warning lights and barricades.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Jespersen: Senate Bill No. 652—An act to amend section 4.798 of the School Code, relating to apportionments of State funds for public school purposes.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 653—An act to add a new section to the School Code to be numbered 2.1363, relating to the acceptance of gifts, donations, bequests and devises to schools and colleges administered by the Director of Education or the Department of Education.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 654—An act to add a new article to Chapter 1 of Part III of Division IV of the School Code to be known as Article III, relating to school district elections for the expenditure of school district funds.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 655—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 656—An act making an appropriation for the support of the California Polytechnic School.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 657—An act making an appropriation for minor construction and improvement at the California Polytechnic School.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 658—An act to amend section 3.472 of the School Code, relating to the transportation of teachers of agriculture employed by high school districts and engaged in supervising project work of pupils.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 659—An act to amend section 2 of "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to interest.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Jespersen: Senate Bill No. 660—An act to amend sections 2957, 2959, 2965 and 2966 of the Civil Code, relating to mortgages of personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Jespersen: Senate Bill No. 661—An act to add a new section to the Penal Code, to be numbered 536c, relating to the handling of farm products on consignment.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Jespersen: Senate Bill No. 602.—An act to add a new section to the Penal Code to be numbered 197½, relating to cruelty to animals.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Jespersen: Senate Bill No. 603.—An act to add a new section to the School Code to be numbered 191, relating to the transportation of pupils to school houses and other school buildings.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 604.—An act to promote the safety of employees and the traveling public upon railroads by prohibiting persons, firms, and corporations operating railroads in this State from requiring or permitting certain employees to receive, deliver or transmit over telegraph or telephone lines any orders for the movement of trains, defining an emergency and repealing the act entitled "An act to promote the safety of employees and the traveling public upon railroads by prohibiting certain persons, firms and corporations operating railroads in this State from requiring or permitting certain employees to receive, deliver or transmit over telegraph or telephone lines any orders for the movement of trains except in such cases or classes of cases as may be permitted by the Railroad Commission," approved May 24, 1913.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Jespersen: Senate Bill No. 605.—An act to amend an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of provisions herein; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1911, by adding a new section thereto, to be numbered 2a, relating to the standard measure for petroleum oil and gasoline.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Jespersen: Senate Bill No. 606.—An act to regulate the sale of gasoline, define the standard measure for gasoline, and prescribe penalties for the violations hereof.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Jespersen: Senate Bill No. 607.—An act to amend sections 204 and 241 of the Code of Civil Procedure, relating to grand juries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hays: Senate Bill No. 668—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 669—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 670—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 671—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 672—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 673—An act to amend sections 1 to 650 of the Insurance Code, to repeal certain sections thereof and to add certain sections thereto, all relating to insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 674—An act to amend sections 680 to 1106 of the Insurance Code, to repeal certain sections thereof, and add new sections thereto, all relating to transactions of insurance in this State and matters incidental thereto.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 675—An act to amend sections 1140 to 1253 of the Insurance Code, to repeal certain sections thereof, and to add new sections thereto, all relating to incorporated insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 676—An act to amend sections 1280 to 1530 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to reciprocal insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 677—An act to amend sections 1560 to 1607 of the Insurance Code, to repeal certain sections thereof and to add certain new sections thereto, all relating to foreign insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 678—An act to amend sections 1640 to 1779 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to persons representing insurers or insureds.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 679—An act to amend sections 1880 to 9091 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to fire, marine, and fire and marine insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Hays: Senate Bill No. 680—An act to amend sections 10020 to 10080 of the Insurance Code, to repeal certain sections thereof and to add certain new sections thereto, all relating to volunteer fire patrols.

Bill read first time, and referred to Committee on Insurance.

By Senators Metzger and Sharkey: Senate Bill No. 681—An act confirming and validating the consolidation of irrigation districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bigger: Senate Bill No. 682—An act to add a new section, to be numbered 1582, to the Streets and Highways Code, relating to county highway funds.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Bigger: Senate Bill No. 683—An act making an appropriation for major construction and equipment at Minneapolis State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Bigger: Senate Bill No. 684—An act to amend sections 722 and 724 of the Fish and Game Code, relating to outlets.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McGovern: Senate Bill No. 685—An act to amend section 274c of the Code of Civil Procedure, relating to photographic reporters, and declaring the urgency of this act.

Bill read first time, and referred to Committee on County Government.

By Senator McCormack: Senate Bill No. 686—An act relating to the redemption and sale of property sold to a county treasurer, as trustee of a reclamation district or of the bond fund, or to a reclamation district for delinquent assessments and installments thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Olson: Senate Bill No. 687—An act to amend sections 13 (a) and 47 (a) of an act entitled "An act to provide for the organization of the Railroad Commission, to define the powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund,' and appropriating the moneys therein to carry out the provisions of this act, and repealing Title XV of Part IV of Division I of the Civil Code and all acts and parts of acts

inconsistent with the provisions of this act," and designated in the act so entitled as the "Public Utilities Act," approved April 23, 1915, as amended.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Olson: Senate Bill No. 688—An act to amend sections 336 and 341 and to repeal section 685 of the Code of Civil Procedure, relating to limitation of actions and deficiency judgments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Olson: Senate Bill No. 689—An act to require the acceptance of certificates of other evidences of investments secured by mortgages and or deeds of trust, in payment of the obligations for which said security is given.

Bill read first time, and referred to Committee on Judiciary.

By Senator Olson (by request): Senate Bill No. 690—An act to amend section 423 of the Probate Code, relating to appointment of administrator.

Bill read first time, and referred to Committee on Judiciary.

By Senator Stow: Senate Bill No. 691—An act relating to work relief compensation.

Bill read first time, and referred to Committee on Unemployment.

By Senator Stow: Senate Bill No. 692—An act relating to funds received as grants to the State of California from the Federal Emergency Relief Administration or other unemployment relief or works agency or board of the Federal government.

Bill read first time, and referred to Committee on Unemployment.

By Senator Stow: Senate Bill No. 693—An act to add section 8.6 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to employees of the State Relief Administration.

Bill read first time, and referred to Committee on Unemployment.

By Senator Stow: Senate Bill No. 694—An act to add section 690.5 to the Code of Civil Procedure, relating to exemption from attachment, garnishment, and execution of moneys paid to persons receiving relief.

Bill read first time, and referred to Committee on Unemployment.

By Senator Stow: Senate Bill No. 695—An act to amend section 8 and to repeal section 12½ of the Workmen's Compensation, Insurance and Safety Act of 1917, and to add section 8.5 thereto, relating to persons on work relief.

Bill read first time, and referred to Committee on Unemployment.

By Senator Stow: Senate Bill No. 696—An act to add section 530a to the Penal Code, relating to false statements to procure relief.

Bill read first time, and referred to Committee on Unemployment.

By Senator Rich: Senate Bill No. 697—An act to amend section 2 of the "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, as amended, by transferring to the Reclamation Board the operation and maintenance of certain units

or portions of the flood control work within the Sacramento and San Joaquin Drainage District.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Rich: Senate Bill No. 608.—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 7 thereof, to transfer the operation, control, and jurisdiction of all weirs on the Sacramento River, as far as the State of California is concerned, to the Reclamation Board.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Olson (by request): Senate Bill No. 609.—An act to amend section 3017 of and to add sections 3040 and 3148a to the Political Code, relating to taxation of credits, claims, debts and demands due, owing or accruing for or on account of money deposited with certain institutions.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Jespersen: Senate Constitutional Amendment No. 16.—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 8 of and adding section 8a to Article I thereof, relating to grand juries.

Referred to Committee on Judiciary.

Reports of Standing Committees

The following reports of standing committees were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Resolution No. 15—Proposed to amend the charter to the city of Pasadena, a municipal corporation in the county of Alameda, State of California, voted for and passed by the qualified electors of said city at a special municipal election held thereon on the sixth day of November, 1934.

Also, Senate Constitutional Resolution No. 15—Calling for the general observance of Cabrillo Day and authorizing the Governor of the State of California to make appropriate proclamations with respect therein.

Also, Senate Bill No. 142.—An act to amend section 114 of an act entitled "An act to aid commerce and navigation by authorizing certain improvements in and about Islais Creek and as to certain thereof creating a reclamation district to be called and known as the Islais Creek Reclamation District," having the benediction thereof, providing for the management and control thereof, raising money thereon, and authorizing a method for the liquidation of the same of said district; and to aid and assist such works of reclamation affecting to the City and County of San Francisco and its successors any tide of the State to or to any public highways lying in said district with certain reservations; and providing for uniformity district wholly situate within the boundaries of said Islais Creek Reclamation District," approved April 6, 1925, relating to drainage, improvements of reclamation, and declaring the urgency thereof, and providing that this act shall take effect immediately.

Also, Senate Joint Resolution No. 7—Relative to authorizing the Governor to appoint a representative to confer with the representative of other reproducing States and the United States.

And reports that the same have been successively considered and presented to the Governor on the twenty-sixth day of January, 1935, at nine o'clock and fifteen minutes a.m.

METZGER, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 262—An act to validate contracts heretofore executed by county water districts with the United States and all proceedings relative thereto, including creation of improvement districts, and to provide for the levy and collection of taxes to pay any sums required by the terms of such contracts and to declare the urgency hereof;

Also: Assembly Bill No. 263—An act to authorize the execution of contracts between any irrigation district or districts and any county water district or districts organized under the laws of this State, each of which districts shall have executed with the United States a contract or contracts under the provisions of the Federal Reclamation Law for construction of works, acquisition, purchase, extension, operation or maintenance of such works or for a water supply or electric power rights or privileges or assumption as principal or guarantor of indebtedness to the United States, or for any of said purposes and which such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works and providing certain purposes for which such contracts between such districts may be executed, providing for the manner of authorization of such contracts and validating such contracts heretofore executed, declaring the urgency hereof and providing that this act shall go into immediate effect;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

MIXTER, Chairman.

Consideration of Assembly Bill No. 262.

Senator Hulse asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 262, for purpose of passage.

Second Reading of Assembly Bill No. 262.

Assembly Bill No. 262—An act to validate contracts heretofore executed by county water districts with the United States and all proceedings relative thereto, including creation of improvement districts, and to provide for the levy and collection of taxes to pay any sums required by the terms of such contracts and to declare the urgency hereof.

Bill read second time, and ordered to third reading.

Resolution.

The following resolution was offered:

By Senator Hulse:

Resolved, That Assembly Bill No. 262 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jaspersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Tickle, and Waggy—31.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering at this time Assembly Bill No. 262.

Bill read third time.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning

of section 1 of Article IV of the Constitution, and it shall therefore go into immediate effect.

The Senate considering the urgency act as follows: First, no laws requiring immediate execution between counties, cities, towns or villages, and the United States providing for the construction, for the United States or independent water works, will require the expenditure of money on behalf of either, but shall not limit the local expenditures of money necessary to carry out such laws. Secondly, every law requiring the construction of water works shall be subject to the condition that such works be determined to be within the United States and beyond and beyond such limits from works in the immediate future. Such works are a part of a comprehensive plan made by the United States for the construction of hydraulic works in the future, upon a basis of which water conservation and control have already been made. The early construction of such works may be necessary as a part of efforts to be made by the Senate and the House of Representatives to make such hydraulic structures and improvements which strengthen the condition of the State and Nation.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES: Senators Rogers, Cummings, Hays, Hiram, Edwards, Franklin, Garrison, Hays, Hiram, Rogers, Rogers, King, Newcomb, Patterson, Murray, Chase, Perry, Pennington, Feltus, Brewster, Hyde, Roberts, Brown, Brown, Shaffer, Sisson, Taylor and Wood, 30.
 NOES: None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 263 passed by the following vote:

AYES: Senators Rogers, Cummings, Hays, Hiram, Edwards, Franklin, Garrison, Hays, Hiram, Rogers, Rogers, King, Newcomb, Patterson, Murray, Chase, Perry, Pennington, Feltus, Brewster, Hyde, Roberts, Brown, Brown, Shaffer, Sisson, Taylor and Wood, 30.
 NOES: None.

Title read and approved.

Assembly Bill No. 262 introduced and transmitted to the Assembly.

Consideration of Assembly Bill No. 263

Senator Hulse asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 263, for purpose of passage.

Second Reading of Assembly Bill No. 263

Assembly Bill No. 263—An act to authorize the execution of contracts between any irrigation district or district and any county water district or district organized under the laws of this State, each of which districts shall have entered with the United States a contract or contracts under the provisions of the Federal Reclamation Law for construction of works, acquisition, purchase, retention, operation or maintenance of such works or for a water supply or electric power rights or privileges or assumption as principal or guarantor of indebtedness to the United States, or for any of said purposes and which such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works and providing certain purposes for which such contracts between such districts may be executed, providing for the manner of authorization of such contracts and validating such contracts heretofore executed, declaring the urgency hereof and providing that this act shall go into immediate effect.

Bill read second time, and ordered to third reading.

Resolution.

The following resolution was offered:

By Senator Hulse:

Resolved, That Assembly Bill No. 263 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Tickle, and Wagy—31.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 263.

Bill read third time.

Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and it shall therefore go into immediate effect.

The facts constituting the necessity are as follows:

The contracts herein authorized and validated are part of a comprehensive plan made by the United States for the construction of irrigation works in California, upon a part of which works construction has actually been initiated. The early consummation of the entire plan is necessary as a part of efforts being made by the Nation and this State to cope with widespread depression and unemployment. The immediate operation of this act will further the early expenditure of large sums of money for labor for the improvement of many acres of land now barren, and so will contribute measurably to the bettering of such conditions.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Wagy—34.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 263 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Wagy—31.

NOES—None.

Title read and approved.

Assembly Bill No. 263 ordered transmitted to the Assembly.

Consideration of Special Order

The hour having arrived for the consideration of Assembly Bill No. 1258, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

Consideration of Assembly Bill No. 1258

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1258, without reference to committee, for purpose of passage.

Second Reading of Assembly Bill No. 1258

Assembly Bill No. 1258—An act to amend section 2 of the "Los Angeles County Flood Control Act," approved June 12, 1933, relating to powers of the district, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and referred to third reading.

Resolution

The following resolution was offered.

By Senator Olson:

Resolved, That Assembly Bill No. 1258 contains a matter of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be taken up three times before its final action is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the yeas (10) and nays (0) were as follows:

YEAS. Senators Edgar, Leland, Flood, Wilkerson, Flinn, Cameron, Gordon, Hays, Keweenaw, King, McQuinn, McQuinn, McQuinn, Morgan, Olson, Perry, Powers, Powers, Rich, Serrano, Serrano, Serrano, Serrano, Snyder, Snow, Tinkle, and Wright—10.

NOES. None.

Constitution Suspended

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1258.

Bill read third time.

Urgency Clause

SEC. 2. This act is hereby declared to be an urgent measure, necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows:

A disastrous forest fire occurred in November, 1933, completely destroying approximately seven square miles of the mountains immediately above the towns of La Crescenta, Monrovia and La Canada, in Los Angeles County, thereby permitting boulders, debris and dirt to wash down upon the populous communities lying below and watershed. The immediate construction of debris basins at the mouth of various canyons below said boulder-prone region, and the construction of debris basins, said debris basins are necessary in order to protect the lives of persons living in said communities and to protect the houses and other property from destruction. The Seventy-third Congress, of the United States adopted an act, known as "H. R. 7599," appropriating \$5,000,000 to be loaned by the Reconstruction Finance Corporation for the purpose of reconstruction of flood control systems and other projects damaged or destroyed by floods or other catastrophes in the year 1933, and in the months of January and February, 1934, and said corporation has indicated its willingness to loan a portion of said funds to the Los Angeles County Flood Control District for the construction of said debris basins and channels in said area, provided the said district is given the authority to borrow said funds and to repay

the same over a period of 20 years. Said act provides the only available means whereby funds may be procured immediately for said work.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, and Tickle—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1258 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, and Tickle—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1258 ordered transmitted to the Assembly.

Third Reading of Assembly Bill No. 37.

Assembly Bill No. 37—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, during third reading of the bill, the following amendments to Assembly Bill No. 37 were read.

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended in the Assembly January 18, 1935, strike out the word "motor".

Amendment adopted.

Amendment No. 2.

On page 1, line 8, of the printed bill, as amended in the Assembly January 18, 1935, strike out the word "motor".

Amendment adopted.

Amendment No. 3.

On page 1, line 9, of the printed bill, as amended in the Assembly January 18, 1935, after the hyphenated word "tration", insert the following: "or transfer of registration".

Amendment adopted.

Amendment No. 4.

On page 1, line 11, of the printed bill, as amended in the Assembly January 18, 1935, strike out the word "motor".

Amendment adopted.

Amendment No. 5.

On page 1, line 13, of the printed bill, as amended in the Assembly January 18, 1935, after the word "enable", strike out the words "the Department of Motor Vehicles", and insert in lieu thereof the following: "the official agency of the State of California in charge of administering unemployment cooperative relief work".

Amendment adopted.

Amendment No. 6.

On page 1, line 15 of the printed bill, as amended in the Assembly January 19, 1945, after the word "regulating", insert the following: "in matters of regulation".

Amendment adopted**Amendment No. 7.**

On page 1, line 16 of the printed bill, as amended in the Assembly January 19, 1945, insert the following:

"For the purpose of securing better adjustment, the board shall be empowered and provided by the Department of Marine Fisheries and may be duly authorized by the official agencies of the State of California in charge of administering unemployment-compensative relief work."

Amendment adopted**Bill read third time****Urgency Clause.**

Sec. 2. This act is hereby declared to be an urgency measure necessitating the immediate promulgation of the public laws, statute and order within the meaning of section 1 of Article IV of the Constitution of the State of California, and no writ shall go to stay its operative effect.

The following is a statement of facts constituting such urgency:

There are throughout the State of California a great number of unemployed and destitute people. Many persons and agencies have made available for the relief of such unemployed and destitute persons stores, goods, money and transportation. It is necessary for the proper distribution of such goods, money and transportation that transportation facilities be furnished. Many persons are of opinion that sufficient motor trucks, trailers and automobiles are available for the emergency in transportation of such goods, money and transportation but such persons are financially unable to pay the required fees for the registration of such vehicles and the plates and efficient distribution of the stores and necessary transportation will be impossible if this act does not go into immediate effect.

Any person being a false affidavit for the purpose of securing an instant registration for license plates shall be guilty of a misdemeanor.

Urgency clause read

The question being on the adoption of the urgency clause:

The roll was called, and the urgency clause refused adoption by the following vote:

AYES: Senators Huggar, Corrigan, Janssen, McGowan, Green, Kinsinger, Scheraga, Seawall, and Sutter—9.

NOES: Senators Deuel, Duffell, Edwards, Fanning, Jordan, Mary Knight, Mary McManick, McWilliams, Metzger, Meyer, Fanning, Jones, King, Sisson, Sisk, Tinkle, and Wagy—19.

Re-reference of Assembly Bill No. 37.

On request of Senator Olson, Assembly Bill No. 77 was ordered re-referred to Committee on Unemployment.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Metzger: Senate Concurrent Resolution No. 12—Relative to the appointment of a committee to study and investigate the activities and practices of chain stores.

Referred to Committee on Judiciary.

Consideration of Assembly Joint Resolution No. 13.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 13, for purpose of adoption.

Assembly Joint Resolution No. 13—Relative to memorializing the President and Congress to carefully consider the required legislation necessary to give our citizens at least an even break with the aliens within our borders and which will tend to eliminate the unfair competition of alien labor against labor by citizens of the United States.

Amendments from the Floor.

During the reading of Assembly Joint Resolution No. 13, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

In line 2 of the title of the original resolution, strike out the word "the", at the end of the line, and the words "required", and "necessary to give our citizens at", and strike out all of line 4, and the words "and which", in line 5.

Amendment adopted.

Amendment No. 2.

In line 3 of the title of the resolution, after the word "legislation", insert the word "that".

Amendment adopted.

Amendment No. 3.

In paragraph 2, line 3, of the original resolution, strike out the words "about ten million five hundred thousand", and insert in lieu thereof the words "millions of".

Amendment adopted.

Amendment No. 4.

On page 2, line 4, of the original resolution, strike out the words "the required", and "necessary to", and all of line 5, and the words "our borders and which", in line 6.

Amendment adopted.

Amendment No. 5.

On page 2, line 4, of the original resolution, after the word "legislation", insert the word "that".

Amendment adopted.

Motion to Postpone by Senator Duval.

Senator Duval moved that Assembly Joint Resolution No. 13, as amended, be held over to the legislative session following the constitutional recess for further consideration.

Motion carried, and such was the order.

Second Reading of Senate Bill No. 2.

Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and to third reading.

Report of Standing Committee.

The following report of standing committee was received and read:

On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT. Your Committee on Contingent Expenses, to which was referred a Senate resolution relating to liquor control in California appearing in the Senate Journal of January 22, page 4—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—3; committee vote: Ayes—3.

KING, Chairman.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Contingent Expenses, the following amendment to the resolution was read:

Amendment 29:

In June 1 of the first year of the 1961 campaign, under the "clean" and "incub" slogan thereof the Government

Amendment adopted.

Consideration of Resolution as Amended

WHEREAS Section 10 of Article XX of the Constitution of the State of Oklahoma was amended by vote of the people at the general election held November 5, 1901, indicating a need for a revision of the Indian Service laws of the State; and

WHILEAS, in a paper in 1964, a series of maps of the vegetation of the forest in submontane zone. Upper montane forest, limited to the presence of oak sections are discussed in 1967 and

WILLIAMS, A. published his booklets at the printing mill where he lived, first during imprisonment at the University of Old Wells and the University of Exeter, and thereafter abroad.

Resolved by the Senate of the State of California: That

and professional assistants as the committee shall deem necessary and thereupon proceed with the investigation in such manner as it shall determine, and be it further:

Resolved, That the Legislature be authorized to hold hearings at any and all places in the State of California, and to investigate all business and affairs connected to the railroad at those locations, and take all actions.

Resolved: That the committee is hereby authorized and empowered to prepare the production of books, agreements, correspondence, records and other papers of every kind; to issue subpoenas to compel the attendance of persons and to take their testimony; and so far as practicable to have examined all documents required to be produced; and the same may be applied for and by the Senate, such members of the committee as authorized to examine the same as a part of the business of Article VIII of Chapter II of Title I of Part III of the Laws of the State, and the committee and assent of the majority of the committee to the deposition and testimony, and apply to the committee appointed under the laws, and it shall be the duty of all officers and employees of the State or of any county, city, town and village, or political subdivision of the State to furnish such requisite information and evidence upon request of the committee as may be pertinent to the purposes herein stated, and be it further

Resolved, That the sum of \$2750, or so much thereof as may be lawfully made available for the purpose of defraying the expenses of the said committee, shall be paid out of the contingent fund of the Senate, and the Senate Committee on Finance and Accounts to draw its warrants in payment of the said expenses, and that the said expenditures may be carried to the credit of the said committee and the State Treasurer is hereby authorized to make the same.

Resolution read, as amended:

The question being on the adoption of the resolution as amended.

The roll was called, and the resolution, as amended, adopted by the following vote:

AYES—Senators Biegler, Crenshaw, David, Doss, Evans, Frazier, Gandy, Hays,
Hulse, Jorgensen, Koszoff, King, McChesney, McHenry, Montgomery, Murray,
Myster, Parkman, Pomeroy, Powers, Rasmussen, Richardson, Sanderlin, Smith,
Snyder, Swann, and Wagner.

Not's Not

Resignation from Committee

The President of the Senate announced the resignation of Senator Swing as a member of the Special Investigating Committee authorized in a Senate resolution to investigate liquor regulation and control.

Appointment to Committee.

The President announced the appointment of Senator Scollan to fill the vacancy created by the resignation of Senator Swing.

Message from the Governor.

The following message from the Governor was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, January 25, 1935

To the Honorable Members of the Senate, State of California.

I am enclosing herewith report of the cases of Pardons, Commutations of Sentence, Restorations of Citizenship, and Reprieves issued by Governor James Rolph, Jr., prior to June 3, 1934, and myself from said date to January 7, 1935.

This report is being sent to you in accordance with the provisions of section 1, Article VII, of the State Constitution.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

**Message of Governor Concerning Pardons, Commutations, Restoration of
Citizenship and Reprieves.**

Granted by Governor James Rolph, Jr., and Governor Frank F. Merriam for Period
1933-1935.

To the Members of the Senate and Assembly of the State of California.

In accordance with the provisions of section 1 of Article VII of the Constitution of California, I hereby transmit to you a copy of the cases of pardon, commutation of sentence, restoration of citizenship and reprieve issued by Governor James Rolph, Jr., and myself from January 3, 1933, to January 7, 1935.

FRANK F. MERRIAM, Governor.

Reprieves.

PETER FARRINGTON, Folsom No. 16471. Convicted in San Francisco County for crime of Murder, First Degree, and sentenced to be hanged January 20, 1933. Reprieved from January 20, 1933, to February 17, 1933, at request of attorney. Dated January 10, 1933.

PETER FARRINGTON, Folsom No. 16471. Convicted in San Francisco County for the crime of Murder, First Degree, scheduled to hang February 17, 1933. Nathan C. Coghlan, attorney representing Farrington, requested a further stay to permit him to contact certain witnesses that could prove the innocence of Peter Farrington. Reprieved to March 3, 1933. Dated February 14, 1933.

PETER FARRINGTON, Folsom No. 16471. Convicted in San Francisco County of the Crime of Murder, First Degree, scheduled to hang March 3, 1933. Because Governor had declared Friday, March 3d, a legal holiday the question arose whether or not it would be proper to execute a man on a legal holiday. To avoid any possible difficulty a reprieve was granted to March 10, 1933. Dated March 2, 1933.

PETER FARRINGTON, Folsom No. 16471. Convicted in San Francisco County of the crime of Murder, First Degree, scheduled to be executed March 10, 1933. Because date of execution is the birthday of Peter Farrington a reprieve was granted to March 24, 1933. Dated March 7, 1933.

JOHN C. FLEMING, Folsom No. 18003. Convicted in San Bernardino County of the crime of Murder, First Degree, scheduled to be executed September 22, 1933. Robert O'Neil, attorney representing Fleming, requested additional time in which he might be able to present an application for executive clemency. Reprieved to November 17, 1933. Dated September 18, 1933.

CLAUDE FORBES, San Quentin No. 53615. Convicted in Alameda County of the crime of Murder, First Degree, scheduled to be executed on April 7, 1933. Transcript of the proceedings for the Governor's examination had not been received from the District Attorney of Alameda County. Reprieve granted to April 28, 1933. Dated April 5, 1933.

CLAUDE FORBES, San Quentin No. 53615. Convicted in Alameda County of the crime of Murder, First Degree, scheduled to be executed April 28, 1933. Hon. William H. Wente, Chief Justice of the Supreme Court of California, informed the Governor that a writ of coram nobis had been filed with the Supreme Court and suggested a sixty-day reprieve to allow the court sufficient time in which to consider the appeal. Reprieved to June 30, 1933. Dated April 26, 1933.

CLAUDE FORBES, San Quentin No. 53615. Convicted in Alameda County of the crime of Murder, First Degree, scheduled to be executed June 30, 1933. Jas. B. Holohan, Warden of San Quentin Penitentiary, requested a further stay of execution in order to eliminate any question of doubt as to whether or not a writ of coram nobis automatically postpones the execution. Reprieved to September 20, 1933. Dated June 9, 1933.

CLAUDE FORD, San Quentin No. 51815. Convicted in Mendocino County of the crime of Murder, First Degree, scheduled to be executed January 29, 1933. B. Grant Taylor, Clerk of the Superior Court, requested an additional day of execution in order to allow the court sufficient time in which to reach a decision in the matter of the writ of habeas corpus. Granted in January 29, 1933. Dated September 25, 1933.

ALBERT W. FULDER, San Quentin No. 51789. Convicted in Mendocino County for crime of Murder, First Degree, and sentenced to hang January 13, 1933. Exempted from January 13, 1933, to February 27, 1933, at request of Honorable Judge Martin I. Walsh, who was assigned by Attorney in order to investigate, and which had not been completed. Dated January 14, 1933.

ALBERT W. FULDER, San Quentin No. 51789. Convicted in Mendocino County of First Degree Murder, scheduled to hang February 27, 1933. Hon. Martin I. Walsh, Judge of the Superior Court of Mendocino County, requested a further stay of execution in order to allow the sufficient time in which to complete his investigation of the case. Reprised to March 14, 1933. Dated February 14, 1933.

ALBERT W. FULDER, San Quentin No. 51789. Convicted in Mendocino County of the crime of Murder, First Degree, scheduled to be executed March 24, 1933. Hon. Martin I. Walsh, Judge of the Superior Court of Mendocino County, requested additional time in order to complete his investigation, and the stay request of the case. Reprised to May 2, 1933. Dated March 20, 1933.

ALBERT W. FULDER, San Quentin No. 51789. Convicted in Mendocino County of the crime of Murder, First Degree, scheduled to be executed May 2, 1933. Request of Hon. Martin I. Walsh, Judge of the Superior Court of Mendocino County, has not been received and it is assumed the stay is granted. Reprised to June 18, 1933. Dated May 1, 1933.

ALBERT W. FULDER, San Quentin No. 51789. Convicted in Mendocino County of the crime of Murder, First Degree, scheduled to be executed June 18, 1933. Hon. Martin I. Walsh, Judge of the Superior Court of Mendocino County, has requested a further stay of execution in order to allow the sufficient time in which to complete his investigation. Reprised to July 14, 1933. Dated June 14, 1933.

HARRY FULLER GOULD, San Quentin No. 50777. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed January 6, 1933. Reprised granted in order to complete action on the matter of the application for continuance of sentence on behalf of Gould until the Governor's decision in a matter to take action on the application of Frank J. Pugh. Reprised to March 24, 1933. Dated January 2, 1933.

HARRY FULLER GOULD, San Quentin No. 50777. Convicted jointly with Frank J. Pugh in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed March 24, 1933. Attorney requested and District Attorney of Los Angeles has filed his report on the case of Frank J. Pugh. San Quentin No. 50777, who was convicted jointly with Harry Fuller Gould. Reprised to April 28, 1933. Dated March 20, 1933.

HARRY FULLER GOULD, San Quentin No. 50777. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed April 28, 1933. Because a further stay was granted to Frank J. Pugh, who was convicted jointly with Harry Gould, a reprieve was granted to June 2, 1933. All with Frank J. Pugh is scheduled to be executed. Dated April 25, 1933.

HARRY FULLER GOULD, San Quentin No. 50777. Convicted jointly with Frank J. Pugh in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed June 2, 1933. To allow the necessary time to reach a decision on application on the case of Frank J. Pugh and Harry Fuller Gould. Reprised to June 18, 1933. Dated June 1, 1933.

HARRY FULLER GOULD, San Quentin No. 50777. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed June 20, 1933. Reprised in order to allow the action of San Quentin Prisoners' Committee, time in which to test the sanity of Gould. Reprised to August 11, 1933. Dated June 28, 1933.

JACK D. GREEN, San Quentin No. 51811. Convicted of the crime of Murder, First Degree, in Los Angeles County, scheduled to be executed April 21, 1933. Walter J. Little requested additional time in order to allow the attorneys for Jack Green to present further facts and circumstances concerning the manner of which Jack Green was convicted. Reprised to May 26, 1933. Dated April 20, 1933.

JACK D. GREEN, San Quentin No. 51811. Convicted jointly with Joseph F. Ryan in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed May 26, 1933. Attorney requested additional time in which to present affidavits to the trial judge. Reprised to June 18, 1933. Dated May 24, 1933.

JACK D. GREEN, San Quentin No. 51811. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed in June 18, 1933. Lawrence L. Larrabee, president of the Los Angeles Bar Association, requested a reprieve in order to allow the Bar Association sufficient time in which to investigate the alleged irregularities of the jury which convicted Jack D. Green. Reprised to August 4, 1933. Dated June 13, 1933.

JACK D. GREEN, San Quentin No. 51811. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed on August 4, 1933. Reprieve granted in order to allow the Governor sufficient time in which to study the recommendation of the Los Angeles Bar Association. Reprieved to September 15, 1933. Dated August 2, 1933.

JACK D. GREEN, San Quentin No. 51811. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed September 15, 1933. Further reprieve granted because the Governor was confined to bed with an attack of pneumonia. Reprieved to November 17, 1933. Dated September 13, 1933.

JACK D. GREEN, San Quentin No. 51811. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed on November 17, 1933. Additional time granted in order to allow the legal advisers of the Governor to complete their investigation of the case. Reprieved to December 1, 1933. Dated November 14, 1933.

JACK D. GREEN, San Quentin No. 51811. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed on December 1, 1933. Additional time granted in order to allow the legal advisers of the Governor to complete their investigation of the case. Reprieved to December 22, 1933. Dated November 25, 1933.

JACK D. GREEN, San Quentin No. 51811. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed on December 22, 1933. Additional time granted in order to allow the legal advisers of the Governor to complete their investigation of the case. Reprieved to January 5, 1934. Dated December 19, 1933.

DANIEL HARRIS, Folsom No. 18566. Convicted in Contra Costa County of the crime of Murder, First Degree, scheduled to be executed May 12, 1933. Additional time allowed for the Supreme Court to consider his application for commutation of sentence. Reprieved to July 6, 1934. Dated April 30, 1934.

ALFRED HARRISON, San Quentin No. 51870. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed on May 5, 1933. Hon. William R. McKay, Judge of the Municipal Court of Los Angeles City, who was deputy district attorney who assisted in the prosecution of Harrison, requested a further stay of execution in order to allow him sufficient time in which to complete his investigation. Reprieved to July 7, 1933. Dated May 1, 1933.

ALFRED HARRISON, San Quentin No. 51870. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed July 7, 1933. Donald McClure, attorney for Alfred Harrison, requested a further stay of execution in order to allow him sufficient time in which to present an appeal for a commutation of sentence. Reprieved to September 1, 1933. Dated July 5, 1933.

ALFRED HARRISON, San Quentin No. 51870. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed September 1, 1933. Reprieve granted in order to allow sufficient time in which the Governor might obtain the recommendation of the judge who presided at the trial, and the District Attorney of Los Angeles County. Reprieved to November 3, 1933. Dated August 21, 1933.

ALFRED HARRISON, San Quentin No. 51870. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed on November 3, 1933. Further time requested by Wm. R. McKay and Donald McClure, attorneys representing Harrison. Reprieved to January 12, 1934. Dated October 31, 1933.

ALFRED HARRISON, San Quentin No. 51870. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed at San Quentin January 12, 1934. Additional time granted to permit District Attorney Byron Fitts sufficient time for further study of the case. Reprieved to February 16, 1934. Dated January 11, 1934.

KOJI HATAMOTO, San Quentin No. 52794. Convicted in Los Angeles County of crime of Murder, First Degree, and sentenced to be hanged January 20, 1933. Due to lack of time for Governor to consider application for executive clemency, reprieve was granted from January 20, 1933, to March 24, 1933. Dated January 18, 1933.

KOJI HATAMOTO, San Quentin No. 52794. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed March 24, 1933. Reprieve granted in order to allow Governor additional time in which to complete his study and investigation of the case. Reprieved to April 21, 1933. Dated March 20, 1933.

KOJI HATAMOTO, San Quentin No. 52794. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed April 21, 1933. Rev. Joseph K. Tsukamoto requested additional time in order that a group of people might be able to call upon the Governor and present additional evidence of the case. Reprieved to May 19, 1933. Dated April 19, 1933.

Z. KAWAMOTO, San Quentin No. 51253. Convicted in Tulare County of the crime of Murder, First Degree, scheduled to be executed March 31, 1933. Transcript of the proceedings for the Governor's examination had not been received from the District Attorney of Tulare County. Reprieve granted to May 12, 1933. Dated March 28, 1933.

Z. KAWAMOTO, San Quentin No. 51137. Convicted in Fresno County of the crime of Murder, First Degree, scheduled to be executed May 15, 1933. Additional time granted in order to allow the Attorney to file his application for commutation of sentence. Reprised to June 25, 1933. Dated May 6, 1933.

Z. KAWAMOTO, San Quentin No. 51137. Convicted in Fresno County of the crime of Murder, First Degree, scheduled to be executed June 15, 1933. Hon. Byron Pitts, Judge of the Superior Court of Fresno County, requested a further stay of execution in order to secure him additional time in which to complete his report respecting the guilt of this prisoner of Z. Kawamoto. Reprised to June 7, 1933. Dated June 20, 1933.

Z. KAWAMOTO, San Quentin No. 51137. Convicted in Fresno County of the crime of Murder, First Degree, scheduled to be executed on July 7, 1933. Additional time granted in order to allow the District Attorney of Fresno County and others to appear before the Governor for purpose of securing additional time concerning this prisoner. Reprised to September 2, 1933. Dated June 3, 1933.

PAT NORMAN, Folsom No. 17001. Convicted in Los Angeles County of the crime of Murder, First Degree, and sentenced to be executed February 5, 1933. In order to permit Governor to study lengthy report of chief of the Bureau of Criminal Investigation, reprieve granted him, February 5, 1933, to April 5, 1933. Dated January 30, 1933.

PAT NORMAN, Folsom No. 17001. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed April 5, 1933. When additional time to Pat Norman to make statement of proof that he had not been previously executed in the Texas prison was requested. Reprised to June 5, 1933. Dated April 2, 1933.

PAT NORMAN, Folsom No. 17001. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed June 5, 1933. Reprised in order to allow Pat Norman additional time in which to produce evidence that he was not previously executed in the Texas prison. Reprised to September 22, 1933. Dated June 5, 1933.

PAT NORMAN, Folsom No. 17001. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed September 22, 1933. Further reprieve granted because the statement was made to the jury in which of previous. Reprised to January 19, 1934. Dated September 18, 1933.

PAT NORMAN, Folsom No. 17001. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed January 19, 1934. Additional time granted to permit further study of case because he was prisoner of the Supreme Court. Reprised to April 29, 1934. Dated December 16, 1933.

PAT NORMAN, Folsom No. 17001. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed April 29, 1934. Additional time granted to permit further study of case scheduled for the attention of the Supreme Court. Reprised to November 8, 1934. Dated April 24, 1934.

FRANK J. PACIOA, San Quentin No. 50755. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed December 4, 1933. Hon. Byron Pitts, District Attorney of Los Angeles County, requested additional time to allow his office sufficient time in which to complete their investigation and report. Reprised to March 24, 1933. Dated December 1, 1933.

FRANK J. PACIOA, San Quentin No. 50755. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed March 24, 1933. District Attorney's office of Los Angeles requested additional time in which to complete an investigation of the case. Reprised to April 28, 1933. Dated March 20, 1933.

FRANK J. PACIOA, San Quentin No. 50755. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed April 28, 1933. Hon. Byron Pitts requested additional time in order to permit his office sufficient time in which to complete their investigation of the case. Reprised to June 2, 1933. Dated April 25, 1933.

FRANK J. PACIOA, San Quentin No. 50755. Convicted jointly with Harry Fuller Gould in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed June 2, 1933. Reprieve granted in order to allow additional sufficient time to carefully consider the recommendation of Hon. Byron Pitts, District Attorney of Los Angeles County. Reprised to June 30, 1933. Dated June 1, 1933.

JOSEPH F. REGAN, San Quentin No. 51812. Convicted of the crime of Murder, First Degree, in Los Angeles County, scheduled to be executed April 21, 1933. Neal Sullivan requested additional time in order to present other facts concerning the case. Reprised to May 26, 1933. Dated April 20, 1933.

JOSEPH F. REGAN, San Quentin No. 51812. Convicted jointly with Jack D. Green in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed May 26, 1933. Reprieve granted to Regan because in final decision had not been reached in the case of Jack D. Green, his co-defendant. Reprised to June 16, 1933. Dated May 24, 1933.

JOSEPH F. REGAN, San Quentin No. 51812. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed on June 16, 1933. In order to permit the Governor to arrive at a decision on this case and the case of Jack D. Green simultaneously, reprieved to August 4, 1933. Dated June 13, 1933.

JOSEPH F. REGAN, San Quentin No. 51812. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed August 4, 1933. In order to permit a decision on this case and that of Jack D. Green simultaneously, reprieved to August 18, 1933. Dated August 3, 1933.

QUANG SHICK, San Quentin No. 44182-A. Convicted in Colusa County of the crime of Murder, First Degree, scheduled to be executed on November 3, 1933. Supreme Court of California requested a further reprieve in order to allow the attorney sufficient time in which to present to them an application for a commutation of sentence. Reprieved to January 5, 1934. Dated October 30, 1933.

QUANG SHICK, San Quentin No. 44182-A. Convicted in Colusa County of the crime of Murder, First Degree, scheduled to be executed on January 5, 1934. Further reprieve granted to allow the legal advisors to petition the United States Supreme Court for a writ of certiorari. Reprieved to February 9, 1934. Dated January 2, 1934.

GEORGE SMITH, San Quentin No. 50031. Convicted in Alameda County of the crime of Murder, First Degree, scheduled to be executed January 6, 1933. Attorney representing George Smith requested a further stay in order to allow the Supreme Court sufficient time in which to reach a decision in the matter of an appeal from an order of the Superior Court denying a writ. Reprieved to March 10, 1933. Dated January 2, 1933.

GEORGE SMITH, San Quentin No. 50031. Convicted in Alameda County of the crime of Murder, First Degree, scheduled to be executed March 10, 1933. Ernest Spagnoli, attorney representing George Smith, requested a further stay in order to allow sufficient time for him to perfect an appeal to the United States Supreme Court. Reprieved to May 19, 1933. Dated March 7, 1933.

GEORGE SMITH, San Quentin No. 50031. Convicted in Alameda County of the crime of Murder, First Degree, scheduled to be executed May 19, 1933. Supreme Court of California has not had sufficient time to determine whether or not the attorney has an appeal that may be presented to the United States Supreme Court. Reprieved to June 23, 1933. Dated May 15, 1933.

GEORGE SMITH, San Quentin No. 50031. Convicted in Alameda County of the crime of Murder, First Degree, scheduled to be executed June 23, 1933. Hon. B. Grant Taylor, Clerk of the Supreme Court of California, requested a further stay of execution in order to allow sufficient time for the Attorney General of California to file a brief. Reprieved to September 22, 1933. Dated June 14, 1933.

DICK VILLION, Folsom No. 18536. Convicted in Santa Clara County of the crime of Murder, First Degree, scheduled to be executed September 1, 1933. Kenneth R. Malovos, attorney representing Villion, requested additional time in order that he might be able to appear personally and present an application for a commutation of sentence. Reprieved to October 6, 1933. Dated August 28, 1933.

DICK VILLION, Folsom No. 18536. Convicted in Santa Clara County of the crime of Murder, First Degree, scheduled to be executed October 6, 1933. Further reprieve granted because the Governor was confined to bed with an attack of pneumonia. Reprieved to December 1, 1933. Dated October 3, 1933.

Restoration of Citizenship.

CARL FREDERICK ANDREWS, San Quentin No. 30123. Convicted in Los Angeles County on December 7, 1916, of the crime of Burglary. Released on parole December 21, 1917. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship on December 12, 1933.

JOHN BEDIGREW, Folsom No. 7119. Convicted in Tulare County in October, 1908, of the crime of Rape. Released on parole March 11, 1917. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship February 18, 1933.

EMMANUEL BROWN, Folsom No. 4088. Convicted in Los Angeles County on May 6, 1897, of the crime of Murder. Released on parole July 5, 1912. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship on February 20, 1933.

C. C. CAMP, San Quentin No. 23825. Convicted in Solano County on October 5, 1909, of the crime of Murder. Released on parole February 12, 1917. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship December 20, 1933.

CHARLES CARONNA, San Quentin No. 46067. Convicted in Ventura County on September 28, 1928, of the crime of Bribery. Released on parole July 26, 1930. Recommended by Robert E. Clark, United States Marshal, Hon. Edward Henderson, Judge, James C. Hollingsworth, District Attorney. Restored to citizenship April 5, 1934.

JOHN J. COLLIER, San Quentin No. 48872. Convicted in Alameda County in the month of July, 1930, of the crime of Conspiracy to Violate Section 68 of the Penal Code. Released on parole September 28, 1931. Recommended by Hon. Lincoln S. Church, Judge of the Superior Court of Alameda County, who presided at

the trial, and Hon. Earl Warren, District Attorney of Alameda County. Restored to citizenship March 3, 1933.

CARL COFFEY, Palomares No. 4066. Convicted in Fresno County on November 25, 1926, of the crime of Murder. Released on parole May 5, 1931. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship on December 18, 1933.

CLAYTON S. COOK, San Quentin No. 40769. Convicted in San Francisco County on October 15, 1920, of the crime of Grand Theft. Released on parole March 29, 1932. Recommended by Ed. H. White, State Parole Officer, and Matthew Irvine, District Attorney of San Francisco County. Restored to citizenship May 16, 1934.

PETER COUSINS, JR., San Quentin No. 40416. Convicted in San Francisco County on August 19, 1926, of the crime of Murdering. Released on parole September 21, 1937. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship December 22, 1933.

J. D. CANNEDYMAN, San Quentin No. 40401. Convicted in Los Angeles County on December 12, 1927, of the crime of Grand Theft. Released on parole March 5, 1931. Recommended by Hon. Philmarion Clarke, who was the Deputy District Attorney in charge of the prosecution of Cannadymen, and Hon. Harley Shaw, Judge of the Superior Court of Los Angeles, who presided at the trial. Restored to citizenship on December 9, 1933.

THEODORE DAVIES, Palomares No. 3768. Convicted in Butte County on November 1, 1912, of the crime of Murder. Second Degree. Released on parole November 2, 1917. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship on May 25, 1933.

SOLIMAN DELA TORRE, San Quentin No. 40130. Convicted in San Diego County on September 29, 1920, of the crime of Violating State Prison Act. Released on parole December 1, 1931. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship December 18, 1933.

JAMES W. FINLEY, Palomares No. 4027. Convicted in Mendocino County during the month of May, 1904, of the crime of Murder with a Deadly Weapon. Released on parole March 12, 1917. Recommended by a majority of the Supreme Court of California and W. B. Evans, Commissioner from the State Director of California. Restored to citizenship on April 11, 1933.

SAMUEL L. FISHER, San Quentin No. 40200. Convicted in San Diego County on August 24, 1924, of the crime of First Degree Burglary. Released on parole April 9, 1928. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship December 22, 1933.

JOSEPH H. FLETCHER, San Quentin No. 40341. Convicted in Los Angeles County during the month of October, 1925, of the crime of Robbery. Released on parole December 20, 1927. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship on December 22, 1933.

RICHARD OTIS GRAVES, San Quentin No. 41141. Convicted in Los Angeles County on July 23, 1925, of the crime of Violation of Section 141 of the Motor Vehicle Act. Released on parole March 8, 1928. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship on April 13, 1933.

PAUL HARRIS, San Quentin No. 42715. Convicted in San Diego County on October 4, 1926, of the crime of Forgery. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board and Phil Warren, District Attorney of San Diego County. Restored to citizenship on February 14, 1933.

HOWARD HIGAN, San Quentin No. 40129. Convicted in Alameda County on November 22, 1924, of the crime of Murdering. Released on parole May 22, 1928. Recommended by Ed. H. White, State Parole Officer, Hon. Earl Warren, District Attorney of Alameda County, and Hon. Fred W. Wain, Judge of the Superior Court of Alameda County, who presided at the trial of Howard Higan. Restored to citizenship on November 20, 1933.

NORA A. HUDSON, San Quentin No. 45688. Convicted in Los Angeles County on May 14, 1928, of the crime of First Degree Robbery. Released on parole August 4, 1931. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship December 22, 1933.

JOHN KELLY, San Quentin No. 26881. Convicted in Imperial County on October 14, 1913, of the crime of Grand Larceny. Released on parole March 29, 1915. Recommended by Ed. H. White, State Parole Officer, Franklin J. Cole, who was Judge of the Superior Court of Imperial County at the time of the trial, H. L. Welch, who was Deputy District Attorney of Imperial County in charge of the prosecution of Kelly. Restored to citizenship on November 4, 1933.

EDWARD I. KIRK, San Quentin No. 40424. Convicted in Alameda County on March 30, 1928, of the crime of Embezzlement. Released on parole April 5, 1930. Recommended by Ed. H. White, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship May 7, 1934.

JAMES W. LARSEN, San Quentin No. 42619. Convicted in Kern County on September 4, 1926, of the crime of First Degree Robbery. Released on parole

November 9, 1931. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship December 21, 1933.

W. R. LINSFORD, Paroled San Quentin No. 46395. Convicted in Santa Cruz County on December 8, 1928, of the crime of Forgery. Released on parole on October 12, 1930. Advisory Pardon Board, under date of January 19, 1933, recommended that his application for pardon (Restoration of Citizenship) be granted. Same granted under date of January 30, 1933. Dated January 30, 1933.

TED MALONE, San Quentin No. 54312. Convicted in Los Angeles County on December 10, 1931, of the crime of Grand Theft. Released on parole December 12, 1932. Recommended by the Advisory Pardon Board and Hon. Charles S. Burnell, Judge of the Superior Court of Los Angeles County. Restored to citizenship on February 25, 1933.

J. P. MASON, San Quentin No. 35010. Convicted in San Bernardino County on June 4, 1921, of the crime of Embezzlement. Released on parole January 15, 1923. Recommended by the Advisory Pardon Board, and Hon. J. W. Curtis, Associate Justice of the Supreme Court of California, who presided at the trial of Mason. Restored to citizenship October 25, 1933.

GUY MASTERSON, San Quentin No. 49469. Convicted in Ventura County on December 3, 1930, of the crime of Possession of a Still. Released on parole January 6, 1932. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship April 19, 1934.

THOMAS RAY MARTIN, San Quentin No. 40102. Convicted in Los Angeles County on November 12, 1924, of the crime of Assault with a Deadly Weapon. Released on parole June 28, 1927. Recommended by the Advisory Pardon Board and Hon. Edwin F. Hahn, Judge of the Superior Court of Los Angeles County. Restored to citizenship on July 5, 1933.

THOMAS O'BRIEN, Folsom No. 11012. Convicted in Orange County on October 6, 1918, of the crime of Grand Larceny. Released on parole May 14, 1920. Recommended by Hon. William H. Waste, Chief Justice of the Supreme Court of California. Restored to citizenship December 22, 1933.

JAMES T. PEASGOOD, JR., San Quentin No. 37187. Convicted in Los Angeles County on December 11, 1922, of the crime of Embezzlement. Released on parole December 24, 1923. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship December 21, 1933.

JACK PETERSON, Folsom No. 8033. Convicted in Fresno County during the month of June, 1911, of the crime of Murder. Released on parole August 24, 1923. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship on April 27, 1933.

LOUIS PRENTICE, San Quentin No. 36286. Convicted in Alameda County on April 18, 1922, of the crime of Burglary, First Degree. Released on parole November 10, 1923. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship April 20, 1934.

FREDERICK PERSE, Folsom No. 9910. Convicted in Sacramento County on January 28, 1916, of the crime of Murder. Released on parole May 25, 1928. Recommended by Ed. H. Whyte, State Parole Officer, and Advisory Pardon Board. Restored to citizenship February 4, 1933.

CARL G. ROBENS, San Quentin No. 19870. Convicted in Kern County during the month of December, 1902, of the crime of Murder. Released on parole December 11, 1912. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship on May 3, 1933.

T. M. RYAN, San Quentin No. 42953. Convicted in Sacramento County on October 28, 1925, of the crime of Extortion. Released on parole January 11, 1928. Recommended by Ed. H. Whyte, State Parole Officer, the Advisory Pardon Board and Neil R. McAllister. Restored to citizenship on March 7, 1933.

WILLIAM J. SCHIVO, San Quentin No. 29697. Convicted in San Francisco County on June 6, 1916, of the crime of Burglary and Assault to Murder. Released on parole July 3, 1922. Recommended by the Advisory Pardon Board, Hon. Matthew Brady, District Attorney of San Francisco County, and George H. Cabaniss, Judge of the Superior Court of said county. Restored to citizenship on August 2, 1933.

THOMAS LENAR SEAGOE, San Quentin No. 33543. Convicted in Santa Barbara County on February 25, 1920, of the crime of Grand Larceny. Released on parole August 26, 1922. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship on February 20, 1933.

A. R. SHURTLEEF, San Quentin No. 48859. Convicted in Alameda County during the month of July, 1930, of the crime of Conspiracy to Bribe. Released on parole September 25, 1931. Recommended by Ed. H. Whyte, State Parole Officer, Hon. Lincoln S. Church, Judge of the Superior Court of Alameda County, and Hon. James T. Drew, Chief of Police of the City of Oakland. Restored to citizenship on November 15, 1933.

LLOYD R. STEFFAN, San Quentin No. 47872. Convicted in San Francisco County on December 13, 1929, of the crime of Grand Theft. Released on parole April 13, 1931. Recommended by Ed. H. Whyte, State Parole Officer, and the Advisory Pardon Board. Restored to citizenship June 10, 1933.

HAROLD GEORGE SMITH, San Quentin No. 32195. Convicted in Humboldt County on November 15, 1914, of the crime of Violation of Section 28 of the Mann Vehicle Act. Released on parole June 5, 1932. Recommended by Ed. H. Wayne, State Parole Officer, and the Advisory Parole Board. Restored to citizenship April 21, 1934.

ELMER STANBISH, San Quentin No. 29649. Convicted in Los Angeles County on July 7, 1934, of the crime of Intentional Murder. Paroled. Released on parole August 4, 1935. Recommended by Ed. H. Wayne, State Parole Officer, and Ann Keros, District Attorney of Los Angeles County. Released to citizenship December 26, 1935.

LEONARD H. STANBISH, San Quentin No. 30041. Convicted in San Diego County on June 6, 1934, of the crime of Attempt to Commit Robbery. Released on parole July 27, 1935. Recommended by Ed. H. Wayne, State Parole Officer, and the Advisory Parole Board. Released to citizenship December 26, 1935.

SATAMSTOR SUNDSTROM, San Quentin No. 40980. Convicted in Los Angeles County on October 16, 1926, of the crime of Attempted Grand Larceny. Released on parole December 29, 1930. Recommended by Ed. H. Wayne, State Parole Officer, and the Advisory Parole Board. Released to citizenship February 23, 1934.

C. E. SUNDSTROM, San Quentin No. 40199. Convicted in Butte County on October 26, 1928, of the crime of Burglary. Term, 1 year. Released on parole August 14, 1929. Recommended by Ed. H. Wayne, State Parole Officer, Hon. Chase A. Wallace, District Attorney of Butte County, and H. D. Hargrett, who was Judge of the Superior Court at the time of his conviction. Released to citizenship on April 11, 1930.

FRANK F. TAYLOR, San Quentin No. 40832. Convicted in Elko County on May 5, 1924, of the crime of Burglary. Term, 1 year. Released on parole August 20, 1929. Recommended by Ed. H. Wayne, State Parole Officer, and the Advisory Parole Board. Released to citizenship on June 19, 1930.

HENRY S. VILLA, San Quentin No. 30196. Convicted in Alameda County on July 23, 1934, of the crime of Intentional Murder. Released on parole February 6, 1936. Recommended by Ed. H. Wayne, State Parole Officer, Honorable Earl Warren, District Attorney of Alameda County. Released to citizenship February 2, 1934.

STUART L. WARE, San Quentin No. 45431. Convicted in Solano County on May 17, 1924, of the crime of Obstruction of Justice. Released on parole August 11, 1929. Recommended by Ed. H. Wayne, State Parole Officer, and the Ad. Bd. of which he was convicted was composed of two officials members of the California Legislature. Released to citizenship December 26, 1935.

JOHN WARDEN, San Quentin No. 40677. Convicted in Alameda County on April 1, 1925, of the crime of Sexual Abuse. Paroled. Released on parole October 15, 1927. Recommended by Ed. H. Wayne, State Parole Officer, and the Advisory Parole Board. Released to citizenship December 26, 1935.

LEE YERK, San Quentin No. 37195. Convicted in Fresno County of the crime of Murder on October 1, 1910. Released on parole December 25, 1931. Recommended by H. A. Calkins, Judge from Fresno County on August 1, 1931. District Atty. T. R. Thomas, Judge of the Superior Court of Fresno County, and H. F. Adams, Judge of the Superior Court of Fresno County. Released to citizenship January 7, 1933.

Pardons

JUAN CABALLERO, San Quentin No. 4087. Convicted in Los Angeles County on July 2, 1927, of the crime of Kidnaping. Released on parole after serving two years in the custody of United States Department of Justice, Immigration Service, for deportation to Mexico. Recommended by Honorable Juan Christy, First Judge of the District of Columbia, Lower California, General Abelardo T. Rodriguez, President of the Republic of Mexico, Honorable Agustin Lugo, Chief of Police of Mexico. Pardon granted for the crime of Kidnaping on May 19, 1931.

F. C. COLEMAN, of Camptonville. Pardon granted for the offense of Petty Theft on May 17, 1933.

ASA KINGS, San Quentin No. 41818. Convicted in Los Angeles County of the crime of Criminal Conspiracy on February 20, 1929. Released on parole October 12, 1931. Pardon recommended by Ed. H. Wayne, State Parole Officer, Honorable Wm. H. Wente, Chief Justice of the Supreme Court of California, Honorable Earl I. Butler, Judge of the Superior Court, who presided at the trial of Ann Keros, Honorable Burton Fitts, District Attorney of Los Angeles County, who was in charge of the prosecution at the trial. Pardon issued August 16, 1934.

WILLIAM H. PRATHER, San Quentin No. 47375. Convicted in Mendocino County on July 19, 1929, of the crime of Failure to Answer the Public Funds. Released on Parole January 27, 1931. Recommended by Ed. H. Wayne, State Parole Officer, Mr. Lathum Gibson, District Attorney of Mendocino County, Honorable M. H. Iversen, Judge of the Superior Court of Mendocino County. Pardon granted for the crime of Failure to Answer for Public Funds on January 9, 1933.

CHARLES S. RALPH, San Quentin No. 39457. Convicted in Sacramento County on May 21, 1924, of the crime of Presenting False Claims. Released after serving one year. Recommended by Honorable Charles O. Busick, Judge of the Superior

Court of Sacramento County, J. J. Henderson, District Attorney. Pardon granted for the crime of Presenting False Claims on January 3, 1933.

THOMAS RIND, San Quentin No. 48855. Convicted in Contra Costa County on July 21, 1930, of the crime of Lewd and Lascivious Conduct, two counts of Lewd and Lascivious Conduct. Recommended by Jas. F. Hoey, District Attorney of Contra Costa County, Honorable H. V. Alvarado, Judge of the Superior Court of Contra Costa County. Pardon granted on the first count of Lewd and Lascivious conduct on April 21, 1933.

VICTOR SEGARINI, San Quentin No. 53048. Convicted in San Joaquin County on October 18, 1932, of the crime of Grand Theft, two counts Grand Theft. Recommended by Guard C. Darrah, District Attorney of San Joaquin County, Honorable D. M. Young, Judge of the Superior Court of San Joaquin County. Pardon granted on the first count of Grand Theft March 15, 1933.

Commutation of Sentence.

LEROY BREMER, Folsom No. 17497. Convicted in Los Angeles County on November 16, 1931, of the crime of Grand Theft. Recommended by Honorable William H. Waste, Chief Justice of the Supreme Court of California, Honorable Fletcher Bowron, Judge of the Superior Court of Los Angeles County, Grant B. Cooper, Deputy District Attorney of Los Angeles County. Sentence commuted to time already served, on January 11, 1934.

JESS DARWIN BROWN, San Quentin No. 50166. Convicted in San Mateo County on April 30, 1931, of the crime Second Degree Robbery. Recommended by Hon. Edmund Scott, District Attorney of San Mateo County, Hon. Franklin Swart, Judge of the Superior Court of San Mateo County. Codefendant was sent to Preston School of Industry and released after serving six months. Sentence commuted to time served December 21, 1933.

R. S. CADELL, San Quentin No. 23688. Convicted in San Bernardino County, July 13, 1909, of the crime of Rape. Commutation of sentence recommended by Advisory Pardon Board and Ed. H. Whyte, State Parole Officer. Sentence commuted to time served February 27, 1933.

MRS. ROSARIA CIANI, Women's State Prison at Tehachapi No. 55551. Convicted in Los Angeles County on January 24, 1934, of the crime of Manslaughter. Recommended by Honorable Charles B. Burnell, Judge of the Superior Court of Los Angeles County, all the members of the jury panel who were present in Department No. 27 of the Superior Court when the evidence was presented, Honorable Buron Fitts, District Attorney of Los Angeles County. Sentence commuted to time already served on April 16, 1934.

GILBERT F. COLLIE, San Quentin No. 51375. Convicted in San Bernardino County January 11, 1932, of the crime of Murder in the First Degree. Recommended by Dr. R. A. Cushman, Superintendent of the Mendocino State Hospital, Dr. Herman M. Adler, Consulting Psychiatrist of the State Department of Institutions. Sentence commuted to life imprisonment without parole on January 17, 1934.

OLD CORNELL, San Quentin No. 43218. Convicted in Kern County on February 7, 1927, for the crime of Murder, First Degree. Recommended by Dr. R. A. Cushman, Medical Director and Superintendent of the Mendocino State Hospital, and Dr. Herman M. Adler, Consulting Psychiatrist of the State Department of Institutions. Sentence commuted to life imprisonment without parole on January 17, 1934.

TED H. DURO, Folsom No. 16213. Convicted in Santa Cruz County on December 22, 1927, of the crime of Issuing a Fictitious Check. Recommended by Supreme Court of California and Stanford G. Smith, District Attorney of Santa Cruz County, who prosecuted Ted H. Duro. Sentence commuted to seven years on March 30, 1933.

ROBERT EMMONS, Folsom No. 17087. Convicted in Los Angeles County on January 27, 1931, of the crime of Manslaughter. Recommended by a majority of the Justices of the Supreme Court signed by Honorable John W. Shenk, Acting Chief Justice. Sentence commuted to time already served on April 18, 1934.

JACK D. GREEN, San Quentin No. 51811. Convicted in Los Angeles County in January, 1932, of the Crime of Murder. Affidavits of certain of the jurors, the findings of the Board of Trustees and the Committee on the Constitutional Rights of the Bar Association of Los Angeles County and a mass of correspondence and other documents bearing upon the subject were studied by Governor Ralph. Sentence commuted to life imprisonment without parole on January 4, 1934.

ALFRED HARRISON, San Quentin No. 51870. Convicted in Los Angeles County on March 22, 1932, of the crime of Murder, First Degree. Recommended by Honorable William R. McKay, Judge of the Municipal Court, Honorable Ruben S. Schmidt, Judge of the Superior Court of Los Angeles County, Honorable Buron Fitts, District Attorney of Los Angeles County. Sentence commuted to life imprisonment without parole on February 15, 1934.

CARL P. JOERSCHKE, San Quentin No. 52701. Convicted in Los Angeles County on August 17, 1932, of the crime of First and Second Degree Robbery. Recommended by Dr. L. L. Stanley, Resident Physician at San Quentin, Board of Prison Terms and Paroles, Honorable William H. Waste, Chief Justice of the Supreme Court of California. Sentence commuted to time already served on February 23, 1934.

ELIASOR JONES, San Quentin No. 10018. Convicted in Fresno County on February 14, 1932, of the crime of Grand Theft. Recommended by the District of Fresno, Fresno and Fresno to the State Prison, Fresno County, to be held during the prison term. Sentenced to be held in a reformatory institution until he has paid the balance of the term. Sentenced to be held in the State Prison, Fresno County, on December 1, 1932.

ZOLA KAYE, San Quentin No. 10019. Convicted in Fresno County on December 1, 1932, of the crime of Murder. Recommended by the District of Fresno, Fresno and Fresno to the State Prison, Fresno County, to be held during the prison term. Sentenced to be held in a reformatory institution until he has paid the balance of the term. Sentenced to be held in the State Prison, Fresno County, on December 1, 1932.

EARL M. KELLER, Fresno No. 10020. Convicted in Los Angeles County of the crime of Forgery. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

JAMES H. KILPATRICK, San Quentin No. 10021. Convicted in Fresno County on February 1, 1932, of the crime of Murder. Recommended by the District of Fresno, Fresno and Fresno to the State Prison, Fresno County, to be held during the prison term. Sentenced to be held in a reformatory institution until he has paid the balance of the term. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

LEONARD J. MANN, Fresno No. 10022. Convicted in Fresno County on October 1, 1932, of the crime of Forgery. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

CHARLES McFARLANE, San Quentin No. 10023. Convicted in Fresno County on March 1, 1932, of the crime of Forgery. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

MARY ANNE McFARLANE, San Quentin No. 10024. Convicted in Fresno County on March 1, 1932, of the crime of Forgery. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

JOHN R. McFARLANE, Fresno No. 10025. Convicted in Fresno County on January 26, 1932, of the crime of Forgery. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

FRANK P. McFARLANE, San Quentin No. 10026. Convicted in Fresno County of the crime of First Degree Murder. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

EDNA P. McFARLANE, San Quentin No. 10027. Convicted in Fresno County on November 22, 1932, of the crime of Grand Theft. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

GEORGE P. McFARLANE, San Quentin No. 10028. Convicted in Fresno County on the month of September. District of the crime of Murder. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

MONTREAL JEFFERSON RAMEY, Convicted in Fresno County on June 12, 1932, of the crime of Grand Theft. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

ARCHIE TAYLOR, San Quentin No. 10029. Convicted in Fresno County on June 5, 1919, of the crime of Rape. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

MARION T. TAYLOR, Convicted in Los Angeles County on April 28, 1932, of the crime of Grand Theft. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

WILLIAM M. VERRAS, Folsom No. 18183. Convicted in Fresno County on October 19, 1932, of the crime of Possession of a Seal. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

PAUL VILLIER, Folsom No. 10028. Convicted in Alameda County on December 27, 1929, of the crime of Violating Section 476A of the Penal Code. Recommended by the District of Fresno, Fresno and Fresno to the Superior Court of California. Sentenced to be held in the State Prison, Fresno County, on February 1, 1932.

by the Supreme Court of California in order that he might be deported to South Africa. He was placed in the custody of W. E. Walsh, Immigration Inspector, upon his release. Sentence commuted to time served August 21, 1933.

JOHN WALKER, San Quentin No. 27334. Convicted in Los Angeles County on March 18, 1914, of the crime of Murder. Recommended by Ed. H. Whyte, State Parole Officer, and Advisory Pardon Board. Sentence commuted to time served on February 23, 1934.

WILLIAM J. WALKER, San Quentin No. 52251. Convicted in Santa Cruz County on May 24, 1932, of the crime of Bribery. Recommended by Hon. Jas. L. Atteridge, Judge of the Superior Court of Santa Cruz County, and Hon. J. Frank Murphy, District Attorney of Santa Cruz County, who acted as judge and prosecuting attorney at the trial of William J. Walker, and the Advisory Pardon Board. Sentence commuted to time served April 12, 1933.

FRED WILLIAMS, Folsom No. 16100. Convicted in Placer County on January 30, 1930, of the crime of Second Degree Burglary. Recommended by the Supreme Court of California and the Board of Prison Terms and Paroles. Sentence commuted to seven and one-half years July 7, 1933.

LEE R. WILSON, San Quentin No. 54015. Convicted in Ventura County in April, 1933, of the crime of Violating Section 112 of the Motor Vehicle Act. Recommended by Hon. H. S. Shaffer, Judge of the Superior Court of Ventura County, Hon. James C. Hollingsworth, District Attorney of Ventura County, and Mr. Clay Claberg, Chief Probation Officer of Ventura County. Sentence commuted to time served October 23, 1933.

Pardons.

Following is a list of pardons issued for violations of the Wright Act and Jones Act, issued by Governor James Rolph, Jr.:

Jones Act.

Roy R. Silva, Alameda
William Adams, Los Angeles
Ray Avera, Los Angeles
Natividad Berunda, Los Angeles
Rene Cazaux, Los Angeles
Max Finchel, Los Angeles
Gloyd B. Ginter, Los Angeles
Alvin J. Henderson, Los Angeles
Salvatore Lumanzia, Los Angeles
Frank Luciano, Los Angeles
Fred Moore, Los Angeles

Charles Netti, Los Angeles
Anton Pandza, Los Angeles
William Wallace Shepard, Los Angeles
Hipolita Silva, Los Angeles
John Susiar, Los Angeles
Carlo Uberty, Los Angeles
John M. Wright, Los Angeles
L. Barni, San Joaquin
Antonio Valente, San Joaquin
Hubert H. Ingram, Tulare

Wright Act.

Edward Seidel, Alameda
Leopold Colombo, Fresno
Henry Bixler, Fresno
Lorenzo Aguilar, Los Angeles
Mike Aguilar, Los Angeles
W. C. Aitken, Los Angeles
Cesario Alcantara, Los Angeles
David Alvarez, Los Angeles
Thomas Alvarran, Los Angeles
Charles Antoci, Los Angeles
Ed Arkny, Los Angeles
Arthur E. Bates, Los Angeles
Cashion Beauchamp, Los Angeles
Claude E. Berry, Los Angeles
John Borrig, Los Angeles
Eddie F. Boughton, Los Angeles
Allan Bowers, Los Angeles
Sanford Bowers, Los Angeles
Robert L. Boyd, Los Angeles
Henry W. Brett, Los Angeles
Anna Bush, Los Angeles
Pete A. Bush, Los Angeles
Joe Butler, Los Angeles
Joe Carnes, Los Angeles
James Castle, Los Angeles
James Cecil, Los Angeles
Sidney Cherry, Los Angeles
Russell F. Clark, Los Angeles
Fred A. Condi, Los Angeles
Troy W. Conlee, Los Angeles
Tom Connors, Los Angeles

John Cook, Los Angeles
Jack P. Coon, Los Angeles
George Cooper, Los Angeles
Estanislao Coronado, Los Angeles
Everett Cottini, Los Angeles
Calixto Cuevas, Los Angeles
Ethel Cummings, Los Angeles
Thomas W. Darby, Los Angeles
Dick V. Dickerson, Los Angeles
John Di Marco, Los Angeles
Mike Dolkas, Los Angeles
Mrs. Dorothy Edwards, Los Angeles
William Edwards, Los Angeles
Mrs. Maria Elias, Los Angeles
Raymond Felliie, Los Angeles
Lily Flores, Los Angeles
Gus T. Garner, Los Angeles
William George, Los Angeles
Charles Goldman, Los Angeles
Antonio Gonzales, Los Angeles
Joe Hagen, Los Angeles
Frank Harrell, Los Angeles
John F. Harrington, Los Angeles
John Harvey, Los Angeles
Mrs. Jean Hasting, Los Angeles
Katherine Haynes, Los Angeles
Frank J. Heflin, Los Angeles
Leonard S. Hendricks, Los Angeles
Edward Hendrickson, Los Angeles
John Hernandez, Los Angeles
Jose Hernandez, Los Angeles

to complete his investigation and give sufficient thought and study to the recommendation of Judge Paehl. Therefore, a reprieve to September 14, 1934, was granted to Arthur Shorten. Dated July 23, 1934.

Reprieve.

APOLONIO CAMPOS, San Quentin No. 56174. Convicted in Riverside County of the crime of Murder, First Degree, sentenced to be executed August 10, 1934. A reprieve was requested by Hon. Cordell Hull, Secretary of State and Hon. A. Lubbert, Consul General of Mexico. Reprieve to September 21, 1934.

Reprieve.

LEO DWIGHT MURPHY, San Quentin No. 54767. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed August 24, 1934. Attorneys both in San Francisco and Los Angeles, who have only recently been retained to represent Murphy, requested a reprieve to allow them sufficient time in which to prepare and present an appeal to the Governor. Reprieved to December 7, 1934.

Reprieve.

MANUEL LARRIOS, San Quentin No. 54465. Convicted in San Bernardino County of the crime of Murder, First Degree, scheduled to be executed September 14, 1934. Hon. F. A. Leonard, Judge of the Superior Court of San Bernardino County, who presided at the trial of Manuel Larios sent a telegram on September 13, 1934, to Senator Ralph E. Swing stating that in his opinion the facts of the case justify clemency. Reprieve granted to Manuel Larios in order to allow the Governor sufficient time in which to consult with the Judge and to receive a detailed report from him. Reprieved to November 9, 1934. Dated September 13, 1934.

Commutation of Sentence.

ARTHUR SHORTEN, San Quentin No. 53152. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed September 14, 1934. Commutation of sentence recommended by Hon. Isaac Paehl, Judge of the Superior Court, who presided at the trial, James B. Holohan, Warden of San Quentin Penitentiary, and more than one-half of the jurors who served on the jury before whom Shorten appeared. Sentence commuted from death to life imprisonment. Dated September 13, 1934.

Reprieve.

CHARLES TEDESCO, San Quentin No. 54904. Convicted in Los Angeles County of the crime of Murder, First Degree, sentenced to be executed October 19, 1934. Attorneys representing Charles Tedesco requested a stay of execution in order to allow them sufficient time in which to contact the District Attorney and the trial Judge. Reprieve to November 16, 1934. Dated October 15, 1934.

Commutation of Sentence.

MANUEL LARRIOS, San Quentin No. 54465. Convicted in San Bernardino County of the crime of Murder, First Degree, scheduled to be executed on November 9, 1934. Commutation of sentence was recommended by five of the jurors who sat in judgment in the case of Manuel Larios and Hon. F. A. Leonard, Judge of the Superior Court of San Bernardino County, who presided at the trial. Sentence commuted from death to life imprisonment. Dated November 3, 1934.

Commutation of Sentence.

CHARLES TEDESCO, San Quentin No. 54904. Convicted in Los Angeles County of the crime of Murder, First Degree, scheduled to be executed November 16, 1934. Commutation of sentence recommended by W. H. Langdon, John W. Preston, Emmet Seawell, Associate Justices of the Supreme Court, and William H. Waste, Chief Justice, because of the uncertainty existing as to whether the crime was committed by Tedesco or Ford. Sentence commuted from death to life imprisonment. Dated November 15, 1934.

Pardon.

EDWARD S. BONILLA, San Quentin No. 23316. Convicted in San Francisco County of the Crime of Murder about January 16, 1909. Pardon recommended by a majority of the Justices of the Supreme Court and the Advisory Pardon Board. Pardon granted to Edward S. Bonilla December 21, 1934.

Pardon.

ALFRED FINKEN, Folsom No. 13366. Convicted in Butte County on December 11, 1924, of the crime of Burglary, Second Degree. Released on parole September 14, 1928. Recommended by a majority of the Justices of the Supreme Court, Hon. H. T. Gregory, formerly Judge of the Superior Court of Butte County and the late Ed. H. Whyte, State Parole Officer. Pardon granted December 21, 1934.

Pardon.

HENRY M. JAMES, San Quentin No. 47246. Convicted in Merced County of the crime of Assault With a Deadly Weapon on June 24, 1929. Released on parole

February 19, 1931. Pardon recommended by Advisory Pardon Board, Hon. Stephen P. Galvin, District Attorney of Mendocino County; Hon. S. N. Jones, Judge of the Superior Court of Mendocino County; Hon. Ed. H. Whyte, State Parole Officer. Pardon granted to Henry M. James, December 21, 1934.

Pardon.

RODRICK KEARNEY, San Quentin No. 46612. Convicted in Alameda County on April 13, 1929, of the crime of Violation of Section 141 of the Motor Vehicle Act. Released on parole October 31, 1930. Recommended by Hon. Earl Warren, District Attorney of Alameda County, and the late Ed. H. Whyte, State Parole Officer. Pardon granted to Rodrick Kearney on December 21, 1934.

Pardon.

GEORGE W. LEWIS, San Quentin No. 10073. Convicted in Ventura County on June 8, 1932, of the crime of Grand Theft. Released on parole August 26, 1933. Recommended by Hon. James C. Hoffenger, District Attorney of Ventura County; Hon. E. W. Henderson, Judge of the Superior Court of Ventura County; Mr. Clay Gishong, Prosecuting Officer of Ventura County and the late Ed. H. Whyte, State Parole Officer. Pardon granted to George W. Lewis December 21, 1934.

Pardon.

ANTHONY LYNN, San Quentin No. 10077. Convicted in Los Angeles County on March 24, 1922, of the crime of Forgery. Released on parole October 1, 1931. Recommended by the Advisory Pardon Board and the late Ed. H. Whyte, State Parole Officer. Pardon granted to Anthony Lynn December 21, 1934.

Pardon.

MARSHALL J. OATES, San Quentin No. 10090. Convicted in San Francisco County on July 19, 1924, of the crime of Robbery. Released on parole September 10, 1927. Recommended by the Advisory Pardon Board and the late Ed. H. Whyte, State Parole Officer. Pardon granted to Marshall J. Oates December 21, 1934.

Commutation of Sentence.

SIMON S. ROSEN, San Quentin No. 26601. Convicted in Fresno County on October 11, 1932, of the crime of Violation of Section 141 of the Motor Vehicle Act. Recommended by the President of the Superior Court, Hon. Frank Henderson, Judge of the Superior Court of Fresno County; Hon. Wallace Haight, District Attorney of Fresno County; Hon. Robert L. Patterson, Superintendent of the State Prison, Tulare County; Hon. J. S. Clark, Justice of the Peace of Fresno County and Hon. R. H. Hudson, Chief of Police of Fresno. Sentence commuted to time already served on December 21, 1934.

Pardon.

ELIJAH TAYLOR, San Quentin No. 59723. Convicted in Butte County on March 24, 1931, of the crime of Operating a Still. Released on parole September 13, 1932. Pardon recommended by the Advisory Pardon Board, Hon. Charles A. Walker, District Attorney of Butte County, and the late Ed. H. Whyte, State Parole Officer. Pardon granted to Elijah Taylor December 21, 1934.

Pardon.

CLIFFORD O. WHEELER, San Quentin No. 28851. Convicted in Ventura County in July, 1915, of the crime of Murder. Released on parole June 11, 1926. Recommended by the Advisory Pardon Board, Hon. Don G. Phillips, District Attorney of Ventura County; Hon. Morris J. Rogers, Judge of the Superior Court of Ventura County and the late Ed. H. Whyte, State Parole Officer. Pardon granted to Clifford O. Wheeler December 21, 1934.

Pardon.

EARL BUSSE. Convicted in Los Angeles County on September 8, 1911, of the crime of Robbery. Sentenced to five years in prison. Pardon recommended by the Advisory Pardon Board and Mr. Carl L. May, Prosecuting Officer of Los Angeles County. Pardon granted to Earl Busse December 21, 1934.

Pardon.

WILLIAM CLAYTON, Folsom No. 4284. Convicted in San Francisco County on January 14, 1898, of the crime of First Degree Murder. Released on parole November 5, 1910. Recommended by the Advisory Pardon Board and the late Ed. H. Whyte, State Parole Officer. Pardon granted to William Clayton December 22, 1934.

Pardon.

JOE D. COUNTRYMAN, San Quentin No. 50722. Convicted in Butte County on March 24, 1931, of the crime of Operating a Still. Released on parole September 13, 1932. Recommended by the Advisory Pardon Board and Hon. Charles A. Walker, District Attorney of Butte County, and Hon. H. D. Gregory, former Judge

of the Superior Court of Butte County. Pardon granted to Joe D. Countryman December 22, 1934.

Commutation of Sentence.

MARTIN FIDDERSON, Folsom No. 11472. Convicted in San Francisco County on April 4, 1920, of the crime of Robbery. Recommended by the Justices of the Supreme Court. Sentence commuted to time served December 22, 1934.

Pardon.

LIM FOON, San Quentin No. 28622. Convicted in San Joaquin County on June 14, 1915, of the crime of Murder. Released on parole June 23, 1925. Recommended by the Advisory Pardon Board, the late Ed. H. Whyte, State Parole Officer, and Dr. L. L. Stanley, resident physician of San Quentin. Pardon granted to Lim Foon December 22, 1934.

Restoration of Citizenship.

FRED A. GRACE, San Quentin No. 36239. Convicted in Los Angeles County on April 1, 1922, of the crime of Robbery. Released on parole October 31, 1927. Recommended by the Advisory Pardon Board and the late Ed. H. Whyte, State Parole Officer. Full citizenship rights from the crime of robbery restored to Fred A. Grace on December 22, 1934.

Commutation of Sentence.

CHARLES MARTIN GRIGSBY, Folsom No. 18013. Convicted in Los Angeles County on August 4, 1932, of the crime of Petty Theft. Recommended by the Justices of the Supreme Court. Sentence commuted to time served December 22, 1934.

Pardon.

W. H. HOY, San Quentin No. 49996. Convicted in El Dorado County on April 1, 1931, of the crime of Violating Section 549 of the Penal Code. Released on parole December 3, 1931. Recommended by the Advisory Pardon Board and the late Ed. H. Whyte, State Parole Officer. Pardon granted to W. H. Hoy December 22, 1934.

Pardon.

EDWARD MOLLE, San Quentin No. 33841. Convicted in Los Angeles County on June 18, 1920, of the crime of Grand Larceny. Pardon recommended by the Advisory Pardon Board. Pardon granted to Edward Molle December 22, 1934.

Pardon.

ROBERT S. ROBERTSON, San Quentin No. 36772. Convicted in Ventura County on August 22, 1922, of the crime of Grand Larceny. Pardon recommended by the Advisory Pardon Board. Pardon granted to Robert S. Robertson December 22, 1934.

Commutation of Sentence.

HERBERT D. RYAN, Folsom No. 15433. Convicted in San Francisco County on September 12, 1928, of the crime of Escape from the Legal Custody of an Officer. Recommended by the Justices of the Supreme Court. Sentence commuted to time served on December 22, 1934.

Pardon.

FRANCIS W. STEELE, San Quentin No. 46913. Convicted in Alameda County on April 13, 1929, of the crime of Manslaughter and Violation of Section 141 of the California Vehicle Act. Released on parole October 31, 1930. Recommended by the Advisory Pardon Board; Hon. Earl Warren, District Attorney of Alameda County; the late Ed. H. Whyte, State Parole Officer, and Hon. Fred V. Wood, Judge of the Superior Court of Alameda County. Pardon granted to Francis W. Steele December 22, 1934.

Commutation of Sentence.

JOHN BENNETT WALKER, San Quentin No. 32250. Convicted in San Joaquin County December 27, 1918, of the crime of Murder, First Degree. Released on parole February 5, 1931. Recommended by Advisory Pardon Board. Sentence commuted to time already served December 22, 1934.

Pardon.

BESSIE VEGLATTE, held in the county jail awaiting transfer to the Women's Prison at Tehachapi. Convicted in Los Angeles County of the crime of Second Degree Robbery, September 20, 1934, because of provisions in Section 1203 of the Penal Code, Thomas P. White, Judge of the Superior Court, was prevented from granting probation to Bessie Veglatte as he desired to do. At the time sentence was pronounced, he recommended that the Governor issue a pardon upon the condition that Bessie Veglatte and her three-months old child be returned to Monticello, Maine. Pardon granted December 27, 1934.

Message from Department of Finance.

The following message from the Department of Finance was received, read, and ordered printed in the Journal:

To His Excellency Frank F. Merriam, Governor of California, and to the Members of the Legislature.

Pursuant to Chapter 15, Session of California, 1931, wherein the administrative duties of the Division of Land Settlement of the Department of Agriculture were transferred to the Division of Loans of the Department of Finance, and in line with the legislation of the Division and Trust Land Settlement Program, the Department of Finance has treated the land settlement program in the light of a private receivership and has attempted to maintain the same with the aim of withdrawing from land settlement program.

We herewith submit our financial report, which covers, amongst other things, obtained both by the Division and Trust Land Settlement Commission.

At the time of the report, August 22, 1933, Charles W. Shaffner, Chief of the Division of Land Settlement of the Department of Agriculture, remained in charge of this work under the direction of the Treasurer of Finance, until he resigned on or about January 1, 1935. Mr. Shaffner has indicated to Mr. George Kunkelberg of the Division of Loans, who resigned during the year 1934, Mr. J. F. Knapp, known identical with this work in 1933, and he is in charge of this settlement under the Chief of the Division of Loans and the Division of Finance. Land settlement of the Public State Land Settlement has been opened on by Mr. O. W. Shaffner, who has been indicated in 1934 under 1935. Mr. Shaffner has just resigned from this work and has been replaced by Mr. William H. Cochran.

Durham State Land Settlement.

When the prohibition of these settlements was transferred to the Department of Finance the State of California was the beneficiary of some 25 thousand acres of land of trust, wherein the interest in the Durham State Land Settlement, was obligated to the State in the approximate sum of \$300,000, and the State of California was the proprietor of approximately 1,000 acres of land in the Durham settlement.

In the year 1932 an organization of Durham settlers who used the State money through their expenditure Law Dept., requested a contribution to the Durham in Finance the same and submission of which was that the interest in Durham owed the State 40 per cent of the annual tax under the State of land with the understanding that the State would receive the annual State of land. Negotiations continued for some time and throughout the summer of Finance advised the offer of the settlers as indicated in the First Plan.

Subsequently the settlers at Durham were requested to make application to the Federal Land Bank under Land Bank Commission, under the provisions of the Emergency Farm Mortgage Act of 1933, for the first interest of their mortgage to the State of California, with the understanding that interest would be paid on the basis of the interest account as based upon the agreement of the Federal Land Bank and on Land Bank Commission of their respective properties. The settlers' response to this proposition was not entirely satisfactory, because after a period of time practically all settlers from Durham have been advised to attempt to extinguish their obligation to the State through the medium of advertising given mentioned with the people that all of the obligations have been extinguished with one exception. The exception is J. L. Davis, whose representatives in 1933, Mr. Davis attempted to clear his obligation through a loan secured from and having failed in that is trying to clear the liability from private sources.

For purposes of covering this account, we refer first to Exhibit "A" wherein is indicated the name of the settler, an address, mortgage, amount of the indebtedness to the State at the time of acquisition including interest amount payment by the Federal Land Bank et al, and interest received by the State after the payment of delinquent taxes and expenses of the loan.

Exhibit "A 1" discloses the same in similar form with reference to the discharge of obligations to the State from private sources.

Exhibit "B 1" indicates the size of land at the Durham State Land Settlement by showing the name of the purchaser, an address, mortgage, total valuation and amount received by the State, also the same under loan with interest by mortgage.

In the matter of the tract of Idaho land which is under loan and owing to Mr. F. L. Adams of Ohio, the mortgage being \$200,000, it is a proposition to auction at this time that Mr. Adams offered to purchase the land in cash for \$20,000, \$4,000 cash and the balance in five years. His offer was rejected by the Department of Finance. The amount payable under the same and interest is \$275,217. Mr. Adams pays an annual rental of \$1,347.00 and the lease has two years to run.

The other parcel of land, which is designated as part of Adams 87A and 91, the same being good for grazing purposes only, is under loan and owing to Mr. Homer Speegle. The terms of said lease and option require the final payment of \$2,140.78 on June 30, 1935. After that time, therefore, the State will actually own that area of land designated as the Adams lease above mentioned.

The settlements referred to in Exhibit "A" and Exhibit "A 1" were concentrated in the face of considerable difficulties and work people generally having. It is well to bear in mind that the department had no work to work with except to grant concessions in those cases where there were extenuating circumstances. It is also possi-

nent to mention that the Federal Land Bank and/or Land Bank Commissioner in the matter of junior liens offered to loan money to the settlers with which the settlers were to clear up the junior liens on condition that all of the debts against the settlers, both secured and unsecured, would be paid from the proceeds of the loan.

In the negotiation of a great many of these cases the settlers had the advantage of advice of the Federal Conciliation Commissioner and the settlers were mindful of their rights under the amendments of the Federal Bankruptcy Act, which provides:

1. Every farmer unable to pay his mortgage or other obligation could be declared bankrupt, have his farm appraised, and, with the consent of creditors, pay it back over six (6) years at the new figure with 1 per cent interest.

2. If creditors refuse to compromise on this method, the farmer would continue in possession of his farm, pay a reasonable rent and at the end of six (6) years have the option of repurchasing his farm at an appraised value approved by the courts.

Delhi State Land Settlement.

With the purpose in view of disposing of the remaining assets, consisting of unsold lands and promissory notes secured by first and second deeds of trust, a detailed prospectus of all real and personal property was prepared in 1932 and forwarded to representative financial concerns and realty brokers throughout the State asking for bids. The response was negligible, however, and no results were obtained, due to doubt to adverse publicity given the Delhi Project and the deplorable economic conditions prevailing, particularly adverse to agricultural development.

In the process of the adjustment with the purchasers of Delhi properties in 1930 and prior thereto, 32 pieces of property, aggregating 915 acres, reverted to the State subject to first mortgages of the Federal Land Bank of Berkeley. It became apparent that it would be impossible to dispose of these properties for even enough to pay the obligations against them and as there was not sufficient in the land settlement fund to meet the regular semiannual payments to the bank or the irrigation taxes, and as the rental incomes were not enough to meet these obligations, arrangements were made to transfer these properties to the Federal Land Bank.

At the time of the final adjustment between the State and settlers in 1930, arrangements were made between Mr. Charles W. Chesny, then Chief of the Division of Land Settlement of the Department of Agriculture, and the directors of the Delhi National Farm Loan Association, endorser of the 32 loans affected and whose membership each had an individual liability equal to 10 per cent of such member's loan for all loans made through the said association, that upon the sale of these properties the obligations to the Federal Land Bank of Berkeley would be reduced to amounts reasonably believed to be low enough to protect the association's membership from possible loss. As there were no funds available in the land settlement fund to reduce the obligations in the amount agreed upon, arrangements were made to transfer to the Federal Land Bank promissory notes secured by trust deeds held by the State on properties in the Delhi State Land Settlement at the face value of \$18,583, the amount of difference at the time of transfer. The State also transferred an additional number of such securities at the face value of \$13,592, bringing the total face value of papers transferred to \$32,575 for the following purposes:

(a) Reductions of loans of bank against properties-----	\$18,583 00
(b) Accrued interest on loans against properties-----	2,900 00
(c) First installment, Turlock Irrigation District taxes, assessed against properties for fiscal year 1932-1933----	1,594 00
(d) Maximum liability of State by virtue of Delhi National Farm Loan Association stock issued at time loans were made on properties-----	4,375 00
(e) Abstract of titles to properties-----	2,200 00
(f) Reserve for losses on account of failure of promisors of promissory notes secured by deeds of trust on real properties to meet principal and/or interest payments--	2,965 00

The transfer was made as of January 1, 1933.

The tripartite agreement above referred to was confirmed by the Legislature, Chapter 72, Statutes of California, 1933, approved by the Governor April 11, 1933, and entitled "An act to add section 32 to the Land Settlement Act."

The abstract of title actually cost less than \$400 and the Federal Land Bank transferred three deeds of trust back to the State to compensate for the difference.

Following the transfer of properties to the Federal Land Bank, in the early part of 1933 the prices on the majority of the Delhi lands were considerably reduced in an effort to create buying interest. Due to adverse agricultural conditions, however, no great interest could be created even at the reduced figures. In many instances the land was priced at less than the actual cost of the irrigation pipe lines. The terms of sale established in 1931 were 20 per cent down with the balance payable in ten years at 6 per cent interest. A 10 per cent discount was offered as an inducement to pay cash. Likewise, a 10 per cent discount on first trust deeds and 15 per cent on second trust deeds was offered as an inducement to pay off the land purchasers' obligations to the State. The selling policy was changed to a cash basis in September, 1934.

Under the Division of State Lands 21 real estate sales have been made, aggregating 249.08 acres, for \$18,044.70, of which ten were cash sales for \$6,005.45. (See Exhibit B-25.)

During the same period of time five parcels of land, aggregating 92 acres, were sold to the State. Three of the transactions were from purchasers of lands who did not meet their purchase obligations and who turned their property back to the State for a small consideration; one revenue was received by State and one parcel turned back a small piece of property free of encumbrance, other than to the State, for no consideration.

One purchaser who had previously traded a small acreage to the State for a larger acreage was permitted to trade back again when it became apparent that he could not locate the larger acreage.

Following the farm buying policy inaugurated by the Federal government in 1933, an effort was made to dispose of the remaining trust lands held by the State through the medium of Federal banks. Profitable opportunities were made for such loans, 18 of which were approved and 14 secured. Two applications are still pending—A. Farnsworth and M. Cunningham who have been accepted but not closed. The amount of paper disposed of through 17 loans closed was \$3,075.16. The State actually received \$10,418.10 of this amount in cash and bonds. (See Exhibit A-27.) In addition to the amount loaned through the bank, it was necessary in some cases to make further reduction in amount of the mortgage of the lands granted to meet delinquent taxes and the State's charges.

The results actually obtained through this medium were as good or better than could have been expected due to the fact that at the time of the purchase of some and trust deeds to the Federal Land Bank, the prices offered for the land were less than those of which left in some cases, paper of questionable worth.

Several closed trust deeds have been permitted to go by default through Federal Land Bank foreclosure and several more will probably do so in the State in the same manner. (See Exhibit C-1, 2d section.)

A great deal of thought has been given to ways and means of financing of the Delhi property and the matter has been discussed with various government and real estate, but no definite feasible plan has been evolved to get the State out of trust settlement in a short period of time. We have looked into the possibility of mortgaging off the property, but after discussing with Mr. J. R. Gage of Miami, who handled a loan matter for the Columbia-Hoffman Land Company, decided that such a plan would probably develop into giving the land away. Columbia-Hoffman was to stop their mortgage after having about several thousands of dollars in advertising. Such a sale would have a very depressing effect on local land values.

It is the opinion of persons concerned that it is going to be a hard proposition for the State to sell the land for all cash. Very few have the farming background for ranches are in a position to pay cash for a ranch and have money left with which to clear building improvements. Realists state that there is more of a demand for property now than has obtained for several years, with cash being scarce, however, and one of the opinion that the State will have to sell on terms in order to dispose of land on any great scale.

If some financial concern could be found that would be interested in taking over the paper of term purchasers at a rate of discount to be mutually agreed upon, cash purchases could be offered a like amount from the land sales price.

The State is now attempting to negotiate an exchange of some of the Delhi property for some real estate in the city of Sacramento.

The prices on some of the properties will have to be reduced, but this should not be necessary on all of them.

There are yet 280.99 acres of unsold land, half of which lies inside of the irrigation improvement district used for pasturage on the farming purposes, and of the assessed valuation for irrigation tax purposes on these properties can be reduced; we are endeavoring to have the assessed valuation reduced down to \$5 per acre; and if the irrigated farms can be disposed of, these tax farm lands could be carried by the State with very little operating costs, the same as other similar State lands, until such time as agricultural values improve.

The only other solution seems to be in endeavoring to find land operators with sufficient cash and optimism to be interested in taking over large blocks of land at drastically reduced prices for resale purposes. The increased interest in farm property has changed the situation somewhat from that which prevailed at the time the sales prospectus was sent out in 1932.

The Federal Land Bank of Berkeley has met with very good success in disposing of its local improved farms during the past few months, due to intensive advertising, but practically all sales have been on a term basis.

We still have 19 first deeds of trust at Delhi where the amount due is \$9,525.36 and six second deeds of trust where the amount due is \$6,002.88.

It is well to remember that of these lands of trust that remain 13 of the trustees made application to the Federal Land Bank and/or Land Bank Commissioner and were rejected on the grounds that the agricultural value of the properties did not reflect security sufficient to justify a loan from the Federal Land Bank of Berkeley.

Under the jurisdiction of this department the total receipts of both land settlements, according to the Division of Budgets and Accounts, from August 14, 1931, to December 31, 1934, amounted to \$175,140.13.

As to the deeds of trust which have been extinguished at both settlements where the amount due was \$152,862.98, we have received the sum of \$101,063.69, which represents a loss of \$51,799.29, or a loss of 33.89 per cent.

Dated: January 26, 1935.

Respectfully submitted,

A. E. STOCKBURGER,
Director of Finance.
CARL B. STURZENACKER,
Chief of Division of State Lands.

EXHIBIT "A"

DURHAM STATE LAND SETTLEMENT

Name	Lot No.	Acreage	Indebtedness to State including interest at time of application	Amount of loan approved	Amount received by State
Where the obligations were extinguished through Federal Land Bank and/or Land Bank Commissioner loans					
Babbitt, Elliott E.	Pt. 12	15	\$1,032 11	\$1,100 00	\$900 00
Beach, Robert L.	Pt. 12	15 27	3,140 00	2,500 00	1,900 00
Bollerud, Wm.	46A	25	814 46	800 00	*400 00
Brandt, George	63A-B	59 77	2,116 14	1,700 00	1,284 25
Brooks, Roy R.	59A	30	2,786 29	2,000 00	1,600 00
Brown, Carl E.	109	7 34	803 88	1,000 00	648 10
Butler, Floyd M.	44C-F	4 34	1,104 02	1,200 00	900 66
Caswell, Harry F.	13	31 23	3,516 50	3,100 00	2,928 80
Crane, Dolpha A.	70	33 63	1,914 05	1,400 00	*1,300 00
Cheaney, C. F.	28	160	6,549 33	7,091 40	5,200 00
Crandall, DeWitt C.	67B	10	1,300 03	1,300 00	1,067 88
Curtis, Ernest A.	34	20	2,969 29	1,100 00	1,070 40
Devaney, Mary A.	7	32 99	5,851 56	4,100 00	3,300 00
Drennan, Maxwell	Pt. 80	30 35	473 71		*200 00
Gardner, May	Pt. 2	4 20	166 88		162 100
Hedglin, Thos. V.	6	29 31	3,064 48	2,300 00	2,300 00
Henderson, W. D.	68	41 27	959 73		*500 00
Hoffman, Mary Alba	47	28 53	4,282 46	5,200 00	3,100 00
Jaquith, Charles A.	Pt. 2	12 67	2,108 27	1,800 00	1,725 00
Johnson, Elvis E.	75	33 08	2,162 58	1,200 00	*300 00
Lantz, John D.	18	18 46	2,141 23	2,300 00	2,089 00
Lee, Mary E.	110	7 38	924 21	800 00	648 100
Miguel, John F.	26	64 77	4,455 00	3,400 00	2,801 70
Moll, Oliver	9	32 03	3,038 76	2,500 00	2,282 69
McNab, Forrest	56	17 97	1,087 56	800 00	774 30
Newman, George E.	100	48 22	4,405 53	3,200 00	3,200 00
Noordhoff, Cornelius	Pt. 80A	12 47	2,366 59	2,500 00	1,700 00
Nutt, Ward S.	50-50A	40 17	5,886 44	4,600 00	4,050 00
Pearl, Geo. E.	74	37 02	2,657 34	1,800 00	*800 00
Skovmand, Christian G.	23	40	1,197 53	900 00	814 48
Unger, Charles	98	22 42	3,507 00	2,700 00	2,304 99
Vice, George H.	Pt. 2D	15 8	2,026 07	2,100 00	1,712 00
White, James G.	52	31 12	871 53		*453 76
White, Victoria L.	62A-B	53	465 32		400 00
Wills, Eric E.	60-61-62	79 47	5,902 05	4,500 00	2,658 22
Lucas, William	71	22 40	387 20	1,200 00	*300 00
Totals		1166 68	\$88,835 13	\$71,891 40	\$57,140 15
Cases in escrow in process of completion					
Pray, Ada G. J.	45	24 27	\$4,517 79	\$2,700 00	Amount to be paid to State \$2,415 77
Christensen, Anna K.	77	34 54	1,386 49	1,500 00	*500 00
Pullins, G. W. et al.	57-58	9 41			
Rodney, Hiram A.	48	18 92	2,070 41	1,500 00	1,198 56
Hoffman, Mary Alba	49	41 19	4,880 96	3,500 00	2,838 58
Hubbs, Edgar	99	31 12	4,343 36	3,700 00	1,800 00
		12 65	597 35	800 00	*250 00
Totals		172.10	\$17,796 36	\$13,700 00	\$9,103 91
Grand totals		1338 78	\$106,631 49	\$85,591 40	\$66,244 06
11 obligation was extinguished through Home Owners' Loan Corporation loan					
Hedglin, B. A.	104	3.14	\$696 00		\$500 00

*Denotes junior lien.

EXHIBIT A 17

IN REAM STATE LAND SETTLEMENTS

[illegible]

EXHIBIT 11

U. S. DEPARTMENT OF AGRICULTURE

Disbursements	Jan-Mar	Apr-June	July-Sept	Oct-Dec
Income received from various sources:				
Income from sales	10	21.00	\$1,165.60	\$1,875.00
Income from interest	17	43.00	122.00	71.00
Income from other sources	14		44.00	118.00
Totals		64.00	\$1,331.60	\$2,064.00
Income received from various sources:				
Income from sales	10	21.00	\$1,165.60	\$1,875.00
Income from interest	17	43.00	122.00	71.00
Income from other sources	14		44.00	118.00
Totals		64.00	\$1,331.60	\$2,064.00

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EXHIBIT "A-2"
DELHI STATE LAND SETTLEMENT

Name	Lot No.	Indebtedness to State including interest at time of application	Amount of loan approved	Amount received by State
Where the obligations were extinguished through Federal Land Bank and/or Land Bank Commis- sioner loans—				
Boucher, R. E.	317	\$1,761 63	\$2,200 00	\$1,627 09
Curtiss, H. E.	403	1,899 72	3,200 00	452 90
Curtiss, H. E.	408	585 89	800 00	522 20
Dillon, L. C.	143	1,055 94	2,300 00	*985 76
Dixey, C. A.	421-Pt. 432	747 77	1,200 00	*682 72
Foster, T. C.	409-Pt. 408	623 87	900 00	*570 55
Gaines, J. T.	140	404 41	900 00	*350 81
Goldsberry, F. W.	445-446	3,554 20	3,300 00	3,112 78
King, J. J.	185N	1,194 70	1,100 00	*1,031 77
Lawrence, L.	167	1,403 80	2,100 00	1,263 76
Langerfelt, C. J.	448	973 62	1,500 00	*847 27
Logue, R. K.	155	446 71	2,500 00	*385 30
O'Brien, John J.	222	3,686 86	3,000 00	2,347 79
Ostrander, E.	123-124	939 03	900 00	700 00
Totten, Paul	102	505 14	1,400 00	482 18
Vella, Pacifico	220A	911 20	1,400 00	*905 53
Waldron, John J.	410	268 67	1,400 00	*234 78
Totals		\$20,973 16	\$30,600 00	\$16,513 19

*Denotes junior lien

EXHIBIT "B-2"
DELHI STATE LAND SETTLEMENT

Date	Lot No.	Acreage	Sale price		Purchaser
			Cash	Terms	
1931					
Sale of property—					
Nov. 10	80	2 00		\$525 00	A. B. Curtis
1932					
Feb. 17	36	2 00		550 00	A. Stevens
Feb. 24	301	30 51		1,500 00	James L. Howard
April 16	307	33 74	\$1,690 00		Frieda Stinson
1933					
Feb. 21	Part Delhi Town	1 74	1,058 50		Frederick Andrew
Mar. 16	Part Delhi Town	16		243 75	Robert N. Berger
May 8	Part Lot 87B	62	265 00		F. M. Goldsberry
July 5	Part Lot 91	3 13		390 00	Lorenzo D. Gaddy
July 15	Part 215	23 89	1,531 20		Dallas Harbo
Aug. 29	Part 432	10 61		2,200 00	L. Goodwill
Sept. 16	60-61-62	2 44		200 00	Henry Dupewend
Sept. 19	Part Delhi Town	34	81 00		John T. Whistler
Nov. 27	Part Ballico Town	26 75		670 00	Arthur J. Ferrari
1934					
Jan. 15	485	22 51	306 00		Manuel Terra
April 14	81	2 00		750 00	Allen O. Davis
July 9	154	10 00		750 00	Raymond O. Koenig
Sept. 20	319	27 15	585 00		Chas. Carlson
Nov. 1	225	28 59		2,500 00	Harry J. Cooley
Nov. 21	Part Ballico Town	9 46	800 00		Louie Ferrari
Dec. 11	165B	10 18	650 00		Richard T. Young
	Part Delhi Town	1 26	1,368 75		State Highway Commission
Totals-----		249 08	\$8,335 45	\$10,278 75	

EXHIBIT "C-1"
DELTA STATE LAND SETTLEMENT

Date	Name	Living at time of settlement	Deceased at time of settlement	Amount received
Where the settlements were being made (during the private survey):				
Aug. 20, 1927	Wm. Chisley	\$450.00	\$10.00	\$460.00
April 7, 1928	J. H. Bagshaw	1,000.00	1,000.00	2,000.00
Nov. 24, 1928	J. H. Bagshaw	1,000.00	1,000.00	2,000.00
Total		\$2,450.00	\$1,010.00	\$3,460.00

Name	Est. fee	Amount living	Amount deceased
List of persons who have been in Federal Land Bank transactions:			
John H. Decker	100.00	\$1,000.00	\$1,000.00
Thomas Fleming	100.00	1,000.00	1,000.00
Levi J. Thompson	100.00	1,000.00	1,000.00
R. W. Buffen	100.00	1,000.00	1,000.00
Total		\$4,000.00	\$4,000.00

(Note: a portion of living fees are...)

Introduction, First Reading and Reference of Bills—(Resumed)

By Senator Perry: Senate Bill No. 700—An act to add Article VI to Chapter 5, of Part 2, of Division IV, of the Fish and Game Code, relating to permits for the operation of salmon generation plants, the taxing of salmon prepared or received by such plants, and the establishment of salmon hatcheries.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Swing: Senate Bill No. 701—An act to amend subdivision 19 of section 4237 of the Political Code, relating to grand jurors and trial jurors fees and mileage.

Bill read first time, and referred to Committee on County Government.

By Senator Swing: Senate Bill No. 702—An act providing for the purchase of timber lands in San Bernardino County, and making an appropriation therefor and vesting authority and power in the State Park Commission to make said purchases in the name of the State of California from the moneys herein appropriated and to manage and control said lands and whenever necessary in their judgment to exercise a right of eminent domain in acquiring said lands by condemnation proceedings and empowering the State Park Commission to receive gifts and contributions towards the purchase, care or maintenance of said lands.

Bill read first time, and referred to Committee on Finance.

By Senator McColl: Senate Bill No. 703—An act to impose an excise tax on admissions, providing for levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Hulse: Senate Bill No. 704—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy.

Bill read first time, and referred to Committee on Irrigation.

By Senator Hulse: Senate Bill No. 705—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydroelectrical power and to acquire equipment, including stand-by plants, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act.

Bill read first time, and referred to Committee on Irrigation.

By Senator Hulse: Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 15½, authorizing irrigation districts, heretofore or hereafter organized, and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Rich: Senate Bill No. 707—An act to empower and authorize the Relief Administrator named in section 10 of Article XVI of the Constitution of California, to reimburse the United States of America and or relief agencies thereof, from the fund established by said section 10 of Article XVI of the Constitution of California, on account of moneys disbursed for unemployment relief in California.

Bill read first time, and referred to Committee on Finance.

By Senator Duval: Senate Bill No. 708—An act relating to the borrowing of money by the State in anticipation of taxes and revenues.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Difani: Senate Bill No. 709—An act creating a State Board of Eugenics and defining the powers and duties thereof; and providing for the care, protection, and decrease of the State's defectives, and lowering of the expenses therefor.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fletcher (by request): Senate Bill No. 710—An act to amend section 5 of the Retail Sales Tax Act of 1933, relating to exempt sales.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fletcher: Senate Bill No. 711—An act to amend sections 480, 481, 482, 483, 500, 501, 506, 719, 728 and 740 of the Vehicle Code, to repeal sections 502 and 742 of said Code and to add sections 503, 504, 505, 506, 719, 743.5 and 743.6 to said Code, relating to accidents involving motor vehicles, the duty of drivers of such vehicles to stop, render aid and give certain information, imposing the crime of negligent homicide and prescribing penalties therefor, also relating to persons driving motor vehicles while under the influence of liquor or narcotic drugs, to the stealing or unlawful towing of motor vehicles, and the reckless driving of such vehicles, to the taking of persons arrested before magistrates, and the duties of arresting officers in connection with said persons, to the procedure to be followed where the person arrested is either taken before a magistrate or is given a notice to appear in court, to changes of venue in prosecutions for violations of said code, and to the procedure to be followed upon the arrest of all persons violating said code.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Metzger: Senate Bill No. 712—An act to amend sections 137 and 165 of the Fish and Game Code, and to add a new section thereto to be numbered _____, all relating to game refuge districts.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Metzger: Senate Bill No. 713—An act to amend section 949 of the Fish and Game Code, relating to seals.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Fletcher: Senate Bill No. 714—An act to add section 633 to the Streets and Highways Code, establishing additional secondary State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Fletcher: Senate Bill No. 715—An act to add section 632 to the Streets and Highways Code, establishing additional secondary State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Fletcher: Senate Bill No. 716—An act to add section 635 to the Streets and Highways Code, establishing an additional secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Fletcher: Senate Bill No. 717—An act to add section 634 to the Streets and Highways Code, establishing an additional secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Snyder: Senate Bill No. 718—An act to amend the Vehicle Code by amending sections 439, 440, 441, and 443, by repealing sections 425 to 432 inclusive; by adding sections 425 to 432 inclusive, relating to vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Snyder: Senate Bill No. 719—An act to amend the Vehicle Code by amending sections 141, 142, 145, 147, 150, 151, 157, 159, 160, 161, 165, 184, 186, 205, 206, 207, 211, 215, 239, 252, 375, 376, 382, and 383; by adding section 234, relating to vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Snyder: Senate Bill No. 720—An act to amend the Vehicle Code by amending sections 223, 225, 226, and 296; by repealing sections 292, 293, and 304; by adding sections 292, 298, and 304, relating to vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Williams: Senate Bill No. 721—An act making an appropriation to pay the claim of Sneed and Company against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Williams: Senate Bill No. 722—An act to add a new section to the Insurance Code, to be numbered 10436, relating to loans on life policies.

Bill read first time, and referred to Committee on Finance.

By Senator Williams: Senate Bill No. 723—An act to add section 621 to the Streets and Highways Code, establishing a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Williams: Senate Bill No. 724—An act to add a new section to the Inheritance Tax Act, to be numbered section 2a, relating to the time for valuation of transfers under said act, and authorizing the superior court having jurisdiction of determining such tax to fix a different date for valuing property subject to inheritance tax.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McCormack: Senate Bill No. 725—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Garrison: Senate Bill No. 726—An act to provide for a uniform system of accounting in all public schools of this State, for a classification of public schools on the basis of average daily attendance, and to limit the expenditures per pupil in the elementary and high schools of this State.

Bill read first time, and referred to Committee on Education.

By Senator Swing: Senate Bill No. 727—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, repealing an act entitled, "An act imposing a license fee or tax for the transpor-

tation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle and provided that this act shall take effect immediately." approved May 15, 1933 subject to certain conditions and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Olson: Senate Bill No. 778—An act to amend sections 11, 12, 18, 19, 20, 26, 29, 31, and 32 of the "Workmen's Compensation Insurance and Safety Act of 1913," approved May 21, 1913, relating to compensation, awards, proceedings, jurisdiction and insurance under the workmen's compensation act.

Bill read first time, and referred to Committee on Insurance.

By Senator Olson: Senate Bill No. 779—An act to impose a tax on the conducting of business by the means of chain stores for selling or otherwise disposing of goods, wares, articles or commodities, providing penalties for failure to pay such tax, and defining retail prices in connection with the enforcement of such tax.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators Crittenden and Edwards: Senate Bill No. 780—An act relating to the relief of debtors and creditors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of foreclosures and terminations under such contracts of purchase, relieving the urgency thereof and providing that it shall take effect immediately.

Bill read first time, and referred to Committee on Debtors.

By Senator Olson: Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections 104, 14, and 16 of Article XIII thereof, relating to taxation.

Referred to Committee on Revenue and Taxation.

By Senator Duval: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations, in anticipation of the collection of taxes and revenues.

Referred to Committee on Revenue and Taxation.

By Senator Fletcher (by request): Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by repealing section 14 of Article XIII thereof, relating to lands exempt from taxation.

Referred to Committee on Constitutional Amendments.

By Senator Reindollar: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to section 11 of Article XX of the Constitution of the State

of California, relating to the exclusion from office, jury and right of suffrage, of certain persons.

Referred to Committee on Elections.

Resolution.

The following resolution was offered:

By Senator Powers:

Resolved, That the Senate amend the resolution heretofore passed by the Senate, on January 16, 1935, creating a Committee for the Investigation of Marketing of Live Stock by inserting and adding to said resolution an additional paragraph after the third paragraph of said resolution to read as follows:

"Resolved, That said committee investigate the marketing of agricultural and horticultural products; and be it further".

Consideration of Resolution.

Senator Powers asked for, and was granted, unanimous consent for the consideration of his Resolution, without reference to committee, for purpose of adoption.

Resolution read, and on motion of Senator Powers adopted.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1256:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, January 26, 1935.

To the Honorable Members of the Senate:

Assembly Bill No. 1256.—An act making an appropriation to pay the cost of printing constitutional amendments and referendum measures for the 1933 and 1934 elections, declaring the urgency thereof, and providing that this act shall take effect immediately.

In my opinion said Assembly Bill No. 1256 constitutes an emergency bill within the meaning of that term as used in section 34 of Article IV of the Constitution of the State of California, and the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend the consideration of this bill as such an emergency measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

Consideration of Assembly Bill No. 1256.

Senator Sharkey asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1256, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Sharkey:

Resolved, That Assembly Bill No. 1256 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger,

Mrs. Olson, Perry, Powers, Powers, Reynolds, Rick, Schmidt, Sather, Sawyer, Sharkey, Slater, Snyder, Stow, and Wagoner.

None. None.

Constitution Suspended

Whereupon the President declared the passage of section 14, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1256.

Second Reading of Assembly Bill No. 1256.

Assembly Bill No. 1256.—An act making an appropriation to pay the cost of printing constitutional amendments and recommending measures for the 1952 and 1954 elections, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Bill read third time.

Urgency Clause.

Sec. 2. Inasmuch as this act provides an appropriation for the great expense of the State, it is hereby declared an emergency measure and shall have the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Urgency clause read.

The question being on the urgency of the urgency clause.

The roll was called, and the urgency clause carried by the following vote:

AYES—Senators Rogers, Crocker, Dene, Dene, Dene, Edwards, Foster, Hays, Jespersen, Knecht, McCarroll, McCarroll, McCarroll, McCarroll, McCarroll, Olson, Perry, Powers, Powers, Reynolds, Rick, Schmidt, Sather, Sawyer, Sharkey, Slater, Snyder, Stow, and Wagoner.

None. None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1256 passed by the following vote:

AYES—Senators Rogers, Crocker, Dene, Dene, Dene, Edwards, Foster, Hays, Jespersen, Knecht, McCarroll, McCarroll, McCarroll, McCarroll, McCarroll, Olson, Perry, Powers, Powers, Reynolds, Rick, Schmidt, Sather, Sawyer, Sharkey, Slater, Snyder, Stow, and Wagoner.

None. None.

Title read and approved.

Assembly Bill No. 1256 ordered transmitted to the Assembly.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution the Governor presented the following communication transmitting the passage of Assembly Bill No. 1257:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, January 26, 1945.

To the Honorable Members of the Senate:

Assembly Bill No. 1257.—An act making an appropriation to the emergency fund specified in Item 201 of section 1 of an act entitled "An act defining and providing for the support of the government of the State of California and the emergency purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and declared by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 11, 1943, for the purposes therein specified, and declaring the urgency thereof.

In my opinion said Assembly Bill No. 1257 constitutes an emergency bill within the meaning of that term as used in section 34 of Article IV of the Constitution.

of the State of California, and the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend the consideration of this bill as such an emergency measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Consideration of Assembly Bill No. 1257.

Senator Sharkey asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1257, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Sharkey:

Resolved, That Assembly Bill No. 1257 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difuni, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reinollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, and Wagy—30.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1257.

Second Reading of Assembly Bill No. 1257.

Assembly Bill No. 1257—An act making an appropriation to the emergency fund specified in Item 201 of section 1 of an act entitled "An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately," approved May 11, 1933, for the purposes therein specified, and declaring the urgency thereof.

Bill read second time, and ordered to third reading.

Bill read third time.

Urgency Clause.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution of this State, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reinollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, and Wagy—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1247 passed by the following vote:

AYES: Senators Briggs, Dool, Tamm, Tolson, Edwards, Chisum, Cawston, Hays, Jefferson, Keene, McQuinn, McQuinn, McQuinn, Morgan, Moore, O'Connell, Parkman, Perry, Tamm, Tamm, Hamilton, Rich, Schreyer, Sullivan, Swann, Thayer, Winter, Winter, Winter, and Winter—29.

NOES: None.

Title read and approved.

Assembly Bill No. 1247, ordered transmitted to the Assembly.

Recess

On motion of Senator Rich, at twelve o'clock and fifteen minutes p.m., the President of the Senate (declines) comes until two o'clock p.m.

Reconvened

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Rody at the desk.

Introduction, First Reading and Reference of Bills

By Senator Sewell: Senate Bill No. 731—An act providing for an investigation of and report on the feasibility and desirability, from the standpoint of the public interest, of acquisition by the State of California of the existing facilities for the generation and distribution of electric power in California, whether now owned private or public ownership, providing for a commission therefor and the appointment of such commission, defining the powers, duties and compensation of such commission in respect thereto, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Crippenden: Senate Bill No. 732—An act to amend section 14 of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to vehicles exempt from the provisions of said act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Young: Senate Bill No. 733—An act to add section 1070.5 to the Fish and Game Code, relating to fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Williams: Senate Bill No. 734—An act to amend the Insurance Code relating to insurance principles, practice, and business and matters incidental thereto.

Bill read first time, and referred to Committee on Insurance.

By Senator Knowland: Senate Bill No. 735—An act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Knowland: Senate Bill No. 736—An act to authorize the Governor of California for and on behalf of this State, to enter into agreements and compacts with another State or with other States, for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of the criminal laws of the respective contracting States and for the establishment of joint agencies for making effective said agreements and compacts.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Knowland: Senate Bill No. 737—An act to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the rates thereof and the extension thereof to companies, other than insurance companies, specified in section 14 of Article XIII of the Constitution of this State.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Edwards: Senate Bill No. 738—An act to amend section 852 and to add section 852½ to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class and the officers thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Edwards: Senate Bill No. 739—An act to amend section 4300a of the Political Code relating to fees.

Bill read first time, and referred to Committee on County Government.

By Senator Crittenden: Senate Bill No. 740—An act to add section 3066 to the Civil Code, relating to lien of a vendor of farm products.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senators Crittenden, McCormack, Gordon, Jespersen, Powers, Pierovich and McColl: Senate Bill No. 741—An act to amend sections 2955, 2956, 2957, 2958, 2960, 2962, 2963, 2965 and 2966; and to repeal sections 2959, 2961 and 2964 of the Civil Code; and to add to said Code new sections numbered 2959a, 2974, 2975, 2976, 2977, 2978, 2979, 2979a and 2979b relating to mortgages of personal property, and including provisions for the filing thereof, the continuity of the liens thereof, the securing of additional advances and obligations thereunder, mortgaging of natural increase of live stock and other animate chattels, and of after acquired and consumable property, and providing for the interpretation of laws relating to recording, the record, producing, exhibiting, presenting, executing, acknowledging, proving and certifying thereof and affidavits relating thereto.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen and McColl: Senate Bill No. 742—An act to amend sections 2922, 2933, 2934, 2935, 2938, 2939, 2939½, 2940 and 2941 of the Civil

Code relating to mortgages in general and providing for the filing of mortgages of personal property and crops, and related instruments, eliminating requirements that mortgages of personal property and crops, and related instruments, including power-of-attorney to execute the same, be acknowledged and executed with the formalities required in the case of a grant of real property; and prescribing the form of the mortgage on satisfaction of such a dual mortgage.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, McCannick, Gordon, Powers, Pierovich, Jespersen and McGill: Senate Bill No. 743—An act to amend section 2911 of the Civil Code, and to provide for the filing of contracts and leases of livestock, mineral interests, mining equipment and machinery, and oil and gas agreements relating to dry stock and other animate chattels, and processing rights and remedies in connection therewith.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, McCannick, Gordon, Powers, Pierovich, Jespersen and McGill: Senate Bill No. 744—An act to amend sections 1161, 1163, 1169, 1170, 1171 and 1173 of the Civil Code, relating to the recording and filing of transfers and mortgages of, and agreements relating to real and personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, McCannick, Gordon, Powers, Pierovich, Jespersen and McGill: Senate Bill No. 745—An act to amend the headings of Chapter IV, Title IV, Part IV, Division II, of the Civil Code, and Articles I and II thereof, to make said headings consistent with the contents of said chapter and articles.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, McCannick, Gordon, Powers, Pierovich, Jespersen and McGill: Senate Bill No. 746—An act to amend sections 658 and one of the civil code relating to property in general; defining real property and fixtures thereto, and providing that for the purposes of mortgaging crops, fruits, harvest, outgrowths, and things attached to or forming a part of land which may be severed therefrom under the terms of a mortgage, shall be deemed personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, McCannick, Gordon, Powers, Pierovich, Jespersen, and McGill: Senate Bill No. 747—An act to amend section 2911 of the Civil Code, relating to the matter of the extinction of liens.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, McCannick, Gordon, Powers, Pierovich, Jespersen, and McGill: Senate Bill No. 748—An act to amend sections 4130, 4131, 4131a, 4132, 4136, 4137, 4138 and 4140 of the Political Code, relating to county recorders, their duties and functions, and requirements relating thereto, and penalty for neglect thereof or for misconduct.

Bill read first time, and referred to Committee on County Government.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen, and McColl: Senate Bill No. 749—An act to amend section 408 of the Political Code, relating to the duties of the Secretary of State.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen, and McColl: Senate Bill No. 750—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen, and McColl: Senate Bill No. 751—An act to amend section 4300e of the Political Code, relating to the fees of county recorders.

Bill read first time, and referred to Committee on County Government.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen, and McColl: Senate Bill No. 752—An act to amend section 113 of the Penal Code, relating to the larceny, destruction, etc., of records or files by officers, having them in custody.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen, and McColl: Senate Bill No. 753—An act to amend section 3440 of the Civil Code relating to transfers presumed fraudulent, transfers of wines, bulk sales, public auctions and transfers under orders of court.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen, and McColl: Senate Bill No. 754—An act to amend section 470 of the Penal Code, relating to the forgery of wills, conveyances, etc.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen, and McColl: Senate Bill No. 755—An act to amend section 471 of the Penal Code, relating to the making of false entries in records or returns.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen, and McColl: Senate Bill No. 756—An act to amend section 706 of the Probate Code, relating to the matter of claims founded on written instruments and/or secured by liens.

Bill read first time, and referred to Committee on Judiciary.

By Senators Crittenden, McCormack, Gordon, Powers, Pierovich, Jespersen, and McColl: Senate Bill No. 757—An act to amend section 833 of the Probate Code, relating to the execution of instruments by executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

By Senator Reindollar: Senate Bill No. 718.—An act to amend an "Act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island" (Chapter 912 Statutes 1933), to add a new section to be numbered section 4, permitting the temporary use of said lands for agricultural purposes.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Reindollar: Senate Bill No. 719.—An act making an appropriation to pay the dues of Charles W. Gibson against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Young: Senate Bill No. 720.—An act to amend section 1000 of the "Narcotic Revolution Act," relating to institutions for the confinement and care of drug addicts.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Young: Senate Bill No. 721.—An act to amend section 342 of, and to add section 343 to the School Code, relating to required instruction in the schools.

Bill read first time, and referred to Committee on Education.

By Senator Tucker: Senate Bill No. 722.—An act granting to the city of Pacific Grove, the title to certain portions of the water front of said city together with certain submerged lands on the line of Monterey contiguous thereto.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Metzger: Senate Bill No. 723.—An act to remove the debris and snags from the Sacramento River between China Landing and the head of Navigation near Red Bluff, to provide a survey for the work required, and to provide for the conduct of the necessary work by the State Emergency Relief Administration.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Keough: Senate Bill No. 724.—An act to provide for the licensing of stationary engineers in mines.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Keough: Senate Bill No. 725.—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

Bill read first time, and referred to Committee on Criminal Law and Procedure.

By Senator Keough: Senate Bill No. 726.—An act to add section 425 of the Fish and Game Code relating to the taking of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Keough: Senate Bill No. 767—An act to amend sections 1250 and 1274 of the Fish and Game Code and to repeal section 1273 thereof, relating to deer and fully protected mammals.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Scollan: Senate Bill No. 768—An act relating to the placing and maintaining of works and facilities of public utilities in or upon public highways, and to repeal section 536 of the Civil Code.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Scollan: Senate Bill No. 769—An act to add two new sections to Article 2 of Chapter 3 of Division I of the Streets and Highways Code, relating to regulation of the works and facilities of public utilities and encroachments in State highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Scollan: Senate Bill No. 770—An act to amend sections 1, 2, 3, 4, 6, and 19 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Bill read first time, and referred to Committee on Corporations and Financial Institutions.

By Senator Scollan: Senate Bill No. 771—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Scollan: Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Scollan: Senate Bill No. 773—An act authorizing the creation of a debt or debts, liability or liabilities through the issuance and sale of State bonds for the single object of providing for the rehabilitation of the existing and the construction of new state prisons, corrective homes and State hospitals.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Seelien: Senate Bill No. 774—An act to amend the act entitled "An act defining credit unions, providing for their incorporation, powers, management and operation," approved March 21, 1927, as amended.

Bill read first time, and referred to Committee on Corporations and Financial Institutions.

By Senator Powers: Senate Bill No. 775—An act to amend section 576 of the Vehicle Code, relating to special tags required of vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator McGovern: Senate Bill No. 776—An act making an appropriation to pay the claim of Yeoman Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator McGovern: Senate Bill No. 777—An act to amend section 1034 of the Code of Civil Procedure, relating to cases on appeal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Knowland: Senate Bill No. 778—An act establishing a certain additional State highway and classifying it as a secondary highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Schottky: Senate Bill No. 779—An act to amend the Political Code by adding a new section therein to be numbered 41561, prohibiting district attorneys from participating in such actions under certain circumstances.

Bill read first time, and referred to Committee on County Government.

By Senator Sharkey: Senate Bill No. 780—An act to amend an act entitled "An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil (legally produced and of gasoline, distillate, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded in whole or in part, from crude petroleum oil or gas (illegally produced), providing for certificates to be filed with the State Department of Weights and Measures, Department of Agriculture, at the time of bringing into this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced, and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to be paid therefor, and prescribing penalties for violation of this act," approved June 5, 1933.

Bill read first time, and referred to Committee on Oil Industries.

By Senator Sharkey: Senate Bill No. 781—An act to amend an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the

powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931.

Bill read first time, and referred to Committee on Oil Industries.

By Senator Sharkey: Senate Bill No. 782—An act to amend an act entitled "An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating the distribution or sale of such products; defining the powers and duties of the Division of Weights and Measures, Superintendent of Weights and Measures, Department of Agriculture and officers and employees thereof in relation thereto; prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent herewith and making an appropriation to carry out the provisions of this act," approved June 5, 1929.

Bill read first time, and referred to Committee on Oil Industries.

By Senator Sharkey: Senate Bill No. 783—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, to provide for the disposition of the revenues therefrom, to make an appropriation for the administration hereof, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Sharkey: Senate Bill No. 784—An act to amend section 372 of the Vehicle Code by adding subdivision (cc) thereto providing for additional registration fee for Diesel propelled motor vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Sharkey: Senate Bill No. 785—An act to levy an excise tax on the manufacture, distribution and sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators Scollan, Seawell, Duval, McColl, Powers, Hulse, McGovern, Edwards, Schottky, Knowland, Wagy, Crittenden, Swing, Garrison, Metzger, King, Jespersen, Sharkey, Pierovich, Fletcher, and McCormack: Senate Bill No. 786—An act to amend section 3700 of the Political Code, relating to salaries of the members of the State Board of Equalization.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Sharkey: Senate Bill No. 787—An act to amend sections 2, 10, 13a and 14 of the "Motor Vehicle Fuel License Tax Act" approved May 30, 1933, as amended.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Sharkey: Senate Bill No. 788—An act to amend the Vehicle Code by amending sections 341, 347, 350, 352, 359, 361, 343, 544, 552, 570, 571, 585, 586, 587, 596, 600, 604 and 606; by repealing section 534; by adding sections 542 and 588, relating to vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Sharkey: Senate Bill No. 789—An act to amend the Vehicle Code by amending sections 113, 314, 115, 121, 129, 124, 195, 451 and 680, relating to vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Sharkey: Senate Bill No. 790—An act to amend Vehicle Code by amending sections 37, 38, 39, 66, 67, and 70; by repealing section 44; by adding sections 44, 70a and 70, relating to vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Sharkey: Senate Bill No. 791—An act making an appropriation to reimburse the "Corporation Commission fund" for the moneys withdrawn and expended from that fund pursuant to Chapter 805, Statutes of 1932, and for necessary expenditures made pursuant to Chapter 1037, Statutes of 1933.

Bill read first time, and referred to Committee on Finance.

Message from the Assembly

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1529. An act to exempt banks, all school districts, high school districts and some religious societies of every kind and class and providing for the levy of a tax to pay the same and securing the passage of said act.

ARTHUR A. GHINIMES, Chief Clerk.
By FRED J. DORR, Assistant Clerk.

Assembly Bill No. 1529 read first time.

Consideration of Assembly Bill No. 1529

Senator Edwards asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1529, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Edwards:

Resolved, That Assembly Bill No. 1529 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution passed.

The question being on the adoption of the resolution.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Edwards moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Powers, Schottky, Scollan, Slater, Snyder, Swing, Tickle, Waggy, and Young—22.

The Secretary announced the absentees.

Time, two o'clock and three minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 34—Relative to memorializing the Governors, the Lieutenant Governors, and the legislators of each of the States of the United States, to invite the people of their respective States to participate in the San Francisco Bay Bridge Exposition to be held at the City and County of San Francisco, State of California, during the year 1938.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Joint Resolution No. 34.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 34, without reference to committee, for purpose of adoption.

Assembly Joint Resolution No. 34.

Relative to memorializing the Governors, the Lieutenant Governors, and the legislators of each of the States of the United States, to invite the people of their respective States to participate in the San Francisco Bay Bridge Exposition to be held at the City and County of San Francisco, State of California, during the year 1938.

WHEREAS, Two great bridges of world renown will be completed on or about the first day of January, 1938, spanning San Francisco Bay, connecting the City and County of San Francisco with Marin and Alameda counties; and

WHEREAS, The erection of these two bridges is a monumental achievement of civilization; and

WHEREAS, It is befitting that the people of the various States of the Union be invited to celebrate the completion thereof; now therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California most respectfully urges and requests the Governors, Lieutenant Governors and legislators of said States to invite the people of their respective States to participate in the aforementioned San Francisco Bay Bridge Exposition to be held in the said year 1938; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governors, Lieutenant Governors, and legislators, of the various States of the United States, and that said Governors, Lieutenant Governors, and legislators of the said States urge the people of their respective States to attend the San Francisco Bay Bridge Exposition in 1938.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 24 adopted by the following vote:

AYES—Senators Bigger, Crutenden, Daniel, Edwards, Frazier, Garrison, Gordon, Hays, Helms, Jorgensen, Knecht, McFarland, McQuinn, Metcalf, Metzger, Mitter, Olson, Parkman, Pomeroy, Powers, Ruhl, Schmitt, Seaman, Seawell, Sharkey, Slater, Snyder, Tule, Wray, and Young—31.

NOES—None.

Assembly Joint Resolution No. 34 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAIRMAN, Sacramento, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorability body that the Assembly on this day adopted Assembly Joint Resolution No. 14—Declaring it the intention of the Public Works Administration to acquire the right-of-way of the Los Angeles County Flood Control District for a grade of 84.50 feet, so as soon as the immediate construction of 12 miles bridge in the Los Angeles, Los Angeles, Ventura, Wash and Harbor Channel Districts, and many other community bridges in the Los Angeles, Los Angeles, Ventura, Wash and Harbor Channel District, at the mouth of Los Angeles, California.

ARTHUR A. GUINNESS, Chief Clerk.
By Fern J. Lussan, Assistant Clerk.

Assembly Joint Resolution No. 14 ordered laid on the desk.

Also:

ASSEMBLY CHAIRMAN, Sacramento, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorability body that the Assembly on this day adopted Assembly Joint Resolution No. 24—Declaring it the intention of the petroleum producing property.

ARTHUR A. GUINNESS, Chief Clerk.
By Fern J. Lussan, Assistant Clerk.

Assembly Joint Resolution No. 24 referred to Committee on Revenue and Taxation.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Edwards.

The Secretary was directed to call the roll, on adoption of the resolution, of the Senators who had not answered to their names.

The roll was called, and the resolution to suspend the Constitution for purpose of considering Assembly Bill No. 1529 finally adopted by the following vote:

AYES—Senators Bigger, Crutenden, Daniel, Edwards, Frazier, Garrison, Gordon, Hays, Helms, Jorgensen, Knecht, McFarland, McQuinn, Metcalf, Metzger, Mitter, Olson, Parkman, Pomeroy, Powers, Ruhl, Schmitt, Seaman, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tule, Wray, and Young—34.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1529.

Second Reading of Assembly Bill No. 1529.

Assembly Bill No. 1529—An act to validate bonds of school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of said act.

Bill read second time, and ordered to third reading.

Bill read third time.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Many school districts within the State of California are without sufficient money to purchase school lots or to build school buildings or to make alterations or additions to school buildings or to repair, restore or rebuild school buildings damaged, injured or destroyed by fire or other public calamity, or to supply school buildings with furniture or necessary apparatus of a permanent nature. Many school districts have within the last two years voted bonds for raising money for such purposes or some of them and the proceedings in many of such bond elections were irregular, and by reason of such irregularities such bonds can not now be sold. The population of many of these districts has increased so rapidly that the present school facilities of such districts are unable to meet the needs of the great increase of pupils in such districts and it is necessary and urgent that such bonds and the proceedings thereunder be validated at an early date in order that the bonds may be sold and said school buildings, lots, equipment and facilities may be purchased or built before the opening of the next school year which in many instances would be impossible if this act did not go into effect immediately but was required to await until ninety days after adjournment of this Legislature.

Bonds have also been voted to raise money to repair, rebuild or reconstruct in whole or in part school buildings destroyed or seriously injured by earthquake or to strengthen buildings now deemed unsafe in case of earthquake, and such work is required immediately in order to protect the health and safety of school children. Because of irregularities some bonds voted for such purposes can not now be sold but can be sold and moneys therefrom be made available at once if this act goes into effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1529 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Snyder, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1529 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 32—Relative to memorializing Congress to prepare proper legislation providing for the deportation of aliens who are dependent upon public relief.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 32 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 33—Relative to memorializing Congress to request the President and the Congress of the United States to invite

the people of the world to participate in the San Francisco Bay Bridge Exposition to be held at the City and County of San Francisco State of California during the year 1938.

ARTHUR A. CHINIMUS, Chief Clerk.
By FRED S. JONES, Assistant Clerk.

Consideration of Assembly Joint Resolution No. 33

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 33, without reference to committee, for purpose of adoption.

Assembly Joint Resolution No. 33

Relative to memorializing Congress to request the President and the Congress of the United States to invite the people of the world to participate in the San Francisco Bay Bridge Exposition to be held at the City and County of San Francisco, State of California during the year 1938.

WHEREAS, Two great bridges of world renown will be completed on or about the first day of January, 1938, connecting San Francisco Bay, surrounding the City and County of San Francisco with Marin and Alameda counties; and

WHEREAS, The erection of these two bridges is an monumental achievement of civilization; and

WHEREAS, It is fitting that the people of the world be invited to witness the completion thereof; *Resolved*, Be it

Resolved by the Assembly and the Senate of the State of California, That the Legislature of the State of California, their constituents, people and representatives, the President and the Congress of the United States be invited to invite the people of the world to participate in said San Francisco Bay Bridge Exposition to be held in said year 1938, and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in Congress at the Library of Congress, and that each Senator and Member from California be urged to assist such transmission.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 33 adopted by the following vote:

AYES—Senators Baker, Bond, Brown, David, Johnson, Fisher, Garrison, Gordon, Hahn, Kewell, Keweenaw, McManis, Morrison, Morgan, Myers, O'Connell, Parkman, Pierovich, Powers, Rich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tark, Wary, and Young—29

NOES—None

Assembly Joint Resolution No. 33 ordered transmitted to the Assembly

Introduction, First Reading and Reference of Bills—(Resumed)

By Senator Sharkey, Senate Bill No. 792—An act making an appropriation to pay the claim of _____ against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Sharkey, Senate Bill No. 793—An act to amend section 1094 of the Political Code, relating to elections.

Bill read first time, and referred to Committee on Elections.

By Senator Difani, Senate Bill No. 794—An act relating to fees to be paid to the Railroad Commission by passenger stage corporations as defined in the Public Utilities Act, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Rich: Senate Bill No. 795—An act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation, and maintenance of revenue-producing undertakings by any municipality in this State; authorizing and regulating the issuance of revenue bonds for financing such undertakings; and providing for the payment of such bonds and the rights of holders thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Garrison: Senate Bill No. 796—An act to add a new section to the Vehicle Code to be numbered 599.5, relating to trailers.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Garrison: Senate Bill No. 797—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings.

Bill read first time, and referred to Committee on Education.

By Senator Garrison: Senate Bill No. 798—An act to amend section 2 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings.

Bill read first time, and referred to Committee on Education.

By Senator Rich: Senate Bill No. 799—An act to amend section 657 of the Code of Civil Procedure, relating to new trials.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rich: Senate Bill No. 800—An act to amend section 607 of the Code of Civil Procedure, relating to order of proceeding on trials.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tickle: Senate Bill No. 801—An act to amend section 3 of an act entitled "An act creating an Advisory Pardon Board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Tickle: Senate Bill No. 802—An act to amend section 84 of an act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities and to provide penalties for offenses

by public utilities, their officers, agents and employees and by other persons and corporations, creating the "Railroad Commission fund" and appropriating the moneys therein to carry out the purposes of this act, and repealing Title XV of Part IV of Division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of the act as amended.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McCall: Senate Bill No. 803.—An act to provide for the continuance of the construction of a road in the secondary railway system running on the Trinity lateral between Douglas City and Junction City in Trinity County, and to provide for an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McCall: Senate Bill No. 804.—An act to amend sections 21300 and 21302 of the School Code, relating to county boards of education.

Bill read first time, and referred to Committee on Education.

By Senator Difani: Senate Bill No. 805.—An act to amend section 1719 of the Insurance Code, relating to life agents.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 806.—An act to amend sections 12903 and 12923 of the Insurance Code, relating to the Insurance Commissioner.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 807.—An act to amend sections 780 and 781 of the Insurance Code, relating to subrogation of policies.

Bill read first time, and referred to Committee on Insurance.

By Senator McCall: Senate Bill No. 808.—An act to provide that deposits made by consumers with public utilities shall escheat to the State seven years after deposit and that moneys now deposited with public utilities which have been so deposited for a period of seven years or more shall also escheat to the State.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Edwards: Senate Bill No. 809.—An act to amend section 125 of the Political Code, relating to State Board of Equalization districts.

Bill read first time, and referred to Committee on Reapportionment.

By Senators Schottky, Mixer, Baggart, and Perry: Senate Bill No. 810.—An act to amend section 13 of the Public Utilities Act, relating to public utility rates.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Snyder: Senate Bill No. 811—An act to add section 610 to the Streets and Highways Code, establishing a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Snyder: Senate Bill No. 812—An act to amend sections 1500 and 1678 of the Insurance Code, relating to insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Snyder: Senate Bill No. 813—An act to add Chapter 1a to Part II of Division I of the Insurance Code, comprising sections 1109 to 1138, inclusive, to add Article III to Chapter 3, Part III, Division II of said code comprising section 11760, to add Article XII to Chapter 2, Part VI, Division II of said code comprising section 12640, and to amend sections 1282, 2010, 7060, 9060, 10190, 10395, and 12400 of said code, all relating to insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Scollan: Senate Bill No. 814—An act to amend section 5.190 of the School Code, relating to health and development certificates.

Bill read first time, and referred to Committee on Education.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 31—Relative to memorializing Congress to appropriate sufficient funds and enact additional legislation to provide a comprehensive plan for the deporting of undesirable aliens and aliens who are illegally within this nation.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 31 referred to Committee on Federal Relations.

Introduction, First Reading and Reference of Bills—(Resumed).

Senate Bill No. 815—An act to amend section 92 of the Agricultural Code, relating to agricultural fairs, to declare the urgency thereof, and to provide that this act take effect immediately.

Bill read first time.

Consideration of Senate Bill No. 815.

Senator Waggy asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 815, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Waggy:

Resolved, That Senate Bill No. 815 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called and the yeas and nays taken by the following vote:

AYES—Senators Baggar, Cunningham, Daniel, Deane, Deval, Edwards, Fletcher, Garrison, Gordon, Hays, House, Kneass, Kunkin, Macintosh, McGowan, Mortimer, Myer, Olson, Parkman, Parkman, Powers, Powers, Ryan, Schaefer, Sullivan, Sweeney, Slater, Snyder, Stow, Swing, Tuckie, and Wagy—30.
 NOES—None.

Constitution Suspended

Whereupon the President declared the provisions of Article 16, Article IV of the Constitution suspended for the purpose of considering at this time Senate Bill No. 815.

Second Reading of Senate Bill No. 815

Senate Bill No. 815.—An act to amend section 93 of the Agricultural Code, relating to agricultural fairs, to change the agency thereof, and to provide that this act take effect immediately.

Bill read second time, considered correctly engrossed, and ordered to third reading.

Bill read third time.

Urgency Clause

SEC. 2. This act is hereby declared to be an urgent measure necessary for the immediate promulgation of public peace, health, and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

A statement of the facts necessitating such passage is as follows:

Owing to the existing emergency conditions caused by the war, many persons, formed during the year 1904, the expiration of the Agricultural Code provided by this act, provides for the allotment of these organizations for agricultural fairs upon the basis of population and the amount of land. Under this system, as amended, an appropriation will be made on behalf of any fair which was discontinued for the year 1904, and this provision will continue to exist in future years unless the section is amended.

The holding of agricultural fairs is a source of income to the people of the State, and the organization for agricultural fairs among the agricultural people among the people entitled to participate in the fair, and the fact that the economic conditions have been very serious, and it is in order that the law may provide for the proper allocation of these funds in the current year, it is necessary that this act go into immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Baggar, Cunningham, Daniel, Deane, Deval, Edwards, Fletcher, Garrison, Gordon, Hays, House, Kneass, Kunkin, Macintosh, McGowan, Mortimer, Myer, Olson, Parkman, Parkman, Powers, Powers, Ryan, Schaefer, Sullivan, Sweeney, Slater, Snyder, Stow, Swing, Tuckie, and Wagy—30.
 NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 815 passed by the following vote:

AYES—Senators Baggar, Cunningham, Daniel, Deane, Deval, Edwards, Fletcher, Garrison, Gordon, Hays, House, Kneass, Kunkin, Macintosh, McGowan, Mortimer, Myer, Parkman, Parkman, Powers, Powers, Ryan, Schaefer, Sullivan, Sweeney, Slater, Snyder, Stow, Swing, Tuckie, and Wagy—29.
 NOES—None.

Title read and approved.

Senate Bill No. 815 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Olson: Senate Bill No. 816.—An act relating to and providing for the revision of the Constitution of California, including

the election of delegates thereto, the proceedings, powers, and duties of the convention and the delegates and all things incidental thereto, the submission of the revised Constitution to the people, and making an appropriation therefor.

Bill read first time, and referred to Committee on Constitutional Amendments.

By Senator Fletcher: Senate Bill No. 817—An act to amend section 3 of an act entitled "An act providing for the sale of street, rail and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting acts approved March 22, 1905, relating to franchises in counties and municipalities.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Fletcher: Senate Bill No. 818—An act to amend section 580b of the Code of Civil Procedure, relating to deficiency judgments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Keough: Senate Bill No. 819—An act to add section 318 to the Agricultural Code, relating to local meat inspection.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Difani: Senate Bill No. 820—An act to amend sections 2 and 13 of the State Medical Practice Act, relating to taxes and registration fees of licentiates of the Board of Osteopathic Examiners, and to reciprocity certificates.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Olson: Senate Bill No. 821—An act to amend section 605 of the Probate Code, relating to appointment of appraisers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Edwards: Senate Bill No. 822—An act to amend section 27 of the Streets and Highways Code, relating to the maintenance of the State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Edwards: Senate Bill No. 823—An act to amend the Streets and Highways Code, relating to public ways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Edwards: Senate Bill No. 824—An act to amend sections 4041.8 and 4041.18 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Edwards: Senate Bill No. 825—An act to amend the title and section 1 of an act entitled "An act to enable counties to purchase, lease, obtain, hold, improve and maintain land for the uses

and purposes of public parks and recreation," approved May 21, 1929, relating to public recreation.

Bill read first time and referred to Committee on County Government.

By Senator Edwards: Senate Bill No. 826—An act to amend sections 263a, 263b and 263c of the Political Code, relating to the department of public works.

Bill read first time and referred to Committee on Governmental Efficiency.

By Senator Edwards: Senate Bill No. 827—An act to amend section 2620 of the Political Code, relating to the public works department.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Edwards: Senate Bill No. 828—An act to amend section 2737 of the Political Code, relating to bridges and highways.

Bill read first time and referred to Committee on Roads and Highways.

By Senator Edwards: Senate Bill No. 829—An act to amend the Streets and Highways Code, relating to public works.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Edwards: Senate Bill No. 830—An act to amend sections 13 and 13a of the Motor Vehicle Fuel License Tax Act, relating to the disposition of funds received under said act.

Bill read first time, and referred to Committee on Revenue and Taxation.

Consideration of Assembly Joint Resolution No. 14

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 14, for purpose of adoption:

Assembly Joint Resolution No. 14

Relative to appropriating the Public Works Administration to construct the neighborhood of the Los Angeles County Flood Control District for a grant of \$4,154,000 to be used for the immediate construction of twelve debris basins at the La Cienega, La Cienega, Verdugo West and Hansen Canyon districts, the same being completely known as the La Cienega, La Cienega, Verdugo West and Hansen Canyon Project, in the county of Los Angeles, California.

WHEREAS, There are within the State of California a number of important projects which remain incomplete because of lack of sufficient funds, without the aid of Federal funds; and

WHEREAS, The construction of the La Cienega, La Cienega, Verdugo West and Hansen Canyon project is one of the important projects which remains incomplete because of lack of sufficient funds, without the aid of Federal funds; and

WHEREAS, Recent losses have been seriously increased the potential loss resulting from the steep and high mountains immediately bordering the La Cienega and La Cienega areas, and have exposed these thickly populated residential districts to a very serious flood and debris hazard; and

WHEREAS, The earthquake of December 31, 1933, and January 1, 1934, with intensities of material loss that may be expected in this region, combined with the destruction, thirty lives were lost in this disaster and over four hundred and eighty homes were made uninhabitable, and an estimated personal damage of over \$5,000,000 resulted; and

WHEREAS, This thickly populated district, which includes the communities of Monterey, La Cienega, La Cienega and Palmdale, is now exposed to a repetition of this disaster with possibly a greater and had loss of life and property if a storm of equal or greater intensity should strike it within the next several years; and

WHEREAS, In order to remove this great hazard it is proposed to construct twelve debris basins at the mouth of the canyons which discharge on the cones upon which these communities are located and it is planned to construct permanent concrete channels to safely carry the desilted water from debris basins; and

WHEREAS, The Legislature of the State of California does hereby indorse the application of the Los Angeles County Flood Control District to the Public Administration Works for a grant of \$4,150,000 for the construction of the La Crescenta, La Canada, Verdugo Wash and Haines Canyon Project; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly. That the Public Works Administration be and the same is hereby respectfully urged to approve the application of the Los Angeles County Flood Control District for a grant of \$4,150,000 to be used for the immediate construction of the 12 debris basins and permanent concrete channels in the La Crescenta, La Canada, Verdugo Wash and Haines Canyon Project in Los Angeles County, California; and be it further

Resolved. That the Governor of the State of California is hereby requested to transmit copies of this resolution to the Federal Administrator of the Public Works Administration.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Keough, Knowland, McCormack, McGuinness, Olson, Parkman, Pierovich, Powers, Schottky, Seollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—25.

NOES—None.

Assembly Joint Resolution No. 14 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 35—Relative to memorializing Congress to consider the almond industry of California and to maintain the existing tariff regulations thereon.

ARTHUR A. OIINIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Joint Resolution No. 35.

Senator Difani asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 35, without reference to committee, for purpose of adoption.

Assembly Joint Resolution No. 35.

Relating to memorializing Congress to consider the almond industry of California and to maintain the existing tariff regulations thereon.

WHEREAS, The growing and marketing of almonds is one of California's great agricultural industries; and

WHEREAS, This is a specialty crop, not always fully understood by those unfamiliar with California conditions, and with great present and future possibilities; and

WHEREAS, This industry annually provides the livelihood for our 5000 growers, together with their dependents, and their employees, and in addition, the partial livelihood of all who furnish services and supplies, to the total of many times the above figure; and

WHEREAS, The reciprocal trade agreements proposed between this country and Italy and Spain threaten this industry with disaster, if not actual extinction; therefore, be it

Resolved, that the Assembly of the State of California, and the Senate, jointly. Do hereby memorialize Congress to give this matter immediate and serious consideration, and to maintain the tariff protection which is the only safeguard of this important California industry; and, be it further

Resolved. That copies of the resolution be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives,

Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Waggy—29.
NAYS—None.

Special Committee from Assembly with Message for the Senate.

The Sergeant-at-Arms reported to the President of the Senate that a Special Committee of the Assembly awaited at the door with a message for the Senate.

Recess.

On motion of Senator Rich, at two o'clock and ten minutes p.m., the President of the Senate declared recess of five minutes to hear the Special Committee from the Assembly.

The President of the Senate ordered the Special Committee of the Assembly admitted to the floor, and escorted to the platform.

The Special Committee of the Assembly, consisting of Messrs. Jones, Peyser, and Walker, requested, and were granted, consent to deliver a message from the Assembly to the Senate.

Reconvened.

At two o'clock and fifteen minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Resolution.

The following resolution was offered:

By Senator Swing:

WHEREAS, Because of the great number of bills which have been introduced and are now pending in the Legislature, the Printing Department is swamped with work and without additional help will be unable for many days to cause said bills to be printed and prepared for distribution; and

WHEREAS, The purpose of the constitutional recess is to enable the members of the Legislature and the public generally to consider and study such bills and proposed legislation and to enable the public to consult with their representatives concerning such proposed legislation; and

WHEREAS, The law requires the printing of a Legislative Digest of such bills which likewise can not be prepared and printed without such additional help; now therefore be it

Resolved, That the State Printer and the Department of Printing of this State be and they are hereby requested and urged to employ such assistants and to take such means and action as will enable it to have all bills and proposed legislation and digest thereof printed and ready for distribution within 10 days from date hereof. The secretary is instructed to transmit a copy of this resolution to the State Printer.

Resolution read, and on motion of Senator Swing, adopted.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Pierovich: Senate Bill No. 831—An act to amend section 29 of the California Workmen's Compensation Insurance and Safety Act of 1917, relating to compensation insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Pierovich: Senate Bill No. 832—An act to amend sections 408 and 4130 of the Political Code, relating to certificates of recordation, assignment or discharge of chattel mortgages.

Bill read first time, and referred to Committee on Judiciary.

By Senator McColl: Senate Bill No. 833—An act to amend sections 2 and 71 of the Public Utilities Act and to add a new section thereto to

be numbered 71A relating to overcharges, deposits and refunds of public service corporations.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Wagy: Senate Bill No. 834—An act to add section 17 to an act entitled "An act to establish an institution for the confinement, cure and reformation of women prisoners, and women convicted of a felony the punishment for which is less than death, to provide for its maintenance, conduct and government, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Wagy: Senate Bill No. 835—An act to add section 1577a to the Penal Code, relating to the California Institution for Women.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Wagy: Senate Bill No. 836—An act to amend sections 1202a, 1572, 1576, and 1586, of the Penal Code, approved April 18, 1933, relating to the State prisons.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Seawell: Senate Bill No. 837—An act to amend sections 370 and 779 of and to add section 782 to the Vehicle Code, relating to registration fees and the disposition thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Seawell: Senate Bill No. 838—An act to exempt motor vehicles from an ad valorem tax and to restrict the levy of any such tax on such personal property to the State of California, and to repeal acts and portions of acts in conflict herewith.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Seawell: Senate Bill No. 839—An act to amend sections 2, 6, and 12 of "An act providing for the organization and management of mutual workmen's compensation insurance companies and defining the same and regulating the transactions of the business of mutual workmen's compensation insurance in the State of California," approved May 26, 1913, Statutes of 1913, page 321, as amended.

Bill read first time, and referred to Committee on Insurance.

By Senator Seawell: Senate Bill No. 840—An act to amend section 1190 of the Code of Civil Procedure, relating to the time of continuance of mechanic's lien.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 841—An act to amend section 1533 of the Probate Code, relating to the borrowing of money by guardians.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 842—An act to amend Code of Civil Procedure by adding a section to be known as section 188a, relating to the withdrawal of the exhibits by parties.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 843—An act to amend section 1238 of the Civil Code, relating to the property from which a home-
stead may be selected.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 844—An act to amend section 542b of the Code of Civil Procedure, relating to attachment of personal property and the duration of the lien of attachment.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell: Senate Bill No. 845—An act to amend section 51 of the Bank Act, relating to deposits by order of court.

Bill read first time, and referred to Committee on Banking.

By Senator Seawell: Senate Bill No. 846—An act to amend section 91 of the Bank Act, relating to deposits by order of court.

Bill read first time, and referred to Committee on Banking.

By Senator Seawell (by request): Senate Bill No. 847—An act to amend sections 31, 51a and 51b of "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Seawell (by request): Senate Bill No. 848—An act to repeal sections 2968 and 2969 of Civil Code, and to amend sections 689a, b and c of Code of Civil Procedure, relating to levies on personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seawell (by request): Senate Bill No. 849—An act to amend section 645 of the Probate Code, relating to the assignment of an estate to a widow and her title after assignment.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGuinness: Senate Bill No. 850—An act to authorize the Division of Water Resources of the Department of Public Works to enter into compromise settlements with judgment debtors under judgments heretofore rendered in proceedings under sections 25 to 36f, both inclusive, of the Water Commission Act, declaring a moratorium on the collection of such judgments and suspending the accrual of interest thereon, and making an appropriation into the cash revolv-

ing fund created by Chapter 834, Statutes of 1921, to reimburse said fund in the amounts by which such settlements shall be less than the amounts due from such judgment debtors.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator McGuinness: Senate Bill No. 851.—An act to declare a moratorium on the collection of judgments rendered in proceedings pursuant to the provisions of sections 25 to 301, both inclusive, of the Water Commission Act for unpaid costs or for unpaid amounts taxed as costs in such judgments, suspending the accrual of interest upon such judgments during the period of such moratorium, and extending the statute of limitations upon such judgments.

Bill read first time, and referred to Committee on Unemployment Efficiency.

By Senator Metzger: Senate Bill No. 852.—An act to amend sections 1 and 3 of the motor vehicle fuel license tax, relating to the taxation of Diesel fuel and fuel of similar nature.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Powers: Senate Bill No. 853.—An act establishing an additional State Highway, classifying it as a secondary highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Powers: Senate Bill No. 854.—An act to amend section 1261 of the Agricultural Code, relating to produce dealers.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Powers: Senate Bill No. 855.—An act to amend section 1200 of the Fish and Game Code, relating to the season on clupea.

Bill read first time, and referred to Committee on Fish and Game.

Withdrawal and Re-reference of Senate Bills Nos. 309 and 311.

Unanimous consent granted, the President of the Senate ordered Senate Bills Nos. 309 and 311 withdrawn from Committee on Public Health and Quarantine and referred to Committee on Revision of Criminal Law and Procedure.

Recess.

On motion of Senator Rudy, at two o'clock and seventeen minutes p.m., the President of the Senate declared a five minute recess.

Reconvened.

At two o'clock and twenty-two minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt the report of the Committee on Free Conference concerning Assembly Bill No. 23—An act relating to the relief of debtors and guarantors, and postponing sales under mortgages, deeds of trust, and contracts of purchase of real property, postponing forfeitures and terminations under such contracts of purchase, in certain cases, declaring the urgency thereof, and providing that it shall take effect immediately—and appointed as a new Committee on Free Conference to further consider Assembly Bill No. 23, Messrs. Phillips, O'Donnell and Breed.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Motion.

Senator Rich moved that the Committee on Free Conference appointed by the President of the Senate to meet a like committee from the Assembly on Assembly Bill No. 23, be discharged and that the President of the Senate appoint a second committee to meet with the committee from the Assembly.

Motion carried.

Appointment of Second Committee on Free Conference.

The President announced the appointment of Senators Hays, Edwards, and Wagy as the second Committee on Free Conference to meet with a like committee from the Assembly to consider Senate amendments to Assembly Bill No. 23.

The Secretary was ordered to notify the Assembly of the Senate appointment of Committee on Free Conference.

Special Committee from the Assembly with Mesage for the Senate.

The Sergeant-at-Arms reported to the President of the Senate that a Special Committee of the Assembly awaited at the door with a message for the Senate.

Recess.

On motion of Senator Rich, at two o'clock and thirty minutes p.m., the President of the Senate declared recess for two minutes to hear message from the Assembly.

The President of the Senate ordered the Special Committee of the Assembly admitted to the floor and escorted to the platform.

The Special Committee of the Assembly, consisting of Messrs. Hornblower, chairman, Hunt, and Voigt, requested, and were granted, consent to deliver a message from the Assembly to the Senate.

Reconvened.

At two o'clock and thirty-two minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Introduction, First Reading and Reference of Bills.

By Senator McGovern: Senate Bill No. 856—An act to amend sections 800, 802, 803, 1008, 1009 and 1010 of the Penal Code, relating to crimes.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Difani: Senate Bill No. 857—An act to safeguard life and property to regulate the practice of steam engineering, the registering and licensing of persons engaged in such practice and to secure the better education and to promote competency and skill among steam engineers in the State of California.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Difani: Senate Bill No. 858—An act to amend section 141½ of the California Vehicle Act, relating to the liability for death of or injury to guest.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Difani: Senate Bill No. 859—An act to amend section 166 of the Fish and Game Code, relating to the boundaries of Fish and Game District 44.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Difani: Senate Bill No. 860—An act to amend sections 1 and 2 of an act entitled "An act to provide a stenographer and typist for juries of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries.

Bill read first time, and referred to Committee on County Government.

By Senator Difani: Senate Bill No. 861—An act to amend section 4185a of the Political Code, relating to qualifications and eligibility of justices of the peace.

Bill read first time, and referred to Committee on County Government.

By Senator Difani: Senate Bill No. 862—An act to add a new section to be numbered section 2a to an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, medicines or appliances sold for the cure of disease, injury or deformities," approved March 20, 1903, as amended, relating to the exemption of soldiers and sailors from license fees.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Difani: Senate Bill No. 863—An act repealing section 133 of the Streets and Highways Code, relating to the construction of roads and highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Difani: Senate Bill No. 864—An act amending section 133 of the Streets and Highways Code, relating to the construction of roads and highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Difani: Senate Bill No. 865—An act to amend section 133 of the Streets and Highways Code, relating to the construction of roads and highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Difani: Senate Bill No. 866—An act to amend section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and typists.

Bill read first time, and referred to Committee on County Government.

By Senator Powers: Senate Bill No. 867—An act relating to and providing for the levy and collection of a tax upon sales of tangible personal property and making provision for the administration thereof and prescribing penalties for violations of its provisions, the act to take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Biggar: Senate Bill No. 868—An act providing for the incorporation of improvement authorities; prescribing the powers and duties of such authorities; and authorizing such authorities to engage in the enterprise of furnishing water, sewerage facilities, gas or electric heat, light or power services, to issue bonds and providing for the payment of such bonds; and declaring the urgency thereof.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Young: Senate Bill No. 869—An act to regulate the manufacturing of dog and cat foods, and to provide for the licensing of same.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Young: Senate Bill No. 870—An act to amend sections 1 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Young: Senate Bill No. 871—An act establishing and validating the organization and existence of water districts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Young: Senate Bill No. 872—An act to repeal section 109a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts.

Bill read first time, and referred to Committee on Irrigation.

By Senator Young: Senate Bill No. 873—An act to amend the title of, and to amend, an act entitled, "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," (Chapter 1020, Statutes of 1931), to repeal sections 51 to 54 inclusive, and to add new sections to be numbered

51 to 80 inclusive, relating to watersheds of lands from water conservation districts and to improvement districts within water conservation districts (Chapter 996, Statutes of 1934).

Bill read first time, and referred to Committee on Irrigation.

By Senator Powers: Senate Bill No. 874—An act to add a new article to the Agricultural Code, to be numbered Article 3, Chapter 1, Division 3, relating to horses, mule and burro carts and loads.

Bill read first time and referred to Committee on Agriculture and Live Stock.

By Senator Swing: Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on September 6, 1934, relating to interest charges and the mode and method of sale of personal property given in pledge for the security of a debt or obligation, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGovern: Senate Bill No. 876—An act to add a new section to be numbered 40 to "Joint Highway District Act," relating to certificates of completion and rights of way.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Swing: Senate Bill No. 877—An act to add section 106 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 3, 1932, relating to evasions of license fees through wagers conducted as information furnished through news services.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Wagy: Senate Bill No. 878—An act to regulate grubstake contracts and prospecting agreements and to provide for the recording of the same.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Wagy: Senate Bill No. 879—An act to regulate grubstake contracts and prospecting agreements, and to provide for the recordance of the same.

Bill read first time, and referred to Committee on Mines and Mining.

By Senators Tickle and Jaspersen: Senate Joint Resolution No. 9—Relative to memorializing the Congress of these United States to eliminate the taxation of gasoline by the Federal government.

Consideration of Senate Joint Resolution No. 9.

Senator Tickle asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 9, without reference to committee, for purpose of adoption.

Senate Joint Resolution No. 9.

WHEREAS, The Congress of the United States of America has imposed a tax upon all sales of gasoline; and

WHEREAS, The State of California and all other several States of the United States have already imposed taxes upon such sales; and

WHEREAS, The Federal tax on such sales is untimely and prohibitive and, coupled with the respective States taxes on such sales, places a burden upon the users of gasoline beyond that which they should carry and beyond that which the traffic can legitimately bear; and

WHEREAS, The taxation of sales of gasoline should properly be left to the exclusive use of the States as a means of providing funds for road construction and maintenance; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be and it is hereby respectfully memorialized to enact with all convenient speed such legislation as may be necessary to abolish the Federal gasoline sales tax and to yield to the States exclusively the power to tax such sales in the future; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Clerk of the House of Representatives, the Secretary of the United States and to each member of Congress elected from the State of California and that the latter be urged to use their best offices to procure the enactment of such legislation as will accomplish the purposes of this resolution.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, McCormack, McGuinness, Metzger, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—28.

NOES—None.

Senate Joint Resolution No. 9 ordered transmitted to the Assembly.

Withdrawal of Assembly Joint Resolution No. 24.

Senator Duval moved that Assembly Joint Resolution No. 24 be withdrawn from committee for the purpose of consideration.

Motion carried, and such was the order.

Consideration of Assembly Joint Resolution No. 24.

Senator Duval asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 24, for purpose of adoption.

Assembly Joint Resolution No. 24.

Relative to uniform taxation of petroleum producing property.

WHEREAS, There is a lack of uniformity in the methods of appraising and taxing petroleum producing property by the various taxing units of the State of California, and the various petroleum producing States of the United States; and

WHEREAS, It is desirable that the present inequities be remedied, and

WHEREAS, It may be desirable and practicable to adopt uniform methods and rates of taxation upon such property by the several oil producing States; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby requests the American Legislators' Association to call a conference of the representatives of the oil producing States with a view of formulating uniform legislation and methods of taxing petroleum producing property; be it further

Resolved, That if such a conference is called the delegates from the State of California shall consist of: a member of the Assembly to be appointed by the Speaker, a member of the Senate to be appointed by the President of the Senate, a member to be appointed by the Governor. Be it further

Resolved, That a copy of this joint resolution be transmitted to the American Legislators' Association, to the Governors of the petroleum producing States, and the Presidents of the Senate and Speakers of said States with the request that they submit it for action by the Legislatures of their States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 24 adopted by the following vote:

AYES—Senators Rogers, Cushman, Davis, Hines, Pined, Brown, Thomas, Gordon, Hays, Keough, Kirtland, McLaughlin, Meyer, Oakberg, Peterson, Powers, Rich, Schaefer, Seaton, Shattuck, Smith, Taylor, Kopp, Rupp, Tuck, Weger, and Young—27.

NOTES—None.

Assembly Joint Resolution No. 24 certified transmittal to the Assembly.

Introduction, First Reading and Reference of Bills—(Resumed)

By Senator Hays: Senate Bill No. 880.—An act to provide revenue by imposing a State tax upon the sale of tobacco products, providing permits for retail dealers, prescribing the method and manner of levying and collecting such tax, conferring powers and imposing duties on the Franchise Tax Commissioners, providing penalties for the enforcement of this act, allocating the income derived therefrom, and making an appropriation for the administration of this act.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Keough: Senate Bill No. 881.—An act to amend section 155 of the California Vehicle Act, relating to the duties and powers of traffic officers.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Keough: Senate Bill No. 882.—An act to amend section 750 of the Vehicle Code, relating to the value of vehicles and authorized to be used by enforcement officers.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Jespersen: Senate Bill No. 883.—An act to authorize the State Board of Education to provide dormitories and other revenue producing improvements at State supported educational institutions.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 884.—An act to repeal sections 301 to 317, inclusive, of Article I, Chapter I of Division III of the Agriculture Code and to add thereto new sections to be numbered 301 to 320, inclusive, relating to meat inspection.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Jespersen: Senate Bill No. 885.—An act requiring the licensing of certain vehicles used for the transportation of property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately, and to repeal an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public

streets, roads and highways in the State of California, and providing that this act shall take effect immediately," approved May 15, 1933.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Jespersen: Senate Bill No. 886—An act to add a new section to the School Code to be numbered ----, relating to the public school system.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 887—An act to add a new section to the School Code to be numbered -----, relating to the public school system.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 888—An act to add a new section to the School Code to be numbered -----, relating to the public school system.

Bill read first time, and referred to Committee on Education.

By Senator Jespersen: Senate Bill No. 889—An act relating to the escheat to the State of unclaimed moneys deposited with public utilities and providing for the collection and disposition thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Jespersen: Senate Bill No. 890 --An act to provide for the securing of payment by owners of private automobiles of damages for injuries to persons or property caused by the negligence of such owners, or their agents or presumptive agents, by requiring insurance, a surety bond, or a deposit of securities; to provide means and methods for the administration of said system of security including the creation of a State liability insurance fund; to substitute the rule of comparative negligence for contributory negligence in proceedings concerning such injuries; to provide for the form of insurance policies required hereunder, for the classification of risks covered by said insurance and for the application of the minimum rating law to such insurance; to prescribe penalties for violations of this act, and making an appropriation for the administration of this act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Young: Senate Bill No. 891—An act to amend section 1315 of the Fish and Game Code, and to add section 1319.5 thereto, relating to fur-bearing mammals.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Metzger: Senate Bill No. 892—An act to amend section 1989 of the Code of Civil Procedure, relating to witnesses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Powers: Senate Bill No. 893—An act to regulate the manufacture and sale of sausage meat.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Difani: Senate Bill No. 854.—An act to amend sections 12140 to 12311 of the Insurance Code, relating to motor clubs.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 855.—An act to amend sections 10110 to 11324 of the Insurance Code, relating to life, disability, and fire and disability insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 856.—An act to amend sections 1880 to 2003 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to fire, marine, and fire and marine insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 857.—An act to amend sections 1640 to 1779 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to persons representing insurers or insureds.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 858.—An act to amend sections 1560 to 1607 of the Insurance Code, to repeal certain sections thereof and to add certain new sections thereto, all relating to foreign insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 859.—An act to amend sections 1280 to 1330 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to reciprocal insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 860.—An act to amend sections 1140 to 1253 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to incorporated insurers.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 901.—An act to amend sections 1 to 650 of the Insurance Code, to repeal certain sections thereof and to add certain sections thereto, all relating to insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 902.—An act to amend sections 12660 to 12741 of the Insurance Code, relating to fuel value insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 903.—An act to amend sections 12420 to 12631 of the Insurance Code, relating to mortgage insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 904.—An act to amend sections 12340 to 12400 of the Insurance Code, relating to title insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 905.—An act to amend sections 12050 to 12111 of the Insurance Code, relating to miscellaneous casualty insurances.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 906—An act to amend sections 10020 to 10080 of the Insurance Code, to repeal certain sections thereof and to add certain new sections thereto, all relating to underwriters fire patrols.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 907—An act to amend sections 11550 to 12020 of the Insurance Code, relating to insurance against legal liability, including liability, workmen's compensation, and common carrier liability insurance.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 908—An act to amend sections _____ of the Insurance Code, to add new sections thereto, and to repeal certain sections thereof, relating to insurance principles, practice and matters incidental thereto.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 909—An act to amend sections 12900 to 12976 of the Insurance Code, relating to the powers, functions and duties of the Insurance Commissioner.

Bill read first time, and referred to Committee on Insurance.

By Senator Difani: Senate Bill No. 910—An act to amend sections 680 to 1106 of the Insurance Code, to repeal certain sections thereof and to add certain sections thereto, all relating to the insurance business.

Bill read first time, and referred to Committee on Insurance.

By Senator Powers: Senate Bill No. 911—An act to add section 3a to the Motor Vehicle Fuel License Tax Act, relating to the levy of an additional tax of one cent on motor vehicle fuel, and providing for the disposition of the money derived therefrom.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Biggar: Senate Bill No. 912—An act levying a tax upon the privilege of severing, processing, or severing and processing any natural resource, providing for the collection and enforcement thereof and making an appropriation therefor.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Hulse: Senate Bill No. 913—An act to add section 454.5 to the Fish and Game Code, relating to the shipment of fish and game into this State.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Powers: Senate Bill No. 914—An act to add section 493.6 to the Fish and Game Code, relating to fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Young: Senate Bill No. 915—An act imposing a tax upon admissions and providing for the collection and enforcement thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Pierovich: Senate Bill No. 910.—An act to add a new section to the Penal Code to be numbered section 268a, relating to illegal traffic in alcoholic beverages and providing for the punishment thereof.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Pierovich: Senate Bill No. 917.—An act to amend an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of beverages," to provide for the licensing of manufacture, distribution and sale, to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately. Approved April 23, 1934.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Pierovich: Senate Bill No. 918.—An act to add a new section to the Penal Code to be numbered section 268b, relating to the crime of selling alcoholic beverages to minors and providing for the penalty therefor.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Pierovich: Senate Bill No. 919.—An act to carry into effect the provisions of Article XX, section 22, of the Constitution of California as adapted by the voters at the general election 1932 November 6, 1934, relating to the control of the liquor traffic in the State of California and prescribing penalty for the violation thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Pierovich: Senate Bill No. 920.—An act appropriating money for the restoration and rehabilitation of Marshall's cabin in Coloma.

Bill read first time, and referred to Committee on Finance.

By Senator Pierovich: Senate Bill No. 921.—An act to amend sections 1, 5, 6, 7, 9, 11, 12 and 13 of an act entitled "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, creating the subclassifications of life benefit societies and benevolent societies, and adding to the definitions of life benefit societies and benevolent societies as subclassifications of fraternal benefit societies lodge system, representative form of government, the maintenance and disbursement of funds and the payment of benefits in the providing of service.

Bill read first time, and referred to Committee on Insurance.

By Senator Rich: Senate Bill No. 922.—An act imposing a tax on the privilege of consuming or enjoying the commodities or services of public utilities, publicly or privately owned, providing for the collection and disposition thereof, making an appropriation for the administration of this act, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Rich: Senate Bill No. 923—An act to amend section 4 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicles and providing that this act shall take effect immediately," approved May 15, 1933, relating to the rate of tax.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Rich: Senate Bill No. 924—An act to amend an act entitled "An act declaring certain corporations, individuals or associations of individuals engaged, directly or indirectly, in the transportation of crude oil or petroleum or the products thereof, for hire or otherwise, to be common carriers and public utilities and subject to the provisions of the act known as the Public Utilities Act of the State of California, approved December 23, 1911," approved June 4, 1913.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Rich: Senate Bill No. 925—An act to amend section 2 of the Public Utilities Act, relating to the regulation of pipe line corporations.

Bill read first time, and referred to Committee on Public Utilities.

By Senator Schottky: Senate Bill No. 926—An act to amend sections 4, 5, 6, 6 $\frac{1}{4}$ of the Inheritance Tax Act, relating to exemptions and rates of taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Schottky: Senate Bill No. 927—An act to amend sections 4 and 5 of the Bank and Corporation Franchise Tax Act, relating to taxes of banks, corporations, and public service companies, including the rates thereof, and the extension thereof to companies other than insurance companies specified in section 14 of Article XIII of the Constitution of this State.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Schottky: Senate Bill No. 928—An act to amend sections 3 and 6 of the Retail Sales Act of 1933, relating to rates and exemptions, and declaring the urgency thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Schottky: Senate Bill No. 929—An act to provide revenue by imposing a State tax upon sales of certain goods, prescribing the method and manner of collecting such tax, providing penalties for the violation of the provisions of this act, and allocating the revenue to be derived therefrom.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Schottky: Senate Bill No. 930—An act to provide revenue by imposing a State tax upon the sale of tobacco products, providing permits for retail dealers, prescribing the method and manner

of levying and collecting such tax, conferring powers and imposing duties on the Franciscan Commissioner, providing penalties for the enforcement of this act and allocating the revenue derived therefrom.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Schottky: Senate Bill No. 931—An act to impose an excise tax upon amusements, fees and club dues and to provide methods and penalties for the enforcement of the tax, and to appropriate the revenue derived therefrom.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Schottky: Senate Bill No. 932—An act to amend section 5 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages, to provide for the licensing of the manufacturers, distributors and sales, to provide a penalty for the violation of this act and to provide that this act shall take effect immediately," approved April 27, 1932, relating to the tax on certain beverages.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McGovern: Senate Bill No. 933—An act to amend sections 213, 288, 473, 489, and 490 and to repeal section 196 thereof and to add a new section to be numbered 19a therein, all relating to punishment for criminals.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator McGovern: Senate Bill No. 934—An act to amend section 288 of the Penal Code, relating to criminals.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Olson: Senate Bill No. 935—An act to amend section 13 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the reinstatement of expired certificates of registration.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Fletcher: Senate Bill No. 936—An act to repeal section 2610 of the Political Code as added by Chapter 292 at the fifteenth session of the Legislature and to add a new section to the Political Code to be numbered section 2610a, relating to a Board of State Harbor Commissioners for the bay of San Diego.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Fletcher: Senate Bill No. 937—An act making an appropriation of \$1,250,000 for flood control work in San Diego County.

Bill read first time, and referred to Committee on Finance.

By Senator Sharkey: Senate Bill No. 938—An act to amend section 3664b of the Political Code, relating to taxation of insurance companies.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Sharkey: Senate Bill No. 939—An act relating to real estate transactions and imposing a tax thereon and providing for the enforcement and collection of the tax, this act to take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Sharkey: Senate Bill No. 940—An act making an appropriation and providing for the expenditure of moneys received by the State from taxes levied specifically for financing unemployment relief.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Olson: Senate Bill No. 941—An act providing for the levy and collection of a graduated tax on landholdings held out of productive use, and providing for the disposition thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Olson: Senate Bill No. 942—An act to amend sections 1, 2, 2½, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18½, 19, 20, 21, 22, and 23, of the Old Age Security Act of the State of California, relating to the protection, welfare and assistance of aged persons and the payment of pensions thereto.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Olson: Senate Bill No. 943—An act to amend the title and sections of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, relating to workmen's compensation.

Bill read first time, and referred to Committee on Insurance.

By Senator Olson: Senate Bill No. 944—An act to amend section 690 of the Code of Civil Procedure, relating to exemptions of property from execution or attachment.

Bill read first time, and referred to Committee on Judiciary.

Recess.

On motion of Senator Rich, at two o'clock and forty minutes p.m., the President of the Senate declared recess until two o'clock and forty-five minutes p.m.

Reconvened.

At two o'clock and forty-five minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Introduction, First Reading and Reference of Bills

By Senator Difani: Senate Bill No. 945—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Difani: Senate Bill No. 946—An act to amend an act entitled "An act establishing certain additional State highways and classifying them as secondary highways," approved March 22, 1933, relating to highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Difani: Senate Bill No. 947—An act to amend section 16x12 of the Weights and Measures Act, relating to the scale of weights and measures.

Bill read first time, and referred to Committee on County Government.

By Senator Difani: Senate Bill No. 948—An act to amend section 2322x12 of the Political Code, relating to the horticultural commissioner.

Bill read first time, and referred to Committee on County Government.

By Senator Difani: Senate Bill No. 949—An act to amend section 737gg of the Political Code, relating to judges salaries.

Bill read first time, and referred to Committee on County Government.

By Senator Difani: Senate Bill No. 950—An act to amend section 9a12 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems,"' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, relating to the county librarian.

Bill read first time, and referred to Committee on County Government.

By Senator Difani: Senate Bill No. 951—An act to amend section 19x12 of the Juvenile Court Law, relating to the juvenile court officer.

Bill read first time, and referred to Committee on County Government.

By Senator Difani: Senate Bill No. 952—An act to add section 622 to the Streets and Highways Code, establishing an additional secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Difani: Senate Bill No. 953—An act to add a new section to the Vehicle Code to be numbered section 628, relating to dash lamps on motor vehicles and connections therewith.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Difani: Senate Bill No. 954—An act to amend section 4241 of the Political Code, relating to counties of the twelfth class.

Bill read first time, and referred to Committee on County Government.

By Senator Swing: Senate Bill No. 955—An act to amend section 373 of the Political Code, relating to the Department of Natural Resources.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Swing: Senate Bill No. 956—An act to amend section 363b of the Political Code, relating to the California Highway Commission.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Swing: Senate Bill No. 957—An act to amend sections 355 and 470 of the Political Code, relating to the Attorney General.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Swing: Senate Bill No. 958—An act to amend section 376b of the Political Code, relating to the State Board of Prison Directors.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Swing: Senate Bill No. 959—An act to amend section 654 of the Political Code, relating to the Department of Finance.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Swing: Senate Bill No. 960—An act to amend section 656 of the Political Code, relating to the Division of Budgets and Accounts.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Olson: Senate Bill No. 961—An act to amend sections 5, 7, 23 and 24 of the Direct Primary Law, approved June 16, 1913, relating to the filing of candidacy for partisan offices and the powers of county central committees.

Bill read first time, and referred to Committee on Elections.

By Senator Olson: Senate Bill No. 962—An act to amend section 647 of the Penal Code, relating to vagrancy.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Olson: Senate Bill No. 963—An act to amend section 242 of the Code of Civil Procedure, relating to grand jury.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Olson: Senate Bill No. 964—An act to amend section 4307 of the Penal Code by adding thereto a new subsection to be numbered 14, relating to county charges.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Olson: Senate Bill No. 965—An act to amend section 799 of the Penal Code, relating to limitation for prosecution in certain crimes.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Olson: Senate Bill No. 966—An act to amend sections 894, 925, 927 and 928 of the Penal Code, to repeal section 894 of the Penal Code and to add a new section to be numbered 896 and a new section to be numbered 942, all relating to grand jury.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Olson: Senate Bill No. 967—An act to amend sections 3817c, 3817d and 3897 of the Political Code and to add to said code new sections numbered 3817b2, 3817a2, 3817f, 3817g, 3817h and 3817i, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemptions and tax sales, and declaring the urgency thereof, to take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Keough: Senate Bill No. 968—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 969—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 970—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 971—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 972—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 973—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 974—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 975—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 976—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 977—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 978—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 979—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 980—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 981—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Keough: Senate Bill No. 982—An act to amend the "State Civil Service Act."

Bill read first time, and referred to Committee on Civil Service.

By Senator Schottky: Senate Bill No. 983—An act to amend the title and sections 1 and 5 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," approved April 27, 1933, extending the provisions thereof to cover all intoxicating liquors, and relating to the rate of tax.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators Scollan and Slater: Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts.

Bill read first time, and referred to Committee on Universities and Teachers Colleges.

By Senator Jespersen: Senate Bill No. 985—An act relating to the purchase of bonds which are in default, and actions by the purchaser for the foreclosure, collection, or enforcement of such bonds, and limit-

ing the amount of judgments rendered in an action relating to such bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Jespersen: Senate Bill No. 986.—An act to authorize the Department of Public Works to construct and maintain freeways, defining freeways, authorizing the cooperation of said department with any political subdivisions of the State in constructing freeways, and providing for the acquisition of real property, necessary for the construction thereof or of improvement related thereto.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Sharkey: Senate Bill No. 987.—An act to amend section 4242a of the Political Code, relating to jurors' fees in counties of the thirteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Sharkey: Senate Bill No. 988.—An act to amend section 4242 of the Political Code, relating to the compensation of county and township officers in counties of the thirteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Hulse: Senate Bill No. 989.—An act to add section 624 to the Streets and Highways Code, establishing a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hulse: Senate Bill No. 990.—An act to add section 625 to the Streets and Highways Code, establishing a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hulse: Senate Bill No. 991.—An act to add section 626 to the Streets and Highways Code, establishing a secondary State Highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hulse: Senate Bill No. 992.—An act to add section 627 to the Streets and Highways Code, establishing a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Biggar: Senate Bill No. 993.—An act to create a board, designated as California Surplus and Waste Products Authority, for the purpose of preventing waste and conserving and preserving and causing to be utilized all surplus products of the soil of the State, defining their duties and powers, fixing their compensation.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Scollan: Senate Bill No. 994—An act to amend sections 420 and 428 of the Fish and Game Code, relating to sporting, hunting and fishing licenses.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Fletcher: Senate Bill No. 995—An act to amend the "Retail Sales Tax Act" of 1933, approved July 31, 1933, relating to exemption of hospitals from payment of tax.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fletcher: Senate Bill No. 996—An act to amend the "Retail Sales Tax Act," of 1933, approved July 31, 1933, relating to taxes on sales.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Fletcher: Senate Bill No. 997—An act to add section 637 to the Streets and Highways Code, establishing a secondary State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McGuinness: Senate Joint Resolution No. 10—Relative to memorializing the President and Congress to adopt legislation for the employment of jobless citizens in the mining of chromium and tin deposits of the United States.

Referred to Committee on Federal Relations.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 23—An act relating to the relief of debtors and guarantors, and postponing sales under mortgages, deeds of trust, and contracts of purchase of real property, postponing forfeitures and terminations under such contracts of purchase, in certain cases, declaring the urgency thereof, and providing that it shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Report of Committee on Free Conference. Assembly Bill No. 23.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 23—An act relating to the relief of debtors and guarantors, and postponing sales under mortgages, deeds of trust, and contracts of purchase of real property, postponing forfeitures and terminations under such contracts of purchase, in certain cases, declaring the urgency thereof, and providing that it shall take effect immediately—reports that it has met a like committee of the Assembly, consisting of Assemblymen Phillips, Breed, and O'Donnell, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

Strike out the title of the printed bill as amended in Senate January 24, 1935, and insert in lieu thereof the following:

"An act relating to the relief of debtors and guarantors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of

purchase of real property, or continuance of debtors and improvements upon such contracts of purchase, covering the unpaid amount, and providing that it shall take effect immediately.

Amendment No. 2.

Strike out all of pages 6 and 7 of the printed bill, as amended in Senate January 24, 1935, and insert the following:

Sec. 2. Upon the day when and upon the effective date of this law, all real shall be held (a) under any deed of trust upon real property, (b) under any power of sale conferred by a mortgage upon real property, or (c) under any clause in favor of any mortgage or deed of trust upon real property, and the duty of foreclosure of such mortgage or deed of trust upon real property shall be deemed not shall the payment of any installment under a contract of purchase of real property be foreclosed, suspension of payment, and on the date the period of redemption upon any mortgage or deed of trust upon real property expires, and upon which thirty days from and after the effective date of this act, the period of such redemption is extended so as not to expire before the thirty days from and after the effective date of this act.

Sec. 3. At any time within thirty days from and after the effective date of enactment, or within thirty days from and after the expiration of the term of delay under section 20.4 of the Civil Code, but in any event not later than September 1, 1935, the trustee under any deed of trust upon real property, or the mortgagee under any mortgage upon real property, shall determine the amount of such debt as is payable in the several parts of the property in which such real property or the trust property, thereby is situated, paying for the same, comparing the sum of such debt and property under deed of trust or under any power of sale conferred by such mortgage, or A notice of such portion shall be given from the trustee, with the thirty-day notice under deed of trust or under the mortgage under such mortgage, as the case may be, in the manner provided by law for the notice of redemption in such cases, and a notice of payment of such debt to the title company shall be recorded by such party in its entirety of such real property is recorded. Such notice of payment shall state the nature of the payments and the amount of the payments, and the date and place of the records of the county in which the mortgage or deed of trust is recorded.

Upon application of the mortgagee or trustee of such property, or other party entitled to any other party in payment of the sum of the payments, a hearing shall be had thereon within twenty days after such application, and such notice as the court prescribes. After the filing of such petition and the recording of the notice of purchase, provided as provided in this act, no sale shall be had upon such deed of trust or under the power of sale conferred by such mortgage until the court issues its order in the matter. Upon such hearing the court shall decide whether, if it be equitable generally to so order, payment that the sale shall not be held until, or after such date as the court may determine, just and equitable, but in no event later than September 1, 1935. If the court orders the sale postponed it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustee or mortgagee as determined by the court, and shall require the trustee or mortgagee to pay all or at least a reasonable part of such income, rental value, or sum as determined by the court, or to extend the payment of taxes, insurance, interest, or payment of the indebtedness at such times and in such manner determined to be just and equitable under the circumstances.

In no event shall the court order the payment of a lesser sum than that necessary to pay (a) current taxes, (b) all delinquent taxes, except that such taxes may be paid in installments as may be provided by law, and (c) any insurance premiums required to be paid by the debtor under the contract between the parties. The court must include in such order provisions requiring maintenance and repair, regulating the disposition of any income from the property, and such other conditions as it deems just and equitable for the protection of the security.

Sec. 4. In any decree heretofore rendered, since September 1, 1935, concerning a mortgage or deed of trust upon real property, the court may decide that the sum of the property shall not be held until on or after such date as the court may determine just and equitable, but in no event later than September 1, 1935. If the court so decides in such decree that the sale shall not be held until on or after such date as it shall fix, it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustee or mortgagee as determined by the court, and shall require the trustee or mortgagee to pay all or at least a reasonable part of such income, rental value, or sum as determined by the court, or to extend the payment of taxes, insurance, interest, or payment of the indebtedness at such times and in such manner determined to be just and equitable under the circumstances.

In no event shall the court order the payment of a lesser sum than that necessary to pay (a) current taxes, (b) all delinquent taxes, except that such taxes may be paid in installments as may be provided by law, and (c) any insurance premiums required to be paid by the debtor under the contract between the parties. The court must include in such order provisions requiring maintenance and repair, regulating

the disposition of any income from the property, and such other provisions as it deems just and equitable for the protection of the security.

SEC. 4a. Where any mortgage or trust deed upon real property has been foreclosed and the period of redemption has not yet expired, the period of redemption may be extended for such additional time as the court may deem just and equitable, but in no event beyond September 1, 1935; provided that the mortgagor, trustor or owner in possession of said property shall, prior to the expiration of the period of redemption, apply to the superior court having jurisdiction of the matter, on not less than ten days' written notice to the mortgagee or trustee, or the attorney of either, as the case may be, for an order determining the reasonable value of the income on said property, or, if the property has no income, then the reasonable rental value of the property involved in such sale, and directing and requiring such mortgagor, trustor or owner in possession, to pay all or a reasonable part of such income or rental value, in or toward the payment of taxes, insurance, interest, mortgage or trust deed indebtedness at such times and in such manner as shall be fixed and determined and ordered by the court.

In no event shall the court order the payment of a lesser sum than that necessary to pay (a) current taxes, (b) all delinquent taxes, except that such taxes may be paid in installments as may be provided by law, and (c) any insurance premiums required to be paid by the debtor under the contract between the parties.

The court shall thereupon hear said application and after such hearing shall make and file its order directing the payment by such mortgagor, trustor or owner in possession, of such an amount at such times and in such manner as to the court shall, under all the circumstances, appear just and equitable. Provided that upon the service of the notice or demand aforesaid that the running of the period of redemption shall be tolled until the court shall make its order upon such application.

SEC. 5. The purchaser of any real property under any contract of purchase may, at any time within thirty days after the effective date of this act, or at any time prior to the foreclosure, termination, or forfeiture of his interest under such contract, but in no event later than September 1, 1935, file a petition in the superior court of the county in which such real property, or the major portion thereof, is situated for an order postponing the foreclosure, termination, or forfeiture of his interest thereunder. A copy of such petition shall be served upon the vendor, and notice of pendency of such petition shall be recorded, and a hearing shall be held at the same time and in the same manner as is provided in section 3 of this act in respect to petitions in relation to sales under deeds of trust and mortgages conferring a power of sale.

SEC. 6. Upon the petition of any party in interest prior to the time to which the postponement was made, and after notice and hearing as in the case of a petition for postponement, the court may alter or supplement its order or decree of postponement upon the presentation of evidence that the provisions of the order or decree require alteration or supplementing to make them just and reasonable.

If the trustor, mortgagor or purchaser commits waste or defaults in any payment or act required by the order or decree of the court, the court may order that the sale, foreclosure, termination or forfeiture postponed by the original order or decree, proceed as provided by law if it finds after hearing upon such notice to the applicant or his attorney as it prescribes, that there has been such waste or such default, amounting to a material breach of the order or decree of postponement.

SEC. 7. No suit or action shall be commenced against the guarantor of any note secured by a mortgage or deed of trust upon real property in any case while by virtue of any law no sale may be made under any power of sale contained in such mortgage or deed of trust, or while no sale may be made under the final decree of foreclosure rendered in an action to foreclose such mortgage.

SEC. 8. Whenever the time within which an action may be commenced upon any obligation founded upon a written instrument secured by mortgage, deed of trust or contract of purchase of real property, would expire by virtue of section 337 of the Code of Civil Procedure during the period of postponement ordered pursuant to the provisions of this act, such time is hereby extended to the extent of such period of postponement.

SEC. 9. Nothing contained in this act shall apply to or be deemed to affect (a) any mortgage, deed of trust or contract of sale upon real property executed after the effective date of this act, or (b) any mortgage or deed of trust securing the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations or made by public utilities subject to the provisions of the Public Utilities Act.

SEC. 10. As used in this act:

(a) The terms "mortgagor," "mortgagee," "trustor," "trustee," "purchaser," "vendor," and "guarantor," shall include their personal representatives, assigns or successors in interest, and the singular shall include the plural.

(b) The term "trustee" shall also include the beneficiary of a deed of trust.

SEC. 11. Nothing contained in this act precludes any trustor under a deed of trust or any mortgagor under a mortgage or any purchaser under a contract for the purchase of real property from executing and delivering at any time a grant deed

to his beneficiaries, mortgagees are entitled, on the same day, to call the trustees and delivery of any such deed to any such trustee, mortgagee or beneficial third estate, to a trustee of the benefit of all the beneficiaries of this act. The failure by the part of any trustee, mortgagee or beneficiary to file a proceeding within the time specified in this act, shall be deemed a waiver of the benefit of the amendments, any act.

Sec. 12. Any sale of real property, made in whole or in part on mortgage, shall be voidable if the deed is not duly recorded, unless the deed is recorded on or before the expiration of the time of such sale, provided that any action to void such sale or any deed executed pursuant thereto must be brought within one year of the date of such sale.

Sec. 13. There shall be no filing fee for the filing of any document with the county clerk under the provisions of this act.

Sec. 14. If any feature or modification of any act is highly detrimental to the court, to be unconstitutional, such feature or modification shall be voidable, and all other features and modifications shall continue to be in force and effect, it being the intent of the Legislature to make this act as effective as possible, to effect change in the manner herein provided.

Sec. 15. Whenever any provision under this act is to be or is being tested by the court, the interested parties may submit to the court, in writing, a composition of the individuals involved in the proceeding, or a composition and history of the proceeding, and the court shall have jurisdiction and duty to the same extent to approve such composition of settlement.

Sec. 16. This act is hereby declared to be an emergency measure for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall become law when it shall immediately.

The facts constituting the emergency are the danger to the State and to the people involved in the numerous mortgage foreclosures, sales, assignments and terminations which are made in the mortgage market, because of the sale and conversion of property and real property, because of defaults in payments by the mortgagors on purchases of such property. Such defaults are the result of financially depressed economic conditions in this State, which have placed a great proportion of the mortgage and land purchase of mortgage owners in great debt obligations. The danger to the mortgage owners is so serious the maintenance of law and order, and to lead to the preservation of order, persons who have been constituted an important part of the self-governing and democratic, independent people of this State. This act will provide a means for settling such debts, foreclosures, terminations, and collections, as are in mortgage foreclosures and such foreclosures to find means of settling such obligations and at the same time will protect the interests of creditors. The danger mentioned will thus be avoided.

HAYS,
EDWARDS,
WAGY

SENATE COMMITTEE ON FREE CONFERENCE

PHILLIPS,
BRIEF,
O'DONNELL,

Assembly Committee on Free Conference

The question being on the adoption of the report of Committee on Free Conference

The roll was called, and the report of Committee on Free Conference adopted by the following vote:

AYES—Senators Bigger, Carver, David, Deane, David, Edwards, Fisher, Garrison, Gordon, Hays, Hulse, Johnson, Kneass, Kneass, McFarland, Morrison, Ness, Mixer, Olson, Parkman, Pirovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Thoms, Waggy, and Young—22.

NOES—None

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am honored to bring your honorable body that the Assembly on this day adopted the following Assembly resolution:

WHEREAS, Grave doubt has been thrown upon the operation of a Moratorium Law for the benefit of all the citizens of the State in California because the Legislature has previously passed a resolution providing to adjourn on January 26, 1935, at three o'clock in the afternoon and at the same time at one o'clock and thirty minutes of that afternoon the Senate and the Assembly of the Legislature have not agreed upon the type of Moratorium Law to be passed, and in the event the Legislature adjourns without passing a Moratorium Law,

the Governor would be empowered to call an extraordinary session immediately after the Legislature adjourns in the event it should not enact a Moratorium Law; and

WHEREAS, This Assembly is desirous of continuing in session or calling an extraordinary session for this immediate piece of legislation; now, therefore, be it

Resolved by the Assembly of the Legislature of the State of California, His Excellency, the Governor of the State of California, is respectfully requested to call an extraordinary session of the State Legislature to convene immediately after the State Legislature adjourns in the event it should not enact a Moratorium Law; and, be it further

Resolved, That a copy of this resolution be immediately transmitted to the Governor and to the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Referred to Committee on Drainage, Swamp and Overflowed Lands.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 36—Relative to memorializing Congress to enact proposed legislation commonly known as "Universal draft" in time of war.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Joint Resolution No. 36.

Senator Mixter asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 36, without reference to committee, for purpose of adoption.

Assembly Joint Resolution No. 36.

Relative to memorializing Congress to enact proposed legislation commonly known as "Universal draft" in time of war.

WHEREAS, The young men of America were called from their useful occupations during the World War to shoulder arms in the defense of our country and to make the great sacrifice of time, strength, health and even life itself while certain others not required to make these great sacrifices were exploiting our government and our citizens; and

WHEREAS, During this National emergency, profiteering by individuals, firms and corporations who looted the government and gouged our citizens was so prevalent as to become a stain upon our National honor; and

WHEREAS, The munitions committee of the United States Senate has recently disclosed the huge profits made by munition, shipbuilding and other war-time contractors; and

WHEREAS, It is fair and just that every resource of this Nation, in addition to men to bear arms, should be available without private profit or gain for National defense in time of war and that Congress should provide for the conscription of every citizen and all of money, industries, and property of whatsoever nature necessary for the prosecution thereof; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California most respectfully urges and petitions the President of the United States and the Congress of the United States to enact such legislation necessary to accomplish the universal conscription in time of war of the material resources, industrial organizations and services of our Nation which is necessary to the successful termination of such emergency and to the end that all semblances of profit shall be eliminated therefrom; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that such Senators and Members from California be urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 36 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness,

Metzger, Mixer, Olson, Parkison, Partridge, Peters, Reed, Schaeffer, Seelbach, Seelwell, Shockey, Slater, Snider, Switz, Tuckie, Wertz, and Young—*all*
None—None.

Assembly Joint Resolution No. 75 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAIRMAN, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the Assembly Concurrent Resolution No. 23—Relative to the blind.

ARTHUR A. GINNIMUS, CLERK CHIEF.
 By FRED J. DIERCK, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 23

Senator Swing asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 23 without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 23.

Relative to the blind.

WHEREAS, The board of this State have adopted the use of a system work or men to designate those who are blind;

WHEREAS, Municipalities have adopted ordinances requiring tickets to give right of way to blind persons using a white stick or cane;

WHEREAS, There is now pending legislation before the Legislature of this State of California requiring a uniform designation of the use of the WHITE stick or cane by the blind; and

WHEREAS, It is desirable that the number of accidents be reduced to a minimum; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereon concurring, Respectfully request the law enforcement officers of this State to enforce with utmost diligence all ordinances and laws heretofore enacted by municipal and political subdivisions of this State relating to the recognition of the use of the white stick or cane by the blind.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 23 adopted by the following vote:

AYES—Senators Buggar, Cantonham, David, DeLong, Durack, Edmunds, Fletcher, Garrison, Gordon, Hays, Harris, Johnson, Knight, Kinsworth, McQuinn, McGinness, Metzger, Miller, Olson, Parkison, Partridge, Peters, Reed, Schaeffer, Seelbach, Seelwell, Shockey, Slater, Snider, Swing, Tuckie, Wertz, and Young—*all*
None—None.

Assembly Concurrent Resolution No. 23 ordered transmitted to the Assembly.

Report of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAIRMAN, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 73, An act authorizing the Division of Water Resources of the Department of Public Works to prosecute officers or agents of Federal aid and assistance in financing the construction of the Central Valley Project, as such project is authorized and defined in the Central Valley Project Act of 1933, making an appropriation therefor, and declaring the urgency thereof, and providing that this act shall take immediate effect.

Also Senate Bill No. 828—An act relating to rural relief or rehabilitation corporations or agencies, and authorizing persons holding State offices or appointments to participate therein, declaring the urgency of this act and providing that it shall go into immediate effect.

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of January, 1935, at two o'clock and ten minutes p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined Senate Concurrent Resolution No. 16—Approving certain amendments to the charter of the county of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at a special election held in said county for that purpose on the sixth day of November, 1934;

Also: Senate Joint Resolution No. 5—Relative to retirement of Federal employees who have been in the service from 15 to 30 years or more and restoration of pay of said employees as of January 1, 1935.

Also: Senate Bill No. 469—An act to authorize the city of Napa to execute certain conveyances to the United States of America, declaring the urgency thereof, and providing that this act shall take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of January, 1935, at two o'clock and twenty minutes p.m.

METZGER, Chairman.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Gordon: Senate Bill No. 998—An act to add section 315 to the Fish and Game Code, relating to predatory animal control.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Olson: Senate Bill No. 999—An act to amend section 542 of the Code of Civil Procedure relating to attachment of real and personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Olson: Senate Bill No. 1000—An act to amend sections 851 and 852 of "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, relating to officers of municipal corporations of the sixth class and their election.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Pierovich: Senate Bill No. 1001—An act to amend section 368 of the Agricultural Code, relating to the transportation of cattle.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Edwards: Senate Bill No. 1002—An act to amend sections 5, 7, 23, 24 and 25 of the Direct Primary Law relating to candidates.

Bill read first time, and referred to Committee on Elections.

Order to Print.

On motion of Senator Rich, the Secretary was directed to issue an order to print 1000 extra copies of Senate Bill No. 212.

Communication.

Opinion of the Legislative Counsel.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, January 26, 1935.

*Hon. George J. Hatfield, President of the Senate,
Senate Chamber, State Capitol, Sacramento, California.*

SIR: You asked my opinion as to the right of the Senate to recess in view of the following facts.

It appears by a copy of Senate Concurrent Resolution No. 9 certified by the Secretary of State after having been filed in his office at four o'clock p.m., January

24, 1935, that the Senate and Assembly adopted a concurrent resolution to adjourn at three o'clock p.m. on January 26th, to reconvene at seven o'clock a.m. on March 4, 1935.

The concurrent resolution is certified by the appropriate officers of the Senate and of the Assembly as having been adopted by the Senate January 25, 1935, and by the Assembly January 24, 1935.

In no opinion that President (this resolution certified by the officers of the respective houses and filed in the office of the Secretary of State) constitutes conclusive and unimpeachable evidence of the action taken by the respective legislatures, that it is to say that such action constituted by the Senate and the corresponding act of the House above mentioned.

That it has been held that the certified bill shall constitute, approved, enacted and deposited in the office of the Secretary of State as conclusive evidence that it was properly passed. Its validity cannot be questioned by a party of the House in the Journal of the Legislature of State of California, Vol. 100, 1935, (Printing by Johnson, 1400 Van Ness, People's Office, at Cal. App. 411).

The same rule applies when bills have been in a legislative session, a city charter. Neither the Journal of the Senate nor the Assembly is required to introduce the bill of the Legislature (House) nor are members may be required in order to show that it had not been a bill in accordance with the provisions of the form of an act (S. 18-19-20, 1935, Vol. 100, 1935).

The same principle is not certain action in a concurrent resolution for the ending of a recess or for an adjournment.

A resolution or proposed amendment by the Assembly on January 26 of the act of consent taken January 24th and the expiration of adjournment (expiring on the 26th) of the Assembly is to be taken into account in its decision. The same rule applies to the Senate. The committee of the Senate on the subject of the resolution is the subject of Senate Concurrent Resolution No. 10 as amended, enacted and filed.

The fact that the Assembly did, on January 24, 1935, give the consent to the recess would seem clearly to prove that Senate (for in 1935) did. The adjournment upon the passage of the Senate is made as such when it is given in the which is expressed in section 14 of Article IV of the Constitution, to the effect that—

"Neither house shall, without the consent of the other, adjourn for more than three days, nor do any other act than those in which they were so meeting."

In the instant case the certified resolution on the recess of the Secretary of State conclusively and unequivocally shows that the Assembly has given its consent to the adjournment from January 26th to March 4, 1935.

I have at hand no specific authority on this point, but I am of the opinion, that such consent once given, it was bound to the other and no authority be required by one house voting alone.

PRESIDENT of this year was the ruling made by the Speaker of the Assembly on the twenty-second day of January, 1931, when it was held in a session in a session that the time of adjournment be set at the twenty-sixth day of January, 1931, the Speaker ruled that—

"The motion was not in order as the time of adjournment have been fixed by concurrent resolution, adopted by both houses of the Legislative Assembly Journal, 1931, page 2141."

The conclusion seems inevitable that the two houses having consented and mutually consented to the adjournment, the Senate is at liberty to take such action as recess from January 26th to March 4, 1935.

Respectfully submitted,

FRED F. WOOD, Legislative Counsel.

Certification by Secretary of State.

STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, Frank C. Jordan, Secretary of State of the State of California, do hereby certify that I have carefully compared the transcript to which this certificate is attached, with the record on file in my office of which it purports to be a copy, and that the same is a full, true and correct copy thereof. I further certify that this authentication is in due form and by the proper officer.

In witness whereof, I have hereunto set my hand and have caused the Great Seal of the State of California to be affixed hereto this twenty-sixth day of January, 1935.

FRANK C. JORDAN, Secretary of State.
By CHAS. J. HAGERTY, Deputy.

[SEAL]

Senate Concurrent Resolution No. 9.

Adopted in Senate January 21, 1935.

J. A. BEEK, Secretary of the Senate.

Adopted in Assembly January 23, 1935.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly.

This resolution was received by the Governor, this twenty-fourth day of January A. D. 1935, at three thirty-five o'clock p.m.

MARK LEE MEGLADDERY, JR.,

Private Secretary of the Governor.

Chapter 22.

Senate Concurrent Resolution No. 9—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

WHEREAS, Section 2 of Article IV of the Constitution of the State of California requires that, after the Legislature has been in session for a period not exceeding 30 days a recess must be taken by both houses for a period of not less than 30 days; therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the fifty first session of the Legislature of the State of California shall adjourn for said recess at three o'clock p.m. on January 26, 1935, and shall reassemble at eleven o'clock a.m. on March 4, 1935.

Endorsed, and filed in the office of the Secretary of State of the State of California January 24, 1935, at four o'clock p.m.

FRANK C. JORDAN, Secretary of State.

By CHAS. J. HAGERTY, Deputy.

GEO. J. HATFIELD, President of the Senate.

EDWARD CRAIG, Speaker of the Assembly.

FRANK C. JORDAN, Secretary of State.

Attest:

[SEAL]

Resolution of Respect.

Resolution Offered by the Members of the Senate of the State of California in Session January 26, 1935.

WHEREAS, The wife of one of our beloved members, John B. McColl of Redding, California, having this day been called to her reward; and

WHEREAS, Katherine McColl has endeared herself to the members of this body by her patient, kindly and lovable character during this and the fiftieth session of the Legislature; and

WHEREAS, Our colleague, John B. McColl, has sustained a great loss in the passing of his faithful partner; therefore, be it

Resolved. That when this Senate adjourns for the legal recess, that it do so out of loving memory of her whom we shall so greatly miss, and out of our high regard and love for her sorrowing husband and fellow member.

Resolution read and adopted unanimously, by a rising vote of the Senate.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator McGuinness: Senate Bill No. 1003—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator McGuinness: Senate Bill No. 1004—An act to amend sections -- -- -- of the Vehicle Code, relating to registration of motor vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator McGuinness: Senate Bill No. 1005—An act to add a new section to be numbered 677.5 to the Vehicle Code, relating to commercial vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator McColl: Senate Bill No. 1006—An act to add section 257.5 to the Vehicle Code, relating to parking.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senators Metzger, Poretsky, Oliver Powers, and Crittenden: Senate Bill No. 1007—An act to amend the Agricultural Code relating to agriculture.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Message from the Assembly

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2149—An act to amend sections 86, 89, 90 and 94 of the California Irrigation District Act, relating to the inclusion of land in irrigation districts and fixing conditions under which such lands may be included, and the liability of such included lands for the obligations of such irrigation districts, declaring the urgency thereof, the act to take effect immediately.

ARTHUR A. GUINNESS, Chief Clerk.
By FRED L. JOHNSON, Assembly Clerk.

Bill read first time.

Consideration of Assembly Bill No. 2149

Senator Denel asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 2149, without reference to committee, for purpose of passage.

Resolution

The following resolution was offered:

By Senator Denel:

Resolved, That Assembly Bill No. 2149 possesses a sense of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Niggar, Crittenden, Denel, Dillard, Duval, Edwards, Fletcher, Garrison, Hays, Jorgensen, Knecht, Knaflitz, McCracken, McGowan, Metzger, Mixer, Olson, Parkman, Pienovich, Rob. Seelman, Seawell, Sharkey, Slater, Snyder, Swinz, Tickle, Wagy, and Young—29.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 2149.

Second Reading of Assembly Bill No. 2149.

Assembly Bill No. 2149—An act to amend sections 86, 89, 90 and 94 of the California Irrigation District Act, relating to the inclusion of land in irrigation districts and fixing conditions under which such lands may be included, and the liability of such included lands for the obligations of such irrigation districts, declaring the urgency thereof, the act to take effect immediately.

Bill read second time, and ordered to third reading.

Bill read third time.

Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately. The facts constituting such necessity are as follows: Many parcels of land adjoining irrigation districts in this State are without means of irrigation or providing for the means of irrigation or the cost of such irrigation as may be available is so excessive that said lands will remain of little value and the residents on such lands will be unable to raise sufficient foodstuffs either for their own sustenance or the sustenance of their families or for sale in order to purchase other necessities of life for themselves and families and great distress and ill health will be caused and exist by reason thereof unless water can be immediately furnished to such lands at a reasonable cost. That it is impossible under present financial and economic conditions to obtain the necessary money through irrigation district bond issues and the only method of financing is either through loans from the Reconstruction Finance Corporations or other agencies of the United States with limited time to make loans, or through private capital only available for a very short period of time, which can be obtained if such lands are immediately included in the adjoining irrigation districts and under the conditions in this act set forth. That if such lands are not so immediately included in such districts the opportunity so to do will be lost; and such lands and the owners thereof and the residents thereon will suffer great and irreparable injury as hereinabove set forth.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Gordon, Hays, Hulse, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2149 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2149 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 9—Relative to memorializing the Congress of these United States to eliminate the taxation of gasoline by the Federal government.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 9 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 815—An act to amend section 92 of the Agricultural Code, relating to agricultural fairs to declare the urgency thereof and to provide that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 815 ordered to enrollment.

Introduction, First Reading and Reference of Bills—(Resumed)

By Senator McCormack: Senate Bill No. 1008—An act to amend sections 1, 11, and 12 of, to repeal section 10, and to add a new section to be numbered 10, to "The California District Sanitation Commission Act," approved June 19, 1931, relating to irrigation districts.

Bill read first time, and referred to Committee on Irrigation.

By Senator Gordon: Senate Bill No. 1009—An act to amend Article XXXIV of Chapter X, of Title II, of Part IV of the Political Code, relating to counties of the thirty-fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Gordon: Senate Bill No. 1010—An act to amend section 737bb of the Political Code, relating to the salary of the judge in Napa County.

Bill read first time, and referred to Committee on County Government.

By Senator Gordon: Senate Bill No. 1011—An act allowing the county and State to confiscate property of a criminal when convicted of a serious crime.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Reischler: Senate Bill No. 1012—An act to amend sections 204 and 664 of the Penal Code, relating to the punishment of mayhem or attempts to commit mayhem.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reischler: Senate Bill No. 1013—An act to amend sections 286, 288 and 288a of the Penal Code, relating to the punishment of certain sexual offenses.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Metzger: Senate Bill No. 1014—An act to amend section 48 of the Fish and Game Code, relating to fines and forfeitures.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McGovern: Senate Bill No. 1015—An act to add sections 234, 234½, 234½, and 24 to the "California Toll Bridge Authority Act" of 1929, relating to franchises.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Edwards: Senate Bill No. 1016—An act validating the formation, organization and existence of districts formed under the "Orange County Water District Act," approved June 14, 1933.

Bill read first time, and referred to Committee on Judiciary.

By Senator McGuinness: Senate Joint Resolution No. 11—Relative to the disposition of revenues received from the lease of marginal lands in the Tule Lake division of the Klamath Project.

Referred to Committee on Federal Relations.

By Senator McGovern: Senate Bill No. 1017—An act to amend section 3780 of the Political Code relating to taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Sharkey: Senate Bill No. 1018—An act to amend sections 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to funds.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Mixter: Senate Bill No. 1019—An act to add a new section, to be numbered 13, to "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highway, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers, with relation to fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths," approved April 28, 1909, relating to ornamental trees and shrubs and to boards of forestry.

Bill read first time, and referred to Committee on County Government.

By Senator Mixter: Senate Bill No. 1020—An act to amend section 4041.18 of the Political Code, relating to construction of public buildings.

Bill read first time, and referred to Committee on County Government.

By Senator Mixter: Senate Bill No. 1021—An act to amend section 4041.18 of the Political Code, relating to bids.

Bill read first time, and referred to Committee on County Government.

By Senator Mixter: Senate Bill No. 1022—An act to amend section 1326 of the Streets and Highways Code, relating to bids.

Bill read first time, and referred to Committee on County Government.

By Senator Young: Senate Bill No. 1023—An act to amend section 1315 of and to add section 1319.5 to the Fish and Game Code, relating to fur-bearing mammals.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Powers: Senate Bill No. 1024—An act to amend section 1273 and to add sections 1273a, 1273b and 1273c of the Fish and Game Code, relating to deer hunting in district 1 $\frac{1}{2}$.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Pirovich: Senate Bill No. 1025.—An act to add section 3a to the Corporate Securities Act, relating to mining securities.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Pirovich: Senate Bill No. 1026.—An act to amend sections 1271 and 1272 and to repeal sections 1270 and 1271.5 of the Fish and Game Code, relating to deer.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Pirovich: Senate Bill No. 1027.—An act making an appropriation for the clearing and clearing of Ellis Creek.

Bill read first time, and referred to Committee on Finance.

By Senator Pirovich: Senate Bill No. 1028.—An act to amend section 428 of and to add section 428.5 to the Fish and Game Code, relating to license fees.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Pirovich: Senate Bill No. 1029.—An act to provide for a claim against the State in favor of Superior Judge Anthony Cannetti, Jr., of Amador County.

Bill read first time, and referred to Committee on Finance.

By Senator Keough: Senate Bill No. 1030.—An act to amend section 1273 and to repeal section 1274 of the Fish and Game Code, relating to deer.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Keough: Senate Bill No. 1031.—An act to amend section 1177 of the Fish and Game Code, and to add a new section to said code to be numbered 1201.5, relating to sage hens.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Keough: Senate Bill No. 1032.—An act to amend section 1273 and to repeal section 1274 of the Fish and Game Code, relating to deer.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Jespersen: Senate Bill No. 1033.—An act to amend sections ____ of the Fish and Game Code, relating to deer.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Jespersen: Senate Bill No. 1034.—An act to add section 615.4 of the Fish and Game Code, relating to trout.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Jespersen (by request): Senate Bill No. 1035.—An act to amend section 6 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California providing penalties for the violation hereof," approved May 21, 1915, relating to the Board of Dental Examiners for the examining and licensing of persons who have been engaged as apprentices.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Seawell: Senate Bill No. 1036—An act to amend section 4285 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class.

Bill read first time, and referred to Committee on County Government.

By Senator Seawell: Senate Bill No. 1037—An act to amend section 4272 of the Political Code, relating to the compensation of county and township officers in counties of the forty-third class.

Bill read first time, and referred to Committee on County Government.

By Senator Seawell: Senate Bill No. 1038—An act to amend section 1241 of the Code of Civil Procedure, relating to condemnation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Perry: Senate Bill No. 1039—An act to amend sections 626, 627 of, and to add section 662.5 to, the Fish and Game Code, relating to trout and salmon.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Hays: Senate Bill No. 1040—An act to amend section 1510 of the Probate Code, relating to the appointment of guardian.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hays: Senate Bill No. 1041—An act to amend section 372 of the Code of Civil Procedure, relating to the powers of guardian.

Bill read first time, and referred to Committee on Judiciary.

By Senator Seollan: Senate Bill No. 1042—An act to amend section 13 of the "Motor Vehicle Fuel License Tax Act," approved May 29, 1933, relating to the expenditure of funds.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Difani: Senate Bill No. 1043—An act to amend section 403 of the Vehicle Code, relating to the liability for death or injury to guest.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Difani: Senate Bill No. 1044—An act to add a new section to be numbered 1083aa to the Political Code, relating to the place of signing of recall petitions.

Bill read first time, and referred to Committee on Elections.

By Senator Difani: Senate Bill No. 1045—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for, construction, maintenance and improvement of the State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Jepsen: Senate Bill No. 1046—An act to amend section 807 of the Fish and Game Code, relating to *Pisces* codes.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Jepsen: Senate Bill No. 1047—An act to add sections 7935 and 8015a to the Fish and Game Code, relating to fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Biggar: Senate Bill No. 1048—An act to add a new section to be numbered 1196a to the Political Code, relating to ballots.

Bill read first time, and referred to Committee on Elections.

By Senator Biggar: Senate Bill No. 1049—An act to add a new section to the Political Code to be numbered 4020, relating to sheriff's deputies and detectives.

Bill read first time, and referred to Committee on County Government.

By Senator Biggar: Senate Bill No. 1050—An act to amend section 3714 of the Political Code, relating to budgets.

Bill read first time, and referred to Committee on County Government.

By Senator Biggar: Senate Bill No. 1051—An act to amend section 4310 of the Political Code, relating to sheriff's deputies and detectives.

Bill read first time, and referred to Committee on County Government.

By Senator McColl: Senate Bill No. 1052—An act to amend section 5 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor, regulating the handling of such convict labor, providing for payment of compensation to the dependents of such convicts, providing for a forfeiture of such compensation, providing for creation of prisoners' recreation and educational fund, providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison, authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, relating to convict labor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator McColl: Senate Bill No. 1053—An act to add a new section to be numbered 1083aa to the Political Code, relating to the place of signing of recall petitions.

Bill read first time, and referred to Committee on Elections.

By Senator Powers: Senate Bill No. 1054—An act to amend sections 1, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to non-partisan offices.

Bill read first time, and referred to Committee on Elections.

By Senator Rich: Senate Bill No. 1055—An act to appropriate the sum of \$30,000 to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from min-

ing operations and other causes along the Yuba River, and to provide for the manner of expending such appropriation.

Bill read first time, and referred to Committee on Finance.

By Senator Biggar: Senate Bill No. 1056—An act to amend section 12 of an act entitled "An act to provide a Central Bureau for the preservation of Records of Marriage, Births and Deaths, and provide for the registration of all births and deaths, the establishment of registration districts under the superintendent of the State Bureau of Vital Statistics; the issuance of registration of burial and certificates of births and deaths; the appointments of State and local registrars of vital statistics; prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration; and to fix a penalty for the violation of this act; to create the offices of the State and local registrars of vital statistics, provide for the salaries and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended, relating to registration of births.

Bill read first time, and referred to Committee on Governmental Efficiency.

By Senator Reindollar: Senate Bill No. 1057—An act to amend sections 217, 220, and 221 of the Penal Code, and to add sections 220a, 220b and 220c, thereto, relating to assaults with intent to commit certain crimes.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Reindollar: Senate Bill No. 1058—An act to confirm, legalize, ratify, and validate the position of certain elected officers of counties.

Bill read first time, and referred to Committee on County Government.

By Senator Reindollar: Senate Bill No. 1059—An act to amend section 4030 of the Political Code, relating to tenure of certain public officers.

Bill read first time, and referred to Committee on County Government.

By Senator Fletcher: Senate Bill No. 1060—An act to amend sections --- of the Vehicle Code.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Seawell: Senate Bill No. 1061—An act relating to the employment of aliens who are unlawfully in the United States and providing penalties for the violation of this act.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

By Senator Hulse: Senate Bill No. 1062—An act to appropriate the sum of \$5,000 to be used for general operating expense for the forty-fifth annual fair of the State Agricultural Association.

Bill read first time, and referred to Committee on Finance.

By Senator Hulse: Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of dele-

gates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the ratification of the revised constitution to the people and matters incidental thereto, and making an appropriation therefor.

Bill read first time, and referred to Committee on Constitutional Amendments.

By Senator Hulse: Senate Bill No. 1064—An act to add a new section to be numbered section 34 to the "Motor Vehicle Fuel License Tax Act," approved May 10, 1922, as amended, relating to additional tax.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Crittendon: Senate Bill No. 1065—An act to provide for the recognition and enforcement by the State of a Code of Fair Competition in the live stock industry, establishing prices and standards of marketing agreement.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senator Crittendon: Senate Bill No. 1066—An act to add a new chapter to be numbered Chapter 3, enclosing sections 4220 to 4242, inclusive, to Part II, Division IV of the School Code, relating to payments from county school funds for the tuition charges of students of junior college grade attending an institution of learning in the county when there is no junior college.

Bill read first time, and referred to Committee on Education.

By Senator Jepsen: Senate Bill No. 1067—An act to amend section 24 of Chapter 63, Statutes of 1913, entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State Central Committees and county central committees.

Bill read first time, and referred to Committee on Elections.

By Senator McGovern: Senate Bill No. 1068—An act to add section 565 to the Vehicle Code, relating to the establishment of negligence in civil actions.

Bill read first time, and referred to Committee on Motor Vehicles.

By Senator Parkman: Senate Bill No. 1069—An act to amend section 10 of "An act providing for formation, government and operation of harbor districts, the calling and conducting of elections in such districts of harbor commissioners, defining their powers and duties, and

providing for the issuance and disposal of bonds of such harbor districts, and providing for the assessment, levy and collection of taxes for the payment of such bonds and for the ordinary annual expenses of such harbor districts." Approved June 10, 1931, relating to the election of harbor commissioner.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Schottky: Senate Bill No. 1070—An act to amend an act entitled "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, by amending sections 1 and 3 of said act to validate redemptions heretofore made, and declaring the urgency thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Wagy: Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, relating to an institution for women.

Referred to Committee on Prisons and Reformatories.

By Senator Seawell: Senate Bill No. 1071—An act to amend an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved by the Governor, May 26, 1933.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Fletcher: Senate Bill No. 1072—An act to amend Part VII, Chapter II of Division II of the Military Code, approved June 16, 1933, relating to the Naval Militia.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Scollan: Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XIII thereof a new section to be numbered 19c, relating to motor vehicle fuel license taxes.

Referred to Committee on Revenue and Taxation.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, January 26, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 9. Relative to memorializing the Congress of these United States to eliminate the taxation of gasoline by the Federal government;

Also: Senate Bill No. 815—An act to amend section 92 of the Agricultural Code, relating to agricultural fairs, to declare the urgency thereof, and to provide that this act shall take effect immediately;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-sixth day of January, 1935, at two o'clock and forty minutes p.m.

METZGER, Chairman.

Appointment of Delegate by President of the Senate

In accordance with Assembly Joint Resolution No. 24, relative to uniform taxation of petroleum producing property and the refineries of oil producing States requested therein, the President of the Senate announced the appointment of Senator Dural as the member of the Senate to represent the State of California.

Appointment of Special Committee to Officially Represent the Senate of the Fifty-first Legislature at the Funeral Ceremonies of Mrs. Katherine McColl.

The President of the Senate, Hon. George J. Hatfield, announced the appointment of a special committee, consisting of Senators Powers, Pierson and Seawell, to officially attend and represent the Senate at the burial ceremonies of Mrs. Katherine McColl, widow of Senator J. B. McColl of Redding.

Resolution

The following resolution was offered:

By Senator Edwards:

Resolved, That a Committee of Three be appointed by the President of the Senate to notify the Governor that the Senate is ready to adjourn for the constitutional recess, and to ask if he had any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Edwards, adopted.

Appointment by the President

In accordance with the above resolution, Senators Sharkey, Kirk and Crittenden were named by the President as a committee to inform the Governor that the Senate was ready to adjourn for the constitutional recess and to ask if he had any further communications to transmit to the Senate.

Resolution

The following resolution was offered:

By Senator Seawell:

Resolved, That a Committee of Three be appointed to notify the Assembly that the hour of three o'clock p.m., January 26, 1935, has arrived and the Senate is ready to adjourn for the constitutional recess pursuant to the provisions of Senate Concurrent Resolution No. 9, Chapter 22, Statutes of 1935, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Seawell, adopted.

Appointment by the President

In accordance with the above resolution, Senators Olson, Gordon and Fletcher were named by the President as a committee to inform the Assembly that the Senate was ready to adjourn for the constitutional recess and to ask if the Assembly had any further communications to transmit to the Senate.

Approval of Journals.

The Senate Journals of Monday, January 7, 1935; Tuesday, January 8, 1935; Wednesday, January 9, 1935; Thursday, January 10, 1935; Friday, January 11, 1935; Monday, January 14, 1935; Tuesday, January 15, 1935; Wednesday, January 16, 1935; Thursday, January 17, 1935; Friday, January 18, 1935; Monday, January 21, 1935; Tuesday, January 22, 1935; Wednesday, January 23, 1935; Thursday, January 24, 1935; and Friday, January 25, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Message from the Assembly.

At two o'clock and fifty-five minutes p.m., a committee from the Assembly consisting of Messrs. Evans, Donnelly and Murray appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate and was now prepared to adjourn for the constitutional recess.

Report of Committee.

Senator Sharkey as chairman of committee appointed to await upon the Governor and inform him of the readiness of the Senate to adjourn for the constitutional recess, reported that His Excellency had informed the committee that he had no further communications to transmit to the Senate.

Report of Committee.

Senator Olson as chairman of committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the constitutional recess reported that the committee had delivered the message to the Assembly and had been requested by the Assembly to inform the Senate that the Assembly had no further communications to transmit, as they were prepared to adjourn for the constitutional recess.

Approval of the Minutes.

The minutes of this day, Saturday, January 26, 1935, were read, and on motion of Senator Rich, approved as read.

Adjournment.

Thereupon at three o'clock p.m., on motion of Senator Rich, in accordance with the provisions of Senate Concurrent Resolution No. 9, and out of respect to the memory of the late Mrs. Katherine McColl, Lieutenant Governor George J. Hatfield, President of the Senate, declared the Senate adjourned for the constitutional recess to reconvene at eleven o'clock a.m. on Monday, March 4, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,
SACRAMENTO, Monday, March 4, 1935.

Pursuant to Senate Concurrent Resolution No. 9, providing for the reconvening of the Legislature after the constitutional recess, the Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rein-dollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Norman F. Munts.

Leaves of Absence.

Senator Powers was on notice of Senator Perpetua's granted leave of absence for this day.

Communication

The following communication was received, read, ordered printed in the Journal, and referred to the Committee on Finance.

CONCENTRATIONS OF THE LIGANDS IN THE POLYMERIZATION OF VINYL MONOMERS. II. STYRENE POLYMERIZATION WITH STYRENE

W. A. P. 1960. *Is. O. Thompson* 14, 1962.

Hon. George J. Hatfield, Lieutenant Governor of California

В. В. Мухоморов, доктор физ.-математических наук, профессор

DEAR FRIENDS AND COMPANION HAPPYERS: The attention of the anthropological and other members of the California delegation at Washington were called, as I remember last, to the fact that no provision was made made in the California State budget for appropriations for any kind of social work in the Sacramento Division.

[illegible]

The State of California is now making Company B approximately \$170,000,000 for the Central Valley Water Project. This bill will reduce the Federal Chemical Commission while also had charges of the law and increasing the responsibilities needed for the Committee for 2 years to 4 years and increasing income and 1 income has been considerably improved, but it will be better to the extent of the greatest of them are led to believe that California is now considering the most important to the State its share of the State's future. There is no doubt about it.

I, on the other hand, have been in the biological world of *Rhizosolenia* for years. Carter Stubbs and myself, sent in February 1970 to the Governor with reference to this same matter.

Sept. 1901

FRANK H. BUCK

(1997)

WASHINGTON, D. C., February 11, 1967

Hon. Frank F. Merriam, State Capitol, Sacramento, California

We are not, as you are, faced with the difficult question of how to meet the usual appropriations for the State of California and Federal Projects. Facing California's desire, our delegation is seeking the necessary appropriations for the Central Valley Water Project. The Board of State Lands for this purpose has now before the House Flood Control Committee which has just held an earnest four-hour hearing on the problem. The Federal Government is making a liberal contribution to Sacramento's flood control, but the agreement for water rights was nullified. Should our State fail to secure the necessary appropriation, the result would be most unfortunate on the effort to secure further cooperation in this and other projects and particularly in the effort to secure Federal support for the Central Valley Project. Would appreciate prompt attention and early action to avoid untoward reactions here.

FRANK H. BUCK.
CLARENCE F. LEA.
ALBERT F. CARTER.
HENRY E. STUBBS.

Communication

The following communication was received, read, ordered printed in the Journal and referred to the Committee on Oil Industries:

March 4, 1965

To the Honorable George J. Hatfield, Lieutenant Governor,
State Capitol, Sacramento, California.

MR. PRESIDENT OF THE SENATE. As the representative for the State of California to the conference of Governors of the primary producing States, appointed by His Excellency, Honorable Frank F. McLaughlin, Governor of the State of California, under the authority of Senate Joint Resolution No. 7 (Ch. 23, Res. 1935):

I submit to your honorable body this report of the conference which was held at Dallas, Texas, February 15 and 16, 1935.

The conference unanimously adopted an interstate compact to conserve oil and gas as follows:

Article I.

This agreement may become effective within any compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

Article II.

The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

Article III.

Each State bound hereby agrees that within a reasonable time it will enact laws, or if laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

- (a) The operation of any oil well with an inefficient gas-oil ratio.
- (b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas in paying quantities.
- (c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.
- (d) The creation of unnecessary fire hazards.
- (e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.
- (f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

Article IV.

Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted, then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

Article V.

It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

Article VI.

Each State joining herein shall appoint one representative to a commission hereby constituted and designated as The Interstate Oil Compact Commission, the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection. The commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said commission shall organize and adopt suitable rules and regulations for the conduct of its business.

No action shall be taken by the commission except: (1) by the affirmative votes of the majority of the whole number of the compacting States, represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: Such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

Article VII.

No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

Article VIII.

This compact shall expire September 5, 1937. But any State having therein any right after 1931 shall continue with the same.

The representatives of the signatory States upon this agreement is a single original which shall be deposited in the custody of the Department of State of the United States, and a duly certified copy shall be furnished to the Governor of each of the signatory States.

This compact shall remain effective until revised and approved as provided in Article I. Any amending State may become a party thereto by adding its signature to a copy of the compact as so amended and certified.

Done in the City of Dallas, Texas, this seventh day of February, 1935.

E. W. MALLARD

The Governor of the State of Oklahoma

JAMES V. ALBRIGHT

The Governor of the State of Texas

H. L. PATTERSON

The State of California

FRANK VEREY

E. H. WELLS

HUGH WORTH

Hiram W. How

The Governor of New Mexico

The following representatives, assembled as their respective Governor and Legislature the ratification of the foregoing agreement.

JOHN W. OLIVER

The State of Arkansas

RALPH J. PRYOR

E. W. SHAWVEL

J. C. JOHNSON

The State of Kansas

WILLIAM DUFF

The State of Illinois

WARREN M. DOWNING

The State of Colorado

GORDON F. CANNENNAAM

GERARD COTTER

The State of Michigan

The conference also adopted unanimously the following resolutions:

Be It Resolved, That Congress be authorized to provide that any laws heretofore or hereafter enacted under the act of February 25, 1929 (45 Stat. 474), or the act of June 4, 1933 (48 Stat. 812), shall continue in force as long as oil or gas is being produced.

Resolved, By the Governors and representatives of Governors in conference in connection with the proposal of States proposed that we strongly urge upon the President and Congress of the United States to their earliest legislation to establish the procedure providing the payment of immediate compensation of oil produced in violation of the laws, laws, or regulations of any State.

The Legislature of the State of New Mexico ratified the compact and adopted the following bill:

**Twelfth Legislature—State of New Mexico
House Bill No. 229.**

AN ACT RELATIVE AND APPROVING AN INTERSTATE COMPACT IN CONNECTION WITH OIL AND GAS.

WHEREAS, The Legislature of the State of New Mexico by an act approved January 17, 1935, entitled "Authorizing the negotiation of an Interstate Agreement or Compact for the Conservation of Oil and Gas; and the stabilization of the American petroleum source; and granting by emergency" authorizing the Governor of the State of New Mexico to appoint a representative or representatives to meet with representatives to be appointed by other oil-producing States, for the purpose of negotiating and entering into an agreement or compact for the preservation of oil and gas and the stabilization of the American petroleum source; and whereas it is so ordered:

WHEREAS, The representatives of the following oil-producing States, to wit: Oklahoma, Texas, California, New Mexico, Arkansas, Colorado, Illinois, Michigan and Kansas, on the sixteenth day of February, 1935, at the city of Dallas, Texas, signed a compact in accordance with the provisions of said act;

Therefore, Be It Enacted by the Legislature of the State of New Mexico:

SECTION 1. The State of New Mexico does hereby ratify, approve and adopt the compact aforesaid, which is as follows:

An Interstate Compact to Conserve Oil and Gas.

Article I.

This agreement may become effective within any compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

Article II.

The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

Article III.

Each State bound hereby agrees that within a reasonable time it will enact laws, or if laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

- (a) The operation of any oil well with an inefficient gas-oil ratio.
- (b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas in paying quantities.
- (c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.
- (d) The creation of unnecessary fire hazards.
- (e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.
- (f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

Article IV.

Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

Article V.

It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

Article VI.

Each State joining herein shall appoint one representative to a commission hereby constituted and designated as The Interstate Oil Compact Commission, the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection. The commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said commission shall organize and adopt suitable rules and regulations for the conduct of its business.

No action shall be taken by the commission except: (1) by the affirmative votes of the majority of the whole number of the compacting States, represented at any meeting and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

Article VII.

No State by joining herein shall knowingly undertake to any other State, nor shall the power of the treaty herein be any such subject such State to financial responsibility to the state having joining herein.

Article VIII.

This compact shall expire September 1, 1957, and any State having hereto may upon date 1957, agree within, without condition.

The representation of the Governor of the State of New Mexico, in the Department of State of the United States, and a duly authorized state staff to forward to the Governor of State of the signature State.

This compact shall become effective when received and approved as provided in Article I. Any contracting State may transmit a copy hereto by affixing its signature to a counterpart to be correctly duplicated, certified and retained.

Dated by the city of Austin, Texas, this day of February, 1955.

F. W. MARIANO,

The Governor of the State of California.

JAMES Y. ALPHO,

The Governor of the State of Texas.

R. L. PATTERSON,

For the State of California.

FRANK C. KELLY,

For the State of California.

HUGH B. BUCH,

For the State of New Mexico.

The following representatives of the State of New Mexico, and Legislatures the jurisdiction of the foregoing compact:

JOHN W. OLNEY,

For the State of Arkansas.

RALPH J. FRYOR,

For the State of Arkansas.

J. C. JOHNSON,

For the State of Kansas.

WILLIAM HILL,

For the State of Kansas.

WARWICK M. DOWNING,

For the State of Kansas.

GORDON E. VANNEKENAAM,

Gerald C. C. C. C.

For the State of Missouri.

Sec. 2. Notice of the present of said compact shall be given by the Governor of New Mexico to the Governors of Oklahoma, Texas, California, Kansas, Arkansas, Colorado, Michigan and Illinois, and the Department of State of the United States.

Sec. 3. That the Governor of the State of New Mexico be and he hereby is authorized and empowered, for and on behalf of the State of New Mexico, to determine when and if it shall be for the best interests of the State of New Mexico to withdraw from said compact, upon such terms and conditions as provided by the terms thereof, and in event he shall determine that the State should withdraw from said compact he shall have full power and authority to give necessary notice and take any and all other steps necessary to effect the withdrawal of the State of New Mexico from said compact.

Sec. 4. The ratification and approval of said compact by this State shall not be binding or obligatory until it shall have been taken in approval by the Legislatures of any two of the States of Texas, Oklahoma, California and Kansas and by the Congress of the United States.

Sec. 5. That whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico shall have ratified said compact, said Congress shall have given its consent, the Governor of the State of New Mexico shall appoint one representative of the State of New Mexico to the Interstate Oil Compact Commission, whose duty and authority on behalf of the State of New Mexico shall be as provided in said compact.

Sec. 6. That it is necessary for the preservation of the public peace, health and safety of the inhabitants of the State of New Mexico that the provisions of

this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval.

Inasmuch as the compact has already been ratified by the State of New Mexico and will probably be ratified by two of the other States of Kansas, Texas, or Oklahoma within a few days, I urgently recommend that the California Legislature enact legislation ratifying the compact in order that the representative for the State of California to the Interstate Oil Compact Commission may protect the interest of the State of California at the initial meeting of the commission.

I submit for your earnest and early consideration the following draft of an act ratifying the compact.

An act to ratify and approve an interstate compact to conserve oil and gas, signed at Dallas, Texas, February 16, 1935.

The people of the State of California do enact as follows:

SECTION 1. The Legislature of California hereby ratifies and approves that certain agreement or compact designated as an Interstate Compact to Conserve Oil and Gas, signed at Dallas, Texas, on the sixteenth day of February, 1935, by R. L. Patterson, as the representative for California, under authority of and in conformity with the provisions of Senate Joint Resolution No. 7 (Ch. 23, Res. 1935), entitled "Relative to authorizing the Governor to appoint a representative to confer with the representative of other oil producing States and the United States," which said compact is in words and figures as follows:

"An Interstate Compact to Conserve Oil and Gas.

Article I.

This agreement may become effective within any compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

Article II.

The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

Article III.

Each State bound hereby agrees that within a reasonable time it will enact laws, or if laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

- (a) The operation of any oil well with an inefficient gas-oil ratio.
- (b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas in paying quantities.
- (c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.
- (d) The creation of unnecessary fire hazards.
- (e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.
- (f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

Article IV.

Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

Article V.

It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

Article VI.

Each State joining herein shall appoint one representative to a commission hereby constituted and designated as The Interstate Oil Compact

Commission, the title of which will necessarily tend to be more clearly and correctly from time to time with scientific questions, investigations and conclusions as may be demanded for varying degrees of information and the production of physical results of oil and gas, and of such resources as land management, being therefore a valid report on findings and recommendations to the several States and agencies or agencies. The commission shall have power to recommend the construction of the various of the public patterns of the several States within their annual expenditures to produce the maximum efficient primary from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Such commission shall organize and adopt suitable rules and regulations for the conduct of its business.

No notice shall be given to the commission except: (1) by the affirmative action of the majority of the whole number of the participating States, represented at each meeting and (2) by a conccurring vote of a majority in interest of the participating States of said meeting, with interest to be determined as follows: each vote of each State shall be in the decimal proportion based on the ratio of its own average production during the preceding calendar half-year to the total average production of the participating States during said period.

Article VII.

No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State exempt such State to financial responsibility to the other States joining herein.

Article VIII

This compact shall expire September 1, 1937. But any State joining herein may, upon state (1935) date action, withdraw therefrom.

The representatives of the signatory States have signed this agreement in a single medium which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory States.

This compact shall become effective when ratified and approved as provided in Article I. Any oil producing State may become a party hereto by affixing its signature to a counterpart to be similarly drawn, certified and ratified.

Done in the city of Dallas, Texas, this sixteenth day of February, 1935.

E. W. MARLAND

The Governor of the State of Oklahoma

JAMES V. ALBRIGHT

The Governor of the State of Texas

R. L. PATTERSON

For the State of California

FRANK VESLEY

F. H. WELLS

HUGH BURCH

HIRAM M. TOW

For the State of New Mexico

The following representatives recommended to their respective Governors and Legislatures the ratification of the foregoing agreement:

JOHN W. OLNEY

For the State of Arkansas

RALPH J. PRYOR

E. R. SHAWVER

T. C. JOHNSON

For the State of Kansas

WARWICK M. TOWNING

For the State of Colorado

GORDON F. VANNEFANAAM

GERALD COTTER

For the State of Michigan

WILLIAM BELL

For the State of Illinois

Sec. 2. Notice of the approval of said compact shall be given by the Governor of California to the Governors of Oklahoma, Texas, New Mexico, Kansas, Arkansas, Colorado, Michigan, and Illinois, and to the Department of State of the United States.

Sec. 3. That the representative of the State of California to the Interstate Oil Compact Commission be and he hereby is authorized and

empowered for and on behalf of the State of California to determine when and if it shall be to the best interests of the State of California to withdraw from said compact upon 60 days' notice as provided by the terms thereof, and in event he shall determine that the State should withdraw from said compact he shall have full power and authority to give necessary notice and take any and all other steps necessary to effect the withdrawal of the State of California from said compact.

SEC. 4. The ratification and approval of said compact by this State shall not be binding or obligatory until it shall have been likewise approved by the Legislature of any two of the States of Texas, Oklahoma, New Mexico, and Kansas, and by the Congress of the United States.

SEC. 5. That whenever any three of the States of Texas, Oklahoma, California, New Mexico, and Kansas, shall have ratified said compact and Congress shall have given its consent, the Governor of the State of California shall appoint one representative of the State of California to the Interstate Oil Compact Commission, whose duties and authority on behalf of the State of California shall be as provided in said compact.

SEC. 6. The ratification and approval of said compact by this State shall not be binding or obligatory until the Congress of the United States shall make provision for the limitation of importations of petroleum and the productions thereof, including asphalt.

SEC. 7. The ratification and approval of said compact by this State shall not be binding or obligatory until the Congress of the United States shall provide for the control of interstate movements of petroleum produced or withdrawn from storage in violation of the compact or of the laws and valid regulations of the several States and products of such petroleum.

SEC. 8. This act is hereby declared to be an urgency act necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The following is a statement of the facts constituting such urgency.

Since under the provisions of the compact herein ratified, the same becomes effective upon ratification by three of certain States herein mentioned with consent of Congress.

It is necessary for the best interests of this State that the representative to the Interstate Oil Compact Commission be enabled to participate in the deliberations of such commission as soon as said compact becomes effective and binding.

Respectfully submitted.

R. L. PATTERSON.

Communication.

The following communication was received, read, ordered printed in the Journal, and referred to the Committee on Federal Relations:

LOS ANGELES, CALIFORNIA, February 27, 1934.

*Hon. George Hatfield, Lieutenant Governor of California,
Sacramento, California.*

DEAR LIEUTENANT GOVERNOR: Attached is a copy of a memorial addressed to the California Senate and Assembly in reference to the Townsend Plan, which explains itself. It is a request forwarded by over 50,000 voters of Los Angeles County, and will no doubt interest you.

Cordially yours,

EDWARD M. DIGHTON, Chairman Legislative Committee.

(COPY.)

LOS ANGELES, CALIFORNIA, February 27, 1935.

To the Senate of the State of California, Sacramento, California.

At a joint meeting of the officers of all the Townsend Old Age Pension Clubs of Los Angeles County, representing about 50,000 members, held on February 25, 1935, in the city of Los Angeles, it was proposed and unanimously decided that they, through the undersigned committee, go on record in asking your honorable body to make certain changes in the wording of Senate Joint Resolution No. 2—Relative to memorializing the President and Congress to adopt the Townsend Plan relating to old age security.

That resolution states that Congress be memorialized to investigate and enact legislation as proposed under the principles of the Townsend Plan.

The large and influential body of citizens supporting this plan feel justified in asking your honorable body to do more than merely have this plan and its principles investigated, and ask you respectfully to have a more definite stand taken in

reference to that point has been made by the Legislature of other States. We therefore propose the following wording:

That the President and Congress be authorized to suspend and extend legislation as provided by the President Pro tempore sitting in the Senate, if House Resolution No. 1011, known as the McClellan bill. This bill has previously been introduced in Congress at the time the California Senate Resolution No. 2 was enacted, which would require the Senate to suspend the president in the event of that measure.

In the case of such suspension, withdrawal and resumption of the President organization mentioned to you in substance and organization in this measure.

Respectfully yours,

EDWARD M. TIGHE,
HUBERT M. HANL,
MAJ. EDWARD HALL.

Copies sent to Governor McCall, Lieutenant Governor Hall, Speaker of the Legislature.

Communication

The following communication was received, read, ordered printed in the Journal, and referred to the Committee on Motor Vehicles:

SECRETARY OF STATE, SALT LAKE CITY, February 27, 1935.

To the Honorable President of the Senate, State of California,
Sacramento, California.

MY DEAR SEN: The division of the thirty-eighth legislative Assembly of Oregon, now in session, I have the honor to transmit herewith copy of House Joint Resolution No. 9.

Yours very truly,

EARL SNEEL, Secretary of State.

House Joint Resolution No. 9.

To the Honorable Senate and the House of Representatives of the State of California in session assembled.

WHEREAS, Section 10, Oregon Code 1933, as amended by Chapter 118 Oregon Laws, 1931 and Chapter 34, Oregon Laws, 1932, which amend certain sections providing that currently registered foreign license motor vehicles, subject to conditions, may be operated upon the highways of Oregon for transportation of goods or persons, to the extent that if the license of the vehicle owner has expired, like exemptions and privileges are granted, subject to the conditions and licensed under the laws of any other state or territory of Oregon.

WHEREAS, The laws of the State of California make no provision relative motor vehicles, except as to license, and no provision is made in Oregon and under the laws of the State may be operated there or through the State of California in interstate commerce, except that such vehicle is registered under the laws of California, which law operates to the license and license and license and license of every motor vehicle owner of the State and territory of Oregon.

Resolved, that the House of Representatives of the State of California, do hereby certify.

Respectfully petition the legislative Assembly of the State of California at regular session, to enact such amendments to the California vehicle statutes as to improve the operation in interstate commerce, license, the use of State of motor vehicles currently registered under the laws of the State in which the owners of such motor vehicles may reside, be it further.

Resolved, That the Secretary of State be and he is is authorized to transmit a copy of this resolution to the President of the Senate and the Speaker of the House of the legislative Assembly of the State of California.

Adopted by the House February 7, 1935.

JOHN F. COOPER,
Speaker of the House.

Adopted by the Senate February 25, 1935.

HENRY L. CORNETT,
President of the Senate.

Endorsed: House Joint Resolution No. 9. Introduced by Representative Samuel W. F. DRAGER, Chief Clerk.

Filed: February 27, 1935, EARL SNEEL, Secretary of State.

Certificate.

STATE OF OREGON,
Office of the Secretary of State.

I, Earl Snell, Secretary of State of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Resolution No. 9 of the thirty-eighth legislative Assembly, convened in regular session January

14, 1935, with the original thereof filed in the office of the Secretary of State February 27, 1935, and that the same is a full, true and correct transcript therefrom and of the whole thereof, together with all endorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the Capitol at Salem, Oregon, this twenty-seventh day of February, A.D. 1935.

EARL SNEEL, Secretary of State.

[SEAL]

Resolution.

The following resolution was offered:

By Senator Swing:

Resolved, That the President of the Senate appoint a special Committee of Three to notify the Governor that the Senate has reconvened after the constitutional recess, in accordance with Senate Concurrent Resolution No. 9, and is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Stow adopted.

Appointment by the President.

In accordance with the above resolution, Senators Swing, Sharkey, and Mixter were named by the President as a committee to inform the Governor that the Senate had reconvened, and was prepared to transact the business of the State.

Resolution.

The following resolution was offered:

By Senator Stow:

Resolved, That the President of the Senate appoint a special Committee of Three to notify the Assembly that the Senate has reconvened after the constitutional recess, in accordance with Senate Concurrent Resolution No. 9, and is ready to proceed with the business of the State.

Resolution read, and on motion of Senator Stow, adopted.

Appointment by the President.

In accordance with the above resolution, Senators Stow, Tickle, and McColl were named by the President as a committee to inform the Assembly that the Senate had reconvened, and was prepared to transact the business of the State.

Message from the Assembly.

Messrs. Lyon, Evans, and Maloney, a Special Committee from the Assembly, appeared at the bar of the Senate and notified the Senate that the Assembly had reconvened, and was ready to proceed with the business of the State.

Reports of Special Committees.

Senators Swing, Sharkey, and Mixter, the Special Committee appointed to notify the Governor that the Senate had reconvened, and was ready to receive any communication he might desire to make, reported that His Excellency, Governor Frank F. Merriam, had advised the committee that he was pleased to note that the Senate had reconvened, and that he had no communication to present to the Senate at this time.

Senators Stow, Tickle, and McColl, the Special Committee appointed by the President to notify the Assembly that the Senate had reconvened, and was ready to receive any communication the Assembly might make, reported that they had communicated with the Assembly as directed.

Resolution

The following resolution was offered:

By Committee on Commerce and Finance.

Resolved, That the Senate be called to send the following memorial and petition to desire the members upon the present session in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and State Treasurer to certify, printed and numbered as per the accompanying statement due them by law.

Senator	County	Memor.	Total at exp. date
Becker, George M.	Massachusetts	400	\$18.00
Crittenden, Randolph S.	San Francisco	35	4.00
Doel, Charles H.	Butte	150	11.00
Edwards, Edward Joseph	Humboldt	1,000	50.00
Edwards, Weston H.	Yuba	500	20.00
Edwards, Norman T.	Oregon	100	4.00
Flanigan, Ed.	San Diego	1,100	55.00
Garrison, J. C.	San Joaquin	100	8.00
Gordon, Frank I.	Sage	110	5.00
Hays, Ray W.	Plumas	100	10.00
Hulse, Dan	Trinity	1,000	60.00
Jones, Charles N.	San Luis Obispo	500	20.00
Kearney, Karl P.	Idaho	1,000	10.00
King, Charles	Idaho	100	10.00
Knox, W. J.	Alameda	115	8.00
McCall, John E.	Sage	90	17.00
McGowan, Thomas	Sage	100	6.00
McGowan, Warren	San Francisco	100	5.00
McGowan, Henry	San Joaquin	500	25.00
Morgan, D. Jack	Yuba	100	14.00
Morris, Frank M.	Idaho	100	15.00
Olson, Clifford T.	Los Angeles	800	40.00
Parkman, Harry L.	San Mateo	100	15.00
Perry, Harry A.	Humboldt	600	30.00
Porter, A. L.	Alameda	118	5.00
Powers, Harold J.	Madison	800	40.00
Reid, Charles F.	Mariposa	200	15.00
Rich, W. P.	Yuba	100	5.00
Schmitt, Andrew R.	Mariposa	200	10.00
Schmitt, Thomas T.	San Joaquin	100	10.00
Snyder, Harold L.	Plumas	100	5.00
Stewart, Will R.	San Joaquin	100	5.00
Stewart, William W.	San Joaquin	100	5.00
Stewart, Bert E.	San Joaquin	100	10.00
Swain, Robert W.	San Francisco	100	40.00
Swain, Robert E.	San Francisco	1,000	50.00
Tyler, Edward H.	Mariposa	100	5.00
Wagy, J. L.	Kearney	100	5.00
Williams, Dan F.	Trinity	200	10.00
Young, Stephen	San Joaquin	100	5.00

Officers	County	Memor.	Total at exp. date
Hutchins, George J., President	San Francisco	180	\$18.00
Reid, Joseph A., Secretary	Oregon	500	50.00
Nelson, Joseph T.			
Sergeant at Arms	Los Angeles	800	80.00
Dolan, F. E., Minute Clerk	Los Angeles	800	80.00

KING, Chairman.
STOW

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Doel, Edman, Edwards, Flanigan, Garrison, Gordon, Hays, Hulse, Kearney, King, Knox, McCall, McGowan, Metzger, Olson, Parkman, Perry, Porter, Reid, Rich, Schmitt, Stewart, Slater, Snyder, Wagy, Williams, and Young—30.

NOES—None.

Resolution of Respect.

By Senator Young:

Senator Young addressed the Senate respecting the death of Fremont Older, and presented the following resolution:

Mr. President and Members of the Senate.

WHEREAS, It is with deep regret that I call the attention of the members of the Senate to the death yesterday of one who was a friend of many of us, Fremont Older, who passed away unexpectedly from a heart ailment.

His beautiful home in Santa Clara County was the gathering place of literary people and artists from all over the country. It was also the haven and sanctuary for the unfortunate, because Fremont Older practiced in private the doctrines that he preached publicly throughout his long career.

He will be missed not alone by human beings but by his four-footed friends, his beloved dogs who were his constant companions during his leisure hours.

Fremont Older was beloved by many people who did not subscribe to his views, because of his rich human qualities.

With his passing California has lost one of her most picturesque and significant personalities.

Resolved, That when we adjourn today, we do so out of respect for the memory of Fremont Older.

Senators Slater and McGovern seconded the remarks and resolution as presented by Senator Young.

Resolution carried unanimously, by a rising vote of the Senate.

Resolution.

The following resolution was offered:

By Senator Deuel:

Resolved, That the Chairman of the Committee on Contingent Expenses be directed to investigate the advisability of replacing the folding chairs in use at the present time on the floor of the Senate.

Resolution read, and on motion of Senator Deuel, adopted.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$500 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

KING, Chairman.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Picrovich, Rein-dollar, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day reconvened, pursuant to the provisions of Senate Concurrent Resolution No. 9, adopted January 24, 1935, and is ready to proceed with the business of the State, with all officers heretofore elected present, to wit:

Speaker	Wm. E. Fitch
Speaker pro tempore	Hon. John M. McMillan
Chief Clerk	ARTHUR A. OHNIMUS
Members Clerk	Charles H. Eise
Seigneurist Assoc.	Samuel M. Nelson
Chaplain	Rev. John S. Young
Assistant Chief Clerk	Fred J. Desch
	ARTHUR A. OHNIMUS, Chief Clerk
	By Fred J. Desch, Assistant Clerk

Introduction, First Reading and Reference of Bills

BY SENATORS ROCH, DODD, SLATER, OLSON and JUNG, Senate Concurrent Resolution No. 20—Relative to inviting Secretary of Labor Perkins to address a joint session of the Senate and Assembly.

Consideration of Senate Concurrent Resolution No. 20

Senator Roch asked for and was granted unanimous consent for the consideration of Senate Concurrent Resolution No. 20, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 20.

Relative to inviting Secretary of Labor Perkins to address a joint session of the Senate and Assembly.

WHEREAS, The United States Secretary of Labor, Miss Frances Perkins, had been extended an invitation by the Governor of California, Hon. Frank P. Merriam, to visit Sacramento; and

WHEREAS, The Senate and Assembly of the State of California would be honored to have Miss Perkins address them; and

Resolved by the Senate, the Assembly concurring: That an invitation be extended to Secretary of Labor Perkins to address the Senate and Assembly at joint session assembled; and be it further

Resolved: That on the twenty-second day of March, 1935, one or more persons may be present with the Senate and Assembly at such session to hear her in the Assembly Chamber for the purpose of inviting Secretary of Labor Perkins to listening to an address by her.

Resolution read and considered separately engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Rogers, Griffiths, Dodd, Dodd, Dodd, Edwards, Fletcher, Garrison, Gordon, Hays, Hays, Johnson, Keweenaw, Keweenaw, McCall, McGovern, McGovern, McGovern, Miller, Olson, Peterson, Perry, Peterson, Young, Rich, S. Smith, Sullivan, Sharkey, Slater, Slater, Stark, Wagon, Williams, and Young—36.

NOES—None.

Senate Concurrent Resolution No. 20 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day recalled from its Committee on Engraving and Facsimile, Assembly Concurrent Resolution No. 6, and ordered it stricken from the file inasmuch as Assembly Concurrent Resolution No. 18 had superseded it, and had been properly filed with the office of Secretary of State.

Also: That it recalled from its Committee on Engraving and Facsimile Assembly Concurrent Resolution No. 8, and ordered it stricken from the file inasmuch as Assembly Concurrent Resolution No. 22 had superseded it, and had been properly filed with the Secretary of State;

And requests that your honorable body concur in said action.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Message and request ordered held at desk until the next legislative day.

Adjournment.

On motion of Senator Rich, at twelve o'clock m., the President of the Senate declared the Senate adjourned out of respect to the memory of the late Fremont Older, until eleven o'clock a.m., Tuesday, March 5, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Tuesday, March 5, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names.

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McGill, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Paulman, Perry, Pionavich, Roundell, Rich, Schottky, Scollap, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, March 4, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Powers was, on motion of Senator Pionavich, granted leave of absence for this day.

Senator King was, on motion of Senator Seawell, granted leave of absence for this day.

Senator Garrison was, on motion of Senator Jespersen, granted leave of absence for this day.

Privileges of Floor of Senate Extended.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Michael J. Westerfield of Riverside and Washington, D. C.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. W. Campbell, former Governor of Arizona.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Evelyn Bowman Westerfield of El Centro.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2379. An act to authorize the legislative bodies

of countries, cities and towns and resulting in saving the business of the Legislature of the State of California and its various bodies and institutions and the communities thereof and making the most intelligent business a possible choice against the loss of the country, or city or town and savings.

ARTHUR H. S. JOHNSON, State Clerk.
By JOHN J. GIBSON, Assistant Clerk.

Assembly Bill No. 2379 read twice.

Consideration of Assembly Bill No. 2379.

Senator McGovern asked for, and was refused, unanimous consent for the consideration of Assembly Bill No. 2379, without reference to committee, for purpose of passage.

Special Order.

Unanimous consent granted the President ordered that Assembly Bill No. 2379 be made a special order for Wednesday, March 6, 1944, at eleven o'clock and thirty minutes, a.m.

Message from the Assembly

The following message from the Assembly was received and read:

Assembly of California, Sacramento, March 4, 1944.

MR. PRESIDENT: I am pleased to inform your Assembly body that the Assembly on this day adopted Assembly Concurrent Resolution No. 24, Relative to the adjournment of the Legislature out of session for the summer of the 14th President Dana P. Rieke.

ARTHUR A. PRINCE, Chief Clerk.
By JOHN J. GIBSON, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 24

Senator Catterden asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 24, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 24

Relative to the adjournment of the Legislature out of session for the summer of the 14th President Dana P. Rieke.

WHEREAS, DAVID PRINCE has been by the Senate from this society members in activity in the House of David P. Rieke, and

WHEREAS, During his short but active career in the Legislature he has made himself to the hearts of the members of his society and his people, and

WHEREAS, The members of the Legislature were moved by his personal merit and the deepest sorrow of the passing of their venerable colleague, Honorable Dana P. Rieke, now deceased, be it

Resolved by the Assembly of the State of California, the Senate and the members thereof, That when the Legislature adjourns this day it be so adjourned in the memory of the late Honorable Dana P. Rieke, and be it further

Resolved, That the Chief Clerk be and he is hereby empowered to have prepared a suitable memorial resolution, properly engrossed and passed on the floor of the deceased.

Resolution read.

Remarks.

The following remarks were offered by Senator Catterden:

MR. PRESIDENT: Mr. Dana P. Rieke came to the Legislature for the first time last January. No man has more been successful in doing things in such a brief period than did Mr. Rieke. He had a natural ability to do legislative work and rapidly won the confidence and friendship of his colleagues.

Mr. Rieke was an interesting man in his better health and found many opportunities and entered into many new activities. As one from the West coast of the Pacific in Stockton and his friends of parliament of numerous new friends from others and attracted state wide attention. He acted as mayor of the city of Stockton and as such won the respect of all the people. Again, his friends of California were outstanding and different from others. He was an old friend. Being versatile in his activities, he was also a well known newspaper writer. In his activities

he did in a very entertaining way express his philosophy of life through clever but not vicious humor. His writings were not only entertaining but appealed to the heart. Mr. Eicke was outstanding in that he had a splendid knowledge of public affairs, was individualistic in his thought, brave in putting his convictions into print and into action and with it all the welfare of the individual person was his chief concern.

The Legislature has lost an able member.
I move the adoption of this resolution.

Remarks.

The following remarks were offered by Senator Schottky:

MR. PRESIDENT: In rising to second the motion of Senator Crittenden, I desire to say that I knew Dana P. Eicke for a number of years. Senator Crittenden has referred to his ability and his achievements, so I shall not dwell upon them. He was a man whom it was a pleasure to meet and know—a man of high character and genial nature. I never knew a man who was more easy to approach, who was more gentle in his dealings with people, who was more charitable in his attitude toward mankind. Of him it could be truly said that he was full of the "milk of human kindness." In his death, the Legislature of California has lost a man who was, and who, in the years to come, would have continued to be, a wholesome and beneficent influence, one who was the type of man and legislator of whom we could be justly proud.

Senator Crittenden, seconded by Senator Schottky, moved the adoption of Assembly Concurrent Resolution No. 24.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 24 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seclian, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Assembly Concurrent Resolution No. 24 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 25—Relative to the death of Fremont Older.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 25.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 25, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 25. Relative to the death of Fremont Older.

WHEREAS, One of the most beloved, public-spirited, respected, and revered citizens of the State of California has passed to the great beyond. He was for nigh on to half a century a leader of our thought and a champion of good government and of the cause of the underdog. He had no superior in American journalism. He will be missed most by those who knew him best. We refer to our friend and champion, the late lamented citizen, Fremont Older of San Francisco. Therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring. That when the Legislature adjourns this day, it do so out of respect to the memory of the late Honorable Fremont Older; and be it further

Resolved, That the Court Clerk do and he thereunto authorized he thereunto proposed a suitable memorial resolution expressing sympathy and tribute to the family of the deceased.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 25 adopted by the following vote:

AYES—Senators Rigger, Crittenden, Dens, Diferi, David, Ferguson, Frazier, Gorman, Harris, Haines, Johnson, Keough, Kneeland, MacCall, Macomber, Mackenzie, McCallister, Matting, Miller, Olson, Parkman, Pease, Fournelle, Hammond, Jones, Schenck, Smith, Seward, Sutherby, Slater, Suther, Stone, Sullivan, Tabor, Warr, Williams, and Young—47.

NOTES—None.

Assembly Concurrent Resolution No. 25—adoption [transmitted to the Assembly].

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 4, 1935.

MR. PRESIDENT: I am directed to inform your Excellency, that the Assembly on this day adopted Assembly Concurrent Resolution No. 26—Relates to the death of Emma D. Jordan.

ARTHUR A. GUINIM, S. Court Clerk.
By Patrick D. Donohue, Assembly Clerk.

Consideration of Assembly Concurrent Resolution No. 26.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 26, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 26.

Relates to the death of Emma D. Jordan.

WHEREAS, The Honorable Frank C. Jordan has for many years been one of the best loved of our State athletes; and

WHEREAS, There has but lately been some very late meeting the untimely death of the loss, through death of his beloved wife Emma D. Jordan; and

WHEREAS, Emma D. Jordan was beloved not only by her husband and family, but by all who knew her, now residing in it.

Resolved by the Assembly of the State of California, the Senate Manual recommends, That the members of the Legislature of the State of California extend to the family of Emma D. Jordan their deepest sympathy, and that when her absence this day we do so out of respect to her memory, and her family.

Resolved, That this resolution be entered upon the minutes of the Senate and Assembly and that sympathy expressed upon the death of the deceased of her family.

Resolution read.

Remarks.

The following remarks were offered by Senator Slater:

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: It is most appropriate that the Senate pause for a few moments for the purpose of officially recording its note of sympathy and respect for a truly splendid woman.

It is most fitting that the Senate come to the kindly sentiments embodied in the resolution adopted by the Assembly in a tribute to the memory of Mrs. Emma D. Jordan, much loved wife of Secretary of State Frank C. Jordan.

Many of us had enjoyed the privilege of being among those gathered in the very large circle of friends of the one we mourn. Mrs. Jordan was a woman of high ideals and her heart was always turned towards those who needed an appreciative smile and token of friendship. She loved her family as her greatest joy. In her daily walks in life she left shining remembrances which death does not efface. They are imperishably indited upon Memory's Book. Her life story is fragrant with the perfume of good deeds, a linking of earth and Heaven for all those she cherished.

Very sincerely does the Senate participate with the Assembly in a tribute of condolence with him, who in his lonesome hours must now

"Sigh for the touch of the vanished hand,
And the sound of the voice that is still."

In our farewell to Mrs. Jordan, and in recognition of what her life meant in the family circle and the world outside which she enriched by having lived in it, we echo the supplication of the old benedictory: "Eternal rest grant unto her, O Lord, and may perpetual light shine upon her!"

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 26 adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duffin, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rendollar, Rich, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Assembly Concurrent Resolution No. 26 ordered transmitted to the Assembly.

Unfinished Business.

Consideration of Assembly request to the Senate to concur in Assembly action, recalling from Committee on Engrossment and Enrollment, and striking from the file, Assembly Concurrent Resolutions Nos. 6 and 8.

The question being: Shall the Senate concur in Assembly action, recalling from Committee on Engrossment and Enrollment, and striking from the file, Assembly Concurrent Resolutions Nos. 6 and 8?

The roll was called, and Assembly action concurred in by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duffin, Duval, Gordon, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rendollar, Rich, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Keough:

SENATE CHAMBER, SACRAMENTO, March 5, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to repeal section 335 of the Penal Code, relating to the duties of district attorneys, sheriffs, constables and police officers.

Request referred to Committee on Rules.

Consideration of Assembly Joint Resolution No. 13.

Senator Olson asked for, and was refused, unanimous consent for the consideration of Assembly Joint Resolution No. 13, for purpose of adoption.

On request of Senator Olson, Assembly Joint Resolution No. 13 was ordered held over until the next legislative day.

Second Reading of Senate Bill No. 2.

Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the

	<i>Per day 6 days per week</i>
Lillian Veglia, Stenographer.....	\$5 00
Wanda Durkee, Stenographer.....	5 00
Flora Gilliam, Stenographer.....	5 00
Lucile Aldridge, Stenographer.....	5 00
Pauline Cassidy, Stenographer.....	5 00
Patricia Whitman, Stenographer.....	5 00
Louise Biggs, Stenographer.....	5 00
Rosebud Criddle, Stenographer.....	5 00
Isabelle Woodward, Stenographer.....	5 00
Harry Jordan, Bookkeeper to Sergeant-at-Arms (7 days per week)	5 00
R. C. Cross, Jr., Assistant at Desk.....	5 00
Lloyd P. Shipp, Assistant Sergeant-at-Arms.....	5 00
Elmer Larson, Assistant Sergeant-at-Arms.....	5 00
Ray F. Murphy, Assistant Sergeant-at-Arms.....	5 00
Ted Reindollar, Assistant Sergeant-at-Arms.....	5 00
Sabert Keough, Assistant Sergeant-at-Arms.....	5 00
W. P. Staples, Assistant Sergeant-at-Arms.....	5 00
Jack Merrick, Assistant Sergeant-at-Arms.....	5 00
Paul M. Pierce, Assistant Sergeant-at-Arms.....	5 00
Newton E. Moats, Chaplain.....	4 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Appointment by the President of the Senate.

I beg leave to inform you that I have appointed:

	<i>Per day 6 days per week</i>
Edward Difani, Page.....	\$2 50
Felix Moitoret, Page.....	2 50
Bertram Snyder, Page.....	2 50

And respectfully request the consent of the Senate thereto.

GEORGE J. HATFIELD, President of the Senate.

Consent to Appointments.

The question being on the consent of the Senate to the President's appointments.

The roll was called, and the President's appointments consented to, by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Withdrawal from Committee of Senate Concurrent Resolution No. 14.

Senator Scollan moved that Senate Concurrent Resolution No. 14 be withdrawn from Committee on Municipal Corporations, for purpose of adoption.

Motion carried.

Consideration of Senate Concurrent Resolution No. 14.

Senate Concurrent Resolution No. 14—Relative to approving certain amendments to the charter of the city of Sacramento, a municipal corporation of the State of California, voted for and ratified by the

qualified electors of said city at a special municipal election held therein on the seventh day of November, 1931.

Resolution read and considered correctly expressed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 14 adopted by the following vote:

AYES.—Senators Riggat, Crippen, Dyer, Duff, Dorrel, Edwards, Foster, Hays, Hulse, Jepsen, Keough, Knowland, McCall, McCormack, McGovern, McManis, Messer, Milton, Olson, Parkman, Perry, Pomeroy, Reed, Seaton, Sharkey, Seelman, Sewell, Skelton, Slater, Stryker, Swan, Swanz, Tarkie, Wagy, and Williams—35.

NOES.—None.

Senate Concurrent Resolution No. 14 ordered transmitted to the Assembly.

Consideration of Assembly Bill No. 2379

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 2379, hereinafter made a special order of business for the next legislative day, without reference to committee, for purposes of passage.

Assembly Bill No. 2379.—An act to authorize the legislative bodies of counties, cities and cities and counties to attend the sessions of the Legislature of the State of California and to appear before said Legislature and the committees thereof and making the cost incidental thereto a proper charge against the funds of the county, or city or city and county, and declaring the urgency thereof.

Resolution

The following resolution was offered:

By Senator McGovern:

Resolved, That Assembly Bill No. 2379 presents a case of urgency, in that time is used in section 15 of Article IV of the Constitution, and the enactment of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and passed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES.—Senators Riggat, Crippen, Dorrel, Dyer, Dorrel, Edwards, Foster, Hays, Hulse, Jepsen, Keough, Knowland, McCall, McCormack, McGovern, McManis, Messer, Mixer, Olson, Parkman, Perry, Pomeroy, Reed, Seaton, Sharkey, Seelman, Sewell, Skelton, Slater, Stryker, Swan, Swanz, Tarkie, Wagy, and Williams—35.

NOES.—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 2379.

Second Reading of Assembly Bill No. 2379.

Assembly Bill No. 2379.—An act to authorize the legislative bodies of counties, cities and cities and counties to attend the sessions of the Legislature of the State of California and to appear before said Legislature and the committees thereof and making the cost incidental thereto a proper charge against the funds of the county, or city or city and county, and declaring the urgency thereof.

Bill read second time, and ordered to third reading.

Third Reading of Assembly Bill No. 2379.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall therefore go into effect immediately. A statement of facts constituting such necessity is as follows:

Bills are now pending before the Legislature of the State of California that are of vital and of immediate importance to the counties, cities and cities and counties of the State of California. Many of these bills directly concern taxation, revenue, special assessment districts, publicly owned public utilities and other matters of moment to the finances of counties, cities and cities and counties, while others concern the social well-being and welfare of the citizens of the counties, cities and cities and counties. Because of the importance of these bills, it is both equitable and necessary that representatives from the counties, cities and cities and counties be permitted to attend and to appear before the Legislature of this State and before its committees to the end that counties, cities and cities and counties may have the opportunity to be heard on all measures affecting said counties, or cities or cities and counties. Unless this authority is granted immediately and the expense of sending representatives is made a proper charge against the county, or city or city and county, the counties, cities and cities and counties will be precluded from proper representation before the Legislature and its committees. Because of the direct concern of the counties, cities and cities and counties in bills now assigned to committees it is urgently necessary that this bill be acted upon immediately and go into effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Hulse, Jespersen, Keough, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—31.

NOES—None.

Amendment to the Title from the Floor.

During third reading of Assembly Bill No. 2379, the following amendment to the title, offered by Senator McGovern, was read and adopted.

Amendment No. 1.

In line 2 of the title of the printed bill, after the word "counties", insert ", directly, or through a duly authorized representative or representatives,".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2379 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—33.

NOES—None.

Title read and approved, as amended.

Assembly Bill No. 2379 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Senate Bill No. 49.

Senator Scollan moved that Senate Bill No. 49 be withdrawn from Committee on Public Health and Quarantine, and referred to Committee on Agriculture.

Motion carried, and such was the order.

Adjournment.

On motion of Senator Roche at twelve o'clock and forty minutes past, the President of the Senate declared the Senate adjourned until ten o'clock in the morning of the late Assemblyman Dana P. Eide, and Mrs. Emma D. Jordan, wife of Secretary of State Frank C. Jordan, until eleven o'clock a.m., Wednesday, March 6, 1935.

F. E. DALIN, Minute Clerk

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Wednesday, March 6, 1935.

The Senate met at twelve o'clock noon.

Hon. William F. Roche, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Bogan, Critchfield, Finch, Foster, THOMAS, Edwards, Fletcher, Gorman, Hays, Hulse, J. Spencer, Knepp, MacCall, McQuinn, McQuinn, McQuinn, Moore, Olson, Parkerson, Price, Pomeroy, Pomeroy, Hamilton, Rice, Schottky, Seaver, Sewall, Sharkey, Slater, Snyder, Stone, Swing, Tilden, Wagg, and Williams, all.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton F. Meade.

Reading of the Journal

During the reading of the Journal of Tuesday, March 5, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator King was, on motion of Senator Sewall, granted leave of absence for this day.

Senator Young was, on motion of Senator Swing, granted leave of absence for this day.

Senator Knowland was, on motion of Senator Metzger, granted leave of absence for this day.

Privileges of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Beach of San Diego.

On request of Senator Snyder, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge George T. Davis of Rome, New York, former member of the Assembly, New York Legislature.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James J. McEntee of San Francisco.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. C. Brooks of Merced.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. M. Stanley of Berkeley.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following supervisors of Riverside County: J. E. McGregor, chairman; W. C. Moore, E. C. Talbot, Robert Dillon and Ralph Stanfield, County Clerk D. G. Clayton and Deputy County Clerk Gordon Pequegnot of Riverside County.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alfred Elliott, R. B. Oliver, Charles Allumbaugh, E. B. Armstrong, Roscoe Patterson, members of Board of Supervisors of Tulare County, and Miss Gladys Stewart, County Clerk of Tulare County.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2379—An act to authorize the legislative bodies of counties, cities and cities and counties to attend the sessions of the Legislature of the State of California and to appear before said Legislature and the committees thereof and making the cost incidental thereto a proper charge against the funds of the county, or city or city and county, and declaring the urgency thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's veto of Assembly Bill No. 196—An act to amend section 2 of the "Los Angeles County Flood Control Act," approved June 12, 1915, relating to powers of the district, declaring the urgency hereof, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 14—Relative to approving certain amendments to the charter of the city of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1933.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 14 ordered to enrollment.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, March 6, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 147—An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—10; absent—7.

EDWARDS, Chairman.

Senate Bill No. 147 ordered on file for second reading.

Also:

Mr. President: Your Committee on Roads and Highways, to which was referred Senate Bill No. 323—An act relating to public highways, the laying out, construction, improvement, maintenance, administration and control thereof, the allocation and expenditure of moneys appropriated therefor, declaring certain highways, state highways, amending and repealing certain provisions of the Streets and Highways Code and adding certain provisions thereto, and repealing certain acts relating to public highways—has had the same under consideration, and unanimously passed the same back with amendments, and recommends that the amendment be adopted, and the bill be re-referred to this committee.

Committee membership: 11; committee vote: Aye, 10; Absent, 1.

EDWARDIS, Chairman.

Senate Bill No. 323 referred back the second time.

Second Reading of Senate Bill No. 323.

Senate Bill No. 323—An act relating to public highways, the laying out, construction, improvement, maintenance, administration and control thereof, the allocation and expenditure of moneys appropriated therefor, declaring certain highways, state highways, amending and repealing certain provisions of the Streets and Highways Code and adding certain provisions thereto, and repealing certain acts relating to public highways.

Bill read second time.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 323 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, after "purpose", insert the following: "and all highways and all portions of any local highway district in which the State has contributed any moneys prior to the passage of this act."

Amendment No. 2.

On page 2, line 12, of the printed bill, after "purpose", insert the following: ", nor to constitute any proceeding for the establishment or to enforce any local assessment district for such purposes."

Amendment No. 3.

On page 2 of the printed bill, in line 14, strike out "County".

Amendment No. 4.

On page 2, line 24, of the printed bill, after "Sec. 8," insert the following: "All records, maps and other documents relating to county roads in the State of Washington shall be deposited in the department by October 1, 1935."

Amendment No. 5.

On page 3 of the printed bill, between lines 11 and 12, insert the following: "Sec. 123. The department is authorized to negotiate, with but no contract and fix the compensation of such additional employees as are necessary to carry out the additional duties imposed upon it by this act. In making temporary appointments to the positions of rural engineer as provided in section 140 of the Streets and Highways Code, the department shall be limited to those applicants who, on the effective date of this act were carrying the business of assistant or rural engineer of counties in this State. Such temporary appointments of a person to perform labor in any locality shall be made only during seasons when there is need in the county in which such appointment will be required to work a majority of his time, for at least one year immediately prior to the effective date of this act."

Amendment No. 6.

On page 3 of the printed bill, strike out line 38, and the word "imposed", in line 39, and insert in lieu thereof the following: "county which made the commitment".

Amendment No. 7.

On page 4, line 11, of the printed bill, strike out "county", and insert in lieu thereof "local governmental agency".

Amendment No. 8.

On page 5 of the printed bill, between lines 20 and 21, insert the following:

"188. In apportioning the State highway fund money as required by this article, there shall be excluded from the computations of moneys expended any sums contributed by any person or governmental unit to pay any portion of the cost of constructing, improving or maintaining any State highway.

Any biennial balance remaining unexpended to the credit of a particular county group, or to a particular county, shall remain credited thereto."

Amendment No. 9.

On page 5, line 21, of the printed bill, strike out "188", and insert in lieu thereof "189."

Amendment No. 10.

On page 5, line 27, of the printed bill, strike out "189", and insert in lieu thereof "190".

Amendment No. 11.

On page 5, line 34, of the printed bill, strike out "190", and insert in lieu thereof "191".

Amendment No. 12.

On page 5 of the printed bill, strike out line 44, and insert in lieu thereof the following:

"192. For the purpose of section 191 the population in".

Amendment No. 13.

On page 5, line 50, of the printed bill, strike out "192", and insert in lieu thereof "193".

Amendment No. 14.

On page 6, line 4, of the printed bill, strike out "193", and insert in lieu thereof "194".

Amendment No. 15.

On page 6, line 18, of the printed bill, strike out "194", and insert in lieu thereof "195".

Amendment No. 16.

On page 6, line 25, of the printed bill, strike out "195", and insert in lieu thereof "196".

Amendment No. 17.

On page 6, line 29, of the printed bill, strike out "196", and insert in lieu thereof "197".

Amendment No. 18.

On page 6, line 31, of the printed bill, strike out "189 and 190", and insert in lieu thereof "190 and 191".

Amendment No. 19.

On page 6, line 41, of the printed bill, strike out "197", and insert in lieu thereof "198".

Amendment No. 20.

On page 6, line 49, of the printed bill, strike out "198", and insert in lieu thereof "199".

Amendment No. 21.

On page 7 of the printed bill, strike out lines 13 to 20, inclusive.

Amendment No. 22.

On page 7, line 21, of the printed bill, strike out "196", and insert in lieu thereof "197".

Amendment No. 23.

On page 7 of the printed bill, strike out all of lines 31 to 42, inclusive, and insert in lieu thereof the following: "as hereinafter provided. There shall first be set aside for expenditure in or for each county and consolidated city and county the sum of \$5,000 for each quarter of a year. The balance remaining after such sums are set aside shall be apportioned for expenditure in the counties and consolidated cities and counties in the proportion that the number of vehicles registered in each bears to the total number registered in the State."

Amendment No. 24.

On page 7, line 43, of the printed bill, immediately after "203.", insert the following: "Any apportionment of money to a consolidated city and county shall be paid to such city and county at the times herein mentioned."

Amendment No. 25.

On page 7, lines 50 and 51, of the printed bill, strike out: "Such amounts shall be ascertained as follows:".

Amendment No. 26.

On page 8 of the printed bill, strike out lines 1 to 10, inclusive.

Amendment No. 22

On page 8, line 28, of the complaint, which was the "caption", and across out all of lines 29 to 49, inclusive, and insert in the blank the following: "whereas for which money from the State treasury had very be provided to be available under section 205."

Amendment No. 28

On page 9 of the printed bill, paragraph 1(a) is to be amended:

Amendment No. 22

On page 9, line 26, add "8. of the proposed" before "groups" and insert in line 27 the following: "covering the company."

Amendment No. 30.

On page 9 of the printed bill, there are two lines 19 and 20 and insert at foot thereof the following: "All amendments shall be numbered consecutively."

Amendment No. 21

On page 10, line 11, of the printed bill, after the word "and" and before the word "of lines 12 to 17," insert, and hereby to the Board of Education, "the sum of five per cent of the sum apportioned to such county under the provisions of section 208."

Amendment No. 10

On page 10 of the quoted letter, the author said that he had found the following "solution to the above" concerning work requirements:

Amendment No. 22

On page 10, line 4, of the printed text, the word "ground"

Appendix No. 11

On page 10 line 45 of the printed text, where "Sachse" should read "The Sand Therein".

Amendment No. 35.

On page 11, line 2, of the aforesaid bill, strike the words "two every session" and insert in their stead the word "annually".

Amendment No. 36

[illegible]

Amendment No. 37.

*Sec. 27.5. A new section is to be inserted after 27.4 to be headed as follows:

[illegible]

Amendment No. 28

On page 15, line 42 of the printed rule, strike out "700" and insert in lieu thereof "761".

Amendment No. 39.

On page 15 of the printed bill, strike out "pages 47 to 50" and insert

Amendment No. 40.

On page 17 of the printed bill, strike out item 10 and insert in lieu thereof the following: "approved by the commission. The commission may prescribe"

Bill ordered to reprint, and re-referred to Committee on Roads and Highways.

Withdrawal and Re-reference of Senate Bill No. 321.

Senator Biggar moved that Senate Bill No. 321 be withdrawn from Committee on Motor Vehicles, and referred to Committee on Roads and Highways.

Motion carried, and such was the order.

Withdrawal and Re-reference of Senate Bill No. 322.

Senator Biggar moved that Senate Bill No. 322 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Roads and Highways.

Motion carried, and such was the order.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 6, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 489—An act to amend section 1053 of the Penal Code, relating to substitution of judges in criminal actions;

Also: Senate Bill No. 662—An act to add a new section to the Penal Code, to be numbered 597h, relating to cruelty to animals;

Also: Senate Bill No. 765—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

Senate Bills Nos. 489, 662, and 765 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 227—An act prohibiting the use of white canes, except by blind persons, and providing protection against accidents to such persons, and providing penalties for violation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

Senate Bill No. 227 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 319—An act to amend section 1026 of the Penal Code, relating to procedure in a criminal case upon a plea of not guilty by reason of insanity—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent 4.

YOUNG, Chairman.

Senate Bill No. 319 ordered on file for second reading.

Consideration of Assembly Joint Resolution No. 13.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 13, for purpose of adoption.

Amendment from the Floor.

During the consideration of Assembly Joint Resolution No. 13, the following amendment, offered by Senator Swing, was read and adopted:

Amendment No. 1.

On page 2 of the printed measure, after line 3, insert: "Resolve that Congress pass such laws and the Department of State negotiate such contractual relations with foreign countries as shall be necessary to insure the immediate deportation to the countries of nativity of each and every alien as and when he becomes a public charge, and be it further."

Further Consideration Postponed.

On request of Senator Olson, further consideration of Assembly Joint Resolution No. 13 was postponed, and the resolution returned to the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAIRMAN, SENATE CHAMBER, March 5, 1945.

MR. PRESIDENT: Your Committee on Rules, to which was referred the report of Senator Keough, to the effect as follows:

An act to repeal sections 332 of the Penal Code, relating to the duties of district attorneys, sheriffs, constables and police officers.

Has had the same under consideration, and respectfully submits the same back, and recommends: 944 3418 (amended) be adopted.

Committee membership—5; present—zero; Absent—0.

(Signed out).

HUGH CHAMBER
SLAYTER
DIFANI
THURLE
KNOWLAND

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES: Senators Biggs, Crippen, Deuel, Deuel, Deuel, Edwards, Farnham, Gordon, Hawk, Jackson, Keough, Knowlton, MacCall, Matthews, McLaughlin, Metzger, Minter, Olson, Parkinson, Perry, Powers, Renshaw, Rich, Schell, Seidlitz, Snowell, Starnes, Slater, Snyder, Stone, Stone, Tamm, Wager, Williams, and Young—35.

NOES: None.

Introduction, First Reading and Reference of Bills.

By Senator Keough, Senate Bill No. 1073.—An act to repeal sections 335 of the Penal Code, relating to the duties of district attorneys, sheriffs, constables and police officers.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Withdrawal and Re-reference of Senate Bill No. 332.

Senator Swing moved that Senate Bill No. 332 be withdrawn from Committee on Unemployment and referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

Further Consideration of Assembly Joint Resolution No. 13.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 13, for purpose of amendment and adoption.

Amendments from the Floor.

During consideration of Assembly Joint Resolution No. 13, the following amendment, offered by Senator Olson, was read and adopted:

Amendment No. 1.

On page 1 of the printed measure, as amended, strike out all of lines 13, 14, 15, 16, 17, 18, 19, 20 and 21.

Also:

The following amendment, offered by Senator Hulse, was read and adopted:

Amendment No. 1.

On page 2, line 3, of the printed measure, as amended, after "States", insert a comma and the following: "but not in such manner as to affect the employment of labor in the harvesting or preparing for shipment of perishable farm products".

Assembly Joint Resolution No. 13 ordered to reprint, and on file for further consideration.

Senator Schottky in the Chair.

At twelve o'clock and ten minutes p.m., Senator Schottky of the twenty-fourth district was called to the chair.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 2381—An act relating to the transfer and expenditure of moneys for relief of hardship and destitution due to and caused by unemployment, and declaring the urgency hereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2381 read first time.

Consideration of Assembly Bill No. 2381.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 2381, without reference to committee, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 2381 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jepsen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seelam, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NAES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 2381.

Second Reading of Assembly Bill No. 2381.

Assembly Bill No. 2381—An act relating to the transfer and expenditure of moneys for relief of hardship and destitution due to and caused by unemployment, and declaring the urgency hereof.

Bill read second time, and ordered to third reading.

Recess

On motion of Senator Rich, at twelve o'clock and thirty minutes p. m., Senator Schottky, in the chair, declared recess until two o'clock p. m.

Reconvened

At two o'clock p. m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Tuck at the desk.

Third Reading of Assembly Bill No. 2381.

Amendment from the Floor.

During third reading of Assembly Bill No. 2381, the following amendment, offered by Senator McGowan, was read and refused adoption:

Amendment No. 1.

Amend Assembly Bill No. 2381 by adding Senate section 19, to read as follows: "No provision shall be made for the transportation of immigrants which shall be dependent hereon, who have not made a bona fide payment of a premium for no more than three years continuously before the date of such emigration."

Bill read third time.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall go into immediate effect. The laws constituting such necessity are as follows:

There are not sufficient Federal relief funds available to meet current relief needs. Unless this act takes effect immediately, even one additional person in California will receive inadequate relief benefits during the current and ensuing months, and there will be danger of serious unrest. It has been reported that relief operations will have to be suspended during the current month. It is therefore necessary that Federal relief funds be immediately transmitted, and that all be administered in harmony, provided by existing Federal and existing legislative enactments, and to secure maximum Federal cooperation in accordance with understandings and agreements heretofore made.

Urgency clause read.

The question being on the adoption of the urgency clause:

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jaspersen, Keough, McArthur, McGowan, McManis, Morgan, Myers, Olson, Perry, Rich, Schottky, Sefton, Sharkey, Slater, Snyder, Snow, Swing, and Wagy—27.

NOES—None.

The question being on the passage of the bill:

The roll was called, and Assembly Bill No. 2381 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jaspersen, Keough, McArthur, McGowan, McManis, Morgan, Myers, Olson, Perry, Pierovich, Rich, Schottky, Sefton, Sharkey, Slater, Snyder, Snow, Swing, Tickle, and Wagy—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2381 ordered transmitted to the Assembly.

Withdrawal from Committee of Senate Bill. No. 707.

Senator Rich moved that Senate Bill No. 707 be withdrawn from Committee on Finance for purpose of consideration.

Motion carried.

Consideration of Senate Bill No. 707.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 707, for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolved, That Senate Bill No. 707 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jaspersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pirovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagye—31.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 707.

Second Reading of Senate Bill No. 707.

Senate Bill No. 707—An act to empower and authorize the Relief Administrator named in section 10 of Article XVI of the Constitution of California, to reimburse the United States of America and/or relief agencies thereof, from the fund established by said section 10 of Article XVI of the Constitution of California, on account of moneys disbursed for unemployment relief in California.

Bill read second time, considered correctly engrossed, and ordered to third reading.

Third Reading of Senate Bill No. 707.**Amendments from the Floor.**

During third reading of Senate Bill No. 707, the following amendments, offered by Senator Rich, were read and adopted:

Amendment No. 1.

Strike out the title of the printed bill, and insert in lieu thereof the following: "An act relating to the expenditure of moneys in the relief fund created by section 10 of Article XVI of the Constitution, and declaring the urgency hereof."

Amendment No. 2.

On page 1, line 4, of the printed bill, before the word "fund", insert the following: "relief".

Amendment No. 3.

On page 1, line 5, strike out "may be" and strike out all of lines 6 to 11, inclusive, and insert in lieu thereof the following: "direct grants to relief beneficiaries, without making such grants to or through any county, city and county, municipality, district or other political subdivision."

Sec. 2. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are as follows:

It is necessary that this act go into effect immediately in order that the relief plan of this State conform with Federal relief plans and thereby facilitate cooperation with the Federal Government, with respect to relief grants to this State, and the expenditure of Federal relief moneys which together with State moneys will provide aid to meet current relief requirements. This act is also necessary to assure orderly and efficient distribution of aid, to avoid needless and expensive

duplication of relief money in 1935 and appropriations were accordingly before made with the Federal Government, but in 1935 the appropriation of money in the "Relief Fund" prior to July 1, 1935, as required by section 30 of Article XVI of the Constitution.

Bill, as amended, read third time.

Urgency Clause.

Sec. 2. "This act is hereby declared to be of urgent necessity, so that the immediate promulgation of the public laws, death and health, within the meaning of section 1 of Article IV of the Constitution, and that it is necessary that the laws promulgated shall immediately take effect."

It is necessary that this act be taken effect immediately, so that the relief plan of this State conform with Federal relief plans and thereby facilitate cooperation with the Federal Government, with respect to the relief of the State, and the expenditure of Federal relief money which, together with State money, will properly be used to meet current relief requirements. This bill is necessary to secure orderly and efficient distribution of public relief money and property to thousands of individuals in every one of our communities and numerous institutions, such as the Federal Government, and to secure the expenditure of money in the "Relief Fund" prior to July 1, 1935, as required by section 30 of Article XVI of the Constitution.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Rugg, Callahan, Davis, Tilden, Farnsworth, Hulse, Hulse, Jorgensen, Kopp, McCall, McCracken, McLaughlin, Mettger, Mixer, Olson, Perry, Pomeroy, Ross, Schuchler, Snyder, Starnes, Starnes, Snyder, Stow, Swing, Tickle, and Waggoner.

NOES—None.

Minute Clerk F. E. Dain at the Desk.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 707 passed by the following vote:

AYES—Senators Rugg, Callahan, Davis, Tilden, Farnsworth, Hulse, Hulse, Jorgensen, Kopp, McCall, McCracken, McLaughlin, Mettger, Mixer, Olson, Perry, Pomeroy, Ross, Schuchler, Snyder, Starnes, Starnes, Snyder, Stow, Swing, Tickle, and Waggoner.

NOES—None.

Title read and approved.

Senate Bill No. 707 ordered transmitted to the Assembly.

President in the Chair.

At two o'clock and fifty five minutes p.m., Lieutenant Governor George J. Hatfield, President of the Senate, to the chair.

Reports of Standing Committee.

The following reports of standing committees were received and read:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 6, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 248—An act to amend section 10601 of the Political Code relating to office hours.

Also; Senate Bill No. 93—An act to amend section 7 of the "California Nautical School Act," approved June 3, 1929, as amended, relating to the payment by pupils enrolled in the California Nautical School of fees and other charges and the disposition thereof.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

HAYS, Chairman.

Senate Bills Nos. 248 and 93 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 544—An act to amend sections 5 and 6 of an act entitled "An act prescribing certain duties to be performed by the State Controller, State Treasurer and State Board of Examiners," approved February 20, 1872, relating to warrants—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; noes—1; absent—4.

HAYS, Chairman.

Senate Bill No. 544 ordered on file for second reading.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 38—Relative to memorializing the President and Congress to enact House Joint Resolution No. 143, introduced January 30, 1935, authorizing the awarding of distinguished service medals to Tony Siminoff, Oliver F. Reminger and Robert E. Beck, veterans of the Philippine Insurrection.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 38 referred to Committee on Federal Relations.

Adjournment.

On motion of Senator Rich, at three o'clock p.m., the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Thursday, March 7, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, March 7, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pischovich, Powers, Reardon, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, March 6, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence

Senator King was, on motion of Senator Seawell, granted leave of absence for this day.

Senator Garrison was, on motion of Senator Jasparsen, granted leave of absence for this day.

Privilege of Floor of Senate Extended

On request of Senator Sunkes, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. S. C. Wells of Martinez.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to HARRY Richmond, Supervisor of Alameda County, and Sam O'Brien of Highland.

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Will Evans of Berkeley, Mr. and Mrs. Gene Cougle of Paradise, J. S. Cavenary, Supervisor of Mono County, Mrs. Mathewson, County Clerk of Inyo County, and Mr. and Mrs. Charles Brown of Death Valley.

Remarks

The following remarks were offered by Senator Slater:

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: May I be permitted to call the attention of the Senate to the fact that this is the first anniversary of the year—“Bird and Arbor Day” is celebrated in tribute to the great accomplishment brought by Luther Burbank who produced so many great things in flowers, fruits, grains, and trees.

Today “Bird and Arbor Day” is commemorated by the school children of this State by the planting of flowers and trees and by systematic work in home, at the great and good work for making the day is observed in enhancing the attractiveness of school grounds and particularly in making nature in front of homes.

It is well the special observance of this day is continued in its observance in our standing. It symbolizes the great things of nature which have in its passing the essential elements in planting and care necessary to producing the best results. It also points to a continuing usefulness of the life of Luther Burbank, who, though dead, yet speaks to each of us and inspires us to the realization of his desire to increase and carry on the great beneficence of nature.

Not only in this State but in every section of our great country, and beyond the seas in other lands, Mr. Burbank's birthday is commemorated in hundreds of tree plantings and flower pageantry in which millions of children participate.

Resolution.

The following resolution was offered:

By Senator Tinkle:

Resolved, That the following named person be paid the salary provided in the position hereinafter set forth, as provided by law, with the compensation set therein her name, payable weekly, and the Controller is hereby directed to draw warrants in favor of the person for said amount, and the Treasurer is hereby directed to pay the same:

Margaret Mickle, Assistant Journal Clerk

Per day
\$10.00 per week
\$5.00

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duffet, Dyett, Edwards, Fletcher, Gordon, Hays, Hulst, Keough, Knowland, McCall, McChesney, McGowan, McGinness, Metzger, Mixter, Olson, Parkman, Perry, Pennington, Powers, Randall, Rasmussen, Schotky, Seollan, Seawell, Sharkey, Slater, Saylor, Searns, Tinkle, Wagy, Williams, and Young—36.

NOES—None.

**Consideration of Daily File.
Second Reading of Senate Bills.**

Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered held on file.

Senate Bill No. 147—An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 489—An act to amend section 1053 of the Penal Code, relating to substitution of judges in criminal actions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 662—An act to add a new section to the Penal Code to be numbered 597h, relating to cruelty to animals.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 765—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 227—An act prohibiting the use of white canes, except by blind persons, and providing protection against accidents to such persons, and providing penalties for violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 227 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "white", and insert in lieu thereof "certain".

Amendment No. 2.

On page 1, line 2, of the printed bill, strike out "streets", and insert in lieu thereof the following: "any street".

Amendment No. 3.

On page 1, line 3, of the printed bill, after "white" insert the following: "in color".

Amendment No. 4.

On page 1, strike out line 4 of the printed bill, and insert in lieu thereof the following: "white tipped with red".

Amendment No. 5.

On page 1, line 8, of the printed bill, strike out "or predominantly white in color", and insert in lieu thereof the following: "in color, or white tipped with red".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 319—An act to amend section 10729 of the Penal Code, relating to procedure in a criminal case upon a plea of not guilty by reason of insanity.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary of Criminal Law and Procedure, the following amendments to Senate Bill No. 319 were read and adopted:

Amendment No. 1.

On page 1, strike out line 9 of the printed bill, and insert in lieu thereof the following: "Inmate for a period to be fixed by the court in the order committing for observation, examination and study of the mental condition of the defendant."

Amendment No. 2.

On page 1, line 10, of the printed bill, strike out "may"

Amendment No. 3.

On page 1, line 11, of the printed bill, insert after "and", the following: "the superintendent of said State hospital"

Amendment No. 4.

On page 1, line 12, of the printed bill, insert after "and", the following: "the superintendent of said State hospital"

Amendment No. 5.

On page 1, line 13, of the printed bill, insert after "court", the following: "and proceedings as provided in section 1068 of the Penal Code may be had, and in such proceedings a jury may be waived"

Amendment No. 6.

On page 1, line 15, of the printed bill, insert after "guilty", the following: "if it be found by the court or jury that the defendant is insane he shall be committed to a State hospital until the court or jury so recommend to the superintendent of said State hospital to have him released, when he shall be released by the court for trial for the alleged crime"

Amendment No. 7.

On page 2, line 2, of the printed bill, after the word "court", insert "or", and strike out "unless"

Amendment No. 8.

On page 2, line 3, of the printed bill, after the word "has", insert "not".

Amendment No. 9.

On page 2, beginning with line 8, of the printed bill, strike out the following: "remanded to the custody of the county until the county shall have been there determined in the manner provided by law; and county so held shall be the following: "discharged from custody"

Amendment No. 10.

On page 2, line 12, of the printed bill, strike out "until the court which committed"

Amendment No. 11.

On page 2, line 13, of the printed bill, strike out "has, or"

Amendment No. 12.

On page 2, line 15, of the printed bill, after "restored", strike out "In the event such hearing is held"

Amendment No. 13.

On page 2, line 16, of the printed bill, strike out the following: "in the county from which the defendant was committed"

Amendment No. 14.

On page 2, of the printed bill, strike out line 18, and insert in lieu thereof the following: "the county from which the defendant was committed and to the district attorney of the county wherein the defendant is confined. Such hearing to be held in the county"

Amendment No. 15.

On page 2, line 19, of the printed bill, after the word "confined", insert the following: "application for such restoration may be made by the alleged insane person or the superintendent of the hospital where the defendant is confined or an officer of

the Department of Institutions", and, in line 19, strike out all matter after the comma, and the matter in lines 20, 21 and 22, up to the period.

Amendment No. 16.

On page 2, line 28, of the printed bill, insert after "detained", the following: "by order of the Governor of the State of California".

Amendment No. 17.

On page 2, after line 28, of the printed bill, insert a new paragraph to read as follows:

"All laws or parts of laws in conflict with this section are hereby repealed".

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 248—An act to amend section 1030 of the Political Code, relating to office hours.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 248 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after the word "fund", insert the words "and the courts".

Amendment No. 2.

On page 1, line 8, of the printed bill, strike out the figures "8:30", and insert in lieu thereof the figures "9:00".

Amendment No. 3.

On page 1, line 9, of the printed bill, strike out the figures "11:30 a.m.", and insert in lieu thereof the figures "12:00 noon".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 93—An act to amend section 7 of the "California Nautical School Act," approved June 3, 1929, as amended, relating to the payment by pupils enrolled in the California Nautical School of fees and other charges and the disposition thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 93 were read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, strike out the words "is hereby authorized to", and insert in lieu thereof the word "must".

Amendment No. 2.

On page 1, line 12, of the printed bill, strike out the words "not over".

Amendment No. 3.

On page 1, line 15, of the printed bill, strike out the words "not over".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 544—An act to amend sections 5 and 6 of an act entitled "An act prescribing certain duties to be performed by the State Controller, State Treasurer and State Board of Examiners," approved February 20, 1872, relating to warrants.

Bill read second time, ordered to engrossment, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Joint Resolution No. 12 Relative to memorializing the President and Congress to carefully consider the required legislation necessary to give our citizens at least an even break with the aliens within our borders and which will tend to eliminate the unfair competition of alien labor against labor by citizens of the United States.

Re reference of Assembly Joint Resolution No. 12.

On request of Senator Olsen, Assembly Joint Resolution No. 12 was ordered re-referred to Committee on Federal Relations.

Adjournment

On motion of Senator Rich, at twelve o'clock m., the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Friday, March 8, 1935.

F. E. DALIN, Minute Clerk

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, March 8, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Buggar, Crittenden, DeFaz, David, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Kneough, Knowland, McColl, McGowan, McGowan, McGowan, Metzger, Mixer, Olson, Packard, Perry, Peterson, Perkins, Rasmussen, Ross, Scholtz, Seallan, Seawell, Sharkey, Slater, Snyder, Stark, Strong, Tamm, Wagon Williams, and Young. 37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Muns.

Reading of the Journal.

During the reading of the Journal of Thursday, March 7, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator King was, on motion of Senator Seawell, granted leave of absence for this day.

Senator Garrison was, on motion of Senator Jespersen, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Kruger of Brawley, Mrs. Hugh Osborne of El Centro and B. M. Graham, Chairman Board of Supervisors of Imperial County.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William J.

Fitzgerald, Sheriff of San Francisco, and Leo A. Cunningham, attorney-at-law of San Francisco.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Daubacher, Sonora.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. B. Bellatti and R. Hardlen of Coarse Gold.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mary Ross of New York.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter P. Koetitz of Alameda, and E. G. Ryder, Chairman Advisory Board, Alameda Chamber of Commerce.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. R. Fauver of Exeter, Chairman Tulare County Water Commission.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. E. Barker, Editor "Mountain Democrat," Placerville.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 8, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 489—An act to amend section 1053 of the Penal Code, relating to substitution of judges in criminal actions;

Also: Senate Bill No. 544—An act to amend sections 5 and 6 of an act entitled "An act prescribing certain duties to be performed by the State Controller, State Treasurer and State Board of Examiners," approved February 20, 1872, relating to warrants;

Also: Senate Bill No. 662—An act to add a new section to the Penal Code to be numbered 597h, relating to cruelty to animals;

Also: Senate Bill No. 765—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Senate Bills Nos. 489, 544, 662 and 765 ordered on file for third reading.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 93—An act to amend section 7 of the "California Nautical School Act," approved June 3, 1929, as amended, relating to the payment by pupils enrolled in the California Nautical School of fees and other charges and the disposition thereof;

Also: Senate Bill No. 227—An act prohibiting the use of certain canes, except by blind persons, and providing protection against accidents to such persons, and providing penalties for violation thereof;

Also: Senate Bill No. 248—An act to amend section 1030 of the Political Code, relating to office hours;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Senate Bills Nos. 93, 227 and 248 ordered on file for third reading.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, APRIL 5, 1900.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 170, An act to amend a former Code, Chapter 100, relating to and revising the law relating to vehicles and vehicles traffic, and to amend certain several parts of acts entitled laws, and to amend the Code, Chapter 100, and respectfully request the approval and passage of this bill.

Committee membership: 17, committee size: 15, committee type: 1.

[illegible]

Assembly Bill No. 170 ordered on file for second reading.

Appointment by President of the Senate

Communication

The following communication was received on 10 April:

To the Senate of the State of California:

I beg leave to inform you that I have appointed:

For day

George Jenkins, P. 30.

1. *Prunella vulgaris* L.

2000

Said Page to be paid weekly or will pay them composed of my next salary per week, and I respectfully request the consent of the Senate to same.

GEORGE J. HARTFIELD, President of the Society.

Consent to Appointment.

Senator Tickle moved the appointment be confirmed by the Senate.

The question being upon the confirmation of the appointment

The roll was called, and the appointment confirmed by the following vote:

AYES. Senators Buggar, Crenshaw, David, Dill, Hyde, Johnson, Lester, Gordon, Hahn, Hulme, Jepsen, Keough, Knowland, McCall, McCormack, McGinnis, McGuinness, Morgan, Murren, Olson, Perkins, Rapp, Russell, Sargent, Stoddard, Rich, Schlotzky, Skyles, Somers, Stewart, Shriver, Smith, Stein, Sterling, Fiekle, Wagy, and Young. 37

Notes: None

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate Attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of March 8, 1965.

196

Louise Riggs, Stenographer

25

Resolution read, and on motion of Senator Tucke, adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person, he and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, six days per week beginning March 11, 1935, and the Controller is hereby directed to draw his warrants in favor of said person for said amounts, and the Treasurer is hereby directed to pay the same:

Per day

Beth Pleasants, Stenographer.....	\$5 00
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Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness, McGehee.

Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—None.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 2 were read and refused adoption:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out the words "three hundred", and insert in lieu thereof "one hundred thirty-five".

Amendment No. 2.

On page 1, line 2, of the printed bill, strike out the figures "\$300,000", and insert in lieu thereof the figures "\$135,000".

Bill read second time, ordered to engrossment and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 489—An act to amend section 1053 of the Penal Code, relating to substitution of judges in criminal actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 489 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 489 ordered transmitted to the Assembly.

Senate Bill No. 227—An act prohibiting the use of white canes, except by blind persons, and providing protection against accidents to such persons, and providing penalties for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 227 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 227 ordered transmitted to the Assembly.

Senate Bill No. 93—An act to amend section 7 of the "California Nautical School Act," approved June 3, 1929, as amended, relating to the payment by pupils enrolled in the California Nautical School of fees and other charges and the disposition thereof.

Bill read third time.

² The question being on the passage of the bill.

The roll was called, and Senate Roll No. 31 passed by the following vote:

[illegible]

Total cost and approved

Senate Bill No. 34 ordered transmitted to the Assembly.

Reports of Standing Committees

The following reports of standing committees were received and read:

Oct. 11 - 24 - 1919

Received 10 October 2000; accepted 12 November 2000

The President of the College of Education at Richmond, Va., which was refused Senate Bill No. 108. As yet to find a new position, to the extent that it is to be assumed a bill resulting in the establishment of more state normal schools. The state would not support it, and consequently would not have been and consequently would not have been.

1911-1912

Source Bill No. 204 referred on file for second reading.

115.

Mr. Thompson: Now, Committee on Education, to which was referred Senate Bill No. 437. As yet, it cannot mention 437 of the Senate, which, referring to several different things, describing the typical teacher and increasing that. We are not sure what other amendments they had, but they were made unanimously, and therefore reports the same back, and recommends that it be passed.

Quadrilles, including 22, occurring on Area 11 (shown in

11-11-11 11-11-11

Series: Ref. No. 427 entered in file for second copy.

1

Mr. Parsons, Vice-Chancellor in Charge, to which was referred Senate Resolution No. 4, approved by the Senate on the 24th day of January, 1934, relating to the appointment of gifts, donations, bequests and devises to schools and colleges administered by the Director of Education or the Department of Education, and the granting of such gifts, and recommending, as to the same, back and recommending that it be so done.

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JENSEN, Charles.

Senate Bill No. 653 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 245—An act to repeal sections 3284 and 3285 of the School Code, relating to the transfer of public school pupils to nonpublic schools, has had the same under consideration, and its committee reports the same back and recommends that it do pass.

Continuing membership \$5, one-time rate \$15, dues \$4

JENSEN, Charles

Senate Bill No. 245 ordered on the first and second readings.

11-10

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 652—An act to amend sections 4,798 of the School Code, relating to super-

tionments of State funds for public school purposes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.
Committee membership—15; committee vote: Ayes—10; absent—5.

JESPERSEN, Chairman.

Senate Bill No. 652 ordered on file for second reading.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 6, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 177—An act to confirm and validate the boundaries of school districts, high school districts and junior college districts of every kind and class and declaring the urgency thereof;

Also: Senate Bill No. 178—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds;

Also: Senate Bill No. 179—An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class;

Also: Senate Bill No. 180—An act to legalize refunding bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 181—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 182—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 183—An act to validate bonds of flood control districts, including refunding bonds, and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 184—An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations.

Also: Senate Bill No. 186—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 187—An act to validate the organization and existence of municipal improvement districts;

Also: Senate Bill No. 188—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 189—An act to validate the organization and existence of municipal water districts;

Also: Senate Bill No. 190—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 191—An act to validate the organization and existence of water conservation districts;

Also: Senate Bill No. 192—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any joint highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 194—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any acquisition and improvement district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof, and declaring the urgency thereof;

Also: Senate Bill No. 196—An act to validate the organization and existence of acquisition and improvement districts and declaring the urgency thereof;

Also: Senate Bill No. 197—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts;

Also: Senate Bill No. 198—An act to validate the organization and existence of county water districts;

Also: Senate Bill No. 199—An act confirming and validating the formation or organization and existence of irrigation districts, and declaring the urgency thereof;

Also: Senate Bill No. 200.—An act to legalize bonds for school bonds and add or to be revised and add to part thirteen thereof, for such bonds as already been given by a vote of not less than two-thirds of the members of such districts voting upon the question of issuing such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 291.—An act to authorize and providing for the payment of bonds and all bonds hereafter issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Also: Senate Bill No. 300.—An act to legalize numerous bonds hereafter issued or sold or to be issued and sold by said districts, and providing for a levy of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 300.—An act to amend section 532a of the Penal Code, as added by Chapter 70 of the Statutes of 1913, so to contain both of said amendments relating to giving help in the drawing of numbers.

Also: Senate Bill No. 38.—An act to amend section 1881 of the Code of Civil Procedure, relating to privileged communications.

Also: Senate Bill No. 177.—An act to validate the organization and existence of regional park districts.

Also: Senate Bill No. 200.—An act to add sections 780, 781 and 782 in, and to repeal sections 789, 790 and 791 of the Political Code, relating to some of persons. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14. Committee vote: Ayes—14; absent—0.

SWING, Chairman.

The above reported bills ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 176.—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same.

Also: Senate Bill No. 185.—An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

Also: Senate Bill No. 190.—An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 195.—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 32.—An act to amend sections 674 and 675 of the Code of Civil Procedure, relating to the filing and recording of abstracts and judgments of judgments in the office of the county recorder.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14. Committee vote: Ayes—9; absent—5.

SWING, Chairman.

The above reported bills ordered on file for second reading.

On County Government.

SENATE CHAMBER, SACRAMENTO, March 8, 1925.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 450.—An act to amend section 4030 of the Political Code, relating to a vacancy in the board of supervisors of a county.

Also: Senate Bill No. 701.—An act to amend subdivision 19 of section 4237 of the Political Code, relating to grand jurors and their jurors fees and mileage.

Also: Senate Bill No. 739.—An act to amend section 4300b of the Political Code, relating to fees.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9. Committee vote: Ayes—46; absent—3.

HULSE, Chairman.

Senate Bills Nos. 450, 701 and 739 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 685—An act to amend section 274 of the Code of Civil Procedure, relating to the statute of limitations for the recovery of debts act;

Also: Senate Bill No. 47—An act to amend section 16x24 of the Political Code to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof; approved June 12, 1931, relating to taxes of county fire protection districts;

Also: Senate Bill No. 257—An act to amend sections 4120 and 4121 of the Political Code of the State of California, relating to the books, accounts and vouchers in the office of county treasurers and the examination of the books and records and the counting of the money in said office;

Also: Senate Bill No. 282—An act to amend section 16x24 of the Weights and Measures Act, relating to sealers of weights and measures in counties of the twenty-fourth class;

Also: Senate Bill No. 686—An act relating to the redemption and sale of property sold to a county treasurer, as trustee of a reclamation district or of the bond fund, or to a reclamation district for delinquent assessments and installments thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent 4.

HULSE, Chairman.

Senate Bills Nos. 685, 47, 257, 282, and 686 ordered on file for second reading.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 23—An act to amend section 4041.17 of the Political Code, relating to the acquisition of real property by boards of supervisors—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes 1; absent 3.

HULSE, Chairman.

Senate Bill No. 23 ordered on file for second reading.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, March 8, 1935

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 410—An act to amend Chapter 763 Statutes of 1929, approved June 10, 1929 as amended by Chapter 401 Statutes of 1931, approved May 25, 1931 and as amended by Chapter 10, Statutes of 1933, approved January 26, 1933, entitled and known as the "California Toll Bridge Act," by amending the title thereof and by amending sections 2, 9, 11, 14, 16, 20 and 22, and by adding thereto new sections numbered 4, 5, 5a, 5b, 8, 8a, 9, 12, 13, 14, 16; and 16a, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto; and providing that this act become effective immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

EDWARDS, Chairman.

Senate Bill No. 410 ordered on file for second reading.

Announcement by President of the Senate.

Following discussion by the Senate regarding the enforcement of Joint Rule No. 10, with particular reference to the number of printed bills that did not conform to procedure required by said Rule, the President announced that if a point of order was raised in the case of a bill not in conformity therewith, the point of order would be considered as well taken and the bill ordered to reprint.

Request by President of the Senate.

The President requested that amendments presented at the desk for adoption clearly indicate the names of the members of the committee of the Senate proposing such amendments.

Adjournment.

On motion of Senator Hill, at twelve o'clock and thirty minutes, p. m., the President of the Senate declared the Senate adjourned until eleven o'clock a. m., Monday, March 11, 1935.

F. E. DALIN, Minutes Clerk.

IN SENATE.**SENATE CHAMBER.**

SACRAMENTO, Monday, March 11, 1935.

The Senate met at eleven o'clock a. m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Ford at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duxal, Edwards, Fletcher, Gordon, Hays, Hulse, Jorgensen, Kasten, Kierstead, Martin, McCallister, McGinness, McGinness, Miller, Olson, Peterson, Price, Raymond, Pugh, Rasmussen, Ross, Schuchty, Seiler, Seawell, Slater, Slater, Slaughter, Stone, Strong, Tilden, Wagon, Williams, and Young—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain Rev. Newton E. Means.

Reading of the Journal.

During the reading of the Journal of Friday, March 8, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator King was, on motion of Senator Seawell, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. George R. Capan of Santa Rosa.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator James Allen, Orlo Struble, W. M. Davidson, Charles H. Lang, Dr. George C. Kleaver, all of Yreka; and Carl R. O'Connell of Clear Lake, and John Boyle of Medford, Oregon.

On request of Senator Jorgensen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Larry Belger of Los Angeles.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. C. F. Crose of Santa Ana.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fillmore Rowles of Los Gatos.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Walter Scott, attorney at law, of San Francisco, and George G. Calkins of San Francisco.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Professor and Mrs. Carl Plehn of Berkeley.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. A. Javins of Elk Grove.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1232—An act to amend section 573 of the Probate Code of the State of California, relating to actions which may be maintained against executors and administrators.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1232 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 88—An act to amend section 762 of the Political Code, relating to the office hours of clerks of the District Courts of Appeal;

Also: Assembly Bill No. 113—An act to amend section 1822bb of the Code of Civil Procedure, relating to the management, control, and disposal of estates of missing persons;

Also: Assembly Bill No. 120—An act to add a new section to the Code of Civil Procedure to be numbered 2056 relating to motions to strike an answer;

Also: Assembly Bill No. 185—An act to amend section 4300c of the Political Code, relating to recording fees;

Also: Assembly Bill No. 1059—An act to amend section 377 of the Code of Civil Procedure, relating to the maintenance of actions for damages against persons responsible for the death of another.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 88 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 113, 129, 185, and 1059 read first time, and referred to Committee on Judiciary.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment and Enrollment.

SENATE CHAMBER, SACRAMENTO, March 11, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately—and reports that the same has been correctly engrossed,

METZGER, Chairman.
By McCORMACK, Member.

Senate Bill No. 2 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Transportation Department has finished its examination of Senate Bill No. 147—An act to establish a Streets and Highways Commission, to reorganize and redivide the law relating to traffic rules, and all ordinances, resolutions, orders, rules and regulations, and all other laws, orders, rules and regulations, and to report, submit, and adopt, or any number thereof, and reports that the same had been committed to the committee.

METZGER, Chairman.

Senate Bill No. 147 ordered on file.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 652—An act to amend section 4788 of the School Code, relating to appropriations of State funds for public school purposes.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 245—An act to repeal sections 3284 and 3285 of the School Code, relating to the maintenance of high school courses in elementary schools.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 651—An act to add a new section to the School Code to be numbered 2181, relating to the acceptance of gifts, donations, bequests and devises to schools and colleges administered by the Director of Education of the Department of Education.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 427—An act to amend section 4300 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 308—An act to add a new section to the School Code to be numbered 3232, relating to the establishment of junior high schools.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 176—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 176 were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, after the word "district", insert the words "or a part thereof."

Amendment No. 2.

On page 1, line 14, of the printed bill, after the word "district", insert the words "or a part thereof."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 185—An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 185 was read and adopted:

Amendment No. 1.

On page 2, line 17, of the printed bill, strike out the word "it", and insert the word "is".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 193—An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 193 was read and adopted:

Amendment No. 1.

On page 2, line 6, of the printed bill, strike out the word "board", and insert in lieu thereof the word "boards".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 195—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 195 was read and adopted:

Amendment No. 1.

On page 2, line 10, of the printed bill, strike out the word "exchange", and insert in lieu thereof the word "exchanged".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 33—An act to amend section 674 and 675 of the Code of Civil Procedure, relating to the filing and recording of abstracts and satisfactions of judgments in the office of the county recorder.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 33 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, strike out lines 23 to 26, inclusive, and insert in lieu thereof the following:

"Whenever an abstract of the judgment has been recorded with the recorder of any county, satisfaction thereof may be made in the manner of an acknowledgment of a conveyance of real property, or by an entry in the margin of the recorder's record, signed by the judgment creditor or assignee or by the attorney,

unless a report of his progress is furnished. Such request is the subject of a resolution to be passed by the Senate.

Bill read second time, ordered to be printed, engrossed, and so for third reading.

Senate Bill No. 177—An act to legalize and regulate the formation of school districts, high school districts and junior college districts of every kind and class and to bring the system thereof.

Amendment from the Floor.

During second reading of Senate Bill No. 177 the following amendment, offered by Senator Sewall, was read and adopted:

Amendment No. 1.

On page 2, line 9, of the printed bill, strike out "length", and insert in lieu thereof the following: "thickness".

Bill read second time, ordered to be printed, engrossed, and so for third reading.

Senate Bill No. 178—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by municipalities and counties where authority for such issuance has already been given by vote of not less than two-thirds of the qualified electors of such municipality or cities and counties voting upon the proposition of borrowing such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds.

Bill read second time, ordered to be printed, engrossed, and so for third reading.

Senate Bill No. 179—An act to establish the organization and existence of school districts, high school districts and junior college districts of every kind and class.

Amendments from the Floor.

During second reading of Senate Bill No. 179, the following amendments, offered by Senator Sewall, were read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, strike out "or".

Amendment No. 2.

On page 1, line 19, of the printed bill, at the end of the line, strike out period, insert the following: ";, respectively".

Bill read second time, ordered to be printed, engrossed, and so for third reading.

Senate Bill No. 180—An act to legalize refunding bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, ordered to be printed, engrossed, and so for third reading.

Senate Bill No. 181—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question

of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 182—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 183—An act to validate bonds of flood control districts, including refunding bonds, and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 184—An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 186—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 187—An act to validate the organization and existence of municipal improvement districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 188—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 189—An act to validate the organization and existence of municipal water districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 190—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water

conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 191—An act to validate the organization and existence of water conservation districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 192—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any port highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 194—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any acquisition and improvement district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof, and directing the urgency thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 196—An act to validate the organization and existence of acquisition and improvement districts and declaring the urgency thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 197—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 198—An act to validate the organization and existence of county water districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 199—An act confirming and validating the formation or organization and existence of irrigation districts and declaring the urgency thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 200—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such port districts voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 201—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 202—An act to legalize revenue bonds heretofore issued or sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 366—An act to renumber section 532a of the Penal Code, as added by Chapter 70 of the Statutes of 1913, to be section 532e of said code, relating to giving lots on the drawing of numbers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 28—An act to amend section 1881 of the Code of Civil Procedure, relating to privileged communications.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 377—An act to validate the organization and existence of regional park districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 330—An act to add sections 762, 763 and 764 to, and to repeal sections 789, 790 and 791 of, the Probate Code, relating to sales of property.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 47—An act to amend section 10 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to taxes of county fire protection districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 257—An act to amend sections 4120 and 4121 of the Political Code of the State of California, relating to the books, accounts and vouchers in the office of county treasurers and the examination of the books and records and the counting of the money in said office.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 282—An act to amend section 1624 of the Weights and Measures Act, relating to scales of weights and measures in counties of the twenty-fourth class.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 686—An act relating to the redemption and sale of property sold to a county treasurer as trustee of a reclamation district or of the bond fund, or to a reclamation district for delinquent assessments and installments thereon.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 685—An act to amend section 274c of the Code of Civil Procedure, relating to photostatic reproductions, and declaring the urgency of this act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 459—An act to amend section 4079 of the Political Code, relating to a vacancy in the board of supervisors of a county.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 459 were read and adopted:

Amendment No. 1.

In line 2 of the title of the printed bill, after the word "county", and before the period, insert the following: "subjected the urgency thereof and providing that this act shall take effect immediately."

Amendment No. 2.

On page 1, line 11, of the printed bill, after the word "board", and before the comma, insert the following: "as provided by law".

Amendment No. 3.

On page 1 of the printed bill, between lines 13 and 14, insert the following: "Sec. 2. This act is hereby declared to be an urgent measure necessary to the immediate preservation of the public peace, health, and safety, within the meaning of section 4 of Article IV of the Constitution, and shall therefore go into immediate effect."

The facts constituting the emergency are as follows: "Because of the failure of a number of the supervisors elected at the last general election to qualify as provided by law, there now exist a number of vacancies on several of the boards of supervisors of the counties of this State. It is necessary that these vacancies be filled by the Governor as soon as possible so that the persons who hold such offices may be appointed and take such action as may be possible therein quickly facilitating the administration of the business of those counties where such vacancies exist."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 701—An act to amend subdivision 19 of section 4237 of the Political Code, relating to grand jurors and trial jurors fees and mileage.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 701 were read and adopted:

Amendment No. 1.

On page 1, line 3, after the word "juror", strike out the word "per", and insert in lieu thereof the following: "for each day's attendance per day \$3.00."

Amendment No. 2.

On page 1, line 5, strike out the word "three", and insert in lieu thereof the word "two".

Amendment No. 3.

On page 1, line 6, strike out the word "fifteen", and insert in lieu thereof the word "ten".

Bill read second time, ordered to reprint, engrossment and on file for third reading.

Senate Bill No. 739—An act to amend section 4300a of the Political Code, relating to fees.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 739 were read and adopted:

Amendment No. 1.

On page 2, line 3, of the printed bill, strike out "of administration, special letters of administration;" and insert in lieu thereof the following: "testamentary or a petition for letters of guardianship".

Amendment No. 2.

On page 2 of the printed bill, strike out lines 46, 47, and 48 and insert in lieu thereof the following: "For issuing a marriage license, one-half to be paid to the county recorder, two dollars, to be collected at the time the notice of intention to marry is filed; provided, that in".

Bill read second time, ordered to reprint, engrossment and on file for third reading.

Senate Bill No. 23—An act to amend section 4041.17 of the Political Code, relating to the acquisition of real property by boards of supervisors.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 410—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401, Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10, Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 2, 9, 11, 14, 16, 20 and 22½, and by adding thereto new sections numbered 4½, 5½, 5¾, 8½, 8¾, 9½, 9¾, 12½, 13½, 16½ and 16¾, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto; and providing that this act become effective immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 410 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the title of the printed bill, after "2", add the following: "6½".

Amendment No. 2.

On page 3, line 46, of the printed bill, after the word "thereto", add a comma and strike out the words: "or may operate the transportation facilities thereon or the additional transportation facilities connecting or coordinated therewith".

Amendment No. 3.

On page 3, line 52, of the printed bill, after the word "and", add the following: "and to issue permits to".

Amendment No. 4.

On page 4, line 5, of the printed bill, after the word "hereinafter", add the following: "also providing that the issuance of any such contract or the granting of any such permit shall not release any such transportation business from the duty of obtaining a certificate of public convenience and necessity from the Interstate Commerce Commission and of complying with the rules and regulations of the Railroad Commission."

Amendment No. 5.

On page 7, line 43, of the printed bill, at the end of section 5 (new), add a subsection reading as follows:

"SEC. 5(a). Nothing in this act shall be construed to cause or authorize:

"SEC. 61. In the event of a bond issue for the acquisition or construction of a toll bridge or bridges or other highway crossing shall be authorized and shall be made or in part and the California Toll Bridge Authority with the approval of the Department of Public Works shall acquire all necessary and appropriate or suitable or suitable lands and bridges or bridges or other highway crossing or any or otherwise to change the alignment or design thereof in order to avoid any or possible hindrance the city or city or cities of traffic, the said California Toll Bridge Authority has been authorized to bridge for the purpose of bridging or crossing any such bridge or bridges or other highway crossing or otherwise of obtaining the approval of bridge shall be given or effect such work or greater facility, provided the same shall be subject to all outstanding bonds thereon issued for the acquisition or construction of such toll bridge or bridges or other highway crossing or otherwise, provided that the same shall be subject to all or by consent of the holders thereof. Such authorized work shall not constitute a debt or obligation of the State or California and shall be known as the California Toll Bridge Authority of the same character and purpose have the same rights as other bonds issued or authorized, provided, however, that the holder of the toll or other bonds shall be relieved from the payment of such toll bridge or bridges or other highway crossing to the payment of outstanding bonds and, as may may be increased, diminished or changed thereby. If the bonds issued for the acquisition or construction of such toll bridge or bridges or other highway crossing or otherwise designed which may be then outstanding and at that time in their being subject to immediate retirement before maturity at the option of the California Toll Bridge Authority, or if the holders consent to the retirement of such bonds, the said work may include in the case of bonds so to be sold the use of proceeds of such bonds in extending said toll bridge or bridges or other highway crossing or otherwise or the design thereof, or payment of bonds issued or otherwise made with them to retire such outstanding bonds amounting to their face, interest and premium, and before any such bonds are retired the California Toll Bridge Authority shall have had duly called the outstanding bonds for redemption by accordance with their terms and conditions or have obtained the consent of the holders thereof to the retirement of such outstanding bonds. Out of the moneys derived from the sale of such new bonds there shall be set aside an amount of money sufficient to retire such outstanding bonds as may be thereafter presented for payment. None of the new authorized issue may be delivered in part or exchange for a like principal amount of outstanding bonds of the original issue of the holders of such outstanding bonds to be so exchanged against them.

All provisions of this act shall apply to any and every bond issued or the issuance of any bonds of such new authorized issue and any bonds issued shall be subject to all the rights and powers of the holders of the bonds which are contained in exchange therefor, except as such rights and powers may be modified by the express terms of the bonds of such new authorized issue or the proceeding authorizing their issuance."

Amendment No. 6.

On page 8, line 11, of the printed bill, at the end of the first full sentence of section 8, add the following: "No part of any transportation business, together with any city or city and county shall be constructed or operated thereon without the approval of the board of supervisors or other legislative body of said city or city and county."

Amendment No. 7.

On page 13, line 9, of the printed bill, strike out the word "vehicles" and add in lieu thereof the following: "vehicles other than railway freight cars".

Amendment No. 8.

On page 13, line 15, of the printed bill, at the end of section 12, delete last sentence and add the following: "or to any bridge or toll across the strait of Oakland and Alameda. The limitations and provisions of this section and of section 12 shall not apply to any ferry authorized or permitted by the California Toll Bridge Authority to be operated and maintained across the waters of the bay

between the City and County of San Francisco and the city of Alameda, and it is further provided that the provisions and limitations of this section and of section 12 shall not prevent the operation of any ferry or other similar means of crossing authorized or permitted by the California Toll Bridge Authority during such period of time as any such toll bridge or other highway crossing is obstructed to traffic because of accident thereto or repair thereof, or is for any reason unable to fully accommodate traffic."

Amendment No. 9.

On page 14 of the printed bill, strike out lines 25 to 52, inclusive, and on page 15 of the printed bill, strike out lines 1 to 18, inclusive, and add the following:

"The California Toll Bridge Authority is hereby authorized and empowered to prescribe the terms and conditions upon which any person, or firm, or group of persons, or private, public or municipal corporation, or any district or political subdivision may transport any person or property over any toll bridge or bridges or other toll highway crossing, and the approaches to each and thereof, acquired or constructed or to be acquired or constructed or in course of construction in accordance with the provisions of this act, or may operate any of the transportation facilities thereon, and no person, or firm or group of persons, or private, public or municipal corporation, or any district or political subdivision shall transport any person or property over any such toll bridge or bridges or other toll highway crossing or the approaches thereto or operate the transportation facilities thereon, unless first authorized or permitted so to do by the California Toll Bridge Authority, and in accordance with such authorization or permission.

The California Toll Bridge Authority is hereby further authorized and empowered to grant permits to and to enter into contracts with steam, electric, bus, railroad and other transportation companies, public or private, and with any municipal or public corporation or public utility district or political subdivision for the use of any such toll bridge or bridges or other toll highway crossing, and for the use of the transportation facilities thereof, upon such terms and conditions as may be mutually agreed upon; provided, however, that prior to the granting of any such permit or the execution of any such contract, the California Toll Bridge Authority shall first determine that such permit or contract is advisable or necessary for the financing of such bridge or bridges or other toll highway crossing or for the proper or necessary or safe use of such bridge or bridges and for the best interests of the State.

The grant of any such permit or the execution of any such contract by the California Toll Bridge Authority shall not be deemed to relieve any such transportation company or corporation, subject to the jurisdiction of the Railroad Commission of the State of California, from the duty of obtaining such certificate of public convenience and necessity for the conduct of a transportation service over any toll bridge or other highway crossing as may by law be required, or from the duty of complying with every lawful order, rule or regulation of the Railroad Commission respecting such transportation service.

The California Toll Bridge Authority may permit in any such contract or permit, if it shall deem the same advisable or necessary, of the use by the transportation company or corporation or district or subdivision providing transportation, of the transportation facilities of the California Toll Bridge Authority upon such terms and in such manner as the California Toll Bridge Authority shall deem proper, without restriction thereof to the toll bridge or bridges or other highway crossing to which said transportation facilities relate, provided that such use shall be for or in aid of the transportation of persons or property over such bridge or bridges or other highway crossing or the approaches thereto."

Senate Bill No. 410 ordered to reprint, and re-referred to Committee on Roads and Highways.

Third Reading of Senate Bills.

Senate Bill No. 147—An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 147:

THE UNIVERSITY OF CHICAGO

SACRAMENTO, March 7, 1905.

[illegible]

Scripto Bull. N.º 117. Aff. let. to establish a Statute and Higher-order Code, thereby consolidating and covering the law relating to public works and all departments thereon, and to repeal existing laws and parts of laws connected thereto.

the meaning of the term "and" is "or," and that the State of California, and the consideration of which should not await final action of the House of Representatives.

I therefore measured the permeability of the tail as such as follows:

Respectfully submitted,

FRANK F. MURPHY, *University of California*

The question being on the question of the day

The roll was called, and Senate Bill No. 347 passed by the following vote:

Hays, Herald, Henshaw, Johnson, K., McCall, McGowan, Montgomery, Schuchman, Metzger, Mixer, Olson, Parkman, Perry, Piorovich, Reindollar, Rich, Schothy, Sedlan, Seaman, Sweeney, Tamm, Thompson, Van Der Veer, Wagon Wheel, Williams.

111

The road was improved

Senate Bill No. 144 ordered transmitted to the Assembly.

Recess

At eleven o'clock and forty minutes a. m., the President of the Senate declared recess until eleven o'clock and fifty minutes a. m., for the purpose of hearing remarks from LEO E. CATHLE of Bismarck, California, and ALFRED ESPINO of San Francisco, California, sponsored by a committee of thirty from the Unemployment Convention on Unemployment Insurance.

Reconvened.

At eleven o'clock and fifty minutes a.m., the Senate resumed

Lieutenant Governor George J. Hatfield, President of the Senate, to the chair.

Secretary Joseph A. Bock at the desk.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 662.—An act to add a new section to the Penal Code to be numbered 597h, relating to cruelty to animals.

Amendments from the Floor.

During third reading of Senate Bill No. 662, the following amendments, offered by Senator Schottky, were read:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 3 to 10, inclusive.

Amendment No. 2.

On page 1, line 11, of the printed bill, before "100," insert "5075."

Ayes and Noes Demanded.

A roll call was demanded by Senators Jepsen, Schottky and Deuel, on the adoption of the amendments.

The roll was called, and the amendments were adopted by the following vote:

AYES—Senators Deuel, Deuel, Edwards, Fletcher, Gooden, Hays, Hulse, Kinsland, McCormack, McGuinness, Moxter, Packman, Perry, Rich, Selsky, Seaman, Seawell, Sharkey, Snyder, Stow, Tackle, Wagy, and Williams—43.

NOES—Senators Biggar, Crittenden, Difani, Garrison, Jespersen, Keough, McColl, McGovern, Metzger, Olson, Pierovich, Powers, Rendollar, Slater, Swing, and Young—16.

Senate Bill No. 662 ordered to reprint, re-engrossment, and on file.

Senate Bill No. 248—An act to amend section 1030 of the Political Code, relating to office hours.

Amendment from the Floor.

During third reading of Senate Bill No. 248, the following amendment, offered by Senator Hays, was read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, strike out the comma after the word "Fund", and insert a comma after the word "courts".

Senate Bill No. 248 ordered to reprint, re-engrossment, and on file.

Senate Bill No. 544—An act to amend sections 5 and 6 of an act entitled "An act prescribing certain duties to be performed by the State Controller, State Treasurer and State Board of Examiners," approved February 20, 1872, relating to warrants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 544 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 544 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills.

By Senator Olson: Senate Concurrent Resolution No. 21—Relative to pending legislation on the subject of unemployment insurance.

Consideration of Senate Concurrent Resolution No. 21.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 21, without reference to committee for purpose of adoption.

Consideration Postponed Indefinitely.

On motion of Senator Seawell, further consideration of Senate Concurrent Resolution No. 21 was postponed indefinitely.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately.

Amendment from the Floor.

During third reading of Senate Bill No. 2, the following amendment, offered by Senator Fletcher, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"Section 1. The sum of seventy-five thousand dollars (\$75,000) is hereby appropriated out of the balance of said moneys remaining in the Trust and expiring therefrom after the expiration of the term hereby provided, to be expended by the State Department of"

Bill ordered to reprint, reengagement, and on file.

Second Reading of Assembly Bills.

Assembly Bill No. 170.—An act to establish a Vehicle Code, thereby consolidating and revising the law relating to vehicles and vehicular traffic, and to repeal certain acts and parts of acts specified herein.

Bill read second time, and ordered on file for third reading.

President Pro Tempore in the Chair.

At twelve o'clock and thirty minutes p.m., Hon. W. P. Egan, President pro tempore of the Senate, in the chair.

Reports of Standing Committees.

The following reports of standing committees were presented and read, and the bills reported therein were ordered on file:

On Education.

SENATE EDUCATION SUBCOMMITTEE, March 7, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 370—An act to amend Article II of Chapter II of Part II of Division III of the School Code and to add to Chapter II of Part II of Division III of the School Code a new article to be known as Article II, relating to counties, counties, state teachers colleges and elementary school districts, for the education of pupils of said districts, and for the same, county, county, and supporting features, has come back with amendments, and recommends that you unanimously approve it do pass, as amended.

Committee membership: 15; committee vote, 15-0.

J. S. JENSEN, Chairman.

On Unemployment.

SENATE UNEMPLOYMENT SUBCOMMITTEE, March 11, 1935.

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Assembly Bill No. 37—An act relating to the payment of money (which shall be unemployment compensation) to the unemployed, and providing for the payment of the same, and shall go into immediate effect, and has the most noble recommendation, and respectfully recommends that you unanimously approve it do pass.

Committee membership: 11; committee vote, 11-0; yeas, 2.

SEAWELL, Chairman.

Resolution.

The following resolution was offered:

By Senators Gordon, Reindollar, and Slater:

Senate Resolution in Tribute to the Memory of Dr. T. H. Stice.

WHEREAS, The Senate sincerely regrets the passing of Dr. T. H. Stice, Medical Superintendent of the State State Hospital, an Allied of distinction and a person and friend, always kindly and generous of the most generous of his nature, and the needs of hundreds of the most afflicted and

WHEREAS, It is most appropriate that a fitting record of his life and work be recorded in State annals in the Journal of the State Senate, now therefore

In token of regard and remembrance of a life of self sacrifice and devotion as pertains to the physician whose mission it was to relieve suffering in life.

Resolved by the Senate of the State of California: That when we adjourn today we do so out of respect to the memory of the late Dr. Stice and request the Secretary of the Senate to forward a copy of this memorial to his beloved wife and family.

Resolution read, and on motion of Senator Gordon, seconded by Senators Slater and Reindollar, adopted unanimously by a rising vote.

Adjournment.

On motion of Senator Swing, at twelve o'clock and forty-two minutes p.m., the President pro tempore of the Senate declared the Senate

adjourned out of respect to the memory of the late Dr. T. H. Stice, Medical Superintendent of the Napa State Hospital, until eleven o'clock a.m., Tuesday, March 12, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Tuesday, March 12, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keith, Keenland, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Phillips, Pridemack, Powers, Readollar, Rich, Scholtky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, March 11, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator King was, on motion of Senator Seawell, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Blair Geddes and Mr. Paul O. Harding of San Francisco.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Senior Class of the Merion Webster School of Sacramento, as follows: Bill Ball, Jr.; Jim Gore, Jr.; Phyllis Jones, Martha Drissen, Mary Elizabeth La Rue, Francis Saunders, Betty Ann Russell and Jack Welsh. Mrs. Merion Webster, teacher, and Captain Button.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. R. Alexander of San Jose.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ada G. De Nyse, State Trustee of California Federation of Women's Clubs, of Riverside.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to his brother, Paul Garrison of Stockton.

payable in installments becoming delinquent in December, 1935, and April, 1936. By the same reasoning there is no basis for claiming that the utilities are escaping any property taxation when they were assessed for a full year's gross receipts tax as of the first Monday in March of 1934 and will become subject to a full year's ad valorem tax as of the first Monday in March of 1935. The utilities were, in fact, required to pay a full year's property tax in 1934 (in the form of a gross receipts tax) and will be subjected to a like tax in 1935 (in the form of an ad valorem tax).

There is no possibility that they are escaping property taxation for the first six months in 1935.

We trust that the foregoing analysis of the situation will serve to meet the purposes of your inquiry.

Very truly yours,

DIXWELL L. PIERCE, Secretary.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 27. Relative to the retirement of Edward J. Hanna as Archbishop of the Archdiocese of San Francisco.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 27.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 27, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 27.

Relative to the retirement of Edward J. Hanna as Archbishop of the Archdiocese of San Francisco.

WHEREAS, It has come to the attention of the members of the Legislature of the State of California that Edward J. Hanna has, because of his advancing years and with the approval of the Holy See, resigned from the position of Archbishop of the Archdiocese of San Francisco; and

WHEREAS, The score of years during which Edward J. Hanna held the position of Archbishop of the Archdiocese of San Francisco was marked by distinguished service not only to his church but also to the people of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this expression of the regret of the Legislature of California upon the retirement of Edward J. Hanna and appreciation of the distinguished services rendered the State of California on many occasions be spread upon the minutes of each house of the Legislature, and that a copy of this resolution, suitably engrossed, be sent to Edward J. Hanna.

Resolution read.

Senator Young moved the adoption of Assembly Concurrent Resolution No. 27.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 27 adopted by the following vote:

AYES—Senators Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Pierovich, Powers, Rich, Scatoky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—31.

NOES—None.

Assembly Concurrent Resolution No. 27 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 41, relative to the improvement of a public wharff for the development and improvement of the Colusa River Basin and the distribution of the waters of the Colusa River.

ARTHUR A. CHITTENDEN, Speaker.
By JOHN J. DUNN, Assistant Clerk.

Assembly Joint Resolution No. 41 referred to Committee on Federal Relations.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, March 11, 1905.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 180, "An act to amend the act to regulate the business of selling live stock at public auction and requiring live stock raisers to obtain a license and to exhibit a bond to the State of California, and directing counties the violation of this act, and providing for the enforcement thereof," adopted June 4, 1903.

Also: Senate Bill No. 210, "An act to amend section 1310, of the Agricultural Code, relating to the annual reports of companies, corporations, associations, and others."

Has had the same under consideration, and respectfully reports the same back, and recommends that they pass.

Committee membership—15, consisting of: Agnew, Chairman.

CHITTENDEN, Chairman.

Senate Bills Nos. 519 and 215 ordered on file for second reading.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 12, 1905.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 180, "An act to legalize heretofore issued bonds heretofore issued or sold or to be issued and sold by municipalities and providing for a way of funds to pay the principal and interest of such bonds."

Also: Senate Bill No. 181—"An act to legalize bonds heretofore issued and sold or to be issued and sold by municipalities and counties, for such amount has already been given by a vote of the people upon the question of the issuance of such municipalities voting upon the question of issuing such bonds, and providing for a levy of taxes to pay the principal and interest of such bonds."

Also: Senate Bill No. 182, "An act to legalize bonds heretofore issued and sold or to be issued and sold by counties or cities and counties, where, although the vote issuance has already been given by a vote of the people upon the question of the issuance of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds."

Also: Senate Bill No. 183, "An act to validate bonds of third parties, including refunding bonds, and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds."

Also: Senate Bill No. 184, "An act to validate proceedings of the incorporation of territory to, incorporation in, and including thereof within municipal corporations." And reports that the same have been correctly engrossed.

METZGER, Chairman.

Above reported bills ordered on file.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 186, "An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds."

Also: Senate Bill No. 187, "An act to validate the organization and existence of municipal improvement districts."

Also: Senate Bill No. 188, "An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof."

Also: Senate Bill No. 189—An act to validate the organization and existence of municipal water districts;

Also: Senate Bill No. 190—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 191—An act to validate the organization and existence of water conservation districts;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Above reported bills ordered on file.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 192—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any joint highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 194—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any acquisition and improvement district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof, and declaring the urgency thereof;

Also: Senate Bill No. 196—An act to validate the organization and existence of acquisition and improvement districts and declaring the urgency thereof;

Also: Senate Bill No. 197—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts;

Also: Senate Bill No. 198—An act to validate the organization and existence of county water districts;

Also: Senate Bill No. 199—An act confirming and validating the formation or organization and existence of irrigation districts, and declaring the urgency thereof; And reports that the same have been correctly engrossed.

METZGER, Chairman.

Above reported bills ordered on file.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 23—An act to amend section 4041.17 of the Political Code, relating to the acquisition of real property by boards of supervisors;

Also: Senate Bill No. 28—An act to amend section 1881 of the Code of Civil Procedure, relating to privileged communications;

Also: Senate Bill No. 47—An act to amend section 10 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to taxes of county fire protection districts;

Also: Senate Bill No. 178—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds;

Also: Senate Bill No. 308—An act to add a new section to the School Code to be numbered 3.232, relating to the establishment of junior high schools; And reports that the same have been correctly engrossed.

METZGER, Chairman.

Above reported bills ordered on file.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 14—Relative to approving certain amendments to the charter of the city of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1933—and reports that the same has been correctly enrolled, and presented to the Governor on the eleventh day of March, 1935, at four o'clock and twenty minutes p.m.

METZGER, Chairman.

Resolution

The following resolution was adopted:

By Senator Toole

Resolved That the following small grant be granted from the list of private attractions, and the money be expended from the pay roll of the library, to make effect an improvement of this work, at March 15, 1905.

Ray F. Mueller, Assistant Professor of Science

1. 1. 1.

Resolution read, and correction of 8.0000 7.9999 8.0000

Resolution

The following resolution was offered:

By Senator Tuckle

Resolved, That the following named person be and she is hereby directed to be the possessor, beneficiary and owner of the sum of \$100,000, with the responsibility of securing her name, payable directly to said person and said sum. March 11, 1961, and the Controller is hereby directed to draw his warrants in favor of said person for said amounts, and the Treasurer is hereby directed to cash the same.

Ruth Collins, *Washington*

Paul Hays
2010

Resolution resol

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

[illegible]

Resolution

The following resolution was offered:

By Committee on Un-American Activities.

Resolved, That the Congress do and he it is hereby directed to keep his account in the contingent fund of the Senate in the book of Cash or Voucher of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

SHOW POWERS

Resolution read.

The question being on the adoption of the resolution,

The roll was called, and the resolution adopted by the following vote:

[illegible]

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 376. An act to repeal Article II of Chapter II of Part II of Division III of the School Code and to add to Chapter II of Part II of Division III of the School Code a new article to be known as Article II, relating to contracts between State teachers colleges and elementary school districts for the education of pupils of such districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 376 were read and adopted:

Amendment No. 1.

In line 4 of the title of the printed bill, strike out the roman numeral "II", and insert in lieu thereof the roman numeral "I".

Amendment No. 2.

On page 1, line 5, of the printed bill, strike out the roman numeral "II", and insert in lieu thereof the roman numeral "I".

Amendment No. 3.

On page 1, line 7, of the printed bill, strike out the roman numeral "II", and insert in lieu thereof the roman numeral "I".

Amendment No. 4.

On page 1, line 10, of the printed bill, strike out the number "3.160", and insert in lieu thereof the number "3.150".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 178—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 178 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 178 ordered transmitted to the Assembly.

Senate Bill No. 180—An act to legalize refunding bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 180 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 180 ordered transmitted to the Assembly.

Senate Bill No. 181—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of

the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 181 passed by the following vote:

AYES—Senators Bizzuti, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McManus, Metzger, Miller, Olson, Powers, Rich, Scollan, Seawell, Sharkey, Saylor, Saylor, Stow, Swing, Tickle, Wagy, Williams, and Young—21.

NOES—None.

Title read and approved.

Senate Bill No. 181 ordered transmitted to the Assembly.

Senate Bill No. 182—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 182 passed by the following vote:

AYES—Senators Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McManus, Metzger, Miller, Olson, Pirovich, Powers, Rich, Schifke, Seawell, Sharkey, Saylor, Saylor, Stow, Swing, Tickle, Wagy, Williams, and Young—22.

NOES—None.

Title read and approved.

Senate Bill No. 182 ordered transmitted to the Assembly.

Senate Bill No. 183—An act to validate bonds of fiscal control districts, including refunding bonds, and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 183 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Dwyer, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, Metzger, Miller, Olson, Pirovich, Powers, Rich, Scollan, Seawell, Sharkey, Saylor, Swing, Tickle, Wagy, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 183 ordered transmitted to the Assembly.

Senate Bill No. 184—An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 184 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—25.

NOES—None.

Title read and approved.

Senate Bill No. 184 ordered transmitted to the Assembly.

Senate Bill No. 186—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 186 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—31.

NOES—None.

Title read and approved.

Senate Bill No. 186 ordered transmitted to the Assembly.

Senate Bill No. 187—An act to validate the organization and existence of municipal improvement districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 187 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, and Wagy—32.

NOES—None.

Title read and approved.

Senate Bill No. 187 ordered transmitted to the Assembly.

Senate Bill No. 188—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGovern,

McGuinness, Metzger, Mitter, Olson, Pomeroy, Powers, Rensdell, Rich, Seadell, Seawell, Sharkey, Slater, Saylor, Stow, Swing, Tickle, and Waggoner.

NOES—None.

Title read and approved.

Senate Bill No. 188 ordered transmitted to the Assembly.

Senate Bill No. 189—An act to validate the organization and existence of municipal water districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 189 passed by the following vote:

AYES—Senators Bigger, Crittendon, Deuel, Dugal, Edwards, Garrison, Gordon, Hulse, Hulse, Jorgensen, Keough, Knowland, McColl, McGuinness, Metzger, Mitter, Olson, Pomeroy, Powers, Rensdell, Rich, Seadell, Seawell, Sharkey, Slater, Saylor, Stow, Swing, Tickle, and Waggoner.

NOES—None.

Title read and approved.

Senate Bill No. 189 ordered transmitted to the Assembly.

Senate Bill No. 190—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 190 passed by the following vote:

AYES—Senators Bigger, Crittendon, Deuel, Dugal, Edwards, Garrison, Gordon, Hulse, Jorgensen, Keough, Knowland, McColl, McGuinness, Metzger, Mitter, Olson, Pomeroy, Powers, Rensdell, Rich, Seadell, Seawell, Sharkey, Slater, Saylor, Stow, Swing, Tickle, and Waggoner.

NOES—None.

Title read and approved.

Senate Bill No. 190 ordered transmitted to the Assembly.

Senate Bill No. 191—An act to validate the organization and existence of water conservation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 191 passed by the following vote:

AYES—Senators Bigger, Crittendon, Deuel, Dugal, Edwards, Garrison, Gordon, Keough, Knowland, McColl, McGuinness, Metzger, Mitter, Olson, Pomeroy, Powers, Rensdell, Rich, Seadell, Seawell, Sharkey, Slater, Saylor, Stow, Swing, Tickle, Waggoner, and Young.

NOES—None.

Title read and approved.

Senate Bill No. 191 ordered transmitted to the Assembly.

Senate Bill No. 192—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any joint highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 192 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hulse, Keough, Knowland, McClure, McCormack, McGovern, Metzger, Minter, O'Sullivan, Parkman, Postoyak, Powers, Randolph, Rob. Schottky, Seelan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagye, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 192 ordered transmitted to the Assembly.

Senate Bill No. 194—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any acquisition and improvement district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof, and declaring the urgency thereof.

Bill read third time.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity: Certain counties and municipalities, by resolutions of intention adopted prior to the first day of January, 1933, have taken proceedings to effect necessary public improvements through the institution of assessment and improvement districts, in which proceedings many irregularities, not constitutionally, have delayed said improvements which are immediately necessary for the peace, safety and welfare of the various counties and municipalities in this State. When such irregularities are cured and obviated by this act, said improvements can be promptly made, thereby assuring employment to many people who are at the present time without means of support, and thereby giving relief to the citizens of this State.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Hulse, Keough, Knowland, McClure, McCormack, McGovern, McGovern, Metzger, Minter, O'Sullivan, Parkman, Postoyak, Powers, Rob. Schottky, Seawell, Slater, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagye, and Young—33.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 194 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hulse, Hulse, Keough, Knowland, McClure, McCormack, McGovern, McGovern, Metzger, Minter, O'Sullivan, Parkman, Postoyak, Powers, Rob. Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagye, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 194 ordered transmitted to the Assembly.

Senate Bill No. 196—An act to validate the organization and existence of acquisition and improvement districts and declaring the urgency thereof.

Bill read third time.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

sity: Certain counties had no population, or population of less than integral part to the first day of January, 1935, have taken proceedings to effect necessary improvements through the creation of additional and additional districts to which proceedings under paragraph one, not mentioned, have applied and provisions which are immediately necessary for the peace, safety and welfare of the several counties and municipalities in the State. While such proceedings are made and observed by this act, such improvements can be promptly made, thereby insuring employment to many people who are so now passing with many groups of money and thereby giving relief to the citizens of this State.

Urgency clause read.

The question being on the adoption of the urgency clause:

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Huber, Kneuch, Knowland, McClall, McGowan, McGowan, Metzger, Mixter, Olson, Parkman, Powers, Powers, Rindolour, Rod, Scherkey, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wary, Williams, and Young—34.

NOES—None.

The question being on the passage of the bill:

The roll was called, and Senate Bill No. 196 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Kneuch, Knowland, McClall, McGowan, McGowan, Metzger, Mixter, Olson, Parkman, Powers, Powers, Rindolour, Rod, Scherkey, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wary, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 196 ordered transmitted to the Assembly.

Senate Bill No. 197—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts.

Bill read third time.

The question being on the passage of the bill:

The roll was called, and Senate Bill No. 197 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Huber, Kneuch, Knowland, McClall, McGowan, McGowan, Metzger, Mixter, Olson, Parkman, Powers, Powers, Rindolour, Rod, Scherkey, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wary, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 197 ordered transmitted to the Assembly.

Senate Bill No. 198—An act to validate the organization and existence of county water districts.

Bill read third time.

The question being on the passage of the bill:

The roll was called, and Senate Bill No. 198 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Kneuch, Knowland, McClall, McGowan, McGowan, Metzger, Mixter, Olson, Powers, Powers, Rindolour, Rod, Scherkey, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wary, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 198 ordered transmitted to the Assembly.

Senate Bill No. 199—An act confirming and validating the formation or organization and existence of irrigation districts, and declaring the urgency thereof.

Bill read third time.

Urgency Clause.

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity: One irrigation district has been formed within the two years last past under proceedings which were irregular, although in substantial compliance with the provisions of the California Irrigation District Act, and by reason of such minor irregularities and defects in such proceedings, not jurisdictional, said district is unable to obtain a necessary water supply for the lands of said district and to impound flood waters and thereby to protect lands from threatened overflow. The work for such purposes, in order to be effective in any way during 1935, must be commenced before this act would take effect without the enactment of this section, and it is therefore necessary for the immediate preservation of public safety that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Hays, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Piorovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 199 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Hays, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Piorovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 199 ordered transmitted to the Assembly.

Reports of Standing Committee.

The following reports of standing committee were received and read, and the bills reported therein ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 12, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 320—An act to add sections 762, 763 and 764 to, and to repeal sections 789, 790 and 791 of, the Probate Code, relating to sales of property:

Also: Senate Bill No. 366—An act to renumber section 532a of the Penal Code, as added by Chapter 70 of the Statutes of 1913, to be section 532c of said code, relating to giving lots on the drawing of numbers:

Also: Senate Bill No. 377—An act to validate the organization and existence of regional park districts:

Also: Senate Bill No. 652—An act to amend section 4.798 of the School Code, relating to apportionments of State funds for public school purposes:

Also: Senate Bill No. 653—An act to add a new section to the School Code to be numbered 2.1363, relating to the acceptance of gifts, donations, bequests and devises to schools and colleges administered by the Director of Education or the Department of Education:

Also: Senate Bill No. 427—An act to amend section 4.360 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 685—An act to amend section 274 of the Code of Civil Procedure, relating to the procedure in partition, and reducing the amount of fees payable. And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined Senate Bill No. 200—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such port districts voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 201—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any water district, providing for the application of the provisions of such of such laws and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereon.

Also: Senate Bill No. 202—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 245—An act to amend sections 4284 and 4285 of the School Code, relating to the insuperiority of high school courses to grammar schools.

Also: Senate Bill No. 257—An act to amend sections 4109 and 4111 of the Political Code of the State of California, relating to the board of school directors in the office of county treasurer, and the establishment of the board of directors and the counting of the votes in said office.

Also: Senate Bill No. 282—An act to amend section 7304 of the Welfare and Pensions Act, relating to seniors of degree and describing the conditions of the "third" fourth class.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined Senate Bill No. 686—An act relating to the redemption and sale of property sold to a county treasurer as trustee of a reclamation district or of the bond fund, or to a reclamation district for delinquent assessments and assessments thereof.

Also: Senate Bill No. 33—An act to amend sections 674 and 675 of the Code of Civil Procedure, relating to the filing and recording of judgments and satisfaction of judgments in the office of the county treasurer.

Also: Senate Bill No. 177—An act to amend and describe the boundaries of school districts, high school districts and junior college districts of every third and class and declaring the urgency thereof.

Also: Senate Bill No. 195—An act to validate bonds, including refunding bonds of irrigation districts, and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 450—An act to amend section 4002 of the Political Code, relating to a vacancy in the board of supervisors of a county, declaring the urgency thereof and providing that this act shall take effect immediately.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately, and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 200—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such port districts voting upon the question of incurring

such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 200 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Hays, Hulse, Keough, Knowland, McGovern, McGuinness, Metzger, Mixter, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 200 ordered transmitted to the Assembly.

Senate Bill No. 201—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 201 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Hays, Hulse, Keough, Knowland, McGovern, Metzger, Mixter, Olson, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 201 ordered transmitted to the Assembly.

Senate Bill No. 202—An act to legalize revenue bonds heretofore issued or sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 202 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Fletcher, Hays, Hulse, Keough, Knowland, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 202 ordered transmitted to the Assembly.

Senate Bill No. 177—An act to confirm and validate the boundaries of school districts, high school districts and junior college districts of every kind and class and declaring the urgency thereof.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall take effect immediately. The following is a statement of the facts constituting such

[illegible]

Greeney change read

The question being on the adoption of the proposed changes

The roll was called, and the yeas and nays adopted by the following vote:

AYES, S. S. 1963. *Reproductive Ecology of the Great Plains Prairie*. University of Kansas Press, Lawrence, Kansas. 196 pp.

100 100

The question being on the passage of the bill.

The roll was called, and Senate Bill 28, 177 passed by the following vote:

[illegible]

Some Some

Title read and approved.

Senate Bill No. 177 ordered transmitted to the Assembly

Senate Bill No. 195—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Senators Ruggley, Crippen, Tamm, Tamm, Edwards, Peterson, Carpenter, Gordon, Hays, Hulse, Keene, Keene, McLean, McManus, McWhorter, Miller, Olson, Perry, Pierce, Rapp, Roy, Ryan, S. Smith, S. Smith, Shaffer, Sisson, Stow, Swing, Thiele, Wagy, Williams, and Young.

None None

Title read and approved.

Senate Bill No. 115 ordered transcribed to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1925

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 29. Relating to incorporating Congress to incorporate in a National act and news to plan the principles and activities of the Townsend Plan.

ARTHUR A. OHNIMUS, Chief Clerk
By FRANK J. DISCH, Assistant Clerk

Consideration of Assembly Joint Resolution No. 39.

Senator Swing asked for unanimous consent for the consideration of Assembly Joint Resolution No. 39, without reference to committee for purpose of adoption.

Unanimous Consent Refused.

Senator Olson refused to grant unanimous consent.

Motion.

Senator Swing moved that Assembly Joint Resolution No. 39 be taken up for consideration at this time.

Motion carried.

Consideration of Assembly Joint Resolution No. 39.

Assembly Joint Resolution No. 39.

Relating to memorializing Congress to incorporate in a National old age pension plan the principles and objectives of the Townsend Plan.

WHEREAS, Various proposals for the establishment of old age pensions are now under consideration by the Congress of the United States; and

WHEREAS, The revolving old age pension plan originated by Dr. F. E. Townsend, of California, has been presented to the United States Senate and the National House of Representatives; and

WHEREAS, The program contemplates both relief for the aged and widespread adjustments in our economic system certain to result in improved working conditions and in extensive reduction of unemployment among thousands of men and women under the age of 60 years; and

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States is respectfully urged to enact H. R. 3977, introduced in the House of Representatives, January 16, 1935, and cited as the "Townsend Old-Age Revolving Pension Act," which is as follows:

SEC. 2. That every citizen of the United States, 60 years of age and over, or who shall attain the age of 60 years after the passage of this act, while actually residing in the United States, shall be entitled to receive, upon application and qualification, a pension in the sum of \$200 per month during the life of the pensioner: Provided, that (a) the pensioner shall discontinue and refrain from all gainful competitive pursuits or salaried positions of any kind; (b) the pensioner shall covenant and agree that he or she will within 30 days of receipt of said pension expend all of the same for goods, commodities, or services within the jurisdiction of the United States; (c) proof of age and citizenship shall be according to the law and procedure of the State of residence of the pensioner; and (d) this pension shall be wholly exempt from attachment, garnishment, or execution.

SEC. 3. There is hereby levied a tax of 2 per centum on the gross dollar value of each business, commercial, and/or financial transaction done within the United States. The President of the United States is hereby empowered by Executive order to increase or decrease the 2 per centum tax by not more than 50 per centum, when in his discretion he deems it advisable, in order to adequately finance the said pension roll. This tax shall be levied in addition to any other Federal tax on goods or commodities. This tax so levied shall be paid by the seller once each calendar month, calculated on the seller's aggregate gross sales, in accordance with rules and regulations to be promulgated by the Secretary of the Treasury of the United States.

(a) It is hereby provided in order to facilitate the collection of this tax that all sellers of goods, commodities, and commercial things of value shall obtain a license upon payment of a fee, the amount thereof to be fixed by the Secretary of the Treasury, who is empowered with full authority to use his discretion as to methods and means of collecting this tax.

SEC. 4. Any qualified pensioner who, for any justifiable reason, has failed to legally receive and disburse said pension, may, upon proper proof, be reinstated and thereafter receive the pension.

(a) All pensioners under this act shall be permitted to expend not more than 15 per centum of each monthly pension for charity, church, and fraternal organizations.

(b) Pensioners under this act shall receive no other pension from the United States nor from any State nor any political subdivision thereof, except all disabled war veterans now receiving or who may receive disability allowance, compensation, or pension from the United States government.

(c) The benefits of this act shall not accrue to any person while an inmate of an insane asylum, eleemosynary institution, or while under penal sentence in any jail or penitentiary.

SEC. 5. Immediately after the passage of this bill, the Secretary of the Treasury shall authorize all National and State banks, branches of the Federal Reserve Deposit Corporation, to accept such deposits in accordance with the following: (a) Each calendar month in the month of March and each business day the month-end of the United States Treasury for the currency is available in full payment of deposits.

SEC. 6. All solutions for individual members and their families accepted from the first provisions of this act.

SEC. 7. Penalties under this act shall be enforced or administered for the following reasons:

(a) Any person who has been duly convicted of a felony shall be ineligible for this position for a period of ten years following the completion of his sentence.

(b) Any person who has been duly convicted of a felony shall automatically forfeit his said position.

(c) Any person who violates the provisions imposed by SEC. 5 and 6 of section 2 of this act shall be deemed to be a felon.

SEC. 8. The Secretary of the Treasury shall appoint persons having at least five years' experience in the business of the United States, and shall be a member of the board of directors of the United States Bank. All members of the board shall serve without other than their position. Each board shall have a majority of its members of this act in each calendar month and shall be governed by the rules and regulations promulgated by the Secretary of the Treasury. A person shall be eligible for each year in the United States which shall be a member of the board of directors of the United States Bank.

SEC. 9. Any person who has been duly convicted of a felony shall be ineligible for this position for a period of ten years following the completion of his sentence. Any person who has been duly convicted of a felony shall be ineligible for this position for a period of ten years following the completion of his sentence. Any person who has been duly convicted of a felony shall be ineligible for this position for a period of ten years following the completion of his sentence.

SEC. 10. It shall be a felony and punishable as such the person who violates the provisions of this act, with intent to defraud the Government of the United States, under penalty of a fine of not more than \$1,000 or imprisonment for not more than two years, or both.

Record. That the Government of the State of California is hereby requested to forward a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States.

Point of Order

Senator Sharkey raised the point of order when Senator Olson was addressing the Senate, that the debate upon the resolution had been closed. Senator Olson's remarks were thus out of order.

Decision on Point of Order

The President announced his decision and declared the point of order well taken.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 39 was refused adoption by the following vote:

AYES. Senators Biggar, Duff, Fletcher, Garrison, Jackson, Knoch, McGill, McGovern, Meyer, Packman, Pennington, Powers, Rountree, Seawell, Shattuck, Snyder, and Tinkle. 17.

NOES. Senators Chamberlain, Dwyer, Dwyer, Edwards, George, Hays, Hulse, Kewland, McCormack, McGinniss, Mixer, Olson, Potts, Rich, Smoot, Sweeney, Swain, Swing, Waggy, Williams, and Young. 21.

Notice of Motion to Reconsider.

Senator Swing gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Joint Resolution No. 39 was refused adoption.

Recess.

On motion of Senator Rich, at one o'clock and ten minutes p.m., the President of the Senate declared recess until two o'clock and thirty minutes p.m.

Reconvened.

At two o'clock and thirty minutes p.m., the Senate reconvened.
Lientenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 241—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to State highways;

Also: Assembly Bill No. 240—An act to amend section 362 of the Streets and Highways Code and to add section 603 thereto, relating to State highways;

Also: Assembly Bill No. 1959—An act to add sections 306 and 306a to the Penal Code, relating to minors.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 240 and 241 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1959 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1693—An act to add section 2.1 to an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to twelve rounds; to create an athletic commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," relating to the State Athletic Commission;

Also: Assembly Bill No. 879—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined;

Also: Assembly Bill No. 878—An act to amend section 1005 of the Code of Civil Procedure, relating to notice of motion;

Also: Assembly Bill No. 130—An act to amend section 2021 of the Code of Civil Procedure, relating to depositions.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1693 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 879, 878, and 130 read first time, and referred to Committee on Judiciary.

Reports of Standing Committees.

The following reports of standing committees were received and read, and the bills reported therein were ordered on file for second reading:

On Conservation.

SENATE CHAMBER, SACRAMENTO, March 12, 1935.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Senate Bill No. 1—An act to amend section 6 of an act entitled "An act to provide for the formation, organization and government of storm-water districts, for the purpose of

protecting the land therein from damage from rising water and from the action of any intervisible stream, watercourse, spring, or well, and the construction of the necessary works of protection by said district and the levying of taxes and assessments to pay for the cost of construction, structural and maintenance, and improvements," approved March 12, 1935.

Also, Senate Bill No. 120—An act to amend section 11 of said act, so that a new section to be numbered section 12 shall be inserted. An act to define the boundaries, provide for the care, supervision and maintenance of same, and the payment of the indebtedness of Lower District Number One of Santa Cruz," approved March 20, 1934, as amended.

It has had the same under consideration and respectfully recommends the same back, and recommends that they do pass.

Committee membership—7; committee vote, Ayes 6, Absents 1.

PERRY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Conservation, to which was referred Senate Bill No. 139—An act to provide for the burning of the brush and weeds on a tract shed for experimental purposes, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote, Ayes 6, Absents 1.

PERRY, Chairman.

On Public Health and Quarantine

SENATE CHAMBER, SACRAMENTO, MARCH 12, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 390—An act relating to the control of venereal diseases and the licensing of clinical laboratories, heretofore, for the purpose of securing the public health and deferring a clinical laboratory and a clinical laboratory (pending) and to provide penalties for the violation of the provisions of that act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be transmitted to this committee.

Committee membership—7; committee vote, Ayes 5, Absents 2.

DIFANE, Chairman.

Consideration of Daily File.

Third Reading of Senate Bills

Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 2:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 7, 1935.

To the Honorable Members of the Senate, State of California.

Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately.

In my opinion said Senate Bill No. 2 constitutes an emergency bill within the meaning of that term as used in section 34 of Article IV of the Constitution of the State of California, and the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend the consideration of this bill as such an emergency measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning

of section 1 of Article IV of the Constitution, and shall therefore go into effect immediately. The facts constituting the necessity are as follows:

The California Pacific International Exposition will open on the twenty-ninth day of May of this year at San Diego, the primary object and purpose of which is to stimulate recovery in the West and to aid in ending unemployment and the severe economic depression now existing throughout the United States. It is of the utmost importance that California in its capacity as host to the Nations of the world do all in its power to further the objects and purposes of this exposition and to that end to make arrangements immediately for a State exhibit. A very short time remains to make the necessary preparations before the opening of the exposition on May 29, 1935, for which reason it is imperative that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Reindollar, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Wagy, Williams, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Reindollar, Rich, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 2 ordered transmitted to the Assembly.

Senate Bill No. 653—An act to add a new section to the School Code to be numbered 2.1363, relating to the acceptance of gifts, donations, bequests and devises to schools and colleges administered by the Director of Education or the Department of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 653 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 653 ordered transmitted to the Assembly.

Senate Bill No. 366—An act to renumber section 532a of the Penal Code, as added by Chapter 70 of the Statutes of 1913, to be section 532c of said code, relating to giving lots on the drawing of numbers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 366 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metz-

ger, Mixer, Olson, Parkman, Perry, Piorovich, Reindollar, Rich, Schottky, Seidler, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—2.

None—None.

Title read and approved.

Senate Bill No. 366 ordered transmitted to the Assembly.

Senate Bill No. 377—An act to validate the organization and existence of regional park districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 377 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metager, Mixer, Olson, Parkman, Perry, Piorovich, Reindollar, Rich, Schottky, Seidler, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—11.

None—None.

Title read and approved.

Senate Bill No. 377 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 330.

Senator Biggar moved that Senate Bill No. 330 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

Third Reading of Senate Bills—(Resumed)

Senate Bill No. 47—An act to amend section 10 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to taxes of county fire protection districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metager, Perry, Piorovich, Reindollar, Rich, Schottky, Seidler, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—Senator Olson—1.

Title read and approved.

Senate Bill No. 47 ordered transmitted to the Assembly.

Senate Bill No. 257—An act to amend sections 4120 and 4121 of the Political Code of the State of California, relating to the books, accounts and vouchers in the office of county treasurers and the examination of the books and records and the counting of the money in said office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 257 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness,

Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 257 ordered transmitted to the Assembly.

Senate Bill No. 23—An act to amend section 4041.17 of the Political Code, relating to the acquisition of real property by boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 23 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Garrison, Gordon, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—29.

NOES—None.

Title read and approved.

Senate Bill No. 23 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Bill No. 170—An act to establish a Vehicle Code, thereby consolidating and revising the law relating to vehicles and vehicular traffic, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 170 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—33.

NOES—None.

Title read and approved.

Assembly Bill No. 170 ordered transmitted to the Assembly.

Assembly Bill No. 37—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Motion to Rescind.

Senator Olson moved that the previous action of the Senate in refusing the adoption of the urgency clause contained in Assembly Bill No. 37 be rescinded.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Knowland and Powers, on the adoption of the motion.

The roll was called, and the motion to rescind was adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—31.

NOES—Senators Knowland, Powers, and Seawell—3.

Bill read third time.

Urgency Clause.

SEC. 2. That not a penny be expended in the foregoing manner hereafter for the immediate preservation of the public peace, health, and safety during the pendency of section 1 of Article IV of the Constitution of the State of Tennessee, and all such shall go into the treasury to defray.

The following list statements of facts concerning each account:

[illegible]

Any person taking a false affidavit for the purpose of securing an arrest or extradition for income taxes shall be guilty of a misdemeanor.

Frequency change noted.

The question being on the adoption of the *supra* phrase.

The roll was called, and the majority charge adopted by the following vote:

[illegible]

Notes: 1. *Not a* = Not a member of the group.

Assembly Bill No. 617 ordered read on file.

Third Reading of Senate Bills—(Resumed)

Senate Bill No. 308. An act to add a new section to the School Code to be numbered 3-2-2 relating to the construction of public high schools.

Ammonite from the Floor

During third reading of Senate Bill No. 305, the following amendments, offered by Senator Gurnea, were read and adopted:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out the word "insertion".

Amendment No. 2

On page 1, line 4 of the printed bill after the word "insert", insert the following: "comprising a single continuous sheet of paper."

Amendment No. 3.

On page 1, beginning in line 5, of the printed bill, strike out the words "to amend"

Amendment No. 4.

On page 1 of the national MIF, beginning on the 8th grade and the following year the junior high school, and insert on the third, the word "insert".

Amendment No. 5.

On page 1, line 13 of the printed bill, after the word "and" insert "and 'value'".

Bill ordered to reprint, re-engrossment, and by the Ye third reading.

Report of Standing Committee.

The following report of standing committee was received and read:

On Judiciary.

S N A T E C O M M I T T E E M A Y 11 1965

MR. PRESIDENT. Your Committee on Judiciary has submitted to the Senate a bill, S. 71, An act to amend Section 601 of the Code of Civil Procedure, relating to

to peremptory challenges in civil cases—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—9; absent—5.

SWING, Chairman.

Senate Bill No. 71 ordered on file for second reading.

Withdrawal and Re-reference of Senate Bill No. 452.

Senator Biggar moved that Senate Bill No. 452 be withdrawn from Committee on Roads and Highways, and referred to Committee on Motor Vehicles.

Motion carried, and such was the order.

STATEMENT OF CERTAIN SENATORS IN EXPLANATION OF VOTE ON ASSEMBLY JOINT RESOLUTION No. 39.

We have voted against the resolution because we do not believe that the so-called Townsend Plan is economically sound. We wish it to be understood, however, that we are not opposed to the idea of old age pensions and that we favor some form of Federal old age pension in an amount that is reasonably necessary to properly care for our aged persons.

SCHOTTKY.
RICH.
WAGY.
SCOLLAN.
DUVAL.
EDWARDS.
MINTER.
KNOWLAND.
CRITTENDEN.
OLSON.

PERRY.
YOUNG.
GORDON.
MCGUINNESS.
WILLIAMS.
HULSE.
DEUEL.
HAYS.
McCORMACK.

Approval of Journals.

The Senate Journals of Monday, March 4, 1935; Tuesday, March 5, 1935; Wednesday, March 6, 1935; Thursday, March 7, 1935; and Friday, March 8, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Adjournment.

On motion of Senator Rich, at three o'clock and thirty-five minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Wednesday, March 13, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, March 13, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moore.

Reading of the Journal.

During the reading of the Journal of Tuesday, March 12, 1935, the further reading was dispensed with, on motion of Senator Seaton.

Leave of Absence.

Senator King was, on motion of Senator Seaton, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph Watson of Henleyville.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Benjamin Wormer, president Southern District California Federation of Women's Clubs of Ontario.

On request of Senator Percovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James A. Spinetti and Gilman Snyder of Jackson.

On request of Senator Raper, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. L. E. Bush and Mrs. L. J. Ramer of Vallejo.

On request of Senator Crutcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Charles Brook Sweete, Mrs. Mary Salls, and Mr. William F. Stretch of Stockton.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. S. Cairne of Lindsay, and Mrs. Louise Mae Fosselson of Exeter.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Wakefield Cadman and Madame W. L. Fisher of San Diego.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss J. M. Westenberg, faculty adviser, and the following pupils of the Varco High School civics class of College City: Florence Howe, Dorothy Myers, Betty Seefield, Melba Day, Lois Hoffman, Lois Lewis, Florence Hill, Ayako Hattori, Elizabeth Duling, Bettie Salls, Opal Louette, Nellie Jacobsen, Leobelle Byers, Barbara Janson, Joseph Watson, Gude Humphrey, Richard Watkin, Clifford Myers, Edwin Seaton, Eugene Smith, Herbert Newland, Bill Bailey, Bill Charter, Kenneth Robertson, Billy Hunt, George Ariand, Albert Duarte, Maryvle Hamilton, Donald Santure, Billy Cress, Betty Heathman, Martha Freudenicht, Ollie Rowe, Mary Jane Cook, and H. J. Chisholm, bus driver.

On request of Senator Seaton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss M. Gault, teacher, and pupils of the Edward Kelley School of Sacramento, as follows: Kikuno Hashimoto, Tomiko Rabata, Alice Makishima, Talko Ogawa, Yoshie Makishima, Stemi Motomoto, Masachi Yoshinaga, and Tatsuo Kitada.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Swing moved to reconsider the vote whereby Assembly Joint Resolution No. 39 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Swing, the further consideration of the motion to reconsider the vote whereby Assembly Joint Resolution No. 39 was refused adoption was continued until the next legislative day.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1120—An act to amend sections 1, 3, 9, 12a, 15, 19, 20a and 20b and to add sections 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 9a, 9c, 12b, 20b, 20c, 20d, 20e, 20f, 20g, 20h, 20i, 20j and 20k to the California Real Estate Act, relating to the creation of the Real Estate Board and prescribing the powers and duties thereof, to the regulation and licensing of real estate brokers and salesmen, and to the inspection and regulation of subdivisions;

Also: Assembly Bill No. 295—An act to amend section 2.251 of the School Code, relating to teachers' attendance reports;

Also: Assembly Bill No. 298—An act to repeal section 4.768, relating to reports of attendance in joint elementary school districts;

Also: Assembly Bill No. 310—An act to amend School Code section 4.928, relating to the apportionment of funds to high school districts.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1120 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 295, 298 and 310 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 765—An act to amend section 3.172 of the School Code, relating to beginning classes of elementary schools;

Also: Assembly Bill No. 926—An act to amend section 3.472 of the School Code, relating to the transportation of teachers of agriculture employed by high school districts and engaged in supervising project work of pupils;

Also: Assembly Bill No. 930—An act to amend section 4.360 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 57—An act to repeal sections 2.879 and 2.880 of the School Code and to add thereto sections 2.879 and 2.880, relating to election of school trustees.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 765, 926, 930 and 57 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 734—An act to validate the organization and incorporation of municipal corporations.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 734 read first time, and referred to Committee on Municipal Corporations.

vide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to expenditure of State highway funds within cities, declaring the urgency hereof, and to provide that this act take effect immediately;

Also: Senate Bill No. 107—An act delegating to the California Highway Commission power and authority during times when the Legislature of the State of California is not in session to accept on behalf of the State of California grants of rights of way for State roads through military reservations from the government of the United States made by the Secretary of War to the State of California or any political subdivision thereof, and declaring the effect of such acceptance;

Also: Senate Bill No. 233—An act repealing section 365e of the Political Code, relating to the California Highway Commission;

Also: Senate Bill No. 237—An act to amend section 7 of an act entitled, "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, as amended, relating to State highways;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 45—An act to amend section 2051 of the Code of Civil Procedure, relating to the impeachment of witnesses convicted of certain misdemeanors—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 100—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 37a thereof relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176 California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 843, Sixtieth Congress, approved February 28, 1929;

Also: Senate Bill No. 316—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, relating to the funds of such districts and taxes therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

McCORMACK, Chairman.

On Engrossment, Enrollment and Printing.

The following reports of Committee on Engrossment, Enrollment and Printing were received and read, and the bills reported therein were ordered on file:

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 410—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401, Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10, Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 2, 63, 9, 11, 14, 16, 20 and 224, and by adding thereto new sections numbered 44, 54, 54, 84, 84, 94, 94, 124, 134, 164 and 164, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof

and thereto; and providing that this act become effective immediately—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined Senate Bill No. 248—An act to amend section 1004 of the Penal Code relating to other laws.

Also: Senate Bill No. 602—An act to add a new section to the Penal Code to be numbered 597½, relating to reports to parents.

Also: Senate Bill No. 308—An act to add a new section to the School Code to be numbered 320½, relating to the establishment of junior high schools. And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 170—An act to validate bonds of school districts, high school districts and junior college districts, of every kind and class, and providing for the levy of a tax to pay the same.

Also: Senate Bill No. 179—An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class.

Also: Senate Bill No. 185—An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

Also: Senate Bill No. 193—An act to validate bonds, including refunding bonds, of municipalities, cities and all governments requiring them, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 701—An act to amend subdivision 16 of section 1367 of the Political Code, relating to grand jurors and their term and salaries.

Also: Senate Bill No. 729—An act to amend section 4906 of the Penal Code, relating to fees.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollments and Printing has examined Senate Bill No. 376—An act to repeal Article II of Chapter II of Part II of Division III of the School Code and to add to Chapter 31 of Part II of Division III of the School Code a new article to be known as Article I, relating to contracts between State teachers' unions and employers when working for the education of pupils of such districts—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Consideration of Daily File.

Second Reading of Senate Bills

Senate Bill No. 519—An act to repeal "An act to regulate the business of selling live stock at public auction and requiring live stock auctioneers to obtain a license and to execute a bond to the State of California, and providing penalties for violation of this act, and repealing acts in conflict herewith," approved June 1, 1921.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 215—An act to add section 1219.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1—An act to amend section 6 of an act entitled "An act to provide for the formation, organization and government of storm-water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any unnavigable stream, watercourse, canyon or wash, for the construction of the needs-

sary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," approved March 13, 1909.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 320—An act to amend Section 11 of and to add a new section to be numbered Section 12 to an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, as amended.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 139—An act to provide for the burning of the brush and debris on a watershed for experimental purposes.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Conservation, the following amendments to Senate Bill No. 139 were read and adopted:

Amendment No. 1.

On page 1, lines 27 and 28, of the printed bill, strike out "a diameter of more than $2\frac{1}{2}$ inches", and insert in lieu thereof the following: "potential commercial value".

Amendment No. 2.

On page 2, line 11, of the printed bill, strike out "36th", and insert in lieu thereof the following: "39th".

Amendment No. 3.

On page 2 of the printed bill, strike out lines 13 to 16, inclusive.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists for the purpose of protecting the public health and defining a clinical laboratory and a clinical laboratory technologist, and to provide penalties for the violation of the provisions of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 392 were read and adopted:

Amendment No. 1.

In line 2 of the title of the printed bill, after the word "technologist", insert the following: "clinical pathologists and clinical laboratory technicians,".

Amendment No. 2.

In line 4 of the title of the printed bill, after the first word "laboratory", strike out the words "and a", and insert a comma.

Amendment No. 3.

In line 4 of the title of the printed bill, after the comma following "technologist", insert the following: "and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses".

Amendment No. 4.

On page 1, line 2, of the printed bill, after the comma, strike out the following: "except as is hereafter provided,".

Amendment No. 5.

On page 1, line 6, of the printed bill, after the word "defined", strike out the period, and add the following: "or of a clinical pathologist as defined in the regulations of the State Board of Public Health; and it shall be unlawful for any

person, in a clinical laboratory to make any test or examination requiring the application of one or more of the following sciences such as bacteriology, chemistry, serology and parasitology, unless such person possesses an accredited certificate issued by the State Board of Public Health as a certified technician in the subject or subjects concerned with the test or examination or holder of a technical certificate as a clinical laboratory technologist or clinical pathologist, provided however that the State Board of Public Health shall be authorized to provide for the exemption of one or more technicians in such laboratory who shall be under apprenticeship."

Amendment No. 6.

On page 1 of the printed bill, beginning with line 20, strike out all of lines 20, 21, 22 and 23.

Amendment No. 7.

On page 1, line 24, of the printed bill, strike out the word "test", and the word "other".

Amendment No. 8.

On page 2, line 7, of the printed bill, after the word "insert the following," insert "clinical laboratory technologist as one who, under the direction of a clinical laboratory technologist or clinical pathologist, performs the tests which are in a clinical laboratory."

Amendment No. 9.

On page 2, line 1, of the printed bill, after the word "defined", insert the following: "a person, however, that is duly qualified with his name upon the date from which this act shall take effect," and insert in line thereof the following: "It shall be the duty of the State Board of Public Health to issue certificates of licensure to technicians, based on its or its agency's methods and its field examinations either written and as presented, or not by the passing of the examinations of Applicants said technicians shall be issued in such form as may seem proper, or may seem necessary, to the board, but of stated substance, form and the board may employ several examinations, with AP's to be paid from the persons laboratory fund."

Amendment No. 10.

On page 2, line 15, of the printed bill, after the word "test", strike out the following: "operate a clinical laboratory, or."

Amendment No. 11.

On page 2, line 16, of the printed bill, after the word "technician", strike out the word "such"; on page 2, line 17, strike out the sentence that reads the following: "as a clinical laboratory technologist, and it shall be unlawful for any person to act as a clinical pathologist without certification as a clinical pathologist."

Amendment No. 12.

On page 2, line 18, of the printed bill, after the word "and", add a period, and strike out the balance of line 18, and also all of lines 19, 20, 21 and 22.

Amendment No. 13.

On page 2 of the printed bill, between lines 23 and 24, insert the following: "And it shall be unlawful after the date from the date of enactment of this act into law, for any clinical laboratory, or for any clinical laboratory technologist or clinical pathologist in connection with laboratory work and services, to conduct as provided for in section 1 of this act, or to be regulated as provided for in the regulations of the State Board of Public Health."

Amendment No. 14.

On page 2, line 32, of the printed bill, strike out the word "license", and insert "said license or licenses issued to the", and insert in line thereof the words of each."

Amendment No. 15.

On page 2, line 34, of the printed bill, after the word "technologist", insert the following: "and".

Amendment No. 16.

On page 2, line 34, of the printed bill, after the word "defined", strike out the words "laboratory technologists", and insert in line thereof "pathologist".

Amendment No. 17.

On page 2, line 37, of the printed bill, after the word "sanitized", insert the words "by and".

Amendment No. 18.

On page 2, line 37, of the printed bill, after the word "offices", insert the words "or offices".

Amendment No. 19.

On page 2, line 38, of the printed bill, after the word "practitioner", insert the following: "or of a group of regularly licensed practitioners."

Amendment No. 20.

On page 2, line 38, of the printed bill, after the word "his", insert the words "or their".

Amendment No. 21.

On page 2 of the printed bill, beginning with line 40, strike out all of lines 40, 41, 42, 43, 44 and 45, and insert in lieu thereof the following: "or practitioners operating, maintaining and conducting such private laboratory shall not furnish the facilities thereof to any other practitioner or practitioners or to any person or persons other than the patients of such practitioner or of one or more of the practitioners constituting such group so operating such private laboratory, whether with or without monetary remuneration for the facilities so furnished."

Amendment No. 22.

On page 2, line 47, of the printed bill, after the word "for", insert the following: "a certificate as clinical laboratory technologist, and from each applicant as clinical pathologist, and of not exceeding five dollars for each applicant for a technician's certificate or for".

Amendment No. 23.

On page 3, line 1, of the printed bill, after the word "licentiate", insert the following: "as clinical laboratory technologist and each clinical pathologist and not over one dollar for each licentiate as clinical laboratory technician".

Amendment No. 24.

On page 3, line 1, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "sixty".

Amendment No. 25.

On page 3, line 3, of the printed bill, after the word "within", strike out the word "thirty", and insert in lieu thereof the word "sixty".

Amendment No. 26.

On page 3 of the printed bill, immediately following line 38, insert a new section as follows:

"Sec. 12. The State Board of Health shall make such regulations for the enforcement of this act as may be necessary and proper and its agents shall have the right of inspection and inquiry into the methods and equipment used by technologists and clinical pathologists practicing under this act, and shall, when such methods or equipment are in its judgment a menace to the public health, make recommendations for change to the technologist or clinical pathologist in charge."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases.

Bill read second time, ordered to engrossment, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 662—An act to add a new section to the Penal Code to be numbered 597h, relating to cruelty to animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 662 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rendollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 662 ordered transmitted to the Assembly.

Senate Bill No. 248.—An act to amend section 1030 of the Political Code, relating to office hours.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 248 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jaspersen, Keough, Knowland, McGill, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pirovich, Powers, Reindollar, Rich, Schortky, Seidlun, Seawell, Shapiro, Slater, Snyder, Sving, Tuckle, Wagy, Williams, and Young—36.

NOES.—None.

Title read and approved.

Senate Bill No. 248 ordered transmitted to the Assembly.

Senate Bill No. 652.—An act to amend section 4708 of the School Code, relating to apportionments of State funds for public school purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 652 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McGill, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pirovich, Powers, Reindollar, Rich, Seidlun, Seawell, Shapiro, Slater, Snyder, Sving, Tuckle, Wagy, and Young—35.

NOES.—None.

Title read and approved.

Senate Bill No. 652 ordered transmitted to the Assembly.

Senate Bill No. 245.—An act to repeal sections 3284 and 3285 of the School Code, relating to the maintenance of high school courses in elementary schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 245 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jaspersen, Keough, Knowland, McGill, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pirovich, Powers, Reindollar, Rich, Schortky, Seidlun, Seawell, Shapiro, Slater, Snyder, Sving, Tuckle, Wagy, Williams, and Young—35.

NOES.—None.

Title read and approved.

Senate Bill No. 245 ordered transmitted to the Assembly.

Senate Bill No. 308.—An act to add a new section to the School Code to be numbered 3232, relating to the establishment of junior high schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 308 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McGill, McCormack,

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 179 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Knecht, Kneveland, McCall, McGinniss, McGinniss, McGuinness, Metzger, Mixer, Olson, Parkman, Potts, Powers, Pomeroy, Scollan, Seawell, Sharkey, Slater, Snyder, Snow, Swing, Tickle, Waggy, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 179 ordered transmitted to the Assembly.

Senate Bill No. 31—An act to amend sections 674 and 676 of the Code of Civil Procedure, relating to the filing and recording of abstracts and satisfactions of judgments in the office of the county recorder.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 31 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, Knecht, Kneveland, McCall, McGinniss, McGuinness, Metzger, Mixer, Olson, Parkman, Potts, Powers, Pomeroy, Scollan, Seawell, Sharkey, Slater, Snyder, Snow, Swing, Tickle, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 33 ordered transmitted to the Assembly.

Senate Bill No. 28—An act to amend section 1881 of the Code of Civil Procedure, relating to privileged communications.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 28 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Knecht, Kneveland, McCall, McGinniss, McGinniss, McGuinness, Metzger, Mixer, Olson, Parkman, Potts, Powers, Pomeroy, Scollan, Seawell, Sharkey, Slater, Snyder, Snow, Swing, Tickle, and Waggy—33.

NOES—None.

Title read and approved.

Senate Bill No. 28 ordered transmitted to the Assembly.

Senate Bill No. 701—An act to amend subdivision 19 of section 4237 of the Political Code, relating to grand jurors and trial jurors fees and mileage.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 701 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Knecht, Kneveland, McCall, McGinniss, McGinniss, McGuinness, Metzger, Mixer, Olson, Parkman, Potts, Powers, Pomeroy, Scollan, Seawell, Sharkey, Slater, Snyder, Snow, Swing, Tickle, Waggy, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 701 ordered transmitted to the Assembly.

Senate Bill No. 739 -An act to amend section 4300a of the Political Code, relating to fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 739 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—33.

NOES—None.

Title read and approved.

Senate Bill No. 739 ordered transmitted to the Assembly.

Senate Bill No. 376 -An act to repeal Article II of Chapter II of Part II of Division III of the School Code and to add to Chapter II of Part II of Division III of the School Code a new article to be known as Article II, relating to contracts between State teachers colleges and elementary school districts for the education of pupils of such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 376 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—32.

NOES—None.

Title read and approved.

Senate Bill No. 376 ordered transmitted to the Assembly.

Further Consideration of Assembly Bill No. 37.

Assembly Bill No. 37 -An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Bill previously read third time, and urgency clause adopted.

The question now being on the passage of the bill.

The roll was called, and Assembly Bill No. 37 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Stow, Swing, Tickle, Wagy, and Williams—32.

NOES—Senator Knowland—1.

Title read and approved.

Assembly Bill No. 37 ordered transmitted to the Assembly.

Adjournment.

On motion of Senator Rich, at twelve o'clock and five minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Thursday, March 14, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER

SACRAMENTO, Thursday, March 14, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Bigger, Cottingham, Daniel, Ehlert, Fernald, Edwards, Fleming, Geyer, Gordon, Hays, Hulse, Johnson, Keithland, Mason, McLaughlin, McQuinn, McGuinness, Metzger, Miller, Olson, Patterson, Pease, Richmond, Rogers, Roth, Schaffly, Scollan, Seawell, Sorenson, Sutter, Sutter, Stone, Strong, Tamm, Wagdy, Williams, and Young.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Mount.

Reading of the Journal.

During the reading of the Journal of Wednesday, March 13, 1935 the further reading was dispensed with, on motion of Senator Sisker.

Leaves of Absence

Senator Keough was, on motion of Senator Scollan, granted leave of absence for this day.

Senator King was, on motion of Senator Bigger, granted leave of absence for this day.

Privilege of Floor of Senate Extended

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Sadie Cable, principal, and the following pupils of the Orangevale School of Sacramento: Bernard Guntzman, Ralph Johns, Betty Strickers, Teddy Greenhalgh, Frederick Tomlin, Joseph Eversart, Jack Fox, Billie Muns, Bohler Martin, Robert Strong, Eyla Noss, Marjorie Johnston, Susan Baranek, Tom Boomer, Olga Gavrilan, Dick Mallory, and Lewis Saceram.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Rudis Sale of Red Bluff.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Gault, teacher, and the following students of the Edward Kelley School of Sacramento: Irene Rose, Barbara Silva, Josephine Domingina, Riyoko Kitada, Chiyo Satow, Yoshiko Yokoi, Riyoko Iwasa, Shizui Doi, Meriko Yokoi, Tony Martin, and Frank Okita.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dorothy Johnston, teacher, and the following pupils of the Rose Grammar School of Elk Grove: Paul Frannsieck, Margie Beras, Kanue Tamura, Reiko Shimiza, Mary Fujii, Jean Dekuzaker, Terhi Fujitara, Bill Tsukamoto, Grace Matsusaki, Sam Sasaki, and Masayoshi Kawanoto.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1066—An act to amend section 1238 of the Civil Code, relating to homesteads.

Also: Assembly Bill No. 1301—An act to amend section 718 of the Civil Code and section 842 of the Probate Code and to add a new section numbered 1538.5 to the Probate Code, relating to the leasing of property of a minor, insane or incompetent person, or of a decedent;

Also: Assembly Bill No. 1468—An act to add sections 8a to 8e, and 8p to 8u, inclusive, to the Juvenile Court Law, relating to forestry camps for wards of the juvenile court;

Also: Assembly Bill No. 2133—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 1066, 1301, 1468, and 2133 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 656—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds;

Also: Assembly Bill No. 657—An act to amend sections 41c and 42 of the California Irrigation District Act, relating to the payment of irrigation district assessments;

Also: Assembly Bill 759—An act to amend section 47a of the California Irrigation District Act by adding thereto a provision authorizing payment of current assessments upon partial redemption;

Also: Assembly Bill No. 843—An act to repeal section 73a of the California Irrigation District Act, relating to the procedure by which property owners may be relieved from obligations of the district.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 656 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 657, 759, and 843 read first time, and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 956—An act to amend an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, by amending sections 5 and 15 thereof, relating to special assessment bonds;

Also: Assembly Bill No. 1004—An act authorizing municipalities to afford special assessment relief by the appropriation of money for the reduction of special assessments and the payments on bonds issued to represent such assessments, and by the payment of any portion of the principal or interest of, or by the purchase or redemption at a discount of, or by the transfer to the interest and sinking fund for the discharge and payment of bonds, the proceeds of which have been used for the acquisition of rights of way or easements for, or for the construction, maintenance, improvement or repair of streets, bridges and culverts within such cities, and providing a method for the making of such appropriations;

Also: Assembly Bill No. 1161—An act to amend section 718c of the Civil Code, empowering municipalities to lease property;

Also: Assembly Bill No. 1262—An act to amend section 1 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, Statutes of 1913, page 76, as amended.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 956, 1064, and 1161 read first time and referred to Committee on Municipal Corporations.

Assembly Bill No. 1262 read first time, and referred to Committee on County Government.

Also

Assembly Chamber, September 16, 1935

Mr. President, I am on this last point. As to the organization and execution of the board of directors of such districts in the inclusion of land therein or exclusion of land therefrom, and to the creation of a local board.

Also, Assembly Bill No. 1441, As amended (Assembly Bill 1441, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 26

Also Ascribed: P. No. 1049. As well as the signed section 3870 and the signed section 3871 of the Political Code, relating to provisions for poor people, paupers, and the State.

The Also Assembly Bill No. 1641, As Amended, known as the Workmen's Compensation Insurance and Safety Act, passed May 26, 1910, relating to insurance coverage of the State and certain persons who belong to labor organizations and quasi public organizations.

ARTHUR A. GUINNESS, JR., Editor

1. *Journal of the American Medical Association*, 1990; 263: 1025-1026.

Assembly Bill No. 1268 read twice, and referred to Committee on Judiciary.

Assembly Bill No. 1341 (enrolled first time, and referred to Committee on Education).

Assembly Bill No. 1640 read first time, and referred to Committee on County Government.

Assembly Bill No. 1641 read first time, and referred to Committee on Insurance.

Also:

Accepted for publication 2 September 1997; accepted for publication 10 March 1998

MR. PRESIDENT: I am delighted to learn from Mr. Langford, that the Assembly on this day passed Assembly Bill No. 1,000. As yet no record is shown in the Political Code, relating to State Officers and Judges.

Also, Assembly Bill No. 1742, Act No. 1742, Chapter 1742, District Act, approved June 21, 1923, as amended, by adding to said act, as amended, new sections to be read here and providing for the sale of lands of the State to disposal of tax-debted and tax-delinquent lands; section 65, relating to proceedings in bankruptcy; section 66, relating to the sale of lands of the State; section 67, thereof under an act approved May 5, 1917, relating to the sale of lands of the State; section 67, validating orders of the State Board of Land Commissioners in reclamation plans, and defining the term "reclamation plan" as defined in the act approved May 5, 1917, relating to the sale of lands of the State.

Also, Assembly Bill No. 1849, A. 1, § 1, and a new section to the Probate Code, to be numbered 1558, provide for a new process for the appointment of a guardian for an insane or incompetent person and of a conservator of the estate of an insane or incompetent person:

Also: Assembly Bill No. 2171—An act to amend Section 1247 of the Political Code, relating to salaries of county officers, a number of the registered class.

ARTHUR A. ORINIMUS, C. J. CHES

By Fred J. Deason, Assistant Clerk

Assembly Bill No. 1624 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1743 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1819 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2171 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 629—An act to amend The California Districts Securities Commission Act by amending section 11 thereof, relating to the levy of annual assessments by irrigation districts, and declaring the urgency thereof:

Also: Assembly Bill No. 642—An act to provide for the formation of districts within municipalities for the acquisition, construction or extension of water works, water systems or water distribution systems, for the issuance, sale and payment of bonds of such districts to meet the cost of such water works, water systems or water distribution systems; and for the acquisition, construction or extension of such water works, water systems or water distribution systems;

Also: Assembly Bill No. 661—An act to amend section 4.360 of the School Code, relating to school district budgets;

Also: Assembly Bill No. 923—An act to amend section 1283 of the Agricultural Code, relating to deciduous fruit dealers.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 629 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 642 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 661 read first time, and referred to Committee on Education.

Assembly Bill No. 923 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 414—An act to amend section 2123 of the School Code, relating to the providing of instruction and transportation by county superintendents of schools for elementary pupils;

Also: Assembly Bill No. 521—An act to provide a method for improving public streets, avenues, lanes, alleys, courts and places within municipalities of the sixth class, and for levying and collecting assessments upon property to pay for such improvements, and declaring the urgency hereof, to take effect immediately, and repealing an act approved May 25, 1933, relating to the same subject;

Also: Assembly Bill No. 550—An act to amend section 2337 of the Political Code, relating to institutions;

Also: Assembly Bill No. 771—An act authorizing counties to contract with cities and towns to assume and carry on certain municipal functions thereof, providing for transfers of employees and adjustment of pensions, and authorizing cities to transfer such functions to counties and to enter into contracts in relation thereto.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 414 read first time, and referred to Committee on Education.

Assembly Bill No. 521 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 550 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bill No. 771 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 361—An act to amend the division heading of Division V of the Agricultural Code, relating to standardization;

Also: Assembly Bill No. 363—An act to amend section 1072 of the Agricultural Code, relating to economic poisons;

Also Assembly Bill No. 264—An act to amend section 1006 of the Agricultural Code, relating to fertilizing materials.

Also Assembly Bill No. 267—An act to amend section 104 of the Agricultural Code, relating to quarantine.

ARTHUR A. CHINMUS, Clerk Clerk.
By FRANK J. DUNN, Assistant Clerk.

Assembly Bills Nos. 361, 363, 364 and 365 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY COUNCIL, SUNDAY, MARCH 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 627—An act to add section 104 to the Juvenile Court Law, relating to the prosecution of juvenile delinquency through public defender or guardian.

Also Assembly Bill No. 639—An act to amend section 104 of the Civil Code, relating to application for and issuance of process for arrest.

Also Assembly Bill No. 694—An act to amend sections 107, 108, 109, 110 and 1201 of the Probate Code, relating to publication of notices in probate proceedings.

Also Assembly Bill No. 695—An act to amend section 104 of the Juvenile Court Law, relating to confinement of subject with parents by court order and supervision.

ARTHUR A. CHINMUS, Clerk Clerk.
By FRANK J. DUNN, Assistant Clerk.

Assembly Bills Nos. 637, 638, 639, and 640 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY COUNCIL, SUNDAY, MARCH 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1024—An act to amend sections 1103, 1104, 1105, 1106, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 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1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 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2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 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Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 147—An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 147 ordered to enrollment.

Reports of Standing Committees.

The following reports of standing committee were received and read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1—An act to amend section 6 of an act entitled "An act to provide for the formation, organization and government of storm-water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any unnavigable stream, watercourse, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," approved March 13, 1909;

Also: Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases;

Also: Senate Bill No. 215—An act to add section 1219.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations;

Also: Senate Bill No. 320—An act to amend section 11 of and to add a new section to be numbered section 12 to an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, as amended;

Also: Senate Bill No. 519—An act to repeal "An act to regulate the business of selling live stock at public auction and requiring live stock auctioneers to obtain a license and to execute a bond to the State of California, and providing penalties for violation of this act, and repealing acts in conflict herewith," approved June 1, 1921; And reports that the same have been correctly engrossed.

METZGER, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 792—An act making an appropriation to pay the claim of ----- against the State of California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—14; absent—5.

SHARKEY, Chairman.

Consideration of Senate Bill No. 792.

Senator Sharkey asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 792, without reference to file, for purpose of passage.

Second Reading of Senate Bill No. 792.

Senate Bill No. 792—An act making an appropriation to pay the claim of ----- against the State of California.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 792 were read and adopted:

Amendment No. 1.

Strike out all of the title of the printed bill and insert in lieu thereof the following:

"An act making an appropriation to meet a deficiency in the appropriation for legislative printing, printing, etc., during the Senate's session, and providing that this act shall take effect immediately."

Amendment No. 2.

On page 1, line 1, of the printed bill, following the period, insert the following:

"The sum of two hundred thousand dollars (\$200,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated to meet a deficiency in the appropriation for legislative printing, printing, etc. The sum herein appropriated shall be available for legislative printing, printing, etc., incurred in connection with the two next sessions of the Legislature, and until such amount is expended."

SEC. 2. Inasmuch as the amount of expenditures for the usual current expenses of the State it is hereby declared an urgent necessity and shall under the provisions of section 1 of Article IV of the Constitution, take effect immediately."

Bill read second time, considered correctly engrossed, and on the for third reading

Resolution.

The following resolution, was offered:

By Senator Sharkey:

Resolved: That Senate Bill No. 792 (insert) is one of urgency, so that form is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house be hereby dispensed with, and it is ordered that said bill be read the third time and passed upon its passage.

Resolution read

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Porovich, Powers, Read, Rahn, Schottky, Scollan, Seawell, Sharkey, Slater, Snider, Staw, Swing, Tinkle, Williams, and Young—37.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 792.

Bill read third time

Urgency Clause.

SEC. 2. Inasmuch as this act makes an appropriation for the usual current expenses of the State it is hereby declared an urgent necessity and shall under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Urgency clause read

The question being on the adoption of the urgency clause

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Porovich, Powers, Read, Rahn, Schottky, Scollan, Seawell, Sharkey, Slater, Snider, Staw, Swing, Tinkle, Wagy, Williams, and Young—37.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 792 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Knowland, McColl, McCormack, McGovern,

ern, McGinness, Metzger, Mixer, Olcott, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Schottky, Seollen, Seawold, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

NOES—None.

Title read and approved.

Senate Bill No. 722 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received and read, and the bills or resolutions reported therein were ordered on file.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 551—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal sections 7 and 19 of said act; to add sections 7 and 19 to said act; all relating to the taxation of the privilege of selling tangible personal property; and to provide that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 350—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and to add a new section thereto numbered 9a;

Also: Senate Bill No. 358—An act to amend sections 1, 3, 4 and 10 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with the act," approved April 28, 1923, and to add a new section to said act numbered 9a;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 762—An act granting to the city of Pacific Grove the title to certain portions of the waterfront of said city together with certain submerged lands in the bay of Monterey contiguous thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

PARKMAN, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations, in anticipation of the collection of taxes and revenues—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT, Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 419—An act to amend section 1155a of the Political Code, relating to amendments by initiative to laws—

Also, Senate Bill No. 420—An act to amend sections 1727 and 1728 of the Political Code, relating to the granting of water and power to the communities from and the prohibition of duplicate municipal establishment of communities—

Also, Senate Bill No. 708—An act relating to the borrowing of money by the State in anticipation of taxes and revenues—

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—10, absent—3.

DE VAL, Chairman.

Also:

MR. PRESIDENT, Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 415—An act to add a new section to the Political Code to be numbered 2287, relating to the payment of the State of California, for expenses had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—10, absent—3.

DE VAL, Chairman.

On Irrigation.

SENATE CHAIRMAN, SACRAMENTO, MARCH 12, 1935.

MR. PRESIDENT, Your Committee on Irrigation, to which was referred Senate Bill No. 704—An act to provide for the development of water power by irrigation districts and providing for the distribution, transmission, transmission and distribution of electric power, and providing for the holding of community and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy—

Also, Senate Bill No. 705—An act to amend the California Irrigation District Act, the power and providing to develop hydroelectric power and to require payment, providing water for plants, for development and distribution of electric energy and creating of irrigation district power districts to be managed, organized and controlled under the provisions of the California Irrigation District Act—

Also, Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 134, authorizing irrigation districts, hereafter or hereafter organized, and existing under and by virtue of the provisions of the California Irrigation District Act, to pay or amendatory thereof or supplemental thereto, to develop and distribute electric power or energy by the use of water works under the control of such district and by contract to acquire and transmit and otherwise transmit electric power and to provide for the management of such agencies and the necessary taxes—

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—5, absent—2.

MIXTER, Chairman.

Also:

MR. PRESIDENT, Your Committee on Irrigation, to which was referred Senate Bill No. 255—An act to add a new section to be numbered 844, to the Civil Code, relating to actions for the determination of rights of persons interested in the use of ditches, flumes, pipelines or conduits for the conveyance of water—

Also, Senate Bill No. 293—An act to amend section 98 of the California Irrigation District Act and to amend sections 99, 99a, 100, 107 and 108 of said act, all relating to the consolidation and distribution of unincorporated or unincorporated lands and portions of irrigation districts—

Also, Senate Bill No. 1070—An act to amend an act entitled "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, by amending sections 1 and 3 of said act to validate redemptions heretofore made, and declaring the urgency thereof—

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—7; committee vote: Ayes—5, absent—2.

MIXTER, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 877—An act to add section 15a to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to evasions of license fees through wagers conducted on information furnished through news services—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 57—An act to amend section 26 of the California Irrigation District Act, approved March 31, 1897, relating to directors of irrigation districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 59—An act to amend section 11 of the California District Securities Act, providing that said section shall remain in effect until November 1, 1937, and declaring this act an emergency measure enacted under the police power—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—2.

MIXTER, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 320—An act to add sections 762, 763 and 764 to, and to repeal sections 789, 790 and 791 of, the Probate Code, relating to sales of property;

Also: Senate Bill No. 289—An act validating the formation and existence of certain harbor districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by such districts and authorizing the levy and collection of taxes sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 1016—An act validating the formation, organization and existence of districts formed under the "Orange County Water District Act," approved June 14, 1933;

Also: Senate Bill No. 284—An act to add section 133 to the Civil Code, relating to entry of final judgment in divorce cases nunc pro tunc;

Also: Senate Bill No. 389—An act to amend section 630 of the Probate Code, relating to summary probate proceedings;

Also: Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property by the State under proceedings in eminent domain;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 10—Relative to memorializing the Public Works Administration to approve the application of the Los Angeles County Flood Control District for a grant of \$5,882,000 to be used for the immediate construction and permanent improvement of the flood channel of Ballona Creek between Vineyard Station on the Pacific Electric Railway and the ocean, the same being commonly known as the Ballona Creek Project at Culver City, Del Rey and Venice Bay districts, Los Angeles County, California;

Also Assembly Joint Resolution No. 31—Relative to authorizing Congress to appropriate sufficient funds and enact additional legislation to provide a comprehensive plan for the deporting of undesirable aliens and criminals illegally within this Nation:

Also Assembly Joint Resolution No. 32—Relative to authorizing Congress to prepare proper legislation providing for the deportation of aliens who are dangerous on public relief.

Uns had the same under consideration and respectfully reports the same back and recommends that they be adopted.

Committee membership—5; committee vote—4 yeas, 2, absent—2.

RICH, Acting Chairman.

Withdrawal and Re reference of Senate Bills Nos. 130, 336 and 337

Senator Swing moved that Senate Bills Nos. 130, 336 and 337 be withdrawn from Committee on Judiciary, and referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Swing moved to reconsider the vote whereby Assembly Joint Resolution No. 39 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Swing, the further consideration of the motion to reconsider the vote whereby Assembly Joint Resolution No. 39 was refused adoption, was continued until the next legislative day.

Consideration of Daily File

Second Reading of Senate Bills.

Senate Bill No. 822—An act to amend section 27 of the Streets and Highways Code, relating to the maintenance of the State highways.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Roads and Highways, the following amendment to Senate Bill No. 822 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 17 and 18, and insert in lieu thereof the following:

"(a) The removal of weeds from the rights of way of State and county highways.

The degree and type of maintenance for such highways, or portion thereof, shall be determined in the discretion of the institution charged with the maintenance thereof, taking into consideration traffic requirements and money available therefor."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 256—An act to amend sections 250, 304, 307, 323, 348, 364, 374, 463 and 465 of the Streets and Highways Code, relating to State highways.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 256 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "250", and insert in lieu thereof "251".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "250", and insert in lieu thereof "251".

Amendment No. 3.

On page 1, line 3, of the printed bill, strike out "280", and insert in lieu thereof "251".

Amendment No. 4.

On page 3, line 9, of the printed bill, insert a comma after "Valley".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 107—An act delegating to the California Highway Commission power and authority during times when the Legislature of the State of California is not in session to accept on behalf of the State of California grants of rights of way for State roads through military reservations from the government of the United States made by the Secretary of War to the State of California or any political subdivision thereof, and declaring the effect of such acceptance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 233—An act repealing section 365e $\frac{1}{2}$ of the Political Code, relating to the California Highway Commission.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 237—An act to amend section 7 of an act entitled, "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, as amended, relating to State highways.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 45—An act to amend section 2051 of the Code of Civil Procedure, relating to the impeachment of witnesses convicted of certain misdemeanors.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 45 were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, after the comma, insert the following: "(1)".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 9 and 10, and insert the following: "felony, and (2) at any hearing or trial in a criminal case that he had been convicted of a misdemeanor involving moral turpitude."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 100—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 37a thereof, relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176 California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 316—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, relating to the lands of such districts and taxes therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 427—An act to amend section 4,260 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and as such shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Deuel, Deuel, Edwards, Garrison, Gordon, Hays, Hulse, Jensonson, Kesseland, McCall, McCormick, Matheson, McGinniss, Metzger, Mixer, Olson, Perry, Pomeroy, Powers, Renshaw, Rich, Schotky, Sedlan, Seawell, Sharkey, Slater, Snyder, Stark, Strong, Tuck, Warr, Williams, and Young—36.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 427 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Deuel, Deuel, Edwards, Garrison, Gordon, Hays, Hulse, Jensonson, Kesseland, McCall, McCormick, Matheson, McGinniss, Metzger, Mixer, Olson, Perry, Pomeroy, Powers, Renshaw, Rich, Schotky, Sedlan, Seawell, Sharkey, Slater, Snyder, Stark, Strong, Warr, and Williams—34.

NOES—None.

Title read and approved.

Senate Bill No. 427 ordered transmitted to the Assembly.

Senate Bill No. 685—An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters, and declaring the urgency of this act.

Amendments from the Floor.

During third reading of Senate Bill No. 685, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "amend section 274c of", and insert in lieu thereof the following: "and section 274d to"

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 27, inclusive, and on page 2, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 274d and to read as follows:

274d."

Amendment No. 3.

On page 2, line 6, of the printed bill, strike out "this section", and insert in lieu thereof the following: "section 274d".

Bill ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 519—An act to repeal "An act to regulate the business of selling live stock at public auction and requiring live stock auctioneers to obtain a license and to execute a bond to the State of California, and providing penalties for violation of this act, and repealing acts in conflict herewith," approved June 1, 1921.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 519 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

NOES—None.

Title read and approved.

Senate Bill No. 519 ordered transmitted to the Assembly.

Senate Bill No. 1—An act to amend section 6 of an act entitled "An act to provide for the formation, organization and government of storm-water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, watercourse, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," approved March 13, 1909.

Amendment from the Floor.

During third reading of Senate Bill No. 1 the following amendment, offered by Senator Edwards, was read and adopted:

Amendment No. 1.

On page 2, line 14, of the printed bill, strike out "day", and insert in lieu thereof the following: "Friday".

Bill ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases.

Amendment from the Floor.

During third reading of Senate Bill No. 71, the following amendment, offered by Senator McGovern, was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, strike out "party", and insert in lieu thereof the following: "side".

Bill ordered to reprint, re-engrossment, and on file for third reading.

Re-reference of Senate Bill No. 215.

Senator Duval moved that Senate Bill No. 215 be re-referred to Committee on Agriculture and Live Stock.

Motion carried, and such was the order.

Senate Bill No. 282—An act to amend section 16824 of the Weights and Measures Act, relating to senders of weights and measures to counties of the twenty fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 282 passed by the following vote:

AYES: Senators Egan, Goodwin, Ince, DeFries, Dorris, Edwards, Fanning, Garrison, Gorman, Hays, Hulse, Isaacson, Kautzman, Meade, MacCannick, McGovern, McConness, Metzger, Morris, Olson, Parkinson, Price, Phillips, Potts, Rappacher, Rice, Schmitz, Seckell, Shockey, Slater, Snyper, Smith, Spragg, Tolan, Wain Williams, and Young. 37.

NOES: None.

Title read and approved.

Senate Bill No. 282 ordered transmitted to the Assembly.

Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator Fletcher

SENATE CHAMBER, SACRAMENTO, MARCH 14, 1935.

MR. PRESIDENT: In accordance with the provisions of section 7, Article IV of the Constitution, I request permission to introduce a bill, the text of which is on fourth below.

An act to amend section 1160 of the Penal Code, relating to having and using of polls.

Request referred to Committee on Rules.

Reports of Standing Committees.

The following reports of standing committees were received and read, and the bills reported thereon were ordered on file.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, MARCH 14, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 835—An act to amend sections 1571a to the Penal Code relating to the California Institution for Women.

Also, Senate Bill No. 836—An act to amend sections 1571, 1571a, 1576 and 1586, of the Penal Code, approved April 18, 1933, relating to the State Prison. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

REINHOLLAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, creating an institution for women, has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—7; committee vote: Ayes—5; absent—2.

REINHOLLAR, Chairman.

Senate Constitutional Amendment No. 21 ordered on file.

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 609—An act to amend section 609 of the Penal Code, relating to terms of imprisonment;

Also: Senate Bill No. 614—An act to amend section 644 of the Penal Code, relating to habitual criminals;

Also: Senate Bill No. 617—An act to amend subdivision 2 of section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners;

Also: Senate Bill No. 619—An act to amend section 3 of an act entitled "An act to authorize and regulate the employment of prisoners in the State prisons of this State to provide for the disposition of the products of their skill and labor," approved February 23, 1911:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—7; committee vote: Ayes—5; absent—2.

REINDOLLAR, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, March 13, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 789—An act to amend the Vehicle Code by amending sections 113, 114, 115, 121, 123, 124, 135, 451, and 680, relating to vehicles:

Also: Senate Bill No. 953—An act to add a new section to the Vehicle Code to be numbered section 628, relating to dash lamps on motor vehicles and connections therewith:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—15; absent—2.

FLETCHER, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 212—An act to establish an Insurance Code, thereby consolidating and revising the law relating to insurance principles, practice and business and matters incidental thereto, and to repeal certain acts and parts of acts specified herein—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

WILLIAMS, Chairman.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 139—An act to provide for the burning of the brush and debris on a watershed for experimental purposes and reports that the same has been correctly engrossed.

METZGER, Chairman.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 139—An act to provide for the burning of the brush and debris on a watershed for experimental purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 139 passed by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jaspersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—Senator Tickle—1.

Title read and approved.

Senate Bill No. 139 ordered transmitted to the Assembly.

Adjournment.

On motion of Senator Rich, at twelve o'clock and fifteen minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Friday, March 15, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

STATE CHANGES

SACRAMENTO, Friday, March 15, 1906.

The Senate met at eleven o'clock a.m.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Boock at the dis-

Roll Call

The roll was called, and the following answered to their names:

Senators Biggar, Davis, Doherty, Duffin, Ferguson, Ferguson, Gault, Gault, Gault,
Hess, Hilde, Janssen, Kinsman, Marshall, McLaughlin, McLaughlin, McLaughlin, McLaughlin,
Parkman, Perry, Powers, Renshaw, Ross, Schmitt, Schmitt, Schmitt, Schmitt, Schmitt,
Stall, Stone, Swamy, Wynn, and Williams. 1

Quorum present

Prayer.

Prayer was offered by the Chaplain, Ray Norman E. Monte.

Reading of the Journal.

During the reading of the Journal of Thursday, March 14, 1907, the further reading was disposed with, on motion of Senator Slater

Leaves of Absence

Senator King was, on motion of Senator Huggar, granted leave of absence for this day.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this day.

Senator Tickle was, on motion of Senator Perkins, granted leave of absence for this day.

Senator Snyder was, on motion of Senator Mullins, granted leave of absence for this day.

Privilege of Floor of Senate Extended

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was ungenerously extended to Mrs. E. J. Brown, Mrs. Arnette Bachman, Mrs. Harry Wm. Thomas, and Mrs. Mathew Grimes, all of San Francisco.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred W. Nighorn and W. E. Van Meter of Bakersfield.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fannie Child and Mrs. Wm. H. Muehler of Santa Rosa, and Miss Mary Luter of New Orleans, Louisiana.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Van Vleet, secretary of San Joaquin County Farm Bureau, R. C. Grunwell, Fire Chief M. D. Murphree, Maurice T. Lery, all of Stockton; Jack Mullallery, president San Joaquin County Farm Bureau, Emerson Herriek of Lodi; Mr. and Mrs. Ray Miller of Linden, California, and Miss A. J. Forehand of Boston, Massachusetts.

On request of Senator Garrison the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leroy Nichols, principal of the Lodi High School of Lodi.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marie Jacobs of Sonora.

On request of Senator McGuinness, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles M. Hulse of Dunsmuir.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency, Senate Bill No. 792—Inviting Secretary of Labor Perkins to address a joint session of the Senate and Assembly.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 20 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency, Senate Bill No. 792—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., declaring the urgency thereof, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 792 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 229—An act to amend sections 3366 and 4041.14 and to repeal section 3381 of the Political Code, relating to the licensing of businesses by the counties:

Also: Assembly Bill No. 1991—An act to repeal section 658a of the Political Code and to add section 658.5 thereto, relating to refunds of fees paid to the State.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 229 read first time, and referred to Committee on County Government.

Assembly Bill No. 1991 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1679—An act to amend section 1207 of the Penal Code, relating to entry of judgment:

Also: Assembly Bill No. 1722—An act to amend section 1408 of the Penal Code, relating to the order for delivery of property to the owner;

Also: Assembly Bill No. 1779—An act to amend section 462 of the Political Code, relating to unclaimed money of the State;

Also: Assembly Bill No. 1793—An act to add section 690.11 to the Political Code, relating to fees.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 1679 and 1722 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 1779 and 1793 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 585—An act to amend sections 1, 64, 65, 67 and 108 of an act entitled "An act to purify the mining industry, including the adjustment with other such sections of a settlement given by members of the State of California, and make an appropriation thereof," approved June 9, 1902, relating to the State Employees' Retirement System.

Also: Assembly Bill No. 645—An act to amend section 436 of the Civil Code relating to corporations.

Also: Assembly Bill No. 736—An act to amend section 2, 485 of the Civil Code relating to the transfer of an executory deed, thence, from one legal estate distinct to another.

Also: Assembly Bill No. 1036—An act to amend section 1418 of the Penal Code relating to the pardoning or commuting of sentence of persons who commit a felony.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DUNN, Assistant Clerk.

Assembly Bill No. 585 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 645 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 736 read first time, and referred to Committee on Education.

Assembly Bill No. 1036 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1199—An act to amend section 2630 of the Political Code, relating to compensation for members of juries.

Also: Assembly Bill No. 1235—An act to add to the Penal Code a new section to be numbered 1908, relating to the discharge of sentences and imprisonment and the termination of probation proceedings.

Also: Assembly Bill No. 1548—An act to amend the Statute in connection with purchase of State lands one-half of any proceeds which has accrued on account of failure of any such purchaser to pay interest, when due, in satisfaction of any payment by any such purchaser, in or before December 31, 1934, to the State of California, of any sums due the State on account of interest, plus the amounting one-half of any accrued proceeds.

Also: Assembly Bill No. 1678—An act to add a new section to the Penal Code to be numbered 1909, relating to the punishment of a convict on discharge after prior convictions.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DUNN, Assistant Clerk.

Assembly Bill No. 1199 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1235 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1548 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1678 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 34—An act to amend section 4400 of the Political Code by adding thereto a provision specifying the mileage to be allowed by constables and marshals in counties of the third class in the service of any writ, order or paper, excepting a warrant of arrest.

Also: Assembly Bill No. 70—An act to add section 3757 to the Political Code providing for the rejection of all fractions of a cent by auditors and tax collectors.

when computing taxes, penalties for delinquencies or interest and percentages on redemption;

Also: Assembly Bill No. 346—An act to amend section 1208 of the Code of Civil Procedure, relating to liens upon animals;

Also: Assembly Bill No. 522—An act to amend section 400 of the Vehicle Code, relative to the liability of governmental agencies.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 34 read first time, and referred to Committee on County Government.

Assembly Bill No. 70 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 346 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 522 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to section 24 of Article IV of the Constitution of said State, relating to acts codifying, revising, consolidating, rearranging or repealing the law.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendment No. 26 referred to Committee on Judiciary.

Reports of Standing Committee.

The following reports of standing committee were received and read, and the measures reported therein ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 15, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 100—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 37a thereof, relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176 California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929;

Also: Senate Bill No. 101—An act to amend section 3 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to expenditure of State highway funds within cities, declaring the urgency hereof, and to provide that this act take effect immediately;

Also: Senate Bill No. 107—An act delegating to the California Highway Commission power and authority during times when the Legislature of the State of California is not in session to accept on behalf of the State of California grants of rights of way for State roads through military reservations from the government of the United States made by the Secretary of War to the State of California or any political subdivision thereof, and declaring the effect of such acceptance;

Also: Senate Bill No. 233—An act repealing section 365½ of the Political Code, relating to the California Highway Commission.

Also: Senate Bill No. 237—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, as amended, relating to State highways;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, relating to an institution for women.

Also: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 17, relating to the power of the Legislature to provide for the increasing of taxes in State Appropriations, in anticipation of the reduction of taxes and levies.

And reports that the same have been carefully reviewed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 14—An act to amend an act entitled "An act to provide for the organization and government of domestic missions, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereof of swamps, for the drainage of the lands situated within such districts," approved March 20, 1931, as amended, relating to the form of such districts and taxes therefor, and reports that the same have been carefully engrossed.

METZGER, Chairman.

Reports of Standing Committees.

The following reports of standing committees were received and read, and the bills reported therein ordered on file for second reading:

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, March 12, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 24—An act limiting the number of days in a year, and prescribing penalties for violation thereof—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

OLSON, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 12, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 892—An act to amend section 1989 of the Code of Civil Procedure, relating to witnesses;

Also: Senate Bill No. 821—An act to amend section 695 of the Political Code, relating to appointment of appraisers.

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that the bills be referred to this committee.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, March 15, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1659—An act to amend section 1034 of the Political Code, relating to tenure of certain public officers—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2171—An act to amend section 4247 of the Political Code, relating to salaries of county officers in counties of the eighth-class, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 235—An act to amend sections 2 and 3 of "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the Public Utilities Act and the Railroad Commission of the State of California," approved April 25, 1913, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

BIGGAR, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 834—An act to add section 17 to an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor," has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

REINDOLLAR, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 276—An act authorizing cities, cities and counties, and boards or departments thereof, in issuing revenue bonds or other evidences of indebtedness, payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures thereto by facsimile, for making the same payable at places outside the State of California, and for the registration thereof, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

On Rules.**Report on Request to Introduce a Bill.**

SENATE CHAMBER, SACRAMENTO, March 14, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request by Senator Fletcher to introduce a bill entitled—An act to amend section 1160 of the Political Code, relating to opening and closing of polls—has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
DIFANI.
TICKLE.
KNOWLAND.
SLATER.

The question being on the adoption of the report of the Committee on Rules.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Knowland, McCall, McGovern, McGinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Reisdollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Williams, and Young—31.

NOES—None.

Also: Senate Bill No. 556—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—11; absent—4.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 99—An act to amend sections 4.161 and 4.221 and 4.222 of the School Code, all relating to unapportioned county school funds;

Also: Senate Bill No. 658—An act to amend section 3.472 of the School Code, relating to the transportation of teachers of agriculture employed by high school districts and engaged in supervising project work of pupils;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

JESPERSEN, Chairman.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 551—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal sections 7 and 19 of said act; to add sections 7 and 19 to said act; all relating to the taxation of the privilege of selling tangible personal property; and to provide that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 551 were read and adopted:

Amendment No. 1.

In line 11 of the title of the printed bill, strike out "Sections 7 and", and insert in lieu thereof "section".

Amendment No. 2.

In line 11 of the title of the printed bill, strike out "7", and insert in lieu thereof "9½".

Amendment No. 3.

On page 4, line 13, of the printed bill, after "Sec. 4", strike out all of lines 13, 14 and 15, and "Sec. 7," at the beginning of line 16, and insert in lieu thereof the following: "A new section numbered 9½ is hereby added to said act to read as follows: 'Sec. 9½.'".

Amendment No. 4.

On page 9 of the printed bill, strike out lines 12 to 21, inclusive, and insert in lieu thereof the following: "interest and penalty set forth in the certificate. The judgment may be filed by the county clerk".

Amendment No. 5.

On page 9 of the printed bill, strike out lines 24 to 38, inclusive, and insert in lieu thereof the following:

"An abstract of such judgment or a copy thereof may be recorded with the county recorder of any county and from the time of such recording, the amount of the taxes, interest and penalty therein set forth shall constitute a lien upon all the real property of the retailer in such county, owned by him or which he may afterwards and before the lien expires acquire, which lien shall have the force, effect and priority of a judgment lien. Execution shall issue upon such a judgment upon request of the board in the same manner as execution may issue upon other judgments and sales shall be held under such execution as prescribed in the Code of Civil

Procedure. In all proceedings under this section the board shall be authorized to act on behalf of the people of the State of California.

Amendment No. 6.

On page 10, line 21, of the printed bill, strike out "person", before the word "property", and insert after the word "person", the word "land or personalty"; strike out all of said line following "person", and all of line 22, and all that part of line 23 preceding the word "and".

Amendment No. 7.

On page 11, line 4, of the printed bill, after "and", insert the following: "and each bill of sale or deed shall bear the signature in ink of the person to the use of whom", strike out all of lines 6, 7, 8 and 9 and "and property is the product thereof," in line 10.

Amendment No. 8.

On page 6, line 16, of the printed bill, strike out "T", and insert in lieu thereof "U".

Amendment No. 9.

On page 8, line 34, of the printed bill, strike out "T", and insert in lieu thereof "U".

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Constitutional Amendment No. 18.—A resolution is proposed to the people of the State of California, as an amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations, in anticipation of the collection of taxes and revenues.

Ordered to engrossment, and on file.

Senate Bill No. 419.—An act to amend section 3628a of the Political Code, relating to assessments by reference to maps.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 430.—An act to amend sections 3727 and 3728 of the Political Code, relating to the recording of values and accounts in the assessment book and the preparation of duplicate statistical statements of assessments.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 708.—An act relating to the borrowing of money by the State in anticipation of taxes and revenues.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 415.—An act to add a new section to the Political Code to be numbered 3887, relating to the priority of the State of California for taxes.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 877.—An act to add section 15a to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide

that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to evasions of license fees through wagers conducted on information furnished through news services.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 877 were read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, before the word "thousand", insert "not less than \$500 or more than one".

Amendment No. 2.

On page 2, line 5, of the printed bill, after the word "of", insert "not exceeding two".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 255—An act to add a new section to be numbered 844, to the Civil Code, relating to actions for the declaration of rights of persons associated in the use of ditches, flumes, pipe lines or conduits for the conveyance of water.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 255 were read and adopted:

Amendment No. 1.

On page 1, lines 4 and 5, of the printed bill, strike out the comma after the word "water", and the following: "or any part thereof."

Amendment No. 2.

On page 1, line 7, of the printed bill, after the comma after the word "contributed", insert the following: "and which is not under the control or management of any public agency or authority,".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 293—An act to amend section 98 of the California Irrigation District Act and to repeal sections 99, 99½, 106, 107 and 108 of said act, all relating to the cancellation and destruction of unissued or unsold bonds and coupons of irrigation districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 293 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the title of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "and declaring the urgency thereof."

Amendment No. 2.

On page 1, line 24, of the printed bill, after the word "canceled", strike out the period, and insert in lieu thereof a semicolon and the following: "provided, that whenever any such resolution is offered the consideration thereof shall be postponed to a date to be fixed by the board and said resolution shall be published once a week for at least two successive weeks in a newspaper published in the county in which the office of the district is located together with a notice stating the time fixed by the board for the consideration of said resolution."

Amendment No. 3.

On page 2 of the printed bill, after line 12, insert the following:
"SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning

of section 4 of Article IV of the Constitution and shall continue in effect until 1940.

The following is a statement of the facts concerning such matters:

Due to present depressed economic conditions many land owners of irrigation districts voluntarily authorized but cannot pay for the full and entire bonds issued by such districts and in default, such is so numerous that such construction funds be returned to either the land owners or the districts or the State. Federal agencies have offered to make up the entire project cost. But it is necessary preliminary to the granting of such aid by the Federal agencies it is necessary that such authorized or unpaid bonds be financially adjusted and paid completely. The money be allocated for the immediate construction and maintenance of such projects and public works and complete as before provided."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1070—An act to amend an act entitled "An act relating to the redemption of property sold by Irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, by amending sections 1 and 4 of said act to validate redemptions heretofore made, and declaring the urgency thereof.

Consideration of Committee Amendments

Pursuant to the report of the Committee on Legislation, the following amendments to Senate Bill No. 1070 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the title of the printed bill, after the word "and", insert the word "and".

Amendment No. 2.

On page 1, line 4, of the printed bill, strike out the figure "10", and insert in lieu thereof the figure "30".

Amendment No. 3.

On page 2, line 14, of the printed bill, strike out the figure "30", and insert in lieu thereof the figure "30".

Amendment No. 4.

On page 2, line 24, of the printed bill, after the word "and", insert the following: "by the payment of the amount of the unpaid portion of the total amount of said delinquent assessments."

Amendment No. 5.

On page 2 of the printed bill, after line 25, insert the following:

"Sec. 3. A new section is hereby added to be numbered section 4 and to read as follows:

Sec. 4. Any payment on account of the redemption of any land heretofore received by the collector of any irrigation district under an agreement or contract of the sort of which this act is amendatory is hereby declared valid and sufficient for the purpose for which such payment was accepted, provided such payment has in an amount equal to at least one-fourth of the total amount of the redemption then delinquent on said land."

Amendment No. 6.

On page 2, line 24, of the printed bill, strike out the figure "3", and insert in lieu thereof the figure "4".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 57—An act to amend section 26 of the California Irrigation District Act, approved March 31, 1897, relating to directors of irrigation districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 59—An act to amend section 11 of the California District Securities Act, providing that said section shall remain in effect until November 1, 1937, and declaring this act an emergency measure enacted under the police power.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 59 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, after the word "Securities", insert the word "Commission".

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 12, and insert in lieu thereof the following: "district may become subject to this section and to the".

Amendment No. 3.

On page 1, line 13, of the printed bill, after the word "commission", strike out the words "to the extent", and insert in lieu thereof the word "as".

Amendment No. 4.

On page 1, line 14, of the printed bill, after the word "provided", insert the following: "upon the application of such district and the approval thereof by the commission".

Amendment No. 5.

On page 1, line 19, of the printed bill, strike out the word "sooner".

Amendment No. 6.

On page 1, line 25, of the printed bill, strike out the words "or any creditor thereof".

Amendment No. 7.

On page 2, line 11, of the printed bill, strike out the words "District Securities Commission", and insert in lieu thereof the word "commission".

Amendment No. 8.

On page 2 of the printed bill, after line 30, insert a new paragraph to read as follows:

"Notwithstanding anything in this section contained, in any case in which an irrigation district has heretofore defaulted or shall hereafter default in the payment of its indebtedness as in this act provided, no district shall be deemed to be or have been under the control or direction of the commission as in this section defined or under the supervision or control of the commission as to the fiscal affairs of such district until and unless the commission has or shall have made its order approving a reduced assessment."

Amendment No. 9.

On page 2 of the printed bill, strike out all of lines 36 and 37 and line 38, down to and including the word "enacted", and insert in lieu thereof the following:

"Legislature expressly declares that, except as otherwise expressly provided by law, it applies, and shall be construed to apply, to all bonds now or hereafter issued and outstanding."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 330--An act to add sections 762, 763 and 764 to, and to repeal sections 789, 790 and 791 of, the Probate Code, relating to sales of property.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 289--An act validating the formation and existence of certain harbor districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by such districts and authorizing the levy and collection of taxes sufficient to pay the principal and interest thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1916—An act validating the formation, organization and existence of districts formed under the "Orange County Water District Act," approved June 14, 1934.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 284—An act to add section 144 to the Civil Code, relating to entry of final judgment in divorce cases *non pro tunc*.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 389—An act to amend section 630 of the Probate Code, relating to summary probate proceedings.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 264—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property for the State under proceedings in eminent domain.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article X thereof a new section to be numbered 7, relating to an institution for women.

Resolution read, ordered to engrossment, and on file for third reading.

Senate Bill No. 835—An act to add section 1771a to the Penal Code, relating to the California Institution for Women.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 212—An act to establish an Insurance Code, thereby consolidating and revising the law relating to insurance principles, practice and business and matters incidental thereto, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 762—An act granting to the city of Pacific Grove the title to certain portions of the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Senate Bill No. 762 was read and adopted.

Amendment No. 1.

On page 1, line 1, of the printed bill, after "Section 1," insert the following: "The State of California does hereby cede, grant and relinquish, forever unto the city of Pacific Grove, a municipal corporation organized and existing under the laws of said State, all the right, title interest, and estate, of said State of California, of, in or to, all of the real estate, lands and property, contiguous to said city of Pacific Grove and bordering on or to the bay of Monterey, and bounded and described, as follows to wit:

Beginning at the point of intersection of the southeasterly corporate limit line of the city of Pacific Grove produced, and the line of mean high tide of the bay

of Monterey; thence northwesterly along said line of mean high tide to the intersection with the westerly corporate limit line of said city produced; thence north nineteen degrees twenty-two minutes east along said westerly corporate limit line produced, to the point in the bay of Monterey where the depth of water in said bay is sixty (60) feet measured from the level of mean low tide; thence southeasterly along the line in said bay which line is at a constant depth of sixty (60) feet measured from the level of mean low tide, to the intersection with the southeasterly corporate limit line of said city produced; thence south fifty-eight degrees fifty-eight minutes west along said southeasterly corporate limit line produced, to the point of beginning.

Provided, however, that the rights of any and all persons, if any exist, under any title derived from said State of California, in and to any part of said property and premises hereby ceded and granted, be and the same are, hereby reserved from the operation of this act. Provided, however, that, except as hereinafter set forth, no part of said real property shall be used, employed, leased or disposed of in any manner whatsoever for commercial, industrial or revenue producing uses or purposes.

Provided, however, that all or any part of said real property may be used, employed, leased or disposed of except as hereinafter provided, solely for public amusement and pleasure purposes including the use thereof for boat and yacht harbors, boating and yachting, swimming tanks and other like or kindred purposes.

SEC. 2. The entire water front and lands hereby granted shall be held by the city of Pacific Grove and its lawful successors forever, for the use and benefit of said city, and shall not be subject to execution upon any judgment against said city; provided, however, that the following described portion of the real property hereby granted to said city and hereinabove described, may from time to time be let or leased for a term not exceeding twenty-five years, or for such less period as said city or its successors may deem to be most advantageous to said municipality, to wit: That portion of the above described lands lying within the following limits: Beginning at the intersection of the southeasterly corporate limit line of the said city of Pacific Grove with the mean high tide line of the bay of Monterey and running thence northwesterly along said tide line five hundred feet, thence leaving said tide line, north sixty degrees east to an intersection with a line projected north from the point of beginning, thence south to the point of beginning. Any lease made at any time for a term in excess of said maximum term hereinbefore prescribed shall be wholly void; provided, however, that not more than three hundred of said five hundred feet frontage of said water front last above described may be leased to any one lessee; and provided, further, that any and all vessels shall have the right to dock, land and discharge passengers or merchandise in, at and upon any wharf or pier erected or built upon property so leased as last above described upon the payment to any such lessee or lessors of reasonable dockage and wharfage fees and charges. Such fees and charges shall be regulated and prescribed in each such lease as from time to time may be determined by ordinance of said city of Pacific Grove or by statute of the State of California.

SEC. 3. Except as in this act otherwise prescribed, all valid rights of any and all persons, if such exist, in or to any part of said real property hereby ceded and granted to said city of Pacific Grove shall be and the same are hereby excepted and omitted from the provisions hereof.

SEC. 4. The purpose of this act is to correct an omission in the description of the lands described in that certain act of the Legislature of the State of California entitled, "An act granting to the city of Pacific Grove the title to the water front of said city, together with certain submerged lands in the bay of Monterey contiguous thereto." Approved by the Governor June 9, 1931.

SEC. 5. All acts and portions of acts in conflict herewith are hereby repealed."

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 356—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and to add a new section thereto numbered 9a.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 356 were read and adopted:

Amendment No. 1.

On page 2, line 3, of the printed bill, after the comma following the word "thereover", insert the following: "that all inactive deposits shall be subject to notice of at least thirty days for the payment thereof; and provided, further,"

Amendment No. 2.

On page 2, line 4, of the printed bill, strike out the words "and part of", and in line 5, strike out the words "such moneys", and insert in lieu thereof the following: "inactive deposits".

Amendment No. 3.

On page 2, line 6, of the printed bill, insert the word "inactive" at the end of the line.

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 358—An act to amend sections 1, 3, 4 and 19 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with the act," approved April 28, 1933, and to add a new section to said act numbered 9a.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 358 were read and adopted:

Amendment No. 1.

On page 2, line 1, of the printed bill, strike out the sentence after the word "do", and the rest of line 1, and down to and including all of line 6, and insert a period and the following: "Such deposits shall be made only by means of those agreeing to pay the highest rate of interest on inactive deposits as determined by bids to be submitted at such times and in such manner as the treasurer shall direct. Interest shall be paid on inactive deposits at a rate not less than one per centum per annum. The amount of money deposited in any one bank by any treasurer shall not exceed the".

Amendment No. 2.

On page 2, line 7, of the printed bill, strike out the words "reserve and".

Amendment No. 3.

On page 2, line 8, of the printed bill, after the period, insert the following: "Any and all bids may be rejected by the treasurer and new bids given for".

Amendment No. 4.

On page 2 of the printed bill, at the end of line 16 add the following: "that all inactive deposits shall be subject to notice of at least thirty days for the payment thereof; and provided, further,".

Amendment No. 5.

On page 2, line 19, of the printed bill, strike out the words "and part of", and also in line 20, strike out the words "such moneys", and insert in lieu thereof the following: "inactive deposits".

Amendment No. 6.

On page 2 of the printed bill, following line 21, insert the word "inactive".

Amendment No. 7.

On page 2, line 28, of the printed bill, strike out the word "bank", and insert in lieu thereof the word "bank".

Amendment No. 8.

On page 2, line 31, of the printed bill, strike out the period, and insert a comma and the following: "and the requirements of this act as to security and interest shall not apply to deposits for such purposes".

Amendment No. 9.

On page 2, line 44, of the printed bill, following the word "deposits", strike out the balance of the line, and all of lines 45 and 46 down to and including the word "thereon" in line 47, and insert in lieu thereof the following: "and shall determine what amount of money shall be deposited as inactive deposits".

Amendment No. 10.

On page 3, line 4, of the printed bill, after the period, insert the following: "When there are no demands for either active or inactive moneys, such treasurer may deposit with the Federal Reserve Bank of San Francisco any moneys in his possession and take from said bank a certificate or other exchange showing such deposit. The requirements of this act as to security and interest shall not apply to such deposits with the Federal Reserve Bank".

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 704—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 704 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out the word "and", and strike out all of lines 4 and 5, and insert in lieu thereof the following: "the California Irrigation District Act or existing under or subject to the provisions of said act, or any act amendatory thereof or supplemental thereto."

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out the word "heretofore".

Amendment No. 3.

On page 1, line 7, of the printed bill, strike out the words "hereafter to be organized under and by virtue of", and insert in lieu thereof the words "existing under or subject to".

Amendment No. 4.

On page 1, line 8, of the printed bill, after the word "amendatory", insert the word "thereof".

Amendment No. 5.

On page 1 of the printed bill, strike out all of lines 17 to 23, both inclusive, and insert in lieu thereof the following: "power and to provide for auxiliary and stand-by plants however operated for electrical power development and to provide for and acquire a supplemental supply of electrical energy from any source, and to provide for the sale and distribution of such electrical energy, both within and without the boundaries of said district."

SEC. 3. When the board of directors of any such irrigation district deems it advisable for said district to avail itself of such power possibilities and of the provisions of this act, said board".

Amendment No. 6.

On page 2 of the printed bill, strike out all of lines 1 to 16, both inclusive, and insert in lieu thereof the following: "may adopt a resolution that the best interests of such irrigation district requires the development and distribution of such electrical energy and shall in said resolution fix a place and time, which shall not be less than thirty days after the adoption of said resolution, for the purpose of hearing protests against the district availing itself of such power possibilities and the distribution and sale of electrical energy by such district, and as to whether all of the lands within the district will be benefited by such power development, sale and distribution. Said board of directors shall cause notice of such hearing to be published in a newspaper of general circulation, published in the county in which the office of the district is located at least once a week for three successive weeks prior to the date of said hearing."

Amendment No. 7.

On page 2, line 22, of the printed bill, strike out the word "to", and insert in lieu thereof the word "must".

Amendment No. 8.

On page 2, line 23, of the printed bill, strike out the words "at any time before the date fixed", and insert in lieu thereof the words "before the time fixed".

Amendment No. 9.

On page 2, lines 48, 49 and 50, of the printed bill, strike out the words "and that all the lands within such district will be benefited by said district so doing."

Amendment No. 10.

On page 3 of the printed bill, strike out all of lines 1 to 4, both inclusive, and insert in lieu thereof the following: "or (pending) to the development, generation, sale and distribution of electrical energy as provided by section 2 of said act, including any and all".

Amendment No. 11.

On page 3, line 11, of the printed bill, before the word "therein", insert the words "board of".

Amendment No. 12.

On page 3, line 13, of the printed bill, strike out the word "therein", and in lieu thereof insert a comma and the words "or as, in the judgment of the board, may be impracticable to distribute therein."

Amendment No. 13.

On page 3 of the printed bill, strike out all of lines 26 to 37, both inclusive, and insert in lieu thereof the following: "shall be levied upon the lands within said district according to their full cash value within the limit shall and that such method of assessment would be disproportionate to the benefits to be derived from carrying out such purposes in which case such assessments shall be distributed upon such lands within the district as may be benefited by carrying out such purposes in proportion to the benefits as they may be determined by the board of assessors as herein provided. At least".

Amendment No. 14.

On page 3, line 39, of the printed bill, strike out the word "therein", and insert in lieu thereof the word "board".

Amendment No. 15.

On page 3, line 40, of the printed bill, after the word "generally", insert the word "the".

Amendment No. 16.

On page 3, lines 45 and 46, of the printed bill, strike out the words "and situated within said district", and insert in lieu thereof the words "in the county in which the office of the district is located".

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Irrigation.

Senate Bill No. 705—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydroelectrical power and to acquire equipment, including stand by plants, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 705 were read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, strike out the word "hydro-electrical", and insert in lieu thereof the word "electrical".

Amendment No. 2.

On page 1, line 4, of the printed bill, after the word "districts", insert the following: "and by other means incidental thereto".

Amendment No. 3.

On page 1, line 15, of the printed bill, after the word "organized", strike out the word "and", and insert in lieu thereof the word "or".

Amendment No. 4.

On page 1, line 20, of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

Amendment No. 5.

On page 2, line 2, of the printed bill, strike out the comma after the word "incidental".

Amendment No. 6.

On page 2, line 3, of the printed bill, strike out the words "inclusive of", and insert in lieu thereof the words "and all".

Amendment No. 7.

On page 2, line 5, of the printed bill, after the word "of", insert the words "auxiliary and".

Amendment No. 8.

On page 2, line 5, of the printed bill, after the word "plants", insert the words "however operated".

Amendment No. 9.

On page 2, line 14, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following words: "or such of said electrical energy as, in the judgment of the board, it is impracticable to distribute within the district."

Amendment No. 10.

On page 2 of the printed bill, strike out all of lines 15 to 31, both inclusive, and insert in lieu thereof the following:

"SEC. 4. The board of directors of such irrigation districts shall have the power and authority to make and enter into contracts with the United States or any State or municipality, district or other public agency, or any person, firm or corporation for the lease, purchase or acquisition of any power rights if such board of directors finds that it will be advantageous to its own district to develop said other power rights in connection with its own rights and possibilities, and in consideration or part consideration for said contract shall have the power to agree to furnish electric energy to the other party to such contract or to pay to such other party a portion of the revenue derived from the sale of electric energy as said board of directors may deem to be an adequate consideration for said contract."

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Irrigation.

Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 15½, authorizing irrigation districts, heretofore or hereafter organized, and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 706 were read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, before the word "existing", strike out the word "and", and insert in lieu thereof the word "or".

Amendment No. 2.

On page 1, line 7, of the printed bill, strike out the words "the California Irrigation District", and insert in lieu thereof the word "this".

Amendment No. 3.

On page 1, line 18, of the printed bill, strike out the words "stand by plants", and insert in lieu thereof the following: "auxiliary and stand-by plants however operated".

Amendment No. 4.

On page 2, line 11, of the printed bill, strike out the period after the word "district", and insert in lieu thereof a comma and the following: "or such of said electrical energy as, in the judgment of the board, it is impracticable to distribute within the district."

Amendment No. 5.

On page 2, lines 15 and 16, of the printed bill, strike out the words "the California Irrigation District", and insert in lieu thereof the word "this".

Amendment No. 6.

On page 2 of the printed bill, strike out all of lines 28 to 32, both inclusive, and insert in lieu thereof the following: "shall be paid upon the lands within each district according to their full cash value when the report shall first that such method of assessment would be disproportionate to the benefits to be derived from carrying out such purposes, in which case such assessments shall be distributed upon such lands within the district as may be determined by applying such cash value in proportion to the benefits as they can be ascertained by the board of directors of lands provided. At least twenty days before".

Amendment No. 7.

On page 2, line 37, of the printed bill, strike out the words "for this district", and insert in lieu thereof the words "at least once a year for the business year".

Amendment No. 8.

On page 2, line 38, of the printed bill, strike out the word "and".

Amendment No. 9.

On page 2, line 39, of the printed bill, strike out the words "in said district", and insert in lieu thereof the words "published in or upon its books, the office of the district is located".

Amendment No. 10.

On page 2, lines 49 and 50, of the printed bill, strike out the words "the City forma Irrigation", and insert in lieu thereof the word "The".

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Irrigation.

Senate Bill No. 836—An act to amend sections 1561a, 1570, 1576, and 1586, of the Penal Code, approved April 18, 1933, relating to the State prisons.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 609—An act to amend section 609 of the Penal Code, relating to terms of imprisonment.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendment to Senate Bill No. 609 was read and adopted:

Amendment No. 1.

In line 4 of the printed bill, after the comma, insert the following: "whether in the same proceeding or court or in different proceedings or courts, and whether by judgment rendered by the same judge or by different judges".

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 614—An act to amend section 614 of the Penal Code, relating to habitual criminals.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 614 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after the word "shall", strike out the word "not".

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out the word "two".

Amendment No. 3.

On page 1, line 15, of the printed bill, after the comma, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment No. 4.

On page 1, line 18, of the printed bill, after the word "least", strike out the word "ten", and insert in lieu thereof the word "twelve".

Amendment No. 5.

On page 1, line 21, of the printed bill, after the word "served", strike out the word "three".

Amendment No. 6.

On page 2, line 6, of the printed bill, after the word "parole", strike out the following: "until he shall have served a minimum of at least fifteen years".

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 617—An act to amend subdivision 2 of section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 617 were read and adopted:

Amendment No. 1.

Strike out lines 1 to 3, inclusive, of the title of the printed bill, and insert in lieu thereof the following:

"An act to amend section 1168 of the Penal Code and to add thereto sections 969c and 1158a, relating to crimes committed with a deadly weapon."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 26, inclusive, and insert in lieu thereof the following:

"Section 1. Section 1168 of the Penal Code is hereby amended to read as follows:

1168. (1)Imprisonment. Every person convicted of a public offense, for which imprisonment in any reformatory or State prison is now prescribed by law shall, unless such convicted person be placed on probation, a new trial granted, or the imposing of sentence suspended, be sentenced to be imprisoned in a State prison, but the court in imposing the sentence shall not fix the term or duration of the period of imprisonment.

It is hereby made the duty of the warden of any of the State prisons to receive such person, who shall be imprisoned until duly released as provided for in this section. The term of imprisonment shall not exceed the maximum or be less than the minimum term of imprisonment provided by law for the public offense of which such person was convicted.

The State Board of Prison Directors, or any board or commission that may be hereafter given authority so to do, shall determine after the expiration of the minimum term of imprisonment provided by law, except that in cases in which the minimum term of imprisonment is more than six months, the State Board of Prison Directors may determine after the expiration of six months from and after the actual commencement of such imprisonment, what length of time, if any, such person shall be imprisoned, unless the sentence be sooner terminated by commutation or pardon by the Governor of the State. When a prisoner has imposed upon him two or more cumulative or consecutive sentences, the State Board of Prison Directors may determine after the expiration of six months of his first sentence, what length of time he shall serve on all such cumulative or consecutive sentences.

In case any convicted person undergoing sentence in any of the State prisons commits any infraction of the rules and regulations of the prison board, or escapes while working outside such prison under the surveillance of prison guards, the Board of Prison Directors may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned, and make a new order determining such length of time not exceeding the maximum penalty provided by law for the offense for which he was convicted, unless the sentence be sooner terminated by commutation or pardon by the Governor of the State. Such revocation and redetermination shall not be had except upon a hearing upon the question of such infraction or escape and an adjudication by the board that such prisoner was guilty thereof, which adjudication shall be final. At such hearing such prisoner, unless outside the walls of the prison as an escape and fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Any convicted person undergoing sentence in any of the State prisons, not sooner released under the provisions of this section shall, in accordance with the provisions

of existing law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted.

(2) Certain Maximum Penalties. The following shall be the maximum term of sentence and imprisonment for certain crimes hereinafter listed, and which provisions of this code, or any provision of law constituting a crime committed:

(a) For a person not previously convicted of a felony, who armed with a deadly weapon either at the time of his commission of the offense, or a completed deadly weapon at the time of his arrest, five years.

(b) For a person previously convicted of a felony other than that committed here, where, and armed with a deadly weapon, seven or ten years, or a combination of the offense, or a completed deadly weapon at the time of his arrest, ten years.

(c) For a person previously convicted of a felony other than that committed here, where, but not armed with a deadly weapon at the time of the commission of the offense, or a completed deadly weapon at the time of his arrest, ten years.

(d) For a person convicted of one third of more than one felony, and every felony are imposed cumulative or consecutive sentences the aggregate of the maximum terms of which exceed ten years, ten years.

(e) Such maximum penalties shall apply only when such possession of a deadly weapon or previous conviction of a felony as above specified has been charged and admitted or found to be true in the manner provided by law.

The words "deadly weapon" as used in this section are hereby defined to include any instrument or weapon of the kind commonly known as a bludgeon, club, bludge, billy, sand club, cutting, metal weapon, gas tank, dagger, switch, revolver, or any other firearm, any knife having a blade longer than five inches, any gun with an unguarded blade and any metal pipe or bar used or intended to be used as a club.

(3) Good Credits. The State Board of Prison Directors shall receive of every able-bodied prisoner imprisoned in any State prison, the number of months below in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison.

In all cases there may be allowed as good time the term of imprisonment from such credits for meritorious conduct and diligent labor as may or shall be authorized by law.

Except as otherwise provided in this section, every prisoner who has committed no infraction of the rules or regulations of the prison at the time of his arrest, and who performs in a faithful manner, industriously works and obediently obeys the work, duties and tasks assigned to him by the warden of the prison, through any in whose behalf the warden of the prison shall be a person suffering from his conduct and work have been meritorious and recommending allowance of these credits to him shall upon, but not until, the adoption of such recommendation by the State Board of Prison Directors, be allowed time and credits from the end of his term of confinement as fixed by the board of directors, to be used in the last of every year credits as were heretofore allowed on the basis of one month of credit for each of the first two years, four months in each of the next two years, and two months in each of the remaining years of said term, and credits shall be one day of the term where such term of confinement is for more than thirty days. The number of good credits recommended by the warden and approved by the Board of Prison Directors, shall be as shown by the following table:

Number of years of sentence	Good time that may be earned	Total good time that may be earned	Time to be served if full credits are obtained and allowed
1st year.....	2 months	2 months	10 months
2d year.....	2 months	4 months	8 months
3rd year.....	4 months	8 months	4 months
4th year.....	4 months	1 year	2 months
5th year.....	5 months	1 year 5 months	7 months
6th year.....	5 months	1 year 10 months	2 months
7th year.....	5 months	2 years 3 months	6 months
8th year.....	5 months	2 years 8 months	4 months
9th year.....	5 months	3 years 1 month	11 months
10th year.....	5 months	3 years 6 months	6 months

And so on, through as many years as may be the case of prisoners.

If any convict shall assault any known guard, witness, officer, warden or other person, or threaten or endanger the person or life of any person, or disregard any prison rule or regulation, or neglect or refuse to do the work to which he is assigned, or be guilty of any misconduct, or violate any of the rules or regulations governing parole, the Board of Prison Directors may declare a forfeiture of all good credits theretofore earned by or allowed to him before the commission of such offense, and/or all time credits which he may thereafter earn, and the Board of Prison Directors may forfeit such part of such time credits as they may determine such forfeitures, however, shall be made only by the Board of Directors after the giving of the offense and notice to the offender unless such offender be outside the walls of the

prison as an escape and fugitive from justice, and the board may restore time credits forfeited for good cause shown, and may allow extra credits for extra meritorious conduct and industry.

(4) Parole. The State Board of Prison Directors shall have power to establish rules and regulations under which any prisoner who is now, or who hereafter may be imprisoned in any of the State prisons, and who has served the period of time prescribed by this section, may be allowed to go upon parole outside the prison buildings and inclosures.

No prisoner may be paroled in any case until he has served the minimum term of imprisonment provided by law for the offense of which he was convicted, except that in cases of parole not otherwise specifically provided by this section, or if this section does not specifically provide such minimum sentence, then by other provisions of law, in which the minimum term of imprisonment is more than one year, he may be paroled at any time after the expiration of one-half the minimum term of imprisonment provided by law for the offense of which he was convicted, with benefit of credits, and in any case the matter of parole may be determined by the board at any time after the expiration of six months from and after the actual commencement of such imprisonment.

No prisoner who has served a previous sentence in a State prison in this or any other State or in a Federal penitentiary may be paroled until he has served at least two calendar years.

No prisoner who has had imposed upon him two or more cumulative or consecutive sentences may be paroled until he has served at least two calendar years of the aggregate time of such cumulative or consecutive sentences.

No prisoner confined in the State prison and no prisoner under sentence to the State prison who is convicted of an escape or an attempt to escape from the prison or the guards may be paroled until he has served at least two calendar years from and after the date of his return to the prison after such conviction.

No prisoner imprisoned under a life sentence may be paroled until he has served at least seven calendar years.

If neither a maximum nor a minimum term of imprisonment is imposed by law for the offense of which the prisoner was convicted, but a fixed and definite term is imposed by the court, he may be paroled after serving one calendar year of his term.

At least thirty days before the State Board of Prison Directors shall meet to consider the granting of a parole to any prisoner or to fix and determine the length of time any prisoner shall be confined, the said board shall send written notice thereof to the judge of the superior court before whom the prisoner was tried and convicted, and to the district attorney and the sheriff of the county from which the prisoner was sentenced.

Prisoners on parole shall remain under the legal custody and control of the State Board of Prison Directors and shall be subject at any time to be taken back within the inclosure of the prison. If any paroled prisoner shall leave the State without permission of the State Board of Prison Directors, he shall be held as an escaped prisoner and arrested as such.

The State Board of Prison Directors upon granting any parole to any prisoner may impose on the parole such conditions as it may deem proper, and may impose as a condition of the parole, that all or a portion of his credits earned, or to be earned, may be forfeited by order of the State Board of Prison Directors in the event that such prisoner shall break his parole or violate any law of the State, or rule or regulation of the prison, or of the State Board of Prison Directors, or any of the conditions of his parole.

Such forfeiture of credits shall not be had except upon a hearing upon the question of such violation and an adjudication by the board that such prisoner was guilty thereof, which adjudication shall be final. At such hearing such prisoner, unless outside the walls of the prison as an escape and a fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Full power to make and enforce rules and regulations relating to the parole of prisoners, to grant paroles thereunder, to suspend, cancel and or revoke paroles without notice, and to retake and imprison any prisoner so upon parole, is hereby conferred upon the State Board of Prison Directors. The written order of the board certified by the president of the board shall be a sufficient warrant for all officers named therein to authorize such officers to return to actual custody any conditionally released or paroled prisoner.

It is hereby made the duty of all chiefs of police, marshals of cities and villages, sheriffs of counties, and all police, prison and peace officers, and constables to execute any such order in like manner as ordinary criminal process.

The Governor of the State shall have like power to cancel and revoke the parole of any prisoner. The written authority of the Governor shall likewise be sufficient to authorize any of the officers named therein to retake and return said prisoner to the State prison. His written order canceling or revoking the parole shall have the same force and effect and be executed in like manner as the order of the State Board of Prison Directors.

Senate Bill No. 619—An act to amend section 3 of an act entitled "An act to authorize and regulate the employment of prisoners in the State prisons of this State to provide for the disposition of the products of their skill and labor," approved February 23, 1911.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 619 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "amend section 3 of", and insert in lieu thereof the following: "add section 3a to".

Amendment No. 2.

In line 3 of the title of the printed bill, between "State" and "to", insert the following: "and".

Amendment No. 3.

In line 5 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: ", relating to prison-made goods."

Amendment No. 4.

Strike out lines 1 to 14, inclusive, of the printed bill, and insert in lieu thereof the following:

"SECTION 1. Section 3a is hereby added to the act cited in the title hereof, to read as follows:

Sec. 3a. Within five days after any public purchasing agent receives a requisition, amounting to \$_____ or more, for any articles, materials or supplies required by this act to be purchased from the State prisons, he must transmit such requisition to the State Board of Prison Directors which may accept it or certify that the State prisons are unable to fill it.

No claim on account of such requisition, if filled other than from a State prison, shall be audited or paid without such certificate. If the Board of Prison Directors accepts the requisition it may, in its discretion, have sixty days from receipt thereof within which to fill the requisition unless the purchasing agent accompanies it with a statement of facts showing that the requisition must be filled in a shorter time and the Department of Finance certifies to the Board of Prison Directors that such is the case and fixes a time within which it must be filled, in which event the Board of Prison Directors shall fill the order within such time or certify that the prisons are unable to fill it."

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 789—An act to amend the Vehicle Code by amending sections 113, 114, 115, 121, 123, 124, 135, 451, and 680, relating to vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 789 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after the word "chief", add the following: "the secretary to the chief."

Amendment No. 2.

On page 4, line 29, of the printed bill, strike out the word "hours."

Bill read second time, ordered to reprint, engrossment, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 953—An act to add a new section to the Vehicle Code to be numbered section 628, relating to dash lamps on motor vehicles and connections therewith.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Senate Bill No. 953 was read and adopted:

Amendment No. 1.

On page 1, lines 5, 11, 13, 15, 19, 20, 21, 23 and 27 of the printed bill, and on page 2, lines 2, 3 and 5, of the printed bill, strike out the word "and".

Bill read second time, ordered to reprint, engrossment, and referred to Committee on Motor Vehicles.

Third Reading of Senate Bills

Senate Bill No. 450—An act to amend section 4070 of the Political Code, relating to a vacancy in the board of supervisors of a county.

Amendments From the Floor.

During third reading of Senate Bill No. 480, the following amendments, offered by Senators Parkman and Reisdollar, were read and adopted:

Amendment No. 1

Strike out lines 2, 3, 4 and 5 of the title of the printed bill, as amended, and insert in lieu thereof the following:

Amendment No. 2

On page 1 of the printed bill, as previously aforesaid, and lines 14 to 24 inclusive, and on page 2 of the printed bill, as previously aforesaid, strike out lines 1 to 6 inclusive, and insert in lieu thereof the following: "To provide for the election of a person or persons appointed to fill such vacancies occurring hereafter and subsequent to the general election held August 28, 1934, as well as to persons appointed to fill such vacancies hereafter occurring."

Bill ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 101. An act to amend section 3 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1977, relating to expenditure of State highway funds within cities, declaring the urgency thereof, and to provide that this act take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and it shall, therefore, go into immediate effect. The following is a statement of the facts constituting such necessity:

The net which is apportioned by these net provisions for the expenditure of money by the State highway fund derived from the Motor Vehicle Fuel License Tax Act of 1923 provides for the expenditure of part of such money to be apportioned on the basis of the last Federal Census, which was taken in 1920. Nevertheless, on the basis of the last Federal Census, which was taken in 1920, New York City is entitled to 10.2 per cent of the net, while the other cities are entitled to 1.8 per cent. The net as it now stands is not uniform as to all incorporated cities, the only question to a constitutional question which would provide all incorporated cities with participating the benefits of the net. In order to make the net operate uniformly during the ensuing fiscal year, and in order to insure equitable distribution of such apportionments, to all incorporated cities, it is necessary that this net take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause

The roll was called, and the urgency clause adopted by the following vote:

AYES.—Senators, Riggall, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulst, Jernerson, Knowlton, McCall, McGowan, McGowan, Manger, Mixer, Olson, Parkman, Pierovich, Powers, Reinhold, Rich, Schottky, Seftian, Sewall, Sharkey, Slater, Stow, Swang, Wagy, and Williams—82

NOFS—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 101 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 101 ordered transmitted to the Assembly.

Senate Bill No. 107—An act delegating to the California Highway Commission power and authority during times when the Legislature of the State of California is not in session to accept on behalf of the State of California grants of rights of way for State roads through military reservations from the government of the United States made by the Secretary of War to the State of California or any political subdivision thereof, and declaring the effect of such acceptance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 107 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 107 ordered transmitted to the Assembly.

Senate Bill No. 100—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 37a thereof, relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176 California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929.

Re-reference of Senate Bill No. 100.

Unanimous consent granted, the President pro tempore ordered that Senate Bill No. 100 be referred to Committee on Finance.

Senate Bill No. 316—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, relating to the funds of such districts and taxes therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 316 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson,

Parkman, Perry, Piersbach, Powers, Rich, Schooley, Sefton, Seward, Shattuck, Slater, Stow, Wags, Williams, and Young—20.

NOES—None.

Title read and approved.

Senate Bill No. 316 ordered transmitted to the Assembly.

Senate Bill No. 243—An act repealing certain articles of the Political Code, relating to the California Highway Commission.

Amendments from the Floor.

During third reading of Senate Bill No. 243, the following amendments, offered by Senator Difuria, were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, after "Code", insert the following: "and section 133 of the Streets and Highways Code".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "and", and insert in its place the following: "and section 133 of the Streets and Highways Code are".

Bill ordered to reprint, in engrossment, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received and read and the bills reported therein ordered on file.

On Unemployment.

SENATE CHAMBER, SACRAMENTO, MARCH 15, 1935.

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Senate Bill No. 38—An act to amend section 133 of the Streets and Highways Code, relating to the policy of the State of California in securing knowledge and providing means for unemployment one of rehabilitation by construction of public works, for construction and exchange of labor for surplus products, for training of surplus labor, for the Administrator of Unemployment, providing that the administration of such knowledge directing cooperative activity by communities, being setting of community institutions and their members, being able to provide knowledge, training, and means in emergency measure, preparing for the construction of public works, for training of surplus labor, has had the same, and recommending that the same be referred to the Senate and the bill be referred to the Committee.

Committee membership—11; committee vote—Ayes—6; absent—5.

STEWART, Chairman.

On Universities and Teachers Colleges.

SENATE CHAMBER, SACRAMENTO, MARCH 15, 1935.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Senate Bill No. 72—An act to amend sections 5.1, 5.2, 5.23, 5.24, 5.25, 5.26, 5.27, 5.40, 5.44, 5.60, 5.61, 5.62, 5.63, 5.70, 5.80, 5.84, 5.89, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.100, 5.103, 5.102, 5.103, 5.104, 5.105, 5.110 and 5.112 of the School Code, and to repeal Article II of Chapter I of Part I of Division V thereof, embracing section 5.10, and relating to the organization, government, and control of State teachers colleges, has had the same, and recommending that the same be referred to the Senate and the bill be referred to the Committee.

Committee membership—9; committee vote—Ayes—8; absent—1.

DEVEL, Chairman.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MARCH 15, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 45—An act to amend section 2054 of the Code of Civil Procedure, relating to the impeachment of witnesses convicted of certain misdemeanors—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Fletcher:

SENATE CHAMBER, SACRAMENTO, March 15, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act authorizing the Director of Natural Resources to acquire and lease land for development for State forestry purposes, to manage and develop such land and dispose of the products thereof, and to sell, exchange or lease lands under his jurisdiction when required by good management and providing for the disposition of revenue therefrom.

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Universities and Teachers Colleges.

SENATE CHAMBER, SACRAMENTO, March 15, 1935.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Senate Bill No. 53—An act to amend section 6.90a of the School Code, relating to junior college buildings;

Also: Senate Bill No. 67—An act to amend section 4.52 of the School Code, relating to the support of junior college districts;

Also: Senate Bill No. 133—An act to add section 3.401 to the School Code, relating to tuition fees of students in junior colleges;

Also: Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts;

Respectfully recommends that these bills be re-referred to Committee on Education.

Committee membership—9; committee vote: Ayes—8; absent—1.

DEUEL, Chairman.

Re-reference of Senate Bills.

On motion of Senator Deuel, the above reported bills were referred to Committee on Education.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Crittenden: Senate Concurrent Resolution No. 22—Relative to enlargement of the jute mill at San Quentin and to the disposition of the products thereof.

Referred to Committee on Agriculture and Live Stock.

Resolution of Respect.

The following resolution of respect was offered:

By Senators Crittenden and Scollan:

WHEREAS, Emmett J. Peterson was prominent in State affairs for many years and served the Third Congressional District in Washington, D. C., for many years as secretary to the late Congressman C. F. Curry, and in that capacity rendered very valuable service to the congressional district and to the State of California; and was also prominent in civic affairs of the State, a very active leader in the American Legion, and for some time served the State in the capacity of Deputy Attorney General; and

WHEREAS, Providence saw fit to call him to his reward; now, therefore, be it

Resolved by the Senate of the State of California. That the Senate does hereby express its recognition of the services of Emmett J. Peterson and acknowledge the loss to the community and the State of California in his passing; and be it further

Resolved. That the Secretary of the Senate be directed to have prepared a suitably engrossed copy of this resolution and present it to his mother as an expression of the sympathy of this Senate.

Resolution read, and on motion of Senator Crittenden, seconded by Senator Scollan, adopted unanimously by a rising vote of the Senate.

Adjournment.

On motion of Senator Williams, at twelve o'clock and thirty minutes p.m., the President pro tempore of the Senate declared the Senate adjourned out of respect to the memory of the late Emmett J. Peterson, until eleven o'clock a.m., Monday, March 18, 1935.

F. E. DALIN, Minute Clerk.

[Faint handwritten text]

Secretary Joseph A. Book at the desk.

Senators Baggot, Critchenden, David, DeFord, Dyer, Edwards, Feltner, Gorman, Gordon, Hays, Hulse, Janssen, Keane, Kinsman, McCall, Macomber, McNamee, McQuinn, McGuinness, Metzger, Meyer, Parkman, Perry, Pessenden, Pinsky, Rife, Schottky, Sullivan, Swagell, Stafler, Slater, Steiner, Stone, Strong, Tamm, W. Williams, and Young. 37.

Prayer was offered by the Chaplain, Rev. Newton E. Meets.

During the reading of the Journal of Friday, March 15, 1975, the further reading was dispensed with, in motion of Senator Slater.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

On request of Senator Jepsen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Vivian Gelfillan of San Francisco, and Flora Gordon of Sacramento.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Herbert D. Clark of Alameda.

On request of Hon. George J. Hatfield, President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Leonard Wilson of Los Angeles.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. T. Sues, District Superintendent, Clarksburg Schools, Mrs. Gus Olson of Clarksburg, and the following students: Norman Olson, Barton Swartz, Kahl Fawcett, Louise Yelland, Martha Cone, Agnes Warriner, Mikiyo Hayashi, and Adeline Boliel.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Ada Delmer of Hollywood.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. R. J. Maude, teacher, and the following students of the eighth grade of the Winters Grammar School: Marjory Hopkins, Theola Forden, Tony Garcia, Hedetaka Kato, King Taylor, William Brooks, Frank Mahoney, Robert Gale, Jane Young, Arliss Moor, Jean Wehrman, Georgia Little, Kimiya

Matsushita, Masumi Seta, Shizuyo Tsuji, Ruth Ruggles, Toshi Miyai, Sarah Robinson, Garlan Eggman, Ernest Lewis, Jackie Mermod, Robert Hargitt, and Tadakazu Kato.

Communication.

The following communication from the Department of Natural Resources was received, read, and ordered printed in the Journal:

DIVISION OF FISH AND GAME,
SACRAMENTO, CALIFORNIA, March 12, 1935.

*Hon. Joseph Beek, Secretary of the Senate,
State Capitol, Sacramento, California.*

DEAR SIR: In compliance with resolution submitted by Senator Gordon on January 22d, we inclose herewith a list of all of the State game refuges identified by number, giving the county of their location, the area in acres, the date created and the species of game protected therein.

Very truly yours,

HERBERT C. DAVIS, Executive Officer.

STATE GAME REFUGES. Legislative.

<i>Designation (district)</i>	<i>Location (county)</i>	<i>Area (acres)</i>	<i>Created</i>	<i>Species of game</i>
1A	Siskiyou -----	32,640	1917	Deer, quail, grouse
1B	Modoc -----	77,140	1917	Deer
1C	Modoc -----	35,840	1917	Deer, quail, grouse
1D	Trinity -----	66,000	1915	Deer, quail, grouse, bear
1E	Shasta -----	31,360	1917	Deer, quail, grouse, bear
1F	Lassen -----	47,360	1917	Deer, quail
1G	Tehama -----	111,760	1917	Deer, quail, grouse
1H	Plumas -----	39,680	1917	Deer, quail, grouse, bear
1-I	Placer -----	89,600	1917	Deer, quail, grouse, bear
1J	Amador, Alpine -----	56,640	1917	Deer, quail, grouse, bear
1K	Fresno -----	34,560	1917	Deer, quail, grouse, bear
1M	Kern -----	73,200	1919	Deer, quail, grouse, bear
1N	Modoc, Siskiyou -----	33,920	1927	Deer, quail, grouse, bear
1-O	El Dorado -----	74,880	1927	Deer, quail, grouse, bear
1P	Plumas -----	56,320	1927	Deer, quail, grouse, bear
1Q	Lassen -----	275,200	1927	Antelope, sagehen, deer
1R	Tuolumne -----	96,640	1929	Deer
1S	Lassen -----	15,360	1929	Deer
1T	Humboldt -----	1,920	1929	Deer
2A	Mendocino, Glenn, Lake -----	39,040	1917	Deer, quail, grouse
2B	Marin -----	28,000	1927	Deer, quail, waterfowl
3A	Santa Cruz -----	4,300	1915	Deer, quail
3B	San Benito -----	14,000	1909	Deer, quail
3C	Santa Barbara -----	42,600	1917	Deer, quail
3D	Ventura -----	118,400	1917	Deer, quail
3E	Santa Clara -----	3,840	1919	Deer, quail
3F	Contra Costa -----	10,240	1921	Deer, quail
3G	San Mateo, Santa Clara -----	8,500	1927	Quail
3H	Santa Barbara -----	17,280	1929	Deer, quail
4A	San Bernardino -----	272,680	1915	Deer, quail
4B	San Bernardino, Los Angeles -----	280,960	1915	Deer, quail
4C	Orange, Riverside -----	93,440	1913	Deer, quail
4D	Riverside -----	69,120	1917	Mountain sheep
4E	San Diego -----	39,680	1917	Mountain sheep
4F	Los Angeles, Kern -----	39,040	1919	Deer, quail, grouse
4G	Riverside -----	50,000	1927	Deer, quail
General Grant Refuge, Fresno County -----		16,000	1929	Deer, quail, grouse, bear
Bolin's Quail Refuge, Marin County -----		800	1929	Quail
San Leandro Bay, Alameda County -----			1931	Water birds
Huntington Lake, Fresno County -----		37,120	1931	Deer, grouse
San Francisco Refuge, San Mateo County -----		18,000	1931	Deer, quail, waterfowl
Silver Lake, El Dorado County -----		21,760	1931	Deer, quail, bear

State-owned Game Refuges

Los Banos, Merced	3,690	1939	Waterford
Gosh Ledge, Butte	2,544.51	1901	Waterford, Minnesota
Imperial Valley, Imperial	2,094.41	1901	Wendover
Jones Island (Season Refuge), San Juno County	1,711	1901	Wendover

Fish and Other Preserves

Fish Refuges—

Fish refuge known as district 14 consists of the stream of Sweet Creek in the county of Santa Cruz between the mouth and the mouth of Mill Creek.

Marine Life Preserves—

Hopkins Marine Life Refuge consists of an area located adjacent to Hopkins Marine Laboratory in Monterey County.

San Diego Marine Life Refuge consists of a strip of land lying between one edge of Pacific Lot No. 1298 and the Pacific front of the back of San Diego and the lowest tide line opposite to and west of said Pacific lands located in San Diego County.

Clam Preserves—

Known as district 18A consists of the ocean bed extending to high water level extending southerly from the Grande Beach just to San Luis Obispo situated in the mouth of Santa Maria River.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a vote of confidence Assembly Bill No. 2033—An act relating to appropriation for the contingent expenses of the Assembly at its fifty-four session, and declaring that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRANK J. DUSCH, Assistant Clerk.

Assembly Bill No. 261 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2616—An act to amend the title and sections 2, 4 and 5 of an act entitled "An act regulating the payment of wages earned by seasonal labor and prescribing the nature and duties of the Commissioner of the Bureau of Labor Statistics in relation thereto," approved March 28, 1913, Stats. 1913, Chap. 198, relative to diseases occurring seasonal labor, and the application of the State Wage Law therein.

Also, Assembly Bill No. 1970—An act authorizing the creation of a personnel system, merit system or civil service system; the training of the staff of permanent director; the appointment of a civil service commission; the granting of reward authority to said personnel officer or commission in municipalities within the State; and prohibiting certain political activities and providing penalties for the violation of said provisions;

Also, Assembly Bill No. 1723—An act to amend sections 888 and 959 of the Penal Code, relating to indictments.

Also, Assembly Bill No. 1885—An act to amend section 91.5 of the Agricultural Code, relating to the SALT PESTICIDE APPLICATION FUND.

Also, Assembly Bill No. 2038—An act to amend section 34 of the Agricultural Code, relating to cooperative agreements for the purpose of enforcing provisions relating to standardization.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRANK J. DUSCH, Assistant Clerk.

Assembly Bill No. 2033 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 1970 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1723 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bills Nos. 1855 and 368 read first time, and referred to Committee on Agriculture.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 18, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1—An act to amend section 6 of an act entitled "An act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any unnavigable stream, watercourse, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," approved March 13, 1909;

Also: Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases;

Also: Senate Bill No. 685—An act to add section 274d to the Code of Civil Procedure, relating to photographic reporters, and declaring the urgency of this act;

Also: Senate Bill No. 233—An act repealing section 365 of the Political Code and section 133 of the Streets and Highways Code, relating to the California Highway Commission;

Also: Senate Bill No. 450—An act to amend section 4030 of the Political Code, relating to vacancies in county boards of supervisors;
And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 877—An act to add section 15a to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to evasions of license fees through wagers conducted on information furnished through news services;

Also: Senate Bill No. 1070—An act to amend an act entitled "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, by amending sections 1 and 3 of said act and to validate redemptions heretofore made, and declaring the urgency thereof;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 59—An act to amend section 11 of the California District Securities Commission Act, providing that said section shall remain in effect until November 1, 1937, and declaring this act an emergency measure enacted under the police power;

Also: Senate Bill No. 255—An act to add a new section to be numbered 844, to the Civil Code, relating to actions for the declaration of rights of persons associated in the use of ditches, flumes, pipe lines or conduits for the conveyance of water;

Also: Senate Bill No. 256—An act to amend sections 251, 304, 307, 323, 348, 364, 374, 463 and 465 of the Streets and Highways Code, relating to State highways;

Also: Senate Bill No. 293—An act to amend section 98 of the California Irrigation District Act and to repeal sections 99, 99½, 106, 107 and 108 of said act, all relating to the cancellation and destruction of unissued or unsold bonds and coupons of irrigation districts, and declaring the urgency thereof;

Also: Senate Bill No. 551—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 19 of said act; to add sections 9½ and 19 to said act; all relating to the taxation of the privilege of selling

tangible personal property; and to provide that this act shall take effect immediately. And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engraving, Enrolling and Printing has examined Senate Bill No. 822—An act to amend section 17 of the Streets and Highways Code, relating to the maintenance of the State highways.

Also: Senate Bill No. 57—An act to amend section 36 of the California Irrigation District Act, approved March 31, 1897, relating to the powers of irrigation districts.

Also: Senate Bill No. 293—An act to amend section 1341 of the Code of Civil Procedure, relating to the taking of property by the State under proceedings in eminent domain.

Also: Senate Bill No. 289—An act validating the formation and existence of certain harbor districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by such districts and authorizing the levy and collection of taxes sufficient to pay the principal and interest thereon.

Also: Senate Bill No. 384—An act to add section 141 to the Civil Code, relating to entry of final judgment in divorce cases *ex parte*.

Also: Senate Bill No. 285—An act to amend section 630 of the Probate Code, relating to summary probate proceedings.

Also: Senate Bill No. 415—An act to add a new section to the Political Code to be numbered 3887, relating to the property of the State of California for taxes.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engraving, Enrolling and Printing has examined Senate Bill No. 416—An act to amend section 1958 of the Political Code, relating to assessments by reference to 1934.

Also: Senate Bill No. 420—An act to amend sections 1727 and 1728 of the Political Code, relating to the extension of notice and warning on the assessment book and the preparation of duplicate statistical statements of assessments.

Also: Senate Bill No. 768—An act relating to the borrowing of money by the State in anticipation of taxes and revenues.

Also: Senate Bill No. 825—An act to add section 1577a to the Penal Code, relating to the California Institution for Women.

Also: Senate Bill No. 826—An act to amend sections 1576a, 1572, 1570 and 1586 of the Penal Code, approved April 18, 1903, relating to the State prison.

Also: Senate Bill No. 1040—An act validating the formation, organization and existence of districts formed under the "Orange County Water District Act," approved June 14, 1933.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Swing moved to reconsider the vote whereby Assembly Joint Resolution No. 32 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Swing, the further consideration of the motion to reconsider the vote whereby Assembly Joint Resolution No. 39 was refused adoption, was continued until the next legislative day.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 892—An act to amend section 1989 of the Code of Civil Procedure, relating to witnesses.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 892 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, insert after "is", the following, "not".

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out "fifty".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 821—An act to amend section 605 of the Probate Code, relating to appointment of appraisers.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 821 was read and adopted:

Amendment No. 1.

Strike out the period at the end of the printed bill, and in lieu thereof insert the following: "; provided further, that in any case where the inheritance tax appraiser entitled to appointment, or appointed, is disqualified or unable, by reason of sickness or otherwise, to act, the court or judge may appoint as appraiser in said matter any one of the other persons appointed by the State Controller to act as inheritance tax appraisers in said county."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 24—An act limiting the number of cars in a train, and prescribing penalties for violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 24 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, after "act", insert the following: "to promote the safety of travelers and employees on trains by".

Amendment No. 2.

On page 1, line 16, of the printed bill, strike out "; and", and strike out all of lines 17, 18, and 19, and in line 20, strike out "railway may be run or operated.", and insert in lieu thereof a period and the following: "The Railroad Commission of the State of California shall enforce, and shall recover all penalties provided by, this act."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1059—An act to amend section 4030 of the Political Code, relating to tenure of certain public officers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 1059 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "amend section 4030 of", and insert in lieu thereof the following: "add section 4030a to".

Amendment No. 2.

In line 2 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "; declaring the urgency thereof and providing that this act shall take effect immediately."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 18, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 4030a is hereby added to the Political Code, to read as follows:

4030a. In the event a vacancy in the board of supervisors in any county exists by virtue of the failure or neglect of the person elected to said position to take the

oath or file his official bond in the manner and within the time provided by law, and the appointee heretofore named in Bill read second, in the capacity of official, and so far as or respecting to time the official oath in the law officer named, named appointee shall read and often for the appointee oath.

SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, and that the emergency of section 1 of Article IV of the Constitution, and that emergency of immediate effect.

The facts constituting the emergency are as follows: Because of the failure of a number of persons elected to office or appointed to the law officers in various election to qualify within the time limited by law, there has been a number of vacancies in such offices. It is necessary that these vacancies be filled as soon as possible so that the government will hold only officers who are qualified and who will, as soon as possible, devote greatly to the administration of the business of those offices where such vacancies exist.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 245. An act to amend sections 2 and 3 of "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the Public Utilities Act and the Railroad Commission of the State of California," approved April 25, 1913.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 834. An act to add section 15 to an act entitled "An act to establish an institution for the reformation, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death, to provide for its maintenance, conduct and government, and to make an appropriation therefor."

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 834 were read and adopted:

Amendment No. 1.

On page 1, line 13, of the printed bill, after "jurisdiction," add the following "and control".

Amendment No. 2.

On page 1 of the printed bill, strike out line 16, and insert in lieu thereof the following: "the Board of State Prison Directors or the Board of Prison Terms and Paroles now exercises over other".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 276. An act authorizing cities, cities and counties, and boards or departments thereof, in issuing revenue bonds or other evidences of indebtedness, payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures thereto by facsimile, for making the same payable at places outside the State of California, and for the registration thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 276 were read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, strike out the words: "as negotiable instruments.", and insert in lieu thereof the following: "in negotiable form, and such revenue bonds, or other evidences of indebtedness, are hereby declared to be negotiable instruments, having all of the attributes of negotiability under the Negotiable Instruments Law of this State."

Amendment No. 2.

On page 1, line 14, of the printed bill, after the word "indebtedness", insert the letter "(a)".

Amendment No. 3.

On page 1, line 16, of the printed bill, strike out the word "the", and insert in lieu thereof the word "any".

Amendment No. 4.

On page 1, line 18, of the printed bill, after the word "to", insert the word "any".

Amendment No. 5.

On page 1, line 19, of the printed bill, change the comma following the word "autograph" to a semicolon, and strike out everything following to the end of the section, and insert in lieu thereof the following: "(b) may provide for the registration of such bonds, or other evidences of indebtedness, as to both principal and interest, or either of them; (c) may provide for making such bonds or other evidences of indebtedness, and such coupons, payable by the city treasurer or such agency as may be established by such city, city and county, or county, or board or department thereof, for the purpose, and at one or more point or points within or outside of the State of California, upon presentation and surrender thereof respectively and without any such presentation and approval of demands as may be required by any provision or law of any charter with respect to other claims against any such city, city and county, or county or board of department thereof; and (d) may deposit with any such agency moneys from the fund or funds from which such bonds, or other evidences of indebtedness, and such coupons are payable, in order to provide for the payment of such bonds, or other evidences of indebtedness, and such coupons, upon such presentation and surrender thereof to such agency."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 761—An act to amend section 3.42 of, and to add section 3.43 to, the School Code, relating to required instruction in the schools.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 761 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out the following: "section 3.43", and insert in lieu thereof the following: "sections 3.43 and 3.44".

Amendment No. 2.

On page 1, line 3, of the printed bill, after the period insert the following: "Instruction must be given in all grades of school and in all classes during the entire school course, in manners and morals.

SEC. 2. A new section is hereby added to the School Code to be numbered 3.43 and to read as follows:

3.43. Instruction shall be given in all secondary schools upon the nature of alcohol and its effect upon the human system as determined by science.

SEC. 3. A new section is hereby added to the School Code to be numbered 3.44, and to read as follows:

3.44. Each regular full-time day pupil enrolled in a high school or junior college, excepting pupils enrolled in the seventh and eighth grades of a junior high school shall be given instruction upon the nature of narcotics and their effect upon the human system. Such instruction shall be given to each such pupil for at least one hour per week for one semester during the period he is enrolled in such high school or junior college, excepting that such instruction is not required to be

given to a pupil enrolled in a junior college who has received some instruction in a high school or to a pupil enrolling in a high school or junior college who has previously received such instruction in another high school or junior college."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 260—An act to amend sections 2870, 2871, 2872, 2885, 2887, 2889, 2911, 2917, 2940, 2941, 2999, 31005, 31006, 21152 and 21159 of the School Code of the State of California relating to election of school trustees, etc.

Bill read second time, ordered in engrossment, and on file for third reading.

Senate Bill No. 536—An act to amend section 42 of the School Code relating to powers of boards of school trustees and city boards of education.

Bill read second time, ordered in engrossment, and on file for third reading.

Senate Bill No. 99—An act to amend sections 4161 and 4221 and 4222 of the School Code, all relating to unsupported county school funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 99 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out the following: "and 4222."

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 9 to 14 inclusive and insert in lieu thereof the following: "cities of the county." The total amount in appropriation shall be subject to the approval of the Superintendent of Public Instruction and shall in no event exceed the amount appropriated to the county during the preceding school year from the State grant fund."

Amendment No. 3.

On page 1 of the printed bill, strike out all of lines 25 to 28 inclusive and insert in lieu thereof the following: "his county." The total amount in appropriation shall be subject to the approval of the Superintendent of Public Instruction and shall in no event exceed the amount appropriated to the county during the preceding school year from the State high school fund."

Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 1 to 22 inclusive.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 658—An act to amend section 3472 of the School Code, relating to the transportation of teachers of agriculture employed by high school districts and engaged in supervising project work of pupils.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 658 were read and adopted:

Amendment No. 1.

In line 2 of the title of the printed bill, strike out the following: "teachers of agriculture employed by"; and strike out all of lines 3 and 4 of the title of the printed bill, and insert in lieu thereof the following: "papers, instructors and supervisors of high school agricultural classes."

Amendment No. 2.

On page 1, line 3, of the printed bill, strike out the first words "high school", and insert in lieu thereof the word "governing".

Amendment No. 3.

On page 1, line 4, of the printed bill, strike out the words "a part-time", and insert in lieu thereof the word "an".

Amendment No. 4.

On page 1, line 10, of the printed bill, strike out the word "or", and insert in lieu thereof the word "and".

Amendment No. 5.

On page 1, line 11, of the printed bill, strike out the words "such work", and insert in lieu thereof the following: "the work of such classes".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 38—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment one of rehabilitation by cooperative self help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; declaring this act an emergency measure; providing for its constitutional construction; repealing conflicting laws.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Unemployment, the following amendments to Senate Bill No. 38 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, strike out all of lines 41 to 50, both inclusive.

Amendment No. 2.

On page 2, line 51, of the printed bill, strike out the letter "C", and insert in lieu thereof the letter "A", and strike out the word "additional".

Amendment No. 3.

On page 2, line 52, of the printed bill, strike out the word "aforesaid".

Amendment No. 4.

On page 3, line 5, of the printed bill, strike out the letter "D", and insert in lieu thereof the letter "B".

Bill read second time, ordered to reprint, and re-referred to Committee on Unemployment.

Senate Bill No. 72—An act to amend sections 5.1, 5.2, 5.20, 5.21, 5.23, 5.25, 5.26, 5.27, 5.40, 5.44, 5.60, 5.61, 5.62, 5.63, 5.70, 5.80, 5.84, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.100, 5.101, 5.102, 5.103, 5.104, 5.105, 5.110 and 5.112 of the School Code, and to repeal Article II of Chapter I of Part I of Division V thereof, embracing section 5.10, all relating to the organization, government, and control of State teachers colleges.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Universities and Teachers Colleges, the following amendments to Senate Bill No. 72 were read and adopted:

Amendment No. 1.

On page 1, line 14, of the printed bill, strike out the word "the", and after the word "as", insert "San Jose".

Amendment No. 2.

On page 1, line 15, of the printed bill, strike out "at San Jose, Cal.", and after the word "College", insert ", Chico", and strike out the word "of".

Amendment No. 3.

On page 1, line 16, of the printed bill, strike out line 16, and insert in lieu thereof "San Diego State College".

Amendment No. 4.

On page 1, line 17, of the printed bill, strike out line 17, and insert in lieu thereof "San Francisco State College".

Amendment No. 5.

On page 1, line 18, of the printed bill, strike out line 18, and insert in lieu thereof "Santa Barbara State College, Fresno State College".

Amendment No. 6.

On page 1, line 19, of the printed bill, strike the word "and", insert "and".

Amendment No. 7.

On page 4, line 34, of the printed bill, strike out "from teaching preparing and pupils".

Amendment No. 8.

On page 4, line 37, of the printed bill, strike out "to teaching training preparing".

Amendment No. 9.

On page 4, line 44, of the printed bill, strike the word "teaching", insert "process of instruction".

Amendment No. 10.

On page 4, line 44, of the printed bill, strike out the word "teaching", and in line 45, strike out the words "and other courses".

Amendment No. 11.

On page 5, line 43, of the printed bill, strike out "teaching preparing pupils", and before the word "referred", insert the words "process of instruction".

Amendment No. 12.

On page 5, line 46, of the printed bill, strike out "from study", and in line 47, strike out "curricula".

Amendment No. 13.

On page 5, line 51, of the printed bill, strike out "teaching preparing pupils", and before the word "other", insert "processes of instruction".

Amendment No. 14.

On page 6, line 3, of the printed bill, strike out the word "from", and in line 4, strike out the words "such curricula".

Amendment No. 15.

On page 7, line 5, of the printed bill, strike out the word "teaching", and after the word "the", insert "full course of study and training".

Amendment No. 16.

On page 7, line 6, of the printed bill, after the word "that" add "course of", and in line 7, strike out the word "curricula", and before the word "authorized", insert the words "study and training".

Amendment No. 17.

On page 7 of the printed bill, strike out all of lines 24 and 25.

Bill read second time, ordered to reprint, and re-referred to Committee on Universities and Teachers Colleges.

Third Reading of Senate Bills.

Senate Bill No. 685—An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters, and declaring the urgency of this act.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall take effect immediately. The facts constituting such necessity are as follows:

Section 274c of the Code of Civil Procedure may be construed to deprive certain phonographic reporters of the San Francisco municipal court of the benefits of the

civil service and retirement provisions of the charter of the City and County of San Francisco.

It is therefore necessary that this act go into immediate effect in order to prevent these reporters from losing their status in civil service and in the retirement system.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 685 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—35.

NOES—None.

Title read and approved.

Senate Bill No. 685 ordered transmitted to the Assembly.

Senate Bill No. 1—An act to amend section 6 of an act entitled "An act to provide for the formation, organization and government of storm-water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, watercourse, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," approved March 13, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, and Williams—33.

NOES—None.

Title read and approved.

Senate Bill No. 1 ordered transmitted to the Assembly.

Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases.

Amendment from the Floor.

During third reading of Senate Bill No. 71, the following amendment, offered by Senator Swing, was read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "Peremptory Challenges, Civil Cases."

Bill ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 822.—An act to amend section 27 of the Streets and Highways Code, relating to the maintenance of the State highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 822 passed by the following vote:

AYES—Senators Bignar, Cretchen, Deuel, DeForest, Deuel, Edwards, Finney, Gordon, Hays, Hobbs, Jorgensen, Kneen, Kunkel, McCall, McGovern, McGovern, McGovern, Metzger, Miller, Parkman, Price, Ross, Schmitz, Seidl, Seidl, Seidl, Sharkey, Senter, Stow, Swing, Tickle, Wagy, Williams and Young.

NOES—None.

Title read and approved.

Senate Bill No. 822 ordered transmitted to the Assembly.

Senate Bill No. 256.—An act to amend sections 230, 304, 307, 323, 348, 364, 374, 463 and 465 of the Streets and Highways Code, relating to State highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 256 passed by the following vote:

AYES—Senators Bignar, Cretchen, Deuel, DeForest, Deuel, Edwards, Finney, Garrison, Gordon, Hays, Hobbs, Jorgensen, Kneen, Kunkel, McCall, McGovern, McGovern, McGovern, Metzger, Miller, Parkman, Price, Ross, Schmitz, Seidl, Seidl, Seidl, Sharkey, Senter, Stow, Swing, Tickle, Wagy, Williams and Young. 36.

NOES—None.

Title read and approved.

Senate Bill No. 256 ordered transmitted to the Assembly.

Motion to Postpone.

Upon motion of Senator Wagy, consideration of Senate Bill No. 256 was deferred until the next legislative day.

Special Order.

Senator Difani moved that Senate Bill No. 233 be made a special order for eleven o'clock and thirty minutes a.m., March 19, 1935.

Motion carried.

Third Reading of Senate Bills—(Resumed).

Senate Constitutional Amendment No. 18.—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations, in anticipation of the collection of taxes and revenues.

Senate Constitutional Amendment No. 18.

A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations, in anticipation of the collection of taxes and revenues.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding to Article XIII thereof a new section to be numbered 17, and to read as follows:

Sec. 17. Notwithstanding any other provision of this Constitution, the State may borrow money to meet appropriations from the general fund in the State treasury in anticipation of the collection of taxes and revenues which by law are payable into the general fund in the State treasury, up to fifty per cent of the amount of all taxes and revenues paid into the general fund during the preceding year. All moneys borrowed in anticipation of taxes and revenues together with interest thereon shall be paid from the general fund within one year from the date such money is borrowed by the State.

The provisions of an act entitled "An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation," passed at the fifty-first session of the Legislature, are hereby confirmed, ratified and declared to be fully and completely effective; but said act may at any time be amended or repealed by the Legislature.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 18 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tiedle, Wagy, Williams, and Young—36.

NOES—None.

Senate Constitutional Amendment No. 18 ordered transmitted to the Assembly.

Senate Bill No. 419—An act to amend section 3658a of the Political Code, relating to assessments by reference to maps.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 419 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tiedle, Wagy, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 419 ordered transmitted to the Assembly.

Senate Bill No. 430—An act to amend sections 3727 and 3728 of the Political Code, relating to the entering of values and acreages in the assessment book and the preparation of duplicate statistical statements of assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 430 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 430 ordered transmitted to the Assembly.

Senate Bill No. 708—An act relating to the borrowing of money by the State in anticipation of taxes and revenues.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 708 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Defuni, Davis, Edwards, Fletcher, Garrison, Gordon, Hayes, Hulse, Jaspersen, Keough, Keown, McCall, McCreanock, McGowan, McGowaness, Metzger, Mixer, Olson, Parkman, Peery, Pomeroy, Ross, Schottky, Sharkey, Slater, Snyder, Stow, Swang, Tickle, Wagf, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 708 ordered transmitted to the Assembly.

Senate Bill No. 415—An act to add a new section to the Political Code to be numbered 3887, relating to the priority of the State of California for taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 415 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Defuni, Davis, Edwards, Fletcher, Garrison, Gordon, Hayes, Hulse, Jaspersen, Keough, Keown, McCall, McCreanock, McGowan, McGowaness, Metzger, Mixer, Olson, Parkman, Peery, Pomeroy, Ross, Schottky, Stollon, Sharkey, Slater, Snyder, Stow, Swang, Tickle, Wagf, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 415 ordered transmitted to the Assembly.

Senate Bill No. 877—An act to add section 114 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 3, 1933, relating to evasions of license fees through wagers conducted on information furnished through news services.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 877 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Defuni, Davis, Edwards, Fletcher, Garrison, Gordon, Hayes, Hulse, Jaspersen, Keough, McCall, McCreanock, McGowan, Metzger, Mixer, Olson, Parkman, Peery, Pomeroy, Ross, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swang, Tickle, Wagf, Williams, and Young—35.

Title read and approved.

Senate Bill No. 877 ordered transmitted to the Assembly.

Senate Bill No. 255—An act to add a new section to be numbered 844, to the Civil Code, relating to actions for the declaration of rights

of persons associated in the use of ditches, flumes, pipe lines or conduits for the conveyance of water.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 255 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pirovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

NOES—None.

Title read and approved.

Senate Bill No. 255 ordered transmitted to the Assembly.

Senate Bill No. 293—An act to amend section 98 of the California Irrigation District Act and to repeal sections 99, 99½, 106, 107 and 108 of said act, all relating to the cancellation and destruction of unissued or unsold bonds and coupons of irrigation districts.

Bill read third time.

Urgency Clause.

Sec. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore take effect immediately.

The following is a statement of the facts constituting such necessity:

Due to present depressed economic conditions many bond issues of irrigation districts previously authorized but unsold can not be sold and other bonds issued by such districts are in default, and it is necessary that such outstanding bonds be refinanced in order that said districts may continue to function. Federal agencies have offered to come to the relief of such districts but as a condition precedent to the granting of such aid by the Federal agencies it is necessary that such authorized or unsold bonds be immediately canceled, and it is necessary that means be afforded for the immediate cancellation and destruction of such unissued and unsold bonds and coupons as herein provided.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pirovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 293 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 293 ordered transmitted to the Assembly.

Senate Bill No. 1070—An act to amend an act entitled "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved

September 20, 1934, by amending sections 1 and 3 of said act to validate redemptions heretofore made, and declaring the urgency thereof.

Bill read third time.

Amendment from the Floor.

During third reading of Senate Bill No. 1070, the following amendment, offered by Senator Schottky, was read and adopted:

Amendment No. 1.

On page 1, line 5, of the title of the printed bill, after the word "but", insert the following: "and adding a new section to be numbered 4."

Unanimous Consent Granted.

Unanimous consent was granted for consideration of Senate Bill No. 1070, without reference to report or re-engrossment.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and no shall take effect immediately.

The following is a statement of facts constituting such necessity:

The act to which this act is an amendment, was passed as an urgency measure and the necessity for the same still exists. Many redemptions have been made in accordance with the provisions of the act, or in an attempt to comply with the provisions of the act, but owing to the wording of the act (Article IV, section 1) certain collectors have placed different interpretations on some of its provisions. This act is for the purpose of clarifying those provisions and so the right of the licensee to make redemption under the act will expire on July 1, 1935, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGowan, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Piorovich, Powers, Rich, Schottky, Sinton, Smith, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1070 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGowan, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Piorovich, Rich, Schottky, Sinton, Snyder, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title as amended, read and approved.

Senate Bill No. 1070 ordered transmitted to the Assembly.

Senate Bill No. 57—An act to amend section 26 of the California Irrigation District Act, approved March 31, 1897, relating to directors of irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 57 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGowan, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Piorovich, Powers, Rich,

Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 57 ordered transmitted to the Assembly.

Senate Bill No. 330—An act to add sections 762, 763 and 764 to, and to repeal sections 789, 790 and 791 of, the Probate Code, relating to sales of property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 330 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 330 ordered transmitted to the Assembly.

Senate Bill No. 289—An act validating the formation and existence of certain harbor districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by such districts and authorizing the levy and collection of taxes sufficient to pay the principal and interest thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 289 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

NOES—None.

Title read and approved.

Senate Bill No. 289 ordered transmitted to the Assembly.

Senate Bill No. 1016—An act validating the formation, organization and existence of districts formed under the "Orange County Water District Act," approved June 14, 1933.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1016 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 1016 ordered transmitted to the Assembly.

Recess.

On motion of Senator Rush, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Consideration of Daily File.**Second Reading of Assembly Bills.**

Assembly Bill No. 2171—An act to amend section 4747 of the Political Code, relating to salaries of county officers in counties of the eighth class.

Bill read second time, and ordered on file for third reading.

Third Reading of Assembly Bills.**Assembly Joint Resolution No. 31.**

Memorializing Congress to appropriate additional funds and amend additional legislation to provide a comprehensive plan for the deporting of undesirable aliens and aliens who are illegally within this Nation.

WHEREAS, The United States Department of Labor is and has been charged with the duty of deporting from this Nation undesirable aliens and aliens who are illegally in this Nation; and

WHEREAS, It has been publicly stated that there has been a tendency to undertake quantity to detain native, military, police, or law officers in (United) countries of undesirable aliens; and

WHEREAS, It is the sense of the Legislature of the State of California that the Department of Labor requests the full cooperation of the United States Department of Justice in the deporting of undesirable aliens and aliens who are illegally in this country; and

WHEREAS, The Departments of Labor and Justice have failed to make provision for the carrying out of this important duty; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests and commends the Congress of the United States to provide necessary means of sound law from political interference or interruption, to carry on a continuous investigation of all subversive activities in the United States and be it further

Resolved, That this Legislature respectfully requests and commends the Congress of the United States to make such needed appropriations as needed to carry on this extensive investigation and that any and all additional laws be enacted by the Congress of the United States as well further the extensive plan as proposed by the Departments of Justice and Labor.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 31 adopted by the following vote:

AYES.—Senators Biggar, Crittenden, Daniel, Duval, Edwards, Fletcher, Gossman, Gordon, Hays, Hulse, Jespersen, Kough, McCall, McCormack, McGovern, McGinness, Mixer, Perry, Powers, Rich, Schottky, Seclan, Starkey, Slater, Stow, Swan, Way, Williams, and Young—29.

NOES.—None.

Assembly Joint Resolution No. 31 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 32.

Memorializing Congress to prepare proper legislation providing for the deportation of aliens who are dependent upon public relief.

WHEREAS, The problem of public relief is of paramount importance to every city, county, State and the Federal Government, and as the projects of public relief in

every community, State, and the Nation find thousands of instances in which aliens having failed to apply for citizenship in the United States are enjoying such benefits; and

WHEREAS, The prerequisite of admission to citizenship requires that aliens submit proof that they are not likely to become a public charge; and

WHEREAS, The problem of unemployment for our citizens is distinctly hampered in consequence of the competition of aliens occupying public relief jobs in this country and receiving assistance from public relief projects to the obvious detriment of our own people either directly or indirectly; and

WHEREAS, It is the duty of the city, county, State, and Federal Government to provide primarily for its citizens and taxpayers who are confronted with the impossibility of maintaining their own existence by gainful labors in commerce and industry; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests and memorializes the Congress of the United States to pass immediately National legislation requiring the deportation of all unemployed aliens now dependent upon public charity and relief and those who may be occupying positions of employment on relief projects under the administration of any city, county, State, or the Federal Government; and it is further

Resolved, That the Legislature of the State of California respectfully requests and memorializes that in order to not impose undue hardship on those aliens having accustomed themselves to our standards of living that an exemption from the provisions of such proposed legislation be granted to such aliens over 60 years of age who have resided continuously in the United States for a period of 20 or more years.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 32 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Mixter, Perry, Pierovich, Powers, Rich, Scollan, Sharkey, Slater, Stow, Swing, Waggy, and Williams—26.

NOES—None.

Assembly Joint Resolution No. 32 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received:

On Rules.

SENATE CHAMBER, SACRAMENTO, March 18, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Fletcher to introduce a bill entitled—An act authorizing the Director of Natural Resources to acquire and lease land for development for State forestry purposes, to manage and develop such land and dispose of the products thereof, and to sell, exchange or lease lands under his jurisdiction when required by good management and providing for the disposition of revenue therefrom—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
SLATER.
KNOWLAND.
TICKLE.
DIFANI.

Report of Committee on Rules read.

The question being on the adoption of the report of the Committee on Rules.

The roll was called, and the report of the Committee on Rules adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Waggy, and Williams—32.

NOES—None.

Introduction, First Reading and Reference of Bills

By Senator Fletcher: Senate Bill No. 1075—An act authorizing the Director of Natural Resources to acquire and lease land for development for State forestry purposes, to manage and develop such land and dispose of the products thereof, and to sell, exchange or lease lands under his jurisdiction when required by good management and providing for the disposition of revenue therefrom.

Bill read first time, and referred to Committee on Governmental Efficiency.

Remarks.

St. Patrick's Day.

The following remarks, offered by Senator Schmitky, were ordered printed in the Journal:

Mr. President and Members of the Senate:

The seventeenth of March marks the anniversary of the death of St. Patrick, who was known throughout the entire Christian world as the first and only of Irishmen in the year 433 A. D., and preached the gospel of Christ to the people of that island, and whose preaching resulted in the conversion of the people of Ireland to the Christian faith. The birthplace of St. Patrick, whose British name was Sesonius, is uncertain, but most authorities agree that it was in Scotland. At the age of 16 he was carried off by Irish marauders and for six years, while in captivity, he was a herdsman. He finally escaped to the north coast of France. About the year 409, having in the meantime been employed a priest at the Catholic Church, he returned to Ireland and began the ministry which continued to the death of his death.

In Ireland itself St. Patrick's Day is a day of national observance. Protestants and Catholics alike join in honoring the memory of the Patron Saint of the Emerald Isle. Some people believe that St. Patrick's Day is purely a sectarian day, but such is not the case. For instance the great Cathedral of St. Patrick in the city of Dublin is an Episcopalian cathedral where a great religious observance is held on the seventeenth day of March of each year.

We people of the United States and particularly we people who are not of the Irish race are very happy to join with our fellow Americans, who are of Irish descent in observing the seventeenth of March of each year.

America is made up of the descendants of European immigrants. America depends for her glory and achievement on the sons and daughters of European countries living in the civilized world. Therefore, Mr. President, it is particularly fitting and fitting that in this Senate, at this time, we should pause for a few moments, to pay our respects to the memory of a great character who was not only a great religious leader, but a great educational leader as well, and whose spirit and influence have left their mark not only on the people of Ireland but also on the people of these United States.

The sons and grandsons of Irish immigrants have played a very great part in the history and development of our State of California. They have occupied many positions within the gift of our people. They have participated in civil demonstrations, in political action, in industrial advancement, in commerce, in trade and in science.

One does not have to be of Irish descent to appreciate the very positive contribution which the Celt has made to the glory of our civilization on this continent. It is a matter of record, from the days of the Revolutionary War to this present time, that Irish blood have fought and died under the American flag on countless occasions and of battle where our country has taken a stand.

The names of such distinguished Americans as General Montgomery, General Sullivan and Commodore Barry, in the Revolutionary War; General James J. Smith and General Riley in the Mexican War; General Andrew Jackson in the War of 1812; Generals Phil Sheridan, McCullough, McCallister and others of equal note in the Civil War; and during the World War, General O'Rourke of New York, and thousands of others, of the Irish race, distinguished themselves because of their ability and patriotism.

In this very Senate we can recall to mind scores of distinguished legislators. Beginning with Senator David C. Broderick, of San Francisco, to this very day men of Irish blood have served our commonwealth ably and unselfishly in the interests of the people.

The congenial characteristics, the pleasant personalities and the true friendship that all of us have made with men of the Irish race have tended to make the observance of St. Patrick's Day in the United States a day of general good fellowship and rejoicing, without regard to race or creed.

Therefore, Mr. President, I have presumed upon the attention of this Senate for a few moments while I reminded you of the happy event which recurred on March 17th when throughout the entire English-speaking world men and women have

paused, as we have paused today, to pay their respects to the Patron Saint of a great race that has meant so much in the upbringing and development of our Nation and of our commonwealth.

Adjournment.

On motion of Senator Rich, at two o'clock and thirty minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, March 19, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, March 19, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, Kuowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, March 18, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator King was, on motion of Senator Seawell, granted leave of absence for this day.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for the morning session.

Privilege of Floor of Senate Extended.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lena B. Everett, teacher, and the following pupils of her eighth grade social studies class of the Stanford Junior High School of Sacramento: Jimmie Davis, Dick Lahti, Axel Larson, Albert Howell, Leland Potter, Henry Oughton, Emmett Grimm, Vernon Grimm, John Olbrich, Harold Devault, Arthur Brown, Emamac Prising, Evelyn Matson, Anna Habecker, Jean Warren, June Walker, Elaine Taniel, Ruth White, Marjorie Akerly, Hazel Littlefield, Mignon Jefferson, and Phyllis Jensen.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. O. Hart of Orange and Paul Richardson of Los Angeles.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the senior class of the Maywood Union High School.

On request of Senator Fancher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. G. L. Handy and Judge Dean Sherry, of San Diego.

On request of Senator Sullivan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edna Thompson, wife of Assemblyman Earl Thompson of Calif.

On request of Senator Dittus, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge August Weber, former Assemblyman of Santa Monica.

On request of Senator Lunnell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following teachers and students of the University High School of Oakland: Lynn M. Barrett, Helen Warren, Hazel Flood, John Chase, Katherine Grell and Elizabeth Truett, teachers, and Jack Downing, Neil Stewart, Robert Keith, Jack Newman, Nance Lee Hoff, Margaret Bonnell, Iva Dee Hiatt, Marie Bartlett, Betty Allen, Florence Goss, Leonard Brennan, Douglas Chase, Lillian Foxworth, Leonard Gross, Roy Hersman, Bill Hale, Charles Hill, George Kays, Lora LaFaire, Grant Mahoney, Niles Miller, James Nuliyeth, Duke Smith, Yvonne Sutin, Tom Sturges, James Taylor, Ross Mahoney, Romana Allmar, Jewel Baker, Virginia Russell, Patricia DeBousoff, Dorothy Darch, Dorothy Davis, Jane De Roy, Jane Emerson, Stella Hudson, Marjorie Litch, Betty Van Sled, Barbara Long, Lyndie Moore, Susan Murray, Elia Neilson, Pat O'Rourke, Laura Poe, Janet Price, Lillian Rowe, Tom Sorel, Rewena Tregea, Douglas Anderson, Jack Arnold, Bob George, Natalie Becker, Irene Brehan, Carolyn Chalkner, Jack Craig, Barbara Crane, Rose Davidson, Dorothy Dill, Columba Dohlin, May Emerson, Jane Haskins, Wilma Jordan, Lurdie Klein, Shirley Lamm, Helen Lawrence, Vivian Laybourne, Hazel Leighton, Jean Sule, Mary Lee, Hazel McKee, Joan Mein, Martha McKel, Russell V. Meyer, Paul McDonald, Marland Chandler, Elva O'Donnell, Margaret Phelps, Cynthia Richardson, Lorraine Rounds, Sherman Lee, Frances Schmidt, Virginia Snyder, Margaret Watts, Norma Wilfred, Phyllis Wisnavor, George Bedrosian, John Cave, Clifton Catley, Stanley Jackson, Kenneth Hedstrom, Fred Kidder, James Lukes, Wallace H. Faylure, Reid McDonald, Henry Morrell, Warren Merrill, Vernon Quannon, Verdun Romer, Dick Scott, Neil Stewart, Bob Vance, and Bob Jones, students.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following teachers and students of the civics class of the Esports High School at Yolo County: Frank Hopkins and Jeanette Greenwood, teachers, and Joe Barrios, Elvia Bei, Lois Bowles, Earl Burke, Jimmie Burke, Owen Bahlman, Charles Barr, Willis Butterfield, Edna Cavalli, Dale Creamer, Jack Duncan, Virginia Duncan, Gust Ewan, Katherine Ewan, Stanley Faustman, Hayes Gable, Marietta Gilliam, George Givler, Alston Gray, Kenneth Harris, Margaret Hartwig, Jack Herman, Howard Hickerson, Helen James, Hayden Jones, Fern Jones, George Knight, Robert Keisler, June Kantlehner, Carolyn Lewis, Francis Liler, John

Lider, Bessie Matsumoto, Char'yn McClellen, Wilma Morrin, Robert McKinney, Eudora Mitchell, Wyatt Mitchell, Gordon Ness, Audrey Nurse, Mabel Parker, Robert Rooney, Fern Rominger, Hideo Sagara, Kenneth Shell, Earnest Smith, Don Spalding, Veen Story, Glalys Stotts, John Swete, Bessie Taber, Jim Tadlock, Stanley Thompson, Patricia Weaver, Dorothy Woupios, Anita Willis, Burnell Zentner, and Craig Zentner, students.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 563—An act to amend sections 691, 694, 695, 696, 697, and 865 of the Fish and Game Code and to add section 697.5 thereto, and to repeal section 691.6 thereof, relating to fishing.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 563 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on March 15, 1935, passed Assembly Bill No. 1995—An act to amend section 779 of the Political Code, relating to publication of court reports.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1995 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 650—An act to amend the title of and section 8 of an act entitled "An act regulating the making of openings or the placing of structures or the change or removal of any structure and the planting or removal of trees or shrubs or the placing of obstructions in or on State roads and highways; providing for the issuance of permits by the State Department of Public Works relative thereto, and for the laying or placing pipes, conduits, sewers, poles, wires, railways, obstructions and other objects, and for the planting, trimming or removal of trees or shrubs in or on State roads and highways; providing for the requirement of bonds from applicants before the issuance of such permits; and prescribing the penalty for violations of the provisions of this act," approved April 23, 1915, as amended, to provide for the relative rights of the State and cities, cities and counties, and counties in respect to franchises granted in highways subsequently declared to be State highways;

Also: Assembly Bill No. 438—An act to amend sections 640, 641, 642, 645 and 646 of the Probate Code, relating to estates.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 650 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 438 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 3 and 4 of Article IV of the Constitution, relating to the legislative department;

Also: Assembly Constitutional Amendment No. 66—A resolution to propose to the people of the State of California an amendment to the Constitution of said State

by amending section 41 of Article XIII thereof, relating to extending time limit of building and personal property and thereby aiding and extending the religious worship.

ARTHUR A. OHNIMUS, Chair. Chair.
By PAUL J. DUNN, Assistant Chair.

Assembly Constitutional Amendment No. 15 referred to Committee on Elections.

Assembly Constitutional Amendment No. 66 referred to Committee on Revenue and Taxation.

Also:

Assembly CHAMBER, SACRAMENTO, March 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 26—Relative to memorializing Congress to proceed with the construction of the international highway from Canada to Fairbanks, Alaska.

ARTHUR A. OHNIMUS, Chair. Chair.
By PAUL J. DUNN, Assistant Chair.

Assembly Joint Resolution No. 26 referred to Committee on Federal Relations.

Reports of Standing Committee

The following reports of standing committee were received, read and the measures reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 18, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 27, Relating to the Acting Secretary of Labor Picking to receive a grant coming to the Senate and Assembly.

Also: Senate Bill No. 792—An act making an appropriation to meet a bill in the appropriation for legislative printing, Article 46, Relating to the salary thereof, and providing that this act shall take effect immediately. And reports that the same have been correctly engrossed and presented to the Governor on the eighteenth day of March, 1935, at two o'clock and thirty-five minutes p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 275—An act to amend sections 1 and 2 of an act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the Public Utilities Act and the Railroad Commission of the State of California, approved April 25, 1913.

Also: Senate Bill No. 269—An act to amend sections 2870, 2871, 2872, 2887, 2887, 2890, 2911, 2917, 2940, 2941, 2990, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 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4802, 4803, 4804, 4805, 4806, 4807, 4808, 4809, 4810, 4811, 4812, 4813, 4814, 4815, 4816, 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4

The roll was called, and Senate Bill No. 450 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Hulse, Jespersen, Keough, Knowland, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seelman, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 450 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 551.

Senator Swing moved that Senate Bill No. 551 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

Senate Bill No. 389—An act to amend section 630 of the Probate Code, relating to summary probate proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 389 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seelman, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 389 ordered transmitted to the Assembly.

Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property by the State under proceedings in eminent domain.

Amendments from the Floor.

During third reading of Senate Bill No. 261, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, after "or", insert the following: "of a water district or".

Amendment No. 2.

On page 2, line 6, of the printed bill, after "district", insert the following: "or of a water district".

Amendment No. 3.

On page 2, line 15, of the printed bill, after the comma after "district", insert the following: "or a water district".

Amendment No. 4.

On page 2, line 18, of the printed bill, after the comma following "district" insert the following: "or a water district".

Amendment No. 5.

On page 2, line 31, of the printed bill, after the comma after "trict", insert the following: "or a water district".

Amendment No. 6.

On page 2, line 36, of the printed bill, before the period and after "district", insert the following: "or a water district".

Amendment No. 7.

On page 2, line 40, of the printed bill, before the period and after "districts", insert the following: "or water districts".

Amendment No. 8.

On page 2, line 43, of the printed bill, after the comma after "district", insert the following: "or water district".

Amendment No. 9.

On page 2, line 45, of the proposed bill, after the comma after "district", insert the following: "or water district".

Bill ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 260—An act to amend sections 2870, 2871, 2872, 2885, 2887, 2890, 2911, 2917, 2940, 2941, 2990, 21055, 21060, 21152 and 21199 of the School Code of the State of California, relating to election of school trustees, etc.

Amendment from the Floor.

During third reading of Senate Bill No. 260, the following amendment, offered by Senator Garrison, was read and adopted:

Amendment No. 1.

On page 4, line 29, of the proposed bill, after said line 29, insert the following: "Sec. 16. A new section is hereby added to the School Code to be numbered 2873, and to read as follows:

2873. The term of office of any member of the governing board of a school district whose term of office did not expire on the first day of May, 1935, shall expire on the first day of June next succeeding the day upon which such term would otherwise expire."

Bill ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 2171—An act to amend section 4247 of the Political Code, relating to salaries of county officers in counties of the eighteenth class.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 2171 passed by the following vote:

AYES—Senators Biggar, Cretchenier, D'Arcy, Dwyer, Edwards, Fletcher, Garrison, Gordon, Haas, Hulse, Jaspersen, Keene, Kneeland, McCull, McInerney, McMillan, Moss, Metzger, Moyer, Parkman, Price, Pritchard, Rasmussen, Rich, Seibert, Seibert, Sharkey, Slater, Snyder, Stow, Swing, Tisdle, Ward, and Williams—25.

NOES—None.

Title read and approved.

Assembly Bill No. 2171 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 214 heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Consideration continued to afternoon session.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 24—An act to promote the safety of travelers and employees on trains by limiting the number of cars in a train, and prescribing penalties for violation thereof—and reports that the same has been correctly engrossed.

METZGER, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 18, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1468—An act to add sections 8a to 8e, and 8p to 8u, inclusive, to the Juvenile Court Law, relating to forestry camps for wards of the juvenile court;

Also; Assembly Bill No. 637—An act to add section 21a to the Juvenile Court Law, relating to the prevention of juvenile delinquency through public councils or committees;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—10; absent—4.

SWING, Chairman.

Also;

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 125—An act to provide a system of State control of the manufacture, purchase, sale, importation, exportation, transportation, and use of alcohol and alcoholic liquors; including creation of a State Alcohol Control Authority provision for the sale of alcohol and alcoholic liquors by such authority; making an appropriation therefor; and providing penalties for the violation of the provisions of this act;

Also; Senate Bill No. 627—An act to add a new section to be numbered 1463 to the Probate Code, relating to guardianship proceedings of incompetent or insane persons;

Also; Senate Bill No. 346—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to written instruments;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be re-referred to this committee.

Committee membership—14; committee vote: Ayes—10; absent—4.

SWING, Chairman.

Consideration of Special Order—(Resumed).

Senate Bill No. 233—An act repealing section 365e½ of the Political Code, relating to the California Highway Commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 233 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Fletcher, Garrison, Gordon, Hulse, Keough, McColl, McGovern, McGuinness, Metzger, Packman, Pierovich, Powers, Schottky, Scollan, Seawell, Snyder, Swing, Tickle, Wagy, Williams, and Young—24.

NOES—Senators Crittenden, Duval, Hays, Jespersen, Knowland, Mixter, Olson, Perry, Reindollar, Rich, Sharkey, Slater, and Stow—13.

Title read and approved.

Notice of Motion to Reconsider.

Senator Wagy gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 233 was passed.

Consideration of Daily File. Third Reading of Senate Bills.

Senate Bill No. 24—An act limiting the number of cars in a train, and prescribing penalties for violation thereof.

Amendments from the Floor.

During third reading of Senate Bill No. 24 the following amendments, offered by Senators Sawell and Powers, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 1 to 11, inclusive.

Amendment No. 2.

On page 1, line 12, of the printed bill, strike out "1", and insert in lieu thereof the following: "2".

Bill ordered to reprint, re-reconsidered, and on file for third reading.

Rush Order to Printer.

On motion of Senator Powers, the Secretary was directed to issue a rush order for printing Senate Bill No. 24.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Swing moved to reconsider the vote whereby Assembly Joint Resolution No. 39 was refused adoption.

Leave of Absence Waived.

Senator King waived the leave of absence granted him for this legislative day.

Ayes and Noes Demanded.

A roll call was demanded by Senators Swing, Olson and Hays, on the motion to reconsider the vote whereby Assembly Joint Resolution No. 39 was refused adoption.

The roll was called, and reconsideration granted by the following vote:

AYES. Senators Bigger, Difant, Fletcher, Garrison, Hays, Johnston, Knight, McColl, McGovern, Metzger, Parkman, Perry, Patterson, Powers, Sawell, Shaw, Sharkey, Slater, Snyder, Swing, and Tiedje—21.

NOES. Senators Crittenden, Deuel, Dwyer, Edwards, Gordon, Hays, King, Knowland, McCormick, McGinness, Minter, Olson, Rich, Schuch, Sullivan, Stark, Wagy, Williams, and Young—19.

Consideration of Assembly Joint Resolution No. 39.

Assembly Joint Resolution No. 39.

Relating to memorializing Congress to incorporate in a National Old Age Pension Plan the principles and objectives of the Townsend Plan.

WHEREAS, Various proposals for the establishment of old age pensions are now under consideration by the Congress of the United States; and

WHEREAS, The revolving Old Age Pension Plan originated by Dr. F. E. Townsend, of California, has been presented to the United States Senate and the National House of Representatives; and

WHEREAS, The program contemplates both relief for the aged and widespread adjustments in our economic system certain to result in increased working conditions and in extensive reduction of unemployment among thousands of men and women under the age of 60 years; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly: That the Congress of the United States is respectfully urged to enact H. R. 9777, introduced in the House of Representatives, January 16, 1935, and cited as the "Townsend Old-Age Revolving Pension Act," which is as follows:

"SEC. 2. That every citizen of the United States, 60 years of age and over, or who shall attain the age of 60 years after the passage of this act, while normally residing in the United States, shall be entitled to receive, upon application and qualification, a pension in the sum of \$200 per month during the life of the pen-

sioner: Provided, that (a) the pensioner shall discontinue and refrain from all gainful competitive pursuits or salaried positions of any kind; (b) the pensioner shall covenant and agree that he or she will within 30 days of receipt of said pension expend all of the same for goods, commodities, or services within the jurisdiction of the United States; (c) proof of age and citizenship shall be according to the law and procedure of the State of residence of the pensioner; and (d) this pension shall be wholly exempt from attachment, garnishment, or execution.

SEC. 3. There is hereby levied a tax of 2 per centum on the gross dollar value of each business, commercial, and/or financial transaction done within the United States. The President of the United States is hereby empowered by executive order to increase or decrease the 2 per centum tax by not more than 50 per centum, when in his discretion he deems it advisable, in order to adequately finance the said pension roll. This tax shall be levied in addition to any other Federal tax on goods or commodities. This tax so levied shall be paid by the seller once each calendar month, calculated on the seller's aggregate gross sales, in accordance with rules and regulations to be promulgated by the Secretary of the Treasury of the United States.

(a) It is hereby provided in order to facilitate the collection of this tax that all sellers of goods, commodities, and commercial things of value shall obtain a license upon payment of a fee, the amount thereof to be fixed by the Secretary of the Treasury, who is empowered with full authority to use his discretion as to methods and means of collecting this tax.

SEC. 4. Any qualified pensioner who, for any justifiable reason, has failed to legally receive and disburse said pension, may, upon proper proof, be reinstated and thereafter receive the pension.

(a) All pensioners under this act shall be permitted to expend not more than 15 per centum of each monthly pension for charity, church, and fraternal organizations.

(b) Pensioners under this act shall receive no other pension from the United States nor from any State nor any political subdivision thereof, except all disabled war veterans now receiving or who may receive disability allowance, compensation, or pension from the United States Government.

(c) The benefits of this act shall not accrue to any person while an inmate of an insane asylum, eleemosynary institution, or while under penal sentence in any jail or penitentiary.

SEC. 5. Immediately after the passage of this act, the Secretary of the Treasury shall authorize all National and State banks, members of the Federal Insurance Deposit Corporation, to credit each properly identified pensioner the first day of each calendar month in the sum of \$200, and said banks shall be reimbursed by the United States Treasury for the amounts so credited to pensioner or pensioners.

SEC. 6. All salaries for individual services are hereby exempted from the tax provisions of this act.

SEC. 7. Pensions under this act shall be forfeited or discontinued for the following reasons:

(a) Any person who has been duly convicted of a felony shall be ineligible for this pension for a period of ten years following the completion of his sentence.

(b) Any pensioner under this act who is convicted of a felony shall immediately forfeit his said pension.

(c) Any pensioner who violates the conditions imposed by (a) and (b) of section 2 of this act may be deprived of the said pension.

SEC. 8. The Secretary of the Treasury shall appoint pension boards of three members, who shall constitute a district pension board. No two members of this board may belong to the same political party. Such boards may appoint deputies within their districts. All members of the board shall serve without compensation other than their pensions. Such boards shall have supervision of the administration of this act in their respective districts and shall be governed by rules and regulations promulgated by the Secretary of the Treasury. A pension board shall be so set up for each county in the United States other than the areas of metropolitan cities wherein boards shall be created in each ward or similar political subdivision.

SEC. 9. Any and all oaths or affirmations required under the provisions of this act may be administered by any officer authorized by the law of any State to take acknowledgments for the conveyance of real property or by any member of a duly constituted pension board as herein provided.

SEC. 10. It shall be a felony and punishable as such for any pensioner or seller as herein described to misrepresent or make a false statement with regard to any provisions of this act, with intent to defraud the Government of the United States under penalty of a fine of not more than \$1,000 or imprisonment for not more than two years, or both."

Resolved, That the Governor of the State of California is hereby requested to forward a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States.

Amendment from the Floor.

During the consideration of Assembly Joint Resolution No. 38, the following amendment, offered by Senator Shaw, was read and refused adoption:

Amendment No. 1.

On page 1 of the printed resolution, strike out lines 1 to 26, inclusive, and insert on all of pages 2 to 4, inclusive, and insert in lieu thereof the following:

"WHEREAS, The Congress of the United States has had on its for consideration a plan proposed by F. B. Townsend, M.D., whereby the national health and retirement of the aged may become more secure during their declining years; and

WHEREAS, The problem is one of National importance with which only the Federal Government can adequately cope, for the reasons that the fundamental need of our Nation guarantees to its citizens the right freely to move from one State to another, citizens have moved and in large numbers the large family unit split to another and take up their residence in the latter and thus not their right to receive the benefits of old age pension laws of the State of their original residence has been lost; they acquire the right to participate in the benefits of pension laws of the State of their new domicile; and

WHEREAS, These conditions over which the States have no control make it uneconomical and inequitable for those States which have within their borders an undue proportion of the aged citizens of the Nation to meet and carry the enormous heavy financial burden and the Nation only, not the States, can equitably discharge and suitably discharge the obligation; and

WHEREAS, The problem is accentuated by the fact that great masses of large numbers have lost their life savings because of economic depression which is nationwide in scope, not merely state-wide in character; now, therefore, be it

Resolved, by the Senate and the Assembly of the State of California, jointly, That the President and Congress be memorialized to inaugurate all advanced financial plans and enact legislation for the security and support of the aged; and be it further,

Resolved, That copies of this legislation be respectfully transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives of the State of California."

Further Amendments from the Floor.

During the consideration of Assembly Joint Resolution No. 38, the following amendments, offered by Senator Olson, were read and refused adoption:

Amendment No. 1.

On page 2, line 8, of the printed resolution, after the word "and", strike out the words "which is as", and insert in lieu thereof the following: "with such modifications as shall be deemed necessary to carry out the purposes of this act."

Amendment No. 2.

On page 2, line 9, of the printed resolution, strike out the word "and", and strike out the rest of pages 2, 3, and 4.

Motion by Senator Deuel.

On motion of Senator Deuel, the following remarks, made by Senator Olson in opposition to Assembly Joint Resolution No. 38, were ordered printed in the Journal:

Remarks of Senator Olson**Why I Voted Against Assembly Joint Resolution No. 39 "Townsend Plan" as Contained in McGroarty Bill Now Pending in Congress.**

MR. PRESIDENT: For the humanitarian purpose behind the "Townsend Plan" of providing economic security and comfort to the aged for the thousands of 100,000 those over 60 from gainful employments to make way for the displacement of unemployed persons under that age, and for an increased production and consumption of commodities contemplated by the enforced expenditure of the \$24,000,000,000 per annum required to pay the pensions, I am as deeply in sympathy as Mr. Townsend himself, or any of the millions who sincerely believe with him in this bill. Among them are thousands of my constituents, men and women who voted for me, trusting in me and are expecting and demanding that I vote for this bill. Not that I ever advocated or endorsed this plan. On the contrary, during the primary and election campaigns I stated in meetings composed of its advocates that I could not endorse it. I so informed Dr. Townsend at an interview with him at his home in Long Beach. Dr. Townsend then very correctly said that the question of its endorsement or rejection is a National and not a State issue, and the attitude on that question of any candidate for State office was of no consequence.

But I did declare during the campaign, and I still declare for adequate old age pensions. The following paragraph was written by me in our Democratic State platform: "We declare for adequate old age pensions, and we pledge ourselves that California will assume its full responsibility in maintaining society's sacred obligation to provide adequate pensions for the aged as well as for the blind, the disabled and the widowed mothers of helpless children, also for maternity care."

I shall work to the last minute in this legislative session to secure the enactment of legislation in keeping with that declaration.

It is understandable, however, that many thousands who have persecuted Congress for the Townsend Plan and are urging the adoption of this resolution understanding it as a National program confuse our vote against this resolution as being in opposition to old age pensions and to all that its advocates have for it this bill. That situation makes more poignant the pain I suffer from having been unconsciously compelled to vote against it. The impression they will have, temporarily at least, is that I am not being true to the cause of liberalism, to the struggle toward a new, a better, a saner economic order for which our true progressives are striving, and to which the Democratic Party of this State is committed.

Time will dispell this false impression, and time I firmly believe will vindicate my vote last week in opposition to this resolution, whether the bill which it sets forth in full as the "Townsend Old Age Pension Act" be adopted by Congress or not.

I have been told to study the Townsend Plan. I have studied it. I have read all the literature I have found available in its behalf. I have analyzed this bill and tried to think in terms of its purposes and workability for relieving the noble purposes here of it, but I simply cannot do so. I can not believe that we can tax ourselves into prosperity and also pay \$24,000,000,000 per year to 10,000,000 of our people not engaged in production of it.

The argument is that the country starting out with the payment of \$2,000,000,000 of money to 10,000,000 people, to be spent by them in a month, will create an increased demand for commodities, that there will be increased production, and the unemployed will be put to work. I agree that the distribution and spending of that money would increase demand for commodities and employment, just as the distribution of billions by the government in relief checks to the unemployed, and their employment in SERA and public works projects has increased demand for commodities and has furnished employment that would not have been available without those expenditures. But where do these billions come from? Not from *taxing* wealth which is idle. Not from a redistribution of wealth from centers into which surpluses have accumulated. Not from those who take property or are receiving more than their social share, but by borrowing it from them and paying interest to them on tax exempt securities, and by taxing up the purchasing requirements of the poor. At the same time from the enormous cost of this borrowed money more and more surpluses are piled by way of interest on the hands of those from whom the borrowings are made and in whom the interest is also being paid. That is what has been done with the billions of relief money paid out during this depression upon the false theory of "priming the pump" for the return of prosperity by starting the flow of capital through the channels of trade.

This bill requires that the United States treasury is to immediately distribute \$2,000,000,000 for the first month to these over 90 without regard to the needs of any of them, leaving it to the taxpayer to bear what amount by increasing the National debt and then deducting a gross transactions tax of 2 or 3 per cent to pay the next month's \$2,000,000,000 obligation. It would require, according to Dr. Doane, who appeared with Dr. Townsend before the House committee, nearer a 12 per cent transactions tax to raise this amount the first month, and the most that could be raised the first year by a 2 per cent transactions tax, depending upon an increase of transactions, would be about \$9,000,000,000. However, this tax would be on the enormous reflected-in-increased-costs-of-consumption transactions of life. The summing of the tax from the part material purchases and costs of commodities, through to the finished product and its selling to the consumer, it has been estimated, would be added to a possible tax on increased costs of commodities of about 35 per cent, so that itself would reduce the purchasing value of the dollar paid as pension to about 65 cents, and would increase the cost of living to the poor beyond their reach. And the monthly summing of \$2,000,000,000 per month would immediately create such a serious financial demand as to force some nations to seek to probably two or three times their present level so that the purchasing power of the \$200 paid for some nations is less than \$50 per month, and the great masses of the people would still further pay off their wages on payments on the present scale, and those remaining on relief would be on a still more starvation.

As to the Townsend Plan, the President has a plan for it, and some supporting the Townsend Plan who are coming out against the differences of it. "The more the needs of the poor would be in the hands of the government, the more the government would be in the hands of the poor," is the slogan of the Townsend Plan. "The more the needs of the poor would be in the hands of the government, the more the government would be in the hands of the poor," is the slogan of the Townsend Plan. "The more the needs of the poor would be in the hands of the government, the more the government would be in the hands of the poor," is the slogan of the Townsend Plan.

This government plan the other would get covered within such distribution possible, and the \$2,000,000,000 for the pensions for the first month is provided, the poverty

ing idea of returning that money to the producers by a sales tax upon themselves and other consumers can not be realized. That money did not remain in circulation, because it will be constantly drained from business profits and payments that added to the accumulations of that same fraction of the population must be done a per cent—that already owns nearly 90 per cent of the Nation's wealth. There is no reason why this privileged portion of our population should obtain it a cent. While the first \$2,000,000,000.00 is thus absorbed, no part of it can longer be used for the like absorption of the next \$2,000,000,000.00 next year.

This same "Townsend Plan" friend of mine, in his letter to the President says: "Provision must be made to the extent of 1935 that money can be siphoned into circulation and out of accumulations already in our money hoards. The Townsend Plan recognizes that necessity of forcing the immediate expenditure of all persons' incomes. The plan aims at furthering the expenditure that all incomes must remain motionless; that some business enterprise. For money remains automatically restless themselves into normal supplies of physical goods."

If this bill provided for taking wealth from those having accumulated who are receiving much more than their share, and distributing it to the poor who have contributed their lives and services to producing it, and for making it available to all persons from accumulating capitalists, profits and huge incomes, it would have the merit of proposing a more equitable distribution of wealth, instead of producing a redistribution of the already money and accumulated savings of the poor, who in the meaning of the form of taxation that this bill provides.

But \$2,000,000,000.00 per month, or \$24,000,000,000.00 per year, may be raised by a tax on incomes and inheritance. Some persons believe that it may be raised by taxes, however, and if the producers are paid only for those he used and services they receiving a legitimate income, which is the practical thing to do, and which can be done by Congress and by the State Legislatures, without the interference of an inadequate old age pension system, and if the present accumulation of this money and the Senators have who voted for this measure, would desire to accomplish it, that will be done before the adjournment of the Senate of the 1935 year.

Mr. President, this is two years and longer a promise to be broken even by any political selfishness, parties or advantages. If the Government actually believes in the franchise of the 1935 year, it will not be broken by the money of all and restoring prospects and fortunes \$24,000,000,000.00 per year, and instead to be used and suffering humanity by having them to use it, and which the new general income is now at the rate of only \$47,000,000,000.00 of about \$10,000,000,000.00 is already being taken for taxes. I sympathize with his sentiment, but I am not agree with him.

Mr. President, I do agree with my constituents who are advanced here, that there is an unrepresentative of wealth in our country, but the accumulation and lack of subsistence money.

Our present production is about \$45,000,000,000.00 per year, and the amount of the annual income received by the 1935. The total annual production in 1935 was about \$85,000,000,000.00. Our present production, however, is about \$45,000,000,000.00. Our present production is about \$45,000,000,000.00. We all know our country and people can produce sufficient for the needs, comforts and wants of millions of all engaged in productive effort and distributive services, if all are employed and can provide for the comfortable retirement of those who have reached the age of 60 years or even less. But I do not believe that we have accomplished in paying debts and taxes for the perpetuation of debt, and the consequences of production on a subsistence basis to those employed. I do not believe it can be done by the juggling of money and credits, or through a distribution of the benefits of capitalistic exploitation. I believe it must be accomplished by first placing all employable persons to work actually production that which is to be used and by securing an equitable distribution of the total wealth produced, and by setting aside surpluses as production increases that will provide for the need of comfort and security.

I have recognized, however, that hundreds of thousands of the citizens of our State are firmly convinced that the "Townsend Plan" is a scheme to solve our problems, would solve all our economic problems, relieve distress, provide universal employment and easily provide the \$24,000,000,000.00 per annum as promised in the plan. They have joined in petitions to the Congress of the United States for its adoption, signed by millions throughout the Nation. In recognition of that sentiment and of the demand of the advocates of this bill, I did on January 22, 1935, by action by the Senate Journal of that date, page 28, vote for the passage of the following resolution, known as the Stream-Wright Resolution:

"Resolved by the Assembly and the Senate of the State of California, That the President and the Congress of the United States be and they are fully urged to carefully consider the enactment of an old age pension law and to study the 'Townsend Plan of Old Age Revolving Pension'."

and on the same day (page 29 of the Senate Journals) I voted for the passage of Senate Joint Resolution No. 2 as follows:

"Resolved by the Senate and the Assembly of the State of California, jointly, That the President and Congress be memorialized to investigate and enact legislation as proposed under the principles of the 'Townsend Plan'."

These memorials responded to the wishes of my constituents, as expressed in written requests from hundreds of them and from Townsend Club organizations. I felt that I should vote for these resolutions in response to their demands, leaving it to Congress to find a way, if possible, to incorporate the principles of the Townsend Plan in a workable old age pension measure. Then there was brought before us this resolution which sets forth a resolution introduced in Congress by Congressman McGroarty and referred to as "Townsend Old Age Pension Act," containing provisions which I voted against as unsound and unworkable. I have made no "fight" against the purposes of the "Townsend Plan." I am for their accomplishment, if a way can be found to do so. I still believe this bill is economically unsound and unworkable, and can not accomplish what is intended.

CULBERT OLSON.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 39 adopted by the following vote:

AYES—Senators Biggar, Difani, Fletcher, Garrison, Hulse, Jespersen, Keough, McColl, McGovern, Metzger, Parkman, Perry, Pierovich, Powers, Reindollar, Seawell, Sharkey, Slater, Snyder, Swing, and Tickle—21.

NOES—Senators Crittenden, Deuel, Duval, Edwards, Gordon, Hays, King, Knowland, McCormack, McGinness, Mixter, Olson, Rich, Schottky, Scollan, Stow, Wagy, Williams, and Young—19.

Assembly Joint Resolution No. 39 ordered transmitted to the Assembly.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 24—An act to promote the safety of travelers and employees on trains by limiting the number of cars in a train, and prescribing penalties for violation thereof—and reports the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 99—An act to amend sections 4.161 and 4.221 of the School Code, all relating to unapportioned county school funds;

Also: Senate Bill No. 658—An act to amend section 3.472 of the School Code, relating to the transportation of pupils, instructors and supervisors of high school agriculture classes;

Also: Senate Bill No. 834—An act to add section 17 to an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor;

Also: Senate Bill No. 1059—An act to add section 4030a to the Political Code, relating to tenure of certain public officers, declaring the urgency thereof and providing that this act shall take effect immediately;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Resolution of Respect.

The following resolution of respect was offered

By Senator McGovern:

WHEREAS, Almighty God, in the exercise of His Infinite Wisdom, has called to her reward Mrs. Mary Ping of San Francisco, California, in the eightieth year of her life; and

WHEREAS, Mrs. Mary Ping served the people of California as an educator in the city of her adoption; for half a century in the capacity of school teacher, high school principal, and as a member of the board of education; and

WHEREAS, The devotion to reason of her great ability, resulting devotion to the cause of education, high idealism, and noble character, has endeared herself to the people of the State of California, who have cherished her public career with interest and approval; now, therefore, be it

Resolved by the Senate of the State of California: That the Senate with loving expressions its sympathy to the survivors of Mrs. Mary Ping, and acknowledge her loss to the cause of education in this State is full mourning and be it furthered

Resolved: That the Senate of the State of California do hereby commend a suitable engraved copy of this resolution and message to the Honorable, FRANK PIERE Kuhn, Congressman from the fourth congressional district of the State of California, as an expression of the sympathy of this Senate.

Resolution read, and on motion of Senator McGovern, was adopted unanimously by a rising vote of the Senate.

Reports of Standing Committee.

The following reports of standing committee were received; read, and the bills reported therein were ordered on the for second reading:

On Public Health and Quarantine.

SENATE CHAIRMAN, SAN FRANCISCO, MARCH 19, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 77, "An act to amend section 3, of 'An act to regulate the location, construction, occupancy and maintenance of eating and drinking shops or stores and smoking, stonking and/or snuffing establishments or agencies thereof, and private schools and colleges of snuffing, stonking and/or snuffing, providing for the registration and licensing of persons engaged in such business, making an appropriation therefor, and imposing penalties for the violation of the State of California,' approved June 12, 1914, relative to, respectively, license, counties and deposits of funds," by the Honorable, FRANK PIERE Kuhn, Congressman from the fourth congressional district of the State of California, and respectfully reports the same back with amendments and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote, Ayes—6; absent—1.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 873, "An act to amend section 3, of 'An act to regulate the location, construction, occupancy and maintenance of eating and drinking shops or stores and smoking, stonking and/or snuffing establishments or agencies thereof, and private schools and colleges of snuffing, stonking and/or snuffing, providing for the registration and licensing of persons engaged in such business, making an appropriation therefor, and imposing penalties for the violation of the State of California,' approved June 12, 1914, relative to, respectively, license, counties and deposits of funds," by the Honorable, FRANK PIERE Kuhn, Congressman from the fourth congressional district of the State of California, and respectfully reports the same back with amendments and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Also: Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1915, as amended, relating to remedies for violations;

Also: Senate Bill No. 490—An act to add a new section, to be numbered 14c, to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, imposing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the enforcement of said act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders;

Also: Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists, clinical pathologists and clinical laboratory technicians, for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 826—An act to amend sections 2 and 13 of the State Medical Practice Act, relating to taxes and registration fees of licentiates of the Board of Osteopathic Examiners, and to reciprocity certificates;

Also: Senate Bill No. 155—An act to amend section 10 of the State Medical Practice Act approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act;

Also: Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing, preparing, and distributing the same, and to provide penalties for the violation of the provisions of this act;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

DIFANI, Chairman.

Special Order.

Senator Seawell moved that Senate Bill No. 24 be made a special order for Wednesday, March 20, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried, and such was the order.

Adjournment.

On motion of Senator Rich, at five o'clock and twenty minutes p.m., the President of the Senate declared the Senate adjourned out of respect to the memory of the late Mrs. Mary Prag of San Francisco, until eleven o'clock a.m., Wednesday, March 20, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, March 20, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern,

McGinness, Metzger, Olson, Parkman, Perry, Peterson, Phipps, Richardson, Ross, Schattky, Seiden, Seeman, Seifert, Slater, Sorenson, Starn, Strong, Thomas, Webb, Williams, and Young — 27.

Quorum present.

Prayer.

Prayer was offered by the Chairman, Rev. Newton E. Monte.

Reading of the Journal.

During the reading of the Journal of Yesterday, March 19, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence

Senator King was, on motion of Senator Seawell, granted leave of absence for this day.

Senator Deuel was, on motion of Senator Hays, granted leave of absence for this day.

Senator Mister was, on motion of Senator Schattky, granted leave of absence for this day.

Privilege of Floor of Senate Extended

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator H. C. Nelson of Eugene.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. S. Heller of San Diego.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following teachers and students of the seventh and eighth grades of the Dixon Grammar School, of Dixon: Zella Behrman, teacher; C. A. Janis, principal, and Marjorie Behrman, Shirley Cecil, Dorothy Dawson, Laverne Hissey, Helen Kilkenny, Jane Lyon, Marion Madson, Percy Marvin, Barbara McKenzie, Dorothy McNeill, Janet Potter, Evelyn Webb, Otto Bruhn, Marion Ayala, Laura Jean Aye, Marjorie Barkmeier, Zanette Belden, Betty Mae Carpenter, Althea Dannenburg, Evelyn Dedind, Betty Rae Felton, Wanda Haase, Marjorie Hepper, Elsie Green, Ruth Lawrence, Clifton Ferguson, Lee Hopkins, Weston Jaarda, James Johnston, Eddie Kilkenny, Howard Kang, Edwin Mack, Billy Pritchard, Goro Kawashima, Vincent Rossi, Russell Ralwer, Jack Reichel, Edward Seifert, John Ravolli, Elizabeth Phillips, Marilee Ralwer, Emily Sores, Madeline Soares, Margaret Seeman, John Bloom, Kayton Clark, Donald Helms, Freeland Mace, Russell Martin, William Taylor, and Norman Thistle, students.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gene Maxey and the Eighth Grade Class from the Clarksburg Grammar School, as follows: Alison Swartz, Marjorie Utterback, Nancy Reamer, Genette Heringer, Phyllis Perry, Margaret McDonald, Lorraine Jacinto, Corrinne Brown, Shimako Sato, Yoshie Samada, Eldon Studarus, Hiroshi Sakai, Russell Robertson, Bernard Ayala, Lyle Miller, Sumari Koyasako, Joan Kimura, Isao Tokunaga, George Oki, Fred Valine, Pete Queada, and Natsuko Morishage.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following

teachers and students of the Sylvan School: Robert M. Griffen, Mrs. F. E. Foster, Mrs. L. E. Pickering, and Charles Krause, teachers; and Adolph Van Maren, Birdie Jeanne Foster, Betty Cherrill, Henry Weinger, Joe Giusti, Norman Hull, Clyde Armour, Ralph Joyner, Delbert Pifer, Kay Arakawa, Lawrence Root, Russell Nelson, Wendell O'Rell, Ike Leland Clover, Walter Martin, Odes Taylor, Emerson Pickering, Earl Chapman, Douglas Van Maren, Shirley Henderson, Jackie Schneider, Theresa Ciani, Kikuye Arakawa, and Luce Crane, students.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the 4-H Club of Sutter County: Ned Putman, Vernon Mayfield, La Verne Luther, Mrs. Florence Luther, Mrs. Grace Trexler, Yacko Suyemaga, Gertrude Welter, Helen Welter, Herman Ellinger, Dallas Trexler, Donald Hixson, R. H. Klamt, French Summers, James Luther, Dean Trexler, Everett Putman, Richard Welter, Louis Custis, Elsie Byer, Dorothy Morden, and H. I. Graser.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 33—An act to amend section 4300b of the Political Code of the State of California by adding thereto a provision fixing a fee to be charged by sheriffs for arresting prisoners and bringing them into court or jail;

Also: Assembly Bill No. 1680—An act to amend sections 1235 and 1238 of the Penal Code, relating to appeals in criminal cases;

Also: Assembly Bill No. 1485—An act to amend section 4014 of the Political Code of the State of California, relating to township officers;

Also: Assembly Bill No. 472—An act to add section 3819a to the Political Code, relating to installment paying of delinquent taxes.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 33 read first time, and referred to Committee on County Government.

Assembly Bill No. 1680 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1485 read first time, and referred to Committee on County Government.

Assembly Bill No. 472 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 314—An act to amend sections 2203 and 2204 of the School Code, relating to the formation of joint elementary school districts;

Also: Assembly Bill No. 441—An act to amend "An act to require security for the payment of wages of persons engaged in the mining industry," approved April 25, 1933, by amending section 1 thereof, relating to security for the payment of wages;

Also: Assembly Bill No. 724—An act to add a new section to the Political Code of the State of California to be numbered 3476b, relating to assessments of reclamation districts and providing for crediting payments made under invalid calls of installment of assessments upon subsequent calls of installment of assessments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 314 read first time, and referred to Committee on Education.

Assembly Bill No. 441 read first time, and referred to Committee on Mines and Mining.

Assembly Bill No. 724 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 494—An act to amend section 651 of the Agricultural Code, relating to dairy statistics.

Also: Assembly Bill No. 494—An act to amend section 479 of the Agricultural Code, relating to fat content in dairy products.

Also: Assembly Bill No. 492—An act to amend section 601 of the Agricultural Code, relating to examination of milk and dairy products.

Also: Assembly Bill No. 401—An act to add a new section to the Political Code, to be numbered 3881a, relating to entry of names and addresses on nomination book and delinquent list.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 491, 494 and 492 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 401 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 928—An act to amend sections 4, 800 and 4,281b of the School Code, relating to a revolving fund for secondary study.

Also: Assembly Bill No. 486—An act requiring the treasurer of every township, county, and city and county to maintain a record of the names and addresses of holders of ad valorem special assessment district bonds.

Also: Assembly Bill No. 284—An act to amend section 877 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to terms of the said term.

Also: Assembly Bill No. 1400—An act to amend section 607 of the Penal Code, relating to the punishment of petty theft after a second conviction of a felony.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 928 read first time, and referred to Committee on Education.

Assembly Bill No. 486 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 283 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1400 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1132—An act to amend sections 1096, 1417, 1323, and 1439 of the Penal Code, relating to instructions and verdict in criminal cases.

Also: Assembly Bill No. 493—An act to amend sections 491 and 493 of the Agricultural Code, relating to milk inspection.

Also: Assembly Bill No. 1133—An act to amend sections 800 and 802 of the Penal Code, relating to limitation of criminal actions.

Also: Assembly Bill No. 139—An act to amend sections 165 and 166 of the Civil Code, relating to inventories of the separate property owned by a husband or wife, and making the filing of such inventory notice and prima facie evidence of title.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1132 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 493 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1133 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 139 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1721—An act to amend sections 859 and 860 of the Penal Code, relating to the examination of a case before a magistrate, and to add section 859a of the Penal Code, relating to a plea of guilty to the complaint before a magistrate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1721 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 147—An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein—and reports that the same has been correctly enrolled, and presented to the Governor on the twentieth day of March, 1935, at ten o'clock and forty-five minutes a.m.

METZGER, Chairman.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Wagy moved to reconsider the vote whereby Senate Bill No. 233 was passed.

Postponement of Reconsideration.

On motion of Senator Wagy, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 233 was passed, was continued until the next legislative day.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 125—An act to provide a system of State control of the manufacture, purchase, sale, importation, exportation, transportation, and use of alcohol and alcoholic liquors; including creation of a State Alcohol Control Authority provision for the sale of alcohol and alcoholic liquors by such authority; making an appropriation therefor; and providing penalties for the violation of the provisions of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 125 were read and adopted:

Amendment No. 1.

In line 6 of the title of the printed bill, strike out the word "and" preceding the word "providing", and at the end of the title change the period to a semicolon and add the following words: "and repealing all acts in conflict herewith."

Amendment No. 2.

On page 2 of the printed bill, strike out all of lines 8, 9, 10 and 11, and insert in lieu thereof the following:

"SEC. 10. The term "alcoholic liquor" means any liquor having an alcoholic content in excess of one-half of one per centum by volume and includes beer, wine,

fortified wine and spirits as defined in the act but excludes drugs, medicines, essences, perfumes, flavoring extracts, perfumes, toilet articles and other like articles which contain no more alcohol than is necessary for purposes of extraneous, medicinal, preservation and which are unsuitable for marketing as beverages.

Amendment No. 3.

On page 4, line 15, of the printed bill, delete the word "shall", strike out the letter "a", and insert in lieu thereof the word "may".

Amendment No. 4.

On page 4, line 15, of the printed bill, strike out the word "reasonable", and insert in lieu thereof the word "qualitative", and strike out clause (a) and insert the following: "Qualitative".

Amendment No. 5.

On page 4, line 15, of the printed bill, strike out the words "consisting of three members", and strike out all of lines 16 to 49, both inclusive, and insert the following sections following section 26:

Amendment No. 6.

On page 12, line 17, of the printed bill, following the word "members", and after the period, insert the following: "No license, permit or agency certificate shall be issued to any person who is not a citizen of the United States."

Amendment No. 7.

Add another section to the printed bill, to be known as section 187, and reading as follows:

"Sec. 187. All acts or parts of acts in conflict with this act are hereby repealed."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 627—An act to add a new section to be numbered 1463 to the Probate Code, relating to guardianship proceedings of incompetent or insane persons.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 627 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 2 to 22, inclusive and insert in lieu thereof the following:

"1463. When a proceeding for the appointment of a guardian of any person alleged to be insane or incompetent has not been prosecuted with due diligence, or has been abandoned, the said alleged insane or incompetent person may move the court to have the petition and all proceedings and all proceedings stricken from the record. Written notice of the motion shall be given to the petitioner two days before the hearing. If it appears to the court that the allegations of the petition for appointment of guardian are untrue, the court shall order the clerk to the court to strike the same from the record, and the clerk shall destroy the said petition for guardianship and all papers filed in connection therewith, excepting those in connection with the motion to strike."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 346—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to written instruments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 346 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of line 8, and down to and including line 21 thereof, and insert in lieu thereof the following:

"Whenever the plaintiff's claim is founded upon a written instrument or arises out of a contractual relationship evidenced by a written instrument, a copy of such written instrument shall either be incorporated in the body of the pleading or be attached as an exhibit and incorporated by proper reference or, if he so elects, the plaintiff may file with the clerk such instrument, or a copy thereof, as such exhibit

and by proper reference aver that fact in the complaint and, thereupon, said instrument thus filed with the clerk shall, for all purposes, be deemed to be incorporated in the plaintiff's complaint; provided, however, that, when such instrument is not in the possession of or available to the plaintiff, he may, in lieu of such incorporation, aver such fact. On good cause shown, the court may otherwise order."

Amendment No. 2.

On page 2 of the printed bill, strike out all of line 3, and down to and including line 18 thereof, and insert in lieu thereof the following:

"Whenever the defendant's claim or defense is founded upon a written instrument or arises out of a contractual relationship evidenced by a written instrument, then, unless the same is set up in the plaintiff's complaint, a copy of such instrument shall either be incorporated in the body of the defendant's pleading or be attached as an exhibit and incorporated by proper reference or, if he so elects, the defendant may file with the clerk such instrument, or a copy thereof, as such exhibit and by proper reference aver that fact in his pleading and, thereupon, said instrument thus filed with the clerk shall, for all purposes, be deemed to be incorporated in the defendant's pleading; provided, however, that, when such instrument is not in the possession of or available to the defendant, he may, in lieu of such incorporation, aver such fact. On good cause shown, the court may otherwise order."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 77—An act to add sections 3a and 3b to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health; defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to agreements between counties and deposits of funds.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendment to Senate Bill No. 77 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 8 to 17, inclusive, and on page 2 of the printed bill, strike out all of lines 1 to 3, inclusive, and insert in lieu thereof the following: "be agreed upon by the counties interested. In the event of a tie vote of the members of the said tuberculosis hospital committee, the matter shall be submitted to the directors of the State Bureau of Tuberculosis who shall cast the deciding vote."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 373—An act to amend section 1 of "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores and spotting, sponging, and or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1913, as amended, relating to remedies for peddlers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 499—An act to add a new section, to be numbered 14a, to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof," approved May 21, 1915, as amended, relating to the enforcement of said act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 154 were read and adopted:

Amendment No. 1.

On page 6, line 29, of the printed bill, strike out the word "the" preceding the word "making", and insert in lieu thereof the word "Kearney".

Amendment No. 2.

On page 6, line 35, of the printed bill, after the word "shall" insert the following: "Anything herein contained shall not apply to any health care treatment or labor organization."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists, clinical pathologists and clinical laboratory technicians, for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 392 were read and adopted:

Amendment No. 1.

On page 3, line 12, of the printed amended bill, after the word "to", which is the last word in the line, insert the following: "in State universities, the State of California,".

Amendment No. 2.

On page 2, line 22, of the printed amended bill, after the word "within", strike out the words "within the State of California".

Amendment No. 3.

On page 2, line 23, of the printed amended bill, after the word "being" at the end of line 23, insert the following: "one year of which shall be brooding a laboratory in the State of California".

Amendment No. 4.

On page 2 of the printed amended bill, strike out all of lines 31, 32, 33, 34, 35 and 36, and insert in lieu thereof the following:

"Sec. 4. It shall be the duty of the California Board of Public Health to issue a certificate of licensure as Clinical Laboratory Technologist or as Clinical Pathologist within ninety days after this act becomes effective, to each person who shall within sixty days after this act becomes effective, show proof of having complied with the qualifications of a clinical laboratory technologist or clinical pathologist as herein defined."

Amendment No. 5.

On page 2, line 51, of the printed amended bill, strike out the word "thirty", and insert in lieu thereof the word "ninety".

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 820—An act to amend sections 2 and 13 of the State Medical Practice Act, relating to taxes and registration fees of licentiates of the Board of Osteopathic Examiners, and to reciprocity certificates.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 820 were read and adopted:

Amendment No. 1.

In lines 2 and 3 of the title of the printed bill, strike out the words "of licentiates of the Board of Osteopathic Examiners".

Amendment No. 2.

On page 2, line 35, of the printed bill, strike out the words "one dollar (\$1)", and insert in lieu thereof the following: "two dollars (\$2)".

Amendment No. 3.

On page 3, line 6, of the printed bill, strike out the words "one dollar (\$1)", and insert in lieu thereof the following: "two dollars (\$2)".

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 155—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendment to Senate Bill No. 155 was read and adopted:

Amendment No. 1.

On page 3, line 44, of the printed bill, after the comma following the word "certificate", strike out the balance of said line, and also strike out all of lines 45 to 50, inclusive; on page 4 strike out lines 1 to 4, inclusive, and insert in lieu thereof the following: "whose application is based on a diploma issued to him by a foreign medical school approved by the Board of Medical Examiners of this State (a) must furnish documentary evidence satisfactory to said board that he has completed a resident course of instruction in said approved medical school equivalent to that required in this section for a physician and surgeon applicant and (b) that subsequent thereto said applicant had issued to him a medical diploma and in addition to the requirements hereinbefore mentioned, said applicant (c) must also file documentary evidence satisfactory to the board that he has been admitted or licensed to practice medicine and surgery in the country wherein is located the institution wherein he pursued his medical course of instruction referred to herein and in addition thereto, said applicant (d) must present documentary evidence satisfactory to the board that he has completed either the senior or fourth or final year in an approved medical school in the United States, or, in lieu thereof, said applicant (e) must file evidence satisfactory to the board that he has served at least one year in

residence in a hospital located in the United States and approved by the board for internship."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing, preparing, and distributing the same, and to provide penalties for the violation of the provisions of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 21 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, insert after "Serum", the following: "and of the Bureau of Animal Industry, United States Department of Agriculture."

Amendment No. 2.

On page 1, line 9, of the printed bill, strike out "cultures" and insert in lieu thereof the following: "cultures, bacterial products."

Amendment No. 3.

On page 1, line 10, of the printed bill, after "virus", insert the following: "produced by laboratories."

Amendment No. 4.

On page 1, line 11, of the printed bill, insert after "Serum", the following: "and of the Bureau of Animal Industry, United States Department of Agriculture."

Bill read second time, ordered to reprint and re-referred to Committee on Public Health and Quarantine.

Third Reading of Senate Bills.

Senate Bill No. 45—An act to amend section 2051 of the Code of Civil Procedure, relating to the impeachment of witnesses convicted of certain misdemeanors.

Amendment from the Floor.

During third reading of Senate Bill No. 45, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, after "once", insert a comma and the following: "when the witness is a person other than a juror."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1059—An act to amend section 4930 of the Political Code, relating to tenure of certain public officers.

Bill read third time.

Urgency Clause.

Sec. 2. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health, and safety, against the emergency of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: Because of the failure of a number of persons elected to office as supervisors at the last primary or general election to qualify within the time limited by law, there now exist a number of vacancies in such offices. It is necessary that these vacancies be filled as soon as possible so that the persons who hold such offices may be appointed and take such

offices as soon as possible, thereby greatly facilitating the administration of the business of those counties where such vacancies exist.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1059 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 1059 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 24, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 24—An act limiting the number of cars in a train, and prescribing penalties for violation thereof.

Consideration continued to afternoon session.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Minute Clerk F. E. Dalin at the desk.

Leave of Absence Waived.

Senator Mixer waived the leave of absence granted him for this legislative day.

Consideration of Special Order—(Resumed).

Senate Bill No. 24—An act limiting the number of cars in a train, and prescribing penalties for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 24 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Garrison, Gordon, Jespersen, Keough, McColl, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Swing, and Wagy—22.

NOES—Senators Dural, Edwards, Fletcher, Hays, Hulse, Kneeland, McCormack, Mixer, Parkman, Rich, Slater, Snyder, Stow, Tickle, Williams, and Young—40.

Title read and approved.

Notice of Motion to Reconsider

Senator Schottky gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 23 was passed.

Rush Order to Printer

On motion of Senator Crittenden, the summary was directed to issue a rush order for printing Senate Bill No. 238.

Consideration of Daily File

Third Reading of Senate Bills

Senate Bill No. 99—An act to amend sections 3, 161, and 3, 394 and 4, 222 of the School Code, all relating to unapportioned county school funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 99 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Dural, Edwards, Fletcher, Gordon, Hays, Hulse, Jorgensen, Kneeland, Kneeland, McColl, McCormack, McCormack, Mixer, Olson, Perry, Pionovich, Remick, Rich, Schottky, Saylor, Saylor, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—48.

NOES—None.

Title read and approved.

Senate Bill No. 99 ordered transmitted to the Assembly.

Senate Bill No. 658—An act to amend section 3, 472 of the School Code, relating to the transportation of teachers and agriculture employed by high school districts and engaged in supervising proper work of pupils.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Dural, Edwards, Fletcher, Gordon, Hays, Hulse, Jorgensen, Kneeland, Kneeland, McColl, McCormack, McCormack, Mixer, Olson, Perry, Pionovich, Remick, Rich, Schottky, Saylor, Saylor, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—48.

NOES—None.

Title read and approved.

Senate Bill No. 658 ordered transmitted to the Assembly.

Second Reading of Assembly Bills.

Assembly Bill No. 1468—An act to add sections 8a to 8c and 8p to 8u, inclusive, to the Juvenile Court Law, relating to licensing carmen for wards of the juvenile court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 637—An act to add section 21a to the Juvenile Court Law, relating to the prevention of juvenile delinquency through public councils or committees.

Bill read second time, and ordered on file for third reading.

Third Reading of Assembly Bills.

Assembly Joint Resolution No. 10.

Relative to memorializing the Public Works Administration to approve the application of the Los Angeles County Flood Control District for a grant of \$5,882,000 to be used for the immediate construction and permanent improvement of the flood channel of Ballona Creek between Vineyard Station on the Pacific Electric Railway and the ocean, the same being commonly known as the Ballona Creek Project at Culver City, Del Rey and Venice Bay districts, Los Angeles County, California.

WHEREAS, There are within the State of California a number of important projects which remain incomplete, because of lack of sufficient funds without the aid of Federal funds; and

WHEREAS, The construction of the Ballona Creek Project is one of the important projects which remains incomplete, because of lack of sufficient funds without the aid of Federal funds; and

WHEREAS, The Culver City, Del Rey and Venice Bay districts are practically flooded out each year by the annual torrential rainfalls, because of the lack of construction of the Ballona Creek Project; and

WHEREAS, Since the annexation of the Del Rey and Venice Bay districts to the city of Los Angeles, approximately eleven more inlets have been added to those districts but no outlets for same have been provided for; and

WHEREAS, Outlets are vitally necessary and should be immediately provided for; and

WHEREAS, An acute condition of unemployment now exists, and the immediate commencement of construction of the Ballona Creek Project will give employment to a large number of unemployed citizens; and

WHEREAS, The Legislature of the State of California do hereby endorse the application of the Los Angeles Flood Control District to the Public Works Administration for a grant of \$5,882,000 for the construction of the Ballona Creek Project; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Public Works Administration be and the same is hereby respectfully urged to approve the application of the Los Angeles County Flood Control District for a grant of \$5,882,000 to be used for the immediate construction and permanent improvement of the flood channel of Ballona Creek between Vineyard Station on the Pacific Electric Railway and the ocean, the same being commonly known as the Ballona Creek Project at Culver City, Del Rey and Venice Bay districts, Los Angeles County, California; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the Federal Administrator of the Public Works Administration.

Resolution read.

The question being on the adoption of resolution.

The roll was called, and Assembly Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Assembly Joint Resolution No. 10 ordered transmitted to the Assembly.

Use of Senate Chamber.

Senator Crittenden asked for, and was granted, unanimous consent to use the Senate Chamber on the evening of March 21, 1935, for a joint session of Senate and Assembly Committees on Agriculture and Live Stock.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 790—An act to amend the Vehicle Code by amending sections 37,

38, 39, 66, 67, and 73) by repealing section 44, by adding sections 44, 73.5 and 76, relating to vehicles.)

Also Senate Bill No. 720—An act to amend the Vehicle Code by repealing sections 229, 227, and 226, by repealing sections 292, 295, and 294, by adding sections 292, 298, and 294, relating to vehicles.

Also Senate Bill No. 104—An act to amend sections 776, 777 and 778 and to repeal section 778 of the Vehicle Code, relating to loans.

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—15, absent—2.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles to which was referred Senate Bill No. 1068—An act to add section 267 to the Vehicle Code, relating to the establishment of negligence in Hall's opinion, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—10, absent—7.

FLETCHER, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure to which was referred Senate Bill No. 478—An act to amend section 774 of the Penal Code, relating to the crime of abortion, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—0; committee vote: Ayes—7, absent—0.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure to which was referred Senate Bill No. 229—An act to amend sections 1, 3a, 11, 4a, 3, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 28 to, "An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit-forming, narcotic and other dangerous drugs and substances, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5, absent—4.

YOUNG, Chairman.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 725—An act relating to the United States of America certain tide and submerged lands of the State of California, more certain tracts and conditions.

Also: Senate Bill No. 722—An act granting to the city of Pacific Grove the title to certain portions of the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7, absent—2.

PARKMAN, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests:

Also: Senate Bill No. 354—An act to amend sections 1065 and 1071 of the Agricultural Code, relating to economic poisons:

Also: Senate Bill No. 635—An act to add Article 3a to Division II of the Agricultural Code, relating to Bang's disease in cattle:

Also: Senate Bill No. 49—An act to amend section 10 of "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a

definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, relating to false or raised bottoms of containers; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

On Unemployment.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Senate Bill No. 38—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment one of rehabilitation by cooperative self help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; declaring this act an emergency measure; providing for its constitutional construction; repealing conflicting laws—has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—11; committee vote: Ayes—11.

SEAWELL, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 629—An act to amend "The California Districts Securities Commission Act," by amending section 11 thereof, relating to the levy of annual assessments by irrigation districts, and declaring the urgency thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 657—An act to amend sections 41c and 42 of the California Irrigation District Act, relating to the payment of irrigation district assessments:

Also: Assembly Bill No. 759—An act to amend section 47a of the California Irrigation District Act by adding thereto a provision authorizing payment of current assessments upon partial redemption; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

MIXTER, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 426—An act to amend sections 1030, 1038, and 1043 of the Agricultural Code, relating to fertilizing materials; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

Unanimous Consent.

Senator Young asked for, and was granted, unanimous consent to have Senate Bill No. 498 read second time for the purpose of adopting the committee amendment and re-referring the bill to committee.

Second Reading of Senate Bill No. 498

Senate Bill No. 498.—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products.

Consideration of Committee Amendment

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Senate Bill No. 498 was read and adopted:

Amendment No. 1.

On page 1, line 10, of the printed bill after "706" insert the following:

"The production, transportation, processing, manufacture, distribution and sale of milk and other dairy products and the transportation of persons, products and information as to the importance of milk and other dairy products to the maintenance of a high level of public health is hereby declared to be a business subject to a public interest. The provisions of this chapter are enacted in the exercise of the police power of this State for the purpose of protecting the health and welfare of the people of this State.

706 The existence of an adequate and continuous supply of milk and other dairy products at prices fair and equitable to the producers, processors, manufacturers, distributors, retailers and the consuming public is necessary and desirable. Experience has shown that this end is best accomplished through the use of regulated economic forces and that regulation by the State is necessary. The provisions of this chapter shall be liberally construed for the purpose of attaining the objects thereof.

707 The purpose of this chapter is to enable the dairy industry with the aid of the State to correct the existing evils, develop and maintain more satisfactory marketing conditions, and bring about a reasonable amount of stability and prosperity in the production and marketing of milk and dairy products and to provide means for carrying on essential industrial activities. It is recognized by the Legislature that milk price wars and other chaotic conditions in the marketing of milk and dairy products are caused by the inability of producers to adjust production to variations in consumptive demand, and by unwarrentable price cutting and unfair trade practices on the part of those engaged in the distribution of these products. In order to correct these evils, it is the intent of the Legislature that the powers herein conferred upon administrative authorities shall be liberally construed. Nothing in this act shall be construed as permitting or authorizing the establishment of monopolies or monopoly in the production, manufacture, or distribution of milk or other dairy products. In the establishment and from time to time in the alteration, amendment or modification of the maximum prices, terms and conditions under which milk and dairy products shall be purchased by manufacturers, distributors and retail stores from producers, and under which manufacturers, distributors and retail stores shall sell and distribute the same, such prices, terms and conditions shall be those which will, in the several localities and markets of the State and under the varying conditions of production and distribution yield reasonable returns to producers, distributors, manufacturers and retail stores and at the same time insure an adequate and continuous supply of pure, fresh and wholesome milk and dairy products to consumers thereof in the State at fair and reasonable prices.

708 Notwithstanding any other provisions in this division, the commission shall enforce the provisions of this chapter, and for that purpose may make such rules and regulations as it deems necessary.

709. As used in this chapter:

(a) The term "person" includes any individual, firm or association or corporation.

(b) "Commission" means the California Dairy Commission.

(c) "Board" means any local control board created as herein authorized.

(d) "Milk", when unqualified by any other word, means the lactical secretion obtained from the udders of cows.

(e) "Fluid milk" includes any milk meeting the health requirements of the place where sold which has been produced for human consumption as fluid milk or cream, and any such milk when sold to be used in the manufacture of any dairy product.

(f) "Manufacturing milk" includes milk produced for the purpose of manufacturing dairy products, and excludes "fluid milk".

(g) "Manufacturing" means preparing milk, or any of its derivatives, for sale in any form other than as fluid milk.

(h) "Dairy products" includes any product manufactured from milk, or any derivative or product of milk.

(i) "Manufacturer" means any person engaged in the business of manufacturing.

(j) "Producer" means any person who operates a dairy herd or herds for the purpose of producing milk to be sold as fluid milk or as manufacturing milk.

(k) "Distributor" means any person, irrespective of whether he is also a producer, who distributes fluid milk or dairy products at wholesale or retail.

(l) "Retail store" means any person or persons owning or operating a retail grocery store, restaurant, confectionary or other similar business where fluid milk or dairy products in original containers or packages are sold at retail to the general public.

(m) "Marketing area" is any area within this State declared to be such in the manner described in this chapter.

(n) "Control plan" means any plan providing for the control of marketing, processing, distribution, or sale of milk or other dairy products within an area, which is formulated as prescribed in this chapter.

(o) "Marketing agreement" means any marketing agreement formulated under the provisions of this chapter.

(p) "Dealer" means any person who purchases or handles milk or dairy products for sale, shipment, storage or manufacture, who may be required to operate under any control plan or marketing agreement provided for under this chapter.

710. The California Dairy Commission consisting of nine members is hereby created. The members shall be appointed by the Governor.

At the time of their appointment and during their tenure of office: three members shall be engaged in the commercial production of fluid milk;

Three members shall be engaged in the commercial production of manufacturing milk;

One member shall be engaged in the business of manufacturing milk;

One member shall be engaged in the business of distributing fluid milk; and

One member shall be neither producer nor handler of milk commodities but shall be appointed to represent consumers generally.

Their terms of office shall be for four years and they shall hold office until the appointment and qualification of their successors, except that the terms of office of the members first appointed shall expire as follows:

Three members January 1, 1937.

Three members January 1, 1938.

Three members January 1, 1939.

The members at their first meeting shall determine by lot the relative order in which their terms expire. Vacancies shall be filled by appointment for the unexpired term.

711. Within thirty days after notice of his appointment, each member shall qualify by taking the oath of office and filing the same with the Secretary of State in accordance with law. Within five days after all of said members shall have qualified, they shall organize and elect a chairman from among their number. The commission shall appoint a secretary and such other personnel as may be necessary to carry out its duties, and may remove them at its pleasure and may prescribe their duties and compensation. The members of said commission shall receive no compensation but shall be reimbursed for their traveling expenses incurred in the performance of their duties hereunder.

712. The office of the commission and regular place of meetings shall be in the city of Sacramento. It may meet in such other places as may be expedient and necessary for the proper performance of its duties. The commission shall have a seal, bearing the following inscription: "California Dairy Commission." The seal shall be affixed to all orders of the commission, to authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

713. The commission shall constitute a body corporate and body politic for the purpose of exercising the powers and performing all acts under this chapter, and shall have power to sue and be sued. For the purpose of carrying out the provisions of this act, the commission is authorized to adopt such necessary rules and regulations as it may from time to time deem advisable. The conduct of any hearing, inquiry or investigation which the commission has power to undertake or hold may be delegated by the commission to any member thereof or to its secretary. Any finding, order or decision made by the commission pursuant to such hearing, inquiry or investigation shall be and is deemed to be the finding, order or decision of the commission. Each member of the commission and the secretary thereof, in the conduct of any such hearing, inquiry or investigation shall have power to administer oaths, and issue subpoenas for the attendance of witnesses and the production of papers, books, maps, accounts, documents, and testimony in any inquiry, investigation or hearing ordered or undertaken by the commission in any part of the State. Such production of papers, books, maps, accounts and documents is limited only to such items as may relate to the particular subject under inquiry. The superior court of the county or city and county in which any such inquiry, investigation or

hearing may be held shall have power to compel the attendance of witnesses and to require the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and the production of papers, maps, books, accounts, documents and testimony as required by any subpoena issued by the commission. All parties disobeying the orders, subpoenas or subpoenas issued under the authority of said commission shall be guilty of contempt and shall be certified to the superior court in any county of the State, which court shall punish such contempt.

714. A full and accurate record of business or cases performed or of testimony taken by the commission or any member or members thereof or by any subcommittee in pursuance of the provisions of this act shall be kept and be placed on file in the office of said commission.

715. The commission shall meet at the call of its chairman and may prescribe its own rules for the conduct of its meetings, and the means of carrying out the provisions and affecting the points of this chapter.

716. At any meeting or hearing held by the commission, under the provisions of this chapter, the Director of Agriculture may sit with and advise in any determination of any matters hereunder.

717. All moneys received by the commission shall be paid monthly into the State treasury to the credit of the California Dairy Commission fund, which fund is hereby created. All moneys credited to such fund shall be used only for the purpose of defraying the expenses of the commission.

718. The commission may enter into agreements, or otherwise arrange with the constituted authorities of California and other States and of the Agricultural Adjustment Administration, or other agencies of the United States with respect to plans relating to the marketing of milk and dairy products, within this State or as between this State and other States of the United States, and may exercise its power hereunder to enforce and enforce such plans.

719. Any agreement entered into prior to the effective date of this chapter between distributors and retail stores, or any distributor and producers on the retail stores and producers, respecting the terms and conditions under which shall milk or other dairy products are purchased by such distributors or retail stores or others, including hotels and restaurants, respecting the wholesale or retail prices charged or conditions of such sale by such distributors or retail stores shall be deemed to be superseded by the provisions of this chapter in so far as such agreement are inconsistent with the provisions of this chapter or the rules, regulations or orders established by the commission or any local control board under the provisions of this chapter. No provisions of this section shall be deemed to constitute or interfere with partnership agreements between any cooperative agricultural association organized under the provisions of Chapter 4 of Division VI of this code and any of its members.

720. The violation of any provision of this chapter, or of any provision of any control plan or marketing agreement formulated under the provisions of this chapter is a misdemeanor.

721. Any order of the commission instituting a control plan and any other order of the commission substantially affecting the rights of any interested party may be reviewed by any court of competent jurisdiction. Any such action must be commenced within thirty days after the effective date of the order instituted or within thirty days after the injurious effect complained of becomes reasonably apparent.

722. The commission may bring an action to enforce the violation or the threatened violation of any provision of this chapter or by any order made pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur. There may be enforced in one proceeding any number of defendants alleged to be violating the same provisions or orders, although their residences, or interests or residence, or place of business may be situated in several counties and the violations separate and distinct. Any proceeding brought hereunder shall be governed in all other respects by the provisions of Chapter III of Title VII of Part II of the Code of Civil Procedure.

723. Any person who violates any provision of a control plan or marketing agreement approved and made effective by the commission shall be liable civilly in the sum of five hundred dollars for each and every violation to be recovered by the commission in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State treasury to the credit of the California Dairy Commission fund.

Article 2. Control of Fluid Milk.

724. Sixty-five per cent of the producers who are producing fluid milk commercially for any marketing area, and who produce not less than sixty-five per cent of the total volume of fluid milk produced commercially for such marketing area, may make application to the commission for the appointment of a local control board for the purpose of formulating and administering a control plan for marketing fluid milk. The percentage of volume shall be determined on the basis of quantity of fluid milk produced or by the number of pounds of milkfat produced at the option of the applicants. A nonprofit cooperative marketing association may make

application on behalf of the members thereof. The application shall state the boundaries of the marketing area sought to be established, and such other matters as the commission may prescribe.

No geographical boundaries shall be placed upon an area in which producers supply fluid milk for any given marketing area. Any fluid milk producer who complies with the applicable health regulations and the uniform rules, regulations or orders established by the commission or any local control board shall be permitted to supply fluid milk to any market and shall be issued an equitable quota by the local board having jurisdiction over such marketing area.

725. Upon receipt of such application, the commission shall determine whether the area sought to be established as a marketing area is such that conditions of production, distribution and sale are reasonably uniform and susceptible to the application of a control plan. If the commission determines that the boundary of the marketing area described in the application should be changed in accordance with the conditions specified in this section, said application may be amended to incorporate such changes as are deemed necessary by the commission.

726. If the commission determines that the application is properly made, and that the area involved is such that a control plan is feasible, the commission shall appoint a local control board from nominations submitted by a majority of the applicants, and in which nominations consideration must be given to minority representation in relation to its percentage to the whole.

This local control board shall consist of seven members, five of whom during their tenure of office shall be engaged in the production of fluid milk; and two of whom shall be engaged during their tenure of office in the distribution of fluid milk; provided, that in cases in which the commission is of the opinion that seven members will not give adequate representation to all factors in the industry, the local board may be increased to not more than thirteen members observing as nearly as practicable the relationship between production and distribution prescribed for committees of seven members.

The term of members of the local control board shall be two years but the term of three members of the first board shall expire at the end of the first year. Board members shall hold office until the appointment and qualification of their successors. The members at their first meeting shall determine by lot the relative order in which their terms expire. Vacancies shall be filled by appointment by the commission for the unexpired term. The members of the board shall receive no compensation for their services, but shall be allowed their necessary traveling and other expenses incurred in the performance of their official duties.

The local board shall constitute a body corporate and body politic for the purpose of exercising the powers and performing all acts under this chapter and for that purpose shall have power to sue and to be sued.

727. The board shall formulate a control plan. Any such plan shall provide for production control through a system of equitable quotas to producers and licensing of distributors as provided in this chapter. No distributor shall purchase fluid milk from a producer unless the producer holds a valid quota issued by the board.

The local control board may fix minimum prices to be paid producers and to be charged by distributors and retail stores and in fixing such prices shall give due consideration to the economic relationship of butter and other dairy products with the price of fluid milk and the cost of producing such dairy products and fluid milk in the area. It may fix minimum prices to be charged by distributors and retail stores. In fixing all prices the board shall ascertain, as far as feasible, what prices for milk in the marketing area involved will best protect the milk industry and insure a sufficient quantity of pure and wholesome milk in the public interest. The board shall take into consideration all conditions affecting the milk industry, including the price necessary to produce a reasonable return to the producer and to the milk distributor.

728. After making such investigation the local control board shall, by order, fix the minimum wholesale and retail price to be charged for fluid milk handled and sold within the marketing area and including the following classes:

- (a) By producers or associations of producers to milk distributors;
- (b) By milk distributors to retail stores for consumption on the premises, or for resale to consumers or to others;
- (c) By retail stores or others except for consumption on the premises where sold;
- (d) By producer distributors and distributors for deliveries to homes of consumers.

The board, upon facts found by it, based upon differences in costs of the various services may establish differentials in prices between house to house sales by distributors, house to house deliveries by stores, and sales by stores over the counter for credit or cash.

The board may provide a code of ethics and fair practices. It may provide means for educational and sales stimulation programs, provided that no such educational activities or programs are unfairly detrimental to other products; and such other provisions as may be necessary to effectuate the provisions of this chapter.

729. Upon its formation, the plan shall be submitted to the commission and, unless in violation of the provisions of this chapter, shall be approved by the commission and made effective, such approval to be subject to the following provisions:

730. A plan, when established, may be modified by the local control board from time to time, but no such modification shall take effect until the commission shall have modified its order to include those.

731. Upon the establishment of any control plan, the local control board shall issue an equitable apportionment to each producer of fluid milk marketing the marketing area and to each additional producer who thereafter becomes included by agreement with applicable local regulations to supply milk with any such area.

732. The local control board may do all things that are necessary for the purpose of carrying out the provisions of the control plan in the area affected. The commission may receive and record such plan and regulations for the guidance of the local control board and may order the board to derive from any source of funds which is not in accordance with the provisions and purposes of this chapter. The board may supply funds for such requirements to producers and from the buying and information from dealers as may be necessary during the provisions of this chapter.

733. The local control board may employ a manager to execute its functions under its direction and may obtain and accept donations as may be necessary. The board may acquire any other property which it is deemed to be necessary for the board shall determine.

734. The local control board and persons law to be paid for services and distributions of fluid milk in the marketing area in order to provide funds for the carrying out of its functions and obligations. Such fees shall be as the board of the amount of pounds of milk for marketed in handling.

The amount of the fees shall be derived primarily from all producers and distributors participating in the control plan and shall be paid to the board of the commission, and from any persons or firms shall be paid to the marketing commission, not to exceed 1 mill per pound of milk for as may be necessary to defray the expenses incurred by the commission in carrying out the provisions of this article. The balance of such fees shall be retained by the local control board to be used by it to carry out the functions of the control plan.

735. The local control board shall keep account of all money received and expended and such accounts shall be presented for audit to the commission. At any time as the commission may require. Any person aggrieved by any order or regulation made effective by a local control board may appeal to the commission. When such appeal, the commission shall make an order granting the appeal, either in whole or in part, or denying the appeal. A failure on the part of the commission to grant the redress sought within three days shall be deemed a denial of the appeal.

Any control plan formulated under the provisions of this chapter and all orders and regulations respecting the same shall be recorded by the commission upon registration of fifty-one per cent or more of all of the persons qualified and showing into the marketing area, to sign an application for such plan.

Article 3. Control of Manufactured Dairy Products.

736. In order to carry out the policy of this chapter, the commission is empowered to enter into marketing agreements with manufacturers, producers, associations of producers or distributors of manufactured dairy products for any dairy product or manufacturing milk other than fluid milk for any marketing area.

737. SIXTY FIVE per cent of the persons engaged in, and such persons as represent sixty-five per cent of the volume of, production, manufacture or distribution of a dairy product, other than fluid milk, in any marketing area, may make application to formulate a marketing agreement.

If the commission determines that the application is properly made and that the area involved is such that a control plan is feasible, the commission shall authorize such applicants to formulate a marketing agreement.

738. Such marketing agreement shall contain such provisions as may be necessary to carry out the policy of this chapter, and may include provisions:

1. For the appointment of local control boards with such powers as are specified in the agreement.

2. For the raising of funds, derived available from all producers, distributors and manufacturers participating in any marketing agreement, and for the contribution of employees to the extent specified in the marketing agreement, not to exceed shall any assessment levied against any person exceed 5 mills per dollar of value of manufacturing milk or manufactured dairy products handled by him. From such assessments, there shall be paid to the commission such sum, not to exceed 1 mill per dollar value of sales, as may be necessary to defray the expenses incurred by the commission in carrying out the provisions of this article. The balance of such fees shall be retained by the local control board or as otherwise provided in such marketing agreement to be used by it to carry out the marketing agreement.

3. For the establishment of price levels and margins, and the fixing of prices to be paid producers, and the fixing of resale prices, in such manner as the agreement may provide.

4. For the establishment of a code of fair practices.

5. For sales stimulation and educational activities, provided that no such activities unfairly detrimental to other products shall be allowed.

6. Method by which agreement may be annulled.

739. Upon the signing of such marketing agreement by such persons as is provided for in section 737, the agreement shall be forwarded to the commission. Upon receipt of such agreement, the commission shall determine if the agreement has been signed by the proper number of persons and is in accordance with the provisions and purposes of this act. If determined that it is in such accordance, the commission shall make an order establishing a marketing agreement in the area affected, whereupon such an agreement shall become effective. If the commission determines that the agreement is not in such accordance, it shall reject it without prejudice to the formulation of a new agreement. Such agreement, when effective, may be modified in such manner as may be provided in such marketing agreement. After taking effect, the provisions of such agreement shall establish the standard of conduct for all persons engaged in any occupation or business regulated by such agreement.

Article 4. Licenses to Dealers in Fluid Milk and Manufactured Dairy Products.

740. After thirty days after the effective date of such marketing agreement, no person shall act as a dealer without first having obtained a license from the commission as provided in this article. The application shall state the name and address of the applicant and such details as to the nature of the applicant's business as the commission may require.

741. The "producer" who supplies milk only to distributors or manufacturers for processing, manufacture or distribution, and a "retail store" as defined in this chapter, shall not be classed as a "dealer" and shall be exempt from the provisions of this article. Such exemption shall in no wise exempt such person or persons from compliance with any other provisions of this act or any of the rules, regulations or orders established by the commission or any local control board under the provisions of this act.

SEC. 2. There is hereby appropriated out of any funds in the State treasury not otherwise appropriated the sum of twenty thousand dollars to be expended by the commission when, as and if necessary in the performance of the duties herein imposed upon it. Said sum shall constitute a loan to said commission and shall be repaid in ten equal installments without interest.

SEC. 3. If any provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to any other person or circumstance, shall not be affected.

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 260—An act to amend sections 2,870, 2,871, 2,872, 2,885, 2,887, 2,890, 2,911, 2,917, 2,940, 2,941, 2,990, 2,1055, 2,1090, 2,1152 and 2,1199 of the School Code of the State of California, relating to election of school trustees, etc.;

Also: Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property by the State under proceedings in eminent domain;

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 373—An act to amend section 1 of "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores and spotting, sponging, and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement

thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931.

Also: Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1933, as amended, relating to remedies for violations.

Also: Senate Bill No. 469—An act to add a new section, to be numbered 14a, to an act entitled "An act to increase the better education of dental surgeons and to regulate the practice of dentistry in the State of California providing penalties for the violation hereof," approved May 21, 1935, as amended, relating to the enforcement of said act;

And reports that the same have been correctly engrossed.

MITZGER, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, March 19, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 404—An act to add sections 1596a to the Agricultural Code relating to the elimination of Austrian hold crosses, and to make an appropriation therefor, has had the same under consideration, and respectfully reports the same back, recommends that it do pass, and that it be referred to Committee on Finance.

Committee membership: 15; committee vote: Ayes—13; Absent—2.

CRITTENDEN, Chairman.

Reference of Senate Bill No. 404.

On motion of Senator Crittenden, Senate Bill No. 404 was ordered referred to Committee on Finance.

Approval of Journals.

The Senate Journals of Monday, March 11, 1935; Tuesday, March 12, 1935; Wednesday, March 13, 1935; Thursday, March 14, 1935, and Friday, March 15, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Adjournment.

On motion of Senator Rich, at three o'clock and twenty-five minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Thursday, March 21, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Thursday, March 21, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Riggan, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulise, Jespersen, Keough, Knowland, McGill, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Purovich, Powers, Randall, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, March 20, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator King was, on motion of Senator Seawell, granted leave of absence for this day.

Senator Deuel was, on motion of Senator Hays, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John Lutz of Los Angeles, Mrs. Phyllis Todd of Fortuna, and Mrs. Carl Keough of Bishop.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George Herz, Sr., of San Bernardino.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Persey King, Tom McGuinnis, and Fred Grigsby of Napa.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the board of supervisors from San Benito County: J. Etcheverry, A. Burnett, R. Garner, Elmer Dondy, county clerk, and Jake Leonard of the San Benito County Chamber of Commerce.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Larkin Younce of Red Bluff.

On request of Senator Duval, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator McKinley of Los Angeles.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph W. Williams of San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Howard Knight, chairman of the board of supervisors of Sonoma County.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. J. Kiefer of Branscomb.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Maxwell M. Brame of Turlock.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the St. Ives Law Club of the University of San Francisco: Professor and Mrs. A. Russell Berti, Professor and Mrs. J. B. Bassett, John F. Duff, Norman Peterson, Leo J. Murphy, Joseph Devincengi, Thomas J. O'Toole, Richard Carpenter, J. Kenneth Lynch, Richard Roberts, Samuel Wicklow, Edward Wicklow, Edward Heavey, Joseph Kiernan, Henry Wickstrom, and Noel J. Dyer.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stanford Junior High School, Sacramento, Lena B. Everett, teacher of social studies and the following pupils: Dorothy Adams, Mildred Adams, Clifton Bale, Julio Bertagnoni, Robert Beggs, Norma Carlson, Mary Evans, Patricia Harris, Edward Horstein, Lee Jasper, Richard Pope, Ruth Mayberry, Leonard McEford, Harriet Oiler, Clara Pullman, Evelyn Riesen, Lloyd Rude, Orreste Searrout, Mary Small, Marina Sward, Betty Standley, Marjorie Tietzen, Ellis Whittington, Marie Fender, Ray Miller, and Estel Orr.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Western School of Business, Sacramento, Mrs. Maud H. Keltner, principal, Ernest Oulson, teacher, and the following students of the accounting class: Edna Morrill, Willie Roseola, John Graham, Vivilyn Sparks, Janice Shiser, Alfred Dixon, Louise Drexler, Sylvia Hahn, Maria Holland, Terren Silva, George Gazarian, Evelyn Kerr, Edna Johnson, James Houser, Elsie Maude Taylor, John Houmaulle, Ken Coffman, Mildred Weiss, Winifred Selburn, Constance Murphy, Marie Steiner, Jean Chapman, Virginia Minister, Robert Haigst, Billie Holland, George Zarayan, Stanford Jones, Virginia Lee, Mrs. Billie Perry, Alice Santos, Irene Bene, Mary Campos, Hilda Sarmiento, and Marie Draguth.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 654—An act to amend a law relating to section 1558 to the Probate Code of the State of California, relating to the administration of estates:

Also, Assembly Bill No. 729—An act to amend section 1382 of the Penal Code, relating to the dismissal of prosecutions.

Also, Assembly Bill No. 714—An act to amend section 337 of and to add section 335a to the Code of Civil Procedure, relating to the time within which demand upon any contract, obligation, or liability founded upon an instrument in writing may be commenced:

Also, Assembly Bill No. 670—An act to establish a board to be known as the Rector Dam Authority, to prescribe its duties, powers, functions and authorities; to authorize the authority to construct a dam on Rector Creek to impound the waters of Rector Creek and to sell and distribute said waters; to authorize the authority to issue and sell revenue bonds to provide funds for the construction and construction of said dam and to provide for the redemption thereof from the moneys received from the sale and distribution of such waters; authorizing the Department of Public Works of the State of California, to operate and maintain said dam and all property appurtenant thereto; authorizing the board to acquire and hold real property necessary for its purposes and to enter into agreements with State, Federal, and local officers and agencies, and political subdivisions, municipalities, and public districts;

Also, Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 654 and 714 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 729 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 670 read first time, and referred to Committee on Conservation.

Assembly Bill No. 81 read first time, and referred to Committee on Revenues and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 707—An act relating to the expenditure of moneys in the relief fund created by section 10 of Article XVI of the Constitution, and declaring the urgency hereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 707 ordered to enrollment.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$300 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

STOW.
POWERS.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Unfinished Business.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Wagy moved to reconsider the vote whereby Senate Bill No. 233 was passed.

Postponement of Reconsideration.

Senator Wagy moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 233 was passed, be continued until the next legislative day.

Ayes and Noes Demanded.

A roll call was demanded by Senators Powers, Hulse and Difani on the motion to continue the motion to reconsider the vote whereby Senate Bill No. 233 was passed.

The roll was called, and the motion to continue adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, Knowland, McGovern, Mixer, Perry, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—24.

NOES—Senators Difani, McColl, Powers, and Scollan—4.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Schottky moved to reconsider the vote whereby Senate Bill No. 24 was passed.

Postponement of Reconsideration.

On motion of Senator Schottky, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 24 was passed, was continued until the next legislative day.

Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 790.—An act to amend the Vehicle Code by amending sections 37, 38, 39, 66, 67, and 73; by repealing section 44; by adding sections 44, 73.5 and 76, relating to vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 790 were read and adopted:

Amendment No. 1.

In line 2 of the title of the printed bill, strike out "39".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 21 to 27, inclusive.

Amendment No. 3.

On page 2, line 4, of the printed bill, strike out "Sec. 4", and insert in lieu thereof the following: "Sec. 3."

Amendment No. 4.

On page 2, line 2, of the printed bill, strike out "Sec. 5", and insert in lieu thereof the following: "Sec. 4."

Amendment No. 5.

On page 2, line 45, of the printed bill, strike out "Sec. 6", and insert in lieu thereof the following: "Sec. 5."

Amendment No. 6.

On page 3, line 4, of the printed bill, strike out "Sec. 7", and insert in lieu thereof the following: "Sec. 6."

Amendment No. 7.

On page 3, line 11, of the printed bill, strike out "Sec. 8", and insert in lieu thereof the following: "Sec. 7."

Amendment No. 8.

On page 3, line 21, of the printed bill, strike out "Sec. 9", and insert in lieu thereof the following: "Sec. 8."

Amendment No. 9.

On page 3, line 28, of the printed bill, strike out "Sec. 10", and insert in lieu thereof the following: "Sec. 9."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Re-reference of Senate Bill No. 720.

Senator Snyder moved that Senate Bill No. 720 be re-referred to Committee on Motor Vehicles.

Motion carried, and such was the order.

Senate Bill No. 1018.—An act to amend sections 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 1018 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, after the word "sections", insert the following: "649, 657,".

Amendment No. 2.

On page 1 of the printed bill, after the enacting clause, insert the following: "SECTION 1. Section 649 of the Vehicle Code is hereby amended to read as follows:

649. Procedure Upon Application for Test: Fee. Upon an application for a test the department shall, upon notice to the applicant, submit such device to a testing agency appointed by the department with the request that such device be tested as to conformity with the provisions of this division when used separately or in connection with approved headlamps or headlight control devices. Each applicant shall upon the filing of his application pay to the department a fee of

fifty dollars. All such fees shall be paid by the department into the Department of Motor Vehicle fund.

SEC. 2. Section 657 of the Vehicle Code is hereby amended to read as follows: 657. Signal Devices to Be Tested; Fee. Any person may submit a mechanical or electrical signal device to the department for its inspection and approval. The department shall charge and collect a fee of fifty dollars for examining any such signal device which is manufactured for sale. All such fees shall be paid by the department into the Department of Motor Vehicle fund. No fee shall be charged for examining a device not manufactured for sale."

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out the words "Section 1", and insert in lieu thereof the following:

"Sec. 3".

Amendment No. 4.

On page 1, line 23, of the printed bill, strike out the figure "2", and insert in lieu thereof the figure "42".

Amendment No. 5.

On page 2 of the printed bill, strike out all of line 12 preceding the word "the", and in line 13, the word "hereunder".

Amendment No. 6.

On page 2 of the printed bill, strike out all of line 15 following the syllable "priation", and all of line 16 preceding the period.

Amendment No. 7.

On page 2, line 24, of the printed bill, strike out the figure "3", and insert in lieu thereof the figure "5".

Amendment No. 8.

On page 2, line 51, of the printed bill, strike out the figure "4", and insert in lieu thereof the figure "6".

Amendment No. 9.

On page 3, line 7, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "7".

Amendment No. 10.

On page 3, line 8, of the printed bill, strike out the figure "6", and insert in lieu thereof the figure "8".

Amendment No. 11.

On page 3, line 10, of the printed bill, before the word "all", insert the following: "from the Motor vehicle testing fee fund", and from the "Signal device testing fee fund",

Amendment No. 12.

On page 3, line 11, of the printed bill, strike out the word "fund", and insert in lieu thereof the word "funds".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1068—An act to add section 565 to the Vehicle Code, relating to the establishment of negligence in civil actions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 378—An act to amend section 274 of the Penal Code, relating to the crime of abortion.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit-forming, narcotic and other dangerous drugs and substances.

Consideration of Committee Amendments.

Pursuant to the report of the Commission on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 229 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, after "insert the following" insert "4, 6, 7,"

Amendment No. 2

On page 1 of the printed bid, items not listed 4 to 6 indicate you want to be offered the following: comparison to transport and, hence, shipment or give away, or offer to transport and, hence, shipment or give away, or in-process to transport, or to have in possession and continue to use.

Amendment No. 3

On page 1 line 8 of the printed bill strike out "and", and insert in its stead the following: or

Amendment No. 4.

On page 5 of the printed bid, between Lines 14 and 15, insert the following as a new paragraph:

Section 4 of said act is hereby amended to read as follows:

Amendment No. 5.

On page 5, line 15, of the printed bill, at the beginning of the line, insert the following: "Sec. 4."

Amendment No. 6.

On page 5 of the printed bill, between lines 17 and 18, insert the following:

* See also Section 6 of said act as before amended to read as

Sec. 6. Any person convicted under this act of the offense of manufacturing or giving away or offering to transport, transport, sell, furnish or give away or substances or their derivatives mentioned in section 1 of this act, shall upon conviction be punished by imprisonment in the State Prison for a term of not less than six months nor more than six years, provided, however, that any such person convicted under this act for transporting, selling, furnishing, or giving away or offering to transport, sell, furnish or give away any of the drugs or substances or their derivatives mentioned in section 1 of this act, if he or she is the same person previously convicted of a felony under the laws of the United States or of the State of California, or of any other State, or of any other government or territory, and such previous conviction or convictions are judged by the court to be a bar to probation, and is found to be true by the jury upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant.

See also Section 7 of said act for penalty provided for violation of this law.

Sec. 7. Any person convicted under this act for having manufactured, sold, or transported drugs or substances mentioned in section 1 of this act, or their salts, derivatives, or any preparation thereof, or for violating section 2 of this act, shall be punished by imprisonment for not more than six years, or by a fine of not more than \$10,000, or by both such imprisonment and fine, if the person is convicted for not more than six years, or by a fine of not more than \$10,000, or by both such imprisonment and fine, if the person is convicted under this act for having in possession of any of the things mentioned in section 1 of this act, or their salts, derivatives, or any preparation thereof, or for violating the provisions of section 3 hereof, shall be imprisoned in the State prison for not less than six months nor more than ten years if such person has been previously convicted of a felony under the laws of the United States, or of the State of California, or of any other State, or of any other government or country, and such previous conviction of a felony is charged in the indictment or information and found to be true by the jury upon a jury trial, or found to be true by the court upon a court trial, or is admitted by the defendant."

Amendment No. 7.

On page 5, line 38, of the printed bill, strike out "and", and insert in lieu thereof the following: "or".

Amendment No. 8

On page 7 of the printed bill, strike out lines 3 to 52, inclusive, and on page 8 of the printed bill, strike out lines 1 to 31, inclusive, and insert in lieu thereof the following:

"Sec. 15. Any automobile or other vehicle used or intended to be used to conceal, convey, carry, or transport any of the drugs mentioned in section 1 of this act, and any automobile or vehicle in which any of the drugs mentioned in section 1 of this act are unlawfully possessed by an occupant thereof, shall be forfeited to the State of California as in this section provided:

(a) Any peace officer of this State, upon making, or attempting to make, an arrest for the unlawful possession, transportation, selling, furnishing, or giving away, or offering to transport, sell, furnish or give away, of any of the drugs mentioned in section 1 of this act, shall seize the automobile or other vehicle used to conceal, convey, carry or transport any of the drugs mentioned in section 1 of this

act, or to transport an occupant who unlawfully possesses said drugs, and shall hold the same as evidence until a forfeiture has been declared or a release ordered as in this section further provided.

(b) Notice of seizure and intended forfeiture proceeding shall be filed with the county clerk and shall be served on all persons, firms or corporations having any right, title or interest in the automobile or other vehicle seized, hereinafter referred to as the "owners", in the following manner:

Upon each owner whose right, title or interest is of record in the Department of Motor Vehicles and upon each owner whose name and address is known, by mailing a copy of such notice by registered mail to the address as given upon the records of the Department of Motor Vehicles or to any other last known address of such owner; and upon all other owners, whose addresses are unknown, but who are believed to have an interest in said automobile or other vehicle, by one publication in a newspaper of general circulation in the county where such seizure was made;

Within twenty days after the date of the mailing of the notice by registered mail, or within twenty days after the date of the publication, the owner or owners of the automobile or other vehicle so seized may make a verified answer to the fact of the use of the automobile or other vehicle alleged in the notice of seizure and of the intended forfeiture proceeding. No extensions of time shall be granted for the purpose of making the verified answer above required.

(c) If at the end of twenty days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and shall, upon motion, order the automobile or other vehicle forfeited to the State of California.

(d) If a verified answer has been filed, then the forfeiture proceeding shall be set for hearing on a day not less than thirty days therefrom, and such proceeding shall have priority over other civil cases; and notice of this proceeding shall be given in the same manner as notice of seizure was given as hereinbefore provided.

(e) At the time set for the hearing, any of the owners who have verified answers on file may show by competent evidence that the automobile or other vehicle was not in fact used or intended to be used to conceal, convey, carry or transport any of the drugs mentioned in section 1 of this act, or that said drugs were not unlawfully possessed by an occupant of said automobile or other vehicle; provided, however, that the claimant of any right, title or interest in said vehicle may prove his lien, mortgage, or conditional sales contract to be bona fide and that such right, title or interest was created after a reasonable investigation of the responsibility, character and reputation of the offender and without any knowledge that the vehicle was being, or was to be, used for the purpose charged.

(f) In the event of such proof, the court shall order said vehicle released to such bona fide or innocent owner, lienholder, mortgagee or vendor if the amount due to such person shall be equal to, or in excess of, the value of the automobile, it being the intention of this section to forfeit only the right, title or interest of the offender; provided, that if the amount due to such person shall be less than the value of said vehicle, then said vehicle shall be sold in the manner provided for sales of property under execution and the remainder of the proceeds of such sale, after payment of the balance due on the purchase price, mortgage, or lien, shall be deposited in the State treasury.

Should the fact be determined that the automobile or other vehicle was not in fact used or intended to be used to conceal, convey, carry or transport any of the drugs mentioned in section 1 of this act, or that any of said drugs were not unlawfully possessed by an occupant thereof, the court shall order the automobile or other vehicle released to the owner or owners in such manner as their right, title or interest appears of record in the Department of Motor Vehicles as of the date of the seizure.

(g) Whenever an automobile or other vehicle has been ordered forfeited to the State of California, it shall be turned over to the State Department of Finance, which shall deliver to the State Division of Narcotic Enforcement such automobiles or other vehicles as may be needed by the said Narcotic Division to enforce the provisions of this act.

(h) Nothing contained in this act shall apply to common carriers or to an employee acting within the scope of his employment in the enforcement of this act."

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 725—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 762—An act granting to the city of Pacific Grove the title to certain portions of the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 772 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out the word "may", and insert in lieu thereof the word "shall".

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 7 to 24, inclusive, and insert in lieu thereof the following: "by examination or otherwise to be specified but shall work."

It shall be unlawful for any person, firm, or corporation to engage for hire in such business who has not first secured a certificate to the contrary having provided. The director shall have authority to make rules and regulations governing the conduct of, and application of methods of control or eradication used in the business of eradicating or controlling pests for hire within the State. The commissioner shall enforce such rules and regulations."

Amendment No. 3.

On page 2, line 1, of the printed bill, strike out "ture fund."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 354—An act to amend sections 1065 and 1071 of the Agricultural Code, relating to economic poisons.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 354 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "1065 and 1071", and insert in lieu thereof the following: "1061, 1065, 1066, 1071 and 1073".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1061 of the Agricultural Code is hereby amended to read as follows:

1061. As used in this article:

(a) "Economic poisons" includes any substance, or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all insects, fungi, bacteria, weeds, rodents, predatory animals or any other form of plant or animal life which is, or which the director may declare to be a pest, which may infest or be detrimental to vegetation, man, animals or households, or be present in any environment whatsoever.

(b) "Insect" means any of the animals known as "insecta" and similar animals such as centipedes, spiders, mites, ticks and lice.

(c) "Weed" means any plant which grows where not wanted.

(d) "Rodent" means all members of the order Rodentia and all rabbits and hares.

(e) "Registrant" means a person who has registered as an economic poison and has obtained a certificate of registration or license from the department.

SEC. 2. Section 1065 of the Agricultural Code is hereby amended to read as follows:

1065. The registrant of economic poisons shall attach to every separate lot, and every separate, finished, sealed or closed container or package of economic poisons which he intends to sell, within this State, a plainly printed label, stating the name, brand or trademark, if any, under which sold, and the name and address of the registered manufacturer, importer, or vendor.

Sales of economic poisons in any other than the registrant's sealed or closed container or package are prohibited. The director, in his discretion, in accordance with regulations prescribed by him, may authorize sales of economic poisons to be made out of registrant's opened but properly labeled lot, container or package. The director shall serve notice of his proposed action, by depositing a copy thereof in a United States Post Office, enclosed in a sealed envelope with postage prepaid thereon and addressed to each economic poisons registrant at his last address on file with the Division of Chemistry of the department, and allow fifteen days during which any protest may be filed.

SEC. 3. Section 1066 of the Agricultural Code is hereby amended to read as follows:

1066. It is unlawful to sell any adulterated or misbranded economic poison.

SEC. 4. Section 1071 of the Agricultural Code is hereby amended to read as follows:—

Amendment No. 3.

On page 2 of the printed bill, after line 41, insert the following:

"SEC. 5. Section 1073 of the Agricultural Code is hereby amended to read as follows:

1073. The director may, upon the receipt of a sample of economic poison, accompanied by the required fee, make an analysis, examination or test thereof, and shall inform the sender thereof the results of such analysis, examination or test. The schedule of fees required for analyses, examinations or tests shall be fixed by the director."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 635—An act to add Article 3a to Division II of the Agricultural Code, relating to Bang's disease in cattle.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 635 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "add Article 3a to Division II", and insert in lieu thereof the following: "amend section 212".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "Article 3a is hereby added to Division II", and insert in lieu thereof the following: "Section 212".

Amendment No. 3.

On page 1, line 2, of the printed bill, after "Code", insert the following: "is hereby amended".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 3 to 7, inclusive, and insert in lieu thereof the following:

"212. It is unlawful to bring into this State any horses, mules, dairy cattle, breeding bulls, goats, or sheep except as hereinafter provided.

(a) Dairy cattle and breeding bulls shall be accompanied by a certificate of health and tuberculin test record, signed by a qualified veterinarian, showing that each of said animals is free from tuberculosis, Bang's disease, and other communicable diseases, or by a signed statement issued by the official in charge of live stock sanitary work in the State from which such animals are transported, stating that the animals in the shipment originated in herds which are free from tuberculosis and are not affected with any communicable disease. A copy of the certificate or statement shall be mailed to the department on the day of shipment.

(b) Horses and mules must be accompanied by a certificate of health signed by a qualified veterinarian, stating that each animal in the shipment is free from communicable diseases, or a signed statement issued by the official in charge of live stock sanitary work in the State from which said animals are transported, stating that each animal in the shipment is free from communicable diseases, and has not recently been exposed to any communicable diseases. A copy of the certificate or statement shall be mailed to the department on the day of shipment.

(c) Any person desiring to ship back sheep into this State shall notify the department by registered mail before said importation shall be made. Such notice shall give the names and addresses of consignor and consignee, the number of animals shipped, and the origin and destination of the shipment. If said back sheep are not shipped in crates or in fastened cars which have been stamped and numbered prior to loading, or if they have been unloaded in crates while on route to destination, they may be dipped one or more times by the department.

(d) Any person desiring to import sheep, other than back sheep, or goats into this State except sheep or goats for immediate slaughter, shall notify the department by registered mail before said importation shall be made, which notice shall include the name and address of the consignor and consignee, the number of said sheep or goats, the place of entrance into the State, and such information of the destination as will enable the department to readily locate said sheep or goats upon their arrival."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 49—An act to amend section 10 of "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, relating to false or raised bottoms of containers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 49 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 3, 4, 5 and 6.

Amendment No. 2.

On page 1, line 7, of the printed bill, after the word "net", strike out the word "containers."

Amendment No. 3.

On page 1, line 7, of the printed bill, after the word "products", strike out the word "or".

Amendment No. 4.

On page 1, line 8, of the printed bill, strike out the two first words, "other than commodities".

Amendment No. 5.

On page 1, line 10, of the printed bill, insert the following after the period: "Boxes or baskets wherein food products are packed shall have a false or raised bottom".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 426—An act to amend sections 1030, 1038, and 1043 of the Agricultural Code, relating to fertilizing materials.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 38—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment one of rehabilitation by cooperative self help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; declaring this act an emergency measure; providing for its constitutional construction; repealing conflicting laws.

Bill read second time, ordered to engrossment, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 71 passed by the following vote:

AYES—Senators Crittenden, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Mixter, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—28.

NOTES—None.

Title read and approved.

Senate Bill No. 71 ordered transmitted to the Assembly.

Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property by the State under proceedings in eminent domain.

Amendments from the Floor.

During third reading of Senate Bill No. 261, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

In line 2 of the title of the printed bill, as amended, strike out "by the State".

Amendment No. 2.

On page 1, line 14, of the printed bill, as amended, after "town," insert the following: "or irrigation or water district,".

Amendment No. 3.

On page 1, line 25, of the printed bill, as amended, after "town," insert the following: "or irrigation or water district,".

Amendment No. 4.

On page 2, line 7, of the printed bill, as amended, strike out "of".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 260—An act to amend sections 2,870, 2,871, 2,872, 2,885, 2,887, 2,890, 2,911, 2,917, 2,940, 2,941, 2,990, 2,1055, 2,1090, 2,1152 and 2,1199 of the School Code of the State of California, relating to election of school trustees, etc.

Amendments from the Floor.

During third reading of Senate Bill No. 260, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

In line 2 of the title of the printed bill, strike out "2,660."

Amendment No. 2.

Strike out all of line 4 of the title of the printed bill, and insert in lieu thereof the following: "form; to amend and renumber section 2,660 thereof to be section 2,661, and to add thereto section 2,781, relating to election of school governing boards."

Amendment No. 3.

On page 3 of the printed bill, strike out all of lines 18, 19 and 20, and insert in lieu thereof the following:

"Sec. 11. Section 2,990 of the School Code as added by Chapter 817, Statutes of 1931, is hereby amended and renumbered to be section 2,991 and to read as follows:

2,991. The governing board of any elementary school dis "

Amendment No. 4.

On page 4, line 17, of the printed bill, after "trust", and before "boards", insert the following: "governing".

Amendment No. 5.

On page 4, line 31, of the printed bill, strike out "2,873", and insert in lieu thereof the following: "2,781".

Amendment No. 6.

On page 4, line 32, of the printed bill, strike out "2,873", and insert in lieu thereof the following: "2,781".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 499—An act to add a new section, to be numbered 14a, to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the enforcement of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 499 passed by the following vote:

AYES—Senators Crittenden, Edwards, Fletcher, Garrison, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGinness, Metzger, Meyer, Perry, Powers, Reindollar, Rich, Schottky, Seellan, Seawell, Sharkey, Slater, Snyder, Stew. Swing, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 499 ordered transmitted to the Assembly.

Second Reading of Assembly Bills.

Assembly Bill No. 629—An act to amend The California Districts Securities Commission Act by amending section 11 thereof, relating to the levy of annual assessments by irrigation districts, and declaring the urgency thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 657—An act to amend sections 41c and 42 of the California Irrigation District Act, relating to the payment of irrigation district assessments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 759—An act to amend section 47a of the California Irrigation District Act by adding thereto a provision authorizing payment of current assessments upon partial redemption.

Bill read second time, and ordered on file for third reading.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, six days per week, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

	<i>Per diem</i>
Peggy Bridges, Stenographer-----	\$5 00
John F. Lea, Assistant Sergeant-at-Arms-----	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Duval, Fletcher, Garrison, Hays, Hulse, Keough, Knowland, McCall, McGuinness, Metzger, Mixter, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Snyder:

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 2 of an act entitled "An act providing for the establishment and maintenance of a State nursery under the jurisdiction and management of the State Forester for the growing of stock for reforestation and the planting of trees along highways and in public places, and making an appropriation therefor," approved May 15, 1917, relating to the sale of nursery stock.

Respectfully submitted.

SENATOR BERT B. SNYDER.

Request referred to Committee on Rules.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Senate Bill No. 770—An act to amend sections 1, 2, 3, 4, 6, and 19 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

SCHOTTKY, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section 1a of Article VI, relating to the Judicial Council—has had the

same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—5; absent—4.

SNYDER, Chairman.

On Mines and Mining.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Senate Bill No. 878—An act to regulate geological surveys and mining agreements and to provide for the recording of the same; but had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

PETEROVICH, Chairman.

Also:

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Senate Bill No. 529—An act to add and amend sections in the Civil Code to be numbered 14264½, 14264½ and 14264½, relating to electricity, lightning and to liability shafts on hole and phone mining, but had the same under consideration, and respectfully reports the same back, and recommends that it be passed.

Committee membership—7; committee vote: Ayes—6; absent—1.

PETEROVICH, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1664—An act to amend section 302 of the Political Code, relating to State officers and employees; but had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1129—An act to amend sections 4, 5, 9, 12, 14, 15, 206 and 206½ and to add sections 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Committee membership—11; committee vote: Ayes—9; absent—1; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1693—An act to add section 21 to the act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to three rounds, to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," relating to the State Athletic Commission.

Also: Assembly Bill No. 1779—An act to amend section 462 of the Political Code, relating to unclaimed money of the State;

Also: Assembly Bill No. 1793—An act to add section 69011 to the Political Code, relating to fees;

Also: Assembly Bill No. 1970—An act authorizing the creation of a personnel system, merit system or civil service system; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions;

Also: Assembly Bill No. 1991—An act to repeal section 658a of the Political Code and to add section 658.5 thereto, relating to refunds of fees paid to the State; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 158—An act to amend section 105 of the Code of Civil Procedure, relating to justices of the peace;

Also: Senate Bill No. 159—An act to amend sections 117d and 117p of the Code of Civil Procedure, relating to small claims courts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, the removal or destruction of improvements thereon, the cutting and removal of timber or the doing of any act impairing the value of the lands or the improvement; providing for the renting of said lands and the collection of rents, issues and profits thereof, and the appointment of representatives by the Controller; providing for the recovery of the possession of said property and an accounting of rents, issues and profits; providing for the commencement of actions and the disposition of moneys received, and the removal or sale of property which has become a public nuisance;

Also: Senate Bill No. 577—An act to amend section 3780 of the Political Code, relating to the redemption of property sold to the State for delinquent taxes and limiting the same to a period of three years from and after the date of the deed to the State pursuant to section 3785 of the Political Code;

Also: Senate Bill No. 593—An act to amend sections 3897 and 3898 of the Political Code, relating to the sale and disposal of lands deeded to the State for delinquent taxes and to abolish the tax land fund and to repeal section 3774 of the Political Code, relating to the possession, rental, lease or cultivation, and the duty to provide for rental and care, of lands deeded to the State under section 3785 of the Political Code, and also to a political subdivision or State taxing agency lying in an irrigation district delivering water to lands therein, or lying within a municipality not in an irrigation district, or lying in neither, for delinquent taxes or assessments;

Also: Senate Bill No. 594—An act to amend section 3817d of the Political Code, relating to the sale of property for delinquent taxes, and the sale of tax-deeded property by the State;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 17—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 51—An act to amend section 441 of the Political Code, relating to rates of interest on registered warrants—has had the same under consideration, and

respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 40—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the apportionment of the revenues therefrom, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 314—An act to amend sections 3847a, 3847b, 3847c, 3847d, 3847e and 3847f of, and to add sections 3847g and 3847h to the Political Code, relating to taxation, including tax delinquencies, tax penalties and taxes, and delinquencies for tax sales and declaring the urgency thereof, to take effect immediately.

Also, Senate Bill No. 505—An act increasing the state tax on the storage, use or other consumption in this State of foreign mineral products, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, providing penalties for violation of the provisions thereof and providing that this act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 42—An act to amend sections 4 and 5 of the Franchise and Cooperation Franchise Tax Act, relating to taxes of certain corporations, half joint service companies, including the rates thereof, and the extension thereof to companies other than insurance companies specified in section 34 of Article XIII of the Constitution of this State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 753—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, to provide for the disposition of the revenues therefrom, to make an appropriation for the administration thereof, and to provide that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 129—An act to amend section 1208 of the Political Code, relating to illiterate or helpless voters—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—11.

POWERS, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags—has had the same under consideration, and respectfully

reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 892—An act to amend section 1989 of the Code of Civil Procedure, relating to witnesses;

Also: Senate Bill No. 681—An act confirming and validating the consolidation of irrigation districts;

Also: Assembly Bill No. 1959—An act to add sections 306 and 306a to the Penal Code, relating to minors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 114—An act to amend section 737aaa of the Political Code, relating to the salary of the superior judge, in and for Trinity County, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Reference of Senate Bill No. 114.

On motion of Senator Rich, Senate Bill No. 114 was ordered referred to Committee on Finance.

Use of Senate Chamber.

Senator McGovern moved that use of the Senate Chamber be granted to the Junior Republicans of California meeting in convention in Sacramento, on Saturday, March 23, 1935, between the hours of two o'clock and four o'clock p.m.

Motion refused adoption.

Adjournment.

On motion of Senator Rich, at twelve o'clock m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Friday, March 22, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, March 22, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reisdollar, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Mours.

Reading of the Journal.

During the reading of the Journal of Thursday, March 21, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator King was, on motion of Senator Seawell, granted leave of absence for this day.

Senator McGovern was, on motion of Senator Myster, granted leave of absence for this day.

Senator Parkman was, on motion of Senator Tuck, granted leave of absence for this day.

Senator McColl was, on motion of Senator Powers, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harry Wishard, and former Lieutenant Governor and Mrs. Burton Pitts of Los Angeles.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alpine School, San Joaquin County, Mr. Ed Prescher, trustee; Miss Mary E. Rathbun, principal; Mr. and Mrs. Fred Fox, Mr. and Mrs. Henry Geringer, Mrs. John Wiederrich, Mr. H. Hantelstein, Mrs. Julian Joens, and Mrs. Ed Prescher, patrons of district and the following pupils, Viola Wiederrich, Ruth Handel, Marie Perman, Winifred Miller, Elsie Reinche, Margaret Gerrier, Doris Fries, John Young, Lowell Ehrhardt, Lynda Buchmiller, Rosalie Hantelstein, Lillian Steinwandt, Myra Beckman, Aldene Reinche, Vernon Kammeyer, Eugene Bert, Robert Joens, Hugo Messing, Raymond Prescher, Alfred Joens, Lorene Rau, Ella Geringer, Erna Ball, Douglas Rathbun, Charlie Ludwig, Marvin Nies, Bennie Schmidt, and Johnny Wiederrich.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Robert Ware, of El Centro.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chas. M. Weber, the newly elected Assemblyman from the eleventh assembly district.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. T. Coe Little of San Diego.

On request of the President of the Senate, Hon. Geo. J. Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Catherine Venn Carr, president, Women's Division, Los Angeles County Republican Assembly; Miss Gertrude Furness, Miss Ruth Pinckney, Mrs. Rena Brewster, Mrs. Louise Sanborn, Miss Dora Woods, Miss Evelyn Simms, and Mr. Harry Sanborn.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1500—An act to add section 92.5 to the Agricultural Code, relating to money appropriated for the encouragement of county and district agricultural fairs, declaring the urgency hereof and providing that this act shall go into immediate effect;

Also: Assembly Bill No. 1131—An act to amend sections 682, 806, 811, 827, 849, 877, and 878 of the Penal Code, relating to proceedings before the committing magistrate, and to add a new section to the Penal Code numbered 87a, relating to the commitment by the magistrate on plea of guilty;

Also: Assembly Bill No. 557—An act to add a new section to the Civil Code to be numbered 2770, relating to life, health and accident insurance policies;

Also: Assembly Bill No. 558—An act to amend section 2706 of the Civil Code, relating to life and disability insurance.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1500 read first time, and referred to Committee on Finance.

Assembly Bill No. 1131 read first time and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bills Nos. 557 and 558 read first time, and referred to Committee on Insurance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 753—An act to amend section 4 of "An act to regulate the construction of buildings in the State of California, in respect to resistance to horizontal forces, providing penalties for the violation thereof and providing that this act become effective immediately," approved May 26, 1933, relating to the application of said act;

Also: Assembly Bill No. 658—An act to amend sections 45 and 47 of the California Irrigation District Act and to repeal section 46 of said act, all relating to certificates of sale and redemption therefrom, and the issuance of deeds;

Also: Assembly Bill No. 1346—An act to amend section 107 of the Penal Code, relating to punishment for escape of a prisoner;

Also: Assembly Bill No. 1342—An act to amend section 1429 of the Penal Code, relating to the entering of pleas by a defendant.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 753 read first time, and referred to Committee on Building and Construction.

Assembly Bill No. 658 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1346 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 1342 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1990—An act to repeal section 677a of the Political Code and to add section 677.5 thereto, relating to budgets of State departments and other State agencies;

Also: Assembly Bill No. 1989—An act to amend section 677 of the Political Code, relating to State accounting;

Also: Assembly Bill No. 1700—An act to amend section 663 of the Political Code, relating to the State Board of Control;

Also: Assembly Bill No. 1634—An act to repeal sections 378, 378a, 378b, 378c, 378d, 378e, 378f, 378g of the Political Code, relating to the Bureau of Commerce.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1990 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 1989, 1790 and 1634 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1995—An act to amend Chapter 286, Statutes of 1927, entitled "An act authorizing the Department of Finance to appropriate waters in connection with the protection and conservation of the water resources of the State in the development of a general or coordinated plan," authorizing the State Department of Finance to release or donate such water rights, authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the State," approved April 29, 1927, as amended by amending section 1 thereof, relating to appropriation of waters by the State Department of Finance;

Also: Assembly Bill No. 1994—An act to repeal section 686a of the Political Code and to add section 686.5 thereto, relating to administration in the Department of Finance.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DUSCH, Assistant Clerk.

Assembly Bills Nos. 395 and 1994 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 601—An act to amend section 1704 of an act entitled "An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts, specified herein,"

Also: Assembly Bill No. 1786—An act to amend section 2 of an act entitled "An act providing for the establishment and administration of industrial farms or industrial road camps in the counties of the State and the management thereof and the fine of persons charged with or convicted of public offenses," approved June 1, 1921, relating to the charge for maintaining persons on industrial farms and industrial road camps;

Also: Assembly Bill No. 1993—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Also: Assembly Bill No. 1992—An act to add section 675.1 to the Political Code, and to repeal section 675b thereof, relating to the approval of salaries by the Department of Finance.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DUSCH, Assistant Clerk.

Assembly Bill No. 601 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1786 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 1993 and 1992 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment of Article IV of the Constitution of the State, by adding section 31e thereto, relating to relief to assessment districts;

Also: Assembly Constitutional Amendment No. 62—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section to be numbered section 16 of Article IX, relating to the management and control of museums and art galleries;

Also: Assembly Constitutional Amendment No. 63—A resolution to propose to the people of the State of California, an amendment to the Constitution of said

State by amending section 22 of Article XII of the Constitution of said State, relating to creation and powers of the Railroad Commission.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendments Nos. 20 and 62 referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 63 referred to Committee on Public Utilities.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 45—An act to amend section 2051 of the Code of Civil Procedure, relating to the impeachment of witnesses convicted of certain misdemeanors—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

By MIXTER, Member of Committee.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 762—An act granting to the city of Pacific Grove the title to certain portions of the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto;

Also: Senate Bill No. 1068—An act to add section 565 to the Vehicle Code, relating to the establishment of negligence in civil actions;

Also: Senate Bill No. 212—An act to establish an Insurance Code, thereby consolidating and revising the law relating to insurance principles, practice and business and matters incidental thereto, and to repeal certain acts and parts of acts specified herein;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

By MIXTER, Member of Committee.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 38—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment one of rehabilitation by cooperative self-help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; declaring this act an emergency measure; providing for its constitutional construction; repealing conflicting laws;

Also: Senate Bill No. 378—An act to amend section 274 of the Penal Code, relating to the crime of abortion;

Also: Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 426—An act to amend sections 1030, 1038, and 1043 of the Agricultural Code, relating to fertilizing materials;

Also: Senate Bill No. 725—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

By MIXTER, Member of Committee.

On Rules.

Report on Request to Introduce a Bill.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Snyder to introduce a bill entitled—An act to amend section 2 of an act entitled "An act providing for the establishment and maintenance of a State nursery under the jurisdiction and management of the State Forester for the growing of

stock for reforestation and the planting of trees along highways and in public places, and making an appropriation therefor," approved May 15, 1917, relating to the sale of nursery stock, and had the same under consideration, and unanimously adopted the same back, and recommends that said request be granted.

(Signed out)

RICH. C. CHAMBERLAIN
THOMAS E. KNOWLAND
SLATER
SHARKEY

The question being on the adoption of the report of the Committee on Rules

The roll was called in accordance with the provision of section 2 of Article IV of the Constitution, and the report of the Committee on Rules adopted by the following vote:

AYES.—Senators Tamm, Callaghan, Beach, Tolson, Edwards, Phillips, Harrison, Hays, Hulse, Jepsen, Kneale, Kennell, McCormack, McQuinn, Morgan, Muter, Perry, Proctor, Pyle, R. S. SMITH, Smith, Stanton, Storer, Stow, Swing, Tickle, Wagy, Wiggins and Young—41.

NOES.—None

Introduction, First Reading and Reference of Bill.

By Senator Snyder. Senate Bill No. 1076. An act to amend section 2 of an act entitled "An act providing for the establishment and maintenance of a State nursery under the jurisdiction and management of the State Forester for the growing of stock for reforestation and the planting of trees along highways and in public places, and making an appropriation therefor," approved May 15, 1917, relating to the sale of nursery stock.

Bill read first time, and referred to Committee on Governmental Efficiency.

Resolution of Respect.

The following resolution of respect was offered:

By Senators Seawell, Slater, and Sharkey:

Mr. President and Gentlemen of the Senate:

With sincere regret, particularly to those of us enjoying his friendship for many years, has come the word of the passing of former Senator Ernest Birdsall at his home in Auburn. We feel that the death of this scholar, statesman for more than the passing tribute of a sigh.

Ernest Birdsall was a member of this Senate for a number of years. He served at a time when some of the greatest legislative and political legislation has been written into the statutes of this State. He was conspicuous then, by reason of his unswerving loyalty to purpose and his desire to enrich and ennoble life so that conditions generally might be constructively improved. He was honest and straightforward, kind and sympathetic. It was a pleasure to have known Senator Birdsall. So that there may be imperishably written into the records of this Senate, its appreciation of his efficient public service; therefore be it

Resolved, by the Senate of the State of California: That now, in this resolution, express an appreciation of our friend and former colleague and request the Secretary of the Senate to forward a copy of this memorial to the bereaved family, that the same be inscribed in the Journal of this day; and be it further

Resolved, That when this Senate adjourns this day, it does so out of respect to the memory of the late Ernest Birdsall.

Resolution read, and on motion of Senators Slater, Seawell, and Sharkey, adopted unanimously by a rising vote.

Unfinished Business.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Wagy moved to reconsider the vote whereby Senate Bill No. 233 was passed.

Postponement of Reconsideration.

On motion of Senator Wagy, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 233 was passed, was continued until the next legislative day.

Special Order.

Senator Difani moved that the motion to reconsider the vote whereby Senate Bill No. 233 was passed, be made a special order for Monday, March 25, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Schottky moved to reconsider the vote whereby Senate Bill No. 24 was passed.

Postponement of Reconsideration.

Senator Schottky moved that the further consideration of the motion to reconsider the vote whereby Senate Bill No. 24 was passed, be continued until the next legislative day.

Ayes and Noes Demanded.

A roll call was demanded by Senators Schottky, Mixter, and Seawell on the adoption of the motion to continue consideration of the motion to reconsider the vote whereby Senate Bill No. 24 was passed.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Deuel, Duval, Edwards, Gordon, Knowland, McCormack, Mixter, Perry, Pierovich, Rich, Schottky, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—18.

NOES—Senators Biggar, Crittenden, Difani, Hulse, Jespersen, Keough, McGuinness, Metzger, Olson, Powers, Reindollar, Scollan, Seawell, Sharkey, and Snyder—15.

Special Order.

Senator Seawell moved that the motion to reconsider the vote whereby Senate Bill No. 24 was passed, be made a special order for Monday, March 25, 1935, immediately after the termination of the special order previously set for eleven o'clock and thirty minutes a.m., Monday, March 25, 1935.

Motion carried.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 37—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.

By **FRED J. DESCH,** Assistant Clerk.

Motion by Senator Hulse.

Senator Hulse moved that consideration of the message from the Assembly on Assembly Bill No. 37 be deferred until the next legislative day.

Motion carried.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 770—An act to amend sections 1, 2, 3, 4, 6, and 19 of an act entitled "An act defining credit unions, providing for their

incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Corporations and Financial Institutions, the following amendments to Senate Bill No. 770 were read and adopted:

Amendment No. 1.

On page 3, line 26, of the printed bill, strike out "and in building", and strike out line 27, and insert in lieu thereof a period.

Amendment No. 2.

On page 3, line 49, of the printed bill, strike out "In the event a borrower or borrowers, borrow funds", and strike out lines 50 to 72, inclusive, and on page 4, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"In the event a credit union shall make a loan or loans to any of its members and the said member or members shall have invested therein, either in the form of shares or in funds received, an amount equal to the said loan or loans, said investment shall be deemed as security under the provisions of this section, and said borrower or borrowers shall not be required to give further or additional security."

Amendment No. 3.

On page 4, line 48, of the printed bill, strike out the period, and insert in lieu thereof the following: "or in shares or contribution for funds received or in any form of evidence of interest issued by any credit union in California, organized either under the provisions of the Credit Union Law of the State of California or the Statutes of the United States relating to credit unions."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 878—An act to regulate grubstake contracts and prospecting agreements and to provide for the recording of the same.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Mines and Mining, the following amendment to Senate Bill No. 878 was read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, after "Section 1," insert the following: "All grubstake contracts and prospecting agreements heretofore entered into, and which may in any way affect the title of mining locations, or other locations under the mining laws of this State, shall be void and of no effect, except between the parties to said contract or agreement, unless the instrument has first been recorded in the office of the county recorder of the county in which said instrument is made. The instrument or instruments shall be duly acknowledged before a notary public or other person competent to take acknowledgments. Grubstake contracts and prospecting agreements, duly acknowledged and recorded as provided for in this act, shall be prima facie evidence in all courts in this State in all cases wherein the title to mining locations and other locations under the mining laws of this State are in dispute."

Bill read second time, ordered to reprint, and re-referred to Committee on Mines and Mining.

Senate Bill No. 529—An act to add three new sections to the Civil Code to be numbered 1426d½, 1426d½ and 1426d½, relating to discovery, locations and to discovery shafts on lode and placer mining locations.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 158—An act to amend section 105 of the Code of Civil Procedure, relating to justices of the peace.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 159—An act to amend sections 117d and 117p of the Code of Civil Procedure, relating to small claims courts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 17—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 17 were read and adopted:

Amendment No. 1.

In line 10 of the title of the printed bill, after "Governor", insert a semicolon and the following: "providing for the continuation in service of employees and entitling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 9 to 20, inclusive; on page 2 of the printed bill, strike out lines 1 to 52, inclusive; and on page 3 of the printed bill, strike out lines 1 to 45, inclusive, and insert in lieu thereof the following:

"Commencing at the point where the easterly line of the Presidio Reservation intersects the water line front, as established by the Board of State Tideland Commissioners; thence easterly along said water line front to the center of Webster Street; thence southerly along the center of Webster Street to the center of Lewis Street; thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the center of Polk Street to the center of Tompkin Street; thence easterly along the center of Tompkin Street to the center of Larkin Street; thence southerly along the center of Larkin Street to the center of Jefferson Street; thence easterly along the center of Jefferson Street to the center of Powell Street; thence southerly along the center of Powell Street to the center of Beach Street; thence easterly along the center of Beach Street to the center of Grant Avenue, formerly Dupont Street; thence southerly along the center of Grant Avenue to the center of North Point Street; thence easterly along the center of North Point Street to the center of Kearny Street; thence southerly along the center of Kearny Street to the center of Francisco Street; thence easterly along the center of Francisco Street to the center of Montgomery Street; thence southerly along the center of Montgomery Street to the center of Chestnut Street; thence easterly along the center of Chestnut Street to the center of Sansome Street; thence southerly along the center of Sansome Street to the center of Lombard Street; thence easterly along the center of Lombard Street to the center of Battery Street; thence southerly along the center of Battery Street to the center of Greenwich Street; thence easterly along the center of Greenwich Street to the southwesterly line of the Embarcadero; thence southeasterly along said line of the Embarcadero to the center of Front Street; thence southerly along the center of Front Street to the center of Vallejo Street; thence easterly along the center of Vallejo Street to the center of Davis Street; thence southerly along the center of Davis Street to the center of Pacific Street; thence easterly along the center of Pacific Street to the westerly line of the Embarcadero, formerly East Street; thence southerly along the westerly line of the Embarcadero, formerly East Street, to the center of Folsom Street; thence westerly along the center of Folsom Street to the center of Stuart Street; thence southerly along the center of Stuart Street to the center of Harrison Street; thence southerly on a direct line with said Stuart Street two hundred fifty-three feet nine inches, to the center of a street the name of which is not on the map; thence at right angles westerly along the center of said street to the center of Spear Street; thence southerly along the center of Spear Street to the center of Bryant Street; thence westerly along the center of Bryant Street to the center of Beale Street; thence southerly along the center of Beale Street to the center of Brannan Street; thence westerly along the center of Brannan Street to the center of First Street; thence southerly along the center of First Street to the center of Townsend Street;

the payment of principal and interest of and upon the State bonds issued, sold and outstanding pursuant to said act; said sum shall be so transferred by the Treasurer on the first day of each and every month to said "Fourth San Francisco seawall sinking fund" hereinabove created; and the Treasurer shall transfer any and all bonds of the United States, or of the State of California, which may have been, or may hereafter be, purchased by said Treasurer pursuant to the provisions of said "Fourth San Francisco seawall sinking fund."

Amendment No. 4.

On page 8, line 19, of the printed bill, after "thereto," add the following: "including all tracks, marine railways, railroads and railroad equipment and supplies and operative properties,".

Amendment No. 5.

On page 10, line 15, of the printed bill, after the comma, insert the following: "or the San Francisco Harbor Improvement Act of 1929,".

Amendment No. 6.

On page 10, line 26, of the printed bill, after the quotation marks, insert the following: "or the "San Francisco Harbor Improvement Act of 1929,"".

Amendment No. 7.

On page 10 of the printed bill, between lines 47 and 48, insert the following:

"SEC. 12. All persons employed in the operating service of the Board of State Harbor Commissioners at the time this act shall go into effect, and who shall have been employed prior to the date when this act goes into effect, shall be continued in their respective positions and shall be deemed appointed to such positions, under, and entitled to all the benefits of the civil service provisions of the charter of the City and County of San Francisco; provided, however, that no person who is not a citizen of the United States shall be continued in or appointed to his position.

SEC. 13. For the purpose of controlling the orderly conduct of the affairs of the State Board of Harbor Commissioners and to the end that there may be no interruption in the conduct of the affairs of said State Board of Harbor Commissioners or of the control of the properties under its jurisdiction, the Mayor of the City and County of San Francisco, upon this act becoming effective, shall, pursuant to the authority vested in him by section 48 of the charter of said city and county, appoint as members of the Harbor Commission of the City and County of San Francisco the three persons who shall, at said date, be the duly appointed, qualified and acting members of said State Board of Harbor Commissioners. Said persons so appointed shall hold their said offices for one, two and three years, respectively, and said persons shall, by lot, determine their respective terms of office. Upon the expiration of the respective terms of each of said persons the mayor shall appoint a qualified person to fill said vacancy in the manner provided by the charter of the City and County of San Francisco."

Amendment No. 8.

On page 10, line 48, of the printed bill, strike out "12", and insert in lieu thereof the following: "14".

Amendment No. 9.

On page 10 of the printed bill, after line 49, insert the following:

"SEC. 15. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 51—An act to amend section 441 of the Political Code, relating to rates of interest on registered warrants.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Senate Bill No. 51 was read and adopted:

Amendment No. 1.

On page 1, lines 20 and 21, of the printed bill, strike out "be less than three per cent per annum nor more than", and insert in lieu thereof the following: "exceed".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 40—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 40 were read and adopted:

Amendment No. 1.

On page 1, line 2, of the title of the printed bill, after "trusts," strike out the word "and".

Amendment No. 2.

On page 1, line 3, of the title of the printed bill, strike out the period and add the following: ", to make an appropriation for the administrative costs, and to provide that this act shall take effect immediately."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 14, both inclusive, and strike out all the remainder of said bill, and insert in lieu thereof the following:

"SECTION 1. For the purposes of this act and unless otherwise required by the context:

1. The word "board" means the State Board of Equalization.
2. The word "taxpayer" includes any individual or fiduciary subject to the tax imposed by this act.

3. The word "fiduciary" means person or persons, trustee, executor, administrator, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, estate or trust.

4. The word "person" includes individuals, fiduciaries, partnerships and corporations.

5. The word "corporation" includes joint stock companies or associations and insurance companies.

6. The words "taxable year" mean the calendar year or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this act. "Taxable year" includes, in the case of a return made for a fractional part of a year under the provisions of this act or under regulations prescribed by the State Board of Equalization, the period for which such return is made.

7. The words "fiscal year" mean an accounting period of twelve months ending on the last day of any month other than December.

8. The words "paid or incurred" and "paid-or-incurred" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act.

9. The word "resident" includes every natural person domiciled in the State of California and every other natural person who maintains a permanent place of abode within this State or spends in the aggregate more than seven months of the taxable year within this State. The word "nonresident" includes every natural person other than a resident.

10. The words "foreign country" mean any jurisdiction other than one embraced within the United States. The words "United States" when used in a geographical sense, include the State, the Territories of Alaska and Hawaii, the District of Columbia and the possessions of the United States.

11. The words "trade or business" include the performance of the functions of a public office.

SEC. 2. There shall be levied, collected and paid for each taxable year upon all the net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State, taxes in the following amounts and at the following rates upon the amount of net income in excess of credits against net income provided in section 7:

Upon a taxable net income not in excess of one thousand dollars, two per centum of such taxable net income.

Twenty dollars upon taxable net incomes of one thousand dollars; and upon taxable net incomes in excess of one thousand dollars and not in excess of two thousand dollars, three per centum in addition of such excess.

Fifty dollars upon taxable net incomes of two thousand dollars; and upon taxable net income in excess of two thousand dollars and not in excess of three thousand dollars, four per centum in addition of such excess.

Ninety dollars upon taxable net incomes of three thousand dollars; and upon taxable net incomes in excess of three thousand dollars and not in excess of four thousand dollars, five per centum in addition of such excess.

One hundred forty dollars upon taxable net incomes of four thousand dollars; and upon taxable net incomes in excess of four thousand dollars and not in excess of five thousand dollars, six per centum in addition of such excess.

Two hundred dollars upon taxable net incomes of five thousand dollars; and upon taxable net incomes in excess of five thousand dollars and not in excess of six thousand dollars, seven per centum in addition of such excess.

Two hundred seventy dollars upon taxable net incomes of six thousand dollars; and upon taxable net incomes in excess of six thousand dollars and not in excess of seven thousand dollars, eight per centum in addition of such excess.

Three hundred fifty dollars upon taxable net incomes of seven thousand dollars; and upon taxable net incomes in excess of seven thousand dollars and not in excess of eight thousand dollars, nine per centum in addition of such excess.

Four hundred forty dollars upon taxable net incomes of eight thousand dollars; and upon taxable net incomes in excess of eight thousand dollars and not in excess of nine thousand dollars, ten per centum in addition of such excess.

Five hundred forty dollars upon taxable net incomes of nine thousand dollars; and upon taxable net incomes in excess of nine thousand dollars and not in excess of twelve thousand dollars, twelve per centum in addition of such excess.

Nine hundred dollars upon taxable net incomes of twelve thousand dollars; and upon taxable net incomes in excess of twelve thousand dollars and not in excess of fifteen thousand dollars, fourteen per centum in addition of such excess.

One thousand three hundred twenty dollars upon taxable net incomes of fifteen thousand dollars; and upon taxable net incomes in excess of fifteen thousand dollars and not in excess of twenty thousand dollars, sixteen per centum in addition of such excess.

Two thousand one hundred twenty dollars upon taxable net incomes of twenty thousand dollars; and upon taxable net incomes in excess of twenty thousand dollars and not in excess of thirty thousand dollars, eighteen per centum in addition of such excess.

Three thousand nine hundred twenty dollars upon taxable net incomes of thirty thousand dollars; and upon taxable net incomes in excess of thirty thousand dollars and not in excess of fifty thousand dollars, twenty per centum in addition of such excess.

Seven thousand nine hundred twenty dollars upon taxable net incomes of fifty thousand dollars; and upon taxable net incomes in excess of fifty thousand dollars and not in excess of one hundred thousand dollars, twenty-two per centum in addition of such excess.

Eighteen thousand nine hundred twenty dollars upon taxable net incomes of one hundred thousand dollars; and upon taxable net incomes in excess of one hundred thousand dollars and not in excess of two hundred thousand dollars, twenty-three per centum in addition of such excess.

Forty-one thousand nine hundred twenty dollars upon taxable net incomes of two hundred thousand dollars; and upon taxable net incomes in excess of two hundred thousand dollars and not in excess of five hundred thousand dollars, twenty-four per centum in addition of such excess.

One hundred thirteen thousand nine hundred twenty dollars upon taxable net incomes of five hundred thousand dollars; and upon taxable net incomes in excess of five hundred thousand dollars, twenty-five per centum of such excess.

SEC. 3. The words "net income" mean the gross income computed under section 4 of this act less the deductions allowed by section 5 of this act.

SEC. 4. (a) Gross income includes gains, profits, and income derived from salaries, wages, or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever.

(b) The following items shall not be included in gross income and shall be exempt from taxation under this act:

(1) Items excluded from gross income under subdivisions (1), (2), (3), (5), and (6) of subsection (b) of section 22 of the Federal Revenue Act of 1934, which subdivisions are hereby referred to and incorporated with the same force and effect as though fully set forth herein.

(2) Income which this State is prohibited from taxing under the Constitution or laws of the United States of America or under the Constitution of this State.

(c) Whenever in the opinion of the board the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the board may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income.

(d) In the case of a sale or other disposition of property, the gain or loss shall be computed as provided in sections 111, 112 and 113 of said Revenue Act of 1934 which sections are hereby referred to and incorporated with the same force and effect as though fully set forth herein; provided, however, that for the purposes of

estimate (but not the basis for depletion) shall be revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases the deductions shall be equitably apportioned between the lessor and the lessee. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. The percentage of depletion allowable under this subsection shall be computed in accordance with the provisions of subdivisions (3) and (4) of subsection (b) of section 114 of said Revenue Act of 1934 which subdivisions and the sections of said Revenue Act referred to therein are hereby referred to and incorporated with the same force and effect as though fully set forth herein.

(1) The basis upon which depletion, exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be as provided in section 114 of said Revenue Act of 1934 which section and all sections of said Revenue Act referred to therein are hereby referred to and incorporated with the same force and effect as though fully set forth herein; provided, however, that the word "commissioner" in said sections shall be deemed to mean "board" and the words "with the approval of the secretary" shall be deemed omitted.

(2) In the case of an individual, contributions or gifts made within the taxable year to or for the use of:

(1) The United States, any State, Territory or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) A corporation, or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation;

(3) The special fund for vocational rehabilitation authorized by section 12 of the World War Veterans' Act, 1924;

(4) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder, or individual; or

(5) A fraternal society, order, or association; operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals;

to an amount which in all the above cases combined does not exceed fifteen per centum of the taxpayer's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowed as deductions only if verified under rules and regulations prescribed by the board. In the case of an individual if in the taxable year and in each of the ten preceding taxable years the amount of the above contributions or gifts plus the amount of income, war profits, or excess profits taxes paid during such year in respect of preceding taxable years, exceeds ninety per centum of the taxpayer's net income for each such year, as computed without the benefit of this subsection then the fifteen per centum limit imposed herein shall not be applicable. In the case of a taxpayer other than a resident the deductions under this subsection shall be allowed only as to contributions or gifts made to corporations or associations incorporated by or organized under the laws of this State or to the vocational rehabilitation fund above mentioned or to this State or any political subdivision thereof for exclusively public purposes.

(k) In the case of any taxpayer the deductions permitted by subsection (a) of section 23 of said Revenue Act of 1934 and referred to and incorporated by subsection (a) of this section of this act, shall not be allowed if, and to the extent that they are connected with the production of income not taxable under this act, and proper apportionment and allocation of such deductions with respect to taxable and nontaxable income shall be determined under rules and regulations to be prescribed by the board.

(l) In the case of a taxpayer other than a resident the deductions allowed by this section shall unless otherwise provided in this section be allowed only if and to the extent that they are connected with the income arising from sources within this State and taxable under this act to a nonresident taxpayer, and the proper apportionment and allocation of the deductions with respect to sources of income within and without the State shall be determined under rules and regulations to be prescribed by the board.

Sec. 6. In computing net income no deduction shall in any case be allowed in respect of items referred to in subsections (a) and (b) of section 24 of said Revenue

Act of 1934 which subsections are hereby referred to and incorporated with the same force and effect as though fully set forth herein.

(a) The obligor of a covenant shall not be deemed a debtor for the payment of the tax imposed by this act, or the net tax paid pursuant to the tax covenant clause, nor shall such tax be included in the gross income of the obligee.

SEC. 7. There shall be allowed for the purpose of the tax on income provided the following credits against net income:

(a) In the case of a single person, a personal exemption of one thousand dollars, or in the case of his being a husband or a married person living with his wife or wife, a personal exemption of two thousand one hundred dollars.

A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be the thousand one hundred dollars. If such husband and wife make separate returns the personal exemption shall be taken by either or divided between them.

(b) Four hundred dollars for each person, other than husband or wife dependent upon and receiving his food supports from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because of mental or physical defectiveness.

(c) If the status of the taxpayer, as so far as it affects the personal exemption or credit for dependents, changes during the taxable year, the personal exemption and credit shall be apportioned under rules and regulations prescribed by the board in accordance with the number of months before and after such change. For the purpose of such apportionment a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be counted as a month.

SEC. 8. The net income shall be computed upon the basis of the taxpayer's annual accounting period (which may or may not vary as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer, but if no such method of accounting has been so employed or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as the board of the State may elect to reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in section 1 or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

SEC. 9. The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer, income earned the methods of accounting permitted under section 8 of this act may, with reasonable care to be properly accounted for as of a different period. In the case of the death of the taxpayer there shall be included in computing net income for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly includable in respect of such period.

SEC. 10. The deductions and credits allowable for income tax shall be taken for the taxable year in which 'paid or accrued' or paid or incurred, depending upon the method of accounting upon the basis of which the net income is computed, unless in order clearly to reflect the income the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer there shall be allowed as deductions and credits for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly allowable in respect of such period or a prior period.

SEC. 11. (a) Under regulations prescribed by the board a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit realized or to be realized where payment is completed, bears to the total contract price.

(b) In the case (1) of a casual sale or other casual disposition of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year), for a price exceeding one thousand dollars, or (2) of a sale or other disposition of real property, if in either case the initial payments do not exceed thirty per centum of the selling price, the income may, under regulations prescribed by the board be returned on the basis and in the manner prescribed by this section. As used in this section the term 'initial payment' means the payments received in cash or property other than evidence of indebtedness of the purchaser during the taxable period in which the sale or other disposition is made.

(c) If a taxpayer entitled to the benefits of subsection (a) of this section elects for any taxable year to report his net income on the installment basis, then in computing his income for the year of change or any subsequent year, amounts actually received during any such year on account of sales or other dispositions of property made in any prior year shall not be excluded.

(d) If any installment obligation is satisfied at other than its face value or distributed, transmitted, sold or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and (1) in the case of

satisfaction at other than fair value of the property realized, or (2) in case of a distribution, transmission, or disposition otherwise than by sale or exchange—the fair market value of the obligation at the time of such distribution, transmission or disposition. Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligation was received. The basis of the obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full. This subsection shall not apply to the transmission at death of installment obligations if there is filed with the board, at such time as it may by regulation prescribe, a bond in such amount and with such sureties as it may deem necessary, conditioned upon the return as income, by the person receiving any payment on such obligations, of the same proportion of such payment as would be returnable as income by the decedent if he had lived and had received such payment.

SEC. 12. In any case of two or more organizations, trades or businesses (whether or not incorporated, whether or not organized in this State, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the board is authorized to distribute, apportion, or allocate gross income or deductions between or among such organizations, trades, or businesses, if said board determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any such organization, trades, or businesses.

SEC. 13. If a taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the board, be computed on the basis of such new accounting period subject to the provisions of section 14 of this act.

SEC. 14. (a) If a taxpayer, with the approval of the board, changes the basis of computing net income from fiscal year to calendar year a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December 31st. If the change is from calendar year to the fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year.

(b) Where a separate return is made under subsection (a) of this section on account of a change in the accounting period, and in all other cases where separate return is required or permitted, by regulations prescribed by the board, to be made for a fractional part of a year, then the income shall be computed on the basis of the period for which separate return is made.

(c) If a separate return is made under subsection (a) of this section, on account of a change in the accounting period, the net income, computed on the basis of the period for which separate return is made, shall be placed on an annual basis by multiplying the amount thereof by twelve and dividing by the number of months included in the period for which the separate return is made. The tax shall be such part of the tax computed on such annual basis as the number of months in such period is of twelve months.

(d) The board shall by regulations prescribe the method of applying the provisions of subsections (b) and (c) (relating to computing income on the basis of a short period and placing such income on an annual basis) to cases where the taxpayer makes a separate return under subsection (a) on account of a change in the accounting period, and it appears that for the period for which the return is so made he has received.

(e) In the case of a return made for a fractional part of a year, except a return made under subsection (a), on account of a change in the accounting period, the personal exemption and the credit for dependents shall be reduced respectively to amounts which bear the same ratio to the full credits provided as the number of months in the period for which return is made bears to twelve months.

SEC. 15. The taxes imposed by this act shall apply to the income of estates or of any kind of property held in trust including the income referred to in subdivisions (1), (2), (3) and (4) of subsection (a) of section 161 of said Revenue Act of 1934 which subdivisions are hereby referred to and incorporated with the same force and effect as though fully set forth herein.

The tax shall be computed upon the net income of the estate or trust, and shall be paid by the fiduciary except as provided in sections 166 and 167 of said Revenue Act of 1934 which are hereby referred to and incorporated with the same force and effect as though fully set forth herein.

For the purposes of this section the word "settlor" shall mean and include every creator of a trust and every decedent and where in this section the settlor is spoken of as a resident or a nonresident the same shall be taken to include a decedent who upon his or her death is a resident or a nonresident as the case may be.

The taxable income of the estate is to be that taxable the following:

(1) The income from real property that has been owned by the decedent from the date of his death.

(2) The income from business property with a value of less than

(3) The income from real property and business property located outside the State and the income from business property with a value within the State in the taxable year.

(4) Where the beneficiary and the fiduciary and the settlor are all residents of the State.

(5) Where the beneficiary and the fiduciary are residents of the State regardless of the residence of the settlor.

(6) Where the beneficiary and the settlor are residents of the State regardless of the residence of the fiduciary.

(7) Where the beneficiary is a resident of the State regardless of the residence of the settlor and the fiduciary.

(8) Where the settlor is a resident of the State regardless of the residence of the beneficiary and the fiduciary.

(9) Where the settlor is a resident of the State regardless of the residence of the beneficiary and the fiduciary.

(10) Where the beneficiary and the settlor are residents of the State regardless of the residence of the fiduciary.

Where the beneficiary of the estate is a resident of the State regardless of the residence of the settlor and the fiduciary, the income of the estate is to be that taxable the income from real property that has been owned by the decedent from the date of his death, the income from business property with a value of less than \$10,000, the income from real property and business property located outside the State and the income from business property with a value within the State in the taxable year.

Where the beneficiary of the estate is a resident of the State regardless of the residence of the settlor and the fiduciary, the income of the estate is to be that taxable the income from real property that has been owned by the decedent from the date of his death, the income from business property with a value of less than \$10,000, the income from real property and business property located outside the State and the income from business property with a value within the State in the taxable year.

Sec. 16. The net income of the estate of any decedent who is a resident of the State and who is a resident of the State at the time of his death shall be that taxable the income from real property that has been owned by the decedent from the date of his death, the income from business property with a value of less than \$10,000, the income from real property and business property located outside the State and the income from business property with a value within the State in the taxable year.

(1) The net income of the estate of any decedent who is a resident of the State and who is a resident of the State at the time of his death shall be that taxable the income from real property that has been owned by the decedent from the date of his death, the income from business property with a value of less than \$10,000, the income from real property and business property located outside the State and the income from business property with a value within the State in the taxable year.

(2) The net income of the estate of any decedent who is a resident of the State and who is a resident of the State at the time of his death shall be that taxable the income from real property that has been owned by the decedent from the date of his death, the income from business property with a value of less than \$10,000, the income from real property and business property located outside the State and the income from business property with a value within the State in the taxable year.

(3) The net income of the estate of any decedent who is a resident of the State and who is a resident of the State at the time of his death shall be that taxable the income from real property that has been owned by the decedent from the date of his death, the income from business property with a value of less than \$10,000, the income from real property and business property located outside the State and the income from business property with a value within the State in the taxable year.

Sec. 17. The net income of the estate of any decedent who is a resident of the State and who is a resident of the State at the time of his death shall be that taxable the income from real property that has been owned by the decedent from the date of his death, the income from business property with a value of less than \$10,000, the income from real property and business property located outside the State and the income from business property with a value within the State in the taxable year.

Sec. 18. Where the beneficiary of the estate is a resident of the State regardless of the residence of the settlor and the fiduciary, the income of the estate is to be that taxable the income from real property that has been owned by the decedent from the date of his death, the income from business property with a value of less than \$10,000, the income from real property and business property located outside the State and the income from business property with a value within the State in the taxable year.

Sec. 19. A trust created by an individual as a part of a small business, partnership or profit-sharing plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employees or members, or both, for the purpose of

distributing to such employees the earnings and principal of the fund accumulated by the trust in accordance with such plan, shall not be taxable under section 15 of this act, but the amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by him.

SEC. 20. Trusts referred to in section 166 of said Revenue Act of 1934 shall be taxable in the manner provided in said section 166 which is hereby referred to and incorporated with the same force and effect as though fully set forth herein.

SEC. 21. Trusts referred to in section 167 of said Revenue Act of 1934 shall be taxable in the manner provided in said section 167 which is hereby referred to and incorporated with the same force and effect as though fully set forth herein.

SEC. 22. Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity and there shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year. The net income of the partnership shall be computed in the same manner and on the same basis as in the case of an individual.

SEC. 23. Every partnership shall make a return for each taxable year stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

If the taxable year of a partner is different from that of the partnership, the distributive share of the net income of the partner for his taxable year shall be based upon the net income of the partnership for any taxable year of the partnership (whether beginning on, before, or after January 1, 1934) ending within the taxable year of the partner.

SEC. 24. Every person taxable under this act, having a net income during the taxable year of one thousand dollars or over, if single, or if married and not living with husband or wife, or having a net income for the taxable year of two thousand five hundred dollars or over, if married and living with husband or wife; or having a gross income during the taxable year of five thousand dollars or over, regardless of the amount of his net income; shall make a return under oath, stating specifically the items of his gross income and the deductions and exemptions allowed by this act.

If a husband and wife living together have an aggregate net income of the taxable year of two thousand five hundred dollars or over or an aggregate gross income of five thousand dollars or over, each shall make such a return unless the income of each is included in a single joint return in which case the tax shall be computed on the aggregate income.

SEC. 25. If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

SEC. 26. (a) Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for and of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed by this act.

(1) Every individual having a net income for the taxable year of one thousand dollars or over, if single, or if married and not living with husband or wife;

(2) Every individual having a net income for the taxable year of two thousand five hundred dollars or over if married and living with husband or wife;

(3) Every individual having a gross income for the taxable year of five thousand dollars or over, regardless of the amount of his net income;

(4) Every estate or trust the net income of which for the taxable year is five thousand dollars or over, regardless of the amount of the net income.

(b) Under such regulations as the board may prescribe a return made by one of two or more joint fiduciaries and filed in the office of the board shall be sufficient compliance with the above requirement. Such fiduciary shall make oath (1) that he has sufficient knowledge of the affairs of the individual estate or trust for which the return is made, to enable him to make the return, and (2) that the return is, to the best of his knowledge and belief, true and correct.

(c) Any fiduciary required to make a return under this act shall be subject to all the provisions of law which apply to individuals.

SEC. 27. Every individual, partnership, corporation, joint stock company or association or insurance company, being a resident or having a place of business in this State, in whatever capacity acting, including lessees or mortgagors or real or personal property fiduciaries, employers and all officers and employees of the State or of any political subdivision of the State, having the control, receipt, custody, disposal or payment of interest (other than interest coupons payable to bearer), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable annual or periodical gains, profits and income, amounting to one thousand dollars or over, paid or payable during any year to any taxpayer, shall make complete return thereof under oath, to the board, under such regulations and in such form and manner and to such extent as may be prescribed by it.

The board whenever it deems it necessary to insure compliance with the provisions of this act, may under rules and regulations prescribed by it, require any individual, partnership, corporation, joint stock company or association of individuals, company, including lessors or mortgagees and owners of the State or of any political subdivision of the State having control, receipt, custody, disposal or payment of interest (other than interest coupons payable to bearer), rent, salaries, wages, premiums, annuities, compensation, retirement benefits or other such or determinable annual or periodical gains, profits and income paid or payable to any taxpayer, to deduct and withhold the tax due from such taxpayer and make return thereof and pay the tax to the board.

SEC. 28. Returns shall be in such form as the board may from time to time prescribe and shall be filed with the board, at its main office or at any branch office which it may establish, by each person taxable hereunder. Within two months and fifteen days after the close of his taxable year. In case of absence, absence of other disability, or whenever in its judgment good cause exists, the board may allow further time not exceeding ninety days for filing returns. There shall be annexed to the return the affidavit of affirmation of the taxpayer, swearing to the truth of the statements contained therein as true. The board shall cause to be prepared blank forms for the said returns and shall require them to be furnished throughout the State and to be furnished upon application, but failure to furnish or furnish the form shall not relieve any taxpayer from the obligation of making any return being required.

SEC. 29. If the board shall be of the opinion that any taxpayer has failed to file a return, or to include in a return that either actually or through mistake, items of taxable income, it may require from such taxpayer a return of his supplemental return, under oath, in such form as it shall prescribe, of all the items of income which the taxpayer received during the year for which the return is made, whether or not taxable under the provisions of this act. If from a supplementary return or otherwise, the board finds that any items of income, taxable under this act, have been omitted from the original return it may require the same to be disclosed to it, under oath of the taxpayer, and to be added to the original return. Such supplementary return and the correction of the original return shall not release the taxpayer from any of the penalties to which he may be liable under the provisions of this act. The board may proceed under the provisions of section 32 of this act whether or not it requires a return or a supplementary return under this section.

SEC. 30. One-half the amount of the tax disclosed by the return shall be due and payable on or before the fifteenth day of the third month following the close of the taxable year, and the balance of the tax shall be due and payable on or before the fifteenth day of the ninth month following the close of the taxable year.

If the board shall allow an extension of time for filing any return hereunder, there shall be a corresponding extension of time for the payment of the tax. Payment of the amount of tax disclosed by such return, but there shall be added to the amount remitted with such tax interest thereon at the rate of one-half of one per cent per month or each fraction of a month from and after the date when the tax would otherwise have been due and payable.

The tax may be paid with unregistered check payable to the State Treasurer, during such time and under such regulations as the board shall prescribe, but if a check so received is not paid by the bank on which it is drawn, the taxpayer by whom such check is tendered shall remain liable for the payment of the tax and for all legal penalties, the same as if such check had not been received.

SEC. 31. As soon as practicable after the return is filed, the board shall examine it and compute the tax, and the amount so computed by the board shall be the tax. If the tax found due shall be greater than the amount theretofore paid, the excess shall be paid to the board within thirty days after notice of the amount shall be mailed by the board.

If the return is made in good faith and the understatement of the tax is not due to any fault of the taxpayer, there shall be no penalty or additional tax added because of such understatement, but interest shall be added to the amount of the deficiency at the rate of one per cent for each month or fraction of a month.

If the understatement is due to negligence on the part of the taxpayer, but without intent to defraud, there shall be added to the amount of the deficiency five per cent thereof, and in addition, interest at the rate of one per cent per month or fraction of a month.

If the understatement is fraudulent, with intent to evade the tax, the tax on the additional income discovered to be taxable shall be increased by fifty per cent and an additional one per cent per month or fraction of a month shall be added.

The interest provided for in this section shall in all cases be computed from the date the tax was originally due to the date of payment.

If the amount of tax found due as computed shall be less than the amount theretofore paid, the excess shall be credited on any taxes then due from the taxpayer under this act, and the board shall certify to the State Board of Control the balance thereof and if approved by that board the same shall be refunded to the taxpayer.

SEC. 32. If the board discovers from the examination of the return or otherwise that the income of any taxpayer, or any portion thereof, has not been assessed, it may, at any time within three years after the time when the return was due, assess the same and give notice to the taxpayer of such assessment, and such taxpayer shall thereupon have an opportunity, within sixty days, to confer with the board as to the proposed assessment. The limitation of three years to the assessment of such tax or additional tax shall not apply to the assessment of additional taxes upon fraudulent returns. After the expiration of sixty days from such notification the board shall assess the income of such taxpayer or any portion thereof which it believes has not theretofore been assessed and shall give notice to the taxpayer so assessed, of the amount of the tax and interest and penalties if any, and the amount thereof shall be due and payable within thirty days from the date of such notice. The provisions of this act with respect to revision and appeal shall apply to a tax so assessed. No additional tax amounting to less than one dollar shall be assessed.

SEC. 33. At any time within three years after the delinquency of any tax, or any installment thereof, the Controller of the State may bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California to collect the amount delinquent, together with penalties, and such action shall be tried in the county of Sacramento unless the court, with the consent of the Attorney General, order a change of place of trial. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings, herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required. In such action a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax of the delinquency and of compliance by the board with all the provisions of this act in relation to the computation and levy of the tax.

At any time within which an action can be brought to collect any delinquent tax as provided in the preceding paragraph, the Controller may collect the tax, together with penalties and interest, in the following manner: The Controller shall seize any property, real, or personal owned by the taxpayer against whom the tax is assessed, and thereafter sell at public auction such property so seized, or a sufficient portion thereof, to pay the tax due hereunder, together with any interest, and any penalty or penalties imposed thereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof shall be given to such delinquent taxpayer and to all persons appearing of record to have an interest in such property, in writing at least ten days before the date set for such sale by enclosing such notice in an envelope addressed to said taxpayer at its last known place of business in this State if any, and, in the case of any person appearing of record to have an interest in such property, addressed to such person at the last known place of residence if any, and depositing the same in the United States Mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, however, that if there be no newspaper of general circulation in such county or city and county, then by the posting of such notice in three public places in such county or city and county for said ten-day period. The said notice shall contain a description of the property to be sold, together with a statement of the amount of taxes, interest, penalties and costs, the name of the taxpayer, and the further statement that, unless such taxes, interest, penalties and costs are paid on or before the time fixed in said notice for such sale, said property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

At any such sale, the property shall be sold by said Controller or his duly authorized agent in accordance with law and said notice, and the Controller shall deliver to the purchaser a bill of sale for the personal property, and a deed for any real property so sold, and such bill of sale or deed shall vest title in the purchaser. The unsold portion of any property so seized may be left at the place of sale at the risk of said taxpayer. If, upon any such sale, the moneys so received shall exceed the amount of all taxes, interest, penalties and costs, due the State from such taxpayer, any such excess shall be returned to the taxpayer and a receipt therefor obtained; provided, however, that if any person having an interest in or lien upon the property has filed with the Controller prior to any such sale notice of such interest or lien the Controller shall withhold any such excess pending the determination of the rights of the respective parties thereto by a court of competent jurisdiction. If, for any reason, the receipt of such taxpayer shall not be available, the Controller shall deposit such excess moneys with the State Treasurer, as trustee for such owner, subject to the order of such taxpayer, or its successor through reorganization, merger, or consolidation, or its stockholders upon dissolution.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the Controller shall be or be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

SEC. 34. At any time after the computation of the tax by the board, the board may record in the recorder's office of any county a notice of lien specifying the amount of the tax and the name of the taxpayer liable for the same. From the

time of filing any such notice the amount of the tax assessed in such notice together with any penalties for delinquency in the payment thereof, together with interest, shall have the force and effect of a judgment and against the taxpayer named in such notice of lien. Such lien may be released by being paid in full in the office of the county recorder of records at least twenty days after the expiration of the time interest and penalties on such amount are the basis of penalties imposed in case of payment thereof, but no such release shall be deemed a waiver of any tax, interest or penalty typed or assessed against the said land and payable on its income and and payable by such taxpayer.

SEC. 35. Upon notice of the board and upon payment in writing to a fiduciary entity, such fiduciary shall assume the payment, interest, income and penalties of the taxpayer in respect of any tax imposed by this act, through an assignment specifically provided and except that no such shall be required from the owner of the taxpayer), until notice is given that the payment and interest are complete.

Notice under this section shall become a judgment with interest and penalties prescribed by the board. No time interest or a judgment shall be entered in the probate court unless and except as provided in the board and except that all taxes imposed by the provisions of this act upon the taxpayer, which taxes become payable, have been paid, and that all taxes which were assessed and are assessed on bond, deposit or other form. The certificate of the board and the receipt for the amount of the tax, interest, assessed shall be evidence as to the payment of the tax, to the extent of such certificate.

For the purpose of facilitating the settlement and distribution of estates and for fiduciaries, the board, with the approval of the Attorney General, may so amend the State agree upon the amount of such tax that the tax shall be paid in full, such fiduciaries upon the payment of the tax and interest and penalties, with such agreement shall be the satisfaction of the taxes in payment of the agreement.

SEC. 36. If any taxpayer, or his agent, or his representative, or his attorney, shall fail to file a return of income, or pay the tax assessed by this act, or under the provisions of this act, but shall voluntarily file a return of income and pay the tax due, within sixty days from the date of the assessment of the tax, an additional amount equal to five per cent of the tax assessed, but such additional amount shall in no case be less than one dollar an additional one per cent for each month or fraction of a month during which the tax remains unpaid.

If any taxpayer fails voluntarily to file a return of income, or pay the tax due, if any is due within sixty days of the date of payment of the tax, the assessment of the tax shall be increased by twenty per cent, and the taxpayer shall be further increased by one per cent for each month or fraction of a month from the time the tax was originally due to the date of payment.

Any person who wilfully fails to file a return, or to pay the tax due, or to render, sign or verify any return, or to supply any information required by or under the provisions of this act, shall be liable to a penalty of not more than one thousand dollars, to be assessed by the Attorney General in the name of the people by action in any court of competent jurisdiction.

Any person or any officer or employee of any corporation, or partner or employee or any partnership, who wilfully fails to render, sign or verify any return, or to supply any information required by or under the provisions of this act, shall be liable to a penalty of not more than one thousand dollars, to be assessed by the Attorney General in the name of the people, by action in any court of competent jurisdiction, and shall also be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed one thousand dollars or be imprisoned not to exceed one year or both, at the discretion of the court.

The Attorney General shall have the power with the consent of the board to compromise any penalty for which he is authorized to bring action under this section. The penalties provided by such section shall be additional to all other penalties in this act provided.

The certificate of the board to the effect that a tax has not been paid, that a return has not been filed or that information has not been supplied as required by or under the provisions of this act, shall be prima facie evidence that such tax has not been paid, that such return has not been filed or that such information has not been supplied.

If any taxpayer, who has failed to file a return or has filed an incorrect or insufficient return and has been notified by the board of his delinquency, fails to neglects within twenty days after such notice to file a proper return, or files a fraudulent return, the board shall determine the amount of such taxpayer's return to its best information and belief and assess the same at one and one-half the amount so determined.

SEC. 37. A taxpayer after paying the tax assessed against him under this act may apply to the board for revision of the tax assessed against him, at any time within three years from the time or the filing of the return or from the date of the

notice of the assessment of any additional tax. The board shall grant a hearing thereon and if, upon such hearing, it shall determine that the tax is excessive or incorrect, it shall resettle the same according to the law and the facts and adjust the computation of tax accordingly. The board shall notify the taxpayer of its determination and shall certify to the State Board of Control the amount if any collected in excess of what was legally due, from whom it was collected, or by whom paid and if approved by that board the same shall be credited to any taxes then due from the taxpayer under this act and the balance shall be refunded to the taxpayer.

Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of six per centum per annum as follows: (1) In the case of credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this act; (2) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the board.

Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the rate of six per centum per annum from the date the refund was made or the credit allowed, in an action brought by the Controller of the State in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, and such actions shall be tried in the county of Sacramento unless the court with the consent of the Attorney General order a change of place of trial. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for.

In the event that a tax has been illegally levied against a taxpayer the board shall certify such fact to the State Board of Control and said board shall authorize the cancellations of the tax upon the records of the board.

If the taxpayer has failed, without good cause, to file a return within the time prescribed by law, or has filed a fraudulent return or, having filed an incorrect return, has failed, after notice, to file a proper return, the board shall not reduce the tax below one and one-half the amount for which the taxpayer is found to be properly assessed.

Sec. 38. The determination of the board upon any application made by a taxpayer for revision of any tax, may be reviewed in any court of competent jurisdiction by a complaint filed by the taxpayer against the board in the county of Sacramento, within sixty days after the notice by the board of its determination, given as provided in section 32 of this act. Thereupon, appropriate proceedings shall be had and the relief, if any, to which the taxpayer may be found entitled may be granted and any taxes, interest or penalties paid, found by the court to be in excess of those legally assessed shall be ordered refunded to the taxpayer, with interest from time of payment.

Sec. 39. The board for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income of any taxpayer, shall have power to examine or cause to be examined by any agent or representative designated by it for that purpose, any books, papers, records or memoranda, bearing upon the matters required to be included in the return, and may require the attendance of the taxpayer or of any other person having knowledge in the premises, and may take testimony and require proof material for its information, with power to administer oath to such person or persons.

Sec. 40. It shall be unlawful for any member of the board or the State Controller or any person having an administrative duty under this act to divulge any information concerning the business affairs of persons reporting hereunder; provided, however, that the Governor may authorize examination of such returns by other State officers, in which event the information obtained shall not be made public; provided further, that such returns may be examined, with the consent of the Governor, by tax officers of another State or the Federal Government, if a reciprocal arrangement exists.

Sec. 41. The board may from time to time make such rules and regulations, not inconsistent with this act, as it may deem necessary to enforce its provisions.

Sec. 42. All moneys and remittances received by the board in pursuance of the provisions of this act shall be transmitted daily to the State Treasurer, and copies of the schedules covering such transmittals shall be furnished at the same time to the State Controller.

All moneys and remittances so received and so transmitted shall be deposited, after clearance of remittances, in the State treasury and credited to the "Income tax fund," which fund is hereby created. Moneys in said fund shall upon the order of the State Controller, be transferred into the general fund of the State, or drawn therefrom for the purpose of refunding to taxpayers hereunder.

For expenditure by the board in carrying out the provisions of this act there is hereby appropriated a sum of money equal to one hundred thousand dollars and

three per cent, or so much thereof as may be necessary, of all other moneys deposited in the income tax fund, and one hundred thousand dollars being payable out of moneys in the general fund not otherwise appropriated, the balance of the moneys hereby appropriated being payable out of the income tax fund; provided, that, out of such three per cent of undivided moneys deposited in the income tax fund and on or before June 30, 1937, the sum of one hundred thousand dollars shall be retained in the income tax fund. For convenience to the Comptroller in carrying out the provisions of this act there is hereby appropriated out of the income tax fund the sum of twenty thousand dollars to be used, if and as may be necessary, and for appropriation by the State Treasurer in carrying out the provisions of this act there is hereby appropriated out of the income tax fund the sum of ten thousand dollars to be used, if and as may be necessary. The balance of the moneys in the income tax fund shall, upon order of the Senate Committee be drawn therefrom for the purpose of making biennial payments or be transferred to the general fund of the State.

Sec. 43. If the board find that a taxpayer has neglected to appear before this State or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to obstruct the process of his personal liability in paying delinquent property taxes, or to obstruct the process of his personal liability in paying delinquent property taxes, or to obstruct the process of his personal liability in paying delinquent property taxes, the board shall declare the taxable parcel for such delinquency immediately forfeited and shall cause notice of such finding and declaration to be given to the taxpayer together with a demand for payment of the tax due the State. The taxpayer having so declared forfeited out of the tax due the State the amount of such tax as is equal to such delinquency, or such the same otherwise provided by law, the filing the return and paying the tax due, and such other acts shall constitute compliance immediately due and payable. In any proceeding to enforce payment of taxes made due and payable by reason of the provisions of this section the finding of the board, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes conclusive evidence of the taxpayer's delinquency.

Sec. 44. It shall be unlawful for any person to refuse or neglect, directly or indirectly to pay or attempt to have the amount of such tax declared by such taxpayer under the provisions of this act. Any such refusal or neglect shall be null and void and shall not be enforced, or give rise to any claim.

Sec. 45. This act shall be known as the "Personal Income Tax Act of 1935."

Sec. 46. If any section, subsection, clause, sentence or phrase of this act which is reasonably susceptible of being amended or revised by this act is by any person held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such clause, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Sec. 47. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State shall under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

The taxes imposed by this act shall apply to the net income of persons taxable hereunder received or accrued on and after January 1, 1935.

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 314.—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817e3 and 3817i2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Amendments from the Floor.

During second reading of Senate Bill No. 314, the following amendments, offered by Senator Rich, were read and adopted:

Amendment No. 1.

In line 2 of the title of the printed bill, strike out "and 3817i2", and insert in lieu thereof the following: ", 3817i2 and 3900a".

Amendment No. 2.

In line 5 of the title of the printed bill, after "sales", insert the following: ", and payment in installments of delinquent real estate and motor vehicle fuel license taxes".

Amendment No. 3.

On page 9 of the printed bill, between lines 18 and 19, insert the following:

"SEC. 8. A new section to be numbered 3900a is hereby added to the Political Code, to read as follows:

3900a. When any license tax imposed by the Motor Vehicle Fuel License Tax Act, approved May 30, 1923 (being Chapter 267 of the Statutes of the forty-fifth session of the Legislature of this State), as amended, which tax accrued and became payable prior to January 1, 1935, remains unpaid, such delinquent license tax may be made payable in installments, and the collection thereof postponed accordingly, by the filing with the State Controller prior to January 1, 1936, of a written instrument (hereinafter referred to as an "obligation") executed by such distributor, (hereinafter referred to as "original distributor"), or by the trustee in bankruptcy of such distributor, or a receiver of such distributor appointed by any court of this State or the United States, or by another distributor or a broker, duly licensed as such distributor or broker under said act, who has succeeded to the ownership of all or any of the property used in the distribution of motor vehicle fuel in respect to which such delinquent license tax accrued, and undertaking to make payment of the amount of all delinquent motor vehicle fuel license taxes becoming payable prior to January 1, 1935, by the original distributor, and of all penalties accrued thereon by reason of the nonpayment thereof as provided in said act, in equal monthly installments not exceeding one hundred eighty dollars in all and payable on or before the first day of the calendar month next after the filing of said obligation and of each month thereafter until full payment of said delinquent taxes and penalties, together with interest on each such monthly installment from January 1, 1935, to, and payable at, the time of payment of such installment, at the rate of four per cent per annum for a period of ten years after filing of the obligation and at the rate of seven per cent per annum thereafter, provided any distributor executing said obligation shall not then be delinquent in the payment of any license tax imposed by said act and becoming due and payable on or subsequent to January 1, 1935; and provided further, that if default shall be made in the payment of any monthly installment, or the interest thereon, provided for in said obligation, and such default shall constitute for a period of ninety days, or if default shall be made in the payment of any license tax imposed by said act and becoming due and payable by any distributor executing said obligation, subsequent to the filing thereof, the State Controller shall proceed to collect all installments provided for in said obligation and then unpaid, whether due or not due, with interest thereon at the rate aforesaid from January 1, 1935, to the date of such collection, in any manner provided in said act in respect to other license taxes becoming delinquent thereunder, and the total amount so to be collected by reason of default as aforesaid shall be a lien upon all property of any distributor executing the obligation hereinbefore provided for, with the same force and effect as if said amount had accrued as a license tax upon motor vehicle fuel distributed in the month preceding such default under the terms and provisions of said act, but nothing herein contained shall be construed or shall operate to release any property from any lien created by said act for or in respect to any license tax the collection of which is postponed or authorized to be postponed hereunder, and in the event of default as hereinbefore stated the remedies herein provided shall be cumulative and in addition to any other remedies which may be provided by law for the collection of such delinquent license tax. Whenever used in this section, unless the context otherwise indicates, the word "tax" shall include any penalties, interest, or both accruing or accrued in respect thereto, and the word "distributor" shall include any receiver, or trustee in bankruptcy, executing the obligation herein provided for."

Amendment No. 4.

On page 9, line 19, of the printed bill, strike out "8", and insert in lieu thereof the following: "9".

Amendment No. 5.

On page 9, line 27, of the printed bill, after "penalties", insert the following: "and payment of delinquent taxes, interest and penalties by installments".

Amendment No. 6.

On page 9, line 28, of the printed bill, strike out the comma following "property", and insert in lieu thereof the following: "and".

Amendment No. 7.

On page 9, line 29, of the printed bill, strike out "and thereby add", and insert in lieu thereof the following: "or to protect their business and pay taxes which otherwise would be lost, thereby adding".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 595—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property,

providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 42—An act to amend sections 4 and 5 of the Bond and Corporation Franchise Tax Act, relating to taxes of banks, corporations, and public service companies, including the rates thereof, and the extension thereof to companies other than insurance companies specified in Section 11 of Article XIII of the Constitution of this State.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 42 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, after the word "4," insert "4a".

Amendment No. 2.

On page 1, line 1, of the title of the printed bill, strike out the word "4," and insert in lieu thereof the word "4a".

Amendment No. 3.

On page 1, line 6, of the printed bill, strike out the period, and add the following: ", and to provide that this act shall take effect immediately."

Amendment No. 4.

On page 1 of the printed bill, strike out lines 1 to 24, both inclusive, and strike out all of pages 2 and 3, of said bill, and insert in lieu thereof the following:

SEC. 4. (1) Every financial corporation doing business within the limits of this State, taxable under the provisions of section 16 of Article XIII of the Constitution of this State, shall annually pay to the State for the privilege of exercising its corporate franchise within this State a tax according to or measured by its net income, to be computed in the manner hereinafter provided, upon the basis of its net income for the next preceding fiscal or calendar year or the rate provided for in section 4a hereof.

(2) Each such financial corporation shall be entitled to an offset against said franchise tax, in the manner hereinafter provided, in the amount of taxes paid upon its personal property to any county, city and county, city, town or other political subdivision of the State; provided, however, that the tax on such financial corporation after the allowance of offset shall not be less than three and one-fourth per centum of its net income for the preceding fiscal or calendar year or less than twenty-five dollars.

(3) With the exception of financial corporations, every corporation doing business within the limits of this State and not expressly exempted from taxation by the provisions of the Constitution of this State or by this act, shall annually pay to the State, for the privilege of exercising its corporate franchise within this State, a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, at the rate of eleven and one-fourth per centum upon the basis of its net income for the next preceding fiscal or calendar year. In any event, each such corporation shall pay annually to the State for the said privilege a minimum tax of twenty-five dollars.

(4) Any corporation organized to hold the stock or bonds of any other corporation or corporations, and not trading in such stock or bonds or other securities bought and engaging in no other activities than the receipt and disbursement of dividends from such stock or interest from such bonds, shall not be considered a corporation doing business in this State for the purposes of this act.

(5) Every corporation not otherwise taxed in pursuance of this section, and not expressly exempted by the provisions of this act or the Constitution of this State shall pay annually to the State a tax of twenty-five dollars.

(6) In any event any corporation organized for religious, charitable, social, scientific, educational, recreational, literary, fraternal or civic purposes if its organization or activities are not designed for, or result in no financial or pecuniary gain or profit to the stockholders or members thereof, shall not be taxed under this act.

(7) Taxes under this section and under sections 1 and 2 of this act shall accrue on the first day of the "taxable year," as defined in section 11 hereof.

(8) The provisions of this subsection, together with all other provisions of this act shall apply, in the case of banks or corporations reporting on a calendar year basis, to taxable years beginning after December 31, 1934. Provided however, that the tax for taxable years beginning prior to January 1, 1935, and ending during the calendar year 1935, shall be adjusted in accordance with the provisions of subdivision (d) of section 12 of this act. Any tax, for a taxable year specified in this subsection, in addition to that disclosed by the return, made necessary solely by amendments to this act, shall be due and payable within ten days from the date of notice and demand from the commissioner, or on or before the fifteenth day of the ninth month following the close of the income year, as defined in section 11 of this act, whichever is later. If not so paid, interest shall be added thereto pursuant to the provisions of subdivision (c) of section 24 of this act. Such tax shall not be considered a deficiency assessment within the meaning of section 25 of this act.

Whenever any tax is paid under this act, and by reason of amendments to this act, such payment exceeds the amount properly payable, such excess shall be refunded or credited to the bank or corporation, as provided in section 27 of this act.

SEC. 2. Section 4a of said act is hereby amended to read as follows:

SEC. 4a. The rate of tax on National banking associations and other banks and financial corporations mentioned in sections 1, 2 and 4 of this act shall be a percentage equal to the percentage of the total amount of net income, allocable to this State, of every corporation taxable under subdivision (3) of section 4 of this act, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this State as franchise taxes according to or measured by such net income, and required to be paid to this State or its political subdivisions as personal property taxes during the preceding calendar year or fiscal years ended in such calendar year. The percentage of the net income of every corporation taxable under subdivision (3) of section 4 of this act, required to be paid to this State or its political subdivisions in personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less eleven and one-fourth per cent thereof, bears to the total amount of net income of such corporations, allocable to California, increased by the amount of such personal property taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes required to be paid by such corporation to this State or its political subdivisions during the preceding calendar year or fiscal years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

The commissioner, after public hearing and opportunity given to examine the data on which his determination is based, shall determine not later than the thirty-first day of December of each year the average percentage of net income above specified, and shall forthwith mail notice of his determination and the amount of tax payable on the basis of such determination to all banks and financial corporations affected thereby, but such determination shall not be considered a deficiency assessment within the meaning of section 25 hereof.

If it be judicially determined that the rate of tax on any bank or corporation is higher than is authorized by law such bank or corporation shall be relieved of liability for any tax imposed by this act only to the extent of the excess beyond that legally authorized.

SEC. 3. Section 23 of said act is hereby amended to read as follows:

SEC. 23. On or before the fifteenth day of the third month following the close of the income year, as defined in section 11 hereof, there shall be due and payable, from every National banking association, every other bank, and every financial corporation, of the classes mentioned in sections 1, 2, and 4 of this act, as a first installment of the tax on such banks and financial corporations, a percentage of their net income as disclosed by the return, which is equal to that percentage of the net income of corporations of the classes referred to in subdivision (3) of section 4 of this act, which is required to be paid to the State as a franchise tax according to or measured by net income, except that the first installment of the tax on financial corporations shall not be less than the minimum of twenty-five dollars.

On or before the fifteenth day following the mailing of notice of the commissioner's determination of the average percentage of net income of corporations of the classes referred to in subdivision (3) of section 4 of this act, required to be paid to the State or its political subdivisions in franchise and personal property taxes as provided in section 4a of this act, or on or before the fifteenth day of the ninth month following the close of the income year as defined in section 11 hereof, whichever is later, there shall be due and payable from every such banking association, bank, and financial corporation, as a second installment of the tax on such banks and financial corporations, a percentage of their net income as disclosed by the return which is equal to the percentage of the net income of corporations of the classes referred to in subdivision (3) of section 4 of this act required to be paid to the State or its political subdivisions as personal property taxes as determined by the commissioner.

In the case of corporations of the classes referred to in subsection (d) of section 4 of this act, one-half the amount of tax assessed by the taxing agent on and payable as a first installment of the tax on such corporations, can be before the fifteenth day of the third month following the close of the taxable year, as defined in section 11 hereof. The balance of the tax shall be due and payable in a second installment, on or before the fifteenth day of the sixth month following the close of the income year. A tax imposed by this act on any corporation assessed may be paid at the election of the taxpayer, prior to the date assessed for the purposes.

Where an extension of time for filing returns has been granted by the commissioner under the provisions of section 15 of this act, the first installment shall be paid prior to the expiration of such extension.

If the first installment of the tax is not paid on or before the date then, by the due date as extended by the commissioner, it shall be delinquent and a penalty of fifteen per centum added thereto. If the second installment is not paid on the date it is due and payable, it shall be delinquent and a penalty of five per centum added thereto. At the time of the delinquency of the second installment an additional penalty of five per centum shall be added to the first installment before said installment has theretofore been paid.

All taxes and interest imposed under this act must be paid to the commissioner at Sacramento in the form of remittances payable to the Treasurer of the State of California, and he shall transmit said payments daily to the State Treasurer.

All moneys received by the State Treasurer shall be deposited by him in a separate fund in the State treasury, to be designated the fund and accounting fund for tax fund, and moneys in said fund shall upon the order of the State Treasurer be transferred into the general fund of the State, or upon themselves for the purpose of refunding to taxpayers hereunder.

SEC. 4. If any section, subsection, clause, sentence or phrase of this act shall be reasonably separable from the remaining portions of this act so far as content held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

SEC. 5. This act, inasmuch as it provides for tax liens for the usual current expenses of the State, shall, under the provisions of section 4 of Article IV of the Constitution, take effect immediately.

Bill read second time, ordered to reprint, and referred to Committee on Revenue and Taxation.

Senate Bill No. 783—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, to provide for the disposition of the revenues therefrom, to make an appropriation for the administration hereof, and to provide that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 783 were read and adopted:

Amendment No. 1.

On page 2, line 18, of the printed bill, after the word "upon", insert the word "all".

Amendment No. 2.

On page 2, line 20, of the printed bill, strike out "property located or business transacted", and insert in lieu thereof the word "sources".

Amendment No. 3.

On page 2, line 20, of the printed bill, strike out the word "the", and insert in lieu thereof the word "this".

Amendment No. 4.

On page 2, line 28, of the printed bill, after the word "upon", insert the word "all".

Amendment No. 5.

On page 2, lines 30 and 31, of the printed bill, strike out "from property located, or business transacted", and insert in lieu thereof the word "sources".

Amendment No. 6.

On page 2, line 31, of the printed bill, strike out the word "the", preceding the word "State", and insert in lieu thereof the word "this".

Amendment No. 7.

On page 2, line 31, of the printed bill, strike out the word "amounts", strike out all of line 32, and strike out the words "provisions of section 12 (b)", in line 33, and insert in lieu thereof "rates provided in subsection (b) of section 12".

Amendment No. 8.

On page 2, line 33, of the printed bill, strike out the word "said", and insert in lieu thereof the words "the Federal".

Amendment No. 9.

On page 2, line 33, of the printed bill, after the word "which", insert the word "subsection".

Amendment No. 10.

On page 2, line 52, of the printed bill, strike out the word "subsections", and insert in lieu thereof the word "subdivisions".

Amendment No. 11.

On page 3, line 7, of the printed bill, strike out the word "to", and after the word "clearly", insert the word "to".

Amendment No. 12.

On page 3, lines 14 and 15, of the printed bill, strike out "subsections a, b and d of section 111 and section 113 (b)", and insert in lieu thereof "sections 111, 112 and 113".

Amendment No. 13.

On page 3, line 16, of the printed bill, insert after the word "which", the word "sections".

Amendment No. 14.

On page 3, line 17, of the printed bill, strike out "set for fully herein.", and insert in lieu thereof the following: "fully set forth herein; provided, however, that for the purposes of this act, the word "commissioner" in said sections shall be deemed to mean "State board" and the words "with the approval of the secretary" in said sections shall be deemed omitted."

Amendment No. 15.

On page 3 of the printed bill, strike out lines 18 to 52, both inclusive, and on page 4, strike out lines 1 to 32, both inclusive, and insert in lieu thereof, the following:

"(e) In the case of sales or exchanges of capital assets, the gain or loss shall be taken into account in computing net income in the manner provided in section 117 of said Revenue Act of 1934 which section and the sections of said Revenue Act of 1934 referred to therein are hereby referred to and incorporated with the same force and effect as though fully set forth herein.

(f) In the case of taxpayers other than residents the gross income includes only the gross income from sources within this State. Gross income from sources within and without this State shall be allocated and apportioned under rules and regulations to be prescribed by the State board."

Amendment No. 16.

On page 4, line 33, of the printed bill, after the word "computing", insert the word "net".

Amendment No. 17.

On page 4, line 35, of the printed bill, strike out "b," "e," "h," and "j,".

Amendment No. 18.

On page 4, line 36, of the printed bill, strike out the word "the", and insert in lieu thereof the word "said".

Amendment No. 19.

On page 4, line 37, of the printed bill, strike out "provisions thereof", and insert in lieu thereof "sections referred to therein".

Amendment No. 20.

On page 4 between lines 39 and 40 of the printed bill, insert the following:

"(b) That portion of the total interest paid or accrued within the taxable year on indebtedness that the total taxable income of the taxpayer bears to the total income of the taxpayer from all sources, provided, however, that no deduction shall be allowed or taken for interest paid or accrued within the taxable year on indebtedness incurred or continued to purchase or carry obligations, the interest upon which is wholly exempt from taxes imposed by this act."

Amendment No. 21.

On page 4, line 40, of the printed bill, strike out "(b)", and insert in lieu thereof "(c)".

Amendment No. 22.

On page 5 of the printed bill, strike out lines 1 to 6, both inclusive, and insert in lieu thereof the following:

"(d) Losses sustained during the taxable year and not compensated for by insurance or otherwise:

1. if incurred in trade or business; or
2. if incurred in any transaction entered into for profit, though not connected with the trade or business; or
3. if property not connected with the trade or business, if the loss grows from fire, storm, shipwreck, or other casualty, or from theft.

The basis for determining the amount of depletion for losses sustained, to be allowed under this section, shall be the adjusted basis provided in section 2 of this act for determining the loss from the sale or other disposition of property."

Amendment No. 23.

On page 5, line 7, of the printed bill, strike out "(d)" and insert in lieu thereof "(e)".

Amendment No. 24.

On page 5, line 20, of the printed bill, strike out "(e)" and insert in lieu thereof "(f)".

Amendment No. 25.

On page 5 of the printed bill, strike out the portion of line 24 following the word "extent", and strike out line 27 and insert in lieu thereof the following: "provided in subdivision (d) of section 117 of the said Revenue Act of 1924 which said division is hereby referred to and incorporated with the same force and effect as though fully set forth herein."

Amendment No. 26.

On page 5, line 22, of the printed bill, strike out "(f)" and insert in lieu thereof "(g)".

Amendment No. 27.

On page 5 of the printed bill, strike out lines 39 to 45, both inclusive, and insert in lieu thereof the following:

"(h) In the case of income and gain from other taxable business and trades, a reasonable allowance for depletion and for accumulation of depreciation, according to the peculiar conditions of each case, such reasonable allowance shall first be made under rules and regulations to be prescribed by the Senate. In any case in which it is ascertained as a result of continuous or of discontinuous work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate shall not be the basis for depletion, when it is revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases the deductions shall be equitably apportioned between the lessee and the owner. In the case of payment, held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable depletion shall be apportioned between the income beneficiaries and the trustee in conformity with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income distributable to each. The percentage of depletion allowable under this subsection shall be computed in accordance with the provisions of subdivisions (3) and (4) of subsection (b) of section 114 of said Revenue Act of 1924 which subdivisions and the sections of said Revenue Act referred to therein are hereby referred to and incorporated with the same force and effect as though fully set forth herein."

(i) The basis upon which depletion, exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be as provided in section 114 of said Revenue Act of 1924 which section and all sections of said Revenue Act referred to therein are hereby referred to and incorporated with the same force and effect as though fully set forth herein, provided, however, that the word "commissioner" in said sections shall be deemed to mean "State board" and the words "with the approval of the secretary" shall be deemed omitted."

Amendment No. 28.

On page 5, line 46, of the printed bill, strike out "(h)" and insert in lieu thereof "(j)".

Amendment No. 29.

On page 5 of the printed bill, indent all of lines 48 to 52, both inclusive.

Amendment No. 30.

On page 6 of the printed bill, indent all of lines 1 to 18, both inclusive, and indent that portion of line 19 ending with "animals;"

Amendment No. 31.

On page 6, line 19, of the printed bill, begin a new line, not indented, with the words "to an amount which in all the".

Amendment No. 32.

On page 6, line 27, of the printed bill, strike out "(b)", and insert in lieu thereof "(j)".

Amendment No. 33.

On page 6, line 31, of the printed bill, strike out "(h)", and insert in lieu thereof "(j)".

Amendment No. 34.

On page 6, line 32, of the printed bill, after the word "applicable," add the following: "In the case of a taxpayer other than a resident the deductions under this subdivision shall be allowed only as to contributions or gifts made to corporations or associations incorporated by or organized under the laws of this State or to the vocational rehabilitation fund above mentioned or to this State or any political subdivision thereof for exclusively public purposes.

(k) In the case of any taxpayer the deductions permitted by subsection (a) of section 23 of said Revenue Act of 1934 and referred to and incorporated by subsection (a) of this section of this act, shall not be allowed if, and to the extent that they are connected with the production of income not taxable under this act, and proper apportionment and allocation of such deductions with respect to taxable and nontaxable income shall be determined under rules and regulations to be prescribed by the State board.

(l) In the case of a taxpayer other than a resident the deductions allowed by this section shall unless otherwise provided in this section be allowed only if and to the extent that they are connected with the income arising from sources within this State and taxable under this act to a nonresident taxpayer, and the proper apportionment and allocation of the deductions with respect to sources of income within and without the State shall be determined under rules and regulations to be prescribed by the State board."

Amendment No. 35.

On page 6, line 35, of the printed bill, after the word "of", insert the following: "section 24 of".

Amendment No. 36.

On page 6, line 35, of the printed bill, after the word "which", insert the word "subsections".

Amendment No. 37.

On page 6 of the printed bill, strike out all of lines 46 to 51, both inclusive, and on page 7 of the printed bill, strike out all of lines 1 to 7, both inclusive, and insert in lieu thereof the following: "A credit for earned income as provided in subdivisions 4 and 5 of subsection (a) of section 25 of said Revenue Act of 1934 which subdivisions and the sections referred to therein are hereby referred to and incorporated with the same force and effect as though fully set forth herein."

Amendment No. 38.

On page 7, line 41, of the printed bill, strike out "of Equalization".

Amendment No. 39.

On page 8, line 8, of the printed bill, strike out the word "to", before the word "clearly", and insert the word "to", after the word "clearly".

Amendment No. 40.

On page 8, line 12, of the printed bill, insert after the word "death", the following: ", amounts accrued up to the date of his death".

Amendment No. 41.

On page 9, line 6, of the printed bill, strike out "of Equaliza-".

Amendment No. 42.

On page 9, line 7, of the printed bill, strike out "tion", and strike out "he", and insert in lieu thereof "it".

Amendment No. 43.

On page 9, line 8, of the printed bill, strike out "he", and insert in lieu thereof "it".

Amendment No. 44.

On page 9, line 16, of the printed bill, strike out "the United States", and insert in lieu thereof "this State".

Amendment No. 45.

On page 9, line 27, of the printed bill, insert a comma after the word "shall".

Amendment No. 46.

On page 9, line 28, of the printed bill, strike out "approval", and insert in lieu thereof "approval".

Amendment No. 47.

On page 10, line 22, of the printed bill, strike out "and".

Amendment No. 48.

On page 10, line 24, of the printed bill, strike out "section 161a", and insert in lieu thereof the following: "subdivisions (1), (2), (3) and (4) of subdivision (a) of section 161".

Amendment No. 49.

On page 10, line 25, of the printed bill, strike out "as", and insert in lieu thereof, "subdivisions are".

Amendment No. 50.

On page 10, line 27, of the printed bill, strike out "the".

Amendment No. 51.

On page 10, between lines 31 and 32, of the printed bill, insert the following:

"For the purposes of this section the word 'settlor' shall mean and include every creator of a trust and every decedent and when, in this section, the settlor is spoken of as a resident or a nonresident the same shall be taken to signify a resident who upon his or her death is a resident or a nonresident as the case may be.

The taxable income of the estate or trust shall include the following:

(1) The income from real property and tangible personal property located and from business transacted in this State.

(2) The income from intangible property with a situs in this State.

(3) The income from real property and tangible personal property located outside this State and the income from intangible property with a situs outside this State in the following cases:

(a) Where the beneficiary and the fiduciary and the settlor are all residents of this State.

(b) Where the beneficiary and the fiduciary are residents of this State regardless of the residence of the settlor.

(c) Where the beneficiary and the settlor are residents of this State regardless of the residence of the fiduciary.

(d) Where the beneficiary is a resident of this State regardless of the residence of the fiduciary and the settlor.

(e) Where the fiduciary is a resident of this State regardless of the residence of the beneficiary and the settlor.

(f) Where the settlor is a resident of this State regardless of the residence of the beneficiary and the fiduciary.

(g) Where the fiduciary and the settlor are residents of this State regardless of the residence of the beneficiary.

Where the taxability of income under this section depends on the residence of the fiduciary and there are two or more fiduciaries for the estate or trust, the income taxable under this section shall be apportioned according to the number of fiduciaries resident in this State, such apportionment being determined according to rules and regulations prescribed by the State board.

Where the taxability of income under this section depends on the residence of the beneficiary and there are two or more beneficiaries for the estate or trust, the income taxable under this section shall be apportioned according to the number of beneficiaries resident in this State, such apportionment being determined according to rules and regulations prescribed by the State board."

Amendment No. 52.

On page 10, line 33, of the printed bill, after the word "the", and before the word "manner", insert the word "same", and after the word "the", and before the word "basis", insert the word "same".

Amendment No. 53.

On page 10 of the printed bill, strike out all of that portion of line 33 following the word "basis", and strike out lines 34 to 36, both inclusive, and insert in lieu thereof the following: "as in the case of an individual taxpayer except that

(a) There shall be allowed as a deduction (in lieu of the deductions authorized by subdivision (c) of section 6 of this act) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in subdivision (i) of section 6, or is to be used exclusively for religious, charitable, literary, scientific, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not for profit.

(b) There shall be allowed as an additional deduction in computing the net income of the estate or trust, the amount of income of the estate or trust for its

taxable year which is distributed currently by the fiduciary to the beneficiaries, and the amount of income collected by a guardian of an infant which is to be held or distributed as the court may direct; but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under paragraph (c) of this section in the same or any succeeding taxable year. In the case of the income of a beneficiary not a resident derived through such an estate or trust, such income shall be taxable only to the extent provided in subdivision (f) of section 5 of this act.

(c) In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of income of the estate or trust for its taxable year, which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary. In such cases the income of the legatee, heir, or beneficiary not a resident shall be taxable only to the extent provided in subdivision (f) of section 5 of this act."

Amendment No. 54.

On page 10 of the printed bill, strike out all of that portion of line 38 following the word "allowed", and strike out lines 39 to 41, both inclusive, and insert in lieu thereof the following: "The same personal exemption as is allowed to a single person under subdivision (1) of subsection (b) of section 8 of this act."

Amendment No. 55.

On page 10 of the printed bill, strike out all of that portion of line 49 following the word "employer", and strike out lines 50 and 51, and insert in lieu thereof the following: "as a part of a stock bonus, pension, or profit-sharing plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employer, or employees, or both, for the purpose of distributing to such employees the earnings and principal of the fund accumulated by the trust in accordance with such plan, shall not be taxable under section 16 of this act, but the amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by him."

Amendment No. 56.

On page 11 of the printed bill, strike out lines 1 and 2.

Amendment No. 57.

On page 11, line 4, of the printed bill, after the word "act", insert the following: "of 1934".

Amendment No. 58.

On page 11, line 8, of the printed bill, after the word "act", insert the following: "of 1934".

Amendment No. 59.

On page 11 of the printed bill, strike out lines 11 to 28, both inclusive, and insert in lieu thereof the following:

"SEC. 23. Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity and there shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year. The net income of the partnership shall be computed in the same manner and on the same basis as in the case of an individual.

SEC. 24. The partner shall for the purpose of the normal tax, be allowed as a credit against his net income, the credits allowed under section 8 of this act.

SEC. 25. Every partnership shall make a return for each taxable year stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

If the taxable year of a partner is different from that of the partnership, the distributive share of the net income of the partner for his taxable year shall be based upon the net income of the partnership for any taxable year of the partnership (whether beginning on, before, or after January 1, 1934) ending within the taxable year of the partner."

Amendment No. 60.

On page 12, between lines 41 and 42, of the printed bill, insert the following:

"The State board whenever it deems it necessary to insure compliance with the provisions of this act, may under rules and regulations prescribed by it, require any individual, partnership, corporation, joint stock company or association or

insurance company, including lessors or mortgagee and employees of the State or of any political subdivision of the State having authority to grant, renew, suspend or payment of interest (other than interest on money payable to persons, firms, bodies, wages, premiums, annuities, compensation, contributions, contributions or other fund or determinable amount or potential gain, profit and income paid or payable to any taxpayer, to deduct and withhold the tax due from such taxpayer and make return thereof and pay the tax to the State board."

Amendment No. 61.

On page 12, line 46, of the printed bill, strike out the word "income", and insert in lieu thereof the word "taxable".

Amendment No. 62.

On page 13, line 24, of the printed bill, strike out "taxpayer", and insert in lieu thereof "taxpayer".

Amendment No. 63.

On page 13, line 28, of the printed bill, strike out the word "income", and insert in lieu thereof the word "taxable".

Amendment No. 64.

On page 13, line 31, of the printed bill, strike out the word "income", and insert in lieu thereof the word "taxable".

Amendment No. 65.

On page 14, line 22, of the printed bill, strike out the word "refunded", and insert in lieu thereof the following: "credited on any taxes then due from the taxpayer under this act, and the State board shall certify to the State Board of Control the balance thereof, and if approved by that board the same shall be returned to the taxpayer."

Amendment No. 66.

On page 14 of the printed bill, strike out all of lines 23 and 24.

Amendment No. 67.

On page 15, line 8, of the printed bill, strike out "of Equalization".

Amendment No. 68.

On page 16, line 37, of the printed bill, after "Sec. 27" and before the word "No", insert the following as separate paragraphs:

"Upon notice of the State board that any person is acting in a fiduciary capacity such fiduciary shall assume the powers, duties, and liabilities of the taxpayer in respect of any tax imposed by this act (except as otherwise provided, provided and except that the tax shall be collected from the estate of the taxpayer), and notice is given that the fiduciary capacity has terminated."

Notice under this section shall be given in compliance with rules and regulations prescribed by the State board."

Amendment No. 69.

On page 17, line 39, of the printed bill, strike out "compromised", and insert in lieu thereof "compromise".

Amendment No. 70.

On page 18, line 6, of the printed bill, after the word "taxpayer", insert the following: "after paying the tax assessed against him under this act".

Amendment No. 71.

On page 18 of the printed bill, strike out all of lines 15 and 16, and all that portion of line 17 preceding the word "It", and insert in lieu thereof the following: "shall certify to the State Board of Control the amount if any balance or excess of what was legally due, from when it was collected, or by whom, paid and if approved by that board the same shall be credited to any taxes then due from the taxpayer under this act and the balance shall be refunded to the taxpayer."

Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of six per centum per annum as follows: (1) In the case of credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this act. (2) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the State board.

Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the rate of six per centum per annum from the date the refund was made or the credit allowed, in an action brought by the Controller of the State in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, and such actions shall be tried in the county of Sacramento unless the court with the consent of the Attorney General orders a change of place of trial. The Attorney General must prosecute such action, and

the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for.

In the event that a tax has been illegally levied against a taxpayer the State board shall certify such fact to the State Board of Control and said board shall authorize the cancellations of the tax upon the records of the board."

Amendment No. 72.

On page 18, line 17, of the printed bill, begin a paragraph with the word "If".

Amendment No. 73.

On page 18, line 30, of the printed bill, after the word "section", insert the numeral "34".

Amendment No. 74.

On page 18, line 48, of the printed bill, strike out "of Equalization".

Amendment No. 75.

On page 19, line 17, of the printed bill, after "created", insert the following: "Moneys in said fund shall upon the order of the State Controller, be transferred into the general fund of the State, or drawn therefrom for the purpose of refunding to taxpayers hereunder."

Amendment No. 76.

On page 19 of the printed bill, between lines 39 and 40, insert the following:

"Sec. 45. If the State board finds that a taxpayer designs quickly to depart from this State or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the State board shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing the return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section the finding of the State board, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of the taxpayer's design.

SEC. 46. It shall be unlawful for any person to agree or contract directly or indirectly to pay or assume or bear the burden of any tax payable by any taxpayer under the provisions of this act. Any such contract or agreement shall be null and void and shall not be enforced or given effect by any court."

Amendment No. 77.

On page 19, line 40, of the printed bill, strike out "45", and insert in lieu thereof "47".

Amendment No. 78.

On page 19, line 42, of the printed bill, strike out "46", and insert in lieu thereof "48".

Amendment No. 79.

On page 19 of the printed bill, after line 49, insert the following:

"SEC. 49. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

The taxes imposed by this act shall apply to the net income of persons taxable hereunder received or accrued on and after January 1, 1935."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 129—An act to amend section 1208 of the Political Code, relating to illiterate or helpless voters.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 18 were read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, after the words "wood is large" insert the following: "owned by the seller".

Amendment No. 2.

On page 1, line 2, of the printed bill, after the word "such", insert the word "burlap".

Amendment No. 3.

On page 1, line 4, of the printed bill, after the word "and", insert the word "burlap".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 892—An act to amend section 1989 of the Code of Civil Procedure, relating to witnesses.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 681—An act confirming and validating the consolidation of irrigation districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Re-reference of Senate Bills Nos. 576, 577, 593 and 594.

Senator Duval moved that Senate Bills Nos. 576, 577, 593 and 594, on file, be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

Withdrawal and Re-reference of Senate Bills Nos. 54 and 55.

Senator Garrison moved that Senate Bills Nos. 54 and 55 be withdrawn from Committee on Motor Vehicles, placed on file for the purpose of adoption of amendments, and be re-referred to Committee on Motor Vehicles.

Motion carried, and Senate Bills Nos. 54 and 55 were ordered on file for second reading.

Second Reading of Senate Bills—(Resumed).

Senate Bill No. 54—An act to add section 590 of the Vehicle Code, relating to motor vehicles stopping on highways.

Amendments from the Floor.

During second reading of Senate Bill No. 54, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "section 590", and insert in lieu thereof the following: "sections 590, 590.1, 590.11, 590.12 and 590.13".

Amendment No. 2.

Strike out line 2 of the title of the printed bill, and insert in lieu thereof the following: "the carrying and use of warning signals by certain motor vehicles operating upon, or stopped upon, highways."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 17, inclusive, and insert in lieu thereof the following:

"SECTION 1. Sections 590, 590.1, 590.11, 590.12 and 590.13 are hereby added to the Vehicle Code to read as follows:

590. Warning Signals to be Carried and Used by Stopped Vehicles. Every motor vehicle used for the carriage of passengers for hire or any motor truck or commercial motor vehicle, operated on any highway outside the corporate limits of any city or town, shall be equipped with and at all times carry at least three flares, or electric lanterns or other electric signals, and at least three red flags. No person operating such a vehicle shall stop the same on the traveled portion of any highway outside of the corporate limits of any city or town, except when complying with traffic requirements, unless the provisions of section 590.1 and 590.11 are complied with. This section applies to vehicles which by accident or otherwise are disabled on a highway.

590.1. Manner of Displaying Warning Signals. The driver of any vehicle described in section 590, which is stopped, shall cause lighted warning signals to be displayed in a prominent position above the surface of the highway at a distance of approximately one hundred feet in advance of such vehicle and a similar distance to the rear of such vehicle. A third warning signal shall be placed on the roadway side of such vehicle. All warning signals shall be visible for a distance of at least five hundred feet.

590.11. Construction and Time of Use of Warning Signals. The warning signals referred to in section 590.1 shall be constructed and used as follows:

(a) Between one-half hour after sunset and one-half hour before sunrise, or when the weather conditions are such as to produce low visibility, the warning signals displayed shall be either:

(1) A brilliant flare capable of continuously burning, without appreciable diminution of light produced, for a period of at least twelve hours.

(2) Red electric lanterns or other electric signals capable of meeting the light requirements for flares.

(3) Red reflectors, or electric devices, shall be used by motor vehicles or motor trucks which are transporting inflammables, in lieu of flares, as the third warning signal on the roadway side of such vehicle.

(b) Between one-half hour before sunrise and one-half hour after sunset, when visibility permits, the warning signals shall be red flags.

590.12. Testing of Warning Signals by Department. Every flare, lantern, signal, reflector, or flag shall be of a type approved by the department. The department shall test all such warning devices and publish lists of those devices which have been approved as adequate for the purposes intended.

590.13. Construction of Certain Sections Re Warning Devices. Sections 590, 590.1, and 590.11 are in addition to the provisions of this chapter relating to vehicles stopped upon a highway and are not intended to supersede such provisions."

Bill read second time, ordered to reprint, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 55—An act to add section 676.5 to the Vehicle Code, relating to safety glass on automobiles.

Amendments from the Floor.

During second reading of Senate Bill No. 55, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out section 676.5, and insert in lieu thereof the following: "Sections 676.5, 676.51, 676.52, 676.53, 676.54 and 676.55".

Amendment No. 2.

In line 2 of the title of the printed bill, strike out "automobiles", and insert in lieu thereof the following: "motor vehicles".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Sections 676.5, 676.51, 676.52, 676.53, 676.54 and 676.55 are hereby added to the Vehicle Code to read as follows:

676.5. Safety Glass Required. On and after October 1, 1935, except as otherwise provided in section 676.52, it is unlawful to operate on any public highway in this State, any motor vehicle registered in this State, which has been manufactured or assembled on or after October 1, 1935, unless such motor vehicle is equipped with safety glass wherever glass is used in partitions, doors, windows, or windshields.

676.51. Safety Glass Defined. The term "safety glass," as used in this code, means glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass the likelihood of injury to persons by objects from external sources or by glass when the glass is cracked or broken.

676.52. When Safety Glass Not Required. The provisions of section 676.5 do not apply to any motor vehicle other than a motor truck of less than eight passenger seating capacity which is not used for carrying passengers for hire, or to any truck used by a farmer principally for transporting farm products, equipment or materials to or from his farm, if such motor vehicle is used, has been registered previously in another State by the owner while the owner was a bona fide resident of the said other State.

676.53. Department to Approve Glass. The department shall prepare and maintain a list of the approved types of glass, containing its composition, specifications, tests and requirements for safety glass as defined in section 676.51, and shall not register any motor vehicle subject to the provisions of section 676.5 unless such motor vehicle is equipped with such approved type of safety glass.

676.54. Statement Re Glass Required on Transfer of Vehicle. Every application for original registration or transfer of registration shall be accompanied by an affidavit of the transferor of the vehicle reciting the type or brand used on the partitions, doors, windows and windshields thereof, together with the fact the vehicle was manufactured or assembled.

676.55. Penalties for Violations. The owner or operator of any motor vehicle which is operated in violation of the provisions of section 676.5 is guilty of a misdemeanor punishable by a fine of twenty five dollars or by imprisonment for ten days or both. In case of the violation of the provisions of section 676.5 by any common carrier under the jurisdiction of the Railroad Commission, the violation of public convenience and necessity caused by such carrier shall be treated as, in the discretion of the Railroad Commission, warranted upon the provisions of section 676.5 are complied with.

Bill read second time, ordered to reprint, and re-referred to Committee on Motor Vehicles.

Withdrawal and Re-reference of Senate Bills Nos. 748 and 751.

Senator Crittenden moved that Senate Bills Nos. 748 and 751 be withdrawn from Committee on County Government, and be referred to Committee on Judiciary.

Motion carried, and such was the order.

Withdrawal and Re-reference of Senate Bills Nos. 749 and 750.

Senator Crittenden moved that Senate Bills Nos. 749 and 750 be withdrawn from Committee on County Government, and be referred to Committee on Judiciary.

Motion carried, and such was the order.

Withdrawal and Re-reference of Senate Bills Nos. 752, 754 and 755.

Senator Crittenden moved that Senate Bills Nos. 752, 754 and 755 be withdrawn from Committee on Revision of Criminal Law and Procedure, and be referred to Committee on Judiciary.

Motion carried, and such was the order.

Second Reading of Assembly Bills.

Assembly Bill No. 1694—An act to amend section 352 of the Political Code, relating to State officers and employees.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 1694 was read and adopted:

Amendment No. 1.

On page 1, line 9, of the printed bill, strike out the word "has", and insert in lieu thereof the following: "and expenses have".

Bill read second time, ordered to reprint, and ordered on file for third reading.

Assembly Bill No. 1120—An act to amend sections 1, 3, 9, 12a, 15, 19, 20a and 20b and to add sections 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 9a,

9e, 12b, 20b, 20c, 20d, 20e, 20f, 20g, 20h, 20i, 20j and 20k to the California Real Estate Act, relating to the creation of the Real Estate Board and prescribing the powers and duties thereof, to the regulation and licensing of real estate brokers and salesmen, and to the inspection and regulation of subdivisions.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1120 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, as amended, strike out "20a and 20b", and insert in lieu thereof the following: "and 20a, to amend and renumber section 20b to be section 20k,".

Amendment No. 2.

In line 2 of the title of the printed bill, as amended, after "9a," insert the following: "9b,".

Amendment No. 3.

In line 3 of the title of the printed bill, as amended, strike out "20j and 20k", and insert in lieu thereof the following: "and 20j".

Amendment No. 4.

On page 9, line 36, of the printed bill, as amended, strike out ", as it now exists,".

Amendment No. 5.

On page 9, line 36, of the printed bill, as amended, insert after "hereby", the following: "renumbered to be section 20k and".

Bill read second time, ordered to reprint, and ordered on file for third reading.

Assembly Bill No. 1693—An act to add section 2.1 to an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to twelve rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," relating to the State Athletic Commission.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1779—An act to amend section 462 of the Political Code, relating to unclaimed money of the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1793—An act to add section 690.11 to the Political Code, relating to fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1970—An act authorizing the creation of a personnel system, merit system or civil service system; the creation of the office of personnel director; the appointment of a Civil Service Commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1991—An act to repeal section 658a of the Political Code and to add section 658.5 thereto, relating to refunds of fees paid to the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1959—An act to add sections 306 and 306a to the Penal Code, relating to minors.

Bill read second time, and ordered on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 1468—An act to add sections 8A to 8c, and 8p to 8u, inclusive, to the Juvenile Court Law, relating to forestry camps for wards of the juvenile court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1468 passed by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1468 ordered transmitted to the Assembly.

Assembly Bill No. 637—An act to add section 21a to the Juvenile Court Law, relating to the prevention of juvenile delinquency through public councils or committees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 637 passed by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Williams—29.

NOES—None.

Title read and approved.

Assembly Bill No. 637 ordered transmitted to the Assembly.

Third Reading of Senate Bills.

Senate Bill No. 725—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 725 passed by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 725 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Banking.

SENATE CHAMBER, SACRAMENTO, March 20, 1935.

MR. PRESIDENT: Your Committee on Banking, to which was referred Senate Bill No. 514—An act relating to the administration and regulation of banks and amending an act entitled "An act to define and regulate the business of banking" known as the "Bank Act" and relating to such business,—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

TICKLE, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 133—An act to add section 3.401 to the School Code, relating to tuition fees of students in junior colleges;

Also: Senate Bill No. 569—An act to amend section 2.802 of the School Code, relating to judgments against school districts;

Also: Senate Bill No. 726—An act to provide for a uniform system of accounting in all public schools of this State, for a classification of public schools on the basis of average daily attendance, and to limit the expenditures per pupil in the elementary and high schools of this State;

Also: Senate Bill No. 797—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings;

Also: Senate Bill No. 798—An act to amend section 2 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings;

Also: Senate Bill No. 886—An act to add a new section to the School Code to be numbered ----, relating to the public school system;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—15; committee vote: Ayes—8; absent—7.

JESPERSEN, Chairman.

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 2033—An act to amend the title and sections 2, 4, and 5 of an act entitled "An act regulating the payment of wages earned in seasonal labor and prescribing the powers and duties of the Commissioner of the Bureau of Labor Statistics, in relation thereto," approved May 28, 1913 (Stats. 1913, Chap. 198), relative to disputes regarding seasonal labor, and the application of the State Wage Law thereto—has had the same under consideration, and respectfully reports the same back, with amendment, and recommends that the amendment be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

OLSON, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 22, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars, requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing,

supervising or superintending and acting as to charges of the engineering but in no connection therewith, to keep the books, records and the public expenditures and estimates of cost and money expenditures, receipts and the disbursements of same thereof, and providing for the keeping of such books, disbursements and estimates as public records, approved June 21, 1929, and adding a new section thereto to be numbered 3, providing a penalty for violation of any of the provisions of that act, relating to public officers and employees subject to the same. This bill had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

HAYS, Chairman.

On Building and Construction.

SENATE CHAMBER, SACRAMENTO, March 22, 1935.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 8 of an act entitled "An act providing for the payment of an assessment, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fee for such license; providing the method of suspension and cancellation of such license; and prescribing the punishment for violation of the provisions of this act," approved June 22, 1933 as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—4; absent—3.

GORDON, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, March 22, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 388—An act amending section 2 of an act entitled "An act to authorize and empower boards of supervisors of any city and county, planning, promoting and using projects designed to preserve and to develop the agricultural, horticultural, viticultural and water resources and advantages of those several counties," approved April 17, 1929, relating to the period of time such act shall be in force and effect—

Also: Assembly Bill No. 34—An act to amend section 1300 of the Political Code by adding thereto a provision specifying the persons to be charged by constables and marshals in counties of the third class in the service of any writ, order or paper, excepting a warrant of arrest;

Also: Assembly Bill No. 1640—An act to amend section 1896 and to repeal section 3871 of the Political Code, relating to settlements between county treasurers and the State;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 552—An act to amend section 4220 of the Political Code, relating to duties of county surveyors, declaring the urgency thereof and providing the same shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

On Unemployment.

SENATE CHAMBER, SACRAMENTO, March 22, 1935.

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Senate Bill No. 694—An act to add section 609.5 to the Code of Civil Procedure, relating to exemption from attachment, garnishment, and execution of moneys paid to persons receiving relief;

Also: Senate Bill No. 696—An act to add section 530a to the Penal Code, relating to false statements to procure relief;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—11.

SEAWELL, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 21, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 7—Relative to memorializing the President and Congress to favorably consider and submit to the States an amendment to the Constitution enabling Congress to grant Federal suffrage to residents of the District of Columbia—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3; absent—2.

WAGY, Chairman.

Assembly Joint Resolution No. 7 ordered on file.

Adjournment.

On motion of Senator Rich, at twelve o'clock and forty minutes p.m., the President of the Senate declared the Senate adjourned out of respect to the memory of the late former Senator Ernest Birdsall of Auburn, California, until eleven o'clock a.m., Monday, March 25, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, March 25, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Dencl, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schotiky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, March 22, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Reindollar was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William J. Bigger of San Jose.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain E. J. Kelley of San Diego.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. H. F. Henthorne of Balboa.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Pearl Stewart, Mrs. M. R. Campbell and Mr. Eugene Jarvis of Los Angeles.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. R. H. Strosnider and Mrs. Ewing Hass of Los Angeles.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ralph Fletcher and Mrs. Edson Lloyd of Oakland.

Communication.

The following communication was received, read, ordered printed in the Journal, and referred to Committee on Finance:

S. F. No. 879—Resolution No. 16.

A Joint Resolution—Memorializing the President and Congress of the United States to amend the Federal law so as to permit the States to tax National banks upon a fair and equitable basis and requesting the States to join in a similar memorial.

WHEREAS, The several States are prohibited from taxing the property (income or shares of National banks except in the precise method prescribed by Congress (Section 5219 R. S. U. S.); and

WHEREAS, From 1866 to 1923 the only method by which Congress authorized the States to tax National banks was to tax upon their shares and during such period such shares were taxed by the States at the property rate, upon the entire basis as the property of the farmer, merchant, manufacturer and home owner, thereby securing equality of the burden of taxation among all property owners; and

WHEREAS, Said Federal statute provided that the rate of such tax should not exceed the rate imposed by the State upon other business property in the hands of individual citizens of the States invested in notes, bonds and other evidences of debt (money and credits) coming into competition with the business of banking; and

WHEREAS, Beginning in 1921 and continuing down to the present time there have been rendered various decisions of the United States Supreme Court and other Federal and State courts, construing the above limitation, the effect of which decisions has been to practically destroy the power of the States to tax the shares of National banks, it being manifestly impossible to classify such investments into those competing and those not competing with the business of National banks. It is also clearly evident that there is no similarity or relationship between shares in a National bank which have a right to share in the profits of a going business arising from the income from all the deposits in the bank as well as the capital invested in shares, and also to share in the income received from other activities of such bank and a debt evidenced by a note or bond, the income from which is limited to the interest provided therein. It is absurd to claim that for purposes of taxation such wholly different types of property should be treated precisely alike; and

WHEREAS, Although the Federal act in form permits States to tax the net income of banks or to levy a tax measured by or according to such net income, such method is entirely and wholly unjust, inequitable and inadequate. Because, first, when such method is used by a State it is in lieu of all other forms of taxation. Second, any such bank is entirely tax free unless it makes a net profit, whereas all other persons, owners of property, must pay a tax whether they make a profit or loss. This places the National banks in a privileged class and exempts them from paying any share of the public burdens during the period when they do not make a net profit, thus shifting their share of the tax burden upon other property owners. Third, in all the States where the net income, or measured by net income methods have been used, the shrinkage in taxes collected from banks have ranged from 66 2/3 per cent to 90 per cent, as compared to former tax collections under the share tax plan; and

WHEREAS, Because of the decisions of courts holding void taxes upon the shares of National banks the whole matter of taxing banks, both National and State, has been thrown into great confusion, many of the States have been persuaded to abandon the share method of taxing banks and have either adopted low millage rates of from three to five mills on the dollar of value of such stock, or have adopted the income tax, or measured by income tax methods, with the result that in the past ten years the total tax of National banks have been reduced from \$79,376,000 in

1922 to \$48,080,000 in 1932, notwithstanding the fact that during such period the total capital and surplus of such banks increased from \$2,356,427,000 to \$2,828,408,000, and thus during a period when taxes have increased upon all other forms of property and for all other persons, banks have secured reductions; and

WHEREAS, In March, 1927, the Supreme Court of the United States held bank taxes in Minnesota to the amount of approximately \$1,200,000 void because the rate was higher than the rate on moneys and credits and the Legislature at once established the Minnesota Bank Tax Commission for the purpose of obtaining such an amendment to the Federal law as would permit this and other States to tax bank stock upon its value as other property is taxed; said commission has in all practicable ways endeavored to secure such amendment by enlisting the cooperation of all other States and other taxing officials, by appearing before committees of the Senate and House of Representatives of Congress of the United States, by attending National tax conferences by correspondence with tax officials of all other States and by conferences with them and otherwise; and

WHEREAS, Through the efforts of the said commission and the tax officials of other States bills have been introduced at every session of Congress providing for the necessary amendments to said Federal act, and by reason of the lobby maintained by the American Bankers Association, all efforts to obtain such legislation have been unsuccessful; however, in June, 1934, the Banking and Currency Committee of the House of Representatives reported favorably upon a bill introduced by Mr. Steagall, chairman of said committee, which bill would grant to the States all the relief required. Said report is an unanswerable argument in favor of restoring to the States the power to tax bank shares upon an equitable basis, the same as they were taxed for nearly 60 years; and

WHEREAS, Bills identical with the so-called Steagall Bill have been introduced and are now pending in the Congress of the United States, and it is of the utmost importance that all of the States join in the effort to secure the passage thereof; now, therefore, be it

Resolved by the Legislature of the State of Minnesota. That the Congress of the United States, the President of the United States, are hereby respectfully and earnestly urged to so amend section 5219 R.S.U.S., that the States may tax the shares of National banks upon the ad valorem basis with no other limitation thereof except that the rate be not greater than the rate imposed upon the shares of State banks; be it further

Resolved. That all the States of the United States are hereby earnestly urged and requested to adopt resolutions similar to this resolution memorializing Congress and the President of the United States to pass such legislation and to cooperate with the State of Minnesota for the purpose of securing the enactment of such legislation until the same is secured; be it further

Resolved. That the Secretary of State of Minnesota is authorized and requested to send copies of this resolution to the President of the United States, Vice President of the United States, Speaker of the House of Representatives of the United States, and to each member of the House of Representatives from the State of Minnesota, also to send a duly authenticated copy hereof to the Presiding Officer of each house of the Legislature of all the States in the Union, and to the chairman of the Tax Committee of each house thereof.

HJALMAR PETERSEN, President of the Senate.

GEORGE W. JOHNSON, Speaker of the House of Representatives.

Passed the Senate the fourth day of March, 1935.

G. H. SPAETH, Secretary of the Senate.

Passed the House of Representatives the seventh day of March, 1935.

JOHN I. LEVIN, Chief Clerk, House of Representatives.

FLOYD B. OLSON, Governor of the State of Minnesota.

MIKE HOLM, Secretary of State.

Approved: March 11, 1935.

Filed: March 11, 1935.

I, Mike Holm, Secretary of State of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original resolution in my office of S. F. No. 879, being Resolution No. 16, Laws 1935, and that said copy is a true and correct transcript of said resolution and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in Saint Paul, this fourteenth day of March, A.D. 1935.

[SEAL]

MIKE HOLM, Secretary of State.

Communication.

Communication from the San Francisco Housewives League, Frances V. Meeker, president, offered by Senators McGovern and McCall, was received, read, and referred to Committee on Fish and Game.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 242—An act to add a new section to be numbered section 28a to an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, canals and other public property and rights of way in whole or in part, including property over which possession and right of use have been obtained under the provisions of section 14 of Article I of the Constitution and the provisions of the act within nonincorporated territory, and one or more municipalities, or lying within them or some municipalities, and for establishing and changing the grades of such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, canals, possessions or rights of way, and providing for the issuance and payment of interest-free revenue bonds to represent certain assessments for the cost thereof," and providing a method for the payment of such bonds," approved April 7, 1931, relating to assessments and bonds.

Also: Assembly Bill No. 884—An act to add a new section to the Penal Code to be numbered section 269b, relating to climbing upon trees, fences and other structures supporting wires or cables, transmitting electric energy.

Also: Assembly Bill No. 528—An act to amend sections 4750 and 4751 of the School Code, relating to the compilation of average daily attendance by school districts, declaring the urgency thereof, and providing that this act shall take effect immediately.

Also: Assembly Bill No. 1645—An act to require government reports to be forwarded to the State Department of Finance concerning bonds and bonded indebtedness.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 242 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 884 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 528 read first time, and referred to Committee on Education.

Assembly Bill No. 1645 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 463—An act to amend section 805 of the Agricultural Code, relating to possessions.

Also: Assembly Bill No. 231—An act to amend section 10 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes, to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a non-succes protest shall be a bar to any proceeding," approved June 8, 1931, relating to limitations on assessments.

Also: Assembly Bill No. 440—An act to amend section 18a of the "Street Opening Act of 1903," relating to assessments and contribution of costs by municipalities.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 463 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bills Nos. 231 and 440 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 260—An act to amend sections 12422, 12423, 12427, 12442, 12484, 12486, 12488 and 12543 of the Insurance Code and to add a new section to said code to be numbered 12490, all relating to mortgage insurers;

Also: Assembly Bill No. 1381—An act to amend section 790 and to add section 813.5 to the Agricultural Code, relating to celery;

Also: Assembly Bill No. 1244—An act to amend section 792 of the Agricultural Code, relating to avocados;

Also: Assembly Bill No. 974—An act to amend section 794 of the Agricultural Code, relating to cherries.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 260 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bills Nos. 1381, 1244 and 974 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 252—An act to amend section 499b of the Penal Code, relating to the unauthorized taking for temporary use or operation of aircraft, automobiles, bicycles, motorcycles or other vehicles;

Also: Assembly Bill No. 340—An act to amend section 691.6 of the Fish and Game Code, relating to bass;

Also: Assembly Bill No. 480—An act to amend section 1554 of the Probate Code, relating to accounts of guardians of insane persons;

Also: Assembly Bill No. 479—An act to amend section 2179 of the Political Code, relating to guardianship and administration of estates of incompetents.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 252 read first time, and referred to Committee on Aviation and Aircraft.

Assembly Bill No. 340 read first time, and referred to Committee on Fish and Game.

Assembly Bills Nos. 480 and 479 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 482—An act to amend section 810.5 of the Agricultural Code, relating to asparagus;

Also: Assembly Bill No. 305—An act to amend section 1357 of the Political Code, relating to absentee voters;

Also: Assembly Bill No. 514—An act to repeal section 3385 of the Political Code, relating to licensing of animals kept for propagation;

Also: Assembly Bill No. 258—An act to amend sections 453.2, 453.3, 453.5, 453.6, and 453.12 of the Civil Code, all relating to mortgage insurance companies.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 482 and 514 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 305 read first time, and referred to Committee on Elections.

Assembly Bill No. 258 read first time, and referred to Committee on Corporations and Financial Institutions.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 918—An act to amend sections 798 and 830 of the Agricultural Code, relating to dates.

Also: Assembly Bill No. 462—An act to amend section 809 of the Agricultural Code, relating to walnuts;

Also: Assembly Bill No. 92—An act to amend section 814 of the Agricultural Code, relating to lettuce;

Also: Assembly Bill No. 524—An act to amend sections 821 and 827 of the Agricultural Code, relating to apples.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRANK J. DRESSER, Assistant Clerk.

Assembly Bills Nos. 918, 462, 92 and 524 read first time, and referred to Committee on Agriculture and Live Stock.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 790—An act to amend the Vehicle Code by amending sections 37, 38, 66, 67 and 73; by repealing section 44; by adding sections 44, 73.5 and 76, relating to vehicles.

Also: Senate Bill No. 1018—An act to amend sections 649, 657, 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to trucks.

Also: Senate Bill No. 51—An act to amend section 441 of the Political Code, relating to rates of interest on registered warrants;

Also: Senate Bill No. 314—An act to amend sections 3817b, 3817c, 3817d, 3817e, 3817f and 3817h of, and to add sections 3817g, 3817i and 3817j to the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales, and payment in installments of delinquent real estate and motor vehicle fuel license taxes, and declaring the urgency thereof, to take effect immediately;

Also: Senate Bill No. 770—An act to amend sections 1, 2, 3, 4, 6, and 19 of an act entitled "An act defining credit unions, providing for their incorporation, persons, management and supervision," approved March 31, 1927, relating to the regulation of credit unions;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 260—An act to amend sections 2870, 2871, 2872, 2885, 2887, 2890, 2911, 2917, 2940, 2941, 21055, 21090, 21152 and 21190 of the School Code of the State of California, to amend and renumber section 2990 thereof to be section 2991, and to add thereto section 2781, relating to election of school governing boards;

Also: Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property under proceedings in eminent domain; And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 129—An act to amend section 1208 of the Political Code, relating to illiterate or helpless voters;

Also: Senate Bill No. 158—An act to amend section 105 of the Code of Civil Procedure, relating to justices of the peace;

Also: Senate Bill No. 159—An act to amend sections 117d and 117p of the Code of Civil Procedure, relating to small claims courts;

Also: Senate Bill No. 529—An act to add three new sections to the Civil Code to be numbered 1426d1, 1426d2 and 1426d3, relating to discovery, locations and to discovery shafts on lode and placer mining locations;

Also: Senate Bill No. 595—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the

registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately:

Also: Senate Bill No. 681—An act confirming and validating the consolidation of irrigation districts;

Also: Senate Bill No. 892—An act to amend section 1989 of the Code of Civil Procedure, relating to witnesses;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 707—An act relating to the expenditure of moneys in the relief fund created by section 10 of Article XVI of the Constitution, and declaring the urgency hereof—and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fifth day of March, 1935, at eleven o'clock and five minutes a.m.

METZGER, Chairman.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of the work of March 23, 1935:

	<i>Per day</i>
W. P. Staples, Assistant Sergeant-at-Arms-----	\$5 00

Resolution read, and on motion of Senator Tickle, adopted.

Consideration of Special Order.

The hour having arrived for the reconsideration of Senate Bill No. 233, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 233—An act repealing section 365e½ of the Political Code, relating to the California Highway Commission.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Wagy moved to reconsider the vote whereby Senate Bill No. 233 was passed.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McCormack, Mixter, Olson, Rich, Sharkey, Slater, Stow, and Wagy—18.

NOES—Senators Denel, Difani, Garrison, Keough, McColl, McGovern, McGuinness, Metzger, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Snyder, Swing, Tickle, Williams, and Young—19.

Senate Bill No. 233 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the reconsideration of Senate Bill No. 24, heretofore set as a special order immediately following the special order set for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 24—An act limiting the number of cars in a train, and prescribing penalties for violation thereof.

Motion to Reconsider Waived.

Senator Schottky waived his motion to reconsider the vote whereby Senate Bill No. 24 was passed.

Senate Bill No. 24 ordered transmitted to the Assembly.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 514—An act relating to the administration and liquidation of banks and amending an act entitled "An act to define and regulate the business of banking" known as the "Bank Act" and relating to such business.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Banking, the following amendments to Senate Bill No. 514 were read and adopted:

Amendment No. 1.

On page 1, line 9, of the printed bill, after the word "for", strike out the word "the".

Amendment No. 2.

On page 1, line 10, of the printed bill, strike out the entire line with the exception of the word "reorganizing".

Amendment No. 3.

On page 1, line 11, of the printed bill, strike out the words "business or to reorganize".

Amendment No. 4.

On page 1, line 12, of the printed bill, after the words "Sec. 13541," strike out the balance of the line, and all of lines 13, 14, 15, 16 and 17, and all of line 18 to and including the word "liquidation".

Amendment No. 5.

On page 1, line 18, of the printed bill, strike out the letter "e" in the word "the", and insert in lieu thereof a capital "T".

Amendment No. 6.

On page 2, line 45, of the printed bill, after the words "Sec. 13548", strike out the balance of the line, and all of lines 46, 47, 48, 49, 50, 51 and 52.

Amendment No. 7.

On page 3 of the printed bill, strike out lines 1, 2 and 3.

Amendment No. 8.

On page 3, line 4, of the printed bill, strike out the word "other".

Amendment No. 9.

On page 3 of the printed bill, strike out all of lines 9 to 27, inclusive.

Amendment No. 10.

On page 3, line 28, of the printed bill, after the letter "d", strike out the figures "11", and insert in lieu thereof the figure "9".

Amendment No. 11.

On page 3, line 29, of the printed bill, strike out the words "either of".

Amendment No. 12.

On page 3, line 41, of the printed bill, after the letter "d", strike out the figures "12", and insert in lieu thereof the figures "10".

Amendment No. 13.

On page 3, line 49, of the printed bill, after the letter "d", strike out the figures "13", and insert in lieu thereof the figures "11".

Amendment No. 14.

On page 3, line 52, of the printed bill, strike out the figures "12", and insert in lieu thereof the figures "10".

Amendment No. 15.

On page 4 of the printed bill, strike out lines 1 to 17, inclusive.

Amendment No. 16.

On page 4, line 18, of the printed bill, after the letter "d", strike out the figures "15", and insert in lieu thereof the figures "12".

Amendment No. 17.

On page 4, line 23, of the printed bill, after the word "thereof", strike out the comma, and all the balance of said line 23, and all of lines 24, 25, 26 and 27 to and including the word "creditors".

Bill read second time, ordered to reprint, and re-referred to Committee on Banking.

Senate Bill No. 133—An act to add section 3.401 to the School Code, relating to tuition fees of students in junior colleges.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 133 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment No. 2.

On page 1, lines 4, 5, and 6, of the printed bill, strike out the words "who has not been a resident of this State for one year last preceding the date of enrollment of the student", and insert in lieu thereof the following: "whose district of residence does not reimburse the junior college district for the cost of educating said student".

Amendment No. 3.

On page 1, line 7, of the printed bill, following the word "board", insert a comma and the words "not to exceed actual cost of educating such student,".

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 569—An act to amend section 2.802 of the School Code, relating to judgments against school districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 569 were read and adopted:

Amendment No. 1.

On page 1, line 9, of the printed bill, strike out the comma, and insert in lieu thereof a colon and the following:

"(a) And if, in the opinion of the board, the amount is not too great to be paid out of taxes for the ensuing tax year,".

Amendment No. 2.

On page 1 of the printed bill, after line 12, add the following:

"(b) If, in the opinion of the board, the amount of the judgment is so great that undue hardship will arise if the entire amount is paid out of taxes for the next ensuing tax year, the board shall provide for the payment of the judgment in not exceeding three annual installments with interest thereon up to the date of each payment, and shall include provision for such payment in each budget for not exceeding three consecutive tax years next ensuing. In such case each payment shall be of an equal portion of the principal of the judgment."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 726—An act to provide for a uniform system of accounting in all public schools of this State, for a classification of public schools on the basis of average daily attendance, and to limit the expenditures per pupil in the elementary and high schools of this State.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Senate Bill No. 726 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 5 to 12, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 797—An act to add a new section to the School Code to be numbered 653, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 797 were read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, strike out the word "licensed"

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out the second comma, and insert in lieu thereof the following: "holding a valid certificate to use the title structural engineer under the law regulating the practice of civil engineering."

Amendment No. 3.

On page 2, line 36, of the printed bill, after the word "made", insert the following: "and the Division of Architecture of the Department of Public Works has refused to make such examination without expense to the district".

Amendment No. 4.

On page 2, line 39, of the printed bill, after said line 39, insert the following: "Nothing in this section shall be construed as relieving any school district of any liability for injury to person or damage to property imposed by law."

Amendment No. 5.

On page 2, line 38, of the printed bill, strike out the word "began", and insert in lieu thereof the word "requested".

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 798—An act to amend section 2 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Senate Bill No. 798 was read and adopted:

Amendment No. 1.

On page 2, line 8, of the printed bill, after the period following the word "obtained", strike out the rest of line 8, and lines 9 to 18, inclusive, and insert in lieu thereof the following:

"Provided, that the Division of Architecture shall approve plans and specifications for any reconstruction or alteration of, and or addition to, any existing school building, when such plans and specifications, considered alone, comply with the basic requirements fixed by the Division of Architecture, and when such recon-

struction, alteration, and or addition does not diminish or impair the structural safety of the existing building."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 886 --An act to add a new section to the School Code to be numbered ----, relating to the public school system.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 886 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out the following: "a new section", and insert in lieu thereof the following: "two new sections".

Amendment No. 2.

In line 2 of the title of the printed bill, strike out the following: "----, relating to the public school system", and insert in lieu thereof the following: "6.223 and 6.224, relating to the sale of property of a school district, declaring the urgency thereof, and providing that this act shall take effect immediately."

Amendment No. 3.

On page 1 of the printed bill, strike out all of line 1, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the School Code to be known as section 6.223, and to read as follows:

6.223. The governing board of any school district shall have power to, and may in its discretion, dispose of personal property belonging to the district for the purpose of replacement by providing in the notice calling for bids for furnishing new materials, articles or supplies that each bidder shall agree in his bid to purchase said property being replaced and to remove the same from the school grounds and to state in his bid the amount which he will deduct from the price bid for furnishing new materials, articles or supplies as the purchase price for said personal property being purchased from the district and the board shall let the contract to the bidder whose net bid is the lowest, after deducting the amount bid for the purchase of said property, provided said bidder is a responsible person.

SEC. 2. A new section is hereby added to the School Code to be known as section 6.224, and to read as follows:

6.224. The governing board of any school district shall have power to, and may in its discretion, when calling for bids and letting contracts for repairing, altering, adding to or reconstruction of existing school buildings, require each bidder for the erection and completion of said work to agree in his bid to purchase and to remove from the school grounds all old materials required by the specifications to be removed from said school building or buildings and not needed in the execution of the contract proposed to be let and to state in his bid the amount which he will deduct from the price bid for the work as the purchase price of said old materials, and the board shall let said contract to the bidder whose net bid is the lowest after deducting the amount bid for the purchase of said old materials, provided said bidder is a responsible person.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect.

The facts constituting the necessity are as follows: The Legislature of the State of California has enacted Chapter 59 of the Statutes of 1933, relating to the safety of construction of public school buildings which has resulted in the condemning and closing of many structurally unsafe school buildings in the State of California. Until school buildings can be erected, constructed and reconstructed in accordance with the above mentioned act, a large number of school children and teachers are being housed in temporary shacks or are attending school part time only, which endangers the health and safety of such school children and teachers of the State of California. Where buildings must be altered or reconstructed, large amounts of materials must be removed which are not suitable for reuse. Under sections 6.220 and 6.221 of the School Code property which a school district desires to dispose of for the purposes of replacement can only be disposed of by selling the same for cash to the highest bidder. These proposed sections will allow a school district to call for bids for the reconstruction of school buildings and require the contractor to deduct from the price he bids for the work, the amount which he will allow for old material salvaged from the building. This will accomplish three purposes: first, secure the removal of old material with the least possible damage to the material and to the building; second, net the district the

largest return for this salvaged material and third provide for the speedy removal of material not needed in the reconstruction of the building from school premises.

The proposed sections of this bill will therefore result in the replacement of condemned and closed school buildings and result in a large saving of money to school districts at a time when the taxes of school districts in the State of California are severely taxed by unusual demands.

It is therefore necessary that the purposes of this act become effective at once in order that the health and safety of school children and teaching of the State of California be protected."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or Green account, except emergency and maintenance work and work costing less than ten thousand dollars, requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county supervisors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof, and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1929, and adding a new section thereto to be numbered 3, providing a penalty for violation of any of the provisions of said act, relating to public officers and employees subject to the provisions hereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 332 were read and adopted:

Amendment No. 1.

On page 2, line 19, of the printed bill, after the word "reclamation," strike out the comma and the word "irrigation".

Amendment No. 2.

On page 2, line 26, of the printed bill, after the word "except," insert the word "maintenance".

Amendment No. 3.

On page 3, line 2, of the printed bill, after the period following the word "and", reset all the balance of the bill in italics.

Amendment No. 4.

On page 2, line 20, of the printed bill, after the word "State", insert "excepting municipal utility districts".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 9a of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and annulment of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Construction, the following amendments to Senate Bill No. 596 were read and adopted:

Amendment No. 1.

On page 2, lines 38 to 43, inclusive, of the printed bill, strike out all words in italics, including the commas which occur after the following words: "products, materials, lockers, signs, radios, seats, structure;" also strike out the semicolon which follows the word "purposes", in line 43, and in lieu thereof restore all words and punctuation now stricken out.

Amendment No. 2.

On page 3 of the printed bill, restore all of lines 1 to 16, inclusive; and in line 17, after the figure "3", insert the following: "(1)".

Amendment No. 2a.

On page 3, line 44, of the printed bill, strike out the word "one", and insert in lieu thereof the word "two"; strike out the word "trade", and insert in lieu thereof the word "trades"; and strike out the word "craft", and insert in lieu thereof the word "crafts".

Amendment No. 2b.

On page 4, line 5, of the printed bill, strike out the word "one", and insert in lieu thereof the word "two"; strike out the word "trade", and insert in lieu thereof the word "trades"; and strike out the word "craft", and insert in lieu thereof the word "crafts".

Amendment No. 3.

On page 4, line 9, of the printed bill, after the word "undertakes", insert the following words: "or offers to undertake or submits a bid to undertake".

Amendment No. 4.

On page 4, line 46, of the printed bill, strike out the following: "five (5)", and insert in lieu thereof the following: "seven (7)".

Amendment No. 5.

On page 4, line 52, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

Amendment No. 6.

On page 5, line 1, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

Amendment No. 7.

On page 5, line 2, of the printed bill, strike out the word "One", and insert in lieu thereof the word "Two".

Amendment No. 8.

On page 5, line 14, of the printed bill, in the two instances where the word "one" appears, strike out said word "one", and insert in lieu thereof, in each case, the word "two"; in the same line 14, strike out the word "contractor", and insert in lieu thereof the word "contractors".

Amendment No. 9.

On page 5, lines 43 and 44, of the printed bill, strike out the words "classify, qualify and license contractors as in this act provided", and insert in lieu thereof the following: "examine, classify and qualify applicants for contractors licenses under the provisions of this act."

Amendment No. 10.

On page 6, line 15, of the printed bill, strike out the word "officer", and insert in lieu thereof the word "secretary".

Amendment No. 11.

On page 6, line 38, of the printed bill, strike out the term "376j", and insert in lieu thereof the term "377j".

Bill read second time, ordered to reprint, and re-referred to Committee on Building and Construction.

Senate Bill No. 388—An act amending section 2 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties," approved

April 17, 1929, relating to the period of time said act shall be in force and effect.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 694—An act to add section 690.5 to the Code of Civil Procedure, relating to exemption from attachment, garnishment, and execution of moneys paid to persons receiving relief.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Unemployment, the following amendments to Senate Bill No. 694 were read and adopted:

Amendment No. 1.

In line 3 of the title of the printed bill, after "relief", insert a comma and the following: "and declaring the urgency hereof".

Amendment No. 2.

On page 1, line 7, of the printed bill, strike out "Work relief" means relief", also strike out line 8.

Amendment No. 3.

On page 1 of the printed bill, after line 8, add the following:

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall, therefore, take effect immediately.

The following is a statement of the facts constituting such necessity: Moneys and relief covered by this act are now being disbursed by the State and the Federal government for the purpose of relieving unemployment. In order that proper protection be extended to the recipients of this money and that it be not diverted from the purpose for which it is paid by the State or Federal government, it is necessary that the protection afforded by this bill be immediately extended both to the governments paying out the money and the recipients thereof. It is therefore necessary that this act take effect immediately."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 696—An act to add section 530a to the Penal Code, relating to false statements to procure relief.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Unemployment, the following amendments to Senate Bill No. 696 were read and adopted:

Amendment No. 1.

In line 2 of the title of the printed bill, after "relief", insert a comma and the following: "and declaring the urgency hereof".

Amendment No. 2.

On page 1, line 4, of the printed bill, after "misrepresentation", insert the following: "in his application".

Amendment No. 3.

On page 1 of the printed bill, after line 11, add the following:

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall, therefore, take effect immediately.

The following is a statement of the facts constituting such necessity: Moneys and relief covered by this act are now being disbursed by the State and the Federal government for the purpose of relieving unemployment. In order that proper protection be extended to the recipients of this money and that it be not diverted from the purpose for which it is paid by the State or Federal government, it is necessary that the protection afforded by this bill be immediately extended both to the governments paying out the money and the recipients thereof. It is therefore necessary that this act take effect immediately."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 552—An act to amend section 4220 of the Political Code, relating to duties of county surveyors, declaring the urgency thereof and providing the same shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 552 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, after the figures "4220", add "and add sections 4220a and 4220b".

Amendment No. 2.

On page 1, line 3, of the printed bill, strike out "a" after the "0", and after the word "shall," add in knockout type "immediately after making any survey, except surveys of city or town lots, must make out a copy of the field notes and plat, and transmit the same to the Surveyor General, indicating plainly upon the plat at what point of any line any river or stream or county line is touched or crossed. He must communicate to the Surveyor General such information concerning surveys made by him, and other matters connected with the duties of his office, as may be required."

Amendment No. 3.

On page 1, line 5, of the printed bill, after the word "highways", add "but not including State highways".

Amendment No. 4.

On page 1, line 6, of the printed bill, after the word "improvement", add "and traffic density".

Amendment No. 5.

On page 1, line 6, of the printed bill, strike out "traffic count, and the average", and in line 7, strike out "number of persons served by each road."

Amendment No. 6.

On page 1, line 10, of the printed bill, strike out "and pursuant to section 3714 of the "Political", and in line 11, strike out the word "code".

Amendment No. 7.

On page 1, line 11, of the printed bill, after the word "annually", add "as specified by law".

Amendment No. 8.

On page 1, line 13, of the printed bill, after the period, add the following: "This budget shall be based on requirements of the county as a whole."

Amendment No. 9.

On page 1, line 17, of the printed bill, strike out "Items for new construction or reconstruction shall be", and strike out all of line 18.

Amendment No. 10.

On page 1, line 20, of the printed bill, after the word "specified", insert "by law".

Amendment No. 11.

On page 1, line 20, of the printed bill, strike out "in section 3714", and in line 21, strike out "Political Code".

Amendment No. 12.

On page 1 of the printed bill, strike out lines 25, 26 and 27, and insert in lieu thereof the following:

"4220a. The board of supervisors of any county at their option may appoint the county surveyor or other person qualified in road construction to act as road commissioner of and for any or all road districts in the county. The board of supervisors may consolidate the existing road districts into one road district which shall comprise all of the territory lying within the county excepting incorporated area. The duties of the road commissioner shall be those outlined in sections 2642, 2645 and 4222 of the Political Code.

4220b. The board of supervisors shall fix the salary or compensation of the road commissioner, and may appoint such deputies, assistants and employees as the road commissioner shall nominate, at salaries or rates of compensation to be fixed by the board of supervisors. The road commissioner shall file with the county clerk a bond with sufficient sureties in such sum as may be required by the board of supervisors for the faithful and proper discharge of his duties as such road commissioner. In case the county surveyor is appointed road commissioner he shall

be entitled to such extra compensation for the added duties as the board of supervisors shall fix."

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

Third Reading of Senate Bills.

Senate Bill No. 686—An act relating to the redemption and sale of property sold to a county treasurer, as trustee of a reclamation district or of the bond fund, or to a reclamation district for delinquent assessments and installments thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 686 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deane, DeFani, Dwyer, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, Metzger, McGovern, McGinness, Metzger, Mixer, Olson, Perry, Powers, Rich, Schutky, Scollan, Slater, Snyder, Stow, Swing, Wagy, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 686 ordered transmitted to the Assembly.

Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property by the State under proceedings in eminent domain.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 261 passed by the following vote:

AYES—Senators Bigger, Crittenden, DeFani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, Metzger, McGovern, McGinness, Metzger, Mixer, Olson, Perry, Powers, Rich, Schutky, Scollan, Scowell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 261 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Senate Bill No. 560.

Senator Knowland moved that Senate Bill No. 560 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Roads and Highways.

Motion carried, and such was the order.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Daily File.

Second Reading of Assembly Bills.

Assembly Bill No. 2033—An act to amend the title and sections 2, 4 and 5 of an act entitled "An act regulating the payment of wages earned in seasonal labor and prescribing the powers and duties of the Commissioner of the Bureau of Labor Statistics, in relation thereto," approved May 28, 1913 (Stats. 1913, Chap. 198), relative to disputes regarding seasonal labor, and the application of the State Wage Law thereto.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Labor and Capital, the following amendment to Assembly Bill No. 2033 was read and adopted:

Amendment No. 1.

On page 2, line 33, of the printed bill, strike out the word "or", and insert in lieu thereof the word "of".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 34—An act to amend section 4300d of the Political Code by adding thereto a provision specifying the mileage to be charged by constables and marshals in counties of the third class in the service of any writ, order or paper, excepting a warrant of arrest.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1640—An act to amend section 3866 and to repeal section 3871 of the Political Code, relating to settlements between county treasurers and the State.

Bill read second time, and ordered on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 260—An act to amend sections 2.870, 2.871, 2.872, 2.885, 2.887, 2.890, 2.911, 2.917, 2.940, 2.941, 2.990, 2.1055, 2.1090, 2.1152 and 2.1199 of the School Code of the State of California, relating to election of school trustees, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 260 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 260 ordered transmitted to the Assembly.

Senate Bill No. 1068—An act to add section 565 to the Vehicle Code, relating to the establishment of negligence in civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1068 refused passage by the following vote:

AYES—Senators Difani, McGovern, Olson, Pierovich, and Powers—5.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter,

Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, and Williams—29

Senate Bill No. 378—An act to amend section 274 of the Penal Code, relating to the crime of abortion.

Re-reference of Senate Bill No. 378.

Senator Young moved that Senate Bill No. 378 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

Senate Bill No. 762—An act granting to the city of Pacific Grove the title to certain portions of the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 762 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—36

NOES—None.

Title read and approved.

Senate Bill No. 762 ordered transmitted to the Assembly.

Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Re-reference of Senate Bill No. 425.

Senator Sharkey moved that Senate Bill No. 425 be referred to Committee on Finance.

Motion carried, and such was the order.

Senate Bill No. 426—An act to amend sections 1030, 1038, and 1043 of the Agricultural Code, relating to fertilizing materials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 426 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 426 ordered transmitted to the Assembly.

Senate Bill No. 158—An act to amend section 105 of the Code of Civil Procedure, relating to justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 158 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 158 ordered transmitted to the Assembly.

Senate Bill No. 159—An act to amend sections 117d and 117p of the Code of Civil Procedure, relating to small claims courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 159 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 159 ordered transmitted to the Assembly.

Minute Clerk F. E. Dalin at the Desk.

Senate Bill No. 51—An act to amend section 441 of the Political Code, relating to rates of interest on registered warrants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 51 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—32.

NOES—None.

Title read and approved.

Senate Bill No. 51 ordered transmitted to the Assembly.

Senate Bill No. 129—An act to amend section 1208 of the Political Code, relating to illiterate or helpless voters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 129 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Parkman, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 129 ordered transmitted to the Assembly.

Senate Bill No. 892—An act to amend section 1989 of the Code of Civil Procedure, relating to witnesses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 892 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difant, Edwards, Garrison, Hays, Jaspersen, Keough, Knowland, McGill, McCormack, McGovern, McGowan, Metzger, Mixer, Parkman, Perry, Pierovich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tacke, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 892 ordered transmitted to the Assembly.

Senate Bill No. 681—An act confirming and validating the consolidation of irrigation districts.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgent measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately. The facts constituting such necessity are as follows:

All of the districts which have been formed in this State by the consolidation of irrigation districts have taken proceedings for the refunding of bonded indebtedness for which they are liable and have applied to the Reconstruction Finance Corporation, an agency of the United States, for loans to enable them to refinance said indebtedness. On account of the depression prevailing throughout the State for more than four years and still prevailing, it is impossible for such districts to meet the amounts due and to become due by the terms of said outstanding bonds, and if said districts are not enabled to refinance speedily and are compelled to pay the assessments required by the terms of said outstanding bonds, many landowners therein will be unable to pay such assessments, and will lose their lands and great masses will suffer in such districts, and the ability of such districts to operate their works for the distribution of water will be impaired and the revenues of other governmental agencies will be reduced. In the course of such refunding operations, questions have arisen as to the sufficiency of certain acts and proceedings for the consolidation of such districts, and it is necessary that such acts and proceedings be validated forthwith in order that such refinancing may be speedily effected.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difant, Edwards, Fletcher, Garrison, Hays, Keough, Knowland, McGill, McCormack, McGovern, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 681 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difant, Edwards, Fletcher, Garrison, Hays, Keough, Knowland, McGill, McCormack, McGovern, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 681 ordered transmitted to the Assembly.

Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1913, as amended, relating to remedies for violations.

Amendments from the Floor.

During third reading of Senate Bill No. 468, the following amendments, offered by Senator Williams, were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out "An act for the", and strike out lines 2 to 7, inclusive, and in line 8, strike out "June 2, 1913", and insert in lieu thereof the following: "the State Medical Practice Act".

Amendment No. 2.

On page 1, line 12, of the printed bill, after the comma, and before "provide", insert the following: "to".

Amendment No. 3.

On page 1, line 13, of the printed bill, after the semicolon and before "to", insert the following: "and".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 14 to 21, inclusive, and insert in lieu thereof the following: "for violations hereof."

Amendment No. 5.

On page 1, line 24, of the printed bill, before "18a.", insert the following: "Sec."

Amendment No. 6.

On page 2, line 1, of the printed bill, after "and", insert the following: "that".

Amendment No. 7.

On page 2, line 3, of the printed bill, after "or", insert the following: "the".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Unfinished Business.

Consideration of Senate Amendments to Assembly Bill No. 37.

Assembly Bill No. 37—An act relating to the operation of motor vehicles used in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Motion to Recede Adopted.

Senator Olson moved that the Senate recede from Senate amendments to Assembly Bill No. 37.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 37?

The roll was called, and the Senate receded from Senate amendments to Assembly Bill No. 37 by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—27.

NOES—None.

Third Reading of Assembly Bills.

Assembly Bill No. 629—An act to amend The California Districts Securities Commission Act by amending section 11 thereof, relating to the levy of annual assessments by irrigation districts, and declaring the urgency thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 629 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dond, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Keough, Knowland, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pirovich, Rich, Schottky, Sharkey, Sater, Snyder, Stow, Wagy, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 629 ordered transmitted to the Assembly.

Adjournment.

On motion of Senator Rich, at four o'clock and five minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, March 26, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Tuesday, March 26, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Dond, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulise, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pirovich, Pirovich, Rich, Schottky, Seollan, Seawell, Sharkey, Sater, Snyder, Stow, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Meats.

Reading of the Journal.

During the reading of the Journal of Monday, March 25, 1935, the further reading was dispensed with, on motion of Senator Sharkey.

Leave of Absence.

Senator Reindollar was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eva Elkin and Mrs. David S. Smith of Sacramento.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fred J. Heid, Mr. Calvin Russell, Mr. Frank Giannini of Tulare, and Mr. George W. Tranger of Lindsay.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Jessie A. King of Williams.

On request of the President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Chief Justice of Nevada, Hon. J. A. Gauders and Dr. George Kilb of Reno, Nevada.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator John J. Crowley of San Francisco.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arnold Klaus of San Diego.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Albert Whelan, S. J., Dean of Studies of the University of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator David F. Bush of Oakdale.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eva Elkin, teacher, and the sixth grade class from the David Lubin School of Sacramento, as follows: Dewey Baker, Elizabeth Norton, Dotty Van, Arlaine Sullivan, Martha Knauer, Dorothy McAlpine, Beverly Curl, Lillian Silva, Betty Blair, Marion Zamm, Buddy Zumwalt, Hershel Norton, James Psihopedas, Frances Knedle, Lorraine Silva, Richard Montgomery, Oliver Durand, Theodore Simon, Elbert Van Zee, Glenn Wilson, Fred Barbaria, Wayne Curtis, Clark Waycott, Lee Personius, Raymond Hurtzig, Joseph Perroni and Billy Bock.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Bernice Wood, Citizen Instructor, Modesto High School, and Miss Marie Haggerty, Miss Esther Alway, Mrs. Pepi Gechwend, Mrs. Adel Vernazza, Mrs. Louise Baldwin, Mr. Joe Dias, Mrs. M. Dias, Mr. Joe Pimentel, Mrs. Mattas and two daughters.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John M. Eshleman of San Francisco.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. H. London of San Francisco.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul Baird, Robert Giles and Porter Giles of Oakland.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry W. Horton and W. J. Dowd of El Centro.

Communication.

The following communication from the Federal Home Loan Bank was received, read, and ordered printed in the Journal:

FEDERAL HOME LOAN BANK BOARD.
WASHINGTON, March 21, 1935.

Mr. J. A. Beek,
*Secretary of the Senate, Senate Chamber,
Sacramento, California.*

MY DEAR MR. SECRETARY: Herewith certified copy of a recent resolution of the Federal Home Loan Bank Board. This resolution was adopted pursuant to frequent

inquiries from legislative offices as to the desirability of such legislation. In a number of the States, bills for such legislation are pending and have not yet been enacted.

Would it be asking too much of you to request that you get this resolution in the hands of any committee which may be considering such a bill.

I realize that this may make it necessary for you to examine the file of pending bills, but the board is quite anxious that its views be known to the legislators, and I know of no other way to get the information before them.

If you find it possible to do this, we will all be highly appreciative.

Very truly yours,

JAMES R. FRAZIER, Assembly General Counsel

(Enclosure)

Be it Resolved by the Federal Home Loan Bank Board: That it is deemed expedient that legislation be enacted in all of the States to provide that all deposits made by any Federal Savings and Loan Association shall be insured by and under the supervision of the Federal Home Loan Bank Board, which shall be insured by the Federal Savings and Loan Insurance Corporation, and be held as property for trust funds of every kind and nature.

I hereby certify that the above is a true and correct copy of a resolution adopted by the Federal Home Loan Bank Board on March 4, 1935.

[SEAL]

R. L. NAGLE, Secretary

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1497—An act to amend section 6 of an act entitled "An act to allow unincorporated towns and villages to study and establish a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1931, as amended, relating to the conduct of elections.

Also: Assembly Bill No. 1652—An act to amend the Vehicle Code by amending sections 195, 196, 197, 198, and 280, relating to vehicles.

Also: Assembly Bill No. 1653—An act to amend the Vehicle Code by amending sections 320 and 488, relating to vehicles and reports to be kept by the Department of Motor Vehicles.

Also: Assembly Bill No. 1498—An act to add a new section to be numbered section 17½ to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territories, authorizing such districts to issue bonded indebtedness for the purpose of construction of work in the improvement of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and penalties on persons with such districts upon certain county officers," approved May 31, 1921, as amended, relating to elections.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESER, Assistant Clerk.

Assembly Bill No. 1497 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 1652 and 1653 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1498 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 578—An act relating to revenue and taxation, providing for an excise tax on the sale of all oleomargarine containing any fat or oil ingredient other than any one or more of the following: also oil, also stork, also stearine from cattle, neutral lard from hogs, sheep fat, cottonseed oil, peanut oil, corn oil, soya bean oil or milk fat; providing a penalty for a violation of the provisions thereof.

Also: Assembly Bill No. 1863—An act to add a new section to the Political Code to be numbered 359e, to provide for leave of absence with pay to officers and employees of the State of California, when ill, and to empower the State Personnel Board to promulgate rules and regulations governing the same in so far as applicable to members of the civil service, and to empower appointing powers of such

officers and employees to promulgate rules and regulations governing the same, in so far as applicable to officers and employees not members of the civil service;

Also: Assembly Bill No. 1862—An act to add two new sections to the Political Code to be numbered 359c and 359d, to provide for vacations of officers and employees of the State of California, with pay, and empowering the State Personnel Board to promulgate rules and regulations governing the same, in so far as applicable to such members of the civil service, and to repeal a certain act therein specified.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 578 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bills Nos. 1863 and 1862 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1655—An act to amend the Vehicle Code by amending section 134; by adding sections 131, 136, and 681, relating to vehicles;

Also: Assembly Bill No. 1968—An act to amend section 752 of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the election of officers in cities of the fifth class; and declaring the urgency of this act and providing that it shall take effect immediately;

Also: Assembly Bill No. 425—An act to amend "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, by amending sections 5 relating to the division of election precincts, 10 relating to the publication of ordinances, 12 relating to the issuance of revenue bonds and the investment of surplus moneys, 15b relating to the bonds of the district and their use as security, and adding a new section thereto to be numbered 15c, relating to the issuance of refunding bonds.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1655 read first time, and referred to Committee on Motor Vehicles.

Assembly Bills Nos. 1968 and 425 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 45—Memorializing the President and the Congress to enact the required legislation for complete and adequate anti-aircraft equipment and personnel as defensive measures for the Pacific Coast;

Also: Assembly Joint Resolution No. 46—Memorializing the President of the United States and Congress in connection with Trans-Pacific Air Mail Service.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 45 ordered held on file.

Assembly Joint Resolution No. 46 referred to Committee on Federal Relations.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 388—An act amending section 2 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their

several counties," approved April 17, 1929, relating to the period of time said act shall be in force and effect, and reports that the same has been recently engrossed.

METZGER, Chairman.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, six days per week, and the Comptroller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i>
Edith O'Brien, Stenographer	\$5.00
Evelyn Becker, Stenographer	5.00
Mary Flynn, Stenographer	5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Gordon, Hays, Keough, King, Knowland, McCall, McCormack, McCormack, McGovern, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 45—An act to amend section 2051 of the Code of Civil Procedure, relating to the impeachment of witnesses convicted of certain misdemeanors.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Young moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCall, McCormack, McCormack, McGovern, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

The Secretary announced the absentees.

Time, eleven o'clock and fifty-nine minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 235—An act to amend sections 2 and 3 of "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the Public Utilities

Act and the Railroad Commission of the State of California," approved April 25, 1913.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 235 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 235 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Young.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 45 finally passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixter, Parkman, Perry, Schottky, Sharkey, Slater, Stow, Wagy, Williams, and Young—24.

NOES—Senators Crittenden, Edwards, Hays, Hulse, McCormack, McGuinness, Olson, Pierovich, Powers, Rich, Scollan, Seawell, Snyder, Swing, and Tickle—15.

Title read and approved.

Senate Bill No. 45 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Senator Rich:

Resolution.

WHEREAS, It has been publicly stated that various lobbyists and persons appearing in and about the Capitol are attempting to influence legislation by resorting to improper methods and means; and

WHEREAS, Many persons appearing before the various committees of this Senate have not complied with the rules of this Senate requiring such persons to register; and

WHEREAS, It is rumored that improper and illegal lobbying is being conducted and carried on at this session of the Legislature; and

WHEREAS, It is the desire of the members of the Legislature to be freed from the baneful influences of such persons, if any there be, and the unfavorable criticisms that may result from such bills, if any there be; now, therefore, be it

Resolved, That a Committee of Three be appointed by the President of the Senate, which committee shall have full power and authority to investigate and pass upon the credentials and qualifications of all persons appearing, or being, or desiring to appear or be, at or in the Senate Chamber, or at or in any committee room of the Senate for the purpose of advocating the adoption or defeat of any bill, measure or resolution introduced in, pending before, or being considered by the Senate, or any committee thereof, or for the purpose of soliciting the vote of any member of the Senate upon any such bill, measure or resolution, or upon any anticipated or proposed bill, measure or resolution, and said committee shall have power and authority to inquire into the source and purpose of any bill, measure or resolution; and be it further

Resolved, That said committee be and it is hereby authorized to investigate any and all charges heretofore or that may be hereafter made concerning any attempt to improperly influence legislation or to corrupt members of the Legislature; and be it further

Resolved, That said committee be, and it is, hereby authorized and empowered to do any and all things necessary to fully and completely carry out the intents and purposes of this resolution and to employ any help or assistance which it may

deem necessary or proper, and said committee is hereby authorized and empowered to summon witnesses, require the production of persons, books, accounts, agreements, documents, records and papers of every kind to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and the members of said committee are and each of them is hereby authorized to administer oaths; and all the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code of this State relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution; and the Sergeant at Arms of the Senate is hereby authorized and directed to serve and read all subpoenas and orders or other process that may be issued by said committee when directed so to do by the chairman thereof.

Consideration of Resolution Introduced by Senator Rich.

Senator Rich asked for, and was granted, unanimous consent for the consideration of the Senate resolution without reference to committee for purpose of adoption.

Point of Order.

Senator Slater raised the point of order that Senator McGovern was not at his desk while addressing the Senate.

Decision on Point of Order.

The President announced his decision and declared the point of order was not well taken, as a Senator is privileged to address the Senate either from his desk or from the bar of the Senate.

Resolution Adopted.

Resolution read, and on motion of Senator Rich, adopted.

Appointment of Special Committee.

George J. Hatfield, President of the Senate, announced the appointment of the following Senators as members of the Special Committee, pursuant to the Senate resolution introduced by Senator Rich, regarding activities of lobbyists: Senators Rich, chairman, Swing and McGovern.

Recess.

On motion of Senator Rich, at twelve o'clock and fifty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 790—An act to amend the Vehicle Code by amending sections 37, 38, 39, 66, 67, and 73; by repealing section 44; by adding sections 44, 73.5 and 76, relating to vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 790 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGinness.

Metzger, Mixer, Olson, Perry, Pierovich, Scollan, Slater, Snyder, Wagy, Williams, and Young—26.
NOES—None.

Title read and approved.

Senate Bill No. 790 ordered transmitted to the Assembly.

Senate Bill No. 770—An act to amend sections 1, 2, 3, 4, 6, and 19 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 770 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—33.
NOES—None.

Title read and approved.

Senate Bill No. 770 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

Third Reading of Assembly Bills.

Assembly Bill No. 1694—An act to amend section 352 of the Political Code, relating to State officers and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1694 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—30.
NOES—None.

Title read and approved.

Assembly Bill No. 1694 ordered transmitted to the Assembly.

Assembly Bill No. 1693—An act to add section 2.1 to an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to twelve rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests," relating to the State Athletic Commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1693 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern,

McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Rich, Schottky, Seollan, Sharkey, Slater, Swing, Wagy, Williams, and Young—30
NOES—None.

Title read and approved.

Assembly Bill No. 1693 ordered transmitted to the Assembly.

Assembly Bill No. 1779—An act to amend section 462 of the Political Code, relating to unclaimed money of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1779 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Rich, Schottky, Seollan, Seewell, Sharkey, Slater, Swing, Wagy, Williams, and Young—30
NOES—None.

Title read and approved.

Assembly Bill No. 1779 ordered transmitted to the Assembly.

Assembly Bill No. 1793—An act to add section 690.11 to the Political Code, relating to fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1793 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Schottky, Seollan, Seewell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—33
NOES—None.

Title read and approved.

Assembly Bill No. 1793 ordered transmitted to the Assembly.

Assembly Bill No. 1970—An act authorizing the creation of a personnel system, merit system or civil service system; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1970 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Seollan, Seewell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—32.
NOES—None.

Amendment to Title.

The following amendment to the title of Assembly Bill No. 1970 offered by Senator Edwards, was read and adopted:

Amendment No. 1.

In line 2 of the title of the printed bill, as amended, before the semicolon, insert the following: "in cities".

Title, as amended, read and approved.

Assembly Bill No. 1970 ordered transmitted to the Assembly.

Assembly Bill No. 1991—An act to repeal section 658a of the Political Code and to add section 658.5 thereto, relating to refunds of fees paid to the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1991 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1991 ordered transmitted to the Assembly.

Assembly Bill No. 1640—An act to amend section 3866 and to repeal section 3871 of the Political Code, relating to settlements between county treasurers and the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1640 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1640 ordered transmitted to the Assembly.

President Pro Tempore in the Chair.

At three o'clock and ten minutes p.m., Hon. W. P. Rich, President pro tempore of the Senate, in the chair.

Third Reading of Senate Bills—(Resumed).

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, relating to an institution for women.

Amendments from the Floor.

During the reading of Senate Constitutional Amendment No. 21, the following amendments, offered by Senator Wagy, were read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed measure, strike out "women", and insert in lieu thereof the following: "females".

Amendment No. 2.

On page 1, line 20, of the printed measure, strike out "women offenders and women", and insert in lieu thereof the following: "female offenders and females."

Amendment No. 3.

On page 1 of the printed measure, after line 21, add the following:

"The Legislature may also provide for punishment, treatment, supervision, custody and care of such females in a manner and under circumstances different from men similarly convicted or requiring such supervision or care."

All existing statutes, purporting to create such institution or such agency, officer, or board, to so delegate such government, charge and superintendence, to so prescribe such powers, duties, or functions, or to so provide for such punishment, treatment, supervision, custody, or care, are hereby ratified, validated and declared to be legally effective; but the Legislature may repeal, amend, or otherwise modify any such statutes."

Senate Constitutional Amendment No. 21 ordered to reprint, re-engrossment, and on file for adoption.

Senate Bill No. 835—An act to add section 1577a to the Penal Code, relating to the California Institution for women.

Amendments from the Floor.

During third reading of Senate Bill No. 835, the following amendments, offered by Senator Wagy, were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, strike out "1577a", and insert in lieu thereof the following: "1168a".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1168a is hereby added to the Penal Code, to read as follows:

1168a. Every female convicted of a public offense, for which imprisonment in any State prison is now prescribed by law shall, unless such convicted female is placed on probation, a new trial granted, or the imposing of sentence suspended, be sentenced to detention at the California Institution for Women; but the court in imposing the sentence shall not fix the term or duration of the period of detention.

SEC. 2. This act shall take effect upon the adoption of an amendment to the Constitution authorizing the Legislature to provide for the government, charge and superintendence of an institution for women charged with or convicted of public offenses."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 836—An act to amend sections 1202a, 1572, 1576, and 1586, of the Penal Code, approved April 18, 1933, relating to the State prisons.

Amendments from the Floor.

During third reading of Senate Bill No. 836, the following amendments, offered by Senator Wagy, were read and adopted:

Amendment No. 1.

On page 1, line 2, of the title of the printed bill, strike out "approved April 18, 1933."

Amendment No. 2.

On page 1, line 10, of the printed bill, after the period, insert the following: "Hereafter, and until the termination of the sentence, the State Board of Prison Directors may transfer the defendant from one State prison to the other as in the opinion of the board conditions may require."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 834—An act to add section 17 to an act entitled "An act to establish an institution for the confinement, care and reformation

of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor.

Amendments from the Floor.

During third reading of Senate Bill No. 834, the following amendments, offered by Senator Wagy, were read and adopted:

Amendment No. 1.

On page 1, line 6 of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and quotation marks, and the following: "approved May 9, 1929, relating to the California Institution for Women."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 7 and 8, and in line 9, strike out "to this institution", and insert in lieu thereof the following: "this institution shall continue to be the female department of the State Prison at San Quentin".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 10 and 11, and in line 12, strike out "than death", and insert in lieu thereof the following: "amendment".

Amendment No. 4.

On page 1, line 13, of the printed bill, as amended, strike out "women", and insert in lieu thereof the following: "females".

Amendment No. 5.

On page 1, line 14, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and transferred to this institution or convicted of".

Amendment No. 6.

On page 1, line 15, of the printed bill, as amended, strike out "all of the", and insert in lieu thereof the following: "the same".

Amendment No. 7.

On page 1, line 16, of the printed bill, as amended, strike out "females which", and insert in lieu thereof the following: "such females as".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 314—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817e3 and 3817i2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Amendments from the Floor.

During third reading of Senate Bill No. 314, the following amendments, offered by Senator Rich, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after "3817e3" strike out the comma, and insert in lieu thereof the following: "and".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, as amended, strike out "and 3900a".

Amendment No. 3.

On page 1, line 5 of the title of the printed bill, as amended, strike out "and payment in", and all of lines 6 and 7 of such printed bill, as amended.

Amendment No. 4.

On page 9 of the printed bill, as amended, strike out lines 22 to 50, inclusive, and on page 10, strike out lines 1 to 37, inclusive.

Amendment No. 5.

On page 10, line 38, of the printed bill, as amended, strike out "9", and insert in lieu thereof the following: "8".

Amendment No. 6.

On page 10, lines 46 and 47, of the printed bill, as amended, strike out "and payment of delinquent taxes, interest and penalties by installments."

Amendment No. 7.

On page 10, line 48, of the printed bill, as amended, strike out "and", appearing after the word "property" in said line, and insert in lieu thereof a comma.

Amendment No. 8.

On page 10, lines 49 and 50, of the printed bill, as amended, strike out "or to protect their business and pay taxes which otherwise would be lost, thereby adding", and insert in lieu thereof the following: "and thereby add".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Introduction, First Reading and Reference of Bills.

By Senator Williams: Senate Joint Resolution No. 12—Relative to memorializing the President and the Congress of the United States to enact H. R. 4688 which proposes to aid in the rehabilitation of employable blind persons in the United States and urging the Committee on Labor of the House of Representatives to expedite consideration favorable to said bill.

Senate Joint Resolution No. 12 referred to Committee on Federal Relations.

Re-reference of Senate Constitutional Amendment No. 10.

Senator Schottky moved that Senate Constitutional Amendment No. 10 be referred to Committee on Judiciary.

Motion carried, and such was the order.

Re-reference of Senate Bill No. 1018.

Senator Sharkey moved that Senate Bill No. 1018 be referred to Committee on Finance.

Motion carried, and such was the order.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Mines and Mining.

SENATE CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Assembly Bill No. 441—An act to amend "An act to require security for the payment of wages of persons engaged in the mining industry," approved April 25, 1933, by amending section 1 thereof, relating to security for the payment of wages—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

PIEROVICH, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 210—An act to amend section 415 of the Civil Code, relating to purchasing and holding of real estate by insurance companies—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for

compensation; preventing discriminations between various forms of transportation; creating the office of Truck Commissioner; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—9; noes—4; absent—4.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 788—An act to amend the Vehicle Code by amending sections 511, 517, 526, 527, 530, 531, 543, 544, 552, 570, 571, 585, 586, 587, 596, 600, 694, and 696; by repealing section 534; by adding sections 542 and 588, relating to vehicles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—14; absent—3.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 452—An act to amend section 135 of the Vehicle Code, relating to the California Highway Patrol—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—10; noes—4; absent—3.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 55—An act to add sections 676.5, 676.51, 676.52, 676.53, 676.54 and 676.55 to the Vehicle Code, relating to safety glass on motor vehicles—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—14; noes—1; absent—2.

FLETCHER, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 15—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business;

Also: Senate Bill No. 35—An act to amend section 1027 of the Probate Code, relating to the distribution of estates;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—14; committee vote: Ayes—9; absent—5.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 208—An act to prohibit until January 1, 1937, sales under certain chattel mortgages for default in the payment of the principal sum, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately;

Also: Assembly Bill No. 639—An act to amend section 69 of the Civil Code, relating to applications for and issuance of licenses to marry;

Also: Assembly Bill No. 654—An act to add a new section numbered 1558 to the Probate Code of the State of California, relating to the guardianship of estates;

Also: Senate Bill No. 1038—An act to amend section 1241 of the Code of Civil Procedure, relating to condemnation;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—9; absent—5.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 522—An act to add a new section to the Probate Code of the State of California, to be known as section 1028, relating to the movable, partial, and final distribution of estates of deceased persons;

Also: Senate Bill No. 843—An act to amend section 1238 of the Civil Code, relating to the property from which a homestead may be released;

Also: Assembly Bill No. 129—An act to add a new section to the Code of Civil Procedure to be numbered 2056 relating to motions to affirm the judgment;

Also: Assembly Bill No. 130—An act to amend section 2021 of the Code of Civil Procedure, relating to depositions;

Also: Assembly Bill No. 113—An act to amend section 1822bb of the Code of Civil Procedure, relating to the management, custody, and dismissal of cases of missing persons;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 14; committee vote: Ayes—9; absent—5.

SWING, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, March 25, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing, preparing, and distributing the same, and to provide penalties for the violation of the provisions of this act, and the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 7; committee vote: Ayes—7.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 392—An act relating to the control of clinical laboratories and the licensing of clinical laboratory technologists, clinical pathologists and clinical laboratory technicians, for the purpose of promoting the public health, and defining a clinical laboratory, clinical laboratory technologists, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to prescribe penalties for the violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 7; committee vote: Ayes—7.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 820—An act to amend sections 2 and 13 of the State Medical Practice Act, relating to taxes and registration fees, and to reciprocal certificates—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 7; committee vote: Ayes—5; absent—2.

DIFANI, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, March 26, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 215—An act to add section 1219.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations;

Also: Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, processors, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural and horticultural products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide

ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately;

Also: Senate Bill No. 854—An act to amend section 1261 of the Agricultural Code, relating to produce dealers;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 49—An act to amend section 10 of "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, relating to false or raised bottoms of containers—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—9; absent—6.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 335—An act to amend section 40 of the Agricultural Code, relating to the State Board of Agriculture—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—8; noes—1; absent—6.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 524—An act to amend sections 821 and 827 of the Agricultural Code, relating to apples—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 1001—An act to amend section 368 of the Agricultural Code, relating to the transportation of cattle—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

Adjournment.

On motion of Senator Swing, at three o'clock and fifteen minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until eleven o'clock a.m., Wednesday, March 27, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, March 27, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Dufam, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, Macdonald, Mack, McGovern, McGuinness, Metzger, Myster, Olson, Parkman, Perry, Pienkowski, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snodder, Stok, Swang, Tickle, Wagy, Williams, and Young. 39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, March 26, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge C. L. Harris, judge of superior court, San Francisco; Hon. Gerald Kenny, public defender, San Francisco; Mr. Jones, deputy probation officer, San Francisco; Dr. Robert Grosso, city dentist, San Francisco, and Guido J. Senci, realtor of San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Raymond Benjamin of Napa County.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following teacher and pupils of Orland Joint Union High School, Orland, California; J. A. Russell, C. S. F. adviser, and Dorothy Hiller, Elsie Christian, Elwood Thode, Erwin Thode, Arnold Petersen, Albert Wickland, Margaret Croghan, Charles Manners, Ruth Birch, Deloris Erickson, Evelyn Wickland, Dorothy Erickson, Wanda Putzge, Ruth Stone, Helen Boxer, Eleanor Borgeson, Vivian Snell, Della Bausch, Marie Helen Noek, Edith Allen, and Duaine Schrupf, and Mrs. J. A. Wickland.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Harry Regan of Burlingame, and Mr. Walter High, supervisor of San Mateo County.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following pupils and teachers of the Livermore High School: Mr. A. F. Isensee, principal; Mrs. Ethel Reith Mason, United States history teacher; Mrs. M. C. Mulqueeney, Mr. R. H. Tretzell; Vesta Coniff, Simone Desrivaux, Helen Dreesbeck, Alice Flynn, Beverly Gray, Evelyn Hansen, Theodora Jackson, John Hurley, Margaret Lowarch, Geraldine Mulqueeney, Maureen O'Connor, Mildred Peterson, Barbara Ravekes, Mary Regan, Rita Sherman, Helen Young and Arline Moger, students.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Edmund Kinyon, editor, Grass Valley Union.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George Good and Mr. Leon Happel of Stockton.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sarah Dix Hamlin School of San Francisco, as follows: Mrs. Edward B. Stanwood, principal; Miss Winifred Goode, teacher; and Katherine Woods, of San Francisco; Barbara Wolf of San Francisco, Helen Huckins of San Francisco, Kathleen Kennedy of San Francisco, Marian Foote of Grass Valley, Elizabeth Tupper of Fresno, and Patricia Bosqui of San Francisco.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to his sons, Francis and Chris Jespersen, Jr., and his daughter Pearl Mae Jespersen of Atascadero, California.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ivy B. Ross, adviser, Honor Society, Modesto High School, and the following members: Jerry Barnett, president; Jean Overman, secretary; Alice Collins, Alice Lopez, Charlotte Smith, Phyllis Kruizenga, Edith Caswell, LaVerne Harbaugh, Margaret Marsh, Samantha Henderson, Tsugime Akaki, Yvonne Ground, Alba Pichetto, Maxine Niemeyer, June Beck, Edna Schmidt, Constance Benson, Velma Sise, Harold Schmidt, Sheridan Atkinson, Ralph Hanchett, Chester Hanchett and Loren Mowry.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following teacher and pupils of the Lafayette School, Stanislaus County, La Grange: Miss Elizabeth P. Jones, La Grange, teacher; Henry Ducot, Hubert Walden, William Fanning, Helen Ducat, students; Mrs. L. E. Daniels, La Grange; and Mrs. Thomas R. Jones and Clayton Jones, Modesto.

Remarks.

The following remarks, offered by Senator Slater, referring to the Honorable Ray Benjamin, who was present in the Senate Chamber, were ordered printed in the Journal:

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: It is a great pleasure to ask the privilege of the floor of the Senate today for a distinguished citizen of California, the Honorable Raymond Benjamin, who is visiting the State Capital. His visit is particularly interesting to me, as it recalls an incident of 25 years ago when I came here as a member of the California Legislature. The first bill I introduced provided for a small raise in the salary of the then Chief Deputy Attorney General, who happened to be Ray Benjamin. Before introducing the bill, I had sized up Mr. Benjamin, and my judgment then was that he appeared to be a young man of promise who would undoubtedly advance into higher planes of activity and possibly invade National Government, and consequently should be encouraged. You will agree, I am sure, in the distinctions that have come to Mr. Benjamin, my preview of 25 years ago was prophetic. We are glad to welcome our distinguished guest and old time friend. He has assured me his coming is in no sense political, but actuated by desire to again visit familiar scenes and particularly to greet friends of long standing.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 828—An act to amend any act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, paths, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within incorporated territory and cities of municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, paths, sidewalks, highways, roads, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the said things, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, by amending section 23 thereof, relating to priority of bonds and bonds.

Also: Assembly Bill No. 1093—An act amending section 2 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to produce, and in developing the agricultural, horticultural, viticultural and avian resources and advantages of those several counties," approved April 17, 1929, relating to the period of time said act shall be in force and effect.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 828 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1093 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1739—An act to add section 670a to the Political Code, relating to the refund of penalties.

Also: Assembly Bill No. 497—An act to amend section 457 of the Agricultural Code, relating to testing of milk, cream or products thereof.

Also: Assembly Bill No. 498—An act to amend section 453 of the Agricultural Code, relating to milk inspection.

Also: Assembly Bill No. 1531—An act to amend section 3491 of the Political Code, relating to reclamation districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1739 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 497 and 498 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1531 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 26, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1913, as amended, relating to remedies for violations.

Also: Senate Bill No. 835—An act to add section 1168a to the Penal Code, relating to the California Institution for Women.

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 696—An act to add section 530a to the Penal Code, relating to false statements to procure relief, and declaring the urgency hereof—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Report of Special Committee.

The following report of Special Committee on Investigation of Liquor Control was received, read, and ordered printed in the Journal:

Report of Committee on Investigation of Liquor Control.

MR. PRESIDENT: Your Committee on Investigation of Liquor Control, appointed pursuant to Senate resolution of January 22, 1935, has had the subject of control and taxation of liquor under consideration and respectfully reports at this time with the recommendations of the committee contained in said report and in Senate Bill No. 919.

Pursuant to said resolution the chairman of the committee called the members of said committee for meetings to investigate in Los Angeles and in Sacramento. A total of 32 witnesses were called before the committee and written and oral testimony had from said witnesses. Witnesses representing both large and small brewery interests were heard.

The cost of manufacture of beer in breweries of varying capacity, some as low as 50,000 barrels annual production to others as high as 2,000,000 gallons annual production was ascertained. The cost of raw products as well as cost of labor and advertising was thoroughly considered and it was found that the cost of raw products used in the manufacture of said beverage is several times higher than the cost during the periods when former excise taxes were levied. The cost of labor likewise was found to be considerably higher than any cost heretofore experienced in this industry.

Your committee finds that considerable money is spent by the brewery interests as well as wholesale distributors in the matter of advertising and herewith we respectfully recommend that the Board of Equalization adopt such rules and regulations as will tend to curb extremely large expenditures in the matter of advertising and the exhibiting of signs.

Your committee was particularly concerned in the costs of manufacture to ascertain the possibility of securing the retail sale of beer by the glass at the price of 5 cents. Cost figures submitted conclusively point to the fact that there is very little likelihood of securing so low a retail price. The only hope in this regard seems to lie in a reduction in the Federal tax of \$5 per barrel or in the complete curtailment of all costs of advertising and salesmanship.

We believe that it is advisable that excessive advertising be curtailed but it is recognized that a certain amount of advertising should be permitted in this industry as it is in all other legitimate industries.

The committee found that a number of abuses had crept into the beer industry soon after the repeal of the Wright Act and the Federal Statutes, which said abuses were the result of laxity on the part of enforcement officers in various communities. It is found that these abuses and rackets are fast disappearing and that with the lapse of a further period of time should be entirely corrected, provided the local enforcement authorities take seriously their duties.

Among the witnesses called your committee examined and had presented to it testimony from vintners of the State; representatives of both large and small wineries testified, as well as representatives of large and small growers of grapes. From the testimony presented this committee has come to the conclusion that unscrupulous persons have seriously endangered the California wine market in eastern States.

It was surprising to find that the poor wine dumped on the eastern market was actually the old wine that had spoiled in casks and stored too long in cellars, rather than the new wine which found disfavor in the East. Actually the new wines now being manufactured, provided they are not adulterated, nor cut, are a reputable and acceptable product.

The industry as a whole is so important to California and so interwoven in our agricultural problems that an undue burden placed upon it at this time would in fact work to the detriment of the State. We have come to the conclusion that growers must be afforded a satisfactory outlet and a fair return for their product to furnish purchasing power that they may do their proper part in State recovery. We have found that much wine is escaping taxation but we believe that with the proper regulation a reasonable tax and the standardization of wine, the industry will soon settle back into its proper channel where the vast benefits resulting therefrom will be realized.

The Board of Equalization has been doing excellent work in connection with the regulation and enforcement of both the wine and the beer industries but it has been laboring under a tremendous handicap. With a more suitable control act it is our belief that the Board of Equalization can do more effective work than it has in the past two years; therefore it is our recommendation that no change be made in establishing a new liquor authority but that the Board of Equalization retain this authority and control.

Our agricultural sections of the State would benefit greatly by the encouragement of the use of light wines and beer. The use of these liquors has suffered during the past 14 years in which we find a corresponding increase in the use of hard liquors. Whatever legislation tends to work for the reverse order we believe would be proper legislation for the State of California.

The wine bottling license of \$10 per year now provided in our law is particularly vicious in that it invites the bottling and the adulteration of wines of standard manufacture. We find abuses are carried on under such permissive systems. The privilege of bottling wines should be primarily with the winery that produces them, and by reliable bottlers who operate under a sufficient bond to insure their integrity. Wine bottling licenses should not be given indiscriminately to retailers who buy wine in barrels, adulterate it and sell in any size packages the consumer may demand and at most any price that the consumer wishes to pay. There is no economic necessity for this kind of bottling.

The Constitution as amended provides for a beer license for strictly beer taverns dispensing beer exclusively, but there seems to be no excuse for a beer and wine license and another license for the sale of "hard liquor."

The issuance of the on-sale beer and wine license at \$100 per year is a direct invitation to the so-called bootlegger to take out only this on-sale beer and wine license and then surreptitiously sell distilled spirits in addition to his beer and wine without having to pay the minimum of \$250 for the on-sale distilled spirits license, and it would be manifestly unfair for the one who pays the \$250 for the on-sale of distilled spirits and then collect from him an additional \$100 for the on-sale of beer and wine.

With slight modifications, the present laws governing liquor in our State can be amended so as to work satisfactorily, not only in the interest of public morals but in the return of revenue in our present financial crisis.

Senate Bill No. 919 now before the Legislature, with certain changes, will control by proper and permissive zoning ordinances the sale of liquor in certain parts of communities where it would not be desirable. We refer, particularly, to the sale of liquor in the vicinity of schools, churches, and institutions.

In so far as the matter of revenue is concerned, we find that a reasonable excise tax on liquor by the gallon is proper. We are of the opinion that the present tax on beer and on wine can not be increased without working toward a decline in the volume of sales and the consumption of these two liquors. So-called "hard liquor" we find should be taxed 44 cents per proof gallon—such tax, however, in order to be effective must be applied at point of sale by the retailer in the form of stamps properly canceled and affixed to bottles. Such a method of collecting the tax will not only return to the State a considerable revenue, possibly from \$7,000,000 to \$10,000,000 annually, but will act as a police measure against the dispensing and selling of so-called "bootleg" or "moonshine" liquor.

One of the defects of our present laws is that no attempt has been made to synchronize definitions and regulations with the U. S. Internal Revenue Regulations concerning the sale of liquor.

The Senate Bill No. 919 can by certain changes be made to cover licensing and control to the satisfaction of the people at large and will help to simplify the duties of the Board of Equalization in the control feature, and also harmonize with the Federal regulations.

In so far as the local enforcement by local authorities is concerned, we are not of the opinion that the proper method is to permit communities to license liquor establishments. We believe it is a State function but in order to secure the proper cooperation from local authorities there is a certain amount of expense involved in this method that should be provided for. If instead of under the present system of allotting 60 per cent of the net returns from licenses after the expenses of the Board of Equalization are paid we allow 50 per cent of the gross returns of licenses to the various communities; then out of the 50 per cent balance the expenses of the board could be taken and the rest returned to the State. More enthusiastic support could be had from local enforcement authorities in this way.

We respectfully recommend, too, that this Legislature by an appropriate resolution memorialize Congress that there be a material reduction effected in the excise tax on beer and wine for it is to be remembered that the primary reason for this legislative committee's activities is to find ways and means to promote the sale of beer at 5 cents per glass.

After long and detailed hearings, it is the opinion of the members of the committee that beer can not be sold for 5 cents unless the Federal tax is reduced, and from our hearings we understand it is the intention of the brewery interests of America to work for reduction of Federal excise taxes. In the event they accomplish their desires it would be unwise to further increase the tax on beer at this time. How-

ever, if Congress does not reduce the tax, there will be an opportunity later to increase it in California to 3 or 4 or more cents per gallon.

Beer and wine are the beverages of the poor man, are temperate drinks, and we feel their sales should be stimulated rather than hampered.

We recommend a beer manufacturer's license of \$500 for breweries producing 250,000 barrels and less, and \$1,000 for breweries producing over 250,000 barrels annually, with the brewer being permitted to put out as many labels as he chooses. Since from the testimony given at the public hearing there appeared to be a slight difference in regard to the manufacture of different brands of beer, we believe that the brewer should not be penalized by a license for every label he might want to use in order for him to meet certain competition.

A graduated wine manufacturer's license according to quantity and capacity of the winery would allow the small manufacturer to find a market for his product. We, therefore, have set up in Senate Bill No. 919 a graduated scale of winery licenses ranging from \$50 to \$250, according to gallonage produced.

We have distinguished between a primary distiller's license in the sum of \$1,000 and a brandy distiller's license in the sum of \$250 for the reason that considerable brandy for fortification of wines is distilled in this State and an undue penalty upon such brandy distillers would reflect unfavorably upon the wines produced therefrom.

Considerable activity has been noted on the part of rectifiers, and the committee herewith recommends a license in the sum of \$1,000 upon that particular line of business.

We recommend elimination of the retail off-sale beer and wine license in order that it may be combined with the retail off-sale hard liquor license with a fee of \$150. A higher fee than this for the off-sale package business would be prohibitive in any small retail drug stores, grocery stores, and the like.

We further recommend an industrial alcohol user's license in the sum of \$50.

The on-sale beer tavern license is used extensively by small merchants throughout the country and should not, in the opinion of the committee, be set at an extremely high figure. It is believed that \$25 per year is the proper license to cover this particular trade.

On-sale alcoholic beverage license should include the sale of all alcoholic beverages including beer, wine, distilled spirits, and there should not be a separate license for beer and wine only. This is the provision that has led to so much trouble for the board, the cause of prolific license evasion, and the dispensing of much illegitimate liquor. This license should be fixed at \$250.

In regard to the bottling license in addition to the recommended \$500, the bottler should be required to furnish a bond for faithful and honest performance of their functions as bottlers. This is particularly necessary in the bottling of wine, and the bottler's license should not be given indiscriminately to people who have no regular facilities or plant for bottling operations.

We further believe in this set-up that retail off-sale licenses should not be issued to wholesalers and that wholesalers' licenses should not be issued to retailers. In other words, there should not be permitted a combination of the two operations, retailing and wholesaling. We believe that a retailer applying to the board for a license or a wholesaler applying to the board for a license should demonstrate to the satisfaction of the board that his principal function of business is either retailing or wholesaling and take his license accordingly.

Manufacturers' licenses should not require in addition bottling licenses, or a wholesaler's license.

The matter of standardization of wines should be imposed by act of this Legislature and this committee will in a supplemental report make its recommendations in the matter of standardization.

The recommendations herewith made and the additional excise taxes recommended by your committee should net some additional revenues in the neighborhood of from \$7,000,000 to \$10,000,000 for the general fund of the State of California.

Respectfully submitted,

A. L. PIEROVICH, Chairman.
JOHN B. MCCOLL
BRADFORD CRITTENDEN,
THOMAS F. SCOLLAN,
F. L. GORDON
H. I. PARKMAN
JERROLD L. SEAWELL.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator King:

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 21 of the "California Water Storage District Act," relating to property sold for delinquent assessments.
Respectfully submitted.

CHAS. KING.

Request referred to Committee on Rules

Consideration of Daily File.
Third Reading of Senate Bills.
Unanimous Consent.

Senator Stow asked for, and was granted, unanimous consent to consider Senate Bill No. 696 out of order.

Senate Bill No. 696—An act to add section 530a to the Penal Code, relating to false statements to procure relief, and declaring the urgency hereof.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall, therefore, take effect immediately.

The following is a statement of the facts constituting such necessity: Monies and relief covered by this act are now being disbursed by the State and the Federal Government for the purpose of relieving unemployment. In order that proper protection be extended to the recipients of this money and that it be not diverted from the purpose for which it is paid by the State or Federal Government, it is necessary that the protection afforded by this bill be immediately extended both to the governments paying out the money and the recipients thereof. It is therefore necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Methuenness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schatzky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—34.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 696 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Methuenness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schatzky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 696 ordered transmitted to the Assembly.

Second Reading of Senate Bills.

Senate Bill No. 210—An act to amend section 415 of the Civil Code, relating to purchasing and holding of real estate by insurance companies.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 210 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, strike out "section 415 of the Civil", and insert in lieu thereof the following: "sections 1150 and 1151 of the Insurance".

Amendment No. 2.

Strike out line 2 of the title of the printed bill, also strike out line 3, and insert in lieu thereof the following: "purchasing, holding and conveying of real estate by insurers."

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out "415 of the Civil", and insert in lieu thereof the following: "1150 of the Insurance".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 3 and 4, and insert in lieu thereof the following:

"1150. Every admitted incorporated insurer may purchase, hold, or convey real estate only for the".

Amendment No. 5.

On page 1, line 17, of the printed bill, strike out "under section 341 of the General", also strike out line 18, and insert in lieu thereof the following: "by gift or devise.

(g) Upon the written approval of the Insurance Commissioner, real estate requisite or desirable for the protection or enhancement of the value of other real or personal property owned by such insurers.

Sec. 2. Section 1151 of the Insurance Code is hereby amended to read as follows:".

Amendment No. 6.

On page 1 of the printed bill, strike out line 19, and insert in lieu thereof the following:

"1151. All real estate specified in subdivisions (c), (d), (e), (f), and".

Amendment No. 7.

On page 1, line 20, of the printed bill, strike out "(f)", and insert in lieu thereof the following: "(g)".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; creating the office of truck commissioner; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 329 were read and adopted:

Amendment No. 1.

Strike out section 22, and insert in lieu thereof the following: "in the preamble," in a separate paragraph following the words "The people of the State of California do enact as follows", and in the center of the page, put the word "Preamble", and following that, as a paragraph:

"The use of the public highways for the transportation of property for compensation is a business affected with a public interest and it is hereby declared that the purpose of this act is to preserve for the public the full benefit and use of public highways consistent with the needs of commerce without unnecessary congestion or wear and tear upon such highways; to secure to the people just and reasonable rates for transportation by carriers operating upon such highways; to secure full and unrestricted flow of traffic by motor carriers over such highways which will adequately meet reasonable public demands by providing for the regulation of rates of all transportation agencies so that adequate and dependable service by all necessary transportation agencies shall be maintained and the full use of the highways preserved to the public."

Amendment No. 2.

On page 2, line 36, of the printed bill, following the word "operation", strike out the period, and insert in lieu thereof a semicolon, and add the following: "provided, however, that any highway carrier subject to the provisions of this act, who is in

business on the effective date of this act, shall file his application with the commission within thirty days after this act shall take effect".

Amendment No. 3.

On page 2, line 45, of the printed bill, after the word "permit", strike out the word "shall", and insert in lieu thereof the word "must".

Amendment No. 4.

On page 2, line 46, of the printed bill, after the word "corporation", add the following sentence: "Pending the issuance of any permit by the commission, the continuance of such operation shall be lawful".

Amendment No. 5.

On page 3, line 2, of the printed bill, strike out the period, and add the following: "Of the same commodities between the same points".

Amendment No. 6.

On page 3, line 8, of the printed bill, after the word "carrier", strike out the period, and add the following: "Of the same commodities between the same points".

Amendment No. 7.

On page 4, lines 48 and 49, of the printed bill, after the words "is reasonable", strike out the following: "and consistent with the public interest", and insert in lieu thereof: "and nondiscriminatory between highway carriers".

Amendment No. 8.

On page 5, line 1, of the printed bill, after the words "to any", strike out the word "person", and insert in lieu thereof the following: "shopper or consignee, his agent, servant or employee".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 788—An act to amend the Vehicle Code by amending sections 511, 517, 526, 527, 530, 531, 543, 544, 552, 570, 571, 585, 586, 587, 596, 600, 694, and 696; by repealing section 534; by adding sections 542 and 588, relating to vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 788 were read and adopted.

Amendment No. 1.

On page 1, line 3, of the title of the printed bill, strike out the word and figures "section 534", and insert in lieu thereof the following: "sections 534 and 589".

Amendment No. 2.

On page 1, line 4, of the title of the printed bill, strike out the word and figures "and 588", and insert in lieu thereof the following: ", 588 and 603".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 9 to 11, inclusive, and insert in lieu thereof the following: "unless the defendant establishes by competent evidence that any said speed in excess".

Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 19 and 20, and insert in lieu thereof the following: "school, State university, State college, or State, county, or municipal institution or building".

Amendment No. 5.

On page 3, line 27, of the printed bill, after "into", insert the following: "three".

Amendment No. 6.

On page 4, line 16, of the printed bill, strike out "eure", and insert in lieu thereof the following: "curve".

Amendment No. 7.

On page 7 of the printed bill, after line 50, insert the following:

"SEC. 21. Section 589 of the Vehicle Code is hereby repealed.

SEC. 22. The Vehicle Code is hereby amended by adding thereto a new section to be numbered 603, to read as follows:

603. Vehicles on Certain Public Property. (a) No person shall drive any vehicle or animal, nor shall any person stop, park or leave standing any vehicle or animal, whether attended or unattended, upon the driveways or paths or any of the grounds of any public school, State University, State college, or State, county or

municipal institution or building, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or officer of such public school, State university, State college, or State, county or municipal institution or building.

(b) Every governing board or officer herein referred to shall erect or place appropriate signs giving notice of any special conditions or regulations that may be imposed hereunder and every such board or officer shall also prepare and keep available at the principal administrative office of such board or officer for examination by all interested persons a written statement of any and all such special conditions and regulations adopted hereunder.

(c) When any governing board or officer herein referred to permits public traffic upon the driveways, paths or grounds under their control then, in the absence of any special condition or regulations applicable to such traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to such traffic upon said driveways, paths or grounds."

Amendment No. 8.

On page 7, line 51, of the printed bill, strike out "21", and insert in lieu thereof "23".

Bill read second time, ordered to reprint, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 452—An act to amend section 135 of the Vehicle Code, relating to the California Highway Patrol.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 452 were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out the words "California Vehicle Act", and insert in lieu thereof the following: "Vehicle Code."

Amendment No. 2.

On page 1, line 21, of the printed bill, strike out the words "California Vehicle Act", and insert in lieu thereof the following: "Vehicle Code."

Amendment No. 3.

On page 1 of the printed bill, after line 23, insert the following:

"In addition to the powers above given to all members of the California Highway Patrol and not in limitation thereof, such members shall have power:

(a) At all times to direct all traffic in conformance with the provisions of law, and in the event of a fire or other emergency or to expedite traffic or to insure safety to direct traffic as conditions may require notwithstanding the provisions of this code.

(b) When on duty, upon reasonable belief that any vehicle is being operated in violation of any provision of this code, to require the driver thereof to stop and submit to an inspection of such vehicle, the equipment, license plates and registration card thereon or to a test of the light or brake equipment upon such vehicle.

(c) To inspect any vehicle of a type required to be registered hereunder on a highway or in any garage or repair shop for the purpose of locating stolen vehicles and investigating the title and registration thereof."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 55—An act to add section 676.5, 676.51, 676.52, 676.53, 676.54, and 676.55 to the Vehicle Code, relating to safety glass on motor vehicles.

Amendments from the Floor.

During second reading of Senate Bill No. 55, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 10 to 16, inclusive, and insert in lieu thereof the following:

"Sec. 676.5. Safety Glass Required. On and after January 1, 1936, except as otherwise provided in section 676.52, no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter, nor shall any person operate

any motor vehicle sold as a new motor vehicle in this State after January 1, 1936, unless such motor vehicle is equipped with safety glass wherever glass is used in partitions, doors, windows, or windshields."

Amendment No. 2.

On page 2 of the printed bill, strike out all of lines 14 and 15, and insert in lieu thereof the following:

"Vehicle. On and after January 1, 1936, every application for the original registration of a new motor vehicle sold in this State shall be accompanied by an affidavit of the".

Amendment No. 3.

On page 2 of the printed bill, strike out all of lines 20 to 24, both inclusive, and insert in lieu thereof the following:

"676.55. Violations By Common Carrier. In case of the violation of the provisions of section 676.5".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists, clinical pathologists and clinical laboratory technicians, for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 820—An act to amend sections 2 and 13 of the State Medical Practice Act, relating to taxes and registration fees, and to reciprocity certificates.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing, preparing, and distributing the same, and to provide penalties for the violation of the provisions of this act.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Public Health and Quarantine the following amendment to Senate Bill No. 21 was read and adopted:

Amendment No. 1.

On page 1, line 19, of the printed bill, as amended, after the word "preparing", strike out the words: "or distributing".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 15—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 15 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert in lieu thereof the following:

"159b. It shall be unlawful for any person, firm, copartnership, association or corporation or for the officers, agents, servants, or employees of any such person, firm, copartnership, association or corporation, directly or indirectly, individually or by agent, servant or employee, to solicit any person injured as result of an accident, or his administrator, executor, or heir for the purpose of representing such person in making claim for damages or prosecuting any action or cause of action arising out of any personal injury claim against any other person, firm or corporation and any contract entered into as a result of such solicitation shall be absolutely void; provided, however, that nothing herein shall affect an unsolicited contract entered into by any person, firm or corporation with an attorney duly admitted to practice law in this State."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 35—An act to amend section 1027 of the Probate Code, relating to the distribution of estates.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 35 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, strike out "amend", and insert in lieu thereof the following: "repeal".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 2 to 25, inclusive, and insert in lieu thereof the following: "repealed."

Bill read second time, ordered to reprint and re-referred to Committee on Judiciary.

Senate Bill No. 522—An act to add a new section to the Probate Code of the State of California, to be known as section 1028, relating to the ratable, partial, and final distribution of estates of deceased persons.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 843—An act to amend section 1238 of the Civil Code, relating to the property from which a homestead may be selected.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1038—An act to amend section 1241 of the Code of Civil Procedure, relating to condemnation.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 1038 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, insert after the comma following the word "county", the following: "city and county,".

Amendment No. 2.

On page 1, line 12, of the printed bill, insert after the comma following the word "county", the following: "city and county,".

Amendment No. 3.

On page 1, line 24, of the printed bill, insert after the comma following the word "county", the following: "city and county,".

Amendment No. 4.

On page 2, line 4, of the printed bill, insert after the comma following the word "county", the following: "city and county."

Amendment No. 5.

On page 2, line 6, of the printed bill, insert after the comma following the word "county", the following: "city and county."

Amendment No. 6.

On page 2, line 15, of the printed bill, insert after the comma following the word "county", the following: "city and county."

Amendment No. 7.

On page 2, line 19, of the printed bill, insert after the comma following the word "county", the following: "city and county."

Amendment No. 8.

On page 2, line 32, of the printed bill, insert after the comma following the word "county", the following: "city and county."

Amendment No. 9.

On page 2, line 42, of the printed bill, insert after the comma following the word "counties," the following: "cities and counties."

Amendment No. 10.

On page 2, line 45, of the printed bill, insert after the comma following the word "county", the following: "city and county."

Amendment No. 11.

On page 2, line 45, of the printed bill, insert after the comma following the word "county", the following: "city and county."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 215—An act to add section 1219.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Senate Bill No. 215 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 3 to 9, inclusive, and insert in lieu thereof the following:

"1219.5. The board of directors of every association organized hereunder shall cause to be sent to the members thereof not later than one hundred and twenty days after the close of the fiscal or calendar year an annual report of the operations of the association, unless such report be expressly dispensed with in the by-laws. Such annual report shall include a balance sheet as of such closing date. Such financial statement shall be prepared from the books and shall be in accordance therewith and shall be prepared in a form sanctioned by sound accounting practices for the association or approved by a duly certified public accountant."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural and horticultural products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and

enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 353 were read and adopted:

Amendment No. 1.

On page 2, line 36, of the printed bill, after the word "thereof", insert the following: ", of like classification as determined by any marketing agreement or license under the National Agricultural Adjustment Act,".

Amendment No. 2.

On page 2, line 41, of the printed bill, strike out the word "with", and insert in lieu thereof the word "in".

Amendment No. 3.

On page 3, line 1, of the printed bill, strike out the word "such", and insert in lieu thereof the word "agricultural".

Amendment No. 4.

On page 3, line 4, of the printed bill, strike out the last letter of the word "inequality", and insert in lieu thereof the letters "ies".

Amendment No. 5.

On page 3 of the printed bill, strike out all of line 13 following the word "opportunities", and all of line 14, and insert in lieu thereof the following: "in the available markets to all growers and producers of like classification as determined by any marketing agreement or license under the National Agricultural Adjustment Act."

Amendment No. 6.

On page 3, line 38, of the printed bill, strike out the period, and insert in lieu thereof the following: "and the products of animal and poultry industries."

Amendment No. 7.

On page 4, line 12, of the printed bill, after the words "United States", insert the following: ", for the purpose of administering the provisions of the National Agricultural Adjustment Act,".

Amendment No. 8.

On page 4, line 26, of the printed bill, after the word "thereof", insert the following: "by any person signatory to such agreement or within the class of persons described by such license are hereby".

Amendment No. 9.

On page 4, line 28, of the printed bill, after the word "every", insert the word "such".

Amendment No. 10.

On page 4, line 47, of the printed bill, strike out the period, and insert in lieu thereof the following: ", provided that such marketing agreements shall not become effective until approved by the Director of Agriculture."

Amendment No. 11.

On page 5, line 13, of the printed bill, strike out the words "subjecting to", and in line 14, strike out all of said line to and including the word "single", and insert in lieu thereof the following: "permitting participation therein by all persons engaged in a".

Amendment No. 12.

On page 5, line 21, of the printed bill, after the word "done", insert the following: "within and from this State".

Amendment No. 13.

On page 6, line 4, of the printed bill, after the period, add the following: "Such license may be issued in accordance with regulations to be prescribed by the Director of Agriculture, as a blanket license or upon application by persons subject thereto."

Amendment No. 14.

On page 6 of the printed bill, strike out all of lines 25 to 28, inclusive, and insert in lieu thereof the following:

"3. Upon the issuance of said license or any amendment thereof a notice of said license shall be posted on a public bulletin board to be maintained by the Director of Agriculture in his office and a copy of such notice shall be published in a newspaper of general circulation published in the capital of the State and in each other paper or papers as the Director of Agriculture may prescribe. No license nor any amendment thereof shall become effective until two days after such posting and publication. It shall also be the duty of the director to mail a copy of the notice of said license to all known licensees whose names and addresses may be on file in the office of the director and to every person who files in the office of the director a written request for such notice."

Amendment No. 15.

On page 6, line 20, of the printed bill, strike out the word "where", and insert in lieu thereof the following: "Except as otherwise provided in section 17 hereof."

Amendment No. 16.

On page 6, line 40, of the printed bill, strike out paragraph of said line and after the word "or", and all of lines 41 to 52, inclusive, and on page 7, line 1, replace the word "industry", and the period following said word, and insert in lieu thereof the following: "license, the director shall within five days of the effective date of such amendment or amendments prepare a like amendment or amendments to the marketing agreement or license, relative to that commodity affected under this act, provided, however, that in the event a protest or such amendment or amendments shall be filed in writing with the director by a signatory to such marketing agreement or a licensee under such license within fifteen days from the effective date of such amendment or amendments the director shall call a hearing for the purpose of reconsidering such amendment or amendments to said State marketing agreement or license. If, after such hearing, the director in his discretion believes that the amendment or amendments to said State marketing agreement or license will carry out the purposes of this act, he shall within ten days of said hearing confer his approval; otherwise he shall cancel such marketing agreement or license relating to that commodity."

Amendment No. 17.

On page 7, line 6, of the printed bill, strike out the words "two thirds", and insert in lieu thereof the following: "over fifty per cent".

Amendment No. 18.

On page 7 of the printed bill, following line 12, insert the following:

"(5) The Director of Agriculture may collect and enforce all rules, regulations and orders necessary or desirable to carry out the purposes of this act and not inconsistent with law. Every general rule, regulation or order of the director shall be posted for public inspection in the main office of the director and in the office of the Secretary of State at least three days before it shall become effective, and shall be given such further publicity, by advertisement in a newspaper of general circulation in the territory affected by the issuance of such rule, regulation or order, or otherwise as the director shall deem advisable. An order affecting only to a person or persons named therein shall be served on the person or persons affected, (a) by personal delivery of a certified copy, or (b) by mailing a certified copy in a sealed envelope with postage prepaid to each person affected thereby, or (c) in the case of a corporation, to any officer or agent of the corporation upon whom a summons may be served in accordance with the provisions of section 406 A of the California Civil Code and section 411 of the California Code of Civil Procedure.

The posting in the main office of the director and in the office of the Secretary of State of any rule, regulation or order not deemed required to be served, and the giving of such further publicity thereto, if any, as the director deems advisable, or the proper service of one required to be served, shall constitute due and sufficient notice to all persons affected by such rule or order. A rule of the board, committee, or administrative authority under any State marketing agreement or State license, when duly posted and filed as provided in this section, shall have the force and effect of law."

Amendment No. 19.

On page 7, lines 16 and 17, of the printed bill, strike out the words "State marketing agreement or".

Amendment No. 20.

On page 7, lines 22 and 23, of the printed bill, strike out the words "Federal marketing agreement or".

Amendment No. 21.

On page 7 of the printed bill, following line 38, insert the following:

"(c) Any person wilfully exceeding any quota or allotment fixed for him by any license issued by the Director of Agriculture, and any other person knowingly participating, or aiding, in the exceeding of said quota or allotment, shall forfeit to the State a sum equal to three times the current market value of such excess, which forfeiture shall be recoverable in a civil suit brought in the name of the State."

Amendment No. 22.

On page 7, line 39, of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

Amendment No. 23.

On page 8, line 5, of the printed bill, strike out the letters "ing", in the word "engaging" and insert in lieu thereof the letters "es".

Amendment No. 24.

On page 8 of the printed bill, strike out all of lines 47 and 48, and insert in lieu thereof the following: "upon the signatories to such marketing agreement or upon the members of the industry for which said license has been issued in order to raise the".

Amendment No. 25.

On page 9, line 31, of the printed bill, insert a period after the word "license", and strike out the remainder of that line, and all of lines 32 to 34, inclusive.

Amendment No. 26.

On page 9 of the printed bill, following line 43, insert the following:

"(5) No person shall be excused from attending and testifying or from producing documentary evidence before the director or in obedience to the subpoena of the director on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the director in obedience to a subpoena issued by him; provided, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying."

Amendment No. 27.

On page 9 of the printed bill, strike out all of lines 46 to 51, inclusive, and insert in lieu thereof the following:

"(a) To confer and cooperate with the legally constituted authorities of other States and of the United States, including the Secretary of Agriculture of the United States, or other legally constituted Federal authorities in effectuating the purposes of the Agricultural Adjustment Act, and of this act, in order to secure uniformity in the administration of Federal and State marketing agreements and licenses and in the regulations thereby prescribed, and said Director of Agriculture shall have power to conduct joint hearings and issue joint or concurrent orders for the foregoing purposes, and may exercise his powers under this act to effect such uniformity of administration and regulation."

Amendment No. 28.

On page 10, line 15, of the printed bill, strike out the words "marketing agreement", and strike out all of line 16, and insert in lieu thereof the following: "license and of every Federal".

Amendment No. 29.

On page 11, line 1, of the printed bill, following the word "persons", insert the following: ", of like classification, as determined by any marketing agreement or license under the National Agricultural Adjustment Act,".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 854—An act to amend section 1261 of the Agricultural Code, relating to produce dealers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 854 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to amend sections 1261 and 1263 of the Agricultural Code, relating to produce dealers."

Amendment No. 2.

After line 17, page 2, of the printed bill, add the following:

"1263. No person shall act as a commission merchant, dealer, broker or agent without having obtained a license as provided in this chapter. Every person, acting as a commission merchant, dealer, broker or agent as herein defined shall file an application with the director for a license to transact the business of commission merchant, dealer, broker, and or agent, and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business.

Such application shall in each case state the class or classes of farm products applicant proposes to handle, the full name of the person applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the State of California and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to the class of application noted:

(a) **Commission merchants:** Each application shall include a schedule of commissions and charges for services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties.

(b) **Agents:** Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of each commission merchant, dealer or broker represented or sought to be represented by said agent, and the written indorsement or nonindorsement of such commission merchant, dealer or broker.

The director shall thereupon issue to such applicant, a license enabling the applicant to conduct the business described in the application, at the place named in the application for a year from the date thereof or until the same shall have been revoked for cause. The director may also issue to each agent a card or cards, which shall bear the signature of said agent and his principal, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any interested person.

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All copies of the possession of a license shall be at all times the property of the State of California and each licensee shall be entitled to the possession thereof only for the duration of said license.

For filing the applications herein described, each applicant must pay a fee as follows:

(a) **Commission merchants:** Twenty-five dollars for each year, provided that a person licensed as a slaughterer under the provisions of Article 3 of Chapter 1 of Division III of this code shall be entitled to be licensed as a commission merchant without payment of further fees.

(b) **Dealers:** Twenty-five dollars for each year; provided, that a person licensed as a slaughterer under the provisions of Article 3 of Chapter 1 of Division III of this code shall be entitled to be licensed as a dealer without payment of further fees.

(c) **Brokers:** Twenty-five dollars for each year.

(d) **Agents:** One dollar for each year.

Any person who shall have been licensed as a commission merchant shall, upon application, be licensed also as a dealer and as a broker as defined herein, without payment of further fees, and shall thereupon conform to the parts of this chapter regulating the business of a dealer and or broker. Any person who has applied for and received a license as a dealer or broker in the manner aforesaid upon payment of the fee herein set forth may apply for and secure a license as a commission merchant in addition to the license issued to him as such dealer or broker, without payment of further fee and upon further complying with those parts of this chapter regulating the licensing of a commission merchant."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 49—An act to amend section 10 of "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, and other commodities when sold or offered or exposed for sale in con-

tainers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, relating to false or raised bottoms of containers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 335—An act to amend section 40 of the Agricultural Code, relating to the State Board of Agriculture.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 335 were read and adopted:

Amendment No. 1.

On page 1, line 12, of the printed bill, after the word "is", strike out the remainder of the line, and insert in lieu thereof the following: "directly interested in or employed by".

Amendment No. 2.

On page 1, line 10, of the printed bill, after the word "agricultural", strike out the word "and", and insert in lieu thereof the word "or".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Assistant Secretary Carl A. Shipkey at the Desk.

Senate Bill No. 1001—An act to amend section 368 of the Agricultural Code, relating to the transportation of cattle.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 1001 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following: "An act to amend section 341 of the Agricultural Code, relating to inspection of marks and brands".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 20, inclusive, and insert in lieu thereof the following:

"341. Inspection of cattle consists of the examination of the same for brands and marks, and in the case of unbranded cattle, for natural marks, and the issuance of a certificate showing said brands and marks, or natural marks. If any animal bears a brand or brands in addition to the brand of the person presenting the same for inspection, the inspector shall have the right to demand that he be shown a bill of sale or other proof of ownership to one brand other than that of the person presenting the same for inspection. The inspector shall make a record showing the number, sex, brands and marks of each animal inspected, name of owner or claimant, consignor and consignee. It is unlawful to remove any animal and substitute another therefor, or add other animals or take animals away from any lot of cattle for which the inspector has issued a certificate for shipment or slaughter, without notifying the inspector who issued the certificate, before the cattle are shipped or slaughtered. No inspection shall be required when shipment is made by the owner of cattle from one range to another and said cattle are not sold or transported for the purpose of sale."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 388—An act amending section 2 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and

water resources and advantages of their several counties," approved April 17, 1929, relating to the period of time said act shall be in force and effect.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 388 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGowan, Metzger, Mixer, Parkman, Perry, Powers, Reel, Schenck, Seelien, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—31

NOES—None.

Title read and approved.

Senate Bill No. 388 ordered transmitted to the Assembly.

Second Reading of Assembly Bills.

Assembly Bill No. 441—An act to amend "An act to require security for the payment of wages of persons engaged in the mining industry," approved April 25, 1933, by amending section 1 thereof, relating to security for the payment of wages.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Mines and Mining, the following amendments to Assembly Bill No. 441 were read and adopted:

Amendment No. 1.

In line 1 of the title of the printed bill, after "amend", insert "the title, sections 1 and 2 of".

Amendment No. 2.

In lines 3 and 4 of the title of the printed bill, strike out "by amending section 1 thereof, relating to security for the payment of wages," and insert in lieu thereof the following: "(Stats. 1933, Chap. 194), relating to security for the payment of wages in the mining industry and providing penalties for violation of the provisions thereof".

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out the second "Section 1" and insert in lieu thereof the words "The title".

Amendment No. 4.

On page 1 of the printed bill, between lines 2 and 3, insert the following:

"An act to require security for the payment of wages of persons engaged in the mining industry and providing penalties for violation of the provisions thereof"

SEC. 2. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Amendment No. 5.

On page 1, line 3, of the printed bill, after the word "firm", insert ", association".

Amendment No. 6.

On page 1, line 3, of the printed bill, after the word "corporation", insert ", or agent, manager, superintendent or officer thereof".

Amendment No. 7.

On page 1 of the printed bill, after line 18, add the following:

"SEC. 3. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 2. Any person, firm, association or corporation, or agent, manager, superintendent or officer thereof, who violates, or omits to comply with, any provision of this act is guilty of a misdemeanor, punishable by a fine of not exceeding five hundred dollars or imprisonment for not exceeding six months, or by both."

Bill read second time, ordered to reprint, and re-referred to Committee on Mines and Mining.

Assembly Bill No. 129—An act to add a new section to the Code of Civil Procedure to be numbered 2056, relating to motions to strike an answer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 130—An act to amend section 2021 of the Code of Civil Procedure, relating to depositions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 113—An act to amend section 1822bb of the Code of Civil Procedure, relating to the management, control, and disposal of estates of missing persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 208—An act to prohibit until January 1, 1937, sales under certain chattel mortgages for default in the payment of the principal sum, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 208 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, strike out the words "until January 1, 1937", and insert in lieu thereof the following: "under certain conditions".

Amendment No. 2.

On page 1, line 2, of the title of the printed bill, strike out the words "for default in the payment of the prin-".

Amendment No. 3.

On page 1, line 3, of the title of the printed bill, strike out the words "cipal sum".

Amendment No. 4.

On page 1 of the printed bill, strike out all of lines 1 to 9, inclusive, and insert in lieu thereof the following:

"SECTION 1. No sale shall be made under any final decree of foreclosure or any power of sale contained in any chattel mortgage heretofore executed upon any personal property located in and used in connection with the operation of any building located upon real property, sale of which real property under any mortgage or deed of trust is postponed by the filing of a petition and the recording of notice thereof under Chapter 7 of Statutes of 1935, until on or after such date as a sale of such real property is lawfully held under such mortgage or deed of trust."

Amendment No. 5.

On page 1 of the printed bill, commencing in line 14, strike out the words "between the date upon which this act takes effect and the first day of January, 1937, such time is hereby extended so as not to expire until March 1, 1937", and substitute in lieu thereof the following: "when any sale under power of sale contained in such chattel mortgage or under any decree of foreclosure is postponed by virtue of the provisions of this act, such time is hereby extended to and including September 1, 1935".

Amendment No. 6.

On page 1 of the printed bill, following line 21 thereof, insert the following: "Sec. 4. This act shall remain in effect only until September 1, 1935".

Amendment No. 7.

On page 2, line 1, of the printed bill, strike out the numeral "4", and insert in lieu thereof "5".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 639—An act to amend section 69 of the Civil Code, relating to applications for and issuance of licenses to marry.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 639 were read and adopted.

Amendment No. 1.

On page 1, line 11, of the printed bill, strike out "must", and insert in lieu thereof the following: "may".

Amendment No. 2.

On page 1, line 12, of the printed bill, strike out "who", and insert in lieu thereof the following: "is".

Amendment No. 3.

On page 1, line 14, of the printed bill, strike out "is".

Amendment No. 4.

On page 1, line 15, of the printed bill, strike out "no license must", and insert in lieu thereof the following: "and no license may".

Amendment No. 5.

On page 1, line 20, of the printed bill, strike out "must", and insert in lieu thereof the following: "may".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 654—An act to add a new section numbered 1558 to the Probate Code of the State of California, relating to the guardianship of estates.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 654 were read and adopted.

Amendment No. 1.

In the title of the printed bill, strike out the numerals "1558", and substitute in lieu thereof the numerals "1559".

Amendment No. 2.

On page 1, line 15, of the printed bill, strike out the numerals "1558", and insert in lieu thereof the numerals "1559".

Amendment No. 3.

On page 1, line 17, of the printed bill, strike out the numerals "1558", and insert in lieu thereof the numerals "1559".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 524—An act to amend sections 821 and 827 of the Agricultural Code, relating to apples; to declare the urgency hereof and to provide that this act take effect immediately.

Bill read second time, and ordered on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 657—An act to amend sections 41e and 42 of the California Irrigation District Act, relating to the payment of irrigation district assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 657 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern,

McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, and Waggy—31.

NOES—None.

Title read and approved.

Assembly Bill No. 657 ordered transmitted to the Assembly.

Assembly Bill No. 1120—An act to amend sections 1, 3, 9, 12a, 15, 19, 20a and 20b and to add sections 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 9a, 9c, 12b, 20b, 20c, 20d, 20e, 20f, 20g, 20h, 20i, 20j and 20k to the California Real Estate Act, relating to the creation of the Real Estate Board and prescribing the powers and duties thereof, to the regulation and licensing of real estate brokers and salesmen, and to the inspection and regulation of subdivisions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1120 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1120 ordered transmitted to the Assembly.

Assembly Bill No. 2033—An act to amend the title and sections 2, 4 and 5 of an act entitled "An act regulating the payment of wages earned in seasonal labor and prescribing the powers and duties of the Commissioner of the Bureau of Labor Statistics, in relation thereto," approved May 28, 1913 (Stats. 1913, Chap. 198), relative to disputes regarding seasonal labor, and the application of the State Wage Law thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2033 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, and Williams—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2033 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 45.

Relative to memorializing the President and the Congress to enact the required legislation for complete and adequate anti-aircraft equipment and personnel as defensive measures for the Pacific Coast.

WHEREAS, During recent times there has been a great deal of public interest and discussion in regard to the inadequacy of aircraft and personnel defense on the Pacific Coast; and

WHEREAS, As a result of such discussion and study on the part of representative organizations of the State of California, and military authorities, it seems clear that there is very apparent weakness in the anti-aircraft defense and personnel of the Pacific Coast; and

WHEREAS, Investigations made and information compiled by Joseph G. McComb Post No. 46 of the American Legion conclusively demonstrates the inadequacy of the anti-aircraft defense on the Pacific Coast; and

WHEREAS, California has only one anti-aircraft detachment with a complement of 24 officers and 323 men to cover and protect the entire length of the California coast line; and

WHEREAS, At some ports on the Pacific Coast there are only eight fixed anti-aircraft guns, and in other instances only two such guns; and

WHEREAS, The War Department of the United States has recommended that the minimum number of anti-aircraft units, in time of peace, should total 10 complete regiments; and

WHEREAS, Anti-aircraft equipment and personnel are essential as defense measures for the Pacific Coast and some areas of the military service which can not possibly be construed as creating self-purchasing business or industry, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly: That the President and the Congress of the United States are respectfully urged to enact the legislation requested for complete anti-aircraft equipment and personnel on the Pacific Coast; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that each Senator and member from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 45 adopted by the following vote:

AYES—Senators Biggar, Crittendon, Dray, Edwards, Fletcher, Garrison, Gordon, Hays, Hulise, Jepsen, Keough, King, Knowland, McCall, McCormack, McGovern, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Phelan, Powers, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Staw, Swing, Wagy, Williams, and Young—35.

NOES—None.

Assembly Joint Resolution No. 45 ordered transmitted to the Assembly.

Assembly Bill No. 759—An act to amend section 47a of the California Irrigation District Act by adding thereto a provision authorizing payment of current assessments upon partial redemption.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 759 passed by the following vote:

AYES—Senators Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulise, Jepsen, Keough, King, Knowland, McCall, McCormack, McGovern, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Phelan, Powers, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—32.

NOES—None.

Title read and approved, and Assembly Bill No. 759 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Finance.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 261—An act making an appropriation for the contingent expenses of the Assembly at its fifty first session, and declaring that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—12; absent—7.

SHARKEY, Chairman.

Consideration of Assembly Bill No. 261.

Senator Sharkey asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 261, for purpose of passage.

Second Reading of Assembly Bill No. 261.

Assembly Bill No. 261—An act making an appropriation for the contingent expenses of the Assembly at its fifty-first session, and declaring that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Resolution.

The following resolution was offered:

By Senator Sharkey:

Resolved, That Assembly Bill No. 261 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wag, and Young—32.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering at this time Assembly Bill No. 261.

Bill read third time.

Urgency Clause.

SEC. 3. Inasmuch as this act makes an appropriation for the usual current expenses of the State, it shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Wag, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 261 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wag, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 261 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 38—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment one of rehabilitation by cooperative self help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive, fixing status of cooperative institutions and their members; fixing title to property hereunder; declaring this act an emergency measure, providing for its constitutional construction, repealing conflicting laws.

Amendments from the Floor.

During third reading of Senate Bill No. 38, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1, line 3, of the title of the printed bill, as amended, after "unemployment", insert the following: "to be".

Amendment No. 2.

On page 1, in the third line from the last, in the title of the printed bill, as amended, strike out "declaring this act an emergency", also strike out the last two lines, and insert in lieu thereof the following: "and declaring this act to be an urgency measure."

Amendment No. 3.

On page 2, line 7, of the printed bill, as amended, strike out "/or".

Amendment No. 4.

On page 2, line 32, of the printed bill, as amended, strike out the period after "subordinates", and strike out "To", and insert in lieu thereof a comma and the following: "and to".

Amendment No. 5.

On page 2, line 36, of the printed bill, as amended, strike out "/or".

Amendment No. 6.

On page 3, strike out lines 31 to 34, inclusive, of the printed bill, as amended, and in line 35, strike out "State, but shall be exempt therefrom", and insert in lieu thereof the following: "Sec. 9."

Amendment No. 7.

On page 3 of the printed bill, as amended, strike out lines 42 to 47, inclusive.

Amendment No. 8.

On page 3, line 48, of the printed bill, as amended, strike out "12", and insert in lieu thereof the following: "11".

Amendment No. 9.

On page 4, line 4, of the printed bill, as amended, strike out "13", and insert in lieu thereof the following: "12".

Amendment No. 10.

On page 4 of the printed bill, as amended, after line 6, insert the following:

"SEC. 13. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately. The facts constituting such urgency are as follows:

Hardship and destitution caused by unemployment in the State of California and the enforced idleness of hundreds of thousands of its citizens, able and willing to work in the production and exchange of necessities of life, is requiring the payment to them through State relief agencies of millions of dollars in weekly doles to prevent their actual starvation. Available funds for the purpose are rapidly diminishing. A large part of the population of the State is in a condition of despair and unrest, threatening the public peace. Unless steps are immediately taken as in this act provided to furnish unemployed citizens with the means of producing for

themselves a decent standard of living, the social order of the State may be seriously disturbed, so this act should go into immediate effect."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 765—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; noes—1; absent—3.

YOUNG, Chairman.

Also:

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 763—An act to remove the debris and snags from the Sacramento River between Chico landing and the head of navigation near Red Bluff, to provide a survey for the work required, and to provide for the conduct of the necessary work by the State Emergency Relief Administration—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

PARKMAN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 290—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927, as amended, by adding a new section thereto to be numbered section 21, relating to the expenditure of the proceeds of harbor district bonds by the United States of America or any department, officer or agency thereof, and validating expenditures of such bond funds and work by the United States of America or any department, officer or agency thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

PARKMAN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than fifteen gross tons capacity operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved January 19, 1931, relating to boats unequipped with propelling machinery—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

PARKMAN, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 704—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy;

Also: Senate Bill No. 705—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydroelectrical power and to acquire equipment, including small hydropower, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act;

Also: Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 155, authorizing irrigation districts, heretofore or hereafter organized and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and be subject to regulate and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof;

Also: Senate Bill No. 234—An act to amend section 330.24 of the Civil Code, relating to mutual water companies;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—7

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 636—An act to provide for the purchase by the State of California, under certain conditions, of certificates of sale of property sold for delinquent payments of irrigation districts, and—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 112—An act to amend section 13 of the "Orange County Water District Act," approved June 14, 1933, relating to the organization of the board of directors of said district, the term of office of said directors and the establishing of an office for said board;

Also: Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be referred to this committee.

Committee membership—7; committee vote: Ayes—7.

MIXTER, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, March 26, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 32—An act to amend section 1310 of the Fish and Game Code, relating to fur-bearing mammals;

Also: Senate Bill No. 92—An act to add section 614.5 to the Fish and Game Code, relating to trout;

Also: Senate Bill No. 173—An act to amend section 652 of the Fish and Game Code, relating to salmon;

Also: Senate Bill No. 429—An act to amend section 1341 of the Fish and Game Code, relating to rabbits;

Also: Senate Bill No. 537—An act to add section 1354 to the Fish and Game Code, relating to the taking of frogs for educational and scientific purposes;

Also: Senate Bill No. 538—An act to amend sections 659.5, 661, 1064, 1151 and 1414 of the Fish and Game Code, relating to fish and game;

Also: Senate Bill No. 913—An act to add section 454.5 to the Fish and Game Code, relating to the shipment of fish and game into this State;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—16; committee vote: Ayes—15; absent—1.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 684—An act to amend sections 722 and 724 of the Fish and Game Code, relating to catfish—has had the same under consideration, and respectfully

reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—16; committee vote: Ayes—15; absent—1.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 161—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing licenses—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—16; committee vote: Ayes—15; absent—1.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 26—An act to add section 615.1 to the Fish and Game Code, relating to fish in districts 3 and 3A.

Also: Senate Bill No. 106—An act to amend sections 798.6 and 801 of the Fish and Game Code, relating to abalones;

Also: Senate Bill No. 998—An act to add section 31.5 to the Fish and Game Code, relating to predatory animal control;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—16; committee vote: Ayes—15; absent—1.

McCOLL, Chairman.

On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 345—An act to amend section 3480d of the Political Code, relating to crediting on calls of installment of assessments made by reclamation districts amounts of outstanding bonds exchanged in refunding proceedings, or otherwise canceled, and to the redemption of property sold to reclamation districts for delinquent assessments and installments thereof, and to the sale by county treasurers of land sold for delinquent assessments and installments thereof, and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

McCORMACK, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, March 26, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1885—An act to amend section 91.5 of the Agricultural Code, relating to the Sixth District Agricultural Association fund—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be re-referred to the Committee on Finance.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

Re-reference of Assembly Bill No. 1885.

Assembly Bill No. 1885 ordered referred to Committee on Finance, on motion of Senator Crittenden.

Approval of Journals.

The Senate Journals of Monday, March 18, 1935; Tuesday, March 19, 1935; Wednesday, March 20, 1935; Thursday, March 21, 1935; Friday, March 22, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Adjournment.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Thursday, March 28, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Thursday, March 28, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Bigger, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gattison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCall, McGowan, McGovern, McGuinness, Metzger, Mixer, Parkinson, Perry, Pomeroy, Powers, Reindollar, Rich, Schottky, Seollan, Sewell, Sharkey, Slater, Snyder, Stow, Swang, Tickle, Wagy, Williams, and Young. — 39

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Meats.

Reading of the Journal.

During the reading of the Journal of Wednesday, March 27, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Fred Young, Coroner of Healdsburg, Mrs. Fred Young, Mr. Herbert Snyder, County Recorder of Santa Rosa, and Mrs. Herbert Snyder.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. John Ortega Pala and Mr. Vincente Albanes of La Jolla, Mr. Lee Arenas of Palm Springs and Pearl Willis of San Diego.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Howard Irwin of Fullerton.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ben Hardin of Sonora.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 696. An act to add section 530a to the Penal Code, relating to false statements to procure relief, and declaring the urgency hereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 696 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on March 26, 1935, adopted as amended, Senate Concurrent Resolution No. 10 Relative to Joint Rules of the Legislature and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 10, as amended in the Assembly, referred to Committee on Rules.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 314—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817c3 and 3817j2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales, and declaring the urgency thereof, to take effect immediately;

Also: Senate Bill No. 834—An act to add section 17 to an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor, approved May 9, 1929, relating to the California Institution for Women;"

Also: Senate Bill No. 836—An act to amend sections 1202a, 1572, 1576, and 1586, of the Penal Code, relating to the State prisons;

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 40—An act to amend section 10 of "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, relating to false or raised bottoms of containers;

Also: Senate Bill No. 522—An act to add a new section to the Probate Code of the State of California, to be known as section 1028, relating to the ratable, partial, and final distribution of estates of deceased persons;

Also: Senate Bill No. 820—An act to amend sections 2 and 13 of the State Medical Practice Act, relating to taxes and registration fees, and to reciprocity certificates;

Also: Senate Bill No. 843—An act to amend section 1233 of the Civil Code, relating to the property from which a homestead may be selected;

Also: Senate Bill No. 694—An act to add section 690.5 to the Code of Civil Procedure, relating to exemption from attachment, garnishment, and execution of moneys paid to persons receiving relief, and declaring the urgency hereof;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, relating to an institution for women—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person, he and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, six days per week, and the Controller is hereby directed to draw his warrants for the said amounts, and the Treasurer is hereby directed to pay the same:

Lillian Miller, Stenographer

Per day
\$5.00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difoni, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, McCall, McCosmack, McGovern, McGuinness, Metzger, Olson, Packman, Perry, Pierschke, Powers, Reuschler, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate in the sum of \$507.13 in favor of the Secretary of the Senate to pay the bills and for the purposes set forth herein, and the Treasurer is directed to pay the same.

Pacific Telegraph and Telephone Company	\$50.00
State Supply Department	96.43
Circular Letter Company (clerkdoms, envelopes, and postage)	6.80
George N. Hammond Typewriter Company	12.50
H. S. Crocker Company	31.77
Postage—Senate Mailing Department	200.00
Total	\$507.13

KING
POWERS
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difoni, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowlton, McCall, McCosmack, McGuinness, Metzger, Olson, Perry, Pierschke, Powers, Reuschler, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 765—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 763—An act to remove the debris and snags from the Sacramento River between Chico Landing and the head of navigation near Red Bluff, to provide a survey for the work required, and to provide for the conduct of the necessary work by the State Emergency Relief Administration.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Senate Bill No. 763 were read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, insert after "required," the following: "to provide for the furnishing of necessary funds therefor by the Federal Emergency Administration of Public Works,".

Amendment No. 2.

On page 1, line 1, of the printed bill, insert after "SECTION 1.," the following: "Under the supervision of the Department of Public Works of the State of California, there shall be a survey made of the condition of the Sacramento River between Chico Landing and the head of navigation near Red Bluff to determine what work is necessary to remove the debris and snags therefrom in order to make the Sacramento River navigable between Chico Landing and the head of navigation near Red Bluff. Upon the completion of such survey such work shall be done, under the supervision of the State Department of Public Works, as is necessary to remove all the debris and snags from such portion of the Sacramento River to render the same navigable."

SEC. 2. Such survey shall be made and such work shall be done when and if the Federal Emergency Administration of Public Works allots the necessary money therefor and when and if the State Emergency Relief Administration furnishes the necessary labor therefor."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 290—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927, as amended, by adding a new section thereto to be numbered section 21, relating to the expenditure of the proceeds of harbor district bonds by the United States of America or any department, officer or agency thereof, and validating expenditures of such bond funds and work by the United States of America or any department, officer or agency thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved January 19, 1931, relating to boats unequipped with propelling machinery.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Senate Bill No. 153 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, insert a comma after "capacity".

Amendment No. 2.

On page 1, line 5 of the title of the printed bill, strike out "January", and insert in lieu thereof the following: "June".

Amendment No. 3.

On page 1, line 7, of the printed bill, strike out " , provided that", and insert in lieu thereof the following: "and which,".

Amendment No. 4.

On page 1, line 8, of the printed bill, strike out "it".

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 705—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydroelectrical power and to acquire equipment, including stand by plants, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 704—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 234—An act to amend section 33024 of the Civil Code, relating to mutual water companies.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 636—An act to provide for the purchase by the State of California, under certain conditions, of certificates of sale of property sold for delinquent assessments of irrigation districts, and

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 636 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts; and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein."

Amendment No. 2.

On page 1, line 1, of the printed bill, after the "period", insert the following: "When in any irrigation district organized and existing under the laws of the State of California, proceedings have been taken for the purpose of organizing any improvement district under the provisions of the "Irrigation District Improvement Act," all acts and proceedings of the board of directors of such irrigation district conducting the proceedings for the formation of such district and all other acts and proceedings leading up to and including the formation of such districts, including the petition for such formation in the form and manner in which such petition was heretofore approved by such board of directors, and all other acts and proceedings relative to the levy of any assessment in such district and all warrants heretofore issued, or

to be issued pursuant to such acts and proceedings in any such district heretofore organized are hereby legalized, confirmed and validated. The power of the board of directors of such irrigation district conducting such proceedings in any such improvement district to make, levy, and collect said assessment, and to issue warrants payable therefrom, is hereby ratified, confirmed, and approved; and said warrants are hereby declared to be and shall be in the form and manner in which the same have heretofore been issued, or are to be issued, if not now outstanding, the legal and valid obligations of and against such improvement district, payable from the proceeds of the assessment levied or to be levied therein; and all other acts and proceedings heretofore taken under the provisions of said "Irrigation District Improvement Act," or purporting to be taken under said act, are hereby legalized, confirmed and validated. No error or informality in any such proceedings heretofore taken under said "Irrigation District Improvement Act" shall in any wise invalidate the formation of any such improvement district, the levy of any assessment therein or the issuance of any warrants payable from such assessment or any other act or proceeding relative thereto, from and after the effective date of this act, all such proceedings and acts being hereby ratified, confirmed, approved and validated.

SEC. 2. For the purpose of paying the interest on any warrants issued by any irrigation district under the provision of said "Irrigation District Improvement Act" as the same becomes due, and the principal thereof, the assessors, treasurers, collectors, board of directors and other officers of the respective irrigation districts organized under the laws of this State in which such improvement districts shall have been organized or attempted to have been organized under said "Irrigation District Improvement Act," shall have the same powers and perform the same duties as are provided by said act for the assessment, levy and collection of the special assessments and the payment of the principal and interest of the warrants provided to be made and issued under the provisions of said act; and it shall be and hereby is made the duty of the board of directors of any irrigation district in which such improvement district shall have heretofore been organized or attempted to have been organized to levy and collect the special assessment heretofore made or to be made in such improvement district clearly sufficient to pay the principal and interest of the warrants issued or to be issued on account of such proceedings, and said boards of directors are hereby vested with power and jurisdiction to do all and singular the things herein and in said "Irrigation District Improvement Act" required to be done for the purpose of providing funds sufficient to pay the principal and interest of said warrants".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 112—An act to amend section 13 of the "Orange County Water District Act," approved June 14, 1933, relating to the organization of the board of directors of said district, the term of office of said directors and the establishing of an office for said board.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 112 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of line 1 of the title after "amend", and all of lines 2, 3, 4, and 5 of the title, and insert in lieu thereof the following: "sections 2, 13 and 17 of the Orange County Water District Act, approved June 14, 1933, relating to powers and duties of the board of directors, the establishment of an office therefor and declaring and limiting their powers as to the district budget and the levy of assessments."

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 1 after "SECTION 1.", and all of lines 2 to 17, inclusive, and insert in lieu thereof the following: "Section 2 of the act cited in the title hereof is hereby amended to read as follows:

SEC. 2. The "Orange County water district" shall have power:

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its powers;
5. Within or outside of the district to construct, purchase, lease or otherwise acquire necessary waterworks and other works and machinery, canals, conduits, dams

and reservoirs, and to purchase, lease or otherwise acquire waters, water rights, storage sites, spreading grounds, watersheds, lands, rights and privileges needed or necessary to replenish, supply, convey, store or reclaim water for irrigation, domestic, municipal or other useful purposes within and without, or for the control of flood or storm waters of said district, and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and the flood waters of other streams in which said district has acquired water or water rights, and to operate and maintain such water rights, waterworks, canals, conduits, dams, reservoirs, storage sites, spreading grounds, watersheds, works, machinery, lands, rights and privileges for the uses or purposes aforesaid for the common benefit of the district and of the inhabitants thereof;

6. To store water in surface and underground reservoirs within or outside of the district for the common benefit of the district; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district, and to conserve within or outside of the district, same for any useful purpose to the district; to commence, maintain, intervene in and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun, to prevent interference with or hindrance of the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface waters used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district; provided, however, that said board shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside of or away from the district;

7. To control the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to prevent any waste for beneficial and useful purposes within said district by separating, storing, retaining and causing said waters to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters, the harbors, waterways, piers, wharves, and property in said district;

8. To have and exercise the right of eminent domain, and in the exercise sanctioned by law for the condemnation of private property for public use, to take and convey necessary to the exercise of any of the powers granted by this act, except that the district shall not have the right of eminent domain as to water, water rights, reservoirs, pipe lines, water distributing systems, waterworks, or power plants, all or any of which are already devoted to beneficial use or to public use and located within the watershed of the Santa Ana River, and extending further from the exercise of the right of eminent domain by the district any property condemned and actually used for the scientific propagation and study of plant life. No language or provision of the Water District Act, or of this subdivision of said act, shall be construed or construed so as to limit or abridge the right of the district, or its board of directors, to exercise its right of eminent domain to condemn property in any place within the Santa Ana River watershed for spreading grounds, reservoirs and works necessary or convenient to be used in connection therewith, and lands for rights of ways upon and across and under which to construct pipe lines, conduits, tunnels and/or aqueducts necessary or convenient for any of the purposes of the district, provided the property sought to be condemned for said purposes is not already being used by other corporations, municipalities, districts or individuals for similar purposes. Subject to the express limitations heretofore set out, in any proceeding relative to the exercise of such right of eminent domain, the district shall have the same rights, powers and privileges as a municipal corporation.

9. The board of directors, subject to the limitations set forth in subdivision 8 of section 2 hereof, shall in addition to the other powers herein granted by this act, have the following rights and powers: To enter upon any land to make surveys and locate the necessary irrigation works and the line for canal or canals and the necessary branches for the same on any lands which may be deemed best for such location; to acquire by purchase, lease, contract, condemnation or other legal means, all lands and water and water rights and other property necessary for the construction, use, supply, maintenance, repair and improvement of said canal or canals and works, whether in this or in other States, including canals and works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations,

domestic or foreign, owning water or water rights, canals, waterworks, power plants, franchises, concessions or rights; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any State, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by an irrigation district or a water district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or the right to store such water in any reservoir of the district, or to carry such water through any canal, ditch or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the water district, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of property therein, or any of the channels, waterways, roads or highways in said district, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire the same or any indebtedness that may exist against the district or property thereof;

11. To cause assessments to be levied for the purpose of paying any obligation of the district or to accomplish any of the purposes of this act;

12. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers.

13. To carry on technical and other investigations of all kinds, make measurements, collect data, and make analysis, studies and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

SEC. 2. Section 13 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 13. On the first Tuesday in March next following their election, the directors elected shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. Each director appointed or elected shall hold office until his successor is elected and has qualified. The term of office of directors is hereby fixed at four years, except as herein otherwise provided. The office of the board of directors shall be established by said board at some proper and convenient place within the county of Orange, but does not have to be established or maintained within the district. After the office is once established, it shall not be changed without giving notice thereof by posting in three public places within the district and by publishing a similar notice at least once a week for two weeks in some newspaper of general circulation published in said Orange County.

SEC. 3. Section 17 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 17. The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year. This amount, together with available moneys on hand, must be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year; to pay the estimated cost of maintenance, operation and repairs of works and projects of the district, the incidental expenses of the district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by the district, including the cost of employment of attorneys and engineers; and if bonds have been voted by the district, said estimate shall include an amount sufficient to raise the interest and principal on the outstanding bonds accruing during the current fiscal year and to provide for a sinking fund from which to pay the principal of said bonds when due; and if said

district shall have voted a special assessment as provided in section 35 hereof, said estimate shall also include the amount of any installment of said special assessment, to be levied during said year; provided, however, that if at the time of making said estimates the district shall not have voted a special assessment as provided in section 35 hereof, and said district shall not have voted bonds as in this act provided, then the amount of the assessment levied during any year for the raising of funds shall not exceed five cents for each one hundred dollars, or fraction thereof, of assessed valuation of assessable property in the district, according to the last assessment rolls of said Orange County; provided, further, that after the expiration of five (5) years next succeeding the date when this act becomes effective the amount of said assessment levied during any year shall not exceed two cents for each one hundred dollars, or fraction thereof, of assessable property in said district, according to the last assessment rolls of Orange County, unless at the time of the levy of each annual assessment as provided for in this act at least six members of the then board of directors of the district vote in favor of the levy of an assessment not exceeding five cents for each one hundred dollars, or fraction thereof, of assessable property in the district according to the last assessment rolls of said Orange County; provided further, if, in the opinion of the directors of the district, conditions shall arise during any year or years prior to the expiration of five years next succeeding the date when this act shall become effective, that shall necessitate the levying of an assessment exceeding the levy of five cents last hereinafore provided for, then upon the affirmative vote of at least six of the members of the then board of directors of the district, the district and its board of directors may levy in the manner in this act provided for, an assessment exceeding five cents but not exceeding ten cents for each one hundred dollars, or fraction thereof, of assessed valuation of assessable property in the district, according to the last assessment rolls of said Orange County."

Bill read second time, ordered to reprint, and re-referred to Committee on Irrigation.

Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Irrigation, the following amendment to Senate Bill No. 399 was read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, after the words, "Section 1", add the following: "No member of any board of directors of any irrigation district shall be liable for the negligent act or omission of any appointee or employee appointed or employed by him in his official capacity whether such appointment or employment was made singly or in conjunction with other members of such board, except when the member or members of such board making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the service for which he was appointed or employed or shall retain such inefficient or incompetent person after actual knowledge or notice of such inefficiency or incompetency.

SEC. 2. Whenever it is claimed that any person or property has been injured or damaged as a result of any dangerous or defective condition of any property owned or operated and under the control of any irrigation district or its officers or employees and or the negligence or carelessness of any officer or employee of an irrigation district, a verified claim for damages shall be presented in writing and filed with such officer or employee and the Secretary of said board within ninety days after such accident or injury has occurred. Such claim shall specify the name and address of the claimant, the date and place of the accident or injury or damage and the nature and extent of the injury or damages claimed. The foregoing shall be a condition precedent to the filing or maintaining of any action for said injury or damages.

SEC. 3. In any case where an officer of an irrigation district shall be held liable for any act or omission done or omitted in his official capacity and any judgment shall be rendered thereon, the district shall pay such judgment without obligation for repayment thereof by such officer.

SEC. 4. Nothing herein contained shall be construed as creating any liability or responsibility unless the same would have existed without the passage of this act."

Bill read second time, ordered to reprint, and re-referred to Committee on Irrigation.

Senate Bill No. 345—An act to amend section 3480d of the Political Code, relating to crediting on calls of installment of assessments made by reclamation districts amounts of outstanding bonds exchanged in refunding proceedings or otherwise canceled, and to the redemption of property sold to reclamation districts for delinquent assessments and installments thereof, and to the sale by county treasurers of land sold for delinquent assessments and installments thereof, and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing this act shall take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendment to Senate Bill No. 345 was read and adopted:

Amendment No. 1.

On page 1, line 16, section 1, of the printed bill, strike out all of that portion of the section beginning with the words "then the county treasurer", down to and including the words "such installment so called," in line 33, and insert in lieu thereof the following: "then said call so made shall be deemed canceled and annulled to the extent not required, and upon the filing of a certified copy of resolutions adopted by the board of trustees of the district declaring such cancellation and annulment in the office of the county treasurer of the main county in which such district is located, as main county is defined in section 3480 of the Political Code, said treasurer shall make such entry or entries as shall be necessary in the records of his office to evidence the cancellation of such call; provided, however, that the cancellation and annulment of any such call or calls shall not be construed as in anywise reducing the assessment against any tract of land within the district; and provided further, that in the event any landowner shall have paid unto the county treasurer the whole, or any part of said call or calls so canceled and annulled, the county treasurer shall, upon demand of such landowner, refund to him the portion of the amount so paid in not so required or if no such demand shall be made, the county treasurer shall hold said portion of said amount as a credit to said landowner on future calls against his land under said assessment."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 26—An act to add section 615.1 to the Fish and Game Code, relating to fish in districts 3 and 3A.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 26 was read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out "February 1", and insert in lieu thereof the following: "December 31".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 15½, authorizing irrigation districts, heretofore or hereafter organized, and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to

provide for the management of such operations and the financing thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 106—An act to amend sections 798.6 and 801 of the Fish and Game Code, relating to abalones.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 106 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after the word "then", strike out the word "ten", and insert in lieu thereof the word "five".

Amendment No. 2.

On page 1, line 8, of the printed bill, before the period and after "section", insert the following: ", except that any person collecting or selling, in restaurants, where abalones are sold to the public may possess any number of lawfully taken abalones."

Amendment No. 3.

On page 1, line 8, of the printed bill, strike out "Any person in whom a sporting fishing", and all of lines 9 and 10.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 161—An act to amend section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 161 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section 421", and insert in lieu thereof the following: "sections 421 and 811."

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "sporting fishing licenses", and insert in lieu thereof the following: "cockles and clams."

Amendment No. 3.

On page 1 of the printed bill, after line 11, insert the following:

"Sec. 2. Section 811 of the Fish and Game Code as hereby amended to read as follows:

811. Cockles. Hard-shell cockles (*Chione fluctifraga*, *Chione undatella*, or *Chione succinata*), or thin-shelled cockles (*Paphia tenuis*), or rock cockles (*Paphia staminea*) may be taken at any time. No such cockles measuring less than one and one-half inches in greatest diameter may be taken, possessed, transported or sold. The bag limit on such cockles is six dozen per day. Not more than one daily bag limit of such cockles may be possessed by any person during one day."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 998—An act to add section 31.5 to the Fish and Game Code, relating to predatory animal control.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 998 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following: "An act making an appropriation for predatory animal control."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SECTION 1. There is hereby appropriated the sum of sixty thousand (\$60,000) dollars from those moneys in the fish and game preservation fund made available for the purpose of establishing and maintaining game refuges and public shooting grounds under the provisions of section 327 of the Fish and Game Code, to be expended by the Fish and Game Commission during the eighty-seventh and eighty-eighth fiscal years, for the purpose of predatory animal control."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 684—An act to amend sections 722 and 724 of the Fish and Game Code, relating to catfish.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 684 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 1 of the title, and insert in lieu thereof the following: "An act to add sections 65.5, 724.5, and 724.6 to, and to amend sections 65, 66.5, 722, and 724 of the Fish and Game".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 65 of the Fish and Game Code is hereby amended to read as follows:

65. District 2. The following shall constitute fish and game district 2: Those portions of the following counties not included in other districts: Mendocino, Colusa, Yolo, Solano, Napa, Sonoma and Marin.

SEC. 2. Section 65.5 is hereby added to the Fish and Game Code to read as follows:

65.5. District 2½. The following shall constitute fish and game district 2½: The area embraced within the boundaries of Lake County.

SEC. 3. Section 66.5 of the Fish and Game Code is hereby amended to read as follows:

66.5. District 2¾. The following shall constitute fish and game district 2¾: Those portions of the following counties not included in other districts: Glenn County; that portion of Colusa County lying north of the Ukiah-Lake Tahoe Highway; that portion of Mendocino County lying north of the Ukiah-Lake Tahoe Highway and east of the Redwood Highway.

SEC. 4. Section 722 of the Fish and Game Code is hereby amended to read as follows:

722. Catfish may not be sold between May 1st and August 31st, except that catfish taken in Clear Lake may be served at any time in district 2½ by any hotel or restaurant located therein."

Amendment No. 3.

On page 1, line 6, of the printed bill, strike out "2", and insert in lieu thereof the following: "5".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 10 to 12, inclusive, and insert in lieu thereof the following: "No catfish may be transported or carried out of district 2½ for the purpose of sale, or other commercial purposes.

SEC. 6. Section 724.5 is hereby added to the Fish and Game Code to read as follows:

724.5. Catfish may be taken in district 2½ only by hook and line having not more than two hooks.

SEC. 7. Section 724.6 is hereby added to the Fish and Game Code to read as follows:

724.6. In district 2½ not more than fifty pounds, round, or twenty-five pounds, dressed, of catfish and mud pouts may be in the possession of any person during one day."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 32—An act to amend section 1310 of the Fish and Game Code, relating to fur-bearing mammals.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 92—An act to add section 614.5 to the Fish and Game Code, relating to trout.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 173—An act to amend section 652 of the Fish and Game Code, relating to salmon.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 429—An act to amend section 1341 of the Fish and Game Code, relating to rabbits.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 537—An act to add section 1354 to the Fish and Game Code, relating to the taking of frogs for educational and scientific purposes.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 538—An act to amend sections 650.5, 661, 1064, 1151 and 1414 of the Fish and Game Code, relating to fish and game.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 913—An act to add section 454.5 to the Fish and Game Code, relating to the shipment of fish and game into this State.

Bill read second time, ordered to engrossment, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 384—An act to add section 133 to the Civil Code, relating to entry of final judgment in divorce cases *nunc pro tunc*.

Amendment from the Floor.

During third reading of Senate Bill No. 384 the following amendment, offered by Senator Difani, was read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "*nunc pro tunc*".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 556—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 556 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl,

McGovern, McGuinness, Mixer, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 556 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 373.

Senator Deuel moved that Senate Bill No. 373 be referred to Committee on Public Health and Quarantine.

Motion carried, and such was the order.

Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1913, as amended, relating to remedies for violations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 468 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixer, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—31.

NOES—None.

Title read and approved.

Senate Bill No. 468 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 595.

Senator Swing moved that Senate Bill No. 595 be referred to Committee on Finance.

Motion carried, and such was the order.

Senate Bill No. 694—An act to add section 690.5 to the Code of Civil Procedure, relating to exemption from attachment, garnishment, and execution of moneys paid to persons receiving relief, and declaring the urgency hereof.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall, therefore, take effect immediately.

The following is a statement of the facts constituting such necessity: Moneys and relief covered by this act are now being disbursed by the State and the Federal Government for the purpose of relieving unemployment. In order that proper protection be extended to the recipients of this money and that it be not diverted from the purpose for which it is paid by the State or Federal Government, it is necessary that the protection afforded by this bill be immediately extended both to the governments paying out the money and the recipients thereof. It is therefore necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers,

Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.
 NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 694 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGinness, Metzger, Mixer, Olson, Pienovich, Powers, Reindollar, Schottky, Seallin, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams and Young—34.
 NOES—None.

Title read and approved.

Senate Bill No. 694 ordered transmitted to the Assembly.

Senate Bill No. 522—An act to add a new section to the Probate Code of the State of California, to be known as section 1028, relating to the ratable, partial, and final distribution of estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 522 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, Knowland, McColl, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pienovich, Powers, Reindollar, Rich, Seallin, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.
 NOES—None.

Title read and approved.

Senate Bill No. 522 ordered transmitted to the Assembly.

Senate Bill No. 843—An act to amend section 1238 of the Civil Code, relating to the property from which a homestead may be selected.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 843 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pienovich, Powers, Reindollar, Rich, Seallin, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.
 NOES—None.

Title read and approved.

Senate Bill No. 843 ordered transmitted to the Assembly.

Senate Bill No. 49—An act to amend section 10 of "An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings, and medicine, and other commodities when sold or offered or exposed for sale in containers and providing for the indicating of quantity in the sale of commodities in respect to which there exists a definite trade custom, and providing penalties for the violation thereof," approved May 24, 1913, relating to false or raised bottoms of containers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 49 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 49 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Joint Resolution No. 7.

Relative to memorializing the President and Congress to favorably consider and submit to the States an amendment to the Constitution enabling Congress to grant Federal suffrage to residents of the District of Columbia.

WHEREAS, The District of Columbia with its half million people, is the only community in the United States which is denied representation in the National Government;

WHEREAS, The men and women residing in the District of Columbia have no voice in determining through a vote for President, Vice President, and spokesmen in Congress the policies of the Nation in which they live, either in war or in peace;

WHEREAS, The District of Columbia taxpayers must pay what they are assessed without opportunity to determine the nature of their taxes or the purposes for which the money is spent;

WHEREAS, It is a fundamental principle of our Republic that governments derive their just powers from the consent of the governed; be it therefore

Resolved, by the Assembly and the Senate of California, jointly, That the President and the Congress of the United States is hereby respectfully urged to set in motion the machinery for correcting this present un-American condition of the residents of the District of Columbia by submitting to the States for ratification the constitutional amendment enabling Congress to make it possible for residents of the District of Columbia to vote for President, Vice President, and Representatives of Congress; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Waggy, and Young—29.

NOES—Senator Stow—1.

Assembly Joint Resolution No. 7 ordered transmitted to the Assembly.

Assembly Bill No. 129—An act to add a new section to the Code of Civil Procedure to be numbered 2056, relating to motions to strike an answer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 129 refused passage by the following vote:

AYES—Senators Difani, Fletcher, Hays, Jespersen, Knowland, McGovern, McGuinness, Mixter, Perry, Pierovich, Reindollar, Rich, Sharkey, Slater, Snyder, Swing, and Waggy—17.

NOES—Senators Biggar, McColl, Olson, Parkman, Powers, Seawell, Stow, Tickle, and Williams—9.

Assembly Bill No. 208—An act to prohibit until January 1, 1937, sales under certain chattel mortgages for default in the payment of the principal sum, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: A severe economic depression exists throughout the State, rendering many of its citizens unable to pay the principal sum of their debts or to otherwise finance their loans. As a result thereof, through foreclosure actions, they are being deprived of their property. The provisions of the mortgage moratorium statute are being evaded by persons who in addition to the security afforded by real estate mortgages and deeds of trust on real estate, also take chattel mortgages to secure the same obligations. Consequently the evil sought to be corrected by statutes relating to mortgages on mortgages and deeds of trusts on real estate can not be completely effective unless the situation covered by this act is remedied.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Riggall, Crittenden, Difani, Fletcher, Garrison, Gordon, Haas, Jespersen, Keough, King, Knowland, McColl, McGovern, McGinness, Meyer, Olson, Parkman, Perry, Pierovich, Remdollar, Rich, Seawell, Sharkay, Slater, Stabler, Stow, Swing, Wagy, Williams, and Young—30.

NOES—None.

Consideration Postponed.

Further consideration of Assembly Bill No. 208 was postponed, on request of Senator Swing.

Assembly Bill No. 524—An act to amend sections 821 and 827 of the Agricultural Code, relating to apples; to declare the urgency hereof and to provide that this act take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately.

The facts constituting the necessity are as follows:

During the past several years the growers of Gravenstein apples in this State have experienced considerable difficulty in the profitable marketing of their crop. This was caused particularly in the foreign markets by competition from foreign countries as well as by competition from certain sections of the United States. From a careful study of the facts it has been very apparent that something must be done immediately, otherwise the Gravenstein apple industry will suffer materially. This act will place upon the markets a product far superior to that which has been offered during the past. It is imperative that the growers receive this protection for the coming season's crop which is harvested during normal years, starting the latter part of June and ending about the middle of August. If this law should not be passed as an urgency measure the growers will not receive any benefits until 1936.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 524 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Seawell, Slater, Snyder, Stow, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 524 ordered transmitted to the Assembly.

Notice of Motion to Reconsider.

Senator Biggar gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 129 was refused passage.

Re-reference of Senate Bill No. 335.

Senator Metzger moved that Senate Bill No. 335 be referred to Committee on Agriculture and Live Stock.

Motion carried, and such was the order.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 319—An act to amend section 1026 of the Penal Code, relating to procedure in a criminal case upon a plea of not guilty by reason of insanity—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

On Building and Construction.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred Senate Bill No. 593—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 9a of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended:

Also: Assembly Bill No. 753—An act to amend section 4 of "An act to regulate the construction of buildings in the State of California, in respect to resistance to horizontal forces, providing penalties for the violation thereof and providing that this act become effective immediately," approved May 26, 1933, relating to the application of said act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

GORDON, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 648—An act requiring licensees for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, providing for penalties for the violation of this act, providing for the enforcement of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 584—An act to add a new section to the Political Code to be known as section 3663d, relating to the assessment of property by the State Board of Equalization and the allocation of the assessed value of such property to the various taxing jurisdictions of the State;

Also: Senate Bill No. 585—An act to amend section 3663d of the Political Code, relating to the assessment of property by the State Board of Equalization;

Also: Senate Bill No. 586—An act to amend section 3663d of the Political Code, relating to the assessment of property by the State Board of Equalization;

Also: Senate Bill No. 587—An act to repeal sections 3664, 3664a, 3664d of the Political Code and other acts inconsistent with section 14 of Article XIII of the Constitution of the State of California, to amend sections 3663d and 3663d-1 of the Political Code, all relating to the carrying forward of the proceeds of section 14 of Article XIII of the Constitution of the State of California;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 913—An act to amend section 902 of the Political Code, relating to the payment of fees to private persons, firms and corporations, declaring the urgency thereof, and providing that it shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—11; absent—2.

DUVAL, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 619—An act to amend section 3 of the act entitled "An act to authorize and regulate the employment of prisoners in the State prisons of this State to provide for the disposition of the products of their skill and labor," approved February 23, 1911—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; noes—1; absent—2.

REINDOLLAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 617—An act to amend subdivision 2 of section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

REINDOLLAR, Chairman.

On Oil Industries.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Senate Bill No. 781—An act to amend an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights

and measures, and their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—8; absent—1.

STOW, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 642—An act to provide for the formation of districts within municipalities for the acquisition, construction or extension of water works, water systems or water distribution systems; for the issuance, sale and payment of bonds of such districts to meet the cost of such water works, water systems or water distribution systems; and for the acquisition, construction or extension of such water works, water systems or water distribution systems—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 4—An act to amend sections 2, 3, and 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—6; absent—5.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 425—An act to amend "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, by amending sections 5 relating to the division of election precincts, 10 relating to the publication of ordinances, 12 relating to the issuance of revenue bonds and the investment of surplus moneys, 15b relating to the bonds of the district and their use as security, and adding a new section thereto to be numbered 15c, relating to the issuance of refunding bonds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1161—An act to amend section 718c of the Civil Code, empowering municipalities to lease property—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—6; absent—5.

McGOVERN, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1989—An act to amend section 677 of the Political Code, relating to State accounting;

Also: Assembly Bill No. 1992—An act to add section 675.1 to the Political Code, and to repeal section 675b thereof, relating to the approval of salaries by the Department of Finance;

Also: Assembly Bill No. 1993—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance;

Also: Assembly Bill No. 1904—An act to repeal section 686a of the Political Code and to add section 686.5 thereto, relating to accountants in the Department of Finance;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1634—An act to repeal sections 378, 378a, 378b, 378c, 378d, 378e, 378f, 378g of the Political Code, relating to the Bureau of Commerce.

Also: Assembly Bill No. 1645—An act to require governmental agents to furnish reports to the State Department of Finance concerning bonds and bonded indebtedness;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, the removal or destruction of improvements thereon, the cutting and removal of timber or the doing of any act impairing the value of the lands or the improvement, providing for the renting of said lands and the collection of rents, issues and profits thereof, and the appointment of representatives by the Controller; providing for the recovery of the possession of said property and an accounting of rents, issues and profits; providing for the condemnation of actions and the disposition of moneys received, and the removal or sale of property which has become a public nuisance;

Also: Senate Bill No. 593—An act to amend sections 3897 and 3898 of the Political Code, relating to the sale and disposal of lands devoted to the State for delinquent taxes and to abolish the tax land fund and to repeal section 3774 of the Political Code, relating to the possession, rental, lease or cultivation and the duty to provide for rental and care, of lands devoted to the State under section 3785 of the Political Code, and also to a political subdivision or State taxing agency doing in an irrigation district delivering water to lands thereon, or lying within a municipality not in an irrigation district, or lying in neither, for delinquent taxes or assessments;

Also: Senate Bill No. 594—An act to amend section 3817d of the Political Code, relating to the sale of property for delinquent taxes, and the sale of tax-levied property by the State;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 588—An act providing for the exemption from taxation of personal property brought within the State of California exclusively for purposes of use, display or exhibition at expositions, fairs, carnivals or public exhibits of literary, scientific, educational, religious or artistic works, and for claim of exemption—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 318—An act to amend section 11 of the State Contract Act, relating to qualification of bidders;

Also: Senate Bill No. 570—An act to repeal an act entitled "An act to create a State Advisory Commission on Indian Affairs, to prescribe its membership and its powers and duties," approved May 26, 1933;

Also: Senate Bill No. 577—An act to amend section 3780 of the Political Code, relating to the redemption of property sold to the State for delinquent taxes and

limiting the same to a period of three years from and after the date of the deed to the State pursuant to section 3785 of the Political Code;
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 572—An act to add sections 4060 to 4060.54, inclusive, to the Political Code, and to amend section 3714 of said code, relating to the fiscal affairs of counties, cities and counties, and districts, including budgeting, accounting, reporting and auditing;

Also: Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1995—An act to amend section 779 of the Political Code, relating to publication of court reports;

Also: Assembly Bill No. 1700—An act to amend section 663 of the Political Code, relating to the State Board of Control;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 488—An act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 954a, relating to abandonment and withdrawal of appeals;

Also: Senate Bill No. 490—An act to amend section 1029 of the Penal Code, relating to trial of a judge of the superior court;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to interest charges and the mode and manner of sale of personal property given in pledge for the security of a debt or obligation, and providing penalties for the violation hereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 1075—An act authorizing the Director of Natural Resources to acquire and lease land for development for State forestry purposes, to manage and develop such land and dispose of the products thereof, and to sell, exchange or lease lands under his jurisdiction when required by good management and providing for the disposition of revenue therefrom—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—11.

HAYS, Chairman.

Re-reference of Senate Bill No. 1075.

Senate Bill No. 1075 ordered referred to Committee on Finance, on motion of Senator Hays.

Adjournment.

On motion of Senator Rich, at one o'clock p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Friday, March 29, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.**SENATE CHAMBER.**

SACRAMENTO, Friday, March 29, 1935.

The Senate met at eleven o'clock a.m.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCall, McCracken, McGowan, McQuinn, Metzger, Mixer, Olson, Parkman, Perry, Petrovich, Powers, Rendollar, Rich, Seawell, Slater, Stow, Swing, Wagy, Williams, and Young—31.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Thursday, March 28, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Edwards, granted leave of absence for this day.

Senator Schottky was, on motion of Senator Mixer, granted leave of absence for this day.

Senator Jespersen was, on motion of Senator Garrison, granted leave of absence for this day.

Senator Snyder was, on motion of Senator Wagy, granted leave of absence for this day.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Vaughn D. Seidel, Deputy County Superintendent of Alameda County; Clyde S. Yerge, Purchasing Agent, Oakland Board of Education, and Wm. H. Cox, Assistant Secretary and Purchasing Agent, Alameda.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas J. Hutchinson and Miss Mary Hutchinson of Santa Rosa.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arthur Coats, Jr., Robert Coats, C. B. Kelly, and Rosemary Redhair of Marysville.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the eighth grade, Jefferson Union Elementary School of Santa Clara, California, as follows: Lawrence C. Curtis, Principal; Harold Num, John Kasano, Utaka Uyemura, Koji Tsurusaki, James Campbell, Wesley Nesbit, Tom Okubo, Victor Rodriguez, August Azzarello, Alfred Okubo, Joe Fernandez, Atanacio Menacho, Geo. Mendoza, Keyomi Loi, Tony Cabral, Masushi Hayano, James Nakano, Isaku Kanoshima, Susumu Inouye, Joe Dias, Betty Kinney, Viola Vlahovich, Jeannette Manha, Shizue Kanemoto, Miye Murakami, Mae Chikuma, Martha Maseba, Tuneko Yasutake, Midori Shinto, Matsuye Sawabe, Clara Kasano, Joan Neshejima, Kenneth Gardner, Donald Clark, and Mrs. L. C. Curtis, Elda E. Lindsay, teacher, and A. M. White.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Howard H. Hays, Howard H. Hays, Jr., and Daniel Manger Hays of Riverside, California, and Glacier National Park, Montana.

On request of Senator Hays, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. M. S. Meeker, C. Sam Johnson, J. B. Long, J. J. Bolitho, S. I. Drake, S. P. Gregory, D. A. Gordon, P. H. Hobe, A. S. Tabler, L. E. Harris, Albert Danielson, D. C. Krehbiel, F. I. Sherril, Harry Parker, Kenneth J. Dresser, Donald Harlan, and Herman Donsted.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, March 29, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 913—An act to add section 454.5 to the Fish and Game Code, relating to the shipment of fish and game into this State;

Also: Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing, preparing, and distributing the same, and to provide penalties for the violation of the provisions of this act;

Also: Senate Bill No. 55—An act to add sections 676.5, 676.51, 676.52, 676.53, 676.54 and 676.55 to the Vehicle Code, relating to safety glass on motor vehicles;

Also: Senate Bill No. 210—An act to amend sections 1150 and 1151 of the Insurance Code, relating to purchasing, holding and conveying of real estate by insurers;

Also: Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; creating the office of Truck Commissioner; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act;

Also: Senate Bill No. 335—An act to amend section 40 of the Agricultural Code, relating to the State Board of Agriculture;

Also: Senate Bill No. 452—An act to amend section 135 of the Vehicle Code, relating to the California Highway Patrol;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 537—An act to add section 1254 to the Fish and Game Code, relating to the taking of frogs for educational and scientific purposes.

Also: Senate Bill No. 538—An act to amend sections 650.5, 661, 1064, 1151 and 1411 of the Fish and Game Code, relating to fish and game.

Also: Senate Bill No. 704—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the buying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy.

Also: Senate Bill No. 705—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydroelectric power and to acquire equipment, including steam plants, for development and distribution of electrical energy and ownership of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act.

Also: Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 151, authorizing irrigation districts, heretofore or hereafter organized and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 392—An act relating to the control of clinical laboratories and the licensing of clinical laboratory technologists, clinical pathologists and clinical laboratory technicians, for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 32—An act to amend section 1310 of the Fish and Game Code, relating to fur-bearing mammals.

Also: Senate Bill No. 92—An act to add section 614.5 to the Fish and Game Code, relating to trout.

Also: Senate Bill No. 173—An act to amend section 652 of the Fish and Game Code, relating to salmon.

Also: Senate Bill No. 234—An act to amend section 330.24 of the Civil Code, relating to mutual water companies.

Also: Senate Bill No. 290—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927, as amended, by adding a new section thereto to be numbered section 21, relating to the expenditure of the proceeds of harbor district bonds by the United States of America or any department, officer or agency thereof, and validating expenditures of such bond funds and work by the United States of America or any department, officer or agency thereof.

Also: Senate Bill No. 429—An act to amend section 1341 of the Fish and Game Code, relating to rabbits.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 215—An act to add section 1219.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations.

Also: Senate Bill No. 38—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment to be one of rehabilitation by cooperative self-help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; and declaring this act to be an urgency measure; And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 696—An act to add section 530a to the Penal Code, relating to false statements to procure relief, and declaring the urgency hereof—and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-ninth day of March, 1935, at twelve o'clock and twenty minutes p.m.

METZGER, Chairman.

Introduction, First Reading and Reference of Bills.

By Senators Rich and Garrison: Senate Concurrent Resolution No. 23—Relative to the appointment of a joint report on the operation and activities of nonprofit cooperative marketing associations.

Referred to Committee on Agriculture and Live Stock.

Consideration of Senate Rule No. 70.

Pursuant to notice given the preceding day, the President pro tempore announced consideration by the Senate of Senate Rule No. 70.

Motion to Postpone.

On motion of Senator Knowland, consideration of Senate Rule No. 70 was postponed until the next legislative day.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, March 27, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator King to introduce a bill entitled—An act to amend section 21 of the "California Water Storage District Act," relating to property sold for delinquent assessments—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

(Signed out)

RICH, Chairman.
KNOWLAND,
DIFANI,
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution.

Call of the Senate.

Pending the announcement of the vote, Senator King moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, Mixter, Olson, Perry, Pierovich, Rich, Scollan, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—27.

The Secretary announced the absentees.

Time, eleven o'clock and eighteen minutes a.m.

The President pro tempore of the Senate directed the Sergeant at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and twenty minutes a m., further proceedings under the call of the Senate were dispensed with, on motion of Senator King.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and the report finally adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difano, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCall, McCracken, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Piersovich, Rich, Seidian, Seawell, Slater, Stow, Swain, Tickle, Waga, Williams, and Young—32.

NOES—None.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator King: Senate Bill No. 1077—An act to amend section 21 of the "California Water Storage District Act," relating to property sold for delinquent assessments.

Bill read first time, and referred to Committee on Irrigation.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Bigger moved to reconsider the vote whereby Assembly Bill No. 129 was refused passage.

Postponement of Reconsideration.

On motion of Senator Bigger, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 129 was refused passage, was continued until the next legislative day.

Use of Senate Chamber.

On motion of Senator Duval, the use of the Senate Chamber was granted to the Committee on Revenue and Taxation for Wednesday evening, April 3, 1935.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 781—An act to amend an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 781 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of line 1 of the title, and insert in lieu thereof the following: "An act to amend sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15 and 17, and to repeal section 14a of an act entitled "An act to prevent fraud or".

Amendment No. 2.

On page 1, line 3, of the printed bill, after "SECTION 1.", insert the following: "A. For the purposes of this act "gasoline" is defined to be any liquid petroleum product offered for sale, which conforms to the following specifications:

(a) It shall be free from water and suspended matter.

(b) A clean copper strip shall not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours, at one hundred twenty-two degrees Fahrenheit, the test being conducted in accordance with the American Society for Testing Materials, Standard D 130-30, as published in "American Society for Testing Materials Standards," 1930.

(c) It shall distill, within the following limits, when tested in accordance with the American Society for Testing Materials, Standard D 86-30, as published in "American Society for Testing Materials Standards," 1930, using the low distillation thermometer:

(1) When ten per cent has been recovered in the receiver, the thermometer shall not read more than one hundred seventy-six degrees Fahrenheit, nor less than one hundred twenty-two degrees Fahrenheit; provided that, if the total distillation loss is less than four per cent, then for each per cent of difference between four per cent and the total distillation loss, the minimum temperature requirement of one hundred twenty-two degrees Fahrenheit, at which ten per cent is recovered, shall be lowered five and four-tenths degrees Fahrenheit.

(2) When fifty per cent has been recovered in the receiver, the thermometer shall not read more than two hundred eighty-four degrees Fahrenheit.

(3) When ninety per cent has been recovered in the receiver, the thermometer shall not read more than three hundred ninety-two degrees Fahrenheit.

(4) The end point shall not be higher than four hundred thirty-seven degrees Fahrenheit.

(5) At least ninety-five per cent shall be recovered as distillate in the receiver from the distillation.

B. The word "person", whenever used in this act, shall mean and include, but without limitation, any natural person, partnership, association, trustee, receiver, assignee for the benefit of creditors, or corporation, and any member, officer, agent or employee thereof.

SEC. 2. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

SEC. 2. It shall be unlawful for any person to sell, offer for sale, or assist in the sale of or permit to be sold or offered for sale, or deliver or offer to deliver to any premises for the purpose of sale, any product as or purporting to be "gasoline," unless the same shall conform to the foregoing specifications.

SEC. 3. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

SEC. 3. It shall be unlawful for any person to sell, offer for sale or assist in the sale of, or permit to be sold or offered for sale, or deliver or offer for delivery any gasoline, as hereinbefore in section 1 of this act defined, or any oil represented as lubricating or motor oil for internal combustion engines, at any place where petroleum products are kept or stored for sale, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fillpipe of each underground storage tank, from which or into which such gasoline or oil is drawn or poured out for sale or delivery, and so as to be plainly visible, a sign or label consisting of the word or words, in letters not less than one-half (1/2) of an inch in height, "gasoline," "lubricating oil" or "motor oil," as the case may be, together with the brand, trade-mark or trade name of such product;

If any such lubricating or motor oil so sold, or so offered for sale or delivery, has been previously used for the lubrication of internal combustion engines or any gearing or shafting attached to or connected thereto, or for any other lubricating purposes, and has been rerun, filtered, redistilled or reclaimed, each such sign or label shall bear the words in letters of Gothic type with a stroke of not less than nine-sixteenths inch in width, and not less than three (3) inches in height "Reclaimed used lubricating oil," or "Reclaimed used motor oil", as the case may be, in addition to the brand, trade-mark or trade name of such product; provided, however, that letters of Gothic type with a stroke of not less than three thirty-seconds inch and not less than one-half (1/2) inch in height shall be sufficient on all containers with a capacity of one gallon or less.

Provided, that in attaching such sign or label to the inlet end of the fillpipe of an underground storage tank, it shall consist of a tag or plate firmly attached or affixed to such fillpipe, at said end, so as to be plainly visible when filling same, but the letters thereon may be any convenient size; and

As to any bottles used for dispensing lubricating or motor oil, either unused or reclaimed, if such bottles are kept in baskets, stands or racks for holding same, it shall be sufficient to label each such basket, stand or rack in lieu of labeling the bottle itself, but no bottles containing reclaimed lubricating or motor oil shall be kept or commingled in any basket, stand or rack containing any bottles used to dispense unused lubricating or motor oils; and

If any gasoline shall have no brand, trade-mark or trade name, each such sign or label therefor shall consist of the words, in letters of Gothic type with a stroke of not less than nine-sixteenths inch in width, and not less than three (3) inches in height, "gasoline, no brand," and if any lubricating or motor oil shall have no brand, trade-mark or trade name, each such sign or label therefor shall consist of the words, in letters of Gothic type with a stroke of not less than nine-sixteenths inch in width, and not less than three (3) inches in height, "lubricating oil, no brand," "motor oil, no brand"; provided, however, that if such lubricating or motor oil shall be reclaimed oil, each such sign or label shall also include the words "Reclaimed used lubricating oil" or "Reclaimed used motor oil," as the case may be. And, provided further, that letters of Gothic type with a stroke of not less than three-thirtyseconds inch and not less than one-half (1/2) inch in height shall be sufficient on all containers with a capacity of one gallon or less. This provision as to size of letters shall not apply to signs or labels at the inlet end of any underground storage tank, which letters may be of any convenient size but must be plainly visible when filling such underground storage tank.

SEC. 4. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 4. It shall be unlawful for any person to sell, offer for sale, or to cause or to permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product as a fuel for internal combustion engines at any place where petroleum products are kept or stored for sale, which does not conform to the requirements of section 1 of this act, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fillpipe of each underground storage tank, from which or into which such petroleum product is drawn or poured for sale or delivery, and so as to be plainly visible, a sign or label comprising the brand, trade-mark or trade name of such fuel, or the words "no brand," which words shall be in letters of Gothic type with a stroke of not less than three-sixteenths inch in width and not less than three (3) inches in height, on a white background, the words "not gasoline."

Such sign or label shall consist of a tag or plate firmly attached or affixed to the fillpipe at the end, so as to be plainly visible while filling same, but the letters thereon may be of any convenient size.

SEC. 5. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 5. It shall be unlawful for any person to transport in any tank wagon or tank truck or trailer, for the purpose of sale, or for delivery to any place where petroleum products are kept or stored for sale, any petroleum products as a fuel for internal combustion engines, unless and until there shall be firmly attached to or affixed at each outlet faucet or valve of each such tank wagon, tank truck and trailer, a metal tag, plate or label, on which is displayed, in letters not less than one-half (1/2) inch in height, the name of the particular producer in the tank compartment of the tank wagon, tank truck or trailer with which such valve or faucet is connected; and the brand, trade-mark, or trade name of such product, or the words "no brand"; and if such product does not conform to the requirements of section 1 of this act, there shall also be displayed on a corresponding tag, plate, or label, in red letters not less than one (1) inch in height, the words "not gasoline."

SEC. 6. Section 8 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 8. It shall be unlawful for any person to sell, attempt to sell, offer for sale or assist in the sale of, any gasoline, distillate or other motor fuel, or lubricating or motor oil, for use in internal combustion engines, and wilfully and falsely represent such gasoline, distillate or other motor fuel or lubricating oil or motor oil to be the product of any manufacturer, refiner or producer other than the true manufacturer, refiner or producer thereof; and it shall be unlawful for any person, or any member of a firm or association, or any officer of a corporation, knowingly to permit any employee of such individual, firm, association or corporation, to sell, offer for sale or assist in the sale of, any gasoline, distillate or other motor fuel, or lubricating or motor oil, for use in internal combustion engines, and falsely represent such gasoline, distillate or other motor fuel or lubricating or motor oil to be the product of any manufacturer, refiner or producer, other than the true manufacturer, refiner or producer thereof.

Neither this section nor section 5 shall apply to any person who sells or offers for sale or transports under his own trade-mark, trade name or brand, the product of another manufacturer, refiner, or producer, if he has first obtained the written consent of such manufacturer, refiner or producer so to sell or transport such product, which written consent must specify the brand, trade-mark or trade name under which such product is to be sold.

SEC. 7. Section 9 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 9. It shall be unlawful for any person to deposit or deliver into any tank, pump, container or receptacle, or into any bottle or bottles kept in a basket, stand or rack, at any place where petroleum products are kept or stored for sale, any gasoline or other motor fuel, or any distillate, kerosene, lubricating or motor oil, other than that indicated by the brand, trade-mark or trade name displayed on such tank, pump, container, receptacle, bottle, basket, stand or rack, or the inlet end of the underground storage tank, except as provided in section 8 of this act.

SEC. 8. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 10. It shall be unlawful for any person engaged in the business of selling at retail any gasoline or other motor fuel, or any distillate, or kerosene, or any lubricating or motor oil for internal combustion engines, to display any sign or other designating mark at or near the place of business of such person describing or designating a brand, trade-mark or trade name of a gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil for internal combustion engines, not actually sold or offered for sale or delivery at the place of business where such sign or other designating mark is displayed.

SEC. 9. Section 11 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 11. It shall be unlawful for any person to advertise at any place where gasoline or other motor fuel or any distillate or kerosene or lubricating or motor oil for internal combustion engines, is sold or kept for sale, without also clearly and conspicuously showing on the same sign, board, placard or other place where such price is so advertised, the name of the particular product, the price of which is so advertised, and also the trade name or brand, if any, of the product so offered for sale, and if such product has no trade name or brand, then the words "no brand" shall be so displayed in connection with the designation of the product.

SEC. 10. Section 12 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 12. It shall be unlawful for any person to mix or adulterate any gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil, and to fraudulently sell or offer for sale or attempt to sell or assist in the sale of, any of the products resulting from such mixture or adulteration as the gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil, of a brand, trade-mark or trade name, maintained and in general use by the manufacturer, refiner, producer or marketer of either or both of the products so mixed or adulterated or by any other manufacturer, refiner, producer or marketer.

SEC. 11. Section 13 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 13. It shall be unlawful for any person to place, store or keep, or cause or permit to be placed, stored or kept, for the purpose of sale, in any storage tank, underground or otherwise, container or receptacle, any petroleum product if such tank contains or has previously contained a different product, or the product of a different manufacturer, refiner, producer or marketer unless and until such tank, container or receptacle shall first have been emptied and relabeled in all respects in accordance with the provisions of this act.

SEC. 12. Section 14 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 14.

(a) It shall be unlawful for any person to attach or connect, or to cause or permit to be attached or connected, any pump, container or other device, used for or in the drawing, pouring, or delivery of any petroleum product referred to in this act, and intended for sale, to or with any tank or receptacle containing any petroleum product or any liquid other than the one described on the label, tag or sign attached or affixed to such pump, container or other device.

(b) It shall be unlawful for any person in making any sale, to pump, draw, furnish, or deliver, or to cause or permit to be pumped, drawn, furnished or delivered, by means of, or through, any pump or other device, any product other than the one described on the label, tag or sign attached or affixed to such pump or other device.

SEC. 13. Section 15 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 15. The Division of Weights and Measures of the Department of Agriculture, and every person authorized by it, each county sealer and deputy county sealer, each city and county sealer and deputy thereof, and every sealer and deputy sealer of each incorporated city and town, in the State of California, and any person now or hereafter authorized or empowered by law to inspect the petroleum products in this act referred to, are hereby severally authorized and empowered to take such sample or samples as may be necessary of any petroleum or petroleum product kept or stored for the purpose of sale within the State of California. All such samples shall be taken in accordance with the American Society for Testing Materials Standard D 270-33, as published in "American Society for Testing Materials Standards on Petroleum Products and Lubricants," 1934.

It shall be unlawful for any person to refuse to permit any person authorized by this section to take such sample or samples, or to prevent or to attempt to prevent the taking of such sample or samples;

Provided, however, that if the owner or person in possession of such product shall at the time of said taking, demand payment for the commodity taken, then said person taking such sample shall pay therefor the reasonable market price thereof.

SEC. 14. Section 17 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 17. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense, for each day during any portion of which any violation of any provision of this act is committed, authorized or permitted by such person and shall be punishable therefor as provided in this act.

SEC. 15. Section 14a of the act cited in the title hereof is hereby repealed."

Bill read second time, ordered to reprint, and re referred to Committee on Oil Industries.

Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, the removal or destruction of improvements thereon, the cutting and removal of timber or the doing of any act impairing the value of the lands or the improvement, providing for the renting of said lands and the collection of rents, issues and profits thereof, and the appointment of representatives by the Controller; providing for the recovery of the possession of said property and an accounting of rents, issues and profits, providing for the commencement of actions and the disposition of moneys received, and the removal or sale of property which has become a public nuisance.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 576 was read and adopted:

Amendment No. 1.

On page 2, line 5, of the printed bill, after the word "hereinafter", strike out the word "deed", and insert in lieu thereof the word "deeded".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 593—An act to amend sections 3897 and 3898 of the Political Code, relating to the sale and disposal of lands deeded to the State for delinquent taxes and to abolish the tax land fund and to repeal section 3774 of the Political Code, relating to the possession, rental, lease or cultivation, and the duty to provide for rental and care, of lands deeded to the State under section 3785 of the Political Code, and also to a political subdivision or State taxing agency lying in an irrigation district delivering water to lands therein, or lying within a municipality not in an irrigation district, or lying in neither, for delinquent taxes or assessments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 593 were read and adopted:

Amendment No. 1.

On page 4, lines 35 and 36, of the printed bill, after the word "sale", insert period, and strike out "as fixed in said notice to the board of supervisors".

Amendment No. 2.

On page 5 of the printed bill, beginning in line 13, strike out the sentence "in addition to such publication or posting a copy of the notice shall be conspicuously posted on the land itself".

Amendment No. 3.

On page 5, line 23, of the printed bill, strike out the word "if", and insert in lieu thereof the word "it".

Amendment No. 4.

On page 6, line 5, of the printed bill, strike out "a", and insert in lieu thereof the word "at".

Amendment No. 5.

On page 7, line 5, of the printed bill, following the word "auction", insert last parenthesis mark.

Amendment No. 6.

On page 7, line 15, of the printed bill, following the word "said", reinsert the word "first".

Amendment No. 7.

On page 8, line 4, of the printed bill, reinsert "(a)".

Amendment No. 8.

On page 8, line 4, of the printed bill, following the word "action", strike out the word "of", and insert in lieu thereof the word "at".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 594—An act to amend section 3817d of the Political Code, relating to the sale of property for delinquent taxes, and the sale of tax-deeded property by the State.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 594 were read and adopted:

Consideration of Committee Amendments.**Amendment No. 1.**

On page 1 of the printed bill, strike out the title and in lieu thereof insert the following:

"An act to amend section 3817d of the Political Code, relating to the sale of property for delinquent taxes to the State, and the sale of tax-deeded property by the State; providing that no sale at public auction be made of unredemmed property in certain years and requiring the same to be deeded to the State; providing that no sale of property except property sold to the State for delinquent taxes in the year 1925, or prior thereto, be made prior to July 1, 1936; providing that property sold to the State for delinquent taxes in 1925 or prior thereto, and deeded to the State pursuant to section 3785 of the Political Code shall be subject to sale pursuant to section 3897 of the Political Code; providing that the provisions of this section further postponing the time when sale or resale at auction to the public may be made shall not apply to property deeded pursuant to sale for delinquent taxes and assessments to any taxing agency defined in section 3897d of the Political Code; and providing for the substance and form of notices under subdivisions 1 and 2 of section 3764 of the Political Code.

Amendment No. 2.

On page 1, line 13, of the printed bill, following the word "act", insert the word "and".

Amendment No. 3.

On page 2, line 19, of the printed bill, following the word "or", strike out "3317c2", and insert in lieu thereof "3817c2".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 588—An act providing for the exemption from taxation of personal property brought within the State of California exclusively for purposes of use, display or exhibition at expositions, fairs, carnivals or public exhibits of literary, scientific, educational, religious or artistic works, and for claim of exemption.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 588 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, strike out the word "intended".

Amendment No. 2.

On page 1, line 6, of the printed bill, immediately after the comma after "exhibition", insert the following: "and subject to taxation in some other state."

Amendment No. 3.

On page 1, line 18, of the printed bill, strike out the period after "used", and insert in lieu thereof a comma and the following: "and that taxes have been paid for the current year in some other State or foreign country."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 318—An act to amend section 11 of the State Contract Act, relating to qualification of bidders.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 570—An act to repeal an act entitled "An act to create a State Advisory Commission on Indian Affairs, to prescribe its membership and its powers and duties," approved May 26, 1923.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 577—An act to amend section 3780 of the Political Code, relating to the redemption of property sold to the State for delinquent taxes and limiting the same to a period of three years from and after the date of the deed to the State pursuant to section 3785 of the Political Code.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 572—An act to add sections 4060 to 4060.54, inclusive, to the Political Code, and to amend section 3714 of said code, relating to the fiscal affairs of counties, cities and counties, and districts, including budgeting, accounting, reporting, and auditing.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 572 were read and adopted:

Amendment No. 1.

On page 9, line 49, of the printed bill, after the word "authority", insert a comma and the following: "with the advice and assistance of the Advisory Commission herein described,".

Amendment No. 2.

On page 10, line 11, of the printed bill, after the word "and", insert the following: "the Advisory Commission".

Amendment No. 3.

On page 10, line 15, of the printed bill, following the period, insert the following: "After said hearings the State authority shall adopt, with the consent of the Advisory Commission, said standard procedure".

Amendment No. 4.

On page 11, line 51, of the printed bill, strike out the words "'State authority'." and insert in lieu thereof the following: "'Advisory Commission'.".

Amendment No. 5.

On page 12, line 2, of the printed bill, following the period, insert the following: "Whenever the term "State authority" is used in this article it shall be understood to mean the Division of Budgets and Accounts as referred to in section 656 of the Political Code."

Amendment No. 6.

On page 6, line 48, of the printed bill, after the word "shall", insert the following: "as determined by the board of supervisors".

Amendment No. 7.

On page 6, line 49, of the printed bill, strike out the words "for distribution", insert a period after the word "taxpayers", and strike out the words "requesting such".

Amendment No. 8.

On page 6, line 50, of the printed bill, strike out the word "copies".

Amendment No. 9.

On page 5, line 46, of the printed bill, strike out the words "sufficient to", and after the word "authority", insert the following: "for distribution to taxpayers".

Amendment No. 10.

On page 5, line 47, of the printed bill, strike out the entire line with the exception of the last word "and".

Amendment No. 11.

On page 5, line 52, of the printed bill, place a period after the word "distribution", and strike out the words "to the taxpayers desiring a copy".

Amendment No. 12.

On page 6, line 1, of the printed bill, strike out the word "thereof."

Amendment No. 13.

On page 11, line 32, of the printed bill, strike out the words "The cost".

Amendment No. 14.

On page 11 of the printed bill, strike out all of lines 33 and 34.

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 258 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "-----, ----, ----," and insert in lieu thereof the following: "Martinez, Modesto, Pasadena, Placerville, Redding, Santa Cruz, Visalia".

Amendment No. 2.

On page 1, line 10, of the printed bill, strike out "----- thousand", and insert in lieu thereof the following: "twenty-nine thousand seven hundred eighty-seven".

Amendment No. 3.

On page 1, line 11, of the printed bill, strike out "General fund and otherwise appro-"; also strike out line 12, and insert in lieu thereof the following: "motor vehicle fund and prior to the allocation of any such moneys for any other purpose subsequent to the effective date of the Vehicle Code."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 319—An act to amend section 1026 of the Penal Code, relating to procedure in a criminal case upon a plea of not guilty by reason of insanity.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 319 were read and adopted:

Amendment No. 1.

On page 1, in the title of the printed bill, as amended strike out "section 1026", and insert in lieu thereof the following: "sections 1026 and 1026a".

Amendment No. 2.

On page 1 of the printed bill, as amended, at the end of the title strike out the period, and add the following: "and to hearings upon applications for release, made by or on behalf of persons committed to State hospitals as criminally insane."

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 4 to 25, inclusive, and on page 2, strike out lines 1 to 30, inclusive, and insert in lieu thereof the following: "insanity, and also joins with it another plea or pleas, he shall first be tried as if he had entered such other plea or pleas only, and in such trial he shall be conclusively presumed to have been sane at the time the offense is alleged to have been committed. If the jury shall find the defendant guilty, or if the defendant pleads only not guilty by reason of insanity, then the question whether the defendant was sane or insane at the time the offense was committed shall be promptly tried, either before the same jury or before a new jury in the discretion of the court. In such trial the jury shall return a verdict either that the defendant was sane at the time the offense was committed or that he was insane at the time the offense was committed. If the verdict or finding be that the defendant was sane at the time the offense was committed the court shall sentence the defendant as provided by law. If the verdict or finding be that the defendant was insane at the time the offense was committed, the court unless it shall appear to the court that the defendant has fully recovered his sanity shall direct that the defendant be confined in the State Hospital for the Criminally Insane, or if there be no such State hospital, then that he be confined in some other State hospital for the insane; if, however, it shall appear to the court that the defendant has fully recovered his sanity such defendant shall be removed to the custody of the sheriff until his sanity shall have been finally determined in the manner prescribed by law. A defendant committed to a State hospital shall not be released from confinement unless and until the court which committed him, or the superior court of the county in which he is confined, shall, after notice and hearing, find and determine that his sanity has been restored. In the event such hearing is held in the county in which the defendant is confined, notice as ordered by the court shall be given to the district attorney of said county and also to the district attorney of the county from which said defendant was committed. Nothing in this section".

Amendment No. 4.

On page 2, lines 36 and 37, of the printed bill, as amended, insert a period after "detained", and strike out "By order of the Governor of the State of California", and lines 38 and 39, and insert in lieu thereof the following:

"Sec. 2. Section 1026a of the Penal Code is hereby amended to read as follows: 1026a. An application for the release of a person who has been committed to a State hospital, as provided in section 1026, upon the ground that his sanity has been restored, may be made to the superior court of the county in which he is confined or of the county from which he was committed, either by such person or by the superintendent of the hospital in which the said person is confined. No hearing upon such application shall be allowed until the person committed shall have been confined for a period of not less than one year from the date of the order of commitment; if the finding of the court be adverse to releasing such

person upon his application for release, on the ground that his sanity has not been restored, he shall not be permitted to file a further application until one year has elapsed from the date of hearing upon his last preceding application. In any hearing authorized by this section the burden of proving that his sanity has been restored shall be upon the applicant."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 4.—An act to amend sections 2, 3, and 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 4 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, between lines 40 and 41, insert the following:

"SEC. 3. A new section is hereby added to the act cited in the title thereof, to read as follows:

Sec. 5a. Within ten days after adoption of such ordinance declaring that the use for park purposes of such land shall be discontinued and abandoned, or the adoption of the resolution of discontinuance of a minor portion of any such park, as provided in section 1 of this act, any property owner claiming damage to his property by reason of the discontinuance or abandonment of such park or portion thereof, whether as owner of abutting property or otherwise, shall file a claim in writing setting forth the nature and amount of such claim, and a failure to file and assert such claim shall operate as a waiver and constitute a bar to any action to recover for any such damage.

If any such claims are filed within the time specified, the legislative body of such municipal corporation shall appoint three appraisers to assess the damages, and for their services they shall receive such compensation as said legislative body shall fix. Said appraisers shall proceed with diligence to ascertain and determine the extent of damages which will result to the property of each claimant and shall file a written report of their findings with the city clerk. The city clerk shall thereupon give notice of such filing and fixing the time and place of the meeting at which said report will be considered by the legislative body of said municipal corporation. Said notice shall be published for at least two weeks prior to said meeting in a newspaper published in said city; and if there is no newspaper published in said city, then by posting said notice in three public places within said city for two weeks prior to said meeting. Said notice shall require all persons interested to show cause, if any, why such report should not be confirmed. At the time fixed for the hearing of said report, or at such other time as the hearing may be adjourned to, the legislative body of said municipal corporation shall pass upon said report, together with any objections that shall be made thereto, and may confirm, correct or modify the same.

Upon the adoption of said report, either as filed by the appraisers or as corrected and modified by said legislative body, warrants shall be drawn in favor of the various property owners to whom damages have been allowed in the amount specified in said report, said warrants to be payable out of any funds available for such purpose, or from any funds provided for such purpose by the owner of the lands for which such park property may be exchanged."

Amendment No. 2.

On page 2, line 41, of the printed bill, strike out the figure "3", and insert in lieu thereof the figure "4".

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 642.—An act to add section 21.4 to the Fish and Game Code, relating to damages for destruction of fish and game.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 584—An act to add a new section to the Political Code to be known as section 3663d, relating to the assessment of property by the State Board of Equalization and the allocation of the assessed value of such property to the various taxing jurisdictions of the State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 9a of an act entitled, "An act providing for the registration of contractors, and defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses, providing the method of suspension and cancellation of such licenses, and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

Amendments from the Floor.

During second reading of Senate Bill No. 596, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 2, line 31, of the printed bill, as amended by the Senate on March 25th, following the word "which", insert the following words: "although attached to the building or structure by the use of hardware, liquid cement, or other substantial means"; on the same line, following the word "not", insert the word "actually".

Amendment No. 2.

On page 4, line 1, of the printed bill, as amended by the Senate on March 27th, strike out the word "two", which is the last word on this line, and insert in lieu thereof the word "five".

Amendment No. 3.

On page 4, line 31, of the printed bill, as amended by the Senate on March 25th, add the letter "s", to the word "member", which is the first word on said line.

Amendment No. 4.

On page 4, line 44, of the printed bill, as amended by the Senate on March 25th, add the letter "s", to the word "contractor".

Amendment No. 5.

On page 5, line 34, of the printed bill, as amended by the Senate on March 25th, strike out the word "three", and figure "3", and insert in lieu thereof the word "four", and the figure "4"; and on page 5, line 35, strike out the word "three", and the figure "3", and insert in lieu thereof the word "four", and the figure "4".

Amendment No. 6.

On page 7 of the printed bill, as amended by the Senate on March 25th, strike out all of lines 26 to 31, inclusive.

Amendment No. 7.

On page 8 of the printed bill, as amended by the Senate on March 25th, strike out all of section 7, beginning with line 48, on said page 8, and also including lines 1 to 36, inclusive, on page 9.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 585—An act to amend section 3663b of the Political Code, relating to the assessment of property by the State Board of Equalization.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 586—An act to amend section 3663a of the Political Code, relating to the assessment of property by the State Board of Equalization.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 587—An act to repeal sections 3664, 3664a, 3664d of the Political Code and other acts inconsistent with section 14 of Article XIII of the Constitution of the State of California, to amend sections 3664b and 3664b.1 of the Political Code, all relating to the carrying into effect of the provisions of section 14 of Article XIII of the Constitution of the State of California.

Amendment from the Floor.

During second reading of Senate Bill No. 587, the following amendment, offered by Senator McCormack, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, between lines 12 and 13, insert the following: "upon the gross premiums the amount of any county and municipal taxes".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 648—An act requiring licenses for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor; providing for penalties for the violation of this act, providing for the enforcement of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 648 were read and adopted:

Amendment No. 1.

On page 1, line 10, of the printed bill, strike out the word "either", and after the word "retail", strike out the word "or".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 11 to 14, inclusive, and insert in lieu thereof the following: "The term "store" shall not apply to any office or warehouse maintained by a manufacturer in the distribution of its merchandise if no orders therefor are taken and no sales thereof are made in the premises of such office or warehouse."

Amendment No. 3.

On page 2, line 45, of the printed bill, strike out "or mercantile establishments".

Amendment No. 4.

On page 2, line 49, of the printed bill, strike out "or mercantile establishments".

Amendment No. 5.

On page 3 of the printed bill, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following: "Store number one—two dollars, store number two—four dollars, store number three—eight dollars, store number four—sixteen dollars, store number five—thirty-two dollars; store number six—sixty-four dollars, store number seven—one hundred twenty-eight dollars, store number eight—two hundred fifty-six dollars, store number nine—five hundred and twelve dollars, store number ten, and each and every store above that number—one thousand dollars, for each such store."

Amendment No. 6.

On page 3 of the printed bill, strike out lines 48 to 51, inclusive, and insert in lieu thereof the following:

"Sec. 13. If any section, subsection, sentence, clause or phrase of this act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the Legislature hereby declares that it would have passed this act and each and every other section, subsection, sentence,

clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases of this act be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 617—An act to amend section 1168 of the Penal Code and to add thereto sections 969e and 1158a, relating to crimes committed with a deadly weapon.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendments to Senate Bill No. 617 were read and adopted:

Amendment No. 1.

On page 7, line 36, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "or complaint."

Amendment No. 2.

On page 7, line 38, of the printed bill, as amended, after "information", insert the following: "or complaint."

Amendment No. 3.

On page 7, line 46, of the printed bill, as amended, after "committed", insert the following: "deadly".

Amendment No. 4.

On page 8, lines 18 and 19, of the printed bill, as amended, strike out "and when, ever the issue upon the plea of not guilty is to be read by a jury."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 619—An act to add section 3a to an act entitled "An act to authorize and regulate the employment of prisoners in the State prisons of this State and to provide for the disposition of the products of their skill and labor," approved February 23, 1911, relating to prison-made goods.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 488—An act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 954a, relating to abandonment and withdrawal of appeals.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 490—An act to amend section 1029 of the Penal Code, relating to trial of a judge of the superior court.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to interest charges and the mode and manner of sale of personal property given in pledge for the security of a debt or obligation, and providing penalties for the violation hereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 875 were read and adopted:

Amendment No. 1.

On page 1, line 4, of the title of the printed bill, strike out "interest charges and the mode and manner of", also strike out line 5 of the title, and in line 6, strike out "of a debt or obligation," and insert in lieu thereof the following: "the business of loaning money on pledges of personal property, known as pawnbroking,".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "(a) The term 'person' as used herein means"; also strike out lines 2-23 inclusive, and also strike out pages 2 and 3, and insert in lieu thereof the following: "Every person, firm or corporation engaged in the business of receiving goods in pledge as security for a loan is a pawnbroker within the meaning of this act."

SEC. 2. It shall be a misdemeanor for any pawnbroker to charge or receive compensation at a rate in excess of three per cent per month on loans not exceeding three hundred dollars, or in excess of two per cent per month on loans in excess of three hundred dollars, except that a minimum charge of fifty cents per month may be made in any case where the monthly charge permitted by this section would otherwise be less than fifty cents.

SEC. 3. Every pawnbroker shall retain in his possession every article pledged to him, except clothing, wearing apparel, furs, trunks and suit cases, and articles of similar character, for a period of one year after the last date fixed by his loan contract for redemption. He shall keep such excepted articles for a period of six months after the last date fixed for redemption by his loan contract.

The pledgor or his assigns may redeem the articles at any time during such period. If such article is not redeemed within the period thus allowed, the pawnbroker shall at the end of that period become vested with all right, title and interest of the pledgor or his assigns therein, to hold and dispose of as his own property. All provisions of law relating to pledges and foreclosure of pledges in conflict with this act shall not apply to pledges with pawnbrokers under this act. It shall be a misdemeanor for any pawnbroker to violate any provision of this section.

SEC. 4. As used herein "compensation" includes expenses, disbursements, storage charges and all other charges not herein specified of any nature in connection with the loan or forbearance.

SEC. 5. Sections 338, 339, 340, 341, 342 and 343, Penal Code, are hereby repealed."

Amendment No. 3.

On page 3, line 37, of the printed bill, after the words, "Sec. 20," strike out the balance of line 37, and all of lines 38 and 39, and insert in lieu thereof the following: "Nothing in this act shall apply to any of the following, to wit:

1. Any corporation organized for the purpose of securing credit from any Federal Intermediate Credit Bank organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," nor.

2. To any nonprofit cooperative corporations or associations with or without capital stock, organized or existing pursuant to the provisions of Title XXIII of the Civil Code of the State of California, nor.

3. To any person, corporation, association, syndicate, joint stock company, or partnership, engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, live stock, poultry and bee products on a cooperative nonprofit basis."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Assistant Secretary Carl A. Shipkey at the Desk.

Third Reading of Senate Bills.

Senate Constitutional Amendment No. 21.—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, relating to an institution for women.

Amendments from the Floor.

During the reading of Senate Constitutional Amendment No. 21, the following amendments, offered by Senator Waggy, were read and adopted:

Amendment No. 1.

On page 1 of the printed measure, as amended, strike out line 12, and in line 13, strike out "wise requiring supervision, or custodial care," and insert in lieu thereof the following: "felonies."

Amendment No. 2.

On page 1 of the printed measure, as amended, in lines 20 and 21, strike out "female offenders and females requiring supervision or custodial care", and insert in lieu thereof the following: "Such female offenders".

Amendment No. 3.

On page 1, line 26, of the printed measure as amended, strike out "or requiring such supervision or care", and insert in lieu thereof a period.

Amendment No. 4.

On page 2, line 5, of the printed measure, as amended, strike out "supervision, custody, or care.", and insert in lieu thereof the following: "or supervision".

Senate Constitutional Amendment No. 21 ordered to reprint, re-engrossment, and on file.

Senate Bill No. 834—An act to add section 17 to an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death, to provide for its maintenance, conduct and government, and to make an appropriation therefor.

Amendments from the Floor.

During third reading of Senate Bill No. 834, the following amendments, offered by Senator Wagy, were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, as amended, between "and" and "to", insert the following: "to amend the title and sections 1, 7 and 12 of, to repeal section 15 of, and".

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out "Section 1", and insert in lieu thereof the following:

"SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows:

An act to establish an institution for the confinement, care and reformation of women convicted of a felony the punishment for which is less than death, to provide for its maintenance, conduct and government, and to make an appropriation therefor.

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Section 1. There shall be established within this State an institution for the confinement, care and reformation of women convicted of a felony the punishment for which shall be less than death, to be known as "The California Institution for Women."

SEC. 3. Section 7 of said act is hereby amended to read as follows:

Sec. 7. Any woman eighteen years of age or over, confined under a sentence of commitment in any State prison within this State may be transferred therefrom to said institution by the State Board of Prison Directors for the serving of her sentence for the term of her commitment, or the balance thereof.

SEC. 4. Section 12 of said act is hereby amended to read as follows:

Sec. 12. The parole of any woman confined in said institution for the commission of a felony shall be under the jurisdiction and control of the board of trustees.

SEC. 5. Section 15 of said act is hereby repealed.

Sec. 6."

Amendment No. 3.

On page 1, line 5, of the printed bill, as amended, strike out "of misdemeanors or convicted".

Amendment No. 4.

On page 1 of the printed bill, as amended, strike out all of line 16, and in line 17, strike out "victed of".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 529—An act to add three new sections to the Civil Code to be numbered 1426d $\frac{1}{4}$, 1426d $\frac{1}{2}$ and 1426d $\frac{3}{4}$, relating to discovery locations and to discovery shafts on lode and placer mining locations.

Amendments from the Floor.

During third reading of Senate Bill No. 529, the following amendments, offered by Senator Pierovich, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in line 3 of the title, after "covery", strike out the comma.

Amendment No. 2.

On page 1 of the printed bill, strike out line 6, and insert in lieu thereof the following: "claim, shall define the boundaries of such claim by the".

Amendment No. 3.

On page 1, line 16, of the printed bill, after "exposing", insert the following: "the".

Amendment No. 4.

On page 1, line 18, of the printed bill, strike out the semicolon, and insert in lieu thereof a comma.

Amendment No. 5.

On page 1, line 19, of the printed bill, strike out the semicolon, and insert in lieu thereof a comma.

Amendment No. 6.

On page 2, line 5, of the printed bill, after "exposing", insert the following: "the".

Amendment No. 7.

On page 2, line 7, of the printed bill, after "exposing", insert the following: "the".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 55—An act to add sections 676.5, 676.51, 676.52, 676.53, 676.54, and 676.55 to the Vehicle Code, relating to safety glass on motor vehicles.

Amendments from the Floor.

During third reading of Senate Bill No. 55, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 1 and 2 of the title, and insert in lieu thereof the following:

"An act to add sections 676.1, 676.2, 676.3, 676.4, 676.5 and 676.6 to the Vehicle Code, relating to safety glass on".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Sections 676.1, 676.2, 676.3, 676.4, 676.5 and 676.6 are hereby added to the Vehicle Code to read as".

Amendment No. 3.

On page 1, line 11, of the printed bill, as amended, strike out "Sec. 676.5", and insert in lieu thereof the following: "676.1".

Amendment No. 4.

On page 1, line 12, of the printed bill, as amended, strike out "676.52", and insert in lieu thereof the following: "676.3".

Amendment No. 5.

On page 1, line 19, of the printed bill, as amended, strike out "676.51", and insert in lieu thereof the following: "676.2".

Amendment No. 6.

On page 2, line 1, of the printed bill, as amended, strike out "676.52", and insert in lieu thereof the following: "676.3".

Amendment No. 7.

On page 2, line 2, of the printed bill, as amended, strike out "676.5", and insert in lieu thereof the following: "676.1".

Amendment No. 8.

On page 2, line 10, of the printed bill, as amended, strike out "676.53", and insert in lieu thereof the following: "676.4".

Amendment No. 9.

On page 2, line 13, of the printed bill, as amended, strike out "676.51", and insert in lieu thereof the following: "676.2".

Amendment No. 10.

On page 2, line 15, of the printed bill, as amended, strike out "676.5", and insert in lieu thereof the following: "676.1".

Amendment No. 11.

On page 2, line 17, of the printed bill, as amended, strike out "676.54", and insert in lieu thereof the following: "676.5".

Amendment No. 12.

On page 2, line 31, of the printed bill, as amended, strike out "676.55", and insert in lieu thereof the following: "676.6".

Amendment No. 13.

On page 2, line 32, of the printed bill, as amended, strike out "676.5", and insert in lieu thereof the following: "676.1".

Amendment No. 14.

On page 2, line 36, of the printed bill, as amended, strike out "676.5", and insert in lieu thereof the following: "676.1".

Bill read, ordered to reprint, reengrossment, and on file for third reading.

Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing, preparing, and distributing the same, and to provide penalties for the violation of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 21 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Perry, Powers, Rich, Scollan, Slater, Swing, Tickle, Wagy, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 21 ordered transmitted to the Assembly.

Senate Bill No. 215—An act to add section 1219.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Slater, Swing, Tickle, and Wagy—29.

NOES—None.

Title read and approved.

Senate Bill No. 215 ordered transmitted to the Assembly.

Senate Bill No. 32—An act to amend section 1310 of the Fish and Game Code, relating to fur-bearing mammals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 32 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Swing, Tickle, Wag, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 32 ordered transmitted to the Assembly.

Senate Bill No. 92—An act to add section 614.5 to the Fish and Game Code, relating to trout.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 92 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Swing, Tickle, Wag, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 92 ordered transmitted to the Assembly.

Senate Bill No. 173—An act to amend section 652 of the Fish and Game Code, relating to salmon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 173 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Scollan, Seawell, Slater, Swing, Wag, and Williams—25.

NOES—None.

Title read and approved.

Senate Bill No. 173 ordered transmitted to the Assembly.

Senate Bill No. 429—An act to amend section 1341 of the Fish and Game Code, relating to rabbits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 429 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Rich, Seawell, Slater, Swing, Tickle, Wag, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 429 ordered transmitted to the Assembly.

Senate Bill No. 537—An act to add section 1354 to the Fish and Game Code, relating to the taking of frogs for educational and scientific purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 537 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Rich, Slater, Swing, Tickle, Wagy, and Williams: 24.

NOES—None.

Title read and approved.

Senate Bill No. 537 ordered transmitted to the Assembly.

Senate Bill No. 538—An act to amend sections 650.5, 661, 1064, 1151 and 1414 of the Fish and Game Code, relating to fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 538 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Rich, Scollan, Slater, Swing, Tickle, Wagy, and Williams: 27.

NOES—None.

Title read and approved.

Senate Bill No. 538 ordered transmitted to the Assembly.

Senate Bill No. 290—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927, as amended, by adding a new section thereto to be numbered section 21, relating to the expenditure of the proceeds of harbor district bonds by the United States of America or any department, officer or agency thereof, and validating expenditures of such bond funds and work by the United States of America or any department, officer or agency thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 290 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Scollan, Seawell, Slater, Tickle, Wagy, and Williams: 27.

NOES—None.

Title read and approved.

Senate Bill No. 290 ordered transmitted to the Assembly.

Senate Bill No. 320—An act to amend section 11 of and to add a new section to be numbered section 12 to an act entitled "An act to define

the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874, as amended.

Amendments from the Floor.

During third reading of Senate Bill No. 320, the following amendments, offered by Senator Rich, were read and adopted:

Amendment No. 1.

On page 1, line 15, of the printed bill, after the period, insert the following: "During any calendar year that no assessment is made in said district, the ex officio assessor of said district shall receive an annual salary of one hundred dollars per year, and the ex officio treasurer and ex officio tax collector of the district shall receive a combined annual salary of one hundred dollars per year, payable quarterly on the first Monday of March, June, September and December of each year."

Amendment No. 2.

On page 2, line 14, of the printed bill, strike out "and irrigation systems."

Amendment No. 3.

On page 2, line 18, of the printed bill, after the word "water", strike out "to the lands", and insert in lieu thereof "to the sloughs and drains".

Amendment No. 4.

On page 2 of the printed bill, at the end of line 18, insert a period.

Amendment No. 5.

On page 2, line 19, of the printed bill, strike out "for the irrigation thereof."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 1634—An act to repeal sections 378, 378a, 378b, 378c, 378d, 378e, 378f, 378g of the Political Code, relating to the Bureau of Commerce.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1645—An act to require government units to furnish reports to the State Department of Finance concerning bonds and bonded indebtedness.

Amendments from the Floor.

During third reading of Assembly Bill No. 1645, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "government", and insert in lieu thereof the following: "governmental".

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 13 to 16, inclusive, and insert in lieu thereof the following:

"SEC. 7. The county auditor in the case of a county or any district or other unit the financial records of which are kept by said auditor, or the officer, or board, responsible for the keeping of such records in the case of any city, district, or other unit the financial records of which are not kept by the county auditor, shall be responsible for the making of such reports, and shall be subject to removal from office for failure or neglect to comply with the provisions of this act."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1989—An act to amend section 677 of the Political Code, relating to State accounting.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1992—An act to add section 675.1 to the Political Code, and to repeal section 675b thereof, relating to the approval of salaries by the Department of Finance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1993—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1994—An act to repeal section 686a of the Political Code and to add section 686.5 thereto, relating to accountants in the Department of Finance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 753—An act to amend section 4 of "An act to regulate the construction of buildings in the State of California, in respect to resistance to horizontal forces, providing penalties for the violation thereof and providing that this act become effective immediately," approved May 26, 1933, relating to the application of said act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1995—An act to amend section 779 of the Political Code, relating to publication of court reports.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 1995 was read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, strike out the word "six", and insert in lieu thereof the word "three".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1700—An act to amend section 663 of the Political Code, relating to the State Board of Control.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1700 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, strike out "section", and insert in lieu thereof the following: "sections 656 and".

Amendment No. 2.

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "the Division of Service and Supply of the Department of Finance."

Amendment No. 3.

On page 1 of the printed bill, immediately before line 1, insert the following: "SECTION 1. Section 656 of the Political Code is hereby amended to read as follows:

656. For the purpose of administration, the department shall be forthwith organized by the director, with the approval of the Governor, in such manner as shall be deemed necessary properly to segregate and conduct the work of the department. There shall be in the department a Division of Budgets and Accounts. The Director of Finance shall have power to arrange and classify the work of the department, and with the approval of the Governor may create such other divisions and subdivisions as may be necessary, and change or abolish the same from time to time. The chief of each division shall receive such annual salary as may be fixed by the Director of Finance, with the approval of the Governor, and before entering upon the duties of his office shall execute to the State of California an official bond in the penal sum of twenty-five thousand dollars. The Director of Finance may also be Chief of the Division of Budgets and Accounts without additional compensation. The director shall have power to appoint and fix the salary of one attorney for the Division of State Lands."

Amendment No. 4.

On page 1, line 1, of the printed bill, strike out "Section 1.", and insert in lieu thereof the following: "Sec. 2."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 913—An act to amend section 662 of the Political Code, relating to the payment of fees to private persons, firms and corporations, declaring the urgency thereof, and providing that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 913 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out "Contracts for Recovery of Money or Property."

Amendment No. 2.

On page 1, line 13, of the printed bill, as amended, strike out "Payment for Recovery."

Amendment No. 3.

On page 1, line 23, of the printed bill, as amended, strike out "said", and insert in lieu thereof the following: "any".

Amendment No. 4.

On page 2, line 13, of the printed bill, as amended, strike out "thus be avoided.", and insert in lieu thereof the following: "be avoided if this act goes into immediate effect."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 425—An act to amend "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, by amending sections 5 relating to the division of election precincts, 10 relating to the publication of ordinances, 12 relating to the issuance of revenue bonds and the investment of surplus moneys, 15b relating to the bonds of the district and their use as security, and adding a new section thereto to be numbered 15c, relating to the issuance of refunding bonds.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Assembly Bill No. 425 was read and adopted:

Amendment No. 1.

On page 1, line 9 of the title of the printed bill, strike out the following: "the issuance of revenue bonds and".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1161—An act to amend section 718c of the Civil Code, empowering municipalities to lease property.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Assembly Bill No. 1161 was read and adopted:

Amendment No. 1.

On page 1, line 15, of the printed bill, after "purposes", insert a comma and the following: "or to the State Department of Natural Resources for the purpose of housing men and equipment."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Assembly Bill No. 642—An act to provide for the formation of districts within municipalities for the acquisition, construction or extension of water works, water systems or water distribution systems, for the issuance, sale and payment of bonds of such districts to meet the cost of such water works, water systems or water distribution systems, and for the acquisition, construction or extension of such water works, water systems or water distribution systems.

Bill read second time, and ordered on file for third reading

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that these act shall take effect immediately, and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendment to Senate Bill No. 2.

The Senate took up for consideration Assembly amendment to Senate Bill No. 2.

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out "Fair and exposition fund", and insert in lieu thereof the following: "balance of any moneys remaining in the 'Fair and exposition fund' after three deductions have each been made, as provided in section 13 of Chapter 769, Statutes of 1933,".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 2?

The roll was called, and Assembly amendment to Senate Bill No. 2 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Keough, King, McCall, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Sedman, Seawell, Slater, Swing, Tickle, and Wagye—22.

NOES—None.

Senate Bill No. 2 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 788—An act to amend section 653c-1 of the Penal Code, relative to the 30-hour week on public works whether the work is done under contract or otherwise, providing penalties for violation of its provisions and declaring the urgency thereof.

Also: Assembly Bill No. 1333—An act to amend section 871 of an act entitled "An act to provide for the organization, incorporation and government of municipi-

pal corporations." approved March 13, 1883, relating to the assessment, levy and collection of taxes.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 788 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 1533 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 42—Relative to memorializing the President and Congress to enact appropriate legislation to establish a social credit system in the United States by providing a currency based on actual assets;

Also: Assembly Joint Resolution No. 43—Relative to memorializing Congress to furnish aid in the construction of check dams in the Salinas River Valley.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolutions Nos. 42 and 43 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 30—Relative to experimental winter feeding of deer.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 30 referred to Committee on Fish and Game.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Universities and Teachers Colleges.

SENATE CHAMBER, SACRAMENTO, March 29, 1935.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Senate Bill No. 72—An act to amend sections 5.1, 5.2, 5.20, 5.21, 5.23, 5.25, 5.26, 5.27, 5.40, 5.44, 5.60, 5.61, 5.62, 5.63, 5.70, 5.80, 5.84, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.100, 5.101, 5.102, 5.103, 5.104, 5.105, 5.110 and 5.112 of the School Code, and to repeal Article II of Chapter I of Part I of Division V thereof, embracing section 5.10, all relating to the organization, government, and control of State teachers colleges—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; noes—2; absent—2.

DEUEL, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 38—Relative to memorializing the President and Congress to enact House Joint Resolution No. 143, introduced January 30, 1935, authorizing the awarding of Distinguished Service Medals to Tony Siminoff, Oliver F. Rominger, and Robert E. Beck, veterans of the Philippine Insurrection:

Also: Assembly Joint Resolution No. 46—Relative to memorializing the President of the United States and Congress in connection with transpacific air mail service;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—5; committee vote: Ayes—4; absent—1

WAGY, Chairman.

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, March 29, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 771—An act to add section 5a to—An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holidays and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and bid for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day of portion thereof, any worker is paid less than the said rate and for a stipulation to the effect in the contract, and providing other penalties for violation of the provisions thereof, approved May 25, 1931, relating to the employment of apprentices—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

OLSON, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, March 29, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 225—An act to provide for the establishment, government, and maintenance of an institution or farm for the confinement, cure, care and rehabilitation of certain drug addicts and to provide for the admission and commitment of such addicts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—4; absent—3.

REINDOLLAR, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to preventing against negligent insurers—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 908—An act to amend sections _____ of the Insurance Code, to add new sections thereto, and to repeal certain sections thereof, relating to insurance principles, practice and matters incidental thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 895—An act to amend sections 10110 to 11524 of the Insurance Code, relating to life, disability, and life and disability insurance, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

WILLIAMS, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, March 29, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 58—An act to amend section 3631 of and to add section 3653.5 to the Political Code, relating to county assessor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SHARKEY, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 632—An act to add two new articles to Part IV, Title II, Chapter V of the Political Code, to be numbered Article XI, embracing sections 4149e to 4149p, inclusive, and Article XII, embracing sections 4149p to 4149w, inclusive, and to amend sections 4017, 4041.18 and 4041.21 of said code, and to repeal sections 4041.13, 4041.26 and 4048 of said code, relating to central purchasing by counties and school districts, including the appointment, powers and duties of county purchasing agents, and prescribing certain penalties for violation hereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

SHARKEY, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1058—An act to confirm, legalize, ratify, and validate the position of certain elected officers of counties;

Also: Senate Bill No. 552—An act to amend section 4220 of the Political Code, relating to duties of county surveyors, declaring the urgency thereof and providing the same shall take effect immediately;

Also: Assembly Bill No. 1786—An act to amend section 2 of an act entitled, "An act providing for the establishment and administration of industrial farms or industrial road camps in the counties of the State and the commitment thereto and discipline of persons charged with or convicted of public offenses," approved June 3, 1921, relating to the charge for maintaining persons on industrial farms and industrial road camps;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

SHARKEY, Vice Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 798—An act to amend section 2 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings;

Also: Senate Bill No. 814—An act to amend section 5.190 of the School Code, relating to health and development certificates;

Also: Senate Bill No. 886—An act to add two new sections to the School Code to be numbered 6.223 and 6.224, relating to the sale of property of a school district, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—8; absent—7.

KNOWLAND, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 133—An act to add section 3.401 to the School Code, relating to tuition fees of students in junior colleges;

Also: Senate Bill No. 654—An act to add a new article to Chapter I of Part III of Division IV of the School Code to be known as Article III, relating to school district elections for the expenditure of school district funds;

Also: Senate Bill No. 797—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings; Has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—8; absent—7.

KNOWLAND, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 984—An act to amend sections 452 and 4942 of the School Code, relating to junior college districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Finance.

Committee membership—15; committee vote: Ayes—8; absent—7.

KNOWLAND, Vice Chairman.

Adjournment.

On motion of Senator Swing, at twelve o'clock and fifty minutes p.m., the President pro tempore of the Senate declared the Senate adjourned until eleven o'clock a.m., Monday, April 1, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Monday, April 1, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, March 29, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for this day.

Senator Stow was, on motion of Senator Tickle, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Chas. Campbell of Pittsburgh, Pennsylvania; and Mrs. C. H. Higgins of Sacramento.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. T. M. Storke, George Lynn, and Reginald Fernald of Santa Barbara.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Adamson, teacher of Kern Academy, Bakersfield, and the following pupils: Valda Wall, Ruby Weitz, Donald Ratzlaff, Jake Henriks and Hubert Robison.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. M. Stephan of Quincy.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Thomas Whelan of San Diego.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Margarie Howard, Flora June Purcell of Fresno, Barbara Haley and Ann Haley of Sacramento.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Coach Edward "Slip" Madigan of St. Mary's.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bert W. Lyon of Los Gatos.

Communication.

The following communication, offered by Senator Crittenden, was received, read, and ordered printed in the Journal:

STOCKTON CHAMBER OF COMMERCE,
STOCKTON, CALIFORNIA, March 30, 1935.

*The Honorable Members of the Senate,
California State Legislature, Sacramento, California.*

DEAR SIRS: This is a cordial invitation to the members of the Senate to be the guests of the city and port of Stockton for a personal inspection of our port, terminal facilities and deep water channel on Saturday, April 20th.

Details covering this invitation will be given to your body by Senator B. S. Crittenden.

We sincerely trust that your body will accept this invitation to personally inspect the world's newest and fastest growing seaport.

Yours sincerely,

CITY OF STOCKTON,
CON. J. FRANKE, Mayor.

STOCKTON PORT COMMISSION,
PAUL E. WESTON, Chairman.

STOCKTON CHAMBER OF COMMERCE,
WARREN H. ATHERTON, President.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 56. An act to amend section 3.42 of, and to add section 3.43 to the School Code, relating to required instruction in the schools;

Also: Assembly Bill No. 232. An act to amend section 2.93 of the School Code, relating to the qualifications of county, city and district superintendents of schools and deputy and assistant county, city and district superintendents of schools;

Also: Assembly Bill No. 998. An act to amend sections 4.765, 4.920, and 4.950 of the School Code, relating to computation of average daily attendance in elementary and secondary schools and junior colleges;

Also: Assembly Bill No. 1682. An act relating to the investment of funds in the State treasury.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 56, 232 and 998 read first time, and referred to Committee on Education.

Assembly Bill No. 1682 read first time, and referred to Committee on Governmental Efficiency.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MARCH 30, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 626—An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments levied thereon made in any such improvement districts, to validate all contracts heretofore made or to be issued, payable from the assessments levied by such improvement districts, and authorizing and directing the collection of the assessments by such improvement districts sufficient to pay the principal and interest of said contracts, validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein;

Also: Senate Bill No. 854—An act to amend sections 1261 and 1263 of the Agricultural Code, relating to produce dealers.

Also: Senate Bill No. 998—An act making an appropriation for predatory animal control;

And reports that the same have been correctly engrossed

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 619—An act to add section 3a to an act entitled "An act to authorize and regulate the employment of prisoners in the State prison of this State and to provide for the disposition of the products of their skill and labor," approved February 23, 1911, relating to prison-made goods.

Also: Senate Bill No. 20—An act to add section 615.1 to the Fish and Game Code, relating to fish in districts 3 and 3a;

Also: Senate Bill No. 196—An act to amend sections 798.6 and 801 of the Fish and Game Code, relating to abalones;

Also: Senate Bill No. 345—An act to amend section 34801 of the Political Code, relating to crediting on calls of installment of assessments made by reclamation districts amounts of outstanding bonds exchanged in refunding proceedings, or otherwise canceled, and to the redemption of property sold to reclamation districts for delinquent assessments and installments thereof, and to the sale by county treasurers of land sold for delinquent assessments and installments thereof, and establishing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing this act shall take effect immediately.

Also: Senate Bill No. 763—An act to remove the debris and snags from the Sacramento River between Chico Landing and the head of navigation near Red Bluff, to provide a survey for the work required, to provide for the furnishing of necessary funds therefor by the Federal Emergency Administration of Public Works, and to provide for the conduct of the necessary work by the State Emergency Relief Administration;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 318—An act to amend section 11 of the State Contract Act, relating to qualification of bidders;

Also: Senate Bill No. 488—An act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 954a, relating to abandonment and withdrawal of appeals;

Also: Senate Bill No. 490—An act to amend section 1029 of the Penal Code, relating to trial of a judge of the superior court;

Also: Senate Bill No. 570—An act to repeal an act entitled "An act to create a State Advisory Commission on Indian Affairs, to prescribe its membership and its powers and duties," approved May 26, 1933;

Also: Senate Bill No. 577—An act to amend section 3780 of the Political Code, relating to the redemption of property sold to the State for delinquent taxes and

limiting the same to a period of three years from and after the date of the deed to the State pursuant to section 3785 of the Political Code;

Also: Senate Bill No. 584—An act to add a new section to the Political Code to be known as section 3663d, relating to assessment of property by the State Board of Equalization and the allocation of the assessed value of such property to the various taxing jurisdictions of the State;

Also: Senate Bill No. 585—An act to amend section 3663b of the Political Code, relating to the assessment of property by the State Board of Equalization; And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 384—An act to add section 133 to the Civil Code, relating to entry of final judgment in divorce cases—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 2—An act making an appropriation for a State exhibit at the California Pacific International Exposition, declaring the urgency thereof, and providing that this act shall take effect immediately—and reports that the same has been correctly enrolled, and presented to the Governor on the first day of April, 1935, at eleven o'clock a.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 319—An act to amend sections 1026 and 1026a of the Penal Code, relating to procedure in a criminal case upon a plea of not guilty by reason of insanity and to hearings upon applications for release, made by or on behalf of persons committed to State hospitals as criminally insane;

Also: Senate Bill No. 588—An act providing for the exemption from taxation of personal property brought within the State of California exclusively for purposes of use, display or exhibition at expositions, fairs, carnivals or public exhibits of literary, scientific, educational, religious or artistic works, and for claim of exemption;

Also: Senate Bill No. 594—An act to amend section 3817d of the Political Code, relating to the sale of property for delinquent taxes to the State, and the sale of tax decreed property by the State; providing that no sale at public auction be made of undecreeded property in certain years and requiring the same to be decreed to the State; providing that no sale of property except property sold to the State for delinquent taxes in the year 1935, or prior thereto, be made prior to July 1st, 1936; providing that property sold to the State for delinquent taxes in 1925 or prior thereto, and decreed to the State pursuant to section 3785 of the Political Code shall be subject to sale pursuant to section 3897 of the Political Code; providing that the provisions of this section further postponing the time when sale or resale at auction to the public may be made shall not apply to property decreed pursuant to sale for delinquent taxes and assessments to any taxing agency defined in section 3897d of the Political Code; and providing for the substance and form of notices under subdivisions 1 and 2 of section 3764 of the Political Code;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 529—An act to add three new sections to the Civil Code to be numbered 1426d $\frac{1}{2}$, 1426d $\frac{2}{3}$ and 1426d $\frac{3}{4}$, relating to discovery locations and to discovery shafts on lode and placer mining locations;

Also: Senate Bill No. 834—An act to add section 17 to an act entitled "An act to amend the title and sections 1, 7, and 12 of, to repeal section 15 of, and to establish an institution for the confinement, care and reformation of women misdoers, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor, approved May 9, 1929, relating to the California Institution for Women";

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 552—An act to amend section 4220 and add sections 4220a and 4220b of the Political Code, relating to duties of county surveyors, declaring the urgency thereof and providing the same shall take effect immediately;

Also: Senate Bill No. 798—An act to amend section 2 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and distribution of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings;

Also: Senate Bill No. 814—An act to amend section 5190 of the School Code, relating to health and development certificates.

Also: Senate Bill No. 886—An act to add two new sections to the School Code to be numbered 6223 and 6224, relating to the sale of property of a school district, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Senate Bill No. 1058—An act to confirm, legalize, ratify, and validate the position of certain elected officers of counties;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural and horticultural products and of any competing commodity or product thereof; to recognize, make effective and provide for, the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States, to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all anti-trust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations thereof and thereof; to provide ways, means and means for the administration and enforcement of said State and Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, relating to an institution for women;

Also: Senate Bill No. 55—An act to add sections 6761, 6762, 6763, 6764, 6765 and 6766 to the Vehicle Code, relating to safety glass on motor vehicles;

Also: Senate Bill No. 320—An act to amend section 11 of, and to add a new section to be numbered section 12 to, an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, as amended;

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 587—An act to repeal sections 3664, 3664a, 3664d of the Political Code and other acts inconsistent with section 14 of Article XIII of the Constitution of the State of California, to amend sections 3664b and 3664b-1 of the Political Code, all relating to the carrying into effect of the provisions of section 14 of Article XIII of the Constitution of the State of California;

Also: Senate Bill No. 586—An act to amend section 3663a of the Political Code, relating to the assessment of property by the State Board of Equalization;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of the work of March 30, 1935:

	<i>Per day</i>
Peggy Bridges, Stenographer-----	\$5 00
Evelyn Becker, Stenographer-----	5 00
Lillian Miller, Stenographer-----	5 00

Resolution read, and on motion of Senator Tickle adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, six days per week, and the Controller is hereby directed to draw his warrants in favor of the person for the said amount, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i>
Alberta Elliott, Stenographer-----	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Waggy, Williams, and Young—36.

NOES—None.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Schottky:

SENATE CHAMBER, SACRAMENTO, April 1, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles.

Respectfully submitted,

SENATOR SCHOTTKY.

Request referred to Committee on Rules.

Recess.

On motion of Senator Jespersen, at eleven o'clock and forty minutes a.m., the President of the Senate declared recess until eleven o'clock and forty-five minutes a.m., for the purpose of listening to Amos Alonzo Stagg, famous football coach; a leader in the field of boys' athletic activities; and now Director of Athletics at the College of the Pacific in Stockton, California.

Mr. Stagg, introduced to the members of the Senate by the President of the Senate, Hon. George J. Hatfield, addressed the Senate, briefly.

Reconvened.

At eleven o'clock and forty-five minutes a.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk

Notice of Motion to Amend Rule No. 70 of the Standing Rules of the Senate.

Senator Seawell gave notice that on the next legislative day he would move to amend the Standing Rules of the Senate as follows:

Amendment No. 1.

At the end of Rule 70, insert the following:

"3. Provided that the provisions of this rule shall not apply to appearance of persons before any committee which by majority vote has adopted its own rules governing the appearance of persons before such committee."

Notice of Motion to Amend Rule No. 51 of the Standing Rules of the Senate.

Senator Seollan gave notice that on the next legislative day he would move to amend the Standing Rules of the Senate as follows:

Amendment No. 1.

Add to Rule 51, after the word "and" the following:

"No motion for reconsideration of any bill, concurrent resolution, joint resolution or constitutional amendment which has been passed shall be postponed more than once."

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Biggar moved to reconsider the vote whereby Assembly Bill No. 129 was refused passage.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, David, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, King, Knowland, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seollan, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Bill ordered on file for third reading.

Third Reading of Assembly Bill No. 129.

Assembly Bill No. 129—An act to add a new section to the Code of Civil Procedure to be numbered 2056, relating to motions to strike an answer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 129 passed by the following vote:

AYES—Senators Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, King, Knowland, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Perry, Pierovich, Reindollar, Rich, Schottky, Slater, Snyder, Swing, Williams, and Young—26.

NOES—Senators Biggar, Crittenden, Olson, Parkman, Seollan, Tickle, and Wagy—7.

Title read and approved.

Assembly Bill No. 129 ordered transmitted to the Assembly.

**Consideration of Daily File.
Second Reading of Senate Bills.**

Senate Bill No. 72—An act to amend sections 5.1, 5.2, 5.20, 5.21, 5.23, 5.25, 5.26, 5.27, 5.40, 5.44, 5.60, 5.61, 5.62, 5.63, 5.70, 5.80, 5.84, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.100, 5.101, 5.102, 5.103, 5.104, 5.105, 5.110 and 5.112 of the School Code, and to repeal Article II of Chapter I of Part I of Division V thereof, embracing section 5.10, all relating to the organization, government, and control of State teachers colleges.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Universities and Teachers Colleges, the following amendments to Senate Bill No. 72 were read and adopted:

Amendment No. 1.

On page 4, line 37, of the printed bill, as amended, strike out the word "course", and substitute in lieu thereof "courses", and after the word "instruction", insert "and".

Amendment No. 2.

On page 6, line 33, of the printed bill, as amended, strike out the figures "5.04", and substitute in lieu thereof "5.104".

Amendment No. 3.

On page 7, line 6, of the printed bill, as amended, strike out the word "hold", and substitute in lieu thereof "sold".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 771—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Senate Bill No. 771 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "hiring", and insert in lieu thereof the following: "employment".

Amendment No. 2.

On page 1, line 4, of the printed bill, after the period, insert the following: "Every such apprentice shall be indentured to the contractor during the work and shall be steadily employed by him, shall be paid the standard wage paid to apprentices under the regulations of the trade at which he is employed, and shall be employed only at the work of the trade to which he is indentured."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 225—An act to provide for the establishment, government, and maintenance of an institution or farm for the confinement, cure, care and rehabilitation of certain drug addicts and to provide for the admission and commitment of such addicts.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendment to Senate Bill No. 225 was read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, after the period, insert the following: "This act shall be known and may be cited as the State Narcotic Farm Act."

SEC. 2. As used in this act:

(a) "Recurrent narcotic addict" means a person who has previously been committed to the State Narcotic Hospital or to any other State hospital for treatment for habit forming narcotic addiction, or who, while addicted to the use of narcotics, has been confined in a county or city jail or State prison for a period of eight months or more, and who has subsequently recurred to the use of narcotics and is in fact a narcotic addict at the time of arrest.

(b) "Farm" means the State Narcotic Farm established by this act.

(c) "Director" means the Director of the State Department of Institutions.

(d) "County" includes "city and county."

SEC. 3. The director, with the approval of the State Board of Control, shall provide on the grounds of the State Narcotic Hospital an institutional unit to be used for the isolation, confinement, cure, care and rehabilitation of recurrent narcotic addicts. This institutional unit shall be known as the State Narcotic Farm, and shall be administered by the director as provided by law for State institutions.

SEC. 4. The director shall adopt rules and regulations, not inconsistent with the Constitution and laws of this State, for the government of the State Narcotic Farm, and for the conduct and discipline of the inmates of said farm, and may change such rules and regulations from time to time. Any person violating any such rule or regulation is guilty of a misdemeanor.

SEC. 5. The director shall appoint a superintendent who shall reside at the State Narcotic Farm and, subject to the direction of the director, shall have the charge, management, and control of said farm and of its property, and shall have charge, control, discipline and training of its inmates. The superintendent shall give a bond to the State, in such sum and with such sureties as will be satisfactory to the State Board of Control, for the faithful performance of his duty. The director shall with the approval of the Governor fix the salary of the superintendent.

SEC. 6. The inmates of the State Narcotic Farm shall be employed under such conditions and in such healthful work suitable to their physical condition as the director may direct.

The director may establish industries, plants, factories, or shops for the manufacture of articles, commodities, and supplies for the State government and for that purpose the director may purchase at current market prices such raw materials, articles, commodities or supplies as he considers necessary.

SEC. 7. Whenever it appears by affidavit to the satisfaction of a magistrate of a county that any person is a recurrent narcotic addict within the meaning of this act, such magistrate must issue and deliver to some peace officer for service, a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest, a copy of the affidavit and warrant of arrest must be personally delivered to such person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity.

SEC. 8. The person charged must be taken before a judge of the superior court, to whom the affidavit and warrant of arrest must be delivered, to be filed with the clerk. The judge shall then inform the person charged of his rights to make a defense to such charge and to produce any witnesses in relation thereto.

SEC. 9. The judge shall by order fix such time and place for the hearing and examination in open court as will permit a reasonable opportunity for the production and examination of witnesses. The judge shall retain the defendant for physical examination and observation for a period of 60 hours under secret supervision to ascertain if he is addicted to the use of narcotic drugs. The order must be entered at length in the minute book of the court, or must be signed by the judge and filed, and a certified copy of the order must be served on the person charged. The judge may also order that the notice of the arrest of the person charged and of the hearing of the charge be served on such relatives of the person charged who are known to be residing in the county as the court considers necessary or proper.

SEC. 10. The judge may cause witnesses to be summoned and examined before him, and after a hearing and examination, if he believes the person charged is a recurrent narcotic addict, the court shall make an order that such person be confined in the State Narcotic Farm for an indeterminate period of not less than three years and until discharged as provided in this act.

SEC. 11. If the court finds that the person charged is not a recurrent narcotic addict, but is a "drug addict" as that term is defined in the Narcotic Rehabilitation Act, then the court shall proceed as provided in that act.

SEC. 12. At the hearing the court shall inquire into the financial condition of the person committed, and if the court finds such person able to do so, in whole or in part, a further order must be made requiring him to pay to the State, to the extent the court may consider just, the expenses of the proceedings in connection with the commitment of such person, expenses of his delivery to the State Narcotic Farm, and to pay to the State such sums as in the opinion of the court are proper, during such time as the person committed may remain in the farm.

SEC. 13. Except as otherwise provided in section 14, any person committed to the farm may after the expiration of three years be discharged by the superintendent, by and with the consent of the director, and subject to such terms and conditions as the director may establish in order to carry out the purposes of this act. No inmate shall be discharged unless and until the Medical Superintendent of the State Narcotic Hospital has certified that the inmate is no longer a drug addict as that term is defined in the Narcotic Rehabilitation Act.

SEC. 14. Any person who violates any of the terms and conditions of his discharge is guilty of a misdemeanor and is punishable by imprisonment in the county jail for not more than six months. If any such person has recurred to the use of narcotics he shall be returned to the State Narcotic Farm for an indeterminate period of not less than five years. At the end of that period he may again be discharged as provided in this act for a discharge in the first instance.

SEC. 15. No inmate must be discharged from the State Narcotic Farm without suitable clothing adapted to the season in which he is discharged; and, if it can not otherwise be obtained, the superintendent with the approval of the director shall furnish such clothing and also money, not exceeding twenty-five dollars, to defray the necessary expenses of such person until he can reach his relatives or friends, or find employment to earn a subsistence.

SEC. 16. Any addict who is charged with a felony at the time of his commitment to the State Narcotic Farm shall, after the period of commitment, or upon being discharged, be returned to the court to answer for the felony of which he was charged at the time of his commitment to the State Narcotic Farm.

SEC. 17. Witnesses at hearings for the commitment of recurrent narcotic addicts shall be entitled to receive the usual fees and expenses allowed by law in other cases in such courts. Any fees or traveling expenses payable to any witness in any proceeding for the commitment of a recurrent narcotic addict, and all expenses connected with the execution of any process under this act, which are not paid by the addict or any person charged with his support, shall be paid by the State Treasurer.

SEC. 18. It is the duty of the sheriff of any county wherein an order is made by any court committing any person under this act or returning such person to the court, or of any other person designated by said court, to execute the writ of commitment or order of return, and to receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the State prison, and payable in the same manner.

SEC. 19. Any person not authorized by law, who brings into any buildings on the farm, or within the grounds thereof, any opium, morphine, cocaine, or other narcotic, or any intoxicating liquor of any kind whatever, except for medicinal or mechanical purposes, or any firearms, weapons or explosives of any kind, is guilty of a felony.

SEC. 20. If any person procures the escape of any inmate of the farm, or advises, connives at, aids or assists in such escape, or conceals any such inmate after such escape, such person is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not less than one year.

SEC. 21. Every inmate of the farm who escapes therefrom is punishable by imprisonment in the county jail for not less than one year, nor more than two years; and after completion of such imprisonment such escaped inmate shall be returned to the farm to complete his unfinished term.

Notwithstanding any provision of law heretofore enacted, a complaint, information or indictment for the violation of any provision of this section may be filed within three years of said violation.

SEC. 22. Anyone who shall knowingly contrive to have any person adjudged a recurrent narcotic addict under this act, unlawfully or improperly, shall be deemed guilty of a misdemeanor.

SEC. 23. Section 2185c of the Political Code, in so far as it applies to the commitment of drug addicts is superseded by the provisions of this act.

SEC. 24. The invalidity of any part of this act shall not be construed to affect the validity of any other part capable of having practical operation and effect without the invalid part."

Bill read second time, ordered to reprint, and re-referred to Committee on Prisons and Reformatories.

Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 472 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 5 to 8, both inclusive, and insert in lieu thereof the following:

"Article 14. Proceedings in Cases of Insolvency and Delinquency.

1010. The provisions of this article shall apply to all persons subject to examination by the commissioner, or purporting to do insurance business in this State, or in the process of organization with intent to do such business therein, or from whom the commissioner's certificate of authority is required for the transaction of business, or whose certificate of authority is revoked or suspended.

1011. Upon the filing by the commissioner with the superior court in the county in which is located the principal office of such person in this State, of a verified application showing any of the following conditions to exist:

(a) That such person has refused to submit its books, papers, accounts, or affairs to the reasonable inspection of the commissioner or his deputy or examiner.

(b) That such person has neglected or refused to observe an order of the commissioner to make good within the time prescribed by law any deficiency in its capital if it is a stock corporation, or in its reserve if it is a mutual insurer.

(c) That such person, without first obtaining the consent in writing of the commissioner, has transferred, or attempted to transfer, substantially its entire property or business or, without such consent, has entered into any transaction the effect of which is to merge, consolidate, or reinsure substantially its entire property or business in or with the property or business of any other person.

(d) That such person is found, after an examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or creditors, or to the public.

(e) That such person has violated its charter or any law of the State.

(f) That a certificate of authority of such person has been revoked under section 10711.

(g) That any officer of such person refuses to be examined under oath, touching its affairs.

(h) That any officer or attorney-in-fact of such person has embezzled, sequestered, or wrongfully diverted any of the assets of such person.

(i) That a person of the class embraced within Chapter 9, Part 2, Division 2 of this code does not comply with the requirements for the issuance, to it, of a certificate of authority, or that its certificate of authority has been revoked under section 10883, or that its liabilities exceed its assets, including assessment rights actually exercised;

Or, upon the filing, by the commissioner, of a verified application accompanied by a certified copy of the commissioner's last report of examination of any person to whom the provisions of this article apply showing such person to be insolvent within the meaning of Article 13, Chapter 1, Part 2, Division 1 of this code, said court shall issue its order vesting title to all of the assets of said person, where-soever situated, in the commissioner or his successors in office, in his official capacity as such, and directing the commissioner forthwith to take possession of all of its books, records, property, real and personal, and assets, and to conduct, as conservator, the business of said person, or so much thereof as to the commissioner may seem appropriate, and enjoining said person and its officers, directors, agents, servants and employees from the transaction of its business or disposition of its property until a further order of said court.

1012. Said order shall continue in force and effect until, on the application either of the commissioner or of such person, it shall, after a full hearing, appear to said court that the ground for said order directing the commissioner to take title and possession does not exist or has been removed and that said person can properly resume title and possession of its property and the conduct of its business.

1013. Whenever it appears to the commissioner that any of the conditions set forth in section 1011 exist or that irreparable loss and injury to the property and business of a person specified in section 1010 has occurred or may occur unless the commissioner so act immediately, the commissioner, without notice and before applying to the court for any order, forthwith shall take possession of the property, business, books, records and accounts of such person, and of the offices and premises occupied by it for the transaction of its business, and retain possession subject to the order of the court. Any person having possession of and refusing to deliver any of the books, records or assets of a person against whom a seizure order has been issued by the commissioner, shall be guilty of a misdemeanor and punishable by fine not exceeding \$1,000 or imprisonment not exceeding one year, or both such fine and imprisonment.

1014. Whenever the commissioner makes any seizure as provided in section 1013, it shall, on the demand of the commissioner, be the duty of the sheriff of any county of this State, and of the police departments of any municipal corporation therein, to furnish him with such detainers, jailbonds or officers as may be necessary to assist the commissioner in making and enforcing any such seizure.

1015. Immediately after such seizure, the commissioner shall institute a proceeding as provided for in section 1011 and thereafter shall proceed in accordance with the provisions of this article.

1016. If at any time after the issuance of an order under section 1011 it shall appear to the commissioner that further efforts to proceed under said section would be futile, he may apply to the court for an order to liquidate and wind up the business of said person. Upon a full hearing of such application, the court may make an order directing the winding up and liquidation of the business of such person by the commissioner, as liquidator. The title to all property and assets of such person, vested in the commissioner under section 1011, shall remain in the commissioner, as liquidator, for the purpose of carrying out the order to liquidate and wind up the business of such person.

1017. If, his application for an order for the liquidation of a domestic corporation, or at any time thereafter, the commissioner may apply for and the court shall make, an order dissolving such corporation, and thereupon the commissioner, as liquidator, shall become the statutory successor thereof.

1018. The recording in the office of a county recorder of any county in the State of an order entered pursuant to section 1011, 1016 or 1017 shall impart the same notice that would be imparted by the recording of a deed, bill of sale or other evidence of title duly executed by such person.

1019. Upon the issuance of an order of liquidation under section 1016, the rights and liabilities of any such person and of creditors, policyholders, shareholders and members, and all other persons interested in its assets shall, unless otherwise directed by the court, be fixed as of the date of the entry of the order in the office of the clerk of the county wherein the application was made.

1020. Upon the issuance of an order either under section 1011 or 1016, the court shall issue such other injunctions or orders as may be deemed necessary to prevent any or all of the following occurrences:

- (a) Interference with the commissioner or the proceeding.
- (b) Waste of assets of such person.
- (c) The institution or prosecution of any actions or proceedings.
- (d) The obtaining of preferences, judgments, attachments, or other liens against such person or its assets.
- (e) The making of any levy against any such person or its assets.

1021. Upon the making of an order to liquidate the business of such person, the commissioner shall cause to be published notice to its policyholders, creditors, shareholders, and all other persons interested in its assets. Such notice shall require claimants to file their claims with the commissioner, together with proper proofs thereof, within six months after the date of first publication of such notice, in the manner specified in this article.

1022. Such notice shall be published in a newspaper of general circulation, published in the county in which the proceeding is pending, not less than once a week for four successive weeks. A copy of the notice, accompanied by an affidavit of due publication, including a statement of the date of first publication, shall be filed with the clerk of the court.

1023. A claim must set forth, under oath, on the form prescribed by the commissioner:

- (a) The particulars thereof, and the consideration therefor.
- (b) Whether said claim is secured or unsecured, and, if secured, the nature and amount of such security.
- (c) The payments, if any, made thereon.
- (d) That the sum claimed is justly owing from such person to the claimant.
- (e) That there is no offset to the claim.
- (f) Such other data or supporting documents as the commissioner requires.

1021. Upon the making of an order to liquidate the business of such person, the section 1021, it shall not be entitled to filing or allowance, and no action may be maintained thereon. In the liquidation, pursuant to the provisions of this article, of any domestic insurer which has issued policies insuring the lives of persons, the commissioner shall, within thirty days after the last day set for the filing of claims, make a list of the persons who have not filed proofs of claim with him and to whom, according to the books of said insurer, there are amounts owing under such policies, and he shall set opposite the name of each person the amount so owing to such person. Each person whose name shall appear upon said list shall be deemed to have duly filed, prior to the last day set for the filing of claims, a claim for the amount set opposite his name on said list.

1025. Claims founded upon unliquidated or undetermined demands must be filed within the time limit provided in this article for the filing of claims, but claims founded upon such demands shall not share in any distribution to creditors of a person proceeded against under section 1016 until such claims have been definitely determined, proved and allowed. Thereafter, such claims shall share ratably with other claims of the same class in all subsequent distributions.

An unliquidated or undetermined claim or demand within the meaning of this article shall be deemed to be any such claim or demand upon which a right of action has accrued at the date of the order of liquidation or accrues within the time limit provided in this article for the filing of claims, and upon which the liability has not been determined or the amount thereof liquidated; provided, however, that claims founded upon judicial surety bonds and undertakings securing unperfected obligations shall be deemed to be unliquidated and undetermined demands within the meaning of this section.

1026. Whenever any person has a cause of action against an insured and such cause is covered by a liability policy, such person, if the insurer is adjudged insolvent, may file a claim in the liquidation proceeding even if the claim is undetermined or unliquidated.

1027. A claim by a third party founded upon an insurance policy may be allowed by the liquidator without requiring such claim to be referred to judgment, provided it can be reasonably inferred from the proof presented that the claimant would be able to obtain a judgment upon his cause of action against the insured and that such judgment would represent a liability of the person in liquidation under the policy of insurance upon which such claim is founded.

In the event several claims founded upon one policy or bond are filed, and the aggregate amount of such claims exceeds the liability limit of said policy or bond, and one or more of such claims is unliquidated and undetermined, then all of such claims shall be deemed unliquidated and undetermined; provided, however, that should one or more of said claims become determined and proved within the time provided in this article, the liquidator, upon any distribution to creditors, shall impound the distribution percentage of the face amount of said claim or claims so determined and proved, not exceeding the policy or bond limit, and upon such claim or claims becoming liquidated as to amount, the liquidator shall release to such claimant the distribution percentage of the final liquidated value of such claims out of the funds so impounded.

1028. A judgment taken by default, or by collusion, against an insured shall not be considered as evidence, in the liquidation proceeding, either of the liability of such insured to such claimant upon such cause of action or of the amount of damages to which such claimant is entitled.

1029. A claim of a secured claimant shall not be allowed in a sum greater than the excess over the value of the security of the amount for which the claim would be allowable if unsecured, unless the claimant surrenders the security to the liquidator. Upon such surrender the claim may be allowed in the full amount for which it is valued.

1030. The value of the security to be credited upon such claim shall be determined by an appraiser appointed by the liquidator and approved by the court. Such claimant shall elect to accept the security or to release it to the liquidator.

1031. In all cases of mutual debts or mutual credits between the person in liquidation under section 1016 and any other person, such credits and debts shall be set off and the balance only shall be allowed or paid, but no set-off shall be allowed in favor of such other person where any of the following facts exist:

(a) The obligation of the person in liquidation to such other person does not entitle such other person claiming such set-off to share as a claimant in the assets of such person in liquidation.

(b) The obligation of the person in liquidation to such other person was purchased by, or transferred to, such other person with a view to its use as a set-off.

(c) The obligation of such other person to the person in liquidation is to pay an assessment levied against such other person or to pay a balance upon a subscription for shares of the capital stock of the person in liquidation.

1032. When a claim is rejected by the commissioner, written notice of rejection shall be given by mail, addressed to the claimant at the address set forth in his claim. Within thirty days after the mailing of the notice the claimant may apply to the court in which the liquidation proceeding is pending for an order to show cause why the claim should not be allowed.

1033. Claims allowed in a proceeding under this article shall be given preference in the following order:

1. Expense of administration; 2. Claims having preference by the laws of the United States and by the laws of this State; 3. All other claims.

1034. After the issuance of an order of liquidation under section 1016, any of the following transactions occurring within four months prior to the application for such order shall be voidable by the commissioner if such transaction has the effect of giving to or enabling any creditor of such person to obtain a preference over any other creditor of the same class, or a greater percentage of his debt than any other creditor of the same class:

(a) A transfer of property of such person.

(b) The creation of a lien on the property of such person.

(c) The suffering of a judgment against such person.

1035. In any proceeding under this article, the commissioner shall have the power to appoint and employ under his hand and official seal, special deputy commissioners, as his agents, and to employ such clerks and assistants and to give to each of them such power as may by him be deemed necessary. The compensation of special deputy commissioners, clerks and assistants appointed to carry out the provisions of this article, and all expenses of taking possession of, conserving, conducting, liquidating, disposing of or otherwise dealing with the business and property of such person under this article, shall be fixed by the commissioner, subject to the approval of the court, and shall be paid out of the assets of such person.

1036. The Attorney General shall have the power to appoint and employ such legal counsel as may by him be deemed necessary to assist the commissioner in the performance of his duties under this article. The compensation of such legal counsel shall be fixed by the Attorney General, subject to the approval of the court, and shall be paid out of the assets of the person against whom the commissioner has proceeded under this article.

1037. Upon taking possession of the property and business of any person in any proceeding under this article, the commissioner, exclusively and except as otherwise expressly provided by this article, either as conservator or liquidator:

(a) Shall have authority to collect all moneys due such person, and to do such other acts as are necessary or expedient to collect, conserve or protect its assets, property and business, and to carry on and conduct the business and affairs of such person or so much thereof as to him may seem appropriate.

(b) Shall collect all debts due and claims belonging to said person, and shall have the authority to sell, compound, compromise or assign, for the purpose of collection upon such terms and conditions as he deems best, any bad or doubtful debts. If a purchaser for any bad or doubtful debts can not be obtained and it appears improbable that recovery thereon can be had and that the costs of actions to enforce collection of the same would probably be lost, said court may direct either the abandonment thereof or that suits thereon need not be brought.

(c) Shall have authority to compound, compromise or in any other manner negotiate settlements of claims against such person upon such terms and conditions as he shall deem to be most advantageous to the estate of the person being administered or liquidated or otherwise dealt with under this article.

(d) Shall have authority without notice, to acquire, hypothecate, encumber, lease, improve, sell, transfer or otherwise dispose of or deal with, any real or personal property of any such person at its reasonable market value, or, in cases other than acquisition, sale or transfer on the basis of reasonable market value, upon such terms and conditions as he may deem proper; provided, however, that no transaction involving real or personal property shall be made where the market value of the property involved exceeds the sum of one thousand dollars without first obtaining permission of said court, and then only in accordance with such terms as said court may prescribe.

(e) May, for the purpose of executing and performing any of the powers and authority conferred upon him under this article, in the name of the person affected by the proceeding or in his own name, prosecute and defend any and all suits and other legal proceedings, and execute, acknowledge and deliver any and all deeds, assignments, releases and other instruments necessary and proper to effectuate any sale of any real or personal property or other transaction in connection with the administration, liquidation, or other disposition of the assets of the person affected by such proceeding; and any deed or other instrument executed pursuant to the authority hereby given shall be valid and effectual for all purposes as though the same had been executed by the person affected by any proceeding under this article or by its officers pursuant to the direction of its governing board or authority. In cases where any real property sold by the commissioner under this article is located

in a county other than the county wherein the proceeding is pending, the commissioner shall cause a certified copy of the order of his appointment, or order authorizing or ratifying the sale, to be filed in the office of the county recorder of the county in which said property is located.

The enumeration, in this article, of the duties, powers and authority of the commissioner in proceedings under this article shall not be construed as a limitation upon the commissioner, nor shall it exclude in any manner his right to perform and to do such other acts not herein specifically enumerated, or otherwise provided for, which he may deem necessary or expedient for the accomplishment or in aid of the purpose of such proceedings.

1038. Any application under section 1011 or 1016 shall be served upon the person named in such application in the manner prescribed by law for personal service of summons or as provided by section 1039.

1039. In lieu of the service required by section 1038, service may, upon application to said court, be made in such manner as the court directs whenever it is satisfactorily shown by affidavit (a) in the case of a corporation, that the officers of the corporation upon whom service is required to be made as above provided have departed from the State or keep themselves concealed therein with intent to avoid the service, or, (b) in the case of a Lloyd's Association or insurance exchange, that the individual attorney in fact or the officers of the corporate attorney in fact can not be served because of such departure or concealment, or, (c) in the case of a natural person, that the natural person upon whom service is required to be made as above provided, has departed from the State or keeps himself concealed therein with intent to avoid the service.

1040. At any time after an order is made under section 1011 or 1016, the commissioner may remove the principal office of the person proceeded against to the City and County of San Francisco or to the city of Los Angeles. In event of such removal, the court wherein the proceeding was commenced shall, upon the application of the commissioner, direct its clerk to transmit all of the papers filed therein with such clerk to the clerk of the City and County of San Francisco or of the county of Los Angeles as the case may require. The proceeding shall thereafter be conducted in the same manner as though it had been commenced in the county to which it has been transferred.

1041. The commissioner shall be the custodian of all moneys collected by him or coming into his possession in the course of any proceeding under this article, but he may deposit such moneys, or any part thereof, in a bank approved by said court.

1042. The commissioner and a special deputy commissioner appointed pursuant to section 1035 shall have the power to subpoena witnesses and examine them under oath upon any subject relating to the affairs and business of any person affected by proceedings under this article. The penalties provided in Chapter II, Title III, Part IV of the Code of Civil Procedure shall apply to any witness who fails or refuses to appear in accordance with such subpoena, or to testify in connection therewith.

1043. In any proceeding under this article, the commissioner, as conservator or as liquidator, may, subject to the approval of said court, and subject to such liens as may be necessary, mutualize or reinsure the business of such person, or enter into rehabilitation agreements. Such rehabilitation or reinsurance agreements shall provide that, subsequent to the date thereof and for such period of time as the commissioner may determine, no investment or reinvestment of the assets of the person rehabilitated or reinsured shall be made without first obtaining the written approval of the commissioner.

Every party to such agreement, and every director, officer, agent and employee of such person, and every other person who knowingly in violation thereof directs or aids or assists in causing to be made an investment or reinvestment of any of said assets without first having obtained the written approval of the commissioner, or who makes such investment or reinvestment in nonconformity with the written approval of the commissioner then in effect authorizing such investment or reinvestment, is guilty of a public offense and shall be punished by imprisonment in the State prison not exceeding five years or in the county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

1044. In connection with a rehabilitation agreement under section 1043, which affects a life insurer, and in an agreement made for the reinsurance of the business of a life insurer under said section, there may be included in such rehabilitation or reinsurance agreement a provision for, and the commissioner shall have authority to impose and declare, a moratorium against the provisions of the life insurance policies therein involved calling for the making of loans on the security of such policies and for the payment of money upon the surrender of such policies, such moratorium to continue for such period and to such extent as may be directed by said court.

1045. If at any time after the issuance of an order under section 1011 affecting a life insurer issuing nonassessable policies on a reserve basis and organized with a capital stock evidenced by shares thereof it shall appear to the commissioner that

the purposes of section 1011 can be best attained by the mutualization of such life insurer, the commissioner may formulate a plan for the mutualization of such insurer.

1046. Said mutualization plan shall include provisions for:

(a) The acquisition by such insurer of all outstanding shares of its capital stock at a price and upon terms and conditions to be fixed as hereinafter provided.

(b) The retirement of said shares of stock when acquired by such insurer.

(c) The amendment of the charter of such insurer so as to enable it to transact its business as a mutual insurer issuing nonassessable policies on a reserve basis.

(d) The manner in which and the time within which, after mutualization is effected, matured and maturing claims against such insurer shall be paid to the lawful holders thereof.

(e) The submission of said mutualization plan to the policyholders of such insurer under such procedure as shall be set forth in the plan or prescribed by said court, for their approval or rejection.

(f) Notice to the shareholders of such insurer, in such manner and at such time after the approval of said mutualization plan by said policyholders, as the court may direct.

1047. Said mutualization plan may include provisions:

(a) Imposing a moratorium against the provisions of the life insurance policies issued by such insurer and then in force calling for the making of loans on the security of such policies and for the payment of money upon the surrender of such policies, for a period and to an extent to be named in such provisions imposing such moratorium, and subject to extension change or prior termination only upon the written approval of the commissioner.

(b) Imposing liens upon policyholders of such insurer in respect of such policyholders' equities, but no lien shall be imposed in respect of such equities for the purpose, or which has the effect, of creating or making available for distribution to the shareholders of such insurer assets otherwise unavailable therefor or reflecting the intangible value of the business of such insurer commonly known as goodwill; nor shall the aggregate amount of such liens be greater than will be required, after making allowance for the effect of said mutualization plan and for costs and expenses to be incurred in connection with the execution thereof and with the conduct of such insurer's business under this article, to create a paid-in capital, as defined in section 36 (c) (1), exceeding by fifty thousand dollars the paid-in capital required to be maintained by such insurer.

(c) Regulating and adjusting the respective rights of holders of policies of different classes to participate in the profits or savings which may be made by such insurer when mutualized.

(d) Regulating the manner in which and the time at which the shareholders of such insurer shall be compensated for their proprietary interest, then existing, in the assets of such insurer other than goodwill.

(e) Regulating the manner in which the shareholders of such insurer shall be compensated for their proprietary interest in the goodwill, if then existing, of such insurer; provided, however, that no shareholder shall be compensated for his proprietary interest in such goodwill while any moratorium imposed under subdivision (a) of this section is in effect, nor while any lien imposed under subdivision (b) of this section exists, nor until all other indebtedness of such insurer existing at the time of mutualization has been fully paid and discharged or full provision made for its payment, nor otherwise than out of surplus earnings.

(f) Regulating such other matters as may, in the opinion of the commissioner, require regulation in the interest of expediency or otherwise.

1048. Upon formulation of said mutualization plan the commissioner shall submit the same to said court with his application for an order of said court directing the commissioner to submit said mutualization plan to the persons named in subdivisions (e) of section 1046, under such procedure as shall be set forth in the plan or prescribed by said court, for their approval or rejection, and the court shall issue such order.

1049. Each policyholder of such insurer shall be entitled to one vote, regardless of the amount for which, or the number of policies under which, he is insured. Such mutualization plan shall be deemed approved by the said policyholders if a majority of the policyholders voting for and against it shall have approved it, and shall be deemed rejected if a majority of the policyholders voting for and against it shall have rejected it. In the event that said plan of mutualization is rejected by the policyholders of such insurer, the commissioner shall certify the fact of such rejection to said court, whereupon he may proceed further as hereinbefore provided in this article.

1050. In the event that said plan of mutualization is approved by said policyholders, the commissioner shall certify to the said court the fact of such approval and the number of votes cast for and against such mutualization plan. Said court shall thereupon issue its order directing the commissioner to give notice, as provided in said mutualization plan or as the court may otherwise prescribe, to the shareholders of such insurer of the approval of said mutualization plan by said policyholders. Said order shall direct the commissioner to transmit to each such

shareholder by mail addressed to his address as it appears upon the records of such insurer, a true copy of said order and of said mutualization plan approved by said policyholders, and shall fix a time, not less than thirty nor more than sixty days from the date of such order, within which any such shareholder may file with said court a petition for the disapproval of said mutualization plan or for its modification in such manner as shall be set forth in such petition, and within which any such shareholder and the commissioner may file with said court a petition for the appointment of one or more appraisers to appraise the value of the then outstanding shares of capital stock of such insurer.

1051. After the expiration of the time fixed in the order provided for in section 1050, and upon the filing of such petition, said court shall direct notice of a hearing of said petitions to be given to the commissioner and to such petitioners as are shareholders of such insurer. At such hearing, all petitions for the disapproval and all petitions for the modification of said mutualization plan shall be given precedence over all petitions for the appointment of one or more appraisers. Upon hearing of all such petitions for the disapproval and for the modification of said mutualization plan, said court shall either approve said mutualization plan or disapprove it or modify it in such manner and to such extent, not inconsistent with the provisions of this article, as to said court shall seem appropriate. In the event of the disapproval of said mutualization plan the court shall deny all petitions for the appointment of one or more appraisers. In the event of the approval or modification of said mutualization plan, the court shall, upon hearing of the petitions for the appointment of appraisers, appoint one or more appraisers, who shall appraise the then outstanding shares of the capital stock of such insurer, without regard to any appreciation or depreciation arising out of said mutualization plan as so approved or modified. Such appraisement shall fix the reasonable value of such shares of capital stock, including the goodwill, if any, of such insurer, and shall state the value, if any, assigned to such goodwill; and if the appraisers shall have found that such insurer has no goodwill, such finding shall be stated. Such appraisement, when confirmed by said court, shall be final and conclusive.

1052. Thereupon the commissioner shall:

(a) Pay to each of such shareholders or his assignee or nominee, upon surrender of the shares held by such shareholder, the value of said shares as ascertained; subject, however, to the restrictions of subdivisions (d) and (e) of section 1047, and subject, also, to the terms and conditions of the mutualization plan as approved or modified.

(b) Appoint, with the approval of the court, the requisite number of directors in whom shall thereafter be vested the control and management of the assets and business of such insurer until their successors shall have been elected and qualified.

(c) Transfer, upon the order of said court, to the appropriate officers appointed by such directors, the property, real and personal, and the books, records, accounts and papers of such insurer; provided, however, that the commissioner may retain, as a deposit, so much of such property as he deems necessary to defray additional costs and expenses incurred or to be incurred in connection with any proceeding under this article affecting such property or business.

1053. Immediately upon the appointment of the directors as provided in subdivision (b) of section 1052, the directors theretofore holding office shall cease to hold office, and all rights of the shareholders of such insurer to vote at any meeting of such insurer shall absolutely cease and such shareholders shall retain only such interest in such corporation or in the property or assets thereof as shall be provided in said mutualization plan, and such insurer shall thereupon be and become a mutual life insurer under such corporate name as may have been set forth in its charter, as amended, to be conducted not for profit, but solely for the mutual benefit, ratably, of all its policyholders, and shall, upon issuance of it by the commissioner of a certificate of authority, have power to issue nonassessable policies on a reserve basis subject to all provisions of law applicable to incorporated life insurers issuing nonassessable policies on a reserve basis, but shall be exempt from the provisions of Chapter 7, Part 2, Division 2 of this code.

1054. Such insurer, after mutualization, shall be a continuation of the original insurer, and such mutualization shall not affect existing suits, rights or contracts except as provided in said mutualization plan as approved. Such insurer, after mutualization, shall exercise all the rights and powers and perform all the duties conferred or imposed by law upon insurers writing the classes of insurance written by it, and to protect rights and contracts existing prior to mutualization, subject to the effect of said mutualization plan.

1055. The commissioner shall exercise the powers and discharge the duties, concerning any insurer so mutualized, that are applicable to domestic insurers issuing policies of the same class. He shall issue a certificate of authority to transact the proper classes of insurance in this State to any insurer so mutualized which is solvent under Article 13, Chapter 1, Part 2, Division 1 of this code and which has fully complied with the laws of this State.

1056. All costs and expenses connected with proceedings for the mutualization of such insurer shall be paid by the commissioner out of the funds of such insurer, whether or not mutualized, subject to the approval of said court.

1057. In all proceedings under this article, the commissioner shall be deemed to be a trustee for the benefit of all creditors and other persons interested in the estate of the person against whom the proceedings are pending.

1058. In any proceeding pending under the provisions of this article, the court in which such proceeding is pending shall have jurisdiction to summarily hear and determine, in such proceeding, all actions or proceedings then pending or thereafter instituted by or against the person affected by a proceeding under this article.

1059. The commissioner, in the performance of any of his duties under this article, shall be deemed to be a public officer, acting in his official capacity on behalf of the State, and the provisions of section 4295 of the Political Code shall apply to him.

1060. The commissioner shall transmit to the Governor an annual report showing:

(a) The names of the persons proceeded against under this article.

(b) Whether such persons have resumed business or have been liquidated or have been mutualized.

(c) Such other facts as will acquaint the Governor, the policyholders, creditors, shareholders and the public with his proceedings under this article."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 908—An act to amend sections----- of the Insurance Code, to add new sections thereto, and to repeal certain sections thereof, relating to insurance principles, practice and matters incidental thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance the following amendments to Senate Bill No. 908 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 1 and 2 of the title and in line 3, strike out "thereof", and insert in lieu thereof the following: "An act to amend sections 286, 1072, 10200, and 10271 of the Insurance Code".

Amendment No. 2.

On page 1, line 1, of the printed bill, after the period insert the following: "Section 286 of the Insurance Code is hereby amended to read as follows:

286. An interest in property insured must exist when the insurance takes effect, and when the loss occurs, but need not exist in the meantime; an interest in the life or health of a person insured must exist when the insurance takes effect, but need not exist thereafter or when the loss occurs.

Sec. 2. Section 1072 of the Insurance Code is hereby amended to read as follows:

1072. The commissioner shall make an examination of the books of the insurer. If, upon such examination, he finds that the insurer has no outstanding liabilities to residents of this State and no unannulled policies in favor of the residents of this State, he shall cancel the insurer's certificates of authority. The commissioner may, in his discretion, waive any or all of the above requirements for canceling the certificate of authority of such insurer if, after such examination, he finds it to be in a solvent condition. All such examinations shall be at the expense of the insurer, and such expense shall be paid in advance.

Sec. 3. Section 10200 of the Insurance Code is hereby amended to read as follows:

10200. Any life insurer may issue life, disability, term, and endowment insurance on the group plan, with or without annuities, and with premium rates less than the usual rates for such insurance.

Sec. 4. Section 10271 of the Insurance Code is hereby amended to read as follows:

10271. Except as provided in section 10292, this chapter shall not apply to or in any way affect life insurance, endowment or annuity contracts or contracts supplemental thereto which contain no provisions relating to accident or health insurance except (a) such as provide additional benefits in case of death by accidental means and except (b) such as operate to safeguard such contracts against lapse, or to give a special surrender value, or special benefit, or an annuity, in the event that the insured or annuitant becomes totally and permanently disabled as defined by the contract or supplemental contract."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 895—An act to amend sections 10110 to 11524 of the Insurance Code, relating to life, disability, and life and disability insurance.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 895 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend sections 10110 to 11524 of", and insert in lieu thereof the following: "add chapter 10a, comprising sections 11400 to 11407, to Part 2 of Division 2 of".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "by, and the organization of, firemen's, policemen's or peace officers' benefit and relief associations."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new chapter, to be numbered Chapter 10a, comprising sections 11400 to 11407, inclusive, is hereby added to Part 2 of Division 2 of the Insurance Code, to read as follows:

Chapter 10a, Firemen's, Policemen's, or Peace Officers' Benefit and Relief Associations.

11400. Firemen's, policemen's or peace officers' benefit and relief associations now existing, or which may be formed hereafter, for the purpose of aiding their members or dependents of their members in case of sickness, accident, distress, or death, shall be subject to the provisions of this chapter. While such an association operates strictly in accordance with this chapter, it shall not be subject to any other provision of this code nor to any law of this State relating to insurance, whether now existing or hereafter enacted, except when expressly designated therein.

11401. Such an association shall not operate or do business in this State without a certificate of authority. The commissioner shall issue a certificate of authority to any such association unless he determines, after examination, that it does not comply with the provisions of this chapter.

11402. Such association may be incorporated or unincorporated, but if incorporated it shall neither issue nor be authorized to issue shares of stock.

11403. The membership of such association shall consist solely of the following or any combination thereof:

(a) Members of police departments of municipal or public corporations or districts.

(b) Members of fire departments of municipal or public corporations or districts.

(c) Peace or law enforcement officers who are regular and salaried officers or employees of the State or of a single county or other political subdivision or public or municipal corporation.

11404. Such association shall not pay, promise or agree to pay, either directly or indirectly, any consideration of any nature for the solicitation or procuring of members or applications for membership.

11405. The trustees, directors or governing body of such association, by whatever name their office is known or designated, shall be elected by the membership of the association.

11406. Moneys or property directly or indirectly contributed to such association by its members shall not be paid out as benefits to any persons other than its members, their dependents, or beneficiaries nominated in writing by them.

11407. Such association shall be supported mainly by contributions from its members, whether in the form of fees, dues, assessments, or otherwise, and by donations made to it from time to time."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 58—An act to amend section 3631 of and to add section 3653.5 to the Political Code, relating to county assessor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 58 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend section 3631 of and to".

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 1 to 7, inclusive.

Amendment No. 3.

On page 1, line 8, of the printed bill, strike out "SEC. 2.", and insert in lieu thereof "SECTION 1."

Amendment No. 4.

On page 1, line 11, of the printed bill, following the second word "the", strike out "assessor, or".

Amendment No. 5.

On page 1, line 12, of the printed bill, following the word "assessing", strike out the comma.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 632—An act to add two new articles to Part IV, Title II, Chapter V of the Political Code, to be numbered Article XI, embracing sections 4149e to 4149p, inclusive, and Article XII, embracing sections 4149p to 4149w, inclusive, and to amend sections 4017, 4041.18 and 4041.21 of said code, and to repeal sections 4041.13, 4041.26 and 4048 of said code, relating to central purchasing by counties and school districts, including the appointment, powers and duties of county purchasing agents, and prescribing certain penalties for violation hereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 632 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "two", and insert in lieu thereof the following: "a".

Amendment No. 2.

On page 1, line 1 of the title of the printed bill, strike out "articles", and insert in lieu thereof the following: "article".

Amendment No. 3.

On page 1, lines 3 and 4 of the title of the printed bill, strike out "and Article XII, embracing sections 4149p to 4149w, inclusive,".

Amendment No. 4.

On page 1, line 5 of the title of the printed bill, strike out the comma between "4017", and "4041.18", and insert in lieu thereof the following: "and".

Amendment No. 5.

On page 1, line 5 of the title of the printed bill, strike out "and 4041.21".

Amendment No. 6.

On page 1, line 6 of the title of the printed bill, at the end thereof, and immediately following the comma, and immediately preceding the word "relating" in line 7 of the title of the printed bill, insert the following: "and to repeal Article I of Chapter VI of Part II of Division VI of the School Code embracing sections 6.470 to 6.479, inclusive, and to add a new article to Chapter VI of Part II of Division VI of the School Code, to be numbered Article I, embracing sections 6.470 to 6.478, inclusive,".

Amendment No. 7.

On page 1, line 10 of the title of the printed bill, strike out "hereof", and insert in lieu thereof the following: "thereof".

Amendment No. 8.

On page 3, line 45, of the printed bill, after the words "school district", insert the words "or city board of education".

Amendment No. 9.

On page 4, line 11, of the printed bill, strike out the period, and insert in lieu thereof a semicolon, and add the following: "provided, however, that the purchasing agent shall give preference where quality, price and all other factors are equal, to county vendors first, State vendors second, and National vendors third, in the order thus named."

Amendment No. 10.

On page 4, line 13, of the printed bill, after the words "agent shall", insert the following: "except as otherwise provided in this act".

Amendment No. 11.

On page 4 of the printed bill, after line 20, insert a new paragraph to read as follows:

"Emergency purchases of election materials and other supplies of more than two thousand dollars may be made by the purchasing agent in the open market to meet emergencies arising from unforeseen causes, when strict conformance to the provisions of paragraph one of this section would interfere with the performance by any county officer of the duties of his office. A written report of each such emergency purchase, together with a full and complete account of the circumstances of the emergency shall be submitted at once by the purchasing agent to the board of supervisors and the county auditor. Each such report shall be a part of the official record."

Amendment No. 12.

On page 4, line 22, of the printed bill, strike out "possible", and insert in lieu thereof the following: "practical".

Amendment No. 13.

On page 5, line 49, of the printed bill, strike out "Article XII of this chapter", and insert in lieu thereof the following: "Article I of Chapter VI of Part II of Division VI of the School Code".

Amendment No. 14.

On page 8 of the printed bill, strike out lines 2 to 10, inclusive, beginning with "; provided, however," in line 2, and insert in lieu thereof a period.

Amendment No. 15.

On page 8, line 15, of the printed bill, immediately before section 5, insert a new section to be known as section 4, and to read as follows:

"Sec. 4. Section 4041.13 of the Political Code is hereby repealed."

Amendment No. 16.

On page 8 of the printed bill, strike out lines 22, 23, and 24, and insert in lieu thereof the following:

"Sec. 8. A new article is hereby added to Chapter VI of Part II of Division VI of the School Code to read as follows:

Chapter VI. Apparatus and Supplies.

Article I. Purchasing of Apparatus and Supplies."

Amendment No. 17.

On page 8, line 25, of the printed bill, strike out "4149p", and insert in lieu thereof the following: "6.470".

Amendment No. 18.

On page 8, lines 29 and 30, of the printed bill, strike out the words "county superintendent of schools, or when so directed by him, through the".

Amendment No. 19.

On page 8, line 35, of the printed bill, strike out "4149k", and insert in lieu thereof the following: "6.471".

Amendment No. 20.

On page 8 of the printed bill, strike out all of line 41, and down to and including the word "effect" in line 42, and insert in lieu thereof the following: "of county school moneys properly available for such purpose".

Amendment No. 21.

On page 8, line 45, of the printed bill, strike out "4149r", and insert in lieu thereof the following: "6.472".

Amendment No. 22.

On page 8, line 46, of the printed bill, strike out the word "purchase", and insert in lieu thereof the following: "cause to be purchased".

Amendment No. 23.

On page 8, line 51, of the printed bill, strike out "4149s", and insert in lieu thereof the following: "6.473".

Amendment No. 24.

On page 9, line 15, of the printed bill, strike out "4149t", and insert in lieu thereof the following: "6.474".

Amendment No. 25.

On page 9, line 18, of the printed bill, strike out "4149u", and insert in lieu thereof the following: "6.475".

Amendment No. 26.

On page 9, line 27, of the printed bill, strike out "4149v", and insert in lieu thereof the following: "6.476".

Amendment No. 27.

On page 9, line 32, of the printed bill, strike out "4149w", and insert in lieu thereof the following: "6.477".

Amendment No. 28.

On page 9 of the printed bill, after line 35, add a new section to read as follows: "6.478. Upon the receipt of such standard supplies and equipment it shall be the duty of the district officer responsible for the accounts of such school to check shipment for quantity and quality against a copy of the purchase order which shall be furnished him by the purchasing agent. Vendors detailed original invoices setting forth the cost price must be furnished to the district officer responsible, and in the number of copies and in the manner as required by the accounting regulations of the auditing procedure of the county superintendent of schools and the county auditor. The superintendent of schools of the county shall draw his requisition and warrant on the county auditor in payment of all said purchases out of the school supply revolving fund. If there is sufficient money in the said fund the county auditor is hereby authorized to draw his warrant on the county treasurer in payment of said requisition. Upon the payment for such materials, supplies and equipment, the superintendent of schools of the county is hereby authorized to transfer from the proper account of the school district to his school supply revolving fund a sum equal to the amount paid and furnish the school district with an itemized memorandum of the amount transferred."

Bill read second time, ordered to reprint, and re-referred to Committee on County Government.

Senate Bill No. 1058—An act to confirm, legalize, ratify, and validate the position of certain elected officers of counties.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 552—An act to amend section 4220 and add sections 4220a and 4220b of the Political Code, relating to duties of county surveyors, declaring the urgency thereof and providing the same shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 798—An act to amend section 2 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 814—An act to amend section 5.190 of the School Code, relating to health and development certificates.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 886—An act to add two new sections to the School Code to be numbered 6.223 and 6.224, relating to the sale of property of a

school district, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 133—An act to add section 3 401 to the School Code, relating to tuition fees of students in junior colleges.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Senate Bill No. 133 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out all of lines 3 to 12, inclusive, and insert in lieu thereof the following:

"3 401. The governing board of any junior college district may require a tuition fee annually of each student enrolled in the junior college of the district, and for the education of whom the district is not entitled by any other law to receive from any other source an amount equal to at least the maximum tuition fee herein provided for. The amount of the tuition fee shall be determined by the governing board of the district, but shall not exceed the total cost to the district of educating such pupil, exclusive of the moneys apportioned to the district from the State junior college fund, on account of such pupils attendance during the year for which such tuition is charged.

The tuition fees collected under the provisions of this section shall be used by the junior college board for the maintenance and operation of the junior college."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 654—An act to add a new article to Chapter I of Part III of Division IV of the School Code to be known as Article III, relating to school district elections for the expenditure of school district funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 654 were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out the word "Each", and insert in lieu thereof the following: "Except as herein provided, each".

Amendment No. 2.

On page 1, line 12, of the printed bill, strike out the comma and the following "except as", and strike out all of line 13, and insert in lieu thereof a period.

Amendment No. 3.

On page 1, line 27, of the printed bill, after said line 27, insert the following:

"The hours during which the polls at such election shall be open shall be fixed in accordance with the provisions of section 2.877 of this code."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 797—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 797 were read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, strike out "structural engineer", and insert in lieu thereof the following: "person".

Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, after the first word "of", strike out the comma.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Universities and Teachers Colleges, the following amendments to Senate Bill No. 984 were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out the word "an", and insert in lieu thereof the word "the".

Amendment No. 2.

On page 1, line 4, of the printed bill, after the word "amount", insert the word "required".

Amendment No. 3.

On page 1, line 5, of the printed bill, strike out the word "appropriated", and insert in lieu thereof the word "apportioned".

Amendment No. 4.

On page 1, line 6, of the printed bill, strike out the following: "by the constitution for secondary schools", and insert in lieu thereof the following: "in this code".

Amendment No. 5.

On page 1 of the printed bill, beginning in line 9, strike out the following: "may be necessary so that the amount so transferred from the general fund".

Amendment No. 6.

On page 1, line 12, of the printed bill, strike out the following: "the total", and strike out all of lines 13 to 16, inclusive, and insert in lieu thereof the following: "ninety dollars for each unit of average daily attendance during the preceding school year in junior colleges maintained by junior college districts, and in addition thereto two thousand dollars for each junior college maintained by a junior college district during such preceding school year."

Amendment No. 7.

On page 1, line 19, of the printed bill, strike out the following: "to each junior college district".

Amendment No. 8.

On page 1, line 21, of the printed bill, strike out the comma and the following: "apportioned on the basis of each unit of", and insert in lieu thereof the following: "to the several junior college districts of the State pro rata on the total".

Bill read second time, ordered to reprint, and referred to Committee on Finance.

Third Reading of Senate Bills.

Senate Bill No. 384—An act to add section 133 to the Civil Code, relating to entry of final judgment in divorce cases nunc pro tunc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 384 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 384 ordered transmitted to the Assembly.

Special Order.

Senator Wagy moved that Senate Constitutional Amendment No. 21 and Senate Bills Nos. 834, 835 and 836 be made a special order for Tuesday, April 2, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried.

Special Order.

Senator Olson moved that Senate Bill No. 38 be made a special order for Monday, April 1, 1935, at two o'clock p.m.

Motion carried.

Senate Bill No. 529—An act to add three new sections to the Civil Code to be numbered 1426d $\frac{1}{2}$, 1426d $\frac{3}{4}$ and 1426d $\frac{7}{8}$, relating to discovery, locations and to discovery shafts on lode and placer mining locations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 529 passed by the following vote:

AYES—Senators Bigger, Deuel, Dufam, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McCord, McConach, McGowan, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Poston, Powers, Rouse, Sellar, Rich, Schottky, Seallan, Seawell, Slater, Snyder, Tickle, and Wagy—34.

NOES—None.

Title read and approved.

Senate Bill No. 529 ordered transmitted to the Assembly.

Senate Bill No. 314—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817e3 and 3817i2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Amendments from the Floor.

During third reading of Senate Bill No. 314, the following amendments, offered by Senator Hulse, were read and adopted:

Amendment No. 1.

On page 2, line 2, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "one".

Amendment No. 2.

On page 2, line 42, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "one".

Amendment No. 3.

On page 7, line 51, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "one".

Amendment No. 4.

On page 8, line 3, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "one".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Withdrawal and Re-reference of Senate Bill No. 826.

Granted unanimous consent, the President of the Senate ordered Senate Bill No. 826 withdrawn from Committee on Governmental Efficiency, and referred to Committee on Roads and Highways.

Withdrawal and Re-reference of Senate Bills Nos. 824 and 825.

Granted unanimous consent, the President of the Senate ordered Senate Bills Nos. 824 and 825 withdrawn from Committee on County Government, and referred to Committee on Roads and Highways.

Withdrawal and Re-reference of Senate Bill No. 830.

Granted unanimous consent, the President of the Senate ordered Senate Bill No. 830 withdrawn from Committee on Revenue and Taxation, and referred to Committee on Roads and Highways.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 38, heretofore set as a special order for two o'clock p.m., the same was taken up for consideration.

Third Reading of Senate Bill No. 38.

Senate Bill No. 38—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment to be one of rehabilitation by cooperative self-help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; and declaring this act to be an urgency measure.

Bill read third time.

Recess.

On motion of Senator Pierovich, at three o'clock and thirty minutes p.m., the President of the Senate declared recess until three o'clock and thirty-five minutes p.m., for the purpose of listening to remarks by Edward ("Slip") Madigan, football coach of St. Mary's College.

Edward ("Slip") Madigan was introduced to the members of the Senate by the President of the Senate, Hon. George J. Hatfield.

Reconvened.

At three o'clock and thirty-five minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Special Order—(Resumed).

Senate Bill No. 38—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment to be one of rehabilitation by cooperative self-help, production for consumption and exchange of labor

for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity by noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; and declaring this act to be an urgency measure.

Urgency Clause.

SEC. 13. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately. The facts constituting such urgency are as follows:

Hardship and destitution caused by unemployment in the State of California and the enforced idleness of hundreds of thousands of its citizens, able and willing to work in the production and exchange of necessities of life, is requiring the payment to them through State relief agencies of millions of dollars in weekly doles to prevent their actual starvation. Available funds for the purpose are rapidly diminishing. A large part of the population of the State is in a condition of despair and unrest, threatening the public peace. Unless steps are immediately taken as in this act provided to furnish unemployed citizens with the means of producing for themselves a decent standard of living, the social order of the State may be seriously disturbed, so this act should go into immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—37.

The Secretary announced the absentees.

Time, four o'clock and five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The Secretary was directed to call the roll, on the adoption of the urgency clause, of the Senators who had not answered to their names.

The roll was called, and the urgency clause refused adoption by the following vote:

AYES—Senators Biggar, Fletcher, Garrison, Jespersen, Keough, McColl, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Reindollar, Scollan, Seawell, Slater, Swing, and Williams—19.

NOES—Senators Crittenden, Denel, Difani, Duval, Edwards, Gordon, Hays, Hulse, King, Knowland, McCormack, Mixer, Parkman, Rich, Schottky, Snyder, Tickle, Wagy, and Young—19.

Point of Order.

Senator Rich raised the point of order that no further action could be taken upon Senate Bill No. 38 because of the refusal of the Senate to

adopt the urgency clause to said bill, under Joint Rule No. 32 or precedent established thereby.

Decision on Point of Order.

The President announced his decision and declared the point of order well taken.

The President declared Senate Bill No. 38, refused passage, by precedent, with Joint Rule No. 32 as precedence therefor.

Assistant Secretary Carl Shipkey at the Desk.

**Substitution of Proposed Amendment to Rule No. 70 of
Standing Rules of Senate.**

Senator Seawell asked for, and was granted, privilege to substitute the following amendment for the amendment previously offered in a notice to propose amendment of Rule No. 70 of the Standing Rules of the Senate on the next legislative day.

Amendment No. 1.

At the end of subdivision 1 of Rule 70, add the following paragraph:

"This rule shall not apply to members of either house of the Legislature, officers of the State or other public agencies, or citizens of the State of California appearing in their own interest or behalf, who are not representing any group, organization or corporation."

Third Reading of Senate Bills—(Resumed).

Re-reference of Senate Bill No. 392.

Senator Parkman moved that Senate Bill No. 392 be referred to Committee on Finance.

Motion carried, and such was the order.

Senate Bill No. 820—An act to amend sections 2 and 13 of the State Medical Practice Act, relating to taxes and registration fees, and to reciprocity certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 820 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Swing, Tickle, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 820 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Insurance.

SENATE CHAMBER, SACRAMENTO, March 28, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 491—An act to amend section 3, of Chapter 586, Laws of 1917, as amended, Workmen's Compensation Insurance and Safety Act;

Also: Senate Bill No. 492—An act to amend section 3, of Chapter 586, Laws of 1917, as amended, Workmen's Compensation Insurance and Safety Act;

Also: Senate Bill No. 493—An act to provide for the care and rehabilitation of person suffering from the effects of industrial injury and disease;

Has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9, absent—2.

WILLIAMS, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, MARCH 28, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 302—An act validating the election and qualification of certain State, county, township and district officers—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8, absent—3.

POWERS, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, APRIL 1, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 1061—An act relating to the employment of aliens who are unlawfully in the United States and providing penalties for the violation of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5, absent—4.

(Signed out)

YOUNG, Chairman.
CRITTENDEN
DUFF
KEOUGH
SWING

Adjournment.

On motion of Senator Rich, at four o'clock and twenty minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, April 2, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Tuesday, April 2, 1935.

The Senate met at eleven o'clock a.m.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Duval, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Roundollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, April 1, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for this day.

Senator Difani was, on motion of Senator Seawell, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. W. H. Brink, former chairman, Stanislaus County board of supervisors; Erwin K. Finney, chairman, Stanislaus County board of supervisors; Jay A. Rydberg, superintendent of Stanislaus County Hospital; W. L. Rowan and W. A. Trickey.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Victor S. Bragia, chairman, board of fire commissioners of San Francisco, and Mr. A. Farina of San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ernest C. Close, president, and the following students of the Luther Burbank College of Commerce, Santa Rosa, California: Mason Albertson, Corrine All-venn, Betty Bately, John Barbier, Marjorie Barnett, Nelson Bonar, Margaret Bossa, Iona Bowers, Hazel Bradshaw, Joe Brown, Ruth Carlson, Pearl Christian, Marguerite Clothier, Alice Comerford, Bernice Cook, Rena Crayne, Dorothy Daniels, Louis Daniels, Frank Eckman, Inga Ficon, Kay Foster, Dorothy Frederickson, Muriel Garner, Harriet Goddard, Doris Gokey, Lorene Gonzalves, Hazel Groves, Jean Harper, Margaret Hess, Jovita Hicks, Louise Hinsvark, Jayne Hixson, Eileen Hurlbert, Lloyd Jensen, Ida Jockim, Clarence Lau, Alice Lounibus, Helen Martin, Dorothy Miller, Ernest Olsen, Alice Panella, Josephine Panella, Alberta Penry, Alice Peters, Frances Purdy, Don Richardsen, Agnes Roney, Natalie Rose, Henry Roth, Frances Schurman, Antone Schaefer, Lela Shafer, Lorraine Stevens, Dorothy Stitt, Mae Sullivan, Anne Swift, Lucille Tsarnas, Clarence Wigh, Mabel Wolff, Francis Yost, Kathryn Imwalle, Olga Poli, and John Hunt.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Robert Mann and L. S. Deming of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Frank M. Smith, James H. Smith, Evert Greives, and Dr. O. W. Kerr of Turlock.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 24—An act to promote the safety of travelers and employees on trains by limiting the number of cars in a train, and prescribing penalties for violation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 24 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1775—An act to amend section 3663b of the Political Code, relating to the Board of Equalization;

Also: Assembly Bill No. 1194—An act amending the title and section 31, of and to that certain statute entitled "Improvement Act of 1911," approved April 7, 1911, as amended, relating to public improvements and the repair and reconstruction of portions of improved streets, avenues, lanes, alleys, courts or places, bulkheads, retaining walls or other works for the protection of the same and to the payment of the costs thereof and establishing a procedure for the same.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DUNN, Assistant Clerk.

Assembly Bill No. 1775 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1194 read first time, and referred to Committee on Municipal Corporations.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1038—An act to amend section 1241 of the Code of Civil Procedure, relating to condemnation;

Also: Senate Bill No. 58—An act to add section 3653.5 to the Political Code, relating to county assessment;

Also: Senate Bill No. 133—An act to add section 3.401 to the School Code, relating to tuition fees of students in junior colleges;

Also: Senate Bill No. 654—An act to add a new article to Chapter I of Part III of Division IV of the School Code to be known as Article III, relating to school district elections for the expenditure of school district funds;

Also: Senate Bill No. 771—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holidays and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices;

Also: Senate Bill No. 797—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 617—An act to amend section 1168 of the Penal Code and to add thereto sections 968c and 1158a, relating to crimes committed with a deadly weapon—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 72—An act to amend sections 5.1, 5.2, 5.20, 5.21, 5.23, 5.25, 5.26, 5.27, 5.40, 5.44, 5.60, 5.61, 5.62, 5.63, 5.70, 5.80, 5.84, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.100, 5.101, 5.102, 5.103, 5.104, 5.105, 5.110 and 5.112 of the School Code, and to repeal Article II of Chapter I of Part I of Division V thereof, embracing section 5.10, all relating to the organization, government, and control of State teachers colleges—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 314—An act to amend sections 3817b, 3817d, 3817f, 3817g

and 3817h of, and to add sections 3817c3 and 3817i2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales, and declaring the urgency thereof, to take effect immediately—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Motion to Amend Rule No. 70 of the Standing Rules of the Senate.

Pursuant to his notice given on a previous day, Senator Seawell moved to amend Rule No. 70 of the Standing Rules of the Senate as follows:

Amendment No. 1.

At the end of subdivision 1 of Rule 70, add the following paragraph:

"This rule shall not apply to members of either house of the Legislature, officers of the State or other public agencies, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation."

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment to Rule No. 70 was adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wagly, and Young—32.

NOES—None.

Motion to Amend Rule No. 51 of the Standing Rules of the Senate.

Pursuant to his notice given on a previous day, Senator Scollan moved to amend Rule No. 51 of the Standing Rules of the Senate as follows:

Amendment No. 1.

Add to Rule 51, after the word "adjourn", the following:

"No motion for reconsideration of any bill, concurrent resolution, joint resolution or constitutional amendment which has been passed, shall be postponed more than once."

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wagly, Williams, and Young—34.

The Secretary announced the absentees.

Time, eleven o'clock and thirty minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and thirty five minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Scollan.

The Secretary was directed to call the roll, on adoption of amendment to Standing Rules, of the Senators who had not answered to their names.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Biggar, Denel, Garrison, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McGovern, McGuinness, Olson, Perry, Pirovich, Powers, Reed, Saylor, Rich, Scollan, Seawell, Slater, and Snyder—22.

NOES—Senators Crittenden, Duval, Edwards, Fletcher, McCormack, Metzger, Mixer, Schottky, Swing, Tickle, Wagv, Williams, and Young—13.

Point of Order.

Concerning Ruling on Senate Bill No. 38.

Senator Olson raised the point of order that Joint Rules for the fifty-first session not having been adopted, the ruling by the President of the Senate concerning Senate Bill No. 38 on April 1, 1935, was in error, and that the ruling should be changed at this time.

Decision on Point of Order.

The President announced his decision, and declared the point of order not well taken: that his ruling on Senator Rich's point of order, made on April 1, 1935, was based on precedent rather than on the existence of a set of Joint Rules; that no appeal having been taken at the time of the ruling, and this being another legislative day, it was too late to change the ruling or to appeal therefrom.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Constitutional Amendment No. 21 and Senate Bills Nos. 834, 835 and 836, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same were taken up for consideration.

Senate Constitutional Amendment No. 21.

A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, relating to an institution for women.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding to Article X thereof a new section to be numbered 7, and to read as follows:

Sec. 7. The Legislature may provide for the establishment, government, charge and superintendence of an institution or institutions for females charged with or convicted of felonies. For this purpose, the Legislature may delegate the government, charge and superintendence of such institution to any public governmental agency, officers, or board, whether now existing or hereafter created by it. Such agency, officers, or board shall have such powers, perform such duties and exercise such functions in respect to other reformatory or penal matters respecting such female offenders as the Legislature may prescribe.

The Legislature may also provide for punishment, treatment, supervision, custody and care of such females in a manner and under circumstances different from men similarly convicted.

All existing statutes, purporting to create such institution or such agency, officer, or board, to so delegate such government, charge and superintendence, to so prescribe such powers, duties, or functions, or to so provide for such punishment, treatment or supervision are hereby ratified, validated and declared to be legally

effective; but the Legislature may repeal, amend, or otherwise modify any such statutes.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Wagy moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Ducl, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—36.

The Secretary announced the absentees.

Time, twelve o'clock and thirty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Resolution.

The following resolution was offered:

By Senators Metzger, Crittenden, Pierovich, Powers, and Olson:

WHEREAS, On January 16, 1935, the Senate adopted a resolution relating to the investigation of stock yards; and

WHEREAS, The committee appointed pursuant to the provisions of said resolution served during the legislative recess in making a study of this subject; and

WHEREAS, The resolution as originally drawn provided for an appropriation from the contingent fund of the Senate in the sum of \$1,000 which amount was reduced to \$500 in the resolution as adopted; and

WHEREAS, The actual necessary expenses of the committee in making the investigation directed by the resolution exceeded the sum allocated in the amount of \$358.47; now, therefore, be it

Resolved, That the sum of \$358.47 be and the same is hereby appropriated from the contingent fund of the Senate for the purpose of meeting such expenses. The Controller is hereby directed to draw his warrant upon the contingent fund of the Senate for the said amount upon certification by the chairman of the committee, setting forth the various items of expense, and the Treasurer is directed to pay the same.

Resolution referred to Committee on Contingent Expenses.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred Senate Concurrent Resolution No. 10—*Resolved*, by the Senate of the State of California, the Assembly concurring, That the following be, and the same are hereby adopted as the Joint Rules of the Senate and Assembly of the State of California for the fifty-first session of the Legislature—has had the same under consideration, and respectfully reports the same back, and recommends that the Senate concur in Assembly Amendments Nos. 1, 2, 3, 4, and 7, adopted March 15, 1935, and Amendment No. 1 proposed to Rule 20 by Mr. Wallace, and adopted March 26, 1935, and that the Senate refuse to concur in Assembly Amendments Nos. 5, 6, and 8, adopted

March 15, 1935, and in Amendment No. 1 proposed to Rule 44 by Mr. Jones, and adopted on March 26, 1935.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Concurrent Resolution No. 10.

The report of Committee on Rules requests the Senate to concur in the following Assembly amendments:

Amendment No. 1.

In Rule 2, page 2, line 37, strike out the following: "(1)".

Amendment No. 2.

In Rule 13, page 4, line 39, add the following paragraph:

"In the case of an amendment to a skeleton bill, which amendment actually sets up, for the first time, the wording of the bill, this rule shall not apply, but the use of italics and a strike-out type shall be as in an original bill."

Amendment No. 3.

In Rule 14, page 5, line 3, after the word "each", insert the following: "State".

Amendment No. 4.

In Rule 15, page 5, line 32, after the word "to", and before the word "State", insert the following: "elective."

Amendment No. 7.

In Rule 34, page 9, line 35, strike out the numeral "7", and insert in lieu thereof the numeral "5", so that the reference will be to "Joint Rule 35."

Amendment No. 1.

To Rule 20, on page 7, of the Joint Rules, as amended in Assembly March 15th, strike out lines 3 to 9, both numbers included, and insert in lieu thereof a new paragraph as follows:

"The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders."

The report of Committee on Rules requests the Senate refuse to concur in the following Assembly amendments:

Amendment No. 5.

(a) In Rule 20, page 6, line 48, strike the words "Secretary of the Senate and the", and in line 49, strike out the words "Chief Clerk of the Assembly", and insert in lieu thereof the following: "Supervisor of Documents."

(b) In Rule 20, page 6, line 51, after the word "sessions", strike out the comma, and insert in lieu thereof a period, and strike out the following words in that line: "and they are hereby authorized", and strike out all of line 52 on that page, and strike out all of lines 1 and 2 on page 7.

Amendment No. 6.

(a) In Rule 33, page 9, line 22, after the word "the", and before the word "time", insert the following: "intended."

(b) In Rule 33, page 9, line 23, after the word "Legislature", and before the word "unless", insert the following: "In the resolution of notice of intention to adjourn."

Amendment No. 8.

(a) In Rule 44, page 12, line 19, strike out the words "for adjournment", and insert therein the following: "of notice of intention to adjourn."

(b) In Rule 44, page 12, line 20, after the word "such", and before the word "adjourn-", insert the word "intended".

Amendment No. 1.

On page 12, line 25, of the resolution, as amended in Assembly March 15, 1935, after the word "adjournment", strike out the period, and insert the following: "provided that the resolution of notice of intention to adjourn shall not be construed as the resolution of adjournment sine die".

The question being on the adoption of the report of the Committee on Rules.

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Notice of Motion to Amend Rule No. 70 of the Standing Rules of the Senate.

Senator McGovern gave notice that on the next legislative day he would move to amend the Standing Rules of the Senate as follows:

Amendment No. 1.

SEC. 4. Every person whose duty it is to register with the Sergeant-at-Arms, as herein provided, shall file with said Sergeant-at-Arms on or before each Tuesday hereafter, a full and complete written itemized statement and account, duly acknowledged before a notary public, showing fully all moneys and other evidences of value of every kind and description which may have been received by said person, or by any other person authorized to act for him, either directly or indirectly, during the previous week, from any source whatsoever, for or on account of his compensation, or for or on account of the compensation of any other person or persons, in whole or in part, for any services which he or which any of such persons shall have rendered or shall have agreed to render, or which any of them have been engaged to render, with respect to any pending or proposed legislation, of any kind, before this Legislature. Such written statements also shall include a full and complete itemized statement by such person, showing all expenditures of every kind and character by any of said persons, or by any of their servants, agents, employees, or by any person acting for any of them, during said previous week, which expenditures may have been intended or calculated to influence either directly or indirectly, any such legislation.

Amendment referred to Committee on Rules, for consideration and report.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wagy.

The Secretary was directed to call the roll, on adoption of constitutional amendment, of the Senators who had not answered to their names.

The roll was called, and Senate Constitutional Amendment No. 21 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Reindollar, Schotky, Seawell, Slater, Stow, Swing, Wagy, Williams, and Young—27.

NOES—Senators Deuel, Edwards, Garrison, Hays, McCormack, Perry, Powers, Rich, Scollan, Snyder, and Tickle—11.

Senate Constitutional Amendment No. 21 ordered transmitted to the Assembly.

Recess.

On motion of Senator Rich, at twelve o'clock and forty-five minutes p.m., the President of the Senate declared recess until two o'clock.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Special Order—(Resumed).

Senate Bill No. 834—An act to add section 17 to an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Wagy moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Duval, Duval, Edwards, Fletcher, Garrison, Gooden, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Roundell, Roth, Schottke, Seelman, Slater, Snyder, Wagy, Williams, and Young—31.

The Secretary announced the absentees.

Time, two o'clock and twenty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under the Call of the Senate.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 491—An act to amend section 3, of Chapter 586, Laws of 1917, as amended, Workmen's Compensation Insurance and Safety Act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 491 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "of Chapter 586, Laws of 1917, as", and insert in lieu thereof the following: "of, and to add section 11.5 to the".

Amendment No. 2.

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "Workmen's Compensation, Insurance and Safety".

Amendment No. 3.

On page 1, line 3 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "of 1917, relating to definitions and the limitation of actions."

Amendment No. 4.

On page 1, line 1, of the printed bill, after "SECTION 1.", insert the following: "Section 3 of the Workmen's Compensation, Insurance and Safety Act of 1917, is hereby amended to read as follows:

Sec. 3. The following terms as used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

(1) The term "commission" means the Industrial Accident Commission of the State of California as created under the provisions of Chapter 176 of the Laws of 1913.

(2) The term "commissioner" means one of the members of the commission.

(3) The term "compensation" means compensation under this act and includes every benefit of payment conferred by sections 6 to 31, inclusive, of this act upon

an injured employee, or in the event of his death, upon his dependents, without regard to negligence.

(4) The term "injury," as used in this act, shall include any injury or disease arising out of the employment including injuries to artificial members. In case of aggravation of any disease existing prior to such injury, compensation shall be allowed only for such proportion of the disability due to the aggravation of such prior disease as may reasonably be attributed to the injury.

(5) The term "silicosis" means that form of pneumoconiosis caused by the inhalation of siliceous dust, other than the dust of asbestos.

(6) The term "asbestosis" means that form of pneumoconiosis caused by the inhalation of asbestos dust.

(7) The term "damages" means the recovery allowed in an action at law as contrasted with compensation under this act.

(8) The term "person" includes an individual, firm, voluntary association, or a public, quasi-public or private corporation.

(9) The term "insurance carrier" includes the State Compensation Insurance Fund and any private company, corporation, mutual association, reciprocal or inter-insurance exchange authorized under the laws of this State to insure employers against liability for compensation under this act and any employer to whom a certificate of consent to self-insure has been issued.

(10) Whenever in this act the singular is used, the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

Sec. 2. A new section is hereby added to the Workmen's Compensation, Insurance and Safety Act of 1917, to be numbered 11.5 and to read as follows:

Sec. 11.5. When any proceeding for the collection of compensation under this act is based in whole or in part on silicosis or asbestosis contracted in the course of employment, the date of the injury, as that term is used in section 11 of this act, means the date of the incapacity of the employee to perform fully and continuously the usual duties of the occupation in which it is claimed such disease was contracted."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 492—An act to amend section 3, of Chapter 586, Laws of 1917, as amended, Workmen's Compensation, Insurance and Safety Act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 492 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, strike out "amend section 3, of Chapter 586, laws of 1917, as".

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 2 of the title, and insert in lieu thereof the following: "add sections 9.4 and 9.5 to the Workmen's Compensation, Insurance and Safety".

Amendment No. 3.

On page 1, line 3, of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "of 1917, relating to liability."

Amendment No. 4.

On page 1, line 1, of the printed bill, after "SECTION 1.", insert the following: "A new section is hereby added to the Workmen's Compensation, Insurance and Safety Act of 1917, to be numbered 9.4 and to read as follows:

Sec. 9.4. Where liability, other than for death benefits, of an employer for compensation for disability under section 9 of this act is found to arise from silicosis or asbestosis, such liability is limited to the payment of indemnity and the furnishing of medical, surgical and hospital treatment, as defined by section 9 of this act, to a period not to exceed two hundred forty weeks from the date of injury.

Sec. 2. A new section is hereby added to said act to be numbered 9.5 and to read as follows:

Sec. 9.5. No person who has previously received compensation for disability due to pulmonary diseases in the total statutory amount, or in a lump sum on final adjudication or approval by the Industrial Accident Commission, shall again be eligible for compensation for disability due to any such disease. Except in cases pending before the Industrial Accident Commission on the date this section takes effect, no person who has not been a resident of the State of California for five

years immediately preceding the date of injury shall be eligible for compensation for disability due to silicosis or asbestosis."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 493—An act to provide for the care and rehabilitation of person suffering from the effects of industrial injury and disease.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 493 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, strike out "the care and rehabilitation of person", and insert in lieu thereof the following: "physical examinations of persons employed in certain industries."

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 2 of the title.

Amendment No. 3.

On page 1, line 1, of the printed bill, after "SECTION 1", insert the following: "No person not previously so employed shall engage in any industry declared by an order of the Industrial Accident Commission to be one in which there may be harmful exposure to dust, unless his physical fitness so to do has been determined by a physical examination within twelve months next preceding such engagement, as hereinafter provided. Any person not prohibited from engaging in such occupation and who has not been examined within twelve months next preceding such engagement shall be given opportunity to be so examined within thirty days after filing with the Industrial Accident Commission a written application for such examination, which application shall include a signed statement that it is for the purpose to engage in such an occupation. Any person examined shall be notified in writing, within ten days after his examination, whether or not he is found physically fit to engage in such occupation."

Where a person is found unfit and files with the Industrial Accident Commission, within fifteen days after such notification, a written request therefor, the finding of unfitness shall be reviewed by the Medical Board of Review, as hereinafter provided. The Medical Board of Review shall hold a hearing requested by such person and shall render to the Industrial Accident Commission a decision which shall be final, notice of which shall be sent to such person. There shall be issued to each person examined and found physically fit to engage in such occupation, a certificate of fitness which shall bear the signature of such person and the date of the examination, and which shall be executed under the direction of the chairman of the Industrial Accident Commission.

No further examination of the lungs shall be necessary as a condition precedent to such employment of a person to whom a certificate of fitness has been issued within the twelve months immediately preceding such issuance.

SEC. 2. Every person engaged in any industry declared by an order of the Industrial Accident Commission to be one in which there may be harmful exposure to dust, shall annually be examined under the direction of the Industrial Accident Commission to determine his physical fitness to continue in such occupation.

SEC. 3. Any person so examined and found unfit to continue in such occupation shall be so notified in writing. If a person so examined and found unfit files with the Industrial Accident Commission, within ten days after such notification, a written appeal from the finding, it shall be reviewed by the Medical Board of Review which shall hold a hearing if requested by such person and shall render to the Industrial Accident Commission a decision which shall be final. If the decision of the Medical Board of Review is contrary to the finding of the Industrial Accident Commission, the persons examined shall be so notified in writing. If the decision confirms the finding reviewed, or if a person found unfit fails to appeal, said board shall notify the Industrial Accident Commission in writing that such person has been found physically unfit to continue in any occupation hereinbefore described. Thereupon the Industrial Accident Commission shall so notify such person and his employer. A person found unfit may apply, not less than twelve months after such finding, for a reexamination, and any certificate of fitness after a reexamination shall bear the word "readmitted." Any person who continues in an occupation such as is mentioned in this act for more than thirty days after having received notice from the Industrial Accident Commission of physical unfitness to continue in such occupation, or who returns to such occupation except after readmission as hereinbefore provided, shall forfeit all rights to compensation for disability due to silicosis or asbestosis.

SEC. 4. No member or employee of the Industrial Accident Commission or of the Medical Board of Review, or any person participating in or having knowledge derived from said physical examinations, or any records in connection therewith, shall be subject to summons in connection with any proceeding involving the person examined, nor shall any such records be made public, except at a hearing as herein provided.

SEC. 5. Any person failing or refusing to submit to a physical examination as hereinbefore provided or failing or refusing to use a safety appliance furnished in accordance with an order of the Industrial Accident Commission, shall be reported to the Industrial Accident Commission by his employer in writing. If, after due notice and hearing the Industrial Accident Commission finds such failure or refusal a fact, then such person shall forfeit all rights to compensation for disability for silicosis or asbestosis."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 302—An act validating the election and qualification of certain State, county, township and district officers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 302 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "validating the election and", and insert in lieu thereof the following: "relating to the".

Amendment No. 2.

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following: "SECTION 1. The failure to file a bond and take the oath of office within the time prescribed by law by any person".

Amendment No. 3.

On page 1, line 9, of the printed bill, strike out "is hereby vali-", and all of lines 10 to 12, inclusive, and insert in lieu thereof the following: "shall not create a vacancy in the office to which said person was elected."

Amendment No. 4.

On page 1 of the printed bill, strike out lines 13 to 16, inclusive, and insert in lieu thereof the following:

"SEC. 2. This act shall not apply to any office as to which a vacancy has been declared to exist or to which an otherwise valid appointment has been made by the proper appointing power."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1061—An act relating to the employment of aliens who are unlawfully in the United States and providing penalties for the violation of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 1061 were read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, after the word "hereafter", insert the following: "knowingly".

Amendment No. 2.

On page 1, line 3, of the printed bill, after the period, add the following: "Nor shall any alien, who is unlawfully residing in the United States, seek or accept, directly or indirectly, in this State any employment or work whether compensation is received by commission, bonus, wage, salary or otherwise."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 4 to 7, inclusive.

Amendment No. 4.

On page 1, line 8, of the printed bill, strike out "3", and insert in lieu thereof the following: "2".

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Lieutenant Governor George J. Hatfield, President of the Senate, in the Chair.

Second Reading of Assembly Bill.

Assembly Bill No. 1786—An act to amend section 2 of an act entitled "An act providing for the establishment and administration of industrial farms or industrial road camps in the counties of the State and the commitment thereto and discipline of persons charged with or convicted of public offenses," approved June 3, 1921, relating to the charge for maintaining persons on industrial farms and industrial road camps.

Bill read second time, and ordered on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 55—An act to add sections 676.5, 676.51, 676.52, 676.53, 676.54, and 676.55 to the Vehicle Code, relating to safety glass on motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 55 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 55 ordered transmitted to the Assembly.

Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural and horticultural products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency

and the urgency of this act and that this act shall take effect immediately.

Amendments from the Floor.

During third reading of Senate Bill No. 353, the following amendments, offered by Senator Crittenden, were read and adopted:

Amendment No. 1.

On page 3, line 45, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma followed by the words "except fluid milk."

Amendment No. 2.

On page 12 of the printed bill, as amended, strike out all of lines 34 to 52, inclusive, and on page 13, strike out lines 1 and 2.

Amendment No. 3.

On page 13, line 3, of the printed bill, as amended, strike out "Sec. 17.", and insert in lieu thereof "Sec. 16."

Amendment No. 4.

On page 13, line 19, of the printed bill, as amended, strike out "Sec. 18.", and insert in lieu thereof "Sec. 17."

Amendment No. 5.

On page 13, line 26, of the printed bill, as amended, strike out "Sec. 19.", and insert in lieu thereof "Sec. 18."

Amendment No. 6.

On page 13, line 28, of the printed bill, as amended, strike out "Sec. 20.", and insert in lieu thereof "Sec. 19."

Amendment No. 7.

On page 13, line 30, of the printed bill, as amended, strike out "Sec. 21.", and insert in lieu thereof "Sec. 20."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 854—An act to amend section 1261 of the Agricultural Code, relating to produce dealers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 854 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Slater, Snyder, Waggy, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 854 ordered transmitted to the Assembly.

Senate Bill No. 763—An act to to remove the debris and snags from the Sacramento River between Chico Landing and the head of navigation near Red Bluff, to provide a survey for the work required, to provide for the furnishing of necessary funds therefor by the Federal Emergency Administration of Public Works, and to provide for the conduct of the necessary work by the State Emergency Relief Administration.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 763 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGov-

ern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Slater, Snyder, Wagy, Williams, and Young—32.
 NOES—None.

Title read and approved.

Senate Bill No. 763 ordered transmitted to the Assembly.

Leave of Absence Waived.

Senator Difani waived his leave of absence for the remainder of this legislative day.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and forty-five minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wagy.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 834 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Hulse, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Slater, Snyder, Wagy, Williams, and Young—23.

NOES—Senators Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, McCormack, Perry, Rich, Schottky, and Scollan—11.

Title read and approved.

Senate Bill No. 834 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 835—An act to add section 1577a to the Penal Code relating to the California Institution for Women.

Bill read third time.

The question being on the passage on the bill.

The roll was called, and Senate Bill No. 835 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Reindollar, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—25.

NOES—Senators Deuel, Edwards, Gordon, Hays, Olson, Perry, Rich, Scollan, and Swing—9.

Title read and approved.

Senate Bill No. 835 ordered transmitted to the Assembly.

Senate Bill No. 836—An act to amend sections 1202a, 1572, 1576, and 1586, of the Penal Code, approved April 18, 1933, relating to the State prisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 836 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Reindollar, Schottky, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—25.

NOES—Senators Deuel, Garrison, Gordon, Hays, Perry, Rich, Scollan, and Tickle—8.

Title read and approved.

Senate Bill No. 836 ordered transmitted to the Assembly.

Senate Bill No. 765—An act to amend section 397 of the Penal Code, relating to the sale of intoxicating liquors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 765 passed by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Snyder, Stow, Swing, Tickle, and Wagy—28.

NOES—Senators Deuel, Difani, Edwards, Hays, Mixter, Schottky, Slater, Williams, and Young—9.

Title read and approved.

Senate Bill No. 765 ordered transmitted to the Assembly.

Senate Bill No. 704—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 704 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—Senators Duval, Edwards, Hays, Knowland, Snyder, and Stow—6.

Title read and approved.

Senate Bill No. 704 ordered transmitted to the Assembly.

Senate Bill No. 705—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydroelectrical power and to acquire equipment, including stand-by plants, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 705 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 705 ordered transmitted to the Assembly.

Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 15½, authorizing irrigation districts, heretofore or hereafter organized,

and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 706 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reimbollar, Rich, Schatzky, Seollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 706 ordered transmitted to the Assembly.

Senate Bill No. 234—An act to amend section 33024 of the Civil Code, relating to mutual water companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 234 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Reimbollar, Rich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—32.

NOES—None.

Title read and approved.

Senate Bill No. 234 ordered transmitted to the Assembly.

Senate Bill No. 26—An act to add section 615.1 to the Fish and Game Code, relating to fish in Districts 3 and 3A.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 26 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Rich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—32.

NOES—None.

Title read and approved.

Senate Bill No. 26 ordered transmitted to the Assembly.

Senate Bill No. 106—An act to amend sections 798.6 and 801 of the Fish and Game Code, relating to abalones.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 106 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuin-

ness, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Swing, Tickle, Wagy, and Williams—31.

NOES—None.

Title read and approved.

Senate Bill No. 106 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 998.

Senator Gordon moved that Senate Bill No. 998 be referred to Committee on Finance.

Motion carried, and such was the order.

Re-reference of Senate Bill No. 576.

Senator Duval moved that Senate Bill No. 576 be referred to Committee on Finance.

Motion carried, and such was the order.

Senate Bill No. 588—An act providing for the exemption from taxation of personal property brought within the State of California exclusively for purposes of use, display or exhibition at expositions, fairs, carnivals or public exhibits of literary, scientific, educational, religious or artistic works, and for claim of exemption.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 588 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Slater, Snyder, Swing, Tickle, Wagy, and Williams—33.

NOES—None.

Title read and approved.

Senate Bill No. 588 ordered transmitted to the Assembly.

Senate Bill No. 552—An act to amend section 4220 and add sections 4220a and 4220b of the Political Code, relating to duties of county surveyors, declaring the urgency thereof and providing the same shall take effect immediately.

Amendments from the Floor.

During third reading of Senate Bill No. 552, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after the word "surveyor", insert "or other qualified person selected by the board of supervisors".

Amendment No. 2.

On page 1 of the printed bill, after line 16, insert "In counties where a planning commission is operating under the provisions of the State Planning Act, such commission shall perform the duties hereinabove specified".

Amendment No. 3.

On page 1, line 17, of the printed bill, after the word "surveyor", insert "or other such qualified person".

Amendment No. 4.

On page 2, line 8, of the printed bill, after the word "surveyor", insert "or other such qualified person".

Amendment No. 5.

On page 2, line 22, of the printed bill, after the period, add "In counties having a road commissioner, he shall perform the duties prescribed in section 4220 of the Political Code. In the event that such road district consolidation is effected, it shall

be without prejudice to the legal requirement that all supervisory road district taxes collected in any one such district shall be expended in that district."

Amendment No. 6.

On page 2 of the printed bill, strike out all of line 31 after the period, and all of lines 32 and 33.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 913—An act to amend section 662 of the Political Code, relating to the payment of fees to private persons, firms and corporations, declaring the urgency thereof, and providing that it shall take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 913, the following amendments, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out all of lines 20 to 23, inclusive, and insert in lieu thereof the following: "The State Controller, upon approval of the Department of Finance, is hereby authorized and directed to approve for payment any claim to pay expenses incident to the recovery of such money, which claim is not in excess of 50 per cent of any sum or sums received under the provisions of this section and remitted to the State treasury. Such claims shall be paid out of the fund in the State treasury, to the credit of which said sum or sums have been remitted."

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out all of lines 1 and 2.

Bill read, ordered to reprint, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 1, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 796—An act to add a new section to the Vehicle Code to be numbered 599.5, relating to trailers, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 1, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 185—An act to amend section 4300e of the Political Code, relating to recording fees:

Also: Assembly Bill No. 645—An act to amend section 403e of the Civil Code, relating to corporations;

Also: Assembly Bill No. 695—An act to amend section 784 of the Probate Code, relating to confirmation of sales of real property by executors and administrators;

Also: Assembly Bill No. 878—An act to amend section 1005 of the Code of Civil Procedure, relating to notice of motion;

Also: Senate Bill No. 821—An act to amend section 605 of the Probate Code, relating to appointment of appraisers;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 334—An act to amend sections 1068, 1085, 1103, 1108, 1162, 1269a, 1272a, 52—23949

1274a, 1280, 1822a and 1822bb of the Code of Civil Procedure, relating to special proceedings:

Also: Assembly Bill No. 225—An act to amend sections 105, 112 and 165 of the Code of Civil Procedure, relating to courts of justice;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 482—An act to amend section §10.5 of the Agricultural Code, relating to asparagus;

Also: Assembly Bill No. 92—An act to amend section §14 of the Agricultural Code, relating to lettuce;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 57—An act relating to revenue and taxation, providing for an excise tax on the sale of all oleomargarine containing any fat or oil ingredient other than any one or more of the following: oleo oil, oleo stock, oleo stearine from cattle, neutral lard from hogs, sheep fat, cottonseed oil, peanut oil, corn oil, soya bean oil or milk fat; providing a penalty for a violation of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 526—An act to amend section 1077 of the Agricultural Code, relating to products used in the treatment of domestic animals;

Also: Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests;

Also: Senate Bill No. 99—An act to amend sections 1083, 1085, 1088, 1089 and 1092 of the Agricultural Code, relating to commercial feeding stuffs;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 279—An act to add a new section to the Penal Code to be known as section 644a thereof, relating to persons ineligible to parole—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

(Signed out)

YOUNG, Chairman.

CRITTENDEN.

DEUEL.

McGOVERN.

SWING.

Approval of Journals.

The Senate Journals of Monday, March 25, 1935; Tuesday, March 26, 1935; Wednesday, March 27, 1935; Thursday, March 28, 1935; and Friday, March 29, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Adjournment.

On motion of Senator Rich, at four o'clock and fifteen minutes p.m., the President of the Senate declared the Senate adjourned until ten o'clock and thirty minutes a.m. Wednesday, April 3, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.**SENATE CHAMBER.**

SACRAMENTO, Wednesday, April 3, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowlton, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Parkman, Perry, Pomeroy, Powers, Reindollar, Rich, Seelan, Sewell, Slater, Snyder, Stow, Swing, Tackie, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, April 2, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. Goldman, president of the Redwood Empire Association, of Petaluma and Fred Rosenburg, director of the Santa Rosa Chamber of Commerce.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. B. Hoyle of Sonora.

On request of the President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff Gene Biscailuz of Los Angeles County.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney and Mrs. F. C. Cloudsley, Miss Geraldine Long, Rudolph Weber, R. C. Marraecini, E. P. Murphy, William Koster, Charles Olyere, and Joe Ryon, all of Stockton.

On request of Senator Reindollar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Commander James Reed, manager, Golden Gate Bridge and Highway District, San Francisco.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Colusa County High School Association: Richard L. Johnson, president, Arbuckle, Pierce High School; Jack Critchfield, vice president, Colusa High School; Tirey Scoggins, secretary, Colusa High School; Arnett Young, sergeant-at-arms, Pierce High School; E. W. Gillis, advisor, Princeton High School; Collis Steel, Princeton High School; Ed Gillis, Princeton High School; George Hansen, Princeton High School; Leo R. Yates, Colusa High School; Freeman Patton, Pierce High School; Lowell Bradford, Pierce High School; Chester Hancock, Pierce High School; Loy D. Vaughn, Princeton High School; Billy Smith, Colusa High School; Richard Patton, Pierce High School; John Bisho and Henry Staple, Colusa High School.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wright Morton of Berkeley, and James C. Holland, Deputy County Clerk of Alameda County.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Bernard Drescher, Sacramento; Mr. Arthur Lutz, Los Angeles, and Mrs. Florence Phillips, and pupils of Sutter Junior High School, Sacramento, as follows: George Borchers, Leslie Blomquist, Charles Belknap, Mary Barberian, Dorothy Banks, Joan Chaney, Doris Dodge, Donald Detwiler, Helen Downing, Walter Dosch, Joseph Friedenthal, Evelyn Hillgrove, Harry Hadley, Alan Harvie, Harry Fong, William Lavelle, Lawrence Mamian, Robert Mabutt, Dolly Miller, Albert Smith, Geraldine Struck, Richard Wallace, Dorothy Wheat, and Elmer Williams.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 990—An act to amend section 13 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," as amended, relating to revocation or suspension of licenses;

Also: Assembly Bill No. 1695—An act to amend section 10 of an act entitled "An act to authorize and control the deposits in banks of moneys belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to the deposit of money belonging to or in the custody of the State.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 990 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1695 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 851—An act to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, relating to sinking funds in school districts for the replacement, reconstruction or alteration of buildings;

Also: Assembly Bill No. 1203—An act to add two sections to the Bank Act numbered 67.1 and 80.1, relating to loans of the character prescribed by section 13b of the Federal Reserve Act or by section 5d of the Reconstruction Finance Corporation Act;

Also: Assembly Bill No. 1699—An act to amend section 351 of, and to add section 351a to, the Political Code, relating to officers of departments of the State government;

Also: Assembly Bill No. 45—An act limiting the hours of labor of persons employed as personal or domestic servants and providing penalties for the violation of the provisions of this act.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 851 read first time, and referred to Committee on Education.

Assembly Bill No. 1203 read first time, and referred to Committee on Banking.

Assembly Bill No. 1699 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 45 read first time, and referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2179—An act to amend sections 2482 and 2484 of the Civil Code, relating to limited partnerships;

Also: Assembly Bill No. 14—An act to amend section 4312 of the Political Code, relating to the place of offices of certain county officers;

Also: Assembly Bill No. 13—An act to amend section 75a of the Code of Civil Procedure, relating to superior courts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2179 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 14 and 13 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 532—An act to amend sections 578, 587, 860, 1201, 1240, 1501, 1515, 1540 and 1630 of the Probate Code and to add new sections thereto to be numbered 588, 1201.5 and 1516, relating to estates of decedents and estates of persons under guardianship.

Also: Assembly Bill No. 1664—An act to amend section 2 of an act entitled "An act to create a reclamation district to be called 'Reclamation District No. 1660,'" and providing for the control and management thereof, approved June 1, 1915, relating to the management and control of said district;

Also: Assembly Bill No. 1128—An act relating to the sale of property sold to a county treasurer, as trustee of a reclamation district or of the bond fund, or to a reclamation district for delinquent assessments and installments thereof, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1976—An act to amend section 29 of "The California Irrigation District Act," approved March 31, 1897, as amended, relating to the purpose for which property may be held by said district, and providing for the sale or lease of same.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 532 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 1664 and 1128 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 1976 read first time, and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 58—A resolution

to propose to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof, relating to the preparation and adoption of charters by cities and counties.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendment No. 58 read, and referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 257—An act to amend sections 4120 and 4121 of the Political Code of the State of California, relating to the books, accounts and vouchers in the office of county treasurers and the examination of the books and records and the counting of the money in said office.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 257 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 681—An act confirming and validating the consolidation of irrigation districts—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 681 ordered on unfinished business file.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Schottky to introduce a bill entitled—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

• RICH, Chairman.
KNOWLAND.
SLATER.
DIFANI.
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Olson, Parkman, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Schottky: Senate Bill No. 1078—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration

by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Metzger: Senate Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States to adopt legislation to adjust SERA relief wages to establish employment agencies with lists of those eligible to seek private employment and take from relief rolls those who fail to accept reasonable offers of private employment.

Referred to Committee on Federal Relations.

Communication.

The following communication, offered by Senator Slater, was received, and ordered printed in the Journal:

Senator Herbert W. Slater and Members of the Legislature.

Our public schools must make or mar the future of our Nation. On this subject I have written an appeal to your Legislature. Should my appeal reach publicity, I am hoping that you will be interested.

In substance, I have said that the greatest present need of our public schools is a textbook on citizenship.

A textbook on the science of citizenship has been left out of our public school curriculum. I would urge the Legislature to look the matter up.

There are infallible rules for safe citizenship. They are found in the Christian Bible, a book approved by our so-called Christian Nation.

We swear by our Bible to tell the truth while we make no provision for a knowledge of the Truth promising Peace on Earth and Good Will to Men.

Since our education becomes a part of us, should we not demand that a textbook upon citizenship be given an honorable place among the three R's.

Anything in the Bible pertaining to safe, sane citizenship should be woven into a textbook. Its foundation chapter would be the Ten Commandments. And since abbreviations are common, we would have our code known as T. T. C., the Ten Commandments supplemented by anything found in the Bible bearing on citizenship.

I hope my plea will receive honorable mention during the present legislative session.

Comment—Since abbreviations are now common, we will call it T. T. C., a code not to die by but to live by.

The thinking faculty is the crowning glory of the Creator's skill. Too bad it is not more generously used.

Yours very truly and hopefully,

SARAH E. LATIMER FINLEY,
3798 Harrison Street, Oakland, California.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the motion of Senator McGovern to amend the rules as follows:

Amendment No. 1.

SEC. 4. Every person whose duty it is to register with the Sergeant-at-Arms, as herein provided, shall file with said Sergeant-at-Arms on or before each Tuesday hereafter, a full and complete written itemized statement and account, duly acknowledged before a notary public, showing fully all moneys and other evidences of value of every kind and description which may have been received by said person, or by any other person authorized to act for him, either directly or indirectly, during the previous week, from any source whatsoever, for or on account of his compensation, or for or on account of the compensation of any other person or persons, in whole or in part, for any services which he or which any of such persons shall have rendered or shall have agreed to render, or which any of them have been engaged to render, with respect to any pending or proposed legislation, of any kind, before this Legislature. Such written statements also shall include

a full and complete itemized statement by such person, showing all expenditures of every kind and character by any of said persons, or by any of their servants, agents, employees, or by any person acting for any of them, during said previous week, which expenditures may have been intended or calculated to influence either directly or indirectly, any such legislation.

Has had the same under consideration, and respectfully reports the same back, and recommends that the same be not adopted.

Committee membership—5; committee vote: Noes—5.

RICH. Chairman.

Amendment to the Proposed Amendment.

Senator McGovern moved to amend the proposed Amendment No. 1 as follows:

Amendment to Proposed Amendment No. 1.

Add to the proposed amendment by Senator McGovern to Rule No. 70, the following language, after the period, following the word "legislation", at the end of the amendment: "Any person whose duty it is to file any instrument as herein provided for, who refuses, neglects or omits so to do, as herein set forth, shall forfeit his advocate's card and shall be thereafter prohibited from entering the Senate Chamber or the corridors adjacent thereto or any committee room of the Senate, and he shall be prohibited from appearing before or addressing any committee of the Senate, anything in these rules to the contrary notwithstanding."

Amendment to proposed Amendment No. 1 adopted.

Point of Order.

Senator Swing raised the point of order that, "The amendment to the amendment offered by Senator McGovern was out of order because a motion to amend the Standing Rules of the Senate requires notice on preceding legislative day."

Decision on Point of Order.

The President announced his decision and declared the point of order not well taken.

Proposed Amendment No. 1, as amended, referred to Committee on Rules for further consideration and report.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 796—An act to add a new section to the Vehicle Code to be numbered 599.5, relating to trailers.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Senate Bill No. 796 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, at the end of line 6, insert the following: "This section does not apply to trailers hauling materials used in agricultural pest control."

Bill read second time, ordered to reprint, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 821—An act to amend section 605 of the Probate Code, relating to appointment of appraisers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 526—An act to amend section 1077 of the Agricultural Code, relating to products used in the treatment of domestic animals.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Senate Bill No. 526 was read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, after "SECTION 1", insert the following: "Section 1077 of the Agricultural Code is hereby amended to read as follows:

1077. It is unlawful knowingly to transport, ship, prepare, possess, sell or otherwise dispose of any viruses, serums, toxins or analogous products intended for use in the treatment of domestic animals unless such products have been produced by a licensed veterinary."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 772 - An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Senate Bill No. 772 was read and adopted:

Amendment No. 1.

On page 1, line 24, of the printed bill, as amended, following the word "work", strike out the period, and insert a semicolon and the following: "provided, however, that when a pest control operator shall have qualified in two or more counties he may file with the director copies of the certificates issued by the county agricultural commissioners and the director shall then issue a special certificate of qualification. Operators desiring to do work in other counties will file with the commissioner of such counties a copy of the special certificate of qualification from the director which shall be accepted by the commissioner as evidence that the operator is qualified and the commissioner will then issue a certificate to the operator. Applications for such certificates from the commissioner may be made either in person or by mail."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 96 - An act to amend sections 1083, 1085, 1088, 1089 and 1092 of the Agricultural Code, relating to commercial feeding stuffs.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 96 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 1 of the title, and insert in lieu thereof the following: "An act to amend sections 1081, 1082, 1083, 1085, 1087, 1088, 1089, 1090, 1091 and 1092 of, and to add sections 1081.1, 1083.1, 1083.3 and 1083.5 to".

Amendment No. 2.

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following: "SECTION 1. Section 1081 of the Agricultural Code is".

Amendment No. 3.

On page 1 of the printed bill, between lines 2 and 3, insert the following: "1081. "Commercial feeding stuffs" includes all feeding stuffs and concentrates used for feeding live stock and poultry except the following:

- (a) Whole seeds or grains.
- (b) Fresh green roughage, and unprocessed liquid milk in all its forms.
- (c) Whole hays, straws, cottonseed hulls and corn stover, when unprocessed and unmixed with other materials.

SEC. 2. Section 1081.1 is hereby added to the Agricultural Code to read as follows:

1081.1. Commercial feeding stuffs shall bear tag giving analysis, but shall not be required to pay the "tonnage tax" provided by section 1083.5 if the material is sold to a manufacturer to be used in mixed feeds.

SEC. 3. Section 1082 of the Agricultural Code is hereby amended to read as follows:

1082. The standards for commercial feeding stuffs shall be fixed by the director.

SEC. 4. Section 1083 of the Agricultural Code is hereby amended to read as follows:"

Amendment No. 4.

On page 1, line 15, of the printed bill, strike out "specific," and insert in lieu thereof the following: "recognized official".

Amendment No. 5.

On page 1 of the printed bill, strike out lines 21 to 26, inclusive, and insert in lieu thereof the following:

"(j) The maximum per cent of mineral matter it contains."

Amendment No. 6.

On page 1 of the printed bill, after line 26, insert the following:

"(k) In the case of mixed feeds containing more than 5 per cent of mineral ingredients, the minimum percentage of lime (CaO), of phosphoric acid (P₂O₅), of iodine (I), and the maximum percentage of salt if the same be present.

(l) The maximum percentage of salt in any mixed feeds if more than 2 per cent of salt is present."

Amendment No. 7.

On page 2 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"SEC. 5. Section 1083.1 is hereby added to the Agricultural Code to read as follows:

1083.1 Any person who sells commercial feeding stuffs shall register annually with the director and shall pay for each plant operated a registration fee of two dollars for each fiscal year, or portion thereof, beginning July 1.

SEC. 6. Section 1083.3 is hereby added to the Agricultural Code to read as follows:

1083.3 Any person who manufactures or mixes any commercial feeding stuffs, for another, shall, when such commercial feeding stuffs are not to be resold, furnish those for whom said commercial feeding stuffs are manufactured or mixed a numbered invoice which shall have written or printed thereon the date of sale and the name and the number of pounds of each ingredient entering into such commercial feeding stuffs. Each package of such commercial feeding stuffs mixture shall have attached thereto a written or printed tag showing the number and date of said invoice and the name of the mixer or manufacturer. All such invoices shall remain on file for six months, subject to inspection under the provisions of this chapter. No two invoices issued in one calendar year shall bear the same number. The manufacturer shall attach to the containers tags or stamps indicating the payment of the tonnage tax required by section 1083.5.

SEC. 7. Section 1083.5 is hereby added to the Agricultural Code to read as follows:

1083.5. Each and every manufacturer, importer, jobber, firm, association, corporation or person manufacturing, selling or distributing any commercial feeding stuffs as defined in section 1081 of this chapter, shall pay to the director an inspection tax of four cents (4c) for each ton of commercial feeding stuffs sold, offered or exposed for sale or distributed in this State, and shall affix to or accompany each lot shipped in bulk, and to each parcel of such commercial feeding stuffs a tag, stamp or label indicating that all charges specified in this section have been paid. Whenever any commercial feeding stuffs as defined in section 1081 is offered or exposed for sale in bulk or otherwise stored, the manufacturer, importer, jobber, firm, association, corporation or person keeping the same for sale shall keep on hand cards upon which shall be printed the statement required by the provisions of section 1083, and when such feeding stuffs is sold at retail in bulk or in packages belonging to the purchaser, the manufacturer, importer, jobber, firm, association, corporation or person shall furnish the purchaser with sufficient tax tags or stamps to cover the sale, and, upon request, with a card or cards upon which appears the statement required by the provisions of section 1083.

SEC. 8. Section 1085 of the Agricultural Code is hereby amended to read as follows:"

Amendment No. 8.

On page 2, lines 8 and 9, of the printed bill, strike out the following: "upon tender and full payment of the selling price of said samples,".

Amendment No. 9.

On page 2 of the printed bill, strike out lines 11 and 12, and insert in lieu thereof the following:

"Sec. 9. Section 1087 of the Agricultural Code is hereby amended to read as follows:

1087. Any lot of commercial feeding stuffs offered for sale in violation of the provisions of this chapter must, in accordance with rules and regulations of the director, be removed from sale by the vendor thereof upon his receiving notice from the director of such violation. The vendor must withhold such commercial feeding stuffs from sale until such violation has been corrected.

Sec. 10. Section 1088 of the Agricultural Code is hereby amended to read as follows:"

Amendment No. 10.

On page 2, line 18, of the printed bill, strike out "director", and insert in lieu thereof the following: "department".

Amendment No. 11.

On page 2, line 19, of the printed bill, strike out "director", and insert in lieu thereof the following: "department".

Amendment No. 12.

On page 2, line 24, of the printed bill, strike out "Sec. 4", and insert in lieu thereof the following: "Sec. 11".

Amendment No. 13.

On page 2, line 28, of the printed bill, after "labels", insert a comma and the following: "tax stamps".

Amendment No. 14.

On page 2, line 35, of the printed bill, before "requirements", insert the following "registration".

Amendment No. 15.

On page 2, line 41, of the printed bill, strike out "specific", and insert in lieu thereof the following: "recognized official".

Amendment No. 16.

On page 2 of the printed bill, strike out lines 51 and 52, and insert in lieu thereof the following:

"Sec. 12. Section 1090 of the Agricultural Code is hereby amended to read as follows:

1090. Any person who mixes or adulterates any feeding stuffs with any substance injurious to the health of live stock or poultry is guilty of a misdemeanor and in addition to the penalty provided in the preceding section, the lot of feeding stuffs shall be subject to seizure, condemnation and sale as the court may direct. The court may in its discretion release the mixed or adulterated feeding stuffs so seized when the requirements of the provisions of this chapter have been complied with, and upon payment of all costs and expenses incurred by the State in any proceedings connected with such seizure.

Sec. 13. Section 1091 of the Agricultural Code is hereby amended to read as follows:

1091. The director shall enforce the provisions of this chapter and prescribe and enforce such rules and regulations relating to the sale of commercial feeding stuffs as he may deem necessary to carry into effect the full intent and meaning of this chapter.

Sec. 14. Section 1092 of the Agricultural Code is hereby amended to read as follows:

1092. All moneys received under the provisions of this chapter shall be paid monthly into the State treasury and placed to the credit of the Department of Agricultural fund, and shall be expended only in carrying out the provisions of this chapter."

Amendment No. 17.

On page 3 of the printed bill, strike out lines 1 to 5, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 279—An act to add a new section to the Penal Code to be known as section 644a thereof, relating to persons ineligible to parole.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 279 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after "felony", insert the following: ", for which the law provides a maximum and minimum term of imprisonment in a State prison,".

Amendment No. 2.

On page 1, line 4, of the printed bill, strike out "serve a term", and insert in lieu thereof the following: "be imprisoned".

Amendment No. 3.

On page 1, line 6, of the printed bill, after "weapon", insert the following: "capable of being concealed upon the person".

Amendment No. 4.

On page 1, line 8, of the printed bill, strike out "shall serve out his full sentence, and".

Amendment No. 5.

On page 1, line 9, of the printed bill, after "parole", insert the following: "until he shall have served all but six months of the sentence imposed upon him by the State Board of Prison Directors, or any other board or commission, acting under and pursuant to the authority granted in section 1168 of this code. This shall not be construed as affecting his right to earn good credits as provided in the above section of this code.

SEC. 2. The provisions of this act shall not be deemed to be retroactive, but shall be construed to apply to every person convicted of a felony after the enactment thereof".

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Third Reading of Senate Bills.

Senate Bill No. 452—An act to amend section 135 of the Vehicle Code, relating to the California Highway Patrol.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 452 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Perry, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—30.

NOES—Senators McGovern and Olson—2.

Title read and approved.

Senate Bill No. 452 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 636 Requested.

Senator Garrison requested that Senate Bill No. 636 be re-referred to Committee on Irrigation.

Communication.**Referring to Senate Bill No. 636.**

The following communication was received, read and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, April 2, 1935.

Hon. Edgar W. Stow, Senate Chamber,
State Capitol, Sacramento, California.

Subject: Propriety of amendment of March 28, 1935, to Senate Bill No. 636.
Request: No. 3574.

DEAR SENATOR STOW: You have asked us whether in our opinion the amendment made by the Senate on March 28, 1935, to Senate Bill No. 636 was in conformity with the rules of the Senate.

In our opinion that amendment did not conform with Rule No. 41 of the Standing Rules of the Senate, adopted January 21, 1935. We base this opinion on a comparison of the wording of the title of the bill as introduced, with the title and body of the bill as amended.

According to its title, the subject of the bill as originally introduced was the purchase by the State of certificates of sale of property sold for delinquent assessments of irrigation districts.

According to the title of the bill as amended, and its body as well, its subject was the validation of proceedings in relation to improvement districts within irrigation districts.

Rule No. 41 of the Standing Rules of the Senate reads as follows:

"A substitute or amendment must relate to the same subject as the original bill, resolution or constitutional amendment under consideration."

We are unable to perceive that the subject of the bill as amended, as stated above, relates to the subject of the bill as originally introduced. It is true that both have to do with irrigation districts, and possibly a title for the original bill might have been drawn which would have been broad enough to include the amendments, but this certainly is not the case here, since instead of the general subject of irrigation districts, the original title was drawn to state the purchase of certificates of sale.

There is a Senate precedent which would seem peculiarly applicable here. In 1933, amendments were offered from the floor, directed to Senate Bill No. 1211, the sales tax, which would have added to the Sales Tax Bill provisions for a net income tax. A point of order was raised under Rule 41, and the President declared the point of order well taken (Senate Journal 1933, page 32599). Senate Standing Rule No. 41 of 1933 is the same as Senate Standing Rule No. 41 of 1935. In effect this must have meant that "sales tax" rather than merely "tax" was the subject.

In this connection it should be noted that the first sentence of the proposed Joint Rule No. 9 of the Senate and Assembly is identical with Standing Rule No. 41 of the Senate, but the rest of Rule No. 9 contains further matter imposing certain duties on the Legislative Counsel and making clear what would seem to be more or less implicit in Standing Rule No. 41; that is, that the subject, as expressed in the title, is what is referred to.

However, under a joint rule, an infraction of the rule could be invoked in either house, even though the infraction occurred in the other house. On the other hand, in the case of a house rule, we are of the opinion that a point of order under it could only be raised in the same house, since one house is not bound by the rules of the other.

Very truly yours,

FRED B. WOOD, Legislative Counsel

Communication.

Referring to Senate Bill No. 636.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL.

SACRAMENTO, CALIFORNIA, April 3, 1935.

Hon. J. C. Garrison, Senate Chamber,

State Capitol, Sacramento, California.

Subject: Senate Bill No. 636, as amended in Senate March 28, 1935.

DEAR SENATOR GARRISON: You recently submitted to us a draft of an act validating certain proceedings for the formation of improvement districts within irrigation districts and requested us to prepare this bill in the form of an amendment to Senate Bill No. 636, which was a skeleton bill introduced by yourself, the title of which stated it to be an act to provide for the purchase by the State of California, under certain conditions of certificates of sale of property sold for delinquent assessments of irrigation districts.

You amended Senate Bill No. 636 on March 28, 1935, to strike out the title of the bill as introduced and to insert the above referred to validating act which we had prepared in the form of amendments to Senate Bill No. 636.

In our opinion this amendment to Senate Bill No. 636 is in violation of Senate Standing Rule No. 41 and Joint Rule No. 9, both of which require that amendments to a bill to be germane to the object of the original bill.

The subject of the original bill as expressed in its title stated it to be an act providing for the purchase of certificates of sale of property sold for delinquent assessments of irrigation districts. In our opinion an amendment which provides for an act to validate proceedings for the formation of improvement districts within irrigation districts would not be germane to the subject of the original bill.

We call this to your attention for the reason that a point of order might be raised that the amendments to Senate Bill No. 636 of March 28, 1935, were in violation of the rules, and in our opinion such a point of order would be well taken.

Sincerely yours,

FRED B. WOOD, Legislative Counsel,
By JNO. J. HAMLYN, JR., Chief Deputy.

President of the Senate in Reference to Senate Bill No. 636.

Senate Bill No. 636, introduced by Senator Garrison, having been called, Senator Garrison suggested that the bill might be subject to a point of order in that the amendment to the bill did not relate to the same subject as the original bill.

The President inspected the original bill and the amendment adopted, and stated that he believed the point of order, if urged, would be well taken.

Senator Garrison then requested the bill be re-referred to the committee, which order was made by the President.

Ruling.

The President then stated that for the guidance of the Senate, that irrespective of the adoption of the Joint Rules, as a matter of precedent, if a substitute bill or an amendment did not relate to the same subject as the original bill, he would rule that a point of order taken thereto be sustained. He further stated that as to skeleton bills introduced merely by title, he would require a strict relation of all amendments to the subject of the title.

Re-reference.

Senate Bill No. 636 re-referred to Committee on Irrigation by the President of the Senate's ruling.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 345—An act to amend section 3480d of the Political Code, relating to crediting on calls of installment of assessments made by reclamation districts amounts of outstanding bonds exchanged in refunding proceedings or otherwise canceled, and to the redemption of property sold to reclamation districts for delinquent assessments and installments thereof, and to the sale by county treasurers of land sold for delinquent assessments and installments thereof, and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing this act shall take effect immediately.

Bill read third time.

Urgency Clause.

Sec. 2. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV, of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace and safety that this law shall go into immediate effect.

The following is a statement of facts constituting such necessity: Due to the agricultural depression which has existed for the past several years, many landowners in reclamation districts in the State have been unable to meet their installments upon assessments with the result that their land has been sold to the district. The heavy penalties necessary to be paid as now provided by law, and which continually increase, make it impossible for the landowners to redeem their land and thousands of landowners are now threatened with the loss of their land. If the land is not redeemed and it is deeded to the district, it then becomes nonassessable for district purposes, and the burden becomes all the heavier on the other landowners in the district, causing more delinquency and loss. Many reclamation districts have proceeded and are proceeding to refund their outstanding bonds. In such proceedings such outstanding bonds have been and will be deposited and exchanged for later maturing bonds issued or to be issued by said districts or will be sold to the

Reconstruction Finance Corporation or other agency of the government of the United States. Pursuant to law calls of installments of assessments have been made to meet the payment of such outstanding bonds exchanged and to be exchanged or otherwise canceled as provided by law. Said calls have become delinquent and have been and are being and will be enforced and collected in the manner provided by law. Owing to the said refunding proceedings heretofore had and now in process or which will hereafter be had, or through loans granted by the Reconstruction Finance Corporation, the collection and the enforcement of the payment of said calls has been, is and will be unnecessary for the reason that the payment of neither the principal nor interest of said maturities of said outstanding bonds for which said calls were levied to pay is not and will not be required. The Legislature hereby declares that the welfare of the State requires that the landowners in these districts be not unnecessarily dispossessed of their land, and that the land be redeemed so as to thenceforth bear its just proportion of taxation.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 345 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 345 ordered transmitted to the Assembly.

Senate Bill No. 570—An act to repeal an act entitled "An act to create a State Advisory Commission on Indian Affairs, to prescribe its membership and its powers and duties," approved May 26, 1933.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 570 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 570 ordered transmitted to the Assembly.

Senate Bill No. 584—An act to add a new section to the Political Code to be known as section 3663d, relating to the assessment of property by the State Board of Equalization and the allocation of the assessed value of such property to the various taxing jurisdictions of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 584 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 584 ordered transmitted to the Assembly.

Senate Bill No. 585—An act to amend section 3663b of the Political Code, relating to the assessment of property by the State Board of Equalization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 585 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 585 ordered transmitted to the Assembly.

Senate Bill No. 586—An act to amend section 3663a of the Political Code, relating to the assessment of property by the State Board of Equalization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 586 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 586 ordered transmitted to the Assembly.

Senate Bill No. 587—An act to repeal sections 3664, 3664a, 3664d of the Political Code and other acts inconsistent with section 14 of Article XIII of the Constitution of the State of California, to amend sections 3664b and 3664b-1 of the Political Code, all relating to the carrying into effect of the provisions of section 14 of Article XIII of the Constitution of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 587 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness,

Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—23.

NOES—None.

Title read and approved.

Senate Bill No. 587 ordered transmitted to the Assembly.

Senate Bill No. 617—An act to amend section 1168 of the Penal Code and to add thereto sections 696c and 1158a, relating to crimes committed with a deadly weapon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 617 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGunness, Metzger, Mixer, Parkman, Powers, Reindollar, Rich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 617 ordered transmitted to the Assembly.

Senate Bill No. 619—An act to add section 3a to an act entitled "An act to authorize and regulate the employment of prisoners in the State prisons of this State and to provide for the disposition of the products of their skill and labor," approved February 23, 1911, relating to prison-made goods.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 619 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixer, Parkman, Powers, Reindollar, Rich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 619 ordered transmitted to the Assembly.

Senate Bill No. 488—An act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 954a, relating to abandonment and withdrawal of appeals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 488 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGunness, Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 488 ordered transmitted to the Assembly.

Senate Bill No. 490—An act to amend section 1029 of the Penal Code, relating to trial of a judge of the superior court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 490 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 490 ordered transmitted to the Assembly.

Senate Bill No. 72—An act to amend sections 5.1, 5.2, 5.20, 5.21, 5.23, 5.25, 5.26, 5.27, 5.40, 5.44, 5.60, 5.61, 5.62, 5.63, 5.70, 5.80, 5.84, 5.86, 5.87, 5.88, 5.89, 5.90, 5.91, 5.92, 5.93, 5.94, 5.100, 5.101, 5.102, 5.103, 5.104, 5.105, 5.110 and 5.112 of the School Code, and to repeal Article II of Chapter I of Part I of Division V thereof, embracing section 5.10, all relating to the organization, government, and control of State teachers colleges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 72 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Olson, Parkman, Pierovich, Rich, Schottky, Scollan, Seawell, Snyder, Stow, Swing, Tickle, and Young—24.

NOES—Senators Difani, Gordon, McColl, Metzger, Powers, Reindollar, Slater, and Wagy—8.

Title read and approved.

Senate Bill No. 72 ordered transmitted to the Assembly.

Senate Bill No. 771—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 771 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuin-

ness, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schettky, Seallan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32

NOES—None.

Title read and approved.

Senate Bill No. 771 ordered transmitted to the Assembly.

Senate Bill No. 58—An act to amend section 3631 of and to add section 3653.5 to the Political Code, relating to county assessor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 58 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difuria, Duval, Fleischer, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McGovern, McGinness, Metzger, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schettky, Seallan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—44

NOES—None.

Title read and approved.

Senate Bill No. 58 ordered transmitted to the Assembly.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 576—An act to amend sections 3773 of the Political Code, relating to lands sold for taxes, the removal or destruction of improvements thereon, the cutting and removal of timber or the doing of any act impairing the value of the lands or of the improvements; providing for the renting of said lands and the collection of rents, issues and profits thereof, and the appointment of representatives by the Controller; providing for the recovery of the possession of said property and an accounting of rents, issues and profits; providing for the commencement of actions and the disposition of moneys received, and the removal or sale of property which has become a public nuisance:

Also: Senate Bill No. 593—An act to amend sections 3897 and 3898 of the Political Code, relating to the sale and disposal of lands devoted to the State for delinquent taxes and to abolish the tax land fund and to repeal section 3774 of the Political Code, relating to the possession, rental, lease or cultivation, and the duty to provide for rental and care, of lands deeded to the State under section 3785 of the Political Code, and also to a political subdivision or State taxing agency lying in an irrigation district delivering water to lands thereon, or lying within a municipality not in an irrigation district, or lying in neither, for delinquent taxes or assessments:

Also: Senate Bill No. 302—An act relating to the qualification of certain State, county, township and district officers;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 821—An act to amend section 605 of the Probate Code, relating to appointment of appraisers—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Daily File.**Second Reading of Assembly Bills.**

Assembly Bill No. 185—An act to amend section 4300c of the Political Code, relating to recording fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 645—An act to amend section 403c of the Civil Code, relating to corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 695—An act to amend section 784 of the Probate Code, relating to confirmation of sales of real property by executors and administrators.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 878—An act to amend section 1005 of the Code of Civil Procedure, relating to notice of motion.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 334—An act to amend sections 1068, 1085, 1103, 1108, 1162, 1269a, 1272a, 1274a, 1280, 1822a and 1822bb of the Code of Civil Procedure, relating to special proceedings.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 334 were read and adopted:

Amendment No. 1.

On page 2, line 9, of the printed bill, strike out "section 1161", and insert in lieu thereof the following: "sections 1161 and 1161a".

Amendment No. 2.

On page 3, line 44, of the printed bill, after "tration" insert the word "pursuant".

Amendment No. 3.

On page 3, line 47, of the printed bill, strike out "act", and insert in lieu thereof the following: "title".

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 335—An act to amend sections 105, 112 and 165 of the Code of Civil Procedure, relating to courts of justice.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 335 was read and adopted:

Amendment No. 1.

On page 1, line 16, of the printed bill, after "justice", insert "or judge".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 482—An act to amend section 810.5 of the Agricultural Code, relating to asparagus.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 92—An act to amend section 814 of the Agricultural Code, relating to lettuce.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 578—An act relating to revenue and taxation, providing for an excise tax on the sale of all oleomargarine containing any fat or oil ingredient other than any one or more of the following: oleo oil, oleo stock, oleo stearine from cattle, neutral lard from hogs, sheep fat, cottonseed oil, peanut oil, corn oil, soya bean oil or milk fat; providing a penalty for a violation of the provisions thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 578 were read and adopted:

Amendment No. 1.

On page 1, lines 5 and 6 of the title of the printed bill, as amended, after the words "corn oil", strike out the comma, and strike out the words "soya bean oil".

Amendment No. 2.

On page 2, line 4, of the printed bill, as amended, after the words "corn oil", strike out the comma, and strike out the words "Soya bean oil".

Bill read second time, ordered to reprint, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Biggar:

SENATE CHAMBER, SACRAMENTO, April 3, 1935

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 7087 to the Fish and Game Code, relating to abalones.

Respectfully submitted,

SENATOR BIGGAR.

Request referred to Committee on Rules.

Third Reading of Assembly Bills.

Assembly Bill No. 34—An act to amend section 4300d of the Political Code by adding thereto a provision specifying the mileage to be charged by constables and marshals in counties of the third class in the service of any writ, order or paper, excepting a warrant of arrest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 34 passed by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Reinollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagye, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 34 ordered transmitted to the Assembly.

Assembly Bill No. 130—An act to amend section 2021 of the Code of Civil Procedure, relating to depositions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 130 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 130 ordered transmitted to the Assembly.

Assembly Bill No. 113—An act to amend section 1822bb of the Code of Civil Procedure, relating to the management, control, and disposal of estates of missing persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 113 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Reindollar, Schottky, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 113 ordered transmitted to the Assembly.

Assembly Bill No. 639—An act to amend section 69 of the Civil Code, relating to applications for and issuance of licenses to marry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 639 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 639 ordered transmitted to the Assembly.

Assembly Bill No. 654—An act to add a new section numbered 1558 to the Probate Code of the State of California, relating to the guardianship of estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 654 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 654 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 38.

Relative to memorializing the President and Congress to enact House Joint Resolution No. 143, introduced January 30, 1935, authorizing the awarding of Distinguished Service Medals to Tony Siminoff, Oliver F. Rominger, and Robert E. Beck, veterans of the Philippine Insurrection.

WHEREAS, Tony Siminoff, Oliver F. Rominger, and Robert E. Beck volunteered and served in the regular Army of the United States, and saw service in the same in the Philippine Insurrection; and

WHEREAS, Said Tony Siminoff, as member of Company K, Eighteenth Regiment United States Infantry; Oliver F. Rominger, as member of the band of the Eighteenth Regiment United States Infantry; and Robert E. Beck, as member of Company A, Eighteenth Regiment United States Infantry, at great risk to themselves and under fire of the enemy rendered first aid to Lieutenant F. C. Bello, member of Company F, Eighteenth Regiment United States Infantry, and carried him from the field of battle, and thus saved his life, so that he is now serving his country as a Major General in the United States Army; and

WHEREAS, Such brave and meritorious action on the part of said Tony Siminoff, Oliver F. Rominger, and Robert E. Beck, is deserving of award in commensuration thereof for such meritorious conduct in action involving an actual conflict with an enemy, said act taking place on February 12, 1899, during the action near Jaro, Philippine Islands; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly That the President and Congress of the United States be hereby respectfully urged to enact House Joint Resolution No. 143 awarding the Distinguished Service Medals to Tony Siminoff, Oliver F. Rominger, and Robert E. Beck, veterans of the Philippine Insurrection; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully urged to support such legislation, and that a copy of this resolution also be transmitted to the Secretary of War.

Resolution read.

The question being on the adoption of the resolution

The roll was called, and Assembly Joint Resolution No. 38 adopted by the following vote:

AYES—Senators Biggar, Deuel, Garrison, Gordon, Hays, Hulse, Jorgensen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seellan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Assembly Joint Resolution No. 38 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 46.

Relative to memorializing the President of the United States and Congress in connection with transpacific air mail service.

WHEREAS, Various aviation groups in the United States are actively engaged in a study of the need for and the requirements of a transpacific airplane service; and

WHEREAS, It appears that such a service soon will be established through the enterprise and pioneering spirit of the American aviation industry; and

WHEREAS, The success of such a worthwhile undertaking will depend to some extent upon Federal contracts for carrying mail to and from continental United States and other localities in and bordering upon the Pacific Ocean; and

WHEREAS, It is understood that the Post Office Department is at present considering the early establishment of an air mail service across the Pacific; now, therefore, be it

Resolved, That the Assembly of the State of California, the Senate concurring, does herewith respectfully urge the President of the United States, the United States Senators and the members of the House of Representatives from California, to approve and recommend the establishment of such transpacific air mail service, together with such appropriations and other legislative action by the National Congress as may be necessary to accomplish the purposes herein set forth; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President of the United States, Senators Johnson and McAdoo, and the members of the National House of Representatives from California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 46 adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—Senator Olson—1.

Assembly Joint Resolution No. 46 ordered transmitted to the Assembly.

Assembly Bill No. 1645—An act to require governmental units to furnish reports to the State Department of Finance concerning bonds and bonded indebtedness.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1645 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1645 ordered transmitted to the Assembly.

Assembly Bill No. 1989—An act to amend section 677 of the Political Code, relating to State accounting.

Amendments from the Floor.

During third reading of Assembly Bill No. 1989, the following amendments, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section 677 of", and insert in lieu thereof the following: "sections 677 and 689 of, and to add section 689.1 to,".

Amendment No. 2.

On page 1 of the printed bill, after line 12, add the following:

"SEC. 2. Section 689 of the Political Code is hereby amended to read as follows: 689. From any State department, officer, board or commission having any special fund in the State treasury made available by law for the use, support or maintenance of any part or all of the work and affairs of such department, office, board or commission, the Department of Finance may fix and collect:

(a) The pro rata share of the cost of insuring motor vehicles belonging to such department, officer, board or commission against liability for damages resulting from the negligent operation of motor vehicles and arising under the provisions of section 400 of the Vehicle Code, or, in the discretion of the director, an amount which he considers equivalent to such pro rata share, to be expended by him in accordance with law paying claims under section 400 of the Vehicle Code and paying for the investigation, adjustment, defense and administration of such claims;

(b) Rent for the use or occupancy of space in any building owned, managed or controlled by the State and used or occupied by such State department, officer, board or commission where such space is utilized in carrying out the work and affairs, or that portion of the work and affairs, of such department, officer, board or commission, for the carrying out of which said special fund was created;

(c) The actual cost of janitor and maintenance service rendered to such department, officer, board or commission to enable it to carry out the work and affairs, or that portion of its work and affairs, for the carrying out of which the special fund was created; and

(d) The pro rata cost of workmen's compensation insurance covering the officers and employees of such department, officer, board, or commission.

Sec. 3. A new section is hereby added to the Political Code to be numbered 689.1 and to read as follows:

689.1. The State Department of Finance may file a claim against any appropriations made from special funds for the support or maintenance of any part of all of the work and affairs of any State department, officer, board or commission for a pro rata share of the costs or services included in section 689 of this code, or included in section 695 of this code as added by Chapter 923 of the Statutes of 1933, when such department, officer, board, or commission refuses to pay for such costs of services, or for the pro rata share thereof, and the State Controller shall draw his warrant in accordance with law upon such claim in favor of the State Department of Finance.

All moneys received by the Department of Finance under the provisions hereof shall be accounted for and reported at the end of each month by said department to the State Controller. In the case of such moneys received by the department for services rendered or costs incurred under the provisions of section 689 of this code, such moneys shall be credited as an abatement of the expenses of said department and at the same time shall be remitted to the State treasury to become a part of any appropriation made available by law for the use or support of the department from out of which said appropriation or the then corresponding current appropriation the expenses incurred were paid. In the case of moneys received by the department for services rendered or materials furnished under the provisions of section 695 of this code as added by Chapter 923 of the Statutes of 1933, such moneys shall be credited to the general fund of the State and shall be remitted to the State treasury to become a part of the general fund."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1992—An act to add section 675.1 to the Political Code, and to repeal section 675b thereof, relating to the approval of salaries by the Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1992 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Edwards, Gordon, Hays, Hulse, Jørgensen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seallan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagv, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1992 ordered transmitted to the Assembly.

Assembly Bill No. 1993—An act to amend section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1993 passed by the following vote:

AYES—Senators Biggar, Denel, Edwards, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seallan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1993 ordered transmitted to the Assembly.

Assembly Bill No. 1994—An act to repeal section 686a of the Political Code and to add section 686.5 thereto, relating to accountants in the Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1994 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1994 ordered transmitted to the Assembly.

Assembly Bill No. 753—An act to amend section 4 of "An act to regulate the construction of buildings in the State of California, in respect to resistance to horizontal forces, providing penalties for the violation thereof and providing that this act become effective immediately," approved May 26, 1933, relating to the application of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 753 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 753 ordered transmitted to the Assembly.

Assembly Bill No. 1995—An act to amend section 779 of the Political Code, relating to publication of court reports.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1995 passed by the following vote:

AYES—Senators Biggar, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1995 ordered transmitted to the Assembly.

Assembly Bill No. 1700—An act to amend section 663 of the Political Code, relating to the State Board of Control.

Amendment from the Floor.

During third reading of Assembly Bill No. 1700, the following amendment, offered by Senator Swing, was read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "relating to the", and all of lines 3 and 4 of said title, and insert in lieu thereof the following: "to abolish the Division of Service and Supply in the Department of Finance and to provide for the membership of the State Board of Control as a result thereof."

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills.

Assistant Secretary Carl A. Shipkey at the Desk.

Senate Bill No. 329.—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; creating the office of Truck Commissioner, conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act.

Amendments from the Floor.

During third reading of Senate Bill No. 329, the following amendments, offered by Senator Crittenden, were read and adopted:

Amendment No. 1.

On page 2, line 22, of the printed bill, strike out the period, and insert thereon " nor does it include persons hauling their own products."

Amendment No. 2.

On page 2 of the printed bill, strike out lines 36 to 40, inclusive.

Amendment No. 3.

On page 2 of the printed bill, strike out the words "Sec. 3", and insert in lieu thereof the following: "Sec. 2".

Amendment No. 4.

On page 2 of the printed bill, strike out the words "Sec. 4", and insert in lieu thereof the following: "Sec. 3".

Amendment No. 5.

On page 3 of the printed bill, strike out the words "Sec. 5", and insert in lieu thereof the following: "Sec. 4".

Amendment No. 6.

On page 3 of the printed bill, strike out the words "Sec. 6", and insert in lieu thereof the following: "Sec. 5".

Amendment No. 7.

On page 3 of the printed bill, strike out the words "Sec. 7", and insert in lieu thereof the following: "Sec. 6".

Amendment No. 8.

On page 4 of the printed bill, strike out the words "Sec. 8", and insert in lieu thereof the following: "Sec. 7".

Amendment No. 9.

On page 4 of the printed bill, strike out the words "Sec. 9", and insert in lieu thereof the following: "Sec. 8".

Amendment No. 10.

On page 4 of the printed bill, strike out the words "Sec. 10", and insert in lieu thereof the following: "Sec. 9".

Amendment No. 11.

On pages 4 and 5 of the printed bill, strike out sections 11 and 12, and insert in lieu thereof the following:

"Sec. 10. The Railroad Commission shall, upon complaint or upon its own initiative without complaint, establish or approve just, reasonable, and nondiscriminatory rates, or the maximum or minimum or maximum and minimum rates to be charged by any highway carrier other than a highway common carrier, now subject to the jurisdiction of said commission under Chapter 213 of the Laws of 1917, and as amended, for the transportation of property and for accessorial service performed by said highway carrier.

In establishing or approving such rates the commission shall take into account and give due and reasonable consideration to the cost of all of the transportation services performed, including length of haul, any additional transportation service performed, or to be performed, to, from, or beyond the regularly established termini of common carriers or of any accessorial service and the value of the commodity transported and the value of the facility reasonably necessary to perform such transportation service.

In event the commission establishes minimum rates for transportation services by highway carriers, such rates shall not exceed the current rates of common carriers for the transportation of the same kind of property between the same points.

It shall be unlawful for any highway carrier to charge or collect any lesser, greater, or different rate than the rates established by the commission under this section.

The commission shall make such rules and regulations as may be necessary to the application of the rates established or approved under the provisions of this act."

Amendment No. 12.

On page 5 of the printed bill, strike out the words "Sec. 13", and insert in lieu thereof the following: "Sec. 11".

Amendment No. 13.

On page 5, line 21, of the printed bill, strike out "and nondiscriminatory between highway carriers".

Amendment No. 14.

On page 5 of the printed bill, strike out the words "Sec. 14", and insert in lieu thereof the following: "Sec. 12".

Amendment No. 15.

On page 5 of the printed bill, strike out the words "Sec. 15", and insert in lieu thereof the following: "Sec. 13".

Amendment No. 16.

On page 5 of the printed bill, strike out the words "Sec. 16", and insert in lieu thereof the following: "Sec. 14".

Amendment No. 17.

On page 6 of the printed bill, strike out the words "Sec. 17", and insert in lieu thereof the following: "Sec. 15".

Amendment No. 18.

On page 6 of the printed bill, strike out the words "Sec. 18", and insert in lieu thereof the following: "Sec. 16".

Amendment No. 19.

On page 6 of the printed bill, strike out the words "Sec. 19", and insert in lieu thereof the following: "Sec. 17".

Amendment No. 20.

On page 6 of the printed bill, strike out the words "Sec. 20", and insert in lieu thereof the following: "Sec. 18".

Amendment No. 21.

On page 6 of the printed bill, strike out the words "Sec. 21", and insert in lieu thereof the following: "Sec. 19".

Amendment No. 22.

On page 7 of the printed bill, strike out the words "Sec. 23", and insert in lieu thereof the following: "Sec. 20".

Amendment No. 23.

On page 7 of the printed bill, strike out the words "Sec. 24", and insert in lieu thereof the following: "Sec. 21".

Amendment No. 24.

On page 7 of the printed bill, strike out the words "Sec. 25", and insert in lieu thereof the following: "Sec. 22".

Amendment No. 25.

On page 7 of the printed bill, strike out the words "Sec. 26", and insert in lieu thereof the following: "Sec. 23".

Amendment No. 26.

On page 7 of the printed bill, strike out the words "Sec. 27", and insert in lieu thereof the following: "Sec. 24".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 593—An act to amend sections 3897 and 3898 of the Political Code, relating to the sale and disposal of lands deeded to the State for delinquent taxes and to abolish the tax land fund and to repeal section 3774 of the Political Code, relating to the possession,

rental, lease or cultivation, and the duty to provide for rental and care, of lands deeded to the State under section 3785 of the Political Code, and also to a political subdivision or State taxing agency lying in an irrigation district delivering water to lands therein, or lying within a municipality not in an irrigation district, or lying in neither, for delinquent taxes or assessments.

Amendments from the Floor.

During third reading of Senate Bill No. 593, the following amendments, offered by Senator Duval, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 2 and 3 of the title

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 5 to 11 inclusive of the title, and insert in lieu thereof the following: "to lands sold for delinquent taxes."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 320—An act to amend section 11 of and to add a new section to be numbered section 12 to an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, as amended.

Amendments from the Floor.

During third reading of Senate Bill No. 320, the following amendments, offered by Senator Rich, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, in the last line of the title, strike out "as amended", and insert in lieu thereof the following: "relating to the compensation and powers of officers of said district".

Amendment No. 2.

On page 1, line 6, of the printed bill, as amended, insert a comma after "year"

Amendment No. 3.

On page 1, line 15, of the printed bill, as amended, after "each", insert the following: "such".

Amendment No. 4.

On page 1, line 21, of the printed bill, as amended, after "each", insert the following: "such".

Amendment No. 5.

On page 2, line 9, of the printed bill, as amended, strike out "such", and insert in lieu thereof the following: "said".

Amendment No. 6.

On page 2, line 15, of the printed bill, as amended, strike out "such".

Amendment No. 7.

On page 2, line 16, of the printed bill, as amended, after "plants," insert the following: "and".

Amendment No. 8.

On page 2, line 21, of the printed bill, as amended, strike out "other", and insert in lieu thereof the following: "to the".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 133—An act to add section 3.401 to the School Code, relating to tuition fees of students in junior colleges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Garrison, Hulse, Jespersen, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 133 ordered transmitted to the Assembly.

Senate Bill No. 797—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 797 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 797 ordered transmitted to the Assembly.

Senate Bill No. 886—An act to add two new sections to the School Code to be numbered 6.223 and 6.224, relating to the sale of property of a school district, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect.

The facts constituting the necessity are as follows: The Legislature of the State of California has enacted Chapter 59 of the Statutes of 1933, relating to the safety of construction of public school buildings which has resulted in the condemning and closing of many structurally unsafe school buildings in the State of California. Until school buildings can be erected, constructed and reconstructed in accordance with the above mentioned act, a large number of school children and teachers are being housed in temporary shacks or are attending school part time only, which endangers the health and safety of such school children and teachers of the State of California. Where buildings must be altered or reconstructed, large amounts of materials must be removed which are not suitable for reuse. Under sections 6.220 and 6.221 of the School Code property which a school district desires to dispose of for the purposes of replacement can only be disposed of by selling the same for cash to the highest bidder. These proposed sections will allow a school district to call for bids for the reconstruction of school buildings and require the contractor to deduct from the price he bids for the work, the amount which he will allow for old material salvaged from the building. This will accomplish three purposes: first, secure the removal of old material with the least possible damage to the material and to the building; second, net the district the largest return for this salvaged material; and third, provide for the speedy removal of material not needed in the reconstruction of the building from school premises.

The proposed sections of this bill will facilitate speedy replacement of condemned and closed school buildings and result in a large saving of money to school districts at a time when the funds of school districts in the State of California are severely taxed by unusual demands.

It is therefore necessary that the provisions of this act become effective at once in order that the health and safety of school children and teachers of the State of California be protected.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wag, Williams, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 886 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, and Wag—27.

NOES—None.

Title read and approved.

Senate Bill No. 886 ordered transmitted to the Assembly.

Senate Bill No. 798—An act to amend section 2 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 798 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wag, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 798 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred the following resolution by Senators Metzger, Crittenden, Pierovich, Powers, and Olson:

WHEREAS, On January 16, 1935, the Senate adopted a resolution relating to the investigation of stock yards; and

WHEREAS, The committee appointed pursuant to the provisions of said resolution served during the legislative recess in making a study of this subject; and

WHEREAS, The resolution as originally drawn provided for an appropriation from the contingent fund of the Senate in the sum of \$1,000 which amount was reduced to \$500 in the resolution as adopted; and

WHEREAS, The actual necessary expenses of the committee in making the investigation directed by the resolution exceeded the sum allocated in the amount of \$358.47; now, therefore, be it

Resolved, That the sum of \$358.47 be and the same is hereby appropriated from the contingent fund of the Senate for the purpose of meeting such expenses. The Controller is hereby directed to draw his warrant upon the contingent fund of the Senate for the said amount upon certification by the chairman of the committee, setting forth the various items of expense, and the Treasurer is directed to pay the same.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

KING, Chairman.
STOW.
POWERS.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Garrison, Gordon, Jesperson, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Young—29.

NOES—None.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Garrison:

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts; and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein.

Respectfully submitted.

SENATOR GARRISON.

Referred to Committee on Rules.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 495—An act to provide for the regulation of the flow of water over the Copco Dam in order to insure a sufficient amount of water to preserve fish life—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—16; committee vote: Ayes—15; absent—1.

McCOLL, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 174—An act to amend section 730 of the Fish and Game Code, relating to fish;

Also: Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses;

Also: Assembly Bill No. 563—An act to amend sections 691, 694, 695, 696, 697 and 865 of the Fish and Game Code and to add section 697.5 thereto, and to repeal section 694.6 thereof, relating to fishing.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—16; committee vote: Ayes—15; absent—1.

McCOLL, Chairman.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to boats equipped with propelling machinery—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

PARKMAN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

PARKMAN, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, April 2, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 658—An act to amend sections 45 and 47 of the California Irrigation District Act and to repeal section 46 of said act, all relating to certificates of sale and redemption therefrom, and the issuance of deeds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees;

Also: Assembly Bill No. 1743—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: Section 284o, relating to disposal of tax-deeded and tax-delinquent lands; section 65, relating to proceedings in bankruptcy; section 66, relating to contracts with the United States or any agency thereof under an act approved May 5, 1917, as amended, and validating such contracts; section 67, validating bonds of the district; and section 68, validating rehabilitation plans; and declaring the legislative intent as to unconstitutionality;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

MIXTER, Chairman.

On Building and Loan Associations.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Building and Loan Associations to which was referred Senate Bill No. 228—An act to amend sections 101 to 1517, inclusive, of the Building and Loan Association Act, relating to building and loan associations—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—6; absent—5.

KNOWLAND, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 1011—An act allowing the county and State to confiscate property of a criminal when convicted of a serious crime—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

(Signed out)

YOUNG, Chairman.
CRITTENDEN.
DEUEL.
SWING.
KEOUGH.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 371—An act to amend sections 226 and 227 and to repeal section 227a of the Civil Code, relating to adoption—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, but makes no recommendation as to the final disposition of the bill.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Adjournment.

On motion of Senator Rich, at three o'clock and thirty minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Thursday, April 4, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, April 4, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators—Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, April 3, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for this day.

Senator Duval was, on motion of Senator Edwards, granted leave of absence for the remainder of this day.

Privilege of Floor of Senate Extended.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. T. B. Talbert, mayor of Huntington Beach.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Ed. Simpson, George Fortier, C. A. Borchers, Roy M. Wright, C. R. Jones, Fred Cope, F. R. Meagher, Phil Rose, Chandler Stewart, W. R. Holman, C. K. Tuttle, C. Dyke of Monterey Peninsula.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wallace Merrale, Mrs. H. L. Mouthtroupe of Alameda, Mrs. H. C. Usinger, Mrs. Earl Burpee, and Mrs. Joseph Chloupek of Oakland, officers of the Alameda County Federation of Womens Clubs.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. G. Ellis Wiert, of Paso Robles.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. John South of Burlingame.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Zen Ferguson of Modesto and Chester A. Talbot of Keys.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Sheila M. Bryan of Los Angeles.

Communication.

The following communication was received, read, and ordered printed in the Journal:

THE STATE OF COLORADO,
DEPARTMENT OF STATE, DENVER, March 28, 1935.

Hon. George J. Hatfield, Lieutenant Governor, Sacramento, California.

DEAR SIR: We are enclosing herewith a copy of Senate Joint Resolution No. 10 adopted by our State Legislature with the respectful request that a similar resolution be enacted by the Legislature of your State.

Respectfully yours,

JAMES H. CARR, Secretary of State.
W. E. ALEXANDER, Chief Clerk.

Colorado Senate Joint Resolution No. 10.

By Senators Affolter and Knous.

Be It Resolved by the Senate and the House of Representatives of the Thirtieth General Assembly of the State of Colorado, That:

1. There is hereby established the Colorado Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this State in the Council of State Governments, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding and cooperation between the State of Colorado and the other States of the Union, both regionally and Nationally.

2. The said commission shall be composed of 15 members, namely:

The five members of the Committee on Interstate Cooperation of the Senate, President Talbot, Senators Knous, Affolter, Hill and Elliott, heretofore appointed by the American Legislators Association;

The five members of the Committee on Interstate Cooperation of the House of Representatives, Representatives Smith, England, Hallen, Constantine and Strain, heretofore appointed by the American Legislators Association;

Five officials of the State named by the Governor.

3. The commission shall report to the Governor and to the Legislature on the first day of each regular legislative session, and at such other times as it deems proper. The commission shall meet and select a chairman and a secretary. The

members of the commission shall serve without compensation. Meetings shall be called at the request of the Governor and the chairman of said commission.

4. The said committees of the Senate and of the House of Representatives, hereby or heretofore established, shall be standing committees, and their members shall be designated as are the members of other standing committees. These committees shall function during the regular sessions of the Legislature, and also during the interim periods between such sessions; their members shall serve until their successors are designated; and they shall constitute the Colorado Councils of the American Legislators Association.

5. The Secretary of State of Colorado shall forthwith communicate the text of this measure to the Governor and to the Legislature of each of the other States of the Union, with the respectful request that each Legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, competition and conflict.

RAY H. TALBOT, President of Senate.

M. J. WALSH, Secretary of Senate.

MOSES E. SMITH, Speaker of House of Representatives.

JOHN T. DOYLE, Chief Clerk.

Further Communication.

The following communication was received, read, and ordered printed in the Journal:

SENATE OF THE STATE OF COLORADO,
DENVER, COLORADO, March 29, 1935.

Hon. J. A. Beek, Secretary of the Senate, Sacramento, California.

DEAR SIR: I have the honor to hand you herewith copy of Senate Joint Memorial No. 6 and request that you call the same to the attention of the members of the Senate.

Very truly yours,

M. J. WALSH, Secretary of Senate,
State of Colorado.

Colorado Senate Joint Memorial No. 6.

By Senators Hotchkiss and Headlee.

WHEREAS, During the present depression, the original cost of live stock and grain products is greatly in excess of the price now realized by the sale of the same, and that by reason thereof farmers are unable to pay their bills and debts, and each year find themselves further behind with their debts and obligations, and if the above situation continues for any additional length of time, the farmers will lose their homes and all; and

WHEREAS, During the time farmers are operating at a loss they can not be purchasers of other manufactured products and such industries will, in turn, fail for lack of business; and that all business of every kind and nature will be affected by this injustice to agriculture; and

WHEREAS, It follows that every kind of business located in the agricultural communities must rise or fail with the farmers, and that the important, and absolutely essential industry of agriculture can not be stricken down without causing disaster to the country as a whole; and

WHEREAS, The placing of an embargo on the products mentioned would stabilize the prices thereof and bring such prices more in harmony with the production costs, together with a fair margin of profit, and bring the farmers out of the dire and distressing depression which now affects them, now therefore: Be it

Resolved by the Thirtieth General Assembly of the State of Colorado: That we respectfully petition the Congress of the United States to pass laws and provide rules and regulations to place an embargo on flax, wheat, hogs, cattle and sheep, and upon pork, beef and mutton products, until such time as the prices of said grains, live stock and meat products shall cover the cost of production, and we further petition that the law now permitting wheat to be milled in bond be repealed; be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, to both houses of the Congress of the United States and to each member thereof from this State, to the Secretary of Agriculture, and to each house of the Legislative Assembly of those States whose Legislatures are now in session.

RAY H. TALBOT, President of Senate.

M. J. WALSH, Secretary of Senate.

MOSES E. SMITH, Speaker of House.

JOHN T. DOYLE, Chief Clerk.

Message from the Governor.**Confirmation of Appointment Requested.**

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 3, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

I have the honor of appointing, subject to your confirmation, Mr. Samuel L. Carpenter, Jr., of Los Angeles, as Insurance Commissioner, for the term ending April 3, 1939.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Appointment referred to Committee on Rules for consideration and report.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1300—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 123 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the amendment of section 6.02 of said act as set forth in section 5a of Chapter 431 of the Statutes of 1933; adding to said act new sections to be numbered 6.09 relating to delay in paying after thirty days, 8.10 relating to rate of return on shares and investment certificates, 9.18 relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, 10.03a relating to reserve or surplus accounts, 10.09 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal savings and loan association and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to vote for or approve such conversion, to exchange shares, stock, investment certificates or other rights or claims for shares issued by such Federal savings and loan association, and to continue to hold as a legal investment any shares so received; adding a new article to be numbered XVI to said act relating to the rehabilitation, readjustment or reorganization of one or more building and loan associations of the classes specified in such Article XVI, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article XVI, to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to

hold as a legal investment any securities so received; and declaring the urgency of this act and providing that it shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1300 read first time, and referred to Committee on Building and Loan Associations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 608—An act limiting the hours of labor of female domestic employees and providing a penalty for its violation.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 608 read first time, and referred to Committee on Labor and Capital.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural and horticultural products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately;

Also: Senate Bill No. 552—An act to amend section 4220 and add sections 4220a and 4220b of the Political Code, relating to duties of county surveyors, declaring the urgency thereof and providing the same shall take effect immediately;
And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 257—An act to amend sections 4120 and 4121 of the Political Code of the State of California, relating to the books, accounts and vouchers in the office of county treasurers and the examination of the books and records and the counting of the money in said office—and reports that the same has been correctly enrolled and presented to the Governor on the fourth day of April, 1935, at eleven o'clock and fifteen minutes a.m.

METZGER, Chairman.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Garrison to introduce a bill entitled—An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants hereto-

fore issued or to be issued, payable from the assessments levied in such improvement districts; and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants, validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein, and had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
DIFANI.
KNOWLAND.
SLATER.
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Pierovich, Reinollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Garrison: Senate Bill No. 1079—An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts, and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein.

Bill read first time, and referred to Committee on Irrigation.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred Senator Biggar's request to introduce a bill entitled—An act to add section 798.7 to the Fish and Game Code, relating to abalones—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
DIFANI.
KNOWLAND.
SLATER.
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Parkman, Pierovich, Powers, Reinollar, Rich, Schottky, Seawell, Seawell, Slater, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Biggar:

Senate Bill No. 1080—An act to add section 798.7 to the Fish and Game Code, relating to abalones.

Bill read first time, and referred to Committee on Fish and Game.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following message from the Governor:

[SEAL]

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, April 3, 1935.

FRANK F. MERRIAM, Governor.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

I have the honor of appointing, subject to your confirmation, Mr. Samuel L. Carpenter, Jr., of Los Angeles, as Insurance Commissioner, for the term ending April 3, 1939.

Respectfully submitted.

(Signed)

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment be confirmed.

(Signed out)

RICH, Chairman.
SLATER.
DIFANI.
KNOWLAND.
TICKLE.

Consideration of Appointment by Governor.

Motion Confirming Appointment by Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question, "Will the Senate confirm and consent to the appointment of Mr. Samuel L. Carpenter, Jr., as Insurance Commissioner?"

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—33.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. Samuel L. Carpenter, Jr., as Insurance Commissioner.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred Senator McGovern's proposed amendment to the rules as the same was amended on April 3, 1935, as follows:

Amendment No. 1.

SEC. 4. Every person whose duty it is to register with the Sergeant-at-Arms, as herein provided, shall file with said Sergeant-at-Arms on or before each Tuesday

hereafter, a full and complete written itemized statement and account, duly acknowledged before a notary public, showing fully all moneys and other evidences of value of every kind and description which may have been received by said person, or by any other person authorized to act for him, either directly or indirectly, during the previous week, from any source whatsoever, for or on account of his compensation, or for or on account of the compensation of any other person or persons, in whole or in part, for any services which he or which any of such persons shall have rendered or shall have agreed to render, or which any of them have been engaged to render, with respect to any pending or proposed legislation, of any kind, before this Legislature. Such written statements, when shall contain a full and complete itemized statement by such person, showing and expound terms of every kind and character by any of said persons, or by any of their domestic agents, employees, or by any person acting for any of them during said previous week, which expenditures may have been intended or calculated to influence either directly or indirectly, any such legislation.

Amendment to Proposed Amendment No. 1.

Add to the proposed amendment by Senator McGovern to Rule No. 70, the following language, after the period, following the word "legislation", at the end of the amendment: "Any person whose duty it is to file any instrument as hereinafter provided for, who refuses, neglects or omits so to do, as herein set forth, shall forfeit his advocate's card and shall be thereafter prohibited from entering the Senate Chamber or the corridors adjacent thereto or any committee rooms of the Senate, and he shall be prohibited from appearing before or addressing any committee of the Senate, anything in these rules to the contrary notwithstanding."

Has had the same under consideration, and respectfully reports the same back, and recommends that the amendment be not adopted.

Committee membership—5; committee vote: None—5

(Signed out)

RICH, Chairman.
SLATER
KNOWLAND
DIFANI
TICKLE

Motion to Amend Standing Rules of the Senate.

Pursuant to notice given the previous day, Senator McGovern moved the adoption of the amendment to Rule No. 70 of the Standing Rules of the Senate.

The question being on the adoption of the amendment to Rule No. 70 of the Standing Rules of the Senate.

The roll was called, and the amendment to Standing Rules of the Senate refused adoption by the following vote:

AYES—Senators Garrison, Jespersen, McGovern, Olson, Perry, and Schottky—6.
NOES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagys, Williams, and Young—33.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$300 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

KING.
STOW.
POWERS.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagys, Williams, and Young—36.
NOES—None.

**Consideration of Daily File.
Third Reading of Senate Bills.**

Senate Bill No. 314—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817c3 and 3817i2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: Due to the widespread depression, many taxpayers have been unable to pay their taxes, or to redeem their property from sale to the State for delinquency. By permitting redemption without penalties, and payment of delinquent taxes, interest and penalties by installments many taxpayers will be enabled to redeem their property and restore the same to the tax rolls, or to protect their business and pay taxes which otherwise would be lost, thereby adding revenue for the operation and maintenance of government.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—Senator Hays—1.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 314 passed by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—29.

NOES—Senators Deuel, Hays, McColl, Rich, and Wagy—5.

Title read and approved.

Senate Bill No. 314 ordered transmitted to the Assembly.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Consideration of Daily File.
Second Reading of Senate Bills.**

Senate Bill No. 495—An act to provide for the regulation of the flow of water over the Copco Dam in order to insure a sufficient amount of water to preserve fish life.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 495 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to add section 484.6 to the Fish and Game Code, relating to the regulation of the flow of water from natural or artificial bodies of water."

Amendment No. 2.

On page 1, line 1, of the printed bill, after "Section 1," insert the following: "Section 484.6 is hereby added to the Fish and Game Code to read as follows:

484.6. No person owning or controlling any natural or artificial body of water into which public waters flow, and which furnishes the water supply in whole or in part to any stream in district 14 containing fish, shall divert or lessen the amount of water flowing from the natural or artificial body of water into such stream to an extent detrimental to the fish therein. Such person shall not increase or accelerate the flow or supply of water from the natural or artificial body of water to an extent where such increase exceeds the normal high water mark of such stream. The Legislature hereby declares that increase or acceleration by artificial means of the flow of water in such stream, whereby the normal high water mark thereof is exceeded is detrimental to fish life."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 174—An act to amend section 730 of the Fish and Game Code, relating to fish.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to boats unequipped with propelling machinery.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Senate Bill No. 118 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 3 to 7, inclusive, and in line 8, strike out "Fish and Game Code," and insert in lieu thereof the following: "wind except those vessels of 500 tons or over gross tonnage."

Amendment No. 2.

On page 1, line 15, of the printed bill, after "file", insert the following: "between January 1st and January 31st of each year".

Amendment No. 3.

On page 2, line 16, of the printed bill, strike out "approximate", and insert in lieu thereof the following: "appropriate".

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Senate Bill No. 228—An act to amend sections 1.01 to 15.17, inclusive, of the Building and Loan Association Act, relating to building and loan associations.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Loan Associations, the following amendments to Senate Bill No. 228 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend sections 1.01 to 15.17, inclusive, of", and insert in lieu thereof the following: "add section 6.09 to".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the act cited in the title hereof, to read as follows:

Sec. 6.09. Any person indebted to any building and loan association doing business in the State of California may repay said indebtedness, or any part thereof, both as to principal and interest, by surrendering to such building and loan association to which it may be indebted investment certificates fully or partially paid, or pass books issued by any such building and loan association representing payments upon any investment certificates. Upon the surrender of any such investment certificate or pass book to such building and loan association, the latter shall credit upon the indebtedness of the person so surrendering the same the full amount shown by such investment certificate or pass book to have been paid to or deposited with such building and loan association, plus interest at the rate agreed by such building and loan association to be paid at the time such payments were made by the person to whom any such investment certificate or pass book was issued from the time of the last interest payment made prior to the surrender of such investment certificate or pass book up to the time of the surrender thereof.

Where any building and loan association doing business in the State of California shall take steps to foreclose any mortgage or any deed of trust held by it, the owner of the property covered by such mortgage or deed of trust may tender investment certificates or pass books representing payments on investment certificates, and upon that being done, such property owner shall be credited such amount as such investment certificate or pass book shall show to have been paid in to or deposited with such building and loan association, plus interest at the rate agreed by such building and loan association to be paid at the time such payments were made, from the date of the last interest payment to the time of such tender. If any such foreclosure shall involve a mortgage as contradistinguished from a deed of trust, then and in that event any person having the right to redeem from said sale may tender investment certificates or pass books showing payments upon investment certificates, and upon the surrender thereof, shall receive a credit for redemption purposes in the amount shown to have been paid in to any such building and loan association by any such investment certificate or pass book, plus interest at the rate agreed by such building and loan association to be paid at the time such payments were made by the person to whom such certificates or pass books were issued, from the time of the last interest payments to the time of such surrender.

Where there shall be any moratorium in force and effect as relating to the foreclosure of mortgages or deeds of trust, tender of investment certificates or pass books showing payment upon investment certificates may be made at any time while such moratorium shall remain in force and effect, and upon such tender, the building and loan association having issued any such investment certificate or pass book shall credit upon the indebtedness due from any person surrendering such investment certificate or pass book the amount which shall have been paid in to or deposited with such building and loan association, together with interest at the rate agreed upon by said building and loan association to be paid at the time such payments were made to such building and loan association by the person to whom such certificate or pass book was issued, from the date of the last interest payment up to the time of such tender and surrender.

If any building and loan association shall have become financially embarrassed and by reason thereof been reorganized, and in the plan of any such reorganization, investment certificates paid in whole or in part, or pass books showing payments on investment certificates shall have been turned in and surrendered to such building

and loan association coincident to or after such reorganization and new certificates or pass books issued in accordance with any such reorganization, then and in that event any person being indebted to any such building and loan association by reason of any indebtedness incurred prior to any such reorganization, may surrender to such reorganized building and loan association any such certificates or pass books issued, upon the surrender of the original certificates or pass books, and shall upon the surrender of such new certificates or pass books, receive a credit upon any such indebtedness in the amount that shall have been paid in or deposited to such building and loan association prior to reorganization, as shown by any investment certificate or pass book originally issued, together with interest at the rate originally agreed by such building and loan association to be paid at the time such payments were made by the person to whom such investment certificate or pass book was originally issued from the date of the last payment of interest to the time of such tender."

Bill read second time, ordered to reprint, and re-referred to Committee on Building and Loan Associations.

Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1011—An act allowing the county and State to confiscate property of a criminal when convicted of a serious crime.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 1011 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "allowing the county and State to confiscate property of", and insert in lieu thereof the following: "to amend section 672 of the Penal Code, relating to the imposition of a fine in addition to imprisonment, including the imposing of a fine upon".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 672 of the Penal Code is hereby amended to read as follows: 672. Upon a conviction for any crime punishable by imprisonment in any and or prison, in relation to which no fine is herein prescribed, the court may, in addition to the imprisonment prescribed, impose a fine on the offender not exceeding -

- (a) Two hundred dollars if the offense is a misdemeanor, or
- (b) Three times the amount of the damage to person or property or person and property found by the court to have been directly injured by the commission of the offense, if the offense is a felony".

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 371—An act to amend sections 226 and 227 and to repeal section 227a of the Civil Code, relating to adoption.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 371 were read and adopted:

Amendment No. 1.

On page 1, line 13, of the printed bill, after the comma, insert the following: "and where the consent of a parent is required."

Amendment No. 2.

On page 1, line 16, of the printed bill, strike out "if any consent", and insert in lieu thereof the following: "where consent of a parent".

Amendment No. 3.

On page 2 of the printed bill, between lines 9 and 10, insert the following: "In all cases in which consent of a parent is not necessary and no society licensed to place children for adoption is a party to the petition, the Department of Social

Welfare must, prior to the hearing of the petition, file its consent to the adoption with the clerk of the superior court of the county in which the petition is filed. Such consent shall not be given by the Department of Social Welfare unless the child's welfare will be promoted by the adoption."

Amendment No. 4.

On page 3, line 29, of the printed bill, after the comma, insert the following: "of the parent, and the consent of the Department of Social Welfare, when required."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 563—An act to amend sections 691, 694, 695, 696, 697, and 865 of the Fish and Game Code and to add section 697.5 thereto, and to repeal section 691.6 thereof, relating to fishing.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 658—An act to amend sections 45 and 47 of the California Irrigation District Act and to repeal section 46 of said act, all relating to certificates of sale and redemption therefrom, and the issuance of deeds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1743—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: Section 2840, relating to disposal of tax-deeded and tax-delinquent lands; section 65, relating to proceedings in bankruptcy; section 66, relating to contracts with the United States or any agency thereof under an act approved May 5, 1917, as amended, and validating such contracts; section 67, validating bonds of the district; and section 68, validating rehabilitation plans; and declaring the legislative intent as to unconstitutionality.

Bill read second time, and ordered on file for third reading.

Special Order.

Senator Knowland moved that Assembly Bill No. 563 be made a special order for Monday, April 8, 1935, at two o'clock and thirty minutes p.m.

Motion carried and such was the order.

Motion to Expunge Record.

Upon motion of Senator Swing, a point of order raised by Senator McGovern at the morning session of this legislative day, and a decision upon that point of order, followed by a motion made by Senator Swing, were ordered expunged from the record.

Third Reading of Senate Bills.

Senate Bill No. 814—An act to amend section 5.190 of the School Code, relating to health and development certificates.

Amendment from the Floor.

During third reading of Senate Bill No. 814, the following amendment, offered by Senator Scollan, was read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after the word "certificates", preceding the word "holding", add the words "to persons".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 821—An act to amend section 605 of the Probate Code, relating to appointment of appraisers.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 821 passed by the following vote:

AYES—Senators Biggar, Denel, Edwards, Gordon, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Schottky, Seollan, Snyder, and Young—22

NOES—None.

Title read and approved.

Senate Bill No. 821 ordered transmitted to the Assembly

Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural and horticultural products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 21. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The economic conditions of agricultural producers throughout the State are such as to require immediate relief if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of agricultural products and the coordination of State control of production and marketing with Federal control, each of which supplements the other and makes the same effective.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger,

Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 353 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 353 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Bill No. 1634—An act to repeal sections 378, 378a, 378b, 378c, 378d, 378e, 378f, 378g of the Political Code, relating to the Bureau of Commerce.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1634 passed by the following vote:

AYES—Senators Biggar, Deuel, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1634 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Re-reference of Assembly Bill No. 1989.

Senator Knowland moved that Assembly Bill No. 1989 be referred to Committee on Finance.

Motion carried, and such was the order.

Assembly Bill No. 1700—An act to amend sections 656 and 663 of the Political Code, relating to the Divisions of Service and Supply of the Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1700 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Swing, Tickle, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1700 ordered transmitted to the Assembly.

Assembly Bill No. 913—An act to amend section 662 of the Political Code, relating to the payment of fees to private persons, firms and corporations, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause.

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and will therefore take effect immediately. The facts constituting the necessity are that large sums of money owing the State of California in taxes is not being collected on account of tax evasions and unchecked shipments of taxable merchandise and that unless immediate investigation and action is undertaken, the State will lose large sums of money due it for taxes. The danger mentioned will be avoided if act goes into immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Parkman, Pierovich, Powers, Reindollar, Rich, Schattky, Seallan, Seawell, Slater, Stow, Swing, Tickle, Williams, and Young—31.

NOES—Senator Olson—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 913 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Slater, Stow, Swing, Tickle, Williams, and Young—29.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 913 ordered transmitted to the Assembly.

Assembly Bill No. 1786—An act to amend section 2 of an act entitled, "An act providing for the establishment and administration of industrial farms or industrial road camps in the counties of the State and the commitment thereto and discipline of persons charged with or convicted of public offenses," approved June 3, 1921, relating to the charge for maintaining persons on industrial farms and industrial road camps.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1786 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schattky, Seallan, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1786 ordered transmitted to the Assembly.

Assembly Bill No. 185—An act to amend section 4300e of the Political Code, relating to recording fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 185 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness,

Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 185 ordered transmitted to the Assembly.

Assembly Bill No. 695—An act to amend section 784 of the Probate Code, relating to confirmation of sales of real property by executors and administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 695 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Stow, Swing, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 695 ordered transmitted to the Assembly.

Assembly Bill No. 334—An act to amend sections 1068, 1085, 1103, 1108, 1162, 1269a, 1272a, 1274a, 1280, 1822a and 1822bb of the Code of Civil Procedure, relating to special proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 334 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 334 ordered transmitted to the Assembly.

Assembly Bill No. 335—An act to amend sections 105, 112 and 165 of the Code of Civil Procedure, relating to courts of justice.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 335 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 335 ordered transmitted to the Assembly.

Assembly Bill No. 482—An act to amend section 810.5 of the Agricultural Code, relating to asparagus.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 482 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Reinollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 482 ordered transmitted to the Assembly.

Assembly Bill No. 92—An act to amend section 814 of the Agricultural Code, relating to lettuce.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 92 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reinollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—35.

NOES—None.

Title read and approved.

Assembly Bill No. 92 ordered transmitted to the Assembly.

Assembly Bill No. 578—An act relating to revenue and taxation, providing for an excise tax on the sale of all oleomargarine containing any fat or oil ingredient other than any one or more of the following: oleo oil, oleo stock, oleo stearine from cattle, neutral lard from hogs, sheep fat, cottonseed oil, peanut oil, corn oil, soya bean oil or milk fat; providing a penalty for a violation of the provisions thereof.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 578, the following amendment, offered by Senator Olson, was read, and refused adoption.

Amendment No. 1.

On page 2, line 1, of the printed bill, strike out the words "other than in", and strike out all of lines 2, 3 and 4, of page 2 of the printed bill, and insert in lieu thereof the following words: "not produced in the United States".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 578 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reinollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—Senator Knowland—1.

Title read and approved.

Assembly Bill No. 578 ordered transmitted to the Assembly.

Recess.

At three o'clock and fifty minutes p.m., the President of the Senate declared recess for five minutes to hear a selection from the Whittier College Glee Club.

Reconvened.

At three o'clock and fifty-five minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 425—An act to amend "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, by amending sections 5 relating to the division of election precincts, 10 relating to the publication of ordinances, 12 relating to the issuance of revenue bonds and the investment of surplus moneys, 15b relating to the bonds of the district and their use as security, and adding a new section thereto to be numbered 15c, relating to the issuance of refunding bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 425 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 425 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 319—An act to amend section 1026 of the Penal Code, relating to procedure in a criminal case upon a plea of not guilty by reason of insanity.

Amendments from the Floor.

During third reading of Senate Bill No. 319, the following amendments, offered by Senator Slater, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "in a criminal case", and strike out lines 3 to 5, inclusive, and in line 6, strike out "mitted to State hospitals as", and insert in lieu thereof the following: "in the trial and release of the".

Amendment No. 2.

On page 2, lines 47 and 48, of the printed bill, as amended, strike out the semicolon and "if", and insert in lieu thereof a period and the following: "If".

Amendment No. 3.

On page 3, line 29, of the printed bill, as amended, strike out the semicolon and "if", and insert in lieu thereof a period and the following: "If".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 734—An act to validate the organization and incorporation of municipal corporations—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 440—An act to amend section 18a of the "Street Opening Act of 1903," relating to assessments and contribution of costs by municipalities—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 242—An act to add a new section to be numbered section 28a to an act entitled "An act to provide for work on and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, relating to assessments and bonds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1064—An act authorizing municipalities to afford special assessment relief by the appropriation of money for the reduction of special assessments and the payments on bonds issued to represent such assessments, and by the payment of any portion of the principal or interest of, or by the purchase or redemption at a discount of, or by the transfer to the interest and sinking fund for the discharge and payment of bonds, the proceeds of which have been used for the acquisition of rights of way or easements for, or for the construction, maintenance, improvement or repair of streets, bridges and culverts within such cities, and providing a method for the making of such appropriations—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1533—An act to amend section 871 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the assessment, levy and collection of taxes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 299—An act to amend sections 4, 9, 10 and 14 of the act entitled "An act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition and construction by said districts of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, relating to municipal water districts and the officers thereof and further defining the powers and duties of each thereof—has had the same under

consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 771—An act authorizing counties to contract with cities and towns, to assume and carry on certain municipal functions thereof, providing for transfers of employees and adjustment of pensions, and authorizing cities to transfer such functions to counties and to enter into contracts in relation thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 956—An act to amend an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, by amending sections 5 and 15 thereof, relating to special assessment bonds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 521—An act to provide a method for improving public streets, avenues, lanes, alleys, courts and places within municipalities of the sixth class, and for levying and collecting assessments upon property to pay for such improvements, and declaring the urgency hereof, to take effect immediately, and repealing an act approved May 25, 1933, relating to the same subject, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 634—An act to add section 24 to the District Investigation Act of 1933 relating to emergencies;

Also: Senate Bill No. 156—An act to amend section 4041f of the Political Code of the State of California, relating to leasing and subleasing of veterans' buildings;

Also: Senate Bill No. 507—An act to amend section 5 of, to add sections 1a and 1c to, and to amend and renumber section 1 to be section 1c of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended;

Also: Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923; and adding a new section thereto to be numbered 3, providing a penalty for violation of any of the provisions of said act, relating to public officers and employees subject to the provisions hereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 143—An act to amend section 737aa of the Political Code, relating to salaries of judges—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1682—An act relating to the investment of funds in the State treasury:

Also: Assembly Bill No. 1862—An act to add two new sections to the Political Code to be numbered 359c and 359d, to provide for vacations of officers and employees of the State of California, with pay, and empowering the State Personnel Board to promulgate rules and regulations governing the same, in so far as applicable to such members of the civil service, and to repeal a certain act therein specified;

Also: Assembly Bill No. 1863—An act to add a new section to the Political Code to be numbered 359e, to provide for leave of absence with pay to officers and employees of the State of California, when ill, and to empower the State Personnel Board to promulgate rules and regulations governing the same in so far as applicable to members of the civil service, and to empower appointing powers of such officers and employees to promulgate rules and regulations governing the same, in so far as applicable to officers and employees not members of the civil service.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1739—An act to add section 670a to the Political Code, relating to the refund of penalties—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 561—An act to amend sections 3 and 5 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to the allocation and expenditure of State highway funds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—10; absent—7.

EDWARDS, Chairman.

On Mines and Mining.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Senate Bill No. 878—An act to regulate grubstake contracts and prospecting agreements and to provide for the recording of the same—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

PIEROVICH, Chairman.

Also:

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Senate Bill No. 152—An act to amend "An act to require security for the payment of wages of persons engaged in the mining industry," approved April 25, 1933, by amending section 1 thereof relating to security for the payment of wages—has had the

same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

Also:

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Senate Bill No. 84—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties, providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1890, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

PIEROVICH, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 276—An act authorizing cities, cities and counties, and boards or departments thereof, in issuing revenue bonds or other evidences of indebtedness payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures thereto by persons, for making the same payable at places outside the State of California, and for the registration thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—9, noes—1; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 486—An act requiring the treasurer of each municipality, county, and city and county to maintain a record of the names and addresses of holders of an various special assessment district bonds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 616—An act to amend section 669 of the Penal Code, relating to terms of imprisonment, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; noes—1; absent—1.

REINDOLLAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 616—An act to add section 1203a to the Penal Code, relating to filing of reports by probation officers with the State Board of Prison Directors—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

REINDOLLAR, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 3, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 589—An act to add section 2540a to Civil Code, relating to contract of minors for life, health and accident insurance and annuity contracts;

Also: Assembly Bill No. 1235—An act to add to the Probate Code a new section, to be numbered 1068, relating to the discharge of executors and administrators and the termination of probate proceedings;

Also: Assembly Bill No. 656—An act to validate bonds including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—10, absent—4.

SWING, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 682—An act to add a new section to be numbered 1582, to the Streets and Highways Code, relating to county highway funds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—10, absent—7.

EDWARDS, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 557—An act to add a new section to the Civil Code to be numbered 2770, relating to life, health and accident insurance policies;

Also: Assembly Bill No. 558—An act to amend section 2766 of the Civil Code, relating to life and disability insurance;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 472—An act to add sections 9.4 and 9.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to liability;

Also: Senate Bill No. 908—An act to amend sections 283, 1072, 10200, and 10271 of the Insurance Code, relating to insurance principles, practice and matters incidental thereto;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 895—An act to add Chapter 10a, comprising sections 11400 to 11407, to Part 2 of Division 2 of the Insurance Code, relating to life, disability, and life and disability insurance by, and the organization of, firemen's, policemen's or peace officers' benefit and relief associations—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Adjournment.

On motion of Senator Olson, at four o'clock p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Friday, April 5, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, April 5, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—34.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Thursday, April 4, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Rich, granted leave of absence for this day.

Senator Schottky was, on motion of Senator Mixter, granted leave of absence for this day.

Senator Swing was, on motion of Senator Rich, granted leave of absence for this day.

Senator Duval was, on motion of Senator Edwards, granted leave of absence for this day.

Senator McGovern was, on motion of Senator Rich, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Hays, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. M. B. Harris of Fresno.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Della F. Bishop of Orange.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Annetta B. Morrison of Lodi and the following members of her citizenship class: John Schlotthauer, Samuel Herchkorn, Martin Blehm, Fred Neuhardt, John Heon, John Koenig, Mrs. John Koenig, Mrs. Sophia Schauer, Mrs. Marth Dickoff, Steve Warnygora, Mrs. Olga Warnygora, Joseph Martin, Mrs. Mollie Hemitz, Julius Reinert, Mrs. Emelia Meidinger, Henry Batch, Fred Geist, Henry Allenberger, Daniel Ruhl, William Schaffer, Edith Brown, Mrs. Mary Blackstone, Mrs. Dora Cooper, and Mitsunobu Nakata.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ruth F. Dechesen, principal, and the following pupils of the Victor School, San Joaquin County: Leona Bechthold, Marjorie Billigmeier, Emma Geoh-

ring, Clara Jack, June Marrs, Florence Marden, Lena Weidrich, Billie Bechthold, Otto Flaig, George Furuoka, Reuben Goehring, Benjamin Motz, Neil Preszler and Edward Schaefer, eighth grade pupils; and Dorothy Fairchild, Marjorie Frey, Esther Geigle, Shizuyo Sasaki, Virginia Schmiedt, Irene Weigum, Pearl Wilburn, Lexi Goehring, Gerald Morden and Frank Pape, seventh grade pupils; and Mr. A. Bechthold, Mr. and Mrs. W. Bechthold, Mr. and Mrs. W. Preszler, Mr. P. J. Goehring and Mr. David Weigum.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than fifteen gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to boats unequipped with propelling machinery:

Also: Senate Bill No. 174—An act to amend section 730 of the Fish and Game Code, relating to fish:

Also: Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees:

Also: Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses:

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 9a of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 329—An act to amend section 11 of and to add a new section to be numbered section 12 to an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874, relating to the compensation and powers of officers of said district:

Also: Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; creating the office of Truck Commissioner; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act:

Also: Senate Bill No. 593—An act to amend sections 3897 and 3898 of the Political Code, and to repeal section 3774 of the Political Code, relating to lands sold for delinquent taxes:

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing, to which was referred Senate Concurrent Resolution No. 12—Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

METZGER, Chairman.

Reports of Special Committee.

Majority and Minority Reports.

The following reports of special committee were received, read, and ordered printed in the Journal:

Report of Special Committee Heretofore Appointed to Investigate Lobbying.

To the Honorable George J. Hatfield, President of the Senate, and to the Senate of the State of California.

Pursuant to the authority conferred by Senate resolution adopted March 26, 1935, directing the investigation of certain charges made against Nathan J. Elliott on the twenty-fifth day of March, 1935, before the Senate Committee on Motor Vehicles, which charges involved alleged unethical conduct of said Elliott in regard to legislation now pending before this Senate and with respect to certain influence which it was charged said Elliott claimed to have and could exert over certain members of the Assembly, your committee met in open session in the Senate Judiciary Room on March 27th, 28th and 29th of the year 1935 for the purpose of hearing testimony and taking evidence concerning such charges in the matters involved therein. Such investigation was limited and restricted to the specific charges hereinbefore referred to and did not extend to nor involve the merits of the bill being discussed at the time such charges were made. At the place and times above stated all available material witnesses were called and examined, the witnesses testifying, and the substance of their testimony is as follows:

By BENJAMIN FRANK MORRIS: I reside at Oakland, am in the draying business, am interested in all motor truck legislation pending at the present time and am interested in having the trucking industry regulated. I participated in the formation of an organization known as The Truck Owners Association of California and am its president. It is a voluntary association. Prior to the convening of the present Legislature, a number of conferences were held by others interested in trucking and freight hauling for the purpose of drafting a bill regulating the truck industry. Such bill was to be presented to this session of the Legislature. I met Mr. Elliott during conferences concerning such matters. Mr. Elliott participated in the drafting of the bill now pending in the Senate. On the fifth day of January, 1935, at the Jonathan Club, Los Angeles, when a number of others, including Mr. Elliott, were present, at which time and place the question of truck legislation and the manner of handling and presenting same to the Legislature was discussed. Previous to this time there had been a dispute as to whether the trucking industry should be put under the Railroad Commission or under the Motor Vehicle Department. Mr. Elliott favored the latter. The rest of us favored the Railroad Commission. At the Jonathan Club meeting some one in the room told Mr. Elliott that we had mapped out a plan whereby the two associations (the northern group and the southern group) had agreed that Mr. Dave Shearer would represent the southern group and that I would represent the northern group at the session of the Legislature. Mr. Elliott would not agree with that. He said he was going to Sacramento to represent the truck industry or there would be no representation. Mr. Elliott talked considerably and I don't remember all he said. I remember that he did say, "I hold in the palm of my hand the southern delegation in the Assembly, and I can pass any bill or kill any bill," or words to that effect. At such time he estimated that, to put through the truck legislation that we favored, approximately \$33,000 would be required. He said he had certain obligations that had to be met, that he was having certain men come up here—that he was going to have from 10 to 12 men at Sacramento to do the job and they would have to be paid. And there were certain railroad fares to be paid to get them here and their expenses would run pretty heavy, and he would need that much money to carry on the fight. * * *

Q. But did he say in substance or in words to that effect, that he intended to give to any legislator any money or anything of value?

A. I didn't hear him say that.

No money was given to Mr. Elliott, either directly or indirectly. My organization raised \$3,900, of which we have now used \$2,900 in connection with such legislation. I don't contact any members of the Legislature. Dave Shearer does all the contacting. He represents the southern group. At the Jonathan Club meeting, when Mr. Elliott was discussing the truck legislation, he said it would require \$33,000 to do the job. We were in favor of the legislation—what is known as Senate Bill No. 329 or the State Chamber of Commerce Bill—then it was only in a fifth or sixth draft, you see. We were out for that legislation and that is what we were trying to support, and he said he could kill or pass this legislation and that he needed this money to do the job, and he said he was going to have 10 or 12 men here on the job to do it.

Q. You understood then the job was either the passing or defeating of this legislation now embodied in Senator Hays' bill?

A. That is right, Senator.

Q. And that money, you stated, so far as anything was said there, was to be used in the employment of 10 or 12 assistants?

A. Well, I don't know what they would be called—he said 10 or 12 men.

W. P. DWYER testified in substance as follows: I am President of the River Lines and am interested in the truck legislation because it will increase the freight rate. My company has not contributed any money either for or against any truck legislation. I was one of the committee to help draft the law now pending before the Legislature. Mr. Elliott also participated. When we were discussing the bill he stated that the organization which he represented had 4700 truck-owning members and that he could use his organization to either pass or kill any legislation; that to pass the pending bill would require about \$33,000. That he would have to hold meetings of his association—public meetings—that he had a number of very able speakers besides himself who would address these public meetings and take care of the situation and in order to do so he proposed to publish in his paper two bills—one the law of this committee, and the other a bill that he was going to introduce which had one of the things in the bill of the committee except that he changed the power from regulation by the Railroad Commission to a Trucking Commission, which was to be a subsidiary of the Motor Vehicle Department; that he had to go pretty strong to convince his people on account of the propaganda he had spread for so long and so forcibly. * * * He explained it was necessary to have men in Sacramento to take care of the matter at Sacramento—that he would need 10 men at \$550 a month, including expenses for five months. I called his attention. I forgot to say, Mr. Elliott said he wanted the money for himself. I called his attention to the fact that \$550 a month for 10 men was \$5,500 a month, and for five months it was only \$27,500 and I asked where did the other money come in. Well, he said he forgot about two key men in addition to the others which would take up the slack.

Q. Was anything said by Mr. Elliott to the effect that if this \$33,000 was not paid that he would not take a part in this legislative work?

A. He said if the \$33,000 was not paid he would not go with the bill, and it would not carry, because he had financed it and enlisted a sufficient number of Assemblymen to practically control the Assembly.

Q. Did he say anything else with respect to the paying of any money or giving of any reward or gratuity of any kind and description other than you have already told us?

A. No.

HARVEY SANBORN testified in substance as follows: I reside at Berkeley. I am an attorney by profession. Some time ago I went to Mr. Elliott's room in the Senator Hotel for the purpose of discussing truck legislation. Some other people (naming them) were with me. Nothing was said in my presence by Mr. Elliott about money. We did discuss the pending legislation. Mr. Elliott favored a Truck Commission and I favored the Railroad Commission to administer the bill. That was about the extent of the discussion.

C. G. ANTHONY testified in substance as follows: I live at Glendale and am an officer and director of the Pacific Truck Line and am engaged in the trucking business. I was present on the third day of January, 1935, at Room 1 on the fourth floor of the Athletic Club in Los Angeles with certain other gentlemen (naming them) including Nathan Elliott. At such time Mr. Elliott addressed the meeting concerning Senate Bill No. 329 and outlined a plan for passing the bill. He said that he had a very powerful lobby this year at Sacramento and he was set up in such a way that he could be of great assistance in passing this proposed legislation, that he had a very strong unified bunch of legislators from the south who were pretty much committed to him because of the fact that he had paid their railroad fares. He said just the day before he had paid some \$600 or \$800 in railroad fares for the legislators from the south to Sacramento and he was arranging to take rooms up here and have gaming tables, or poker tables—running poker games, etc., and he said he had unity with him and that he could assist us materially in this legislation, but that it would take money to do it. At this particular meeting no sum of money was mentioned. He put in the time simply explaining to the men present the potential possibilities of his political set-up and conditions at Sacramento this year.

Q. What other details did he give concerning his potential political power at Sacramento?

A. He mentioned the fact that he had twenty-eight of the Assembly with him particularly the Epic group of the south, and that he had succeeded in financing their campaign—supplied them with funds—purchased transportation for them to Sacramento, and because of his activity in their behalf he could count on their help and he said he practically held them in the palm of his hand and they would do just as he wanted them to do.

I was also present at the Jonathan Club on the fifth day of January, 1934. At that meeting practically all of the large interests of the State in the truck industry were present, some 25 or 26 associations being represented; the only one on the outside being Mr. Elliott. At that time Mr. Meyers informed

Mr. Elliott that it was decided Mr. Ben Morris and Dave Shearer were to represent the north and south at Sacramento and he wanted to know if that would be satisfactory to Mr. Elliott, and Mr. Elliott said, "No, it would not be satisfactory." He said that he was going to represent the truck men here this year and he reiterated the same conversation as at the Athletic Club, explaining the political set-up and his strength and about holding the southern delegates in the palm of his hand and around that strength that we should rally and to let him be the spokesman, but he said it would take considerable money; that the sum required would be \$33,000, and he figured it on the basis of the fact that he was obligated to the extent of \$5,500 a month for six months here in Sacramento—that he was actually obligated for that amount and that money had to be raised. No money was ever given Mr. Elliott.

SHERMAN K. BURKE testified in substance as follows:

I live at San Francisco. I am assistant general freight agent of the Southern Pacific Railway Company.

Q. Now, I will ask you if, in the month of January, 1935, you had any conversation with Mr. Nathan Elliott of Los Angeles in which the sum of \$33,000 or any such sum was mentioned.

A. I did.

Mr. Elliott said unless there was forthcoming to him the sum of \$33,000 that he was in a position to and would kill the proposed truck regulatory bill in the drafting of which he had participated.

Q. Did he say from whom he wanted that \$33,000?

A. He said it was a matter of indifference to him from whom he got the money, but, inasmuch as the carriers were prominently interested in the passage of that bill, he had come to them for the purpose of raising the money.

Q. What did he mean by "the carriers"?

A. All the transportation companies that had representatives on the committee that drafted the bill.

Q. Did that include the people that you represented?

A. It included me as representative of all steam railroads in California. * * *

Q. During that conversation, did Mr. Elliott state how that \$33,000 was to be expended?

A. He did.

Q. State to the members of the committee what he said with respect to that.

A. The \$33,000 was to be expended for the purpose of paying the salaries and expenses of 12 men at Sacramento at a rate of \$550 a month for a period of five months. Twelve times \$550 is \$6,600 a month and for five months it is \$33,000. That is the detail of the amount of money Mr. Elliott said was needed as his price to support the bill. * * *

Q. Was anything said with respect to his alleged influence with the Assembly or legislators?

A. Mr. Elliott made the statement in general, without specifically mentioning any member of the Legislature, that he was in position by virtue of the influence he had had with people he had supported through the medium of the Independent Truck Owners Association to have a substantial amount of influence in the Assembly of the Legislature.

On January 5th at the Jonathan Club Mr. Elliott said that he would have to maintain some 10 or 12 men at Sacramento, and there was going to be expense and he would have to have a considerable amount of money to do it, and I just don't recall who did the questioning—I did part of it and some of the others questioned him also and he arrived at this figure at that time. He said he would have to have at least 10 men at Sacramento and a salary of \$550 a month, and that it would have to be over a six months period of time or a total amount of money of \$33,000.

AL MEYERS testified in substance as follows: I am the owner of the Western Transportation Company which is engaged in the trucking business for hire. I operate in Los Angeles. I was present at a meeting of persons interested in truck legislation prior to the meeting at the Athletic Club on January 3, 1935, at which time Mr. Elliott stated that he would like to get together with the operators—the way he put it was that he would like to get together with the fellows and see if something couldn't be done towards raising the money—that it would take lots of money to put the bill over; that he thought it was a good bill and he was willing to go for it if the matter of the money could be taken care of. At a meeting at the Athletic Club on January 3d Mr. Elliott stated that he had considerable strength in Sacramento; that he had some 27 or 28 legislators that he controlled.

Q. Did he designate which house?

A. I was going to qualify that—it was in response to my question as a matter of fact, and I asked him who were the legislators and he said they are all in the Assembly and I said "You have no support in the Senate whatsoever?" and he said "No, not a single man" and then he went on and we

asked him what he had to say and what his program was and he said he had 10 or 12 men that he was going to have to maintain at Sacramento and he said he had already gone to the expense of paying the railroad fare of many of the members of the Assembly—principally the Pipe group—and that he had already spent about \$600 or \$800—and some had already gone to Sacramento and others were going to leave that day and some the following day and some were taking their wives and families with them—that he was arranging to take care of any and all of them that wanted him to do so. He then went on about the matter of this money and suggested an assessment of \$2 a truck for six months and the other eighteen months of \$1 a truck and I called his attention to the fact that in the case of one of the large operators there, with the number of trucks that he had, it would mean an assessment to him of some \$10,000 or \$12,000 and I said, "Do you realize what this is?" and he said "What is \$10,000 or \$12,000 to a man like that who has that many trucks—he can afford to pay it"—so we really got nowhere at that meeting and it was suggested that the matter would be given consideration. I was present at the Jonathan Club on January 30, others (naming them) were also present. There were about 14 or 15. I believe this meeting was called at Mr. Elliott's suggestion. He discussed forming a state-wide association. He favored a Truck Commission rather than the Railroad Commission to handle truck legislation. After discussing the proposed bill he said he had no objection to the Railroad Commissioner's administering the rate provisions, but he felt there should also be a provision for a truck commission.

Q. What was said about money?

A. Well, again he repeated the statement he made at the Athletic Club, that he would have to maintain some 10 or 12 men at Sacramento, and there was going to be expense and he would have to have a considerable amount of money to do it, and I just don't recall who did the questioning. I had part of it and some of the others questioned him also and he arrived at this figure at that time. He said he would have to have at least 10 men at Sacramento and a salary of \$550 a month, and that it would have to be over a six months period of time or a total amount of money of \$33,000. At the meeting on January 5th he stated in substance that he controlled the Southern delegation in the Assembly; that he had no strength and didn't control a single man in the Senate. There were several other statements in one of which he said that the new state-wide association could be formed making him the head at a salary of \$12,000 the first year, and increasing that amount \$2,000 for each year over a period of a five-year contract, that he would then be in a position so that he could go for the bill.

NATHAN J. ELLIOTT was called to give his explanation of the statements hereinbefore referred to and he testified in substance as follows: My name is Nathan J. Elliott. I reside on Glendale Avenue, Los Angeles. I am executive vice president and general manager of the Independent Truck Owners Association, which is a nonprofit corporation with 27 directors. It was organized for the purpose of advancing the interests of its members. There are between 4000 and 5000 members. Approximately 2000 of them have paid their dues for this year. I was a member of the committee which prepared certain truck legislation. There were quite a number of drafts made. I always opposed the plan of putting the trucks under the Railroad Commission. I was for a commission under the Department of Motor Vehicles and advocated a division of the Department of Motor Vehicles to have jurisdiction over the regulation of trucks. At the first of these meetings where all the truck and freight-carrying interests were represented, I asked them to support a legislative measure that would provide for a Department of Motor Vehicle Control for higher trucking rates; that is the thing upon which my conversation with them is based. There was most definitely no conversation at that meeting about the alleged \$33,000; there was nothing said at that meeting about money. Mr. Morris and others at the meeting asked me if it would be satisfactory if the three groups represented there, namely our group, the Independent Truck Owners Association, and Mr. Morris' group, and the Certificated Highway Carriers, Inc., they asked me "Would it be satisfactory to have Mr. Shearer represent the three groups here at Sacramento?" They said that Mr. Morris and Mr. Shearer and myself would sit down and go over matters and then give Mr. Shearer his instructions and have him represent us, all of us, at Sacramento. Then I stated that Dave Shearer was not satisfactory to the truck men in this State. We did not want him representing our interests at Sacramento because he was known to be a representative of the Certificated Carriers, operating under the jurisdiction of the Railroad Commission, tied closely to the railroads and who do not have a real community interest with the balance of the industry.

Q. What did you say to express yourself?

A. I expressed myself in that way—objecting to Dave Shearer's representing us here at Sacramento.

Q. What did they say in reference to that?

A. Well, they simply said, "All right, we will send Dave Shearer anyhow, and have Mr. Morris there too." I advised them that we would be here too.

Q. For what purpose?

A. For the purpose of fostering the legislation we thought best for the people we represent.

Q. Did you say anything about whether you would oppose the bill that they were proposing?

A. I think I advised them that we would oppose Railroad Commission control over trucks.

Q. During any time of that conversation was any statement made by you as to the influence that you had over, or might have over any member of the Legislature?

A. We discussed the members of the Legislature and the discussion to a great extent was based upon the November 25th issue of our official newspaper.

SENATOR RICH: This paper just identified will be introduced in evidence and marked Exhibit 1.

A. On page 4 and 5 you will find a number of letters that were written to us, I mean the Independent Truck Owners Association. A number of letters addressed to our association from Assemblymen and some other officials that had just been elected to office. There was a great deal of discussion at this meeting and other places about this group of letters; I think there are something like 28 letters here. A number of them are from Epic candidates and I think that much of the talk about our control over Epic candidates and naming the entire southern delegation is the result of this issue of the newspaper where we have these letters from the Assemblymen.

Q. Tell us what was said with reference to the gentlemen referred to, the members of the Assembly, at that meeting.

A. Well, I made the statement that if we were all together in regard to a regulatory measure that we could go to Sacramento, and with the proper presentation of that proposed measure of the Legislature that the likelihood of obtaining the passage of that bill would be very good; if we went up there and engaged in controversy before the Legislature that the likelihood of getting a satisfactory regulatory bill passed would not be very good. I have made the statement, not only at that meeting but at many meetings, that if there are bills introduced in the Legislature that are unfair and discriminatory against truckmen, that with the proper presentation of the facts to the various members of the Legislature we would be able to no doubt defeat an adverse bill.

Q. At that meeting was anything said as to the method or means by which you would accomplish the results desired?

A. No, nothing was said as to how results would be accomplished except, other than a proper presentation. Of course certain things were talked about in a very general manner.

Q. I believe you said already that no question of finance or money was discussed at that meeting?

A. No, there was not. I said as to the \$33,000 talked about, that was not mentioned. I never discussed money at that meeting at all. They may have said something about money, but I don't recall now that I said anything about money and at that whole meeting nothing was said about this muchly talked about \$33,000.

Q. The question of money and influence with legislators was discussed; was that at the first meeting, prior to the Athletic Club meeting?

A. Of course, but there has always been the subject of money discussed in these various meetings.

Q. When was the \$33,000 first mentioned?

A. Let me think (hesitating) yes there was a \$33,000 sum mentioned. That amount never came up in a meeting where there were a number of people. It was discussed with Mr. Dwyer and it was discussed with Mr. Anthony. It was discussed with Mr. Burke and it was discussed at different times with these men. The dates I do not remember, but here is substantially the conversation that I had with people where that amount was discussed. As I have already stated we are in favor of the Department of Motor Vehicles having regulation over rates,—

SENATOR RICH: (Interposing) You are rambling around; what we want to know is about the \$33,000.

A. (Continuing) And the people with whom we were talking were in favor of Railroad Commission control. Now this all has a bearing on the \$33,000, so I am not rambling around; it has a direct bearing on this.

SENATOR RICH: Well, make it short, and as quick as you can.

A. In our discussion they, of course, wanted our association to go along on Railroad Commission control. What we wanted was to get it under the control of Department of Motor Vehicles. I said that the truckmen would never consent to Railroad Commission control and that they wanted Department of Motor Vehicle control. They said "We have a good bill"—This was after the State Chamber of Commerce Bill was drawn up, "and

if this Railroad Commission bill is presented to the truckmen of the State properly explained to them, and if they are educated as to the provisions of that bill and informed as to the provisions of the I. T. O. Truck Commission Bill, it was the contention of the proponents of the State Chamber of Commerce bill that the majority of the truckmen would vote for Railroad Commission control over trucks.

Q. Having made that statement, may I ask this Mr. Elliott. Prior to the time that you had figured out and stated or used the figure \$33,000 in this discussion, had anything been said to you, or any inquiry made as to how much money it would take to carry on this education you refer to? Was there anything said by anybody that caused you to arrive at the figure of \$33,000? Was anything said by anybody?

A. I made the statement that if a campaign was conducted whereby they were informed and advised as to the two bills and a vote taken, that they would have to stand the expense of it, we did not have the money with which to conduct a campaign of that magnitude. And they said, "How much will it cost?"

Q. Who said?

A. These people.

Q. Who?

A. Mr. Dwyer and Mr. Anthony.

Q. Both present at the same time?

A. No. Understand there were numerous conversations on this thing. They wanted to know definitely what a campaign like that would cost. I said that if this thing was going to be done we were going to find out how the truckmen stood on this issue. I said that we would have to hold 150 or 200 meetings, send them a copy of each bill, circulate them thoroughly, then take a vote. That will take several months to do and would cost six, seven, or eight thousand dollars a month. That is what it would cost to conduct a campaign of that character. Then the figure was estimated that it would cost about \$33,000.

Q. What did you tell them that you would do with the money?

A. That it would be spent entirely for the one purpose of conducting an informative and educational campaign on the two bills and for the taking of a vote, and that I would not handle the money nor would any official or officer of our association handle the money.

Q. Will you please identify the meeting at which you first brought up the subject of money,—that is the \$33,000?

A. That was not brought up at either the Jonathan Club or the Athletic Club.

Q. Where was it brought up?

A. In individual interviews.

Q. With Mr. Anthony and Mr. Dwyer?

A. Yes and also discussed with Mr. Burke.

Q. Did you at any of these meetings at the Jonathan Club or Athletic Club, or in talking with Mr. Anthony or Mr. Dwyer, state to them in words or substance, that you controlled any member or members of the Assembly, or held any of them in the palm of your hand,—or words to that effect?

A. I very definitely never made a statement that I controlled one, or 5, or 20, or 50, legislators; I have never made the statement that was charged that I held in the palm of my hand the entire southern delegation. I did not make that statement.

Q. What was said about your entertaining members of the Legislature?

A. I never discussed any plans because we had no plans for entertaining legislators.

Q. Then you did not discuss it?

A. Yes.

Q. What was said if anything, about maintaining any gambling rooms to which members of the Legislature would be invited to play?

A. I very definitely deny the charge that we were contemplating conducting a gambling room and games in Sacramento. There may have been conversation about poker games, but there certainly was never anything said by me that would implicate or imply that we had any intentions of improperly conducting any sort of a gambling game or in improperly trying to influence a legislator, either in a poker game or any other way.

Q. The statement has been made that during one of these conversations you stated that you had paid the railroad fare of some member of the Legislature, either going to or from the Legislature. Now, have you ever directly or indirectly either paid or contributed to the paying of any railroad fare or expense of any member of the Legislature in going to or from the legislative session or any expense of any member of the Legislature while attending a session of the Legislature?

A. I very definitely have not contributed any money to any member of the Legislature, directly or indirectly, for railroad fares or current expenses or anything else. * * *

Mr. Dwyer asked what I would estimate it to cost to conduct an educational and informative campaign and to take a vote of the industry.

Q. Do you mean all of the membership.

A. A vote of the entire industry. All of the truck owners in the State of California.

Q. How many votes would be taken?

A. Between seven and eight thousand * * *

Well, he asked how much would it cost to take an actual poll of this industry. I outlined what I felt would have to be done in order to properly educate them and inform them.

Q. What did you say?

A. I said to properly inform the truck men as to the provisions of both bills, first of all the State Chamber of Commerce Bill should be published in our I. T. O. newspaper, and to publish the I. T. O. proposed Truck Commission Bill. That would be the first thing to do in informing the truck men as to the provisions of the two bills. And then to follow that up with other information later and to allow the State Chamber of Commerce people to present all of the arguments for the Railroad Commission Control Bill and against our bill, and we would present all of our arguments for our bill and against the Railroad Commission Bill. We would have to hold 150 or 200 meetings and that would take several months and before you could get a complete poll of this entire industry it would run into April and maybe the early part of May, at which time we could announce the results of the vote and we would all support the bill that the truck men voted for. If that were done that the proponents of Railroad Commission control would have to stand the expense of conducting such a campaign. Mr. Dwyer said what would it cost, what did I figure that it would cost and I said that I figured it would cost six, seven, or eight thousand dollars a month to conduct a campaign of that character, it would run several months, and he did some figuring and we arrived at the figure of \$33,000 as a maximum amount that it would cost to conduct that campaign; to take a vote of the industry.

Q. Didn't you say at a meeting of the Motor Vehicle Committee that you suggested the \$33,000 for additional purposes?

A. No, I don't recall saying that I asked for the \$33,000 because I was not asking for it. If this money had been put up for this campaign, it would not have been given to me, nor to my association, because my board of directors thought that if the proponents of Railroad Commission control accepted the proposition of this plebiscite idea that we would not handle the money, that that would have to be done by someone else and as it was to be spent to conduct this campaign it would have to be put in some trust fund and handled by a trustee.

Mr. Elliott made specific denial to some of the other statements made by some of the other witnesses but, inasmuch as the committee does not deem this material, we have not made special reference to them.

We have set out quite fully the substance of the testimonies of all the witnesses so that the members of the Senate may be fully advised as to just what was said by the various persons interrogated by your committee and as a basis for the conclusions arrived at by your committee.

From the testimonies submitted, it is apparent to the committee that, prior to the convening of the session of the Legislature, various persons interested in trucking legislation met on various occasions for the purpose of drafting a bill to present at this session of the Legislature by which all trucking for hire within the State of California would be regulated; that prior thereto, various persons, including Mr. Elliott and some of the other witnesses here, formed and organized associations to which various trucking interests contributed; that Mr. Elliott organized and apparently controlled such an organization, published a paper which was distributed among the various persons engaged in trucking for hire; that the purpose of this and other such organizations was stated to be for the interests of the trucking industry but primarily such organizations were formed in the interests and for the benefit of the persons forming such organizations, for in each instance dues were paid and the organizers usually received compensation in some form or another. At the various meetings discussed by the witnesses these organizations were represented as well as the railroads and all persons engaged in freighting for hire. The railroad interests and some of the other trucking organizations favored a bill which would place control of the entire truck industry with the Railroad Commission. Elliott and his organization favored the creation of a department in the Motor Vehicle Department to control such business. A majority of the committee working on the bill finally determined in favor of a bill which placed control under the Railroad Commission. Elliott opposed such plan. While the matter was being dis-

cussed, an effort was made to get Elliott to join with the other members in recommending the Railroad Commission bill. It was during this discussion that the matter of control of members of the Legislature was discussed and the matter of raising and expending \$23,000 was considered. As a condition for his supporting the bill Elliott demanded that the sum of \$23,000 be raised and made available for his use. There is dispute among the witnesses as to just what it was to be used for but the preponderance of the evidence is that no part of it was to be paid to any member of the Legislature or to be improperly expended in their interest or behalf. During some of these discussions, Elliott made boastful representations as to his influence and control of certain members of the Legislature. This practice is not uncommon among a certain class of lobbyists. It is unfair and unethical and is condemned and persons engaging in such practice should be barred from appearing before any committee of this Senate. There was no evidence presented to the committee of any moneys having been raised by Mr. Elliott or for Mr. Elliott nor was there any evidence that Mr. Elliott had used any money for any improper purpose nor was there any evidence that he had any influence over or control of any member of the Legislature. It is a well known fact that many people engaged in advocating legislation or in attempting to defeat proposed legislation not infrequently raise and expend large and unnecessary sums of money and that the public is generally exploited by advocates and lobbyists and, as a result thereof, a large and unnecessary number of persons are frequently present at Sacramento, whose presence could very well be dispensed with. In saying this we have no reference to those men who are here in the interests of public entities, legitimate business and whose purpose is to render aid to the members of the Legislature concerning matters and subjects that are being considered. This very unsatisfactory situation can be easily remedied if the people themselves will only cease making contributions to the persons who exploit them. The use of money at Sacramento in the interests of legislation is not necessary and the public should not encourage its use by contributing to lobbyists' funds.

As hereinbefore stated, nothing herein should be used either in favor of or to the prejudice of the bill now pending in the Senate but such bill should be determined upon its merits.

As hereinbefore indicated, the committee is of the opinion that the evidence in this case does not sustain the charge that \$23,000 was demanded for any improper use or for use in influencing any member of the Legislature nor does it show that Mr. Elliott has or exercises any control or authority over any member of the Legislature.

While the foregoing report covers the specific investigation under consideration, we feel that it might be well to continue this committee until the conclusion of this session so that, in the event that any similar charges or suggestions are made, this committee will be in a position to take them up and determine them expeditiously. We also believe that the continuance of this committee will have a very beneficial influence in protecting members of the Legislature from similar charges and accusations and will, perhaps, prevent other lobbyists from making similar boastful claims of influence and control.

Respectfully,

RICH.
SWING.

Minority Report of Investigating Committee by Senator McGovern.

SACRAMENTO, CALIFORNIA, April 4, 1935.

Hon. George J. Hatfield,
President of the Senate, State of California.

DEAR SIR: Pursuant to a Senate resolution, the undersigned, special investigating committee, were appointed to investigate various oral charges concerning one Nathan J. Elliott of Los Angeles, California, who was accused of having demanded from certain persons engaged in the trucking industry in this State, and most of whom are proponents of Senate Bill No. 329, the sum of approximately \$23,000 as the price for his support of such bill, such oral charges being to the effect that said Elliott declared to such persons that if he was not paid such sum of money he would oppose the bill and cause its defeat in this Legislature.

This committee held three sessions at which testimony was taken, the first session being held on March 22, 1935, the second session on March 28, 1935, and the third session on March 29, 1935.

The following persons who were subpoenaed as witnesses were duly sworn before such committee and testified with respect to said charges, namely: Ben Morris, W. P. Dwyer, Harvey Sanborn, C. G. Anthony, Sherman K. Burke, Al Meyers, and Nathan J. Elliott, the accused. Approximately 150 typewritten pages of testimony were received and transcribed.

The evidence produced before this committee showed that in January, 1935, there were three groups of motor truck freight transportation interests in this State, namely, the so-called southern group, the so-called northern group and the so-called independent group known as the Independent Truck Owners Association of California, of which latter group the accused, Nathan J. Elliott, was an officer and active

leader; that all of such groups had been discussing and agitating different systems of motor truck freight transportation control and regulation by the State for several years; and in 1934 the California State Chamber of Commerce appointed a committee, consisting of representatives of various shipping interests in this State, to study the problem of motor truck freight transportation regulation and to prepare proposed legislation thereon. The said Elliott and many of his accusers were members of said committee.

The testimony of the accusers of Elliott may be summarized as follows:

In the early part of January, 1935, said Nathan J. Elliott approached various persons connected with said trucking groups and said committee and advised them that while he, as one of the leaders of the said independent group of truckers had been actively opposed to the form of the suggested motor truck regulation which was intended to confer jurisdiction on the Railroad Commission of this State, in the regulation of the freight trucking industry, he would be willing to withdraw his opposition to such proposed legislation and to support the same provided there was advanced the sum of approximately \$33,000, which sum of money would be used by said Elliott and by his associates for different purposes, including an "educational campaign", among the members of this association as well as the expenditure of money for sending different representatives to the State Capital to lobby among members of the Legislature in the interests of such proposed legislation; in speaking to the various interests whom he sought to interest in his plan, in conversations at the Jonathan Club in Los Angeles, California, and in the office of W. P. Dwyer, in San Francisco, California, in January 1935, the said Elliott declared, in substance and effect, that he held the southern delegation in the Assembly to the California Legislature, in the palm of his hand, that he had assisted said legislators in their campaigns for election, that he had paid their railroad fares and the railroad fares of their families to Sacramento, that by the exercise of his influence the legislation in question could be either "put over" or defeated, but that, it would take a fund to do that job; that said Elliott, upon numerous occasions, said that it would require \$33,000 to either kill or pass the legislation in question; that in such conversations, Elliott declared that it was his intention to have 10 or 12 men at Sacramento to support his campaign, whichever side of the issue he supported; that he controlled said Independent Truck Owners Association of California and that as a leader in such association he had conducted an anti-Railroad Commission propaganda campaign among the members thereof, and that he did so for the purpose of keeping such members "pepped up" that he argued with the persons from whom he sought to obtain this money that as a member of the State Chamber of Commerce Committee who drew up Senate Bill No. 329 he was placed in an embarrassing position, because of his previous opposition to Railroad Commission control of the freight trucking industry and that it was now necessary for him to change his policy among the members of the association of which he was an officer; he stated, frequently, that if the opposition of the alleged 4700 members of said association which he claimed to control was placed in opposition to Senate Bill No. 329, the same would be defeated; that if said \$33,000 was not paid to him; to be expended as he suggested, he would "not go with the bill" and that it would not carry; that he had great political influence with the southern California delegation in the Assembly; that the draft of Senate Bill No. 329 was completed before there was any talk of the \$33,000 between Elliott and his accusers; that Elliott claimed, from time to time, that he was the head of a very powerful lobby at Sacramento and that he could be of very great assistance in passing the proposed legislation; that he had a strong unified number of Assemblymen from the southern part of the State committed to him because he had paid their railroad fares and had provided for their entertainment at Sacramento; that he could assist materially with this legislation but that it would take money to do it; that he had 25 Assemblymen with him; that he had financed their campaigns and supplied them with funds and purchased transportation for them and their families to Sacramento; that he could count on their help; that he held them in the palm of his hand; that they would do just as he wanted them to do.

In one conversation Elliott declared that the \$33,000 would be expended at the rate of \$5,500 a month for six months, in persuading his followers and legislators to support the bill in question; that the expense of maintaining a lobby was terrific and that if he did not get the money in question he would have to oppose the bill.

Elliott testified as a witness. He denied that he had made any demand for \$33,000 as the price of his support of the legislation in question, but he did admit, under oath, that the sum of \$33,000 was mentioned, upon several occasions, by him, in conversations with the other members of the Chamber of Commerce Committee, including his accusers, in which conversations he stated that it would take said sum of money to win over the members of the Independent Truck Owners Association, of which he was an officer and leader, as well as legislators friendly to him, to support the bill. His plan involved, he claims, the publishing of a questionnaire in a periodical issued by his association, the holding of meetings and the distribution of printed literature. Elliott testified that in suggesting the sum of \$33,000 as the amount to be expended by the trucking interests, in accordance with his suggestion, he had never attempted to itemize any particular expenditure of such total sum; he could not estimate, before this committee, how he believed such sum would

or should be apportioned in the expenditure. He could not offer any explanation as to why he suggested the particular sum of \$33,000, instead of a larger, or smaller sum, for the so-called "educational" campaign for which he claimed the money was to be used.

The witnesses interrogated by this committee admitted that there was never any evidence, documentary or otherwise, that corroborated, to any extent, the bald statements of Elliott with reference to his alleged influence with members of the Assembly from southern California. All of the witnesses who were questioned on the point stated flatly that they did not believe that Elliott possessed the influence which he claimed to possess.

The evidence showed that the organization apparently controlled by Elliott endorsed numerous candidates for political office during the last State campaign, in the manner in which most candidates for office in California are endorsed for office under our present election system.

The evidence also shows that after the election, Elliott obtained from successful candidates for the Legislature and other successful candidates for public office, letters of acknowledgment, thanking Elliott for the alleged efforts he and the organization he represented had made in behalf of such grateful candidates. These letters were of the type usually written by successful candidates to organizations and individuals who claim to have supported such successful candidates.

From the foregoing facts, I am satisfied that the accused, Nathan J. Elliott, made various statements and claims of political power to members and others, including his accusers, in which he attempted to sell himself and his alleged influence, for a consideration. I believe that no money nor anything of value was paid by any person to Elliott, that none of the persons approached by Elliott were furnished with any evidence of his alleged political influence or power, that Elliott's claims to political influence with Assemblymen and others were and are totally unfounded, that so far as the evidence at this hearing discloses no legislator and no other public official has been guilty of any improper conduct of any kind or description whatsoever, and that which no individual names were used, by Elliott, his reference to certain groups of legislators from southern California was wholly unauthorized and unjustified.

When the Senator who made the motion that created this Special Investigating Committee addressed the Senate in support of his resolution, he argued that the same was sufficiently broad to include a general investigation into the whole question of legislative lobbying, which practice is now so widespread in this city. The resolution itself indicates that this body had in mind a general investigation of the problem, when it adopted the same.

Up to now, this committee has confined its inquiry to the particular charges involved in the alleged attempt by one Nathan J. Elliott to obtain a sum of money from interested persons for the purpose of influencing legislation. Now that the special committee has concluded its investigation of the Elliott occurrence, it should proceed further and thoroughly investigate the entire problem of lobbying.

This Senate should take official cognizance of the great number of persons who are now visiting this capitol, seeking from various motives, to influence pending legislation.

The legislative branch of our State Government can not function properly or effectively unless it curbs this continuous lobbyist interference. Ours is becoming a government by lobbyists instead of a government by the elected representatives of the people. Lobbyist domination means invisible government in its worst form. Our failure to accomplish anything progressive or definite since January 8, 1935, is, in my opinion, due in no small part to the presence in this city of a vast horde of special pleaders who are selfishly seeking to influence the action of our State Government.

Undoubtedly there are persons who visit Sacramento during legislative sessions, in an honest endeavor to protect, by open advocacy, the legitimate interests of those whom they represent. Those men, who openly advocate their respective causes, should be encouraged to present the true facts of their problems, at open meetings of various legislative committees. There can be no legitimate objection to such frank advocacy.

It is the secret activities of the under-cover lobbyist, who works in the dark, through illegitimate practices, that we should seek to eradicate. The activities of these henchmen of selfish interests, who seek special benefits through legislative action, are a disgrace to modern democracy and a challenge to popular government. They aim to obtain by stealth that which they know they can not get by honest means. They resort to different practices in their attempts to attain their illegal objectives. These practices are too well known to need further comment here. As long as they are tolerated, they reflect on every legislator in this State. It is the duty of this Senate to employ every legitimate means to exterminate this challenge to honest government.

For the foregoing reasons, I submit, with respect, that this investigation into the practice of lobbying should be continued, so that legitimate, open advocacy may be regulated and encouraged and the dishonest lobbyist exposed and driven from this capital.

Respectfully submitted.

WALTER McGOVERN,

State Senator for the City and County of San Francisco.

April 4, 1935.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 561—An act to amend sections 3 and 5 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to the allocation and expenditure of State highway funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 561 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the following: "3 and 5 of an act entitled 'An act'; and also strike out the remainder of said title, and insert in lieu thereof the following: "194, 195, 196, 197, and 198 of the Streets and Highways Code, relating to the allocation and expenditure of State highway funds".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 21, inclusive, and all of pages 2, 3, 4, 5, and 6, and insert in lieu thereof the following:

"SECTION 1. Section 194 of the Streets and Highways Code is hereby amended to read as follows:

194. The commission shall allocate annually, and the department shall expend or cause to be expended within the cities of this State, from the State highway fund, an amount equal to the net revenue derived from one-half cent per gallon of tax on motor vehicle fuel.

Such expenditures shall be made within each city in the proportion that the total population of such city bears to the total population in all cities in this State. For the purpose of this section the population in each city is that determined by the last preceding Federal census. In the case of a city incorporated subsequent to the last census or in the case of unincorporated territory being annexed to a city subsequent to the last census, the population of such city or the territory so annexed shall be computed by the department to be equal to that percentage of the total population as determined by the last preceding Federal census of the county, wherein such city is situated which the total number of registered voters of the city or of the territory so annexed bears to the total number of registered voters of said county.

All moneys allocated under the provisions of this section shall be expended for the acquisition of real property or interest therein for, or the construction, maintenance, improvement and operation of streets of major importance within such city other than primary and secondary State highways, except as provided in section 197 of this article.

SEC. 2. Section 195 of the Streets and Highways Code is hereby amended to read as follows:

195. It shall be the duty of the legislative body of each city, on or before the first day of June of each year, to prepare and submit to the department a budget, on such forms as the department may require, showing the work proposed to be done and the estimated expenditure of such funds proposed to be made during the ensuing fiscal year within such city.

The department may refuse to accept any such budget, or any item thereof, if in the opinion of said department the work proposed to be done or the expenditures proposed to be made, as outlined therein, do not comply with the requirements of this article as to the purposes for which such funds may be expended. In the event of any such disapproval by the department, the legislative body shall modify the budget so submitted and resubmit the same to said department.

The budget of any city may be amended at any time and resubmitted as hereinabove provided.

SEC. 3. Section 196 of the Streets and Highways Code is hereby amended to read as follows:

196. Any expenditure of money from the State highway fund within any city, as authorized by this article, shall be delegated by the department to the governing body of such city if the department is satisfied that such city is equipped to conduct the particular work in an efficient and economic manner.

The department shall quarterly pay to any city to which the expenditure of such funds has been delegated its full pro rata share of the fund to which it is entitled under this article when:

(1) The budget submitted by the city has been accepted by the department;

(2) The city has set up by ordinance a "Special gas tax street improvement fund." No money in the said fund shall be spent by the city except on projects contained in the budget as accepted by the department.

Where expenditures under the budget, either in whole or in part, are not delegated to a city by the department, the city may enter into contracts with the department or with the county within which it is situated for the performance of work on all maintenance projects in the budget approved by the department.

SEC. 4. Section 197 of the Streets and Highways Code is hereby amended to read as follows:

197. To permit the accomplishment of a major project in its entirety, the governing body of any city may authorize the accumulation of money accruing over a period of years from the State highway fund, or may authorize the advancement of money from such fund in anticipation of moneys thus to accrue.

The legislative body of any city may include in its budget and the department may approve projects for the expenditure of any money accruing to a city hereunder upon any primary or secondary State highway or any county highway outside the limits of such city.

The provisions of this article shall be construed as a guarantee for the expenditure of not less than the amounts herein provided within each city, but shall not be deemed to prevent the expenditure of any larger amount by the department within any city.

SEC. 5. Section 198 of the Streets and Highways Code is hereby amended to read as follows:

198. All cities expending any motor vehicle fuel tax money under this article shall file with the Department of Public Works annually at such time as the department may designate a report showing all expenditures made, projects completed, and projects under construction, and such other matters as the department may require."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 143—An act to amend section 737aa of the Political Code, relating to salaries of judges.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 634—An act to add section 24 to the District Investigation Act of 1933, relating to emergencies.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 634 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "add section 24 to", and insert in lieu thereof the following: "amend section 23 of".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "emergencies," and insert in lieu thereof the following: "exceptions, declaring the urgency hereof and providing that this act shall take effect immediately."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 23 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 23. The provisions of this act shall apply to all districts, the formation of which is authorized by the following acts, reference being had to the printed statute showing same.

<i>Year</i>	<i>Chapter</i>	<i>Page</i>	<i>Type of districts</i>
1881	36	26	Fire protection.
1900	333	547	Public museum.
1909	335	551	Highway lighting.
1909	480	815	Library.
1911	737	1425	Boulevard.
1915	584	1011	Mosquito abatement.
1917	571	791	Local health.
1923	191	431	County fire protection.
1927	213	380	Garbage disposal.
1927	254	465	Police protection.
1927	743	1400	Public service.
1929	847	1857	Airport.
1929	880	1948	Transportation.
1931	734	1523	County fire protection.
1931	1019	2035	Memorial.
1931	1058	2210	Recreation.
1931	1208	2521	Resort.

SCHOOL CODE.

Chapter VIII, sections 6.570 to 6.723, inclusive, Union High School Library.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows: Unless the organization of certain types of sanitary and county sanitation districts is exempted from the provisions of the District Investigation Act of 1933 the inhabitants of many communities will be deprived of adequate and modern sanitation facilities to the detriment of the public peace, health, safety and welfare, because of the impossibility of fulfilling the conditions of said act in time to receive from the Federal Government financial assistance in the construction of sanitation systems. Because of these circumstances it is necessary that this act become effective immediately."

Bill read second time, ordered to reprint, and re-referred to committee on Governmental Efficiency.

Senate Bill No. 156—An act to amend section 4041f of the Political Code of the State of California, relating to leasing and subleasing of veterans' buildings.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 156 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, strike out lines 22 to 27, inclusive, and insert in lieu thereof the following:

"(1) To lease for not less than the sum of one dollar (\$1.00) per year, memorial buildings to duly elected trustees from one or more recognized veteran organizations which has or have been chartered as such by the Congress of the United States of America, such trustees to serve at the pleasure of their respective organizations, and to maintain, operate, and control such memorial buildings without expense to the taxpayers of the county. To permit boards of trustees to sublease, or rent for nonveteran purposes part or parts of such memorial buildings when not in conflict with the reasonable occupancy of participating veteran organizations, for the purpose of raising funds for the proper maintenance and care of such memorial buildings."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 507—An act to amend section 5 of, to add sections 1a and 1c to, and to amend and renumber section 1 to be section 1c of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 507 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to amend section 5 of and to add section 10 to, an act entitled "An act to regulate the practice of architecture", approved March 23, 1901, as amended."

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 1 to 25, inclusive.

Amendment No. 3.

Strike out all of page 2 of said printed bill.

Amendment No. 4.

On page 3 of the printed bill, strike out all of lines 1 to 14, inclusive, and the word "Act" in line 15.

Amendment No. 5.

On page 4, line 38, of the printed bill, strike out the following: "Nothing in this act shall apply to", and insert in lieu thereof the following: "Nothing in this act shall prevent any person from making plans or drawings for his own buildings or from furnishing to other persons plans, drawings, specifications, instruments of service, or other data for buildings, if, prior to accepting employment or commencing work on such plans, drawings, specifications, instruments of service, or other data, the person so furnishing such plans, drawings, specifications, instruments of service, or data shall have fully informed such other person or persons in writing, that he, the person proposing to furnish such plans, drawings, specifications, instruments of service, or data, is not an architect; provided, however, that this information shall be deemed to have been given by."

Amendment No. 6.

On page 4 of the printed bill, beginning in line 40, strike out the words "Not to any person who is registered as", and also all of lines 41, 42, 43, 44, 45, 46, and the words "And further" in line 47, and insert in lieu thereof the words "provided further that".

Amendment No. 7.

On page 5, line 24, of the printed bill, after the period, insert the following: "The word person as used in this section of this act shall include any person, firm or persons or corporation.

Nothing in this act, in so far as it relates to persons who are not architects as defined in this act, shall be so construed as to permit any such person to violate any of the provisions of that certain act entitled an act regulating the practice of civil engineering."

Amendment No. 8.

On page 5 of the printed bill, strike out all of lines 39 and 40.

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifica-

tions and certificates as public records," approved June 21, 1923; and adding a new section thereto to be numbered 3, providing a penalty for violation of any of the provisions of said act, relating to public officers and employees subject to the provisions hereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 332 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 18 to 22, inclusive, of the title, and insert in lieu thereof the following: "'records," approved June 21, 1923, relating to the doing of public work by day's labor or force account."

Amendment No. 2.

On page 2, line 23, of the printed bill, as amended, strike out "or maintenance".

Amendment No. 3.

On page 2, lines 24 and 25, of the printed bill, as amended, strike out "or maintenance".

Amendment No. 4.

On page 2, line 27, of the printed bill, as amended, at the end of said line, insert "work,".

Amendment No. 5.

On page 3, line 4, of the printed bill, as amended, after "such", insert "construction".

Amendment No. 6.

On page 3, line 14, of the printed bill, as amended, strike out "or maintenance".

Amendment No. 7.

On page 2, line 22, of the printed bill, after the word "districts", insert the following: "and metropolitan water districts,".

Amendment No. 8.

On page 2, line 29, of the printed bill, after the comma following the word "dollars", insert the following: "and except work in connection with the construction, operation and maintenance of any publicly owned utility, including publicly owned facilities operated for the promotion and accommodation of commerce and navigation,".

Amendment No. 9.

At the end of the printed bill, add the following paragraph:

"This act shall not apply to any work in the operation or maintenance of any irrigation district or to the construction work of any irrigation district, not required to be done by contract under the provisions of the California Irrigation District Act."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide

for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Mines and Mining, the following amendments to Senate Bill No. 81 were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, after "may", insert the following: "lease property owned by the State, or itself."

Amendment No. 2.

On page 1, line 5, of the printed bill, after "from", insert the following: "such."

Amendment No. 3.

On page 2 of the printed bill, strike all of line 1 after "only", and insert a comma and the following: "but can itself undertake such operations only after a thorough analysis".

Amendment No. 4.

On page 2 of the printed bill, strike out the period in line 3, and all of the line after the period, and all of line 4, and insert in lieu thereof the following: "shows that there is a".

Amendment No. 5.

On page 2, line 7, of the printed bill, after "continued", insert the following: "by the said department".

Bill read second time, ordered to reprint, and re-referred to Committee on Mines and Mining.

Senate Bill No. 878—An act to regulate grubstake contracts and prospecting agreements and to provide for the recording of the same.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Mines and Mining, the following amendment to Senate Bill No. 878 was read and adopted:

Amendment No. 1.

On page 1, lines 4 and 5, of the printed bill, strike out " , except between the parties to said contract or agreement,".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 152—An act to amend "An act to require security for the payment of wages of persons engaged in the mining industry" approved April 25, 1933, by amending section 1 thereof, relating to security for the payment of wages.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 299 —An act to amend sections 4, 9, 10 and 14 of the act entitled "An act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition and construction by said districts of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, relating to municipal water districts and the officers thereof and further defining the powers and duties of each thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 299 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, strike out lines 43 to 46, also in line 47, strike out "month", and insert in lieu thereof the following: "board ten dollars."

Amendment No. 2.

On page 2, line 48, of the printed bill, strike out "four", and insert in lieu thereof the following: "three".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 276—An act authorizing cities, cities and counties, and boards or departments thereof, in issuing revenue bonds or other evidences of indebtedness, payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures thereto by facsimile, for making the same payable at places outside the State of California, and for the registration thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 895—An act to add Chapter 10a, comprising sections 11400 to 11407, to Part 2 of Division 2 of the Insurance Code, relating to life, disability, and life and disability insurance by, and the organization of, firemen's, policemen's or peace officers' benefit and relief associations.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 895 was read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended, after "examination," insert the following: "the cost of which shall be borne by such association,".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 908—An act to amend sections 286, 1072, 10200, and 10271 of the Insurance Code, relating to insurance principles, practice and matters incidental thereto.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 682—An act to add a new section, to be numbered 1582, to the Streets and Highways Code, relating to county highway funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 682 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "act", insert the following: "to amend section 1023 of and".

Amendment No. 2.

On page 1, line 1, of the printed bill, after the period, insert the following: "Section 1023 of the Streets and Highways Code is hereby amended to read as follows:

1023. When not otherwise provided by law, each supervisor shall receive for his services as road commissioner twenty cents per mile, one way, for all distances actually traveled by him in the performance of his duties as road commissioner, but he shall not, in any one year, receive more than three hundred dollars for such duties. No road commissioner may spend more than fifty per cent of his annual mileage allowance in any six-month period.

Sec. 2."

Amendment No. 3.

On page 1, line 7, of the printed bill, after the period add the following: "In no case may more than seventy-five per cent of such funds be expended in any six-month period."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 589—An act to add section 2540a to Civil Code, relating to contract of minors for life, health and accident insurance and annuity contracts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 610—An act to add section 1203a to the Penal Code, relating to filing of reports by probation officers with the State Board of Prison Directors.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 609—An act to amend section 669 of the Penal Code, relating to terms of imprisonment.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Prisons and Reformatories, the following amendment to Senate Bill No. 609 was read and adopted:

Amendment No. 1.

On page 1, line 14, of the printed bill, as amended, strike out "In the event that any person has been", and also strike out all of lines 15, 16, 17 and 18.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 1533—An act to amend section 871 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the assessment, levy and collection of taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 771—An act authorizing counties to contract with cities and towns, to assume and carry on certain municipal functions thereof, providing for transfers of employees and adjustment of pensions, and authorizing cities to transfer such functions to counties and to enter into contracts in relation thereto.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Assembly Bill No. 771 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, after line 20, insert the following new section:

"Sec. 5. The provisions of this act shall not apply to either cities of the first or first and one-half class."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Assembly Bill No. 956—An act to amend an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, by amending sections 5 and 15 thereof, relating to special assessment bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1064—An act authorizing municipalities to afford special assessment relief by the appropriation of money for the reduction of special assessments and the payments on bonds issued to represent such assessments, and by the payment of any portion of the principal or interest of, or by the purchase or redemption at a discount of, or by the transfer to the interest and sinking fund for the discharge and payment of bonds, the proceeds of which have been used for the acquisition of rights of way or easements for, or for the construction, maintenance, improvement or repair of streets, bridges and culverts within such cities, and providing a method for the making of such appropriations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 242—An act to add a new section to be numbered section 28a to an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, relating to assessments and bonds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 242 were read and adopted:

Amendment No. 1.

On page 2, between lines 18 and 19, of the printed bill, as amended, insert the following:

"Such reassessment need not be in any prescribed form but shall refer to the original assessment filed, giving the date of filing of said original assessment, and

shall state that it was made pursuant to the order of the city council of the municipality and shall be accompanied by a diagram showing the lots to be reassessed and their relation to the work. Such diagram may be the original assessment diagram if it otherwise conforms to the provisions of this section."

Amendment No. 2.

On page 2, line 33, of the printed bill, as amended, strike out "assessment diagram and the report"; and insert in lieu thereof the following: "reassessment and diagram".

Amendment No. 3.

On page 2, line 45, of the printed bill, as amended, after "ment", insert the following: "and diagram, in his office,".

Amendment No. 4.

On page 3, line 6, of the printed bill, as amended, strike out the last word "and", and insert in lieu thereof the following: "in".

Amendment No. 5.

On page 3, line 25, of the printed bill, as amended, strike out "reassessment", and insert in lieu thereof "assessment"; also in said line 25, strike out "assessment", and insert in lieu thereof the following: "reassessment".

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Assembly Bill No. 440—An act to amend section 18a of the "Street Opening Act of 1903," relating to assessments and contribution of costs by municipalities.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 440 were read and adopted:

Amendment No. 1.

On page 2, lines 23, 24 and 25, of the printed bill, as amended, strike out "If the reassessment is against the property in a district, then, this fact shall be set forth in said notice and the", and insert in lieu thereof the following: "The".

Amendment No. 2.

On page 2, line 26, of the printed bill, as amended, after "ment", insert the following: "shall be".

Amendment No. 3.

On page 2, line 36, of the printed bill, as amended, after "reassessment", insert the following: "and diagram, in his office,".

Amendment No. 4.

On page 3, line 16, of the printed bill, as amended, strike out "reassessment", and insert in lieu thereof the following: "assessment".

Amendment No. 5.

On page 3, line 17, of the printed bill, as amended, strike out "assessment", and insert in lieu thereof the following: "reassessment".

Amendment No. 6.

On page 3, line 51, of the printed bill, as amended, strike out "If a reassessment was"; also strike out all of line 52, on said page 3.

Amendment No. 7.

On page 4 of the printed bill, as amended, strike out all of lines 1 and 2, and in line 3, on said page 4, strike out "notice and a", and insert in lieu thereof the following: "A".

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Assembly Bill No. 734—An act to validate the organization and incorporation of municipal corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 521—An act to provide a method for improving public streets, avenues, lanes, alleys, courts and places within municipalities of the sixth class, and for levying and collecting assessments upon property to pay for such improvements, and declaring the urgency hereof, to take effect immediately, and repealing an act approved May 25, 1933, relating to the same subject.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1682—An act relating to the investment of funds in the State treasury.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1862—An act to add two new sections to the Political Code to be numbered 359e and 359d, to provide for vacations of officers and employees of the State of California, with pay, and empowering the State Personnel Board to promulgate rules and regulations governing the same, in so far as applicable to such members of the civil service, and to repeal a certain act therein specified.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1863—An act to add a new section to the Political Code to be numbered 359e, to provide for leave of absence with pay to officers and employees of the State of California, when ill, and to empower the State Personnel Board to promulgate rules and regulations governing the same in so far as applicable to members of the civil service, and to empower appointing powers of such officers and employees to promulgate rules and regulations governing the same, in so far as applicable to officers and employees not members of the civil service.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1739—An act to add section 670a to the Political Code, relating to the refund of penalties.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1739 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "670a", and insert in lieu thereof the following: "670.5".

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out "670a", and insert in lieu thereof the following: "670.5".

Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, strike out the following: "670a. The", and insert in lieu thereof the following: "670.5. Unless otherwise provided by law, the".

Amendment No. 4.

On page 1, line 3, of the printed bill, as amended, strike out "670a", and insert in lieu thereof the following: "670.5".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 486—An act requiring the treasurer of each municipality, county, and city and county to maintain a record of the names and addresses of holders of ad valorem special assessment district bonds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 486 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the word "each", and insert in lieu thereof the word "any".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out the first word "and", and insert in lieu thereof the word "or".

Amendment No. 3.

On page 1, line 4 of the title of the printed bill, after the word "bonds", strike out the period and insert the following: "when so directed by the legislative body of said municipality, county, or city and county."

Amendment No. 4.

On page 1, line 2, of the printed bill, strike out the period after the letters "pality", and insert in lieu thereof a comma.

Amendment No. 5.

On page 1, line 2, of the printed bill, after the word "directs", insert a comma.

Amendment No. 6.

On page 1, line 2, of the printed bill, change the word "The", to "the".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 557—An act to add a new section to the Civil Code to be numbered 2770, relating to life, health and accident insurance policies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 558—An act to amend section 2766 of the Civil Code, relating to life and disability insurance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1235—An act to add to the Probate Code a new section, to be numbered 1068, relating to the discharge of executors and administrators and the termination of probate proceedings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 656—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.

Bill read second time, and ordered on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 399 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Edwards, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixter, Olsen, Parkman, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Wagy, and Williams—25.

NOES—None.

Title read and approved.

Senate Bill No. 399 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Bill No. 645—An act to amend section 403c of the Civil Code, relating to corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 645 passed by the following vote:

AYES—Senators Deuel, Difani, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Wagy, and Williams—24.

NOES—None.

Title read and approved.

Assembly Bill No. 645 ordered transmitted to the Assembly.

Special Order.

Senator Rich moved that the Reports of the Special Committee on Lobbyists be made a special order for Monday, April 8, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried and such was the order.

Recess.

At eleven o'clock and five minutes a.m., the President of the Senate declared recess until eleven o'clock and twenty-five minutes a.m.

Reconvened.

At eleven o'clock and twenty-five minutes a.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Elections.

SENATE CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 297—An act to add a new section to an act entitled, "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and it do pass as amended.

Committee membership—11; committee vote: Ayes—6; noes—3; absent—2.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 1067—An act to amend section 24 of Chapter 690, Statutes of 1913, entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as

amended, relating to party conventions, membership and organization of State central committees and county central committees.

Also: Senate Bill No. 160—An act to amend sections 1103, 1105, and 1112 of the Political Code, relating to the registration of electors;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9, absent—2.
POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 1054—An act to amend sections 4, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to nonpartisan offices;

Also: Senate Bill No. 961—An act to amend sections 5, 7, 23 and 24 of the Direct Primary Law, approved June 16, 1913, relating to the filing of candidacy for partisan offices and the powers of county central committee;

Has had the same under consideration, and respectfully reports the same back, with out recommendation.

Committee membership—11; committee vote: Ayes—7; noes—2, absent—2.
POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 284—An act to amend section 1197 of the Political Code, relating to election ballots;

Also: Senate Bill No. 128—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of an act entitled the "Direct Primary Law," relating to nonpartisan offices.

Also: Senate Bill No. 300—An act to amend section 1111 of the Code of Civil Procedure, relating to contest of elections;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—6, noes—2, absent—2.
POWERS, Chairman.

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 810—An act to add section 3a to the Motor Vehicle Fuel License Tax Act, relating to the levy of an additional tax of one-half cent on motor vehicle fuel, and providing for the disposition of the money derived therefrom—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—6; absent—5.
BIGGAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Bill No. 884—An act to add a new section to the Penal Code, to be numbered section 593b, relating to climbing upon poles, towers and other structures supporting wires or cables, transmitting electric energy—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.
BIGGAR, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 1, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 719—An act to amend the Vehicle Code by amending sections 141, 142, 145, 147, 150, 151, 157, 159, 160, 161, 165, 184, 186, 205, 206, 207, 211, 215, 229, 252, 375, 376, 382, and 383; by adding section 234, relating to vehicles;

Also: Senate Bill No. 720—An act to amend the Vehicle Code by amending sections 223, 225, 226, and 296; by repealing sections 292, 293, and 304; by adding sections 292, 298, and 304, relating to vehicles;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—12; absent—5.
FLETCHER, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California by adding to Article IV thereof, a new section to be numbered 37, relating to the legislative power of the State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—6; absent—3.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to section 1 of Article IV of the Constitution of said State, relating to amendments to initiative acts and initiative constitutional amendments—has had the same under consideration, and respectfully reports the same back and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—5; noes—1; absent 3.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 9 of Article I thereof, relating to the rights of juries in criminal prosecutions for libel—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Judiciary.

Committee membership—9; committee vote: Ayes—6; absent—3.

SNYDER, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 928—An act to amend sections 4.280b and 4.281b of the School Code, relating to a revolving fund for warehouse stock—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 53—An act to amend section 6.90a of the School Code, relating to junior college buildings—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 467—An act to amend sections 2.411, 2.418 and 2.419 of the School Code, relating to disincorporation of high school districts;

Also: Senate Bill No. 761—An act to amend section 3.42 of, and to add sections 3.43 and 3.44 to, the School Code, relating to required instruction in the schools;

Also: Assembly Bill No. 1343—An act to repeal sections 2.21, 3.174, 3.301, 3.302, 3.306, 3.308, 3.309, 3.415 and 3.416 of the School Code, to add to Part I of Division II of the said code a new chapter to be known as Chapter VIII, and to add to said code a new section to be numbered 3.306, all relating to the attendance of pupils upon the public schools;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

JESPERSEN, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 4, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 470—An act to repeal Chapters 8 and 9 of Part 2 of Division 2 of the Insurance Code, relating to mutual benefit associations and to life and disability

insurance on the assessment plan, and to enact in lieu thereof a new chapter, to be added to the Insurance Code to Part 2 of Division 2 of said code, to be numbered Chapter 8 of said part and said division of said code, relating to life and disability insurance on the assessment plan—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote—Ayes—7, absent—4.

WILLIAMS, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT. Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States to adopt legislation to adjust SIRA cannot wages to establish employment agencies with lists of those eligible to seek private employment and take from relief rolls those who fail to accept reasonable offers of private employment—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote—Ayes—5.

WAGY, Chairman.

Adjournment.

On motion of Senator Rich, at eleven o'clock and thirty minutes a.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, April 8, 1935.

F. E. DALIN, Minute Clerk

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Monday, April 8, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators—Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Persovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, April 5, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Edward Mueller of San Diego.

On request of Senator Reindollar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. J. Beauchi, Mr. L. C. Eastman and Mr. and Mrs. Clem Forin of Point Reyes Station, Marin County.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Blanche

Edgar, principal of Standard School for Private Secretaries, Miss Dorothy Parkinson, instructress; and Miss Faye Joerger, Miss Edna McCurdy, Mrs. E. Crowder, Miss Doris Tully, Miss Una Beth Dunne, Miss M. Hertzberg, Miss Marian Nurse, Miss Laura Mast, Miss Evelyn Stephens, Miss Emily Penoff, Miss Jessie Jones, Mrs. Maude Case, Miss Ruth Brovo, Miss Helen Lewis, Miss Marie Joerger, and Miss Pearl Wentworth, students.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 844—An act to amend section 33 of the California Irrigation District Act, relating to the payment of bonds and interest thereon;

Also: Assembly Bill No. 875—An act to amend sections 9, 23 and 24 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to industrial accidents;

Also: Assembly Bill No. 1034—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817c3 and 3817i2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately;

Also: Assembly Bill No. 1277—An act to add a new section to the Political Code to be numbered 3454½, relating to reclamation districts and requiring that in all actions against a reclamation district or any person sued by reason of his connection therewith the board of trustees must be made parties defendant.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 844 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 875 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1034 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1277 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1631—An act to provide for the registration of bonds and interest coupons unpaid for want of funds and the preference and payment thereof in the order of such registration, when funds are available;

Also: Assembly Bill No. 1698—An act to add a new section to the Political Code to be numbered 696, relating to a fact finding bureau in the Department of Finance;

Also: Assembly Bill No. 2034—An act to amend sections 1 and 2 and the title of an act entitled "An act prohibiting employers of labor from coercing employees in the purchase of things of value, and prescribing a penalty for the violation of the provisions hereof," approved April 26, 1917 (Stats. 1917, Chap. 141), relative to requiring employees and applicants for employment to patronize any person or firm in the purchase of any thing of value, and relative to the penalty therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1631 read first time, and referred to Committee on County Government.

Assembly Bill No. 1698 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2034 read first time, and referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2035—An act to add a new section to the Civil Code, to be numbered section 2005, relative to the basis of figuring wages for a portion of a month and a portion of a week.

Also: Assembly Bill No. 2135. An act to amend an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919 (Statutes 1919, page 782), by amending sections 1 and 6 thereof, to redesign the words "regular interest," to provide for refund of deceased member's funds without subscription or premium and to authorize the board of retirement to limit the amount of excess contributions a member may deposit.

Also: Assembly Bill No. 2306. An act to amend sections 630 and 630.5 of the Probate Code, relating to estates under \$5,000.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2035 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 2135 read first time, and referred to Committee on County Government.

Assembly Bill No. 2306 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 489—An act to add a new section to the Civil Code of the State of California, to be numbered section 4531b, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies, or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance, and to the readjustment, modification or reorganization of the rights or interests of any or all of the owners and creditors of, and persons interested in, such companies or trusts, providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received.

Also: Assembly Bill No. 698. An act to amend section 11 of the Inheritance Tax Act, to require that county auditor's warrants be drawn for the payment of refunds.

Also: Assembly Bill No. 699. An act to add a new section to the Penal Code, to be numbered 1375, prescribing the manner in which counties shall pay the State for expense of insane and inebriates.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 489 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 698 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 699 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 259—An act to add a new section to the Civil Code, to be numbered 453.14, relating to mortgage insurance companies; declaring the urgency thereof and providing that this act shall take effect immediately.

Also: Assembly Bill No. 365—An act to amend section 423 of the Agricultural Code, relating to live stock on highways.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 259 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bill No. 365 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 488—An act to add a new section to the Insurance Code of the State of California to be numbered 12629, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts; providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 488 read first time, and referred to Committee on Corporations and Financial Institutions.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 8, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States to adopt legislation to adjust SERA relief wages to establish employment agencies with lists of those eligible to seek private employment and take from relief rolls those who fail to accept reasonable offers of private employment;

Also: Senate Bill No. 908—An act to amend sections 286, 1072, 10200, and 10271 of the Insurance Code, relating to insurance principles, practice and matters incidental thereto;

Also: Senate Concurrent Resolution No. 12—Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California;

Also: Senate Bill No. 299—An act to amend sections 4, 9, 10 and 14 of the act entitled "An act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition and construction by said districts of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, relating to municipal water districts and the officers thereof and further defining the powers and duties of each thereof;

Also: Senate Bill No. 609—An act to amend section 669 of the Penal Code, relating to terms of imprisonment;

Also: Senate Bill No. 895—An act to add Chapter 10a, comprising sections 11400 to 11407, to Part 2 of Division 2 of the Insurance Code, relating to life, disability, and life and disability insurance by, and the organization of, firemen's, policemen's or peace officers' benefit and relief associations;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 319—An act to amend sections 1026 and 1026a of the Penal Code, relating to procedure in the trial and release of the criminally insane;

Also: Senate Bill No. 814—An act to amend section 5,190 of the School Code, relating to health and development certificates;
And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 371—An act to amend sections 224 and 227 and to repeal section 227a of the Civil Code, relating to adoption;

Also: Senate Bill No. 143—An act to amend section 737aa of the Political Code, relating to salaries of judges;

Also: Senate Bill No. 152—An act to amend "An act to require security for the payment of wages of persons engaged in the mining industry" approved April 25, 1933, by amending section 1 thereof relating to security for the payment of wages;

Also: Senate Bill No. 276—An act authorizing cities, cities and counties, and boards or departments thereof, in issuing revenue bonds or other securities of indebtedness, payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures thereto by facsimile, for making the same payable at places outside the State of California, and for the registration thereof;

Also: Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers;

Also: Senate Bill No. 589—An act to add section 2549a to Civil Code, relating to contract of minors for life, health and accident insurance and annuity contracts;

Also: Senate Bill No. 610—An act to add section 1203a to the Penal Code, relating to filing of reports by probation officers with the State Board of Prison Directors;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 878—An act to regulate grubstake contracts and prospecting agreements and to provide for the recording of the same—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Motion to Adopt Majority Report of Special Committee.

Senator Rich moved the adoption of the Majority Report offered by the Special Committee to Investigate Lobbying Charges, as printed in the Senate Journal of Friday, April 5, 1935.

Motion to Amend Majority Report.

Senator McGovern moved the adoption of the Minority Report as an amendment to the Majority Report of the Special Committee.

Point of Order.

Senator Rich raised the point of order that a minority report offered must be moved as a substitute for the majority report.

Decision on Point of Order.

The President announced his decision, declared the point of order well taken, and put the question.

Adoption of Majority Report.

The question being upon the adoption of the Majority Report.
Motion carried, and the Majority Report was adopted.

Motion to Adopt Minority Report.

Senator McGovern moved the adoption of the Minority Report.

Point of Order.

Senator Rich raised the point of order that a minority report must be offered as a substitute to a majority report, therefore the motion to adopt the Minority Report was not in order.

Decision on Point of Order.

The President announced his decision, declared the point of order well taken, and the motion out of order.

Introduction, First Reading and Reference of Bills.

By Senator Knowland: Senate Concurrent Resolution No. 24—Relative to approving an amendment to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the twelfth day of March, 1935.

Consideration of Senate Concurrent Resolution No. 24.

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 24, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 24—Relative to approving an amendment to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the twelfth day of March, 1935.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 24 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—34.

NOES—None.

Senate Concurrent Resolution No. 24 ordered transmitted to Assembly.

Unfinished Business.

Senate Bill No. 681—An act confirming and validating the consolidation of irrigation districts, and declaring the urgency thereof, the act to take effect immediately.

Consideration of Assembly Amendments.

The Senate took up for consideration the following Assembly amendments to Senate Bill No. 681:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "and declaring the urgency thereof, the act to take effect immediately."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 681?

The roll was called, and Assembly Amendments to Senate Bill No. 681 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—37.

NOES—None.

Senate Bill No. 681 ordered to enrollment.

Leave of Absence.

Senator Tickle was, on motion of Senator Pierovich, granted leave of absence for the remainder of this legislative day.

Consideration of Daily File.**Third Reading of Senate Bills.**

Senate Bill No. 320—An act to amend section 11 of and to add a new section to be numbered section 12 to an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 320 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 320 ordered transmitted to the Assembly.

Special Order.

Senator Hays moved that Senate Bill No. 329 be made a special order for Wednesday, April 10, 1935, at eleven o'clock and thirty minutes a.m. Motion carried, and such was the order.

Senate Bill No. 319—An act to amend section 1026 of the Penal Code, relating to procedure in a criminal case upon a plea of not guilty by reason of insanity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 319 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 319 ordered transmitted to the Assembly.

Senate Bill No. 814—An act to amend section 5.190 of the School Code, relating to health and development certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 814 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, and Waggy—31.

NOES—None.

Title read and approved.

Senate Bill No. 814 ordered transmitted to the Assembly.

Senate Bill No. 1058—An act to confirm, legalize, ratify, and validate the position of certain elected officers of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1058 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 1058 ordered transmitted to the Assembly.

Senate Bill No. 654—An act to add a new article to Chapter I of Part III of Division IV of the School Code to be known as Article III, relating to school district elections for the expenditure of school district funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 654 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 654 ordered transmitted to the Assembly.

Senate Bill No. 174—An act to amend section 730 of the Fish and Game Code, relating to fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 174 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 174 ordered transmitted to the Assembly.

Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 422 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers,

Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 422 ordered transmitted to the Assembly.

Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to boats unequipped with propelling machinery.

Amendments from the Floor.

During third reading of Senate Bill No. 153, the following amendments, offered by Senator Biggar, were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, after "any", insert the following: "ferry boat the".

Amendment No. 2.

On page 1, lines 4 and 5, of the printed bill, as amended, strike out "conveyance", and insert in lieu thereof the following: "convenience".

Bill read second time, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 878—An act to regulate grubstake contracts and prospecting agreements and to provide for the recording of the same. Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 878 passed by the following vote:

AYES—Senators Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McGinnick, McGowan, McGinniss, Metzger, Mixer, Olson, Parkman, Perry, Pionovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 878 ordered transmitted to the Assembly.

Notice of Motion to Reconsider.

Senator Crittenden gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 422 was passed.

Senate Bill No. 299—An act to amend sections 4, 9, 10 and 14 of the act entitled "An act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition and construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, relating to municipal water districts and the officers thereof and further defining the powers and duties of each thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 299 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—35.

NOES—None.

Title read and approved.

Senate Bill No. 299 ordered transmitted to the Assembly.

Senate Bill No. 276—An act authorizing cities, cities and counties, and boards or departments thereof, in issuing revenue bonds or other evidences of indebtedness, payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures thereto by facsimile, for making the same payable at places outside the State of California, and for the registration thereof.

Amendment from the Floor.

During third reading of Senate Bill No. 276, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "authorizing", insert the following: "certain".

Amendment No. 2.

On page 1, lines 14 and 15, of the printed bill, as amended, strike out "Negotiable Instruments Law", and insert in lieu thereof the following: "laws relating to negotiable instruments".

Bill read second time, ordered to reprint, re-engrossment, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Deuel:

SENATE CHAMBER, SACRAMENTO, April 8, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to renovate certain portions of the State Capitol Building.

Respectfully submitted.

SENATOR DEUEL.

Referred to Committee on Rules.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Keough:

SENATE CHAMBER, SACRAMENTO, April 8, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to authorize boards of supervisors to pay certain claims.

Respectfully submitted.

SENATOR KEOUGH.

Referred to Committee on Rules.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 297—An act to add a new section to an act entitled, An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act, approved June 16, 1913, as amended.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Elections, the following amendment to Senate Bill No. 297 was read and adopted:

Amendment No. 1.

On page 2, line 6, of the printed bill, after the word "the", strike out the words "two years", and insert in lieu thereof the following: "six months."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1067—An act to amend section 24 of Chapter 690, Statutes of 1913, entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 1067 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section", and insert in lieu thereof the following: "sections 5 and".

Amendment No. 2.

On page 1 of the printed bill, immediately after the enacting clause, and before line 1, insert the following:

"SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 5. (a) The name of no candidate shall be printed on the official ballot to be used at the August primary election unless at least sixty days and not more than ninety days prior thereto there shall be filed a declaration of his candidacy, by such candidate, or a declaration of candidacy by sponsors on behalf of such candidate, and an acceptance of such candidacy by the candidate so proposed. The candidate may appoint verification deputies to serve within the county or city and county in which such deputies reside, in securing the signatures of sponsors to his nomination paper for nomination to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure the signatures of sponsors to the nomination paper of such candidate in such county or city and county. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the time the sponsor certifies of the candidate are left with the county clerk or registrar of voters for filing or for examination. Said document shall be in substantially the following forms:

I, the undersigned, a candidate for the-----party nomination for the office of -----, which nomination is to be made by direct vote at a primary election to be held on the-----day of August, 19---, do hereby appoint the following registered qualified electors of the county of----- as verification deputies to obtain signatures of sponsors in said county to a nomination paper placing me in nomination as a candidate of said-----party for said office of-----.

Name	Verification Deputies.	Residence
-----	-----	-----
-----	-----	-----
-----	-----	-----
etc.	(Signature)-----	etc.
	(Residence)-----	

Filed in the office of the county clerk (or registrar of voters) of the county of -----, this-----day of-----, 19---.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a nonpartisan office all reference to party candidacy shall be omitted.

In the event the said declaration of candidacy is made by sponsors, as herein provided, any five qualified electors of any county or city and county who are registered as intending to affiliate with the same political party may join in proposing a candidate for nomination, and in appointing verification deputies to serve within the county or city and county in which such deputies reside in securing the signatures of sponsors to the nomination paper of such candidate for such office. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination as herein provided by five registered qualified electors in each of the counties in which such electors may desire to circulate a nomination paper in his behalf. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the declaration of candidacy by sponsors is left with the county clerk or registrar of voters for filing or examination.

In said document the five signers shall make affidavit that the candidate therein named for the office therein specified has given his consent to be thus proposed for nomination to such office; and shall also state that the verification deputies therein appointed are duly registered qualified electors of said county or city and county; and the verification deputies therein appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. Said document shall be substantially in the following form:

State of California, }
County of-----} ss.

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the county of----- State of California, and that we are each registered as intending to affiliate with the-----party and we do hereby propose-----, who

resides at No. _____ street in the city (or in the town of) _____ county of _____, as a candidate for the nomination of such party for the office of _____ to be voted for at the primary election to be held on the _____ day of August, 19____, and we do solemnly swear (or affirm) that said _____ has consented to this proposal of his name as candidate for the nomination for said office. We hereby appoint the following registered qualified electors of this county as verification deputies to obtain signatures in this county to the declaration of candidacy by sponsors of said _____ to said office of _____.

Name	Verification Deputies.	Residence
_____	_____	_____
_____	_____	_____
etc.		etc.
(Signed) _____		_____

Subscribed and sworn to before me this _____ day of _____, 19____
[SEAL]

Notary Public (or other official).

The declaration of such candidacy by such candidate shall be substantially as follows:

Declaration of Candidacy.

I hereby declare myself a _____ party candidate for nomination to the office of _____ to be voted for at the primary election to be held _____ 19____, and declare the following to be true:

My name is _____

My present residence is _____

My present occupation is _____

My present business address is _____

The name of my employer (if any) is _____

The address of my employer (if any) is _____

My occupation for the past three years has been as follows: _____

The duration of my residence in California is _____ years.

I have been a citizen of the United States for _____ years.

My address for the past five years has been as follows: _____

I am at present an incumbent of the following public office (if any): _____

I have held the following public offices (if any): _____
for _____ years.
for _____ years.

I am registered as affiliated with the _____ party. (The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated, I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

Signature of Candidate.

State of California, _____ }
County of _____ { ss.

Subscribed and sworn to before me this _____ day of _____, 19____

Notary Public (or other official).

Examined and certified by me this _____ day of _____, 19____

Registrar of Voters—County Clerk.

In the event the said declaration of candidacy is made by sponsors, as herein provided, each such declaration of candidacy shall be substantially as follows:

Declaration of Candidacy by Sponsors.

I, the undersigned, am a qualified elector of the county of _____, State of California, and that I am registered affiliated with the _____ party, and I do

hereby sponsor, propose and nominate _____
 who resides at No. _____ street in the city of (or in the town of) _____
 county of _____, State of California, as a party candidate for the nomination
 of such party for the office of _____, to be voted for at the primary
 election to be held on the _____ day of _____, 19____, and I hereby
 assent as follows:

My knowledge of the said _____ is sufficient to warrant my urging his
 election to the office of _____ and in my opinion he is fully qualified mentally,
 morally and physically for the said office and should be elected to fill it. I am not
 at this time a signer of any other declaration of candidacy, nominating, proposing
 or sponsoring any other candidate for the above named office, or in case there are
 several places to be filled in the above named office, I have not signed more declarations
 of candidacies than there are places to be filled in the above named office.
 My residence and occupation are correctly set forth after my signature hereto:

Name	Residence	Occupation
_____	_____	_____

Verification Deputy's Affidavit.

I, _____, solemnly swear (or affirm) that I have been appointed according
 to the provisions of subdivision a, section 5 of the Direct Primary Law, as a
 verification deputy to secure signatures of sponsors in the county of _____ to
 the nomination paper of _____ as a candidate for the nomination of the
 _____ party for the office of _____; that all the signatures on this
 section of said nomination paper, were made in my presence, and that, to the best
 of my knowledge and belief, each of said signatures is the genuine signature of the
 person whose name it purports to be.

(Signed) _____
 Verification Deputy.

Subscribed and sworn to before me this _____ day of _____, 19____.

[SEAL]

Notary Public (or other official).

Examined and certified by me this _____ day of _____, 19____.

Registrar of Voters—County Clerk.

Such declaration or declarations of candidacy by sponsors shall contain, in the
 aggregate, the same number of signatures as required by subdivision (d) hereof,
 and no further signatures shall be necessary or required to place such candidate so
 proposed on the official primary ballot.

Such candidate so nominated or proposed by said sponsors shall, if he accepts
 such nomination, file with the proper officials and within the time provided by law,
 an affidavit of acceptance, which affidavit shall be substantially as follows:

Declaration of Acceptance of Nomination.

I hereby accept the nomination as proposed by a certain declaration of candidacy
 by sponsors, as a candidate of the _____ party for nomination to the office of _____
 to be voted for at the primary election to be held _____,
 19____, and declare the following to be true:

My name is _____

My present residence is _____

My present occupation is _____

My present business address is _____

The name of my employer (if any) is _____

The address of my employer (if any) is _____

My occupation for the past three years has been as follows:

The duration of my residence in California is _____ years.

I have been a citizen of the United States for _____ years.

My address for the past five years has been as follows:

I am at present an incumbent of the following public office (if any): _____

I have held the following public offices (if any): _____

_____ for _____ years.

_____ for _____ years.

I am registered as affiliated with the _____ party. (The candidate may
 here insert, at his option, in not over fifty words, a statement of what he considers
 to be his special fitness, training or experience in the line of work which he will be
 called upon to perform in case of his election.)

If nominated I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

Signature of candidate

State of California, }
County of _____ } ss.

Subscribed and sworn to before me this _____ day of _____, 19____

Notary Public (or other official).

(b) The declaration shall be subscribed and sworn to before some officer authorized to administer oaths, and thereupon at least sixty-five days before the August primary election shall be delivered to the county clerk or registrar of voters in the county in which the candidate resides. Such clerk or registrar of voters shall forthwith certify and transmit to the Secretary of State the declaration of candidacy and acceptance as herein provided, for each candidate for State offices, United States Senators, Representatives in Congress, members of the State Senate and Assembly, and all officers to be voted for in districts comprising more than one county.

(c) A candidate for a nonpartisan office shall omit all reference to party candidacy or party affiliations from said declaration.

(d) Said declaration shall be signed, certified and filed as provided in this section, and at least sixty-five days before said primary election, the candidate shall cause to be filed sponsor certificates herein provided for, of not less than sixty-five nor more than one hundred sponsors if the candidate is a candidate for a State office or for United States Senator, and not less than forty nor more than sixty if the candidacy is for Representative in Congress, member of the Board of Equalization, or for any office voted for in more than one county, and not Statewide except for the State Senate or for the Assembly, and not less than twenty nor more than thirty if the candidacy is for the State Senate or for the Assembly, or a candidate in a single county or any political subdivision thereof. In the case of every candidate to be voted for at the primary election for whom the number of sponsor certificates is not above provided, the number shall be not less than the sum more than twenty; provided, that if any political party has less than 20% registered voters in the State or in the county or district in which the election is to be held, a candidate for nomination by such party need not have more sponsors than one-tenth the number of said registered voters of said party; provided, further, that if there are less than one hundred fifty registered voters in the county or district in which the election is to be held, the number of sponsors shall not be less than ten nor more than twenty.

Sponsors must be electors and qualified to vote at the ensuing primary election in the district or political subdivision in which the candidate is to be voted for, and shall be affiliated with the party, if any, in which the nomination is proposed.

(e) Sponsor certificates and declarations of candidacy by sponsors shall be delivered to the county clerk or registrar of voters of the county in which the sponsor resides and is a registered voter and the county clerk or registrar of voters shall not accept for filing any declaration or sponsor certificate unless all blanks therein are filled. The county clerk or registrar of voters shall forthwith file said certificates in his office or forward the same for filing as provided in this act.

The county clerk or registrar of voters before filing or forwarding for filing any declaration or sponsor certificate shall verify the signature on each declaration and certificate and the political affiliation set forth therein with the registration affidavits on file in his office and mark "not sufficient" any signature in any declaration or certificate which does not appear in the same handwriting as appears on the affidavit of registration in his office or in which the declaration of party affiliation is not in accordance with the declaration of party affiliation in such affidavit of registration. No more sponsors shall be secured for any candidate than the maximum number required in subdivision (d) of this section; provided, that if, through misrepresentation or otherwise, more sponsors are secured than said maximum number, the officer with whom said sponsor's certificates are filed, shall with the written consent of the candidate withdraw such excess number. No fee or charge whatsoever shall be made or collected by any officer for the verifying of any declaration of candidacy, sponsor certificates, declaration of acceptances or verification affidavit.

(f) Sponsors for candidates for nonpartisan offices shall omit all reference to party candidacy or affiliations from their declarations and certificates.

(g) All sponsor certificates which by section 6 of this act are required to be filed in the office of the Secretary of State shall be delivered to the county clerk or registrar of voters as provided herein at least sixty-five days prior to the August primary election and within five days after being so left such certificates shall be forwarded by such county clerk or registrar of voters to the Secretary of State, who shall receive and file the same. The county clerk or registrar of voters shall forward with said sponsors' certificates a statement showing the total number which have not been marked "not sufficient," as hereinabove provided.

All sponsor certificates which are not required by this act to be filed in the office of the Secretary of State shall be filed in the office of the county clerk or registrar

of voters. All sponsor certificates shall be so arranged, by pluralizing of pronouns and otherwise, as to admit of the signatures of not exceeding thirty sponsors on the same sponsors' certificates.

Sponsors, other than those who shall sign declarations of candidacy by sponsors, shall certify to the qualification of the candidate as follows:

Sponsor's Certificate.

I, the undersigned sponsor for ----- for the ----- party nomination to the office of -----, to be voted for at the primary election to be held on the ----- day of -----, 19-----, hereby assert as follows:

My knowledge of the said ----- is sufficient to warrant my urging his election to the office of ----- and in my opinion he is fully qualified mentally, morally and physically for the said office and should be elected to fill it. I am a qualified elector of ----- county and I am registered as affiliated with the ----- party and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more certificates than there are places to be filled in the above-named office. My residence and occupation are correctly set forth after my signature hereto.

Name	Residence	Occupation
-----	-----	-----

Verification Deputy's Affidavit.

I, -----, solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision a, section 5 of the Direct Primary Law, as a verification deputy to secure signatures of sponsors in the county of ----- to the nomination paper of ----- as a candidate for the nomination of the ----- party for the office of -----; that all the signatures on this section of said nomination paper, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) -----
Verification Deputy.

Subscribed and sworn to before me this ----- day of -----, 19-----.

[SEAL]

Notary Public (or other official).

Examined and certified by me this ----- day of -----, 19-----.

Registrar of Voters—County Clerk.

(h) No defect in any declaration or sponsor certificate presented shall prevent the filing of another declaration or sponsor certificate which is presented within the period allowed for presenting the declaration or sponsor certificate.

(i) The Secretary of State, county clerk or registrar of voters shall preserve in his office, for a period of four years, all declarations and sponsors' certificates filed in accordance with this section.

(j) Each signer of a sponsor certificate must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office signed to more certificates for candidates for that office than there are places to be filled for such office.

(k) Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section 1188 of the Political Code, as said section reads at the time of said nomination; except one whose name has appeared upon the ballot as a candidate of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination as an independent candidate, or as a candidate named by a party central committee to fill a vacancy as provided in section 25 of this act for the same or any other office at the ensuing general election; and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of said section 1188 of the Political Code, or of section 25 of this act providing for the filling of vacancies by party central committees, unless at such primary election he shall have received for such office votes equal in number to one per cent of all votes cast for such office at the last preceding general State election.

(l) The officer with whom declarations of candidacy are filed shall keep a record in which he shall enter the name of the candidate, the title of the office, the party, if any, and the time of filing.

(m) The provisions of this section of the Direct Primary Law shall not apply to municipal elections nor to the May presidential primary election, but nominations

under the provisions of the Presidential Primary Act and under the provisions of section 1188 of the Political Code shall be made through the method of nomination papers provided by the Direct Primary Law as it existed in 1926."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 13, inclusive, and insert in lieu thereof the following:

"Sec. 2. Section 24 of the act cited in the title hereof is hereby amended to read as follows:"

Amendment No. 4.

On page 1, line 14, of the printed bill, strike out "convention", and insert in lieu thereof the following: "conventions".

Bill read second time, ordered to reprint, and re-referred to Committee on Elections.

Senate Bill No. 160—An act to amend sections 1103, 1105, and 1113 of the Political Code, relating to the registration of electors.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 160 were read and adopted:

Amendment No. 1.

On page 1, line 26, of the printed bill, strike out the word "duplicate", and insert in lieu thereof the word "original".

Amendment No. 2.

On page 2, line 6, of the printed bill, strike out the word "duplicate", and insert in lieu thereof the word "original".

Amendment No. 3.

On page 2 of the printed bill, strike out lines 15 to 34, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Elections.

Senate Bill No. 1054—An act to amend sections 1, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to nonpartisan offices.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 961—An act to amend sections 5, 7, 23 and 24 of the Direct Primary Law, approved June 16, 1913, relating to the filing of candidacy for partisan offices and the powers of county central committees.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 284—An act to amend section 1197 of the Political Code, relating to election ballots.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 128—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of an act entitled the "Direct Primary Law," relating to nonpartisan offices.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 306—An act creating a Commission for the Improvement of the Administration of Criminal Justice, defining its duties,

making an appropriation for its expenses, and repealing an act creating the Crime Commission.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 810—An act to amend section 13 of the Public Utilities Act, relating to public utility rates.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 810 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "rates", and insert in lieu thereof the following: "charges".

Amendment No. 2.

On page 1, line 7, of the printed bill, strike out "must", and insert in lieu thereof the following: "shall".

Amendment No. 3.

On page 1, line 11, of the printed bill, after "unlawful.", insert the following: "In the exercise of its power to prescribe such charges, the commission shall initiate, modify, establish or adjust the charges of all public utilities so that each such utility will, under honest, efficient and economical management and reasonable expenditures for maintenance and operation, earn a net operating income equal, as nearly as may be, to a fair return upon the value of the property used by such utility in the service of the public. No charges for depreciation other than those prescribed by the commission shall be charged to operating expenses."

Amendment No. 4.

On page 1, line 11, of the printed bill, strike out "In fixing rates, the", and insert in lieu thereof the following: "The".

Amendment No. 5.

On page 1, line 12, of the printed bill, strike out "to public utilities", and insert in lieu thereof the following: "as a fair return".

Amendment No. 6.

On page 1, line 13, of the printed bill, strike out "of return not greater than", and insert in lieu thereof the following: "not in excess of".

Amendment No. 7.

On page 1, line 14, of the printed bill, strike out "(after adjustment of taxes)".

Amendment No. 8.

On page 1, line 15, of the printed bill, strike out "country", and insert in lieu thereof the following: "State".

Amendment No. 9.

On page 1, line 16, of the printed bill, strike out "other business undertakings", and insert in lieu thereof the following: "business undertakings, other than public utilities,".

Amendment No. 10.

On page 1, line 22, of the printed bill, strike out ", just".

Bill read second time, ordered to reprint, and re-referred to Committee on Public Utilities.

Senate Bill No. 719—An act to amend the Vehicle Code by amending sections 141, 142, 145, 147, 150, 151, 157, 159, 160, 161, 165, 184, 186, 205, 206, 207, 211, 215, 239, 252, 375, 376, 382, and 383; by adding section 234, relating to vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 719 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "141,".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out the entire line, and insert in lieu thereof the following: "142, 147, 150, 151, 159, 160, 161, 165, 184, 186,".

Amendment No. 3.

On page 1, line 3 of the title of the printed bill, after "376," insert the following: "378,".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 1 to 7, inclusive.

Amendment No. 5.

On page 1, line 8, of the printed bill, strike out "Sec. 2", and insert in lieu thereof the following: "SECTION 1".

Amendment No. 6.

On page 2, line 1, of the printed bill, insert the following:

"(d) Special mobile equipment."

Amendment No. 7.

On page 2 of the printed bill, strike out lines 2 to 10, inclusive.

Amendment No. 8.

On page 2, line 11, of the printed bill, strike out "Sec. 4", and insert in lieu thereof the following: "SEC. 2".

Amendment No. 9.

On page 2, line 18, of the printed bill, strike out "Sec. 5", and insert in lieu thereof the following: "Sec. 3".

Amendment No. 10.

On page 2, line 39, of the printed bill, strike out "Sec. 6", and insert in lieu thereof the following: "SEC. 4".

Amendment No. 11.

On page 2 of the printed bill, strike out lines 48 to 52, inclusive.

Amendment No. 12.

On page 3 of the printed bill, strike out lines 1 to 7, inclusive.

Amendment No. 13.

On page 3, line 8, of the printed bill, strike out "SEC. 8", and insert in lieu thereof the following: "SEC. 5".

Amendment No. 14.

On page 3, line 18, of the printed bill, strike out "SEC. 9", and insert in lieu thereof the following: "SEC. 6".

Amendment No. 15.

On page 3, line 27, of the printed bill, strike out "February", and insert in lieu thereof the following: "midnight of January 31".

Amendment No. 16.

On page 3, line 28, of the printed bill, strike out the figure "1".

Amendment No. 17.

On page 3, line 32, of the printed bill, strike out "SEC. 10", and insert in lieu thereof the following: "SEC. 7".

Amendment No. 18.

On page 3, line 51, of the printed bill, strike out "SEC. 11", and insert in lieu thereof the following: "SEC. 8".

Amendment No. 19.

On page 4, line 11, of the printed bill, after "owner", insert the following: "or, if none, then the owner".

Amendment No. 20.

On page 4, line 16, of the printed bill, strike out "SEC. 12", and insert in lieu thereof the following: "SEC. 9".

Amendment No. 21.

On page 4, line 43, of the printed bill, strike out "SEC. 13", and insert in lieu thereof the following: "SEC. 10".

Amendment No. 22.

On page 4, line 52, of the printed bill, strike out "transfer or", and insert in lieu thereof the following: "transferor".

Amendment No. 23.

On page 5, line 3, of the printed bill, strike out "SEC. 14", and insert in lieu thereof the following: "SEC. 11".

Amendment No. 24.

On page 5, line 28, of the printed bill, strike out "SEC. 15", and insert in lieu thereof the following: "SEC. 12".

Amendment No. 25.

On page 5, line 30, of the printed bill, strike out "an", and insert in lieu thereof the following: "and".

Amendment No. 26.

On page 5, line 31, of the printed bill, strike out "transporter", and insert in lieu thereof the following: "transporter".

Amendment No. 27.

On page 5, line 50, of the printed bill, strike out "Sec. 16.", and insert in lieu thereof the following: "Sec. 13".

Amendment No. 28.

On page 6, line 11, of the printed bill, strike out "Sec. 17", and insert in lieu thereof the following: "Sec. 14".

Amendment No. 29.

On page 6, line 35, of the printed bill, strike out "Sec. 18", and insert in lieu thereof the following: "Sec. 15".

Amendment No. 30.

On page 7, line 10, of the printed bill, strike out "Sec. 19", and insert in lieu thereof the following: "Sec. 16".

Amendment No. 31.

On page 7, line 25, of the printed bill, strike out "Sec. 20", and insert in lieu thereof the following: "Sec. 17".

Amendment No. 32.

On page 7, line 41, of the printed bill, strike out "Sec. 21", and insert in lieu thereof the following: "Sec. 18".

Amendment No. 33.

On page 8, line 11, of the printed bill, strike out "Sec. 22", and insert in lieu thereof the following: "Sec. 19".

Amendment No. 34.

On page 8, line 28, of the printed bill, strike out "Sec. 23", and insert in lieu thereof the following: "Sec. 20".

Amendment No. 35.

On page 8 of the printed bill, between lines 34 and 35, insert the following:

"SEC. 21. Section 378 of the Vehicle Code is hereby amended to read as follows: 378. When Fees Delinquent. Penalties.

(a) Whenever any vehicle is operated upon any highway of this State without the registration fee having first been paid as required by this code, such fee is delinquent.

(b) A penalty shall be added upon any application for annual renewal of registration made on or after February 1st unless the vehicle has not been operated on the highways since the expiration date.

(c) If any other fee is not paid within thirty days after the same becomes delinquent a penalty shall be added thereto.

(d) In every event the penalty shall be equal to the fee and shall be collected therewith."

Amendment No. 36.

On page 8, line 35, of the printed bill, strike out "Sec. 24", and insert in lieu thereof the following: "Sec. 22".

Amendment No. 37.

On page 8, line 45, of the printed bill, strike out "Sec. 25", and insert in lieu thereof the following: "Sec. 23".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 720—An act to amend the Vehicle Code by amending sections 223, 225, 226, and 296; by repealing sections 292, 293, and 304; by adding sections 292, 298, and 304, relating to vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 720 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "and 2907", and insert in lieu thereof the following: "306 and 308".

Amendment No. 2.

On page 2 of the printed bill, strike out lines 43 to 50, inclusive.

Amendment No. 3.

On page 3, line 1, of the printed bill, strike out "Sec. 7", and insert in lieu thereof the following: "Sec. 6".

Amendment No. 4.

On page 3, line 12, of the printed bill, strike out "Sec. 8", and insert in lieu thereof the following: "Sec. 7".

Amendment No. 5.

On page 3, line 13, of the printed bill, strike out "Sec. 9", and insert in lieu thereof the following: "Sec. 8".

Amendment No. 6.

On page 3 of the printed bill, immediately following line 46, insert the following: "SEC. 9. Section 306 of the Vehicle Code is hereby amended to read as follows: 306. Grounds Permitting Revocation or Suspension by the Department. The department may revoke a license upon any of the grounds which authorize the refusal to issue a license and may also suspend or revoke a license upon a conviction of the licensee of operating a vehicle on a highway while under the influence of intoxicating liquor.

SEC. 10. Section 308 of the Vehicle Code is hereby amended to read as follows: 308. Additional Grounds Permitting Suspension by the Department. The department may suspend a license upon any of the following grounds:

(a) Conviction of the licensee of a failure to stop in the event of an accident under section 481 which is punishable as a misdemeanor.

(b) Conviction of the licensee of reckless driving resulting in personal injury or serious damage to property under section 505.

In case of any suspension under this section the department is authorized to require that the licensee give proof of ability to respond in damages as provided in this code before reinstating said license."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Constitutional Amendment No. 6.—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California by adding to Article IV thereof, a new section to be numbered 37, relating to the legislative power of the State.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Senate Constitutional Amendment No. 6 were read and adopted:

Amendment No. 1.

On page 1, line 12, of the printed measure, strike out "Senate of one hundred", and insert in lieu thereof the following: "Legislature of forty".

Amendment No. 2.

On page 2, line 2, of the printed measure, strike out "Senate", and insert in lieu thereof the following: "Legislature".

Amendment No. 3.

On page 2, line 35, of the printed measure, following the comma after "preside", insert the following: "and shall be known as the President of the Legislature".

Read, ordered to reprint, and re-referred to Committee on Constitutional Amendments.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 9 of Article I thereof, relating to the rights of juries in criminal prosecutions for libel.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Constitutional Amendments, the following amendment to Senate Constitutional Amendment No. 4, was read and adopted:

Amendment No. 1.

On page 1, line 16, of the printed measure, insert after "acquitted", the following: "; and the jury shall have the right to determine the fact".

Read, ordered to reprint, and re-referred to Committee on Constitutional Amendments.

Senate Bill No. 53—An act to amend section 6.90a of the School Code, relating to junior college buildings.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 467—An act to amend sections 2.411, 2.418 and 2.419 of the School Code, relating to disincorporation of high school districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 467 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, following the first word "school", insert the following: "for the preceding school year".

Amendment No. 2.

On page 1, line 5, of the printed bill, strike out the words "each school".

Amendment No. 3.

On page 1, line 6, of the printed bill, strike out the words "district composing".

Amendment No. 4.

On page 1, line 18, of the printed bill, strike out the words "sixty per cent", and insert in lieu thereof the word "two-thirds".

Amendment No. 5.

On page 1, line 22, of the printed bill, following the word "suspension", strike out the word "of", and insert in lieu thereof the word "to".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 761—An act to amend section 3.42 of, and to add section 3.43 to, the School Code, relating to required instruction in the schools.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 761 were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, as amended March 18, 1935, following the word "all", insert the following: "elementary and".

Amendment No. 2.

On page 1, line 18, of the printed bill, as amended March 18, 1935, strike out the word "a", and insert in lieu thereof the word "at".

Bill read second time, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 470—An act to repeal Chapters 8 and 9 of Part 2 of Division 2 of the Insurance Code, relating to mutual benefit associations and to life and disability insurance on the assessment plan, and to enact in lieu thereof a new chapter, to be added to the Insurance Code to Part 2 of Division 2 of said code, to be numbered Chapter 8 of said part and said division of said code, relating to life and disability insurance on the assessment plan.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 470 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "repeal Chapters 8 and 9", and insert in lieu thereof the following: "amend and revise Chapter 9, comprising sections 10810 to 10940, inclusive."

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "relating to mutual benefit associa-", also strike out lines 3, 4, 5 and 6 and in line 7, strike out "division of said code, relating to", and insert in lieu thereof the following: "relating to insurers transacting".

Amendment No. 3.

On page 1 of the printed bill, in the last line of the title, strike out "assessment plan", and insert in lieu thereof the following: "stipulated premium plan with provision for assessment."

Amendment No. 4.

On page 1 of the printed bill, strike out lines 1 to 22 inclusive, also strike out all of pages 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and insert in lieu thereof the following: "Chapter 9. Mutual Life and Disability Insurance on the Stipulated Premium Plan, with Provision for Assessments.

Article 1. Contract of Stipulated Premium Insurance.

10810. Every contract whereby a benefit is to accrue to a person named therein through the death of the insured, or his physical disability from accident or sickness, or for the payment of any sum of money as an annuity or endowment, if the benefit is conditioned, not upon fixed payments but upon the collection from time to time of stipulated premiums with provision requiring additional payments from insured members by assessment, shall be a contract of mutual insurance on the stipulated premium plan; and the business involving the issuance of such contracts shall be carried on in this State only by duly organized corporations subject to this chapter.

Article 2. Special Exemptions.

10811. Nothing contained in this chapter except as herein provided shall apply to

(a) Fraternal benefit societies operating under "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, as subsequently amended.

(b) Benefit and relief associations formed by churches, lodges, labor unions, or employees of a common employer, membership in which is confined to the members of such churches, lodges, or labor unions, or employees or officers of such common employer, or employees or officers of companies or corporations of which a single employer owns at least one-quarter of the issued capital or voting stock, or to those who were such corporate officers or employees at the time of becoming members of such associations;

Provided that section 10815, Article 4 and Article 13 of Chapter 1, Part 2, Division 1 of this code shall apply to any such society, association or corporation.

Article 3. Formation and Organization.

10815. Seven or more persons, residents of this State, may form a mutual corporation for the purpose of transacting the business of life, disability, or life and disability insurance as defined in this chapter. Such corporation shall be formed in the manner prescribed in, and shall be subject to the provisions of, Article 3 of Chapter 10, Part 2, Division 2 of this code, so far as applicable to such a corporation, except as is otherwise expressly herein provided; provided this section shall not apply to existing corporations; and provided further, that applicants may be accepted as to insurability as the by-laws of such corporation may provide.

10816. The name of the corporation shall contain the word "insurance" and shall be first submitted to and approved by the Insurance Commissioner. No name shall be approved which is so similar to that of an existing insurer as to lead to confusion.

10817. Officers chosen at the first meeting of the incorporators shall hold office until the next succeeding meeting of the company for the election of officers, the date of which shall be within two years of the time of organization, and shall be prescribed by the by-laws. At that meeting and thereafter at least quadrennially the officers shall be chosen and shall hold office until their successors are elected and qualified.

Article 4. Time for Beginning Business by New Corporation. Existing Corporations May Continue.

10820. A domestic corporation now engaged in transacting the business of insurance under Chapter VI of Division 1, Part 4, Title 2 of the Civil Code of this State, may continue to exercise all rights, powers and privileges conferred by said chapter, or its articles of incorporation not inconsistent herewith, subject to this chapter, except that corporations heretofore organized shall be privileged to carry to completion under the terms of said Chapter VI their existing contracts, but no new policy shall be issued except under the provisions of this chapter.

10821. No certificate of incorporation granted under the provisions of this chapter shall continue valid after one year from the date hereof, unless the organization shall have been completed and business begun thereunder.

Article 5. Issuance of Policies.

10830. An insurer hereafter organized under this chapter shall not assume any liability nor collect any other than the advance premium, nor issue any policy or certificate until at least one thousand persons have subscribed, in writing, an agreement to be insured therein for death benefit of not less than one thousand dollars if life insurance, or for a disability benefit of not less than five dollars per week if disability insurance and have each paid one full stipulated premium or assessment of not less than five dollars, to be held in trust for the beneficiaries which shall have been deposited as provided in section 10901 hereof, nor unless such fund is at least equal to the largest benefit provided in any contract of insurance applied for, nor until the insurer has deposited twenty-five thousand dollars with the commissioner, nor until the commissioner has certified that the insurer has complied with the provisions of law and is authorized to transact business. The commissioner may require of the applicants for such policy or certificate, and at any time of the officers of any such corporation evidence, under oath or otherwise, relative to its affairs as he may consider it necessary. If it shall appear that the incorporators or persons acting in their behalf have advanced to or for the subscribers the stipulated premiums or assessments herein required to be paid, no authorization shall be issued and the corporation shall be immediately dissolved. It is the intent of this chapter that no person shall have a proprietary interest in such corporation except equally with all other members.

Article 6. Reinsurance, etc.

10840. Such insurer may reinsure with, or transfer its membership certificates or policies and funds to, any insurer doing business under this chapter, or to any stock or mutual insurer authorized to transact the business of life, disability or life and disability insurance in this State.

10841. The contract of reinsurance or transfer shall be submitted to and approved by a two-thirds vote of the policy or certificate holders of the ceding insurer present in person or by proxy at a meeting called to consider the same, of which a written or printed notice shall be mailed to each policyholder or certificate holder, at least thirty days before the day fixed for the meeting. If the vote is in the affirmative, a certified copy of all proceedings relating to the proposed reinsurance shall be filed with the commissioner, who, if he finds that the proceedings have been in accordance with law, shall approve the same.

10842. The reinsuring corporation shall be entitled to all the assets of the ceding insurer and shall assume all of its liabilities, but the commissioner may make such requirements as to segregation of assets and accounts as may best protect the interest of policyholders of both corporations. If such vote of approval of reinsurance or transfer shall include an agreement for the transfer to the reinsuring corporation of a reserve fund deposited with the State, the commissioner shall approve an order for the transfer of the deposit fund to such corporation, and the State Treasurer shall thereupon pay over the deposited fund to the reinsuring corporation or credit said corporation with it as a deposit.

10843. If the corporation assuming the reinsurance or transfer is subject to this chapter, the proposed contract of reinsurance shall be submitted to its policy or certificate holders, and a similar notice given and a two-thirds affirmative vote required of its policy or certificate holders the same as is required of the policy or certificate holders of the ceding insurer.

10844. The policies or certificates in force at the date of reinsurance or transfer shall continue in full force and effect in all their provisions, agreements and undertakings and shall be construed according to the provisions of law under which they were issued. Any defenses or evidence relative to such policies or certificates available under their provisions shall constitute a defense, and shall be received as evidence in any controversy between the parties to and interested in such policies or certificates.

10845. Any such insurer may reinsure any individual policy or policies, or any part thereof, issued by it with any insurer licensed to transact life, disability, or life and disability insurance business in this State without submitting the reinsurance thereof for approval to the commissioner.

10846. Any insurer authorized to do business under this chapter may reinsure or assume, in whole or in part, the contracts of any association authorized to do business under Chapter 8 of Part 2, Division 2 of this code, provided that no individual contract shall be so reinsured or assumed, provided, further, that the contract of reinsurance or assumption in all such cases shall be subject to the approval of the commissioner.

10847. The approval by the commissioner of a contract of reinsurance or transfer shall operate to dissolve the existing insurer, and all its liabilities shall thereupon cease, but its officers may thereafter perform any act necessary to close its affairs.

Article 7. Amount of Benefit to be Specified, Payment of Benefit, etc.

10850. Every policy issued by any such insurer shall provide the amount of money which it promises to pay upon the contingency insured against, and the number of days after satisfactory proof of the happening of such contingency and the liability of the insurer when such payment shall be made, and upon the occurrence of such contingency the beneficiary may maintain an action upon such policy in his own name.

10851. If the commissioner is satisfied, on investigation, after a hearing upon notice of not less than thirty days, that any such insurer has refused or failed to pay a policy claim for a reasonable time after it became due, and after proper demand, he shall notify the insurer that until such indebtedness is fully paid, and while such notice is in force, no officer or agent of the insurer shall make, sign or issue any policy of insurance.

Article 8. Life Insurance Policies, Policy Provisions

10860. No insurer subject to the provisions of this chapter shall issue or deliver in this State any contract of life insurance until a copy of the form thereof, including the form of application, any rider or endorsement, has been filed with and approved by the commissioner. The commissioner shall approve or disapprove such form within thirty days thereafter; otherwise such form shall be deemed approved, provided, however, that before disapproving such form he shall notify the insurer of his reasons therefor and grant a hearing to the insurer thereon. In considering whether a form of policy shall be approved, the commissioner shall consider whether or not it takes into consideration the provisions of this chapter and all standard provisions applicable thereto; nor shall such policy be so issued or delivered unless it contains in substance the following provisions:

(1) A provision that the insured (after three months' premiums have been paid) is entitled to a grace not less than twenty days within which time the payment of any premium or assessment after the first may be made, subject at the option of the insurer to an interest charge not in excess of six per centum per annum for the number of days of grace elapsing before the payment of the premium or assessment during which period of grace the policy shall continue in full force, but in case the policy becomes a claim during the said period of grace before the overdue premium or assessment or the deferred premiums of the current policy year if any are paid, the amount of such premiums or assessment with interest or any overdue premium or assessment may be deducted from any amount payable under the policy in settlement.

(2) A provision that the policy shall be incontestible after it has been in force during the lifetime of the insured for a period of three years from its date of issue or from the date of any reinstatement thereof except for suicide and except for nonpayment of premiums or assessments and except for violation of the conditions of the policy relating to military or naval service in time of war or relating to additional insurance with the insurer upon the monthly or weekly payment plan without special indorsement and at the option of the insurer provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident may also be accepted.

(3) A provision that the policy shall constitute the entire contract between the parties, but if the insurer desires to make the application a part of the contract it may do so provided a copy of such application, except for insurance on the weekly or monthly premium basis, shall be indorsed upon or securely attached to the policy when issued, and in such case the policy shall contain a provision that the policy and the application therefor shall constitute the entire contract between the parties.

(4) A provision that if the age of the insured has been misstated the amount payable under the policy shall be such as the premium or assessment would have purchased at the correct age in accordance with the table of premium rates of the insurer on file with the commissioner.

A policy, or any application, indorsement or rider form used in connection with any policy issued in violation of this section, shall nevertheless be held valid but shall be construed as provided in this section, and when any provision in such policy, application, indorsement or rider is in conflict with any provision of this section, or of any other statutory provision, the rights, duties and obligations of the insurer, the policyholder and the beneficiary shall be governed by the provisions of this section. Any such policy may be issued or delivered in this State which, in the opinion of the commissioner, contains provisions on any one or more of the several foregoing requirements more favorable to the insured than hereinbefore required. The provisions of this section shall not apply to policies of reinsurance. Every such insurer shall file with the commissioner complete schedules of its premiums, rates and classifications.

10861. If the commissioner fails to approve within thirty days any such form or disapproves the same, his act or decision thereon shall be subject to review, in accordance with the provisions of Chapter I, of Part 3, Title 1 of the Code of Civil Procedure. Upon such review the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in failing to approve or in disapproving any such form. No such policy or form may be issued or delivered pending the final determination of any appeal from the failure of the commissioner to approve or his act of disapproving any such form.

Article 9. Life Insurance Reserves.

10870. Every insurer subject to the provisions of this chapter shall hold and maintain upon every contract of life insurance issued on and after the date upon which it shall become subject to the provisions of this chapter, assets in excess of other liabilities, to provide for reserves not less than the minimum tabular reserves prescribed herein; provided the statutory deposit required by law may be considered as a part of such reserves, or of other required policy reserves.

The basis for minimum reserves under this act shall be the American Experience Table of Mortality, with Farr's Table No. 3 or Craig's Extension for ages under ten, and interest at four per centum per annum; provided, however, that contracts issued on a weekly premium basis and providing therein for valuation according to the Standard Industrial Table of Mortality and interest at four per centum per annum shall be valued according to such industrial table of mortality and rate of interest. Such contracts may provide for not more than one year preliminary term insurance by incorporating therein a clause plainly showing that the first year's insurance under such contracts is term insurance, purchased by the whole or a part of the premiums to be received during the first contract year, and such contracts may be valued on the basis of the mortality table and interest rate above prescribed by the preliminary term plan; provided, however, that the reserve according to such standard for the first to the fifth policy years, inclusive, may be reduced by the following percentages: first year, eighty per cent; second year, eighty per cent; third year, sixty per cent; fourth year, forty per cent; fifth year, twenty per cent; and provided, further, that at no time shall the reserve be less than the value of any nonforfeiture provision contained in the policy.

In computing reserves as required by this section, no allowance or reduction shall be made in consideration of the fact that members may be assessed to make up a deficiency.

Article 10. Additional Premiums or Assessments.

10875. All life contracts issued or delivered in this State by corporations subject to this chapter shall provide, in addition to the stipulated premiums, for the payment of additional premiums or assessments, to the extent needed to pay for their share of claims and expenses and to maintain the tabular reserves required by this chapter, or shall require such additional amount to be charged as an indebtedness, at a rate of interest specified in the contract, not exceeding the tabular reserves on the contract and shall provide for terminating the contract whenever the total indebtedness thereon shall equal such tabular reserves, and on such contract no liability shall be charged in any valuation for any deficiency in future contributions so long as such payments are actually collected or such charges are actually made; provided, however, no such additional premiums or assessments shall be enforced against any holder of a life contract except upon due notice to such holder.

Every such holder shall have the option of paying such additional premiums or assessments in cash or permitting the same to be charged as an indebtedness against the tabular reserves as above provided but if no option selection is made within thirty days after the mailing of such notice the second option shall become applicable and said additional premiums or assessments shall become a lien upon said contract, and it is further provided that all said life contracts and notices of said additional premiums or assessments shall contain a statement to that effect.

Article 11. Conversion to Mutual Legal Reserve.

10880. Any domestic insurer subject to the provisions of this act possessed of admitted assets in excess of all liabilities equal to the minimum paid up capital required by sections 10510 and 10511 of this code to transact the class or classes of insurance which it proposes to transact may, at its option, without reorganization, elect to operate as a mutual legal reserve insurer. Such action shall be by resolution adopted by not less than a two-thirds vote of the policy or certificate holders present in person or by proxy at a duly called meeting for that purpose, of which a written or printed notice shall be mailed to each policy or certificate holder at least thirty days before the day fixed for the meeting. A certified copy of all proceedings relative to such action shall be filed with the commissioner, who, if he finds that the proceedings have been in accordance with law, shall approve the same.

10881. Such transformed corporation may amend its articles and by-laws, and shall be considered a continuation of the original corporation by the same name.

10882. Thereafter the insurer shall not include in its policies the provisions required by the preceding article, but shall be subject as to subsequent business to the test of solvency provided for life, disability, and life and disability insurers by this code and to all other provisions relating to mutual life, and disability insurance not on the stipulated premium plan. But such election shall not affect the rights or obligations of the insurer or its members on any contract theretofore made.

Article 12. Contributions.

10885. Any person may advance any sum of money to an insurer operating under this chapter, such advance being made for the purposes of organization or to promote or conserve the insurer's business or to enable it to qualify as a mutual legal reserve insurer as provided herein, or to comply with the laws of any State, and the return of such money, together with such interest thereon as may have been agreed upon, not exceeding eight per cent per annum, shall be payable only out of earned surplus remaining after providing for all required reserves and other liabilities, whether required by the laws of this State or any other State in which the insurer does business, and the obligation to return such money shall not be a liability or claim, either as to principal or interest, against the insurer or any of its assets. No commission or promotion expenses shall be paid in connection with the advance of any such money to the insurer, and the amount of such advance shall be reported in each annual statement. When any insurer organized under this chapter discontinues business, after the payment of or provision for all liabilities, following a determination made by the Insurance Commissioner, any surplus must be returned to the person or persons who advanced it, or if the money advanced is repaid then such surplus shall be distributed or disposed of as may be determined by the superior court of the county in this State in which such insurer has its principal place of business.

10886. The advance of any sum of money or contribution for the purposes specified in the preceding section shall be evidenced by contribution certificates in such form as may be approved by the commissioner.

No repayment, in whole or in part, of the principal of such contribution or advance shall be made without the approval in writing of the commissioner being first had or obtained.

Article 13. Life Insurance. Separation of Accounts and Segregation of Assets.

10890. Any insurer subject to the provisions of this chapter which issues life policies shall keep separate accounts of its life insurance business and shall segregate the assets relating to that business and such assets and the interest thereon together with all premiums or assessments on life policies shall be held for the sole benefit of such business, provided that there may be paid from the premiums and assessments a reasonable amount for the proportion of the insurer's expenses due to its life insurance business. No holder of a life insurance policy shall be liable as such to assessment for losses incurred other than in connection with the life insurance business of the insurer and no holder of a contract other than of life insurance shall be liable as such to assessment for losses incurred in connection with the life insurance business of the insurer. It is the intention of this provision that the life insurance business and the disability insurance business of an insurer subject to this chapter and doing both classes shall each be self sustaining and not dependent one upon the other.

Article 14. Insolvency. Investigation by Commissioner. Revocation of Certificate of Authority.

10895. If the liabilities of any insurer organized or operating under this chapter exceed its resources, and it can not within a reasonable time, not more than three months from the date of the original default on any obligation, pay its accrued indebtedness in full, without impairment of the reserves for its business as required by this chapter, it is insolvent. When the commissioner has given the notice required by section 10851 of this chapter, he shall proceed without delay to investigate the condition of the insurer, and if it shall appear to him that it is insolvent, he shall proceed in accordance with the provisions of Article 14 of Chapter 1, Part 2, Divi-

sion 1, of this code; provided, however, that nothing in this section shall prevent the commissioner from proceeding under said Article 14 for any other cause stated therein.

10896. Any company doing business under this chapter refusing or neglecting, for sixty days after the filing of satisfactory proof of the death or disability of a policyholder, if the claim arising thereon is not disputed and if the available assets are not sufficient to pay said claim, to levy an assessment or otherwise obtain funds to provide for its payment, shall thereby be subject to having its certificate of authority revoked.

Article 15. Statutory Deposit and Investment of Funds.

10901. The statutory deposit and reserves required by this chapter shall be invested in securities in which domestic incorporated insurers are allowed by this code to invest their capital and of such securities an amount of the value not less than twenty-five thousand dollars shall remain deposited in trust with the commissioner for the benefit of contract holders of the company.

Article 16. Insurer Exceeding Its Powers, etc.

10915. If the commissioner, on investigation, is satisfied that any such insurer has exceeded its powers, failed to comply with any provision of law or is conducting business fraudulently, he shall proceed in accordance with Article 14 of Chapter 1, Part 2, Division 1, of this code.

Article 17. Foreign Corporations May Be Admitted.

10920. A corporation organized under the authority of another State or Government to issue policies of life, disability or life and disability insurance on the stipulated premium or assessment plan, as a condition precedent to transacting business in this State, shall deposit with the commissioner a certified copy of its charter; a statement, on oath, of its president and secretary in the form required by the commissioner, of its business for the preceding year; a designation of an agent in this State and an agreement or stipulation as provided by sections 1600 to 1604, inclusive, of this code; a certificate, on oath, of its president and secretary, that it is paying, and for the twelve months then last preceding has paid, the maximum amount named in its policies in full; a certificate from the proper authority of its home State that corporations of this State engaged according to this chapter in insurance on the stipulated premium or assessment plan, are legally entitled to do business in such State; a copy of its policy and application, which must show that benefits are provided for by stipulated premiums or assessments upon policyholders; evidence satisfactory to the commissioner that it has accumulated and maintains a deposit and reserves equal in amount to that required by this chapter; that such accumulation is permitted by law of its incorporation and is held in trust for the benefit of policyholders only, and is securely invested. The commissioner shall thereupon make or cause to be made an examination, as provided by Article 4 of Chapter 1, Part 2, Division 1, of this code, and if he is satisfied thereby he shall issue a certificate of authority authorizing such corporation to do business in this State until July 1st following unless it is sooner revoked, but it may be renewed annually by the commissioner before that date upon written application of the insurer; and such certificate shall be revoked if the commissioner, on investigation, is satisfied that such corporation is not paying in full the maximum amount named in its policies, or that it has otherwise failed to comply with any provision of this chapter or its own contracts. Upon such revocation the commissioner shall cause notice thereof to be published in such manner as he deems necessary for the protection of the public; and no new business shall be thereafter done by it or its agents in this State.

10921. A foreign corporation admitted under this section to transact business shall pay, on filing its application, the fees prescribed by law. If any other State or country shall impose any obligation in excess of those imposed by this chapter upon any such corporation of this State, like obligations shall be imposed on similar corporations and their agents, of such other State or country, doing business in this State.

Article 18. Additional Premium or Assessment Demand.

10925. Every demand for payment by the policyholders under the assessment provision of any policy or contract shall distinctly state the purpose of the same, and if any part of the amount called for is to be used for expenses the demand shall clearly state how much.

Article 19. Insurance Laws Applicable.

10928. Except as specifically provided to the contrary herein or elsewhere, all contracts of insurance hereafter issued or delivered under the provisions of this chapter, and any company issuing such contracts in this State, shall be subject to all laws now in effect or hereafter enacted, except section 384 and Article 3 of Chapter 1, Part 2, Division 2, of this code.

Article 20. Licensing of Agents.

10930. All agents of such insurers in this State shall be subject to the provisions of Article 2 of Chapter 5, Part 2, Division 1, of this code.

Article 21. Penalty.

10940. Any such insurer or any officer or agent thereof neglecting to comply with or violating any provision of this chapter shall, except as otherwise provided, be deemed guilty of a misdemeanor.

SEC. 2. Any provision of Chapter 9 of the Insurance Code inconsistent with the provisions of this act is hereby repealed.

SEC. 3. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Rush Order to Printer.

On motion of Senator Williams, the Secretary was directed to issue a rush order for printing Senate Bill No. 470.

Second Reading of Assembly Bills.

Assembly Bill No. 884—An act to add a new section to the Penal Code, to be numbered section 593b, relating to climbing upon poles, towers and other structures supporting wires or cables, transmitting electric energy.

Bill read second time, and ordered on file for third reading

Assembly Bill No. 928—An act to amend sections 4280b and 4281b of the School Code, relating to a revolving fund for warehouse stock.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 928 were read and adopted.

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out the following: "a revolving fund", and insert in lieu thereof the following: "revolving funds of school districts".

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 3 to 7, inclusive, and insert in lieu thereof the following:

"4.280b. The governing board of any elementary school district, high school district or junior college district may, if such school district maintains a stock of merchandise for school use, establish a revolving fund for budget control and stock accounting purposes, by adopting a resolution setting forth the necessity for such revolving fund, the purpose for which the fund shall be used and the amount thereof. Three certified copies of such resolution shall be submitted to the county superintendent of schools, who, if he approves the establishment of such a fund, shall indorse his consent upon such resolution, return one copy thereof to the governing board of the school district and transmit one copy to the county auditor.

Whenever two or more school districts have governing boards of identical personnel, said boards may, if such school districts maintain a stock of mer-

Amendment No. 3.

On page 1, line 25, of the printed bill, strike out the word "and", and insert in lieu thereof the word "of".

Amendment No. 4.

On page 1 of the printed bill, strike out all of line 26, and insert in lieu thereof a period and the following: "Where a common revolving fund has been established for two or more school districts governed by governing boards of identical personnel, the amount thereof shall be determined as follows: The inventory of stores on hand of each school district at the time of the establishment of the fund, such stores having been paid for from school district funds and reported to the county superintendent of schools as such shall be the amount to constitute the revolving fund and each district shall retain such equity in the common fund. The fund is".

Amendment No. 5.

On page 1 of the printed bill, strike out all of line 31, and insert in lieu thereof the following: "name or names of the school district or school districts establishing the fund."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Assembly Bill No. 1343—An act to repeal sections 2.21, 3.174, 3.301, 3.302, 3.306, 3.308, 3.309, 3.415, 3.416 of the School Code, to add to Part I of Division II of the said code a new chapter to be known as Chapter VIII, and to add to said code a new section, to be numbered 3.306, all relating to the attendance of pupils upon the public schools.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 1343 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after the second comma, insert the following: "to amend section 3.304 of said code,".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out the Roman numeral "II", and insert in lieu thereof the Roman numeral "III".

Amendment No. 3.

On page 1, line 4, of the printed bill, strike out the second Roman numeral "III", and insert in lieu thereof the Roman numeral "VIII".

Amendment No. 4.

On page 1, line 7, of the printed bill, strike out the Roman numeral "III", and insert in lieu thereof the Roman numeral "VIII".

Amendment No. 5.

On page 2, line 1, of the printed bill, strike out the number "2.106", and insert in lieu thereof the number "3.106".

Amendment No. 6.

On page 2, line 11, of the printed bill, strike out the following: "Should the county super-", and strike out all of lines 12 to 21, inclusive.

Amendment No. 7.

On page 2, line 36, of the printed bill, after said line 36, insert the following: "SEC. 4. 3.304 of the School Code is hereby amended to read as follows:

3.304. Any person not residing in a high school district desiring to attend a high school in a high school district situate entirely outside the county in which such person resides, may attend such high school only upon such terms as may be agreed upon by the high school board of the high school which he desires to attend, and the superintendent of schools of the county in which he resides, or, if they fail to agree, upon such terms as the superintendent of schools having jurisdiction over the high school he desires to attend may prescribe.

The board of supervisors having jurisdiction over any elementary school district not in any high school district, and in which resides any person or persons who are attending in a high school district situated entirely outside the county in which such person or persons reside, shall each year cause a tax to be levied upon the property of the elementary school district. The tax provided for in this section shall be known as the high school tuition tax of the elementary school district, and shall produce an amount computed as follows: From the entire cost of maintenance of the high school for the year, plus the interest and payments on bonds of the high school district for the year, there shall be subtracted the entire income of the high school from State and county sources; the remainder shall be divided by the units of average daily attendance in the high school, and the quotient so obtained shall be multiplied by the units of average daily attendance of pupils from the elementary school district.

The amount shall be levied and collected from the elementary school district in the usual way and shall be paid into the special fund of the high school district."

Amendment No. 8.

On page 2, line 11, of the printed bill, strike out the following: "Should the county super-"; and strike out all of lines 12 to 21, inclusive.

Bill read second time, ordered to reprint, and on file for third reading.

Assistant Secretary Carl A. Shipkey at the Desk.

Third Reading of Senate Bills.

Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 472 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixter, Parkman, Perry, Pierovich, Reindollar, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 472 ordered transmitted to the Assembly.

Senate Bill No. 908—An act to amend sections 286, 1072, 10200, and 10271 of the Insurance Code, relating to insurance principles, practice and matters incidental thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 908 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixter, Parkman, Perry, Pierovich, Reindollar, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 908 ordered transmitted to the Assembly.

Senate Bill No. 610—An act to add section 1203a to the Penal Code, relating to filing of reports by probation officers with the State Board of Prison Directors.

Amendments from the Floor.

During third reading of Senate Bill No. 610, the following amendments, offered by Senator Reindollar, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "1203a", and insert in lieu thereof the following: "1203c".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "1203a", and insert in lieu thereof the following: "1203c".

Amendment No. 3.

On page 1, line 3, of the printed bill, strike out "1203a", and insert in lieu thereof the following: "1203c".

Amendment No. 4.

On page 1, lines 11 and 12, of the printed bill, strike out "in the form prescribed by the board".

Amendment No. 5.

On page 1, line 13, of the printed bill, after "prison", insert a comma and the following: "in the form prescribed by the board".

Bill read third time, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 552—An act to amend section 4220 and add sections 4220a and 4220b of the Political Code, relating to duties of county surveyors, declaring the urgency thereof and providing the same shall take effect immediately.

Bill read third time.

Urgency Clause.

Inasmuch as this act provides the method by which the appropriations for the usual current expenses with relation to road and highway construction maintenance of the various counties and districts of the State are to be prepared and submitted, and inasmuch as the information and data must be compiled before the beginning of the next fiscal year, it is hereby declared an urgency measure, and shall, under the provisions of section 10, Article IV of the Constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Sharkey, Slater, Snyder, Swing, Williams, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 552 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 552 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 563, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Assembly Bill No. 563—An act to amend sections 691, 694, 695, 696, 697, and 865 of the Fish and Game Code and to add section 697.5 thereto, and to repeal section 691.6 thereof, relating to fishing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 563 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich,

Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swang, Wagy, Williams, and Young—36.

NOES—Senator Sharkey—1.

Title read and approved.

Assembly Bill No. 563 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Bill No. 1743—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: Section 284o, relating to disposal of tax delinquent and tax-delinquent lands; section 65, relating to proceedings in bankruptcy; section 66, relating to contracts with the United States or any agency thereof under an act approved May 5, 1917, as amended, and validating such contracts; section 67, validating bonds of the district; and section 68, validating rehabilitation plans; and declaring the legislative intent as to unconstitutionality.

Amendments From the Floor.

During third reading of Assembly Bill No. 1743, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after the word "by", insert the words "amending section 28o of said act, as amended, and by".

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, amend the introductory paragraph of section 1 to read as follows:

"SECTION 1. Section 28o of the Palo Verde Irrigation District Act, as amended, is hereby amended to read as follows:

Sec. 28o. A redemption of the property sold may be made by the owner, or any party in interest, within four years from the date of the sale. Redemption must be made in lawful money of the United States, provided, however, that when redemption of such property shall be made more than one year after the sale provided for in section 281 of this act, an owner of such land, who is the holder of any bond or accrued interest coupon or warrant or other evidence of indebtedness issued by or assumed or agreed to be paid by said district, is authorized to apply the credit represented by such bond, accrued interest coupon, warrant or other evidence of indebtedness, together with the accrued interest on any such obligations as a medium of exchange in the redemption of such property in the manner and to the extent hereinafter specified.

Upon presentation and surrender to the treasurer of Riverside County of any such bond or accrued interest coupon or warrant or other evidence of indebtedness, or any of them, the treasurer shall issue to the holder a memorandum in writing in duplicate indicating the amount of credit represented by such bonds or accrued interest coupons or warrants or other evidences of indebtedness, or any of them, and the accrued interest thereon, which such holder is entitled to apply on such redemption.

The credit memorandum herein provided for shall be designated "Redemption credit memorandum," and each such memorandum shall have printed clearly on the face thereof the words "Redemption credit memorandum."

The collector shall accept such redemption credit memorandum in lieu of lawful money for the redemption of such property in the manner and to the extent herein provided; provided, however, that such redemption credit memorandum shall be accepted for redemption as herein provided only for such portion of the amount required to redeem as shall be equal to or represented by the amount of taxes and assessments, together with penalties and interest thereon. Any balance due on such eighteen months prior to the date of such redemption. Any balance due on such redemption may be paid in whole or in part in lawful money, or by the credit memorandum provided for in section 281h of this act. The collector shall indorse upon such redemption credit memorandum the amount of credit applied on such redemption and the balance, if any, not so applied, and retain one copy of said memorandum to be used in settling his accounts with the secretary and said treasurer.

The said treasurer shall accept such redemption credit memorandum to the extent that the same has been applied upon such redemption in accordance with the provisions of this section, as the equivalent of money. Said treasurer shall thereupon

cancel the bonds and coupons, warrants and other evidences of indebtedness for which such credit was given if the entire amount of the redemption credit memorandum has been applied to such redemption, and in the event that only a portion of the credit has been applied, then said treasurer shall indorse upon the face of such bonds, or coupons or warrants or other evidences of indebtedness, the fact that the same and/or the accrued interest thereon have been paid to the extent of the credit so applied and return the bond, coupon, warrant, or other evidence of indebtedness so indorsed to the holder. If no part of the credit represented by such memorandum is applied to the redemption of property as herein provided, the treasurer shall, upon surrender of such credit memorandum, cancel the same, and deliver the bonds or coupons or warrants or evidences of indebtedness to the owner.

On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On presentation of the receipt of the collector of the total amount of the redemption money, the recorder must mark the word "redeemed," the date and by whom redeemed on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector, or his successor, must make to the district a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The title acquired by the district may be conveyed by deed, executed and acknowledged by the president and secretary of the board of trustees, or said property may be sold on contract, with deferred payments, similarly executed and acknowledged; provided, that authority so to convey or contract must be conferred by resolution of the board, entered in its minutes, fixing the price and terms at which such sale or contract may be made, and for the purpose of making such sales or contracts the district may employ an agent or agents; and provided, further, that property sold to the district for delinquent taxes may be redeemed as herein provided at any time before the district has disposed of the same.

When any plan for compromise, payment or satisfaction or funding or refunding of any bonds, warrants or other evidences of indebtedness of said district shall have been approved at an election as provided in section 23 of this act, and such plan shall provide therefor, property deeded to the district for delinquent taxes may be leased for a term not exceeding ten years and the district as a part of such lease, or otherwise, may give options to purchase such property. The rentals under any lease, and the purchase price in any such option agreement or in any contract of sale, may be made payable in bonds and/or coupons of the Palo Verde Drainage District, Palo Verde Irrigation District, Palo Verde Joint Levee District of Riverside and Imperial Counties, California, and/or bonds and coupons heretofore issued by Palo Verde Mutual Water Company. If any sentence, clause or phrase of this section is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section.

SEC. 2. A new section is hereby added to said Palo Verde Irrigation District Act, as amended, to be numbered 2840 and to read as follows:"

Amendment No. 3.

On page 2, line 18, of the printed bill, as amended, strike out the section number "2", and insert in lieu thereof the numeral "3".

Amendment No. 4.

On page 2, line 29, of the printed bill, as amended, strike out the section number "3", and insert in lieu thereof the numeral "4".

Amendment No. 5.

On page 3, line 35, of the printed bill, as amended, strike out the section number "4", and insert in lieu thereof the numeral "5".

Amendment No. 6.

On page 4, line 8, of the printed bill, as amended, strike out the section number "5", and insert in lieu thereof the numeral "6".

Amendment No. 7.

On page 4, line 29, of the printed bill, as amended, strike out the section number "6", and insert in lieu thereof the numeral "7".

Amendment No. 8.

On page 4, line 42, of the printed bill, as amended, strike out the section number "7", and insert in lieu thereof the numeral "8".

Bill read third time, ordered to reprint, and on file for third reading.

Assembly Bill No. 734—An act to validate the organization and incorporation of municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 734 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Mixter, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Wagy—32.

NOES—None.

Title read and approved.

Assembly Bill No. 734 ordered transmitted to the Assembly.

Assembly Bill No. 1682—An act relating to the investment of funds in the State treasury.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1682 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixter, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1682 ordered transmitted to the Assembly.

Assembly Bill No. 1862—An act to add two new sections to the Political Code to be numbered 359c and 359d, to provide for vacations of officers and employees of the State of California, with pay, and empowering the State Personnel Board to promulgate rules and regulations governing the same, in so far as applicable to such members of the civil service, and to repeal a certain act therein specified.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1862 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1862 ordered transmitted to the Assembly.

Assembly Bill No. 1863—An act to add a new section to the Political Code to be numbered 359e, to provide for leave of absence with pay to officers and employees of the State of California, when ill, and to empower the State Personnel Board to promulgate rules and regulations governing the same in so far as applicable to members of the civil service, and to empower appointing powers of such officers and employees to promulgate rules and regulations governing the same, in so far as applicable to officers and employees not members of the civil service.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1863 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1863 ordered transmitted to the Assembly.

Assembly Bill No. 1739—An act to add section 670a to the Political Code, relating to the refund of penalties.

Amendment From the Floor.

During third reading of Assembly Bill No. 1739, the following amendment, offered by Senator Sharkey, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 9, and insert in lieu thereof the following: "to justify, in the opinion of said board, such waiver or".

Bill read second time, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Joint Resolution No. 13.

Relative to memorializing the President and the Congress of the United States to adopt legislation to adjust SERA relief wages to establish employment agencies with lists of those eligible to seek private employment and take from relief rolls those who fail to accept reasonable offers of private employment.

WHEREAS, The present operation of the SERA under an hourly wage scale is greatly in excess of that being paid by farmers and other employers in private industry, and considerably above that which has ever prevailed in the most prosperous times, is actually attracting more and more persons from gainful private employment and rendering it impossible to obtain domestic help, and increasingly difficult to find labor for ordinary unskilled work; and

WHEREAS, This condition is not isolated, local or exceptional, but is the general, natural and inevitable result of the present SERA policy; and

WHEREAS, A continuation of this policy will attract an ever increasing number to relief rolls, place a premium on idleness, decrease private employment, discourage all attempts at finding ways and means of self-support, place a burden of taxation and higher costs on employers and employees alike so as to render it impossible for them to continue; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Congress of the United States enact such legislation so that hourly relief wages of the SERA be at a lower basis than paid by the majority of employers in each locality; and be it further

Resolved, That an employment agency be established in every SERA office, with lists of those on relief available for prospective employers; and be it further

Resolved, That legislation be enacted that anyone able to work who refuses a reasonable offer of private employment or fails to perform a fair day's work when employed privately or on relief, be stricken from relief rolls; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 13 adopted by the following vote:

AYES—Senators Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, King, McCormack, McGuinness, Metzger, Mixer, Park-

man, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—28.

NOES—None.

Senate Joint Resolution No. 13 ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 12.

Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California.

Resolved by the Senate of the State of California, the Assembly concurring. That there shall be printed as a public document, 5000 copies of the report of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California, for the year 1935, and of each succeeding annual convention, together with illustrations, copies of general orders enacted at such conventions and of the official roll, 250 copies for the use of the Senate and 250 copies for the use of the Assembly, the annual cost thereof, not exceeding \$6000, to be payable from the appropriation for legislative printing.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Gordon, Jaspersen, Keough, King, McCormack, McGinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rendollar, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—28.

NOES—None.

Senate Concurrent Resolution No. 12 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, April 8, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 359—An act to amend section 2 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," and to provide that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—11; absent—2.

On County Government.

DUVAL, Chairman.

SENATE CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1019—An act to add a new section, to be numbered 14, to "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers, with relation to fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths," approved April 28, 1909, relating to ornamental trees and shrubs and to boards of forestry:

Also: Assembly Bill No. 33—An act to amend section 4300b of the Political Code of the State of California by adding thereto a provision fixing a fee to be charged by sheriffs for arresting prisoners and bringing them into court or jail; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 37—An act providing for the creation, organization, and government of joint districts composed of two or more counties of the State of California for the purpose of maintaining joint county road camps and providing that persons confined in the county jail of any such county under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public work or public highways in any of such counties:

Also: Assembly Bill No. 229—An act to amend sections 3366 and 4041.14 and to repeal section 3384 of the Political Code, relating to the licensing of businesses by the counties;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

HULSE, Chairman.

Adjournment.

On motion of Senator Rich, at three o'clock and twenty-five minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, April 9, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, April 9, 1935.

The Senate met at eleven o'clock a.m.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair.
Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, April 8, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Jespersen was, on motion of Senator Knowland, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Roy Bucknell and Mr. J. C. Shirley of Upper Lake.

On request of Senators Knowland and Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edgar Holmes Lion of Contra Costa County.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lena B.

Everett, teacher of social studies, Stanford Junior High School, Sacramento, and the following students of the lower seventh social studies class: Pauline Bigham, Arlene Burks, Tyler Burch, Jessie Cabeza, Forrest Catlett, Walter Costa, Barbara Dunn, Gerald Ferrari, Eugene Gilbert, Evelyn Giorgi, Billy Goode, Charles Green, Dorothy Hayes, Joyce Hinds, Rilda Howard, Ralph Holmes, Julian Kimbrell, Orvil Linder, Jonas LaVeda, William Lloyd, Jule Maddox, Keith Manhart, Richard McCarroll, Dorothy McDonald, Jean Munro, Tommy Myers, Lulietta Nicotra, Mary Navarre, Mary Ann Parenti, James Retallie, Frank Riola, William Saderlund, Betty Samuelsen, Peter Viratow, Wilbur Willis, Isabelle Williamson and Betty Lou Lewis, the following students of the high eighth social studies class: Marie Evans, Leonard Meffard, Mary Scolli, Roy Miller, Ross Powers, Dorothy Adams, Julia Bertagnini, Edward Hearnstein, Verna Carlson, Estel Orr, Evelyn Kiesen, Lee Jasper, Clayton Ball, Clara Pollacci, Harriet Offer, Richard Pape, Lloyd V. Auek, Marie Fender, Ruth Mayberry, Maxine Siegel and Patricia Harris.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Mr. Henshaw, former Assemblyman and present Mayor of Signal Hill.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Agnes B. Ailman, Chairman of Education, Williams Woman's Club, and Stanley J. Lightly, Principal, of Williams High School, Colusa County, and the following students of the class of American Government: Fred Storz, Elwood Sites, Ashly Saunder, Moore Stoval, Theodore Dunn, Edwin Frank, William Keegan, John Gobel, George Ila, Norma Duncan, Roma Duncan, Agnes Keberlein, Dorothy Morris, Isadora Berhyer, Helen Neisen, Joan Able, Virginia Watson, Annett Fench, Gail Linton, Ruth Meyers, Shirley Locke, Elizabeth Moore, Lois Woodbell, Yelene Wallace, Arvena Keegan, Victor La Grande, Leroy Schaad, Dan Rathburn, Seymore Vann and Ed. Rathburn.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2174--An act to confirm, ratify and make valid ordinances heretofore passed by the city council or the people of any incorporated city creating a civil service commission and placing employees of the city under control of said civil service commission.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2174 read first time, and referred to Committee on Municipal Corporations.

Report of Standing Committee.

The following report of standing committee was received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 128--An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of an act entitled the "Direct Primary Law," relating to nonpartisan offices:

Also: Senate Bill No. 284—An act to amend section 1197 of the Political Code, relating to election ballots;

Also: Senate Bill No. 306—An act to amend section 1111 of the Code of Civil Procedure, relating to contest of elections;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Reports of Standing Committees.

The following reports of standing committees were received, and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 24—An act to promote the safety of travelers and employees on trains by limiting the number of cars in a train, and prescribing penalties for violation thereof—and reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of April, 1935, at four o'clock and thirty minutes p.m.

METZGER, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, April 8, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 919—An act to carry into effect the provisions of Article XX, section 22 of the Constitution of California as adopted by the voters at the general election held November 6, 1934, relating to the control of the liquor traffic in the State of California and prescribing penalty for the violation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes 11; absent 2.

DUVAL, Chairman.

Bill ordered to second reading.

Second Reading of Senate Bill No. 919.

Senate Bill No. 919—An act to carry into effect the provisions of Article XX, section 22 of the Constitution of California as adopted by the voters at the general election held November 6, 1934, relating to the control of the liquor traffic in the State of California and prescribing penalty for the violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 919 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 17, inclusive, and insert in lieu thereof the following:

"SECTION 1. This act is known and may be cited as the "Alcoholic Beverage Control Act."

SEC. 2. The following words, terms and phrases when used in this act have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(b) "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer and every fluid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one per cent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(c) "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof in water, and shall include ale, porter, brown, stout, lager beer, small beer and strong beer.

(d) "Distilled spirits" means ethyl alcohol, spirits of wine, whiskey, rum, brandy, gin and other distilled spirits for beverage use, including all dilutions and mixtures thereof.

(e) "Wines" means the product obtained by the fermentation of grapes or other agricultural products containing natural sugar or any such alcoholic beverage fortified with grape brandy and containing not more than twenty-four per cent of alcohol by volume and shall include sake known as Japanese rice wine.

(f) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust business, trust, receiver, syndicate or any other group of combination acting as a unit, and the plural as well as the singular number.

(g) "Board" means the State Board of Equalization of the State of California.

(h) "Club" means a corporation or association which in the owner, lessee or occupant of an establishment operated solely for objects of a social or athletic nature, having a bona fide membership list, and the majority of the members of which pay dues at least twice in every year, and such payments to be approximately six months apart, but not for pecuniary gain, and the property as well as the advantages of which belong to the members.

(k) "Manufacturer" means every person, who within the State of California, brews, ferments, distills, cuts, blends, rectifies, or otherwise processes, produces, or manufactures alcoholic beverages containing one-half of one per cent or more of alcohol by volume. Providing that any person who manufactures not to exceed two hundred gallons of wine per year for his own consumption, shall not, because of such manufacture, be considered a manufacturer within the meaning of this act.

(i) "Rectifier" means every person who colors, flavors, or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

(k) "Importer" means every person who, in the case of alcoholic beverages brought into this State from outside of this State, is the first in possession thereof within this State after the act of importation is completed.

(l) "An industrial alcohol dealer" is one who is authorized by proper license to sell distilled spirits in packages of more than one gallon for use in the trades, professions or industries, but not for human consumption or for use in the preparation of alcoholic beverage for human consumption.

(m) "Sale" means any transfer, exchange, delivery or barter in any manner or by any means whatsoever, for a consideration or not, and includes all sales made by any person, whether principal, proprietor, agent, servant or employee of any alcoholic beverage.

(n) "Package" or "original package" means any container or receptacle used for holding alcoholic beverages which is corked or sealed with a stop, stopper or cap, or in any other manner.

(o) "To bottle" or "to package" means to bottle, barrel, or otherwise place alcoholic beverages in a container.

(p) "Distiller" means a manufacturer who produces distilled spirits from naturally fermented material.

(q) "Proof spirits" means that alcoholic liquor which contains one-half of its volume of pure ethyl alcohol of a specific gravity of 0.7939 at sixty degrees Fahrenheit, referred to water at sixty degrees Fahrenheit as unity.

(r) "Proof gallon" means a gallon of proof spirits, or an equivalent amount of alcohol.

(s) "Wholesaler" means and includes every person other than a manufacturer or rectifier who is engaged in business as a broker, jobber or wholesale merchant, dealing in alcoholic beverages, and for the sole purpose of payment of license tax for branch offices of a manufacturer as stated in section 6 hereof, such branches shall be classed as wholesaler.

(t) "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale.

(u) "Restaurant" shall mean a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for a compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods, which may be required for ordinary meals, the kitchen of which must, at all times, be in charge of a cook.

Provided further, that in any town, city, county or city and county wherein a license is required for the operation of a restaurant or hotel, an existing license therefor shall be obtained and maintained for conducting such restaurant or hotel on said premises, or particular location where liquors are to be served.

(v) "Wine gallon" means that liquid measure containing two hundred and thirty-one cubic inches.

(w) "Wine manufacturer" means any person engaged in the manufacture of wine as the term "wine" is defined in this act.

SEC. 3. No person shall perform any act or acts which would constitute such person, a manufacturer, rectifier, importer, wholesaler, retailer of any alcoholic beverage within the meaning of this act or shall package, label and/or sell any alcoholic beverage unless such person is authorized to do so by a license duly issued pursuant to the provisions of this act, and any person violating any provision of this section shall be guilty of a misdemeanor.

SEC. 4. The following are the types of licenses to be issued under this act and the annual fees to be charged therefor, provided that the fee as specified shall be reduced twenty-five per cent for each full quarter of a year elapsing between the first day of the year for which the licenses are applied, and the date on which the application for the licenses are filed with the board.

1. Beer manufacturer's license.....	\$75.00 per year
2. Wine manufacturer's license, from one to five thousand gallons per year.....	50.00 per year
Over five thousand to twenty thousand gallons per year.....	60.00 per year
Over twenty thousand to one hundred thousand gallons per year.....	75.00 per year
Over one hundred thousand to two hundred thousand gallons per year.....	100.00 per year
Over two hundred thousand gallons to one million gallons a year.....	150.00 per year
For each million gallons or fraction thereof over a million gallons an additional.....	100.00 per year
3. Distiller's registration (per still).....	10.00 per year
4. Rectifier's license.....	250.00 per year
5. Distilled spirits and wine importers license.....	100.00 per year
6. Beer importers license.....	500.00 per year
7. Wine bottling or packaging license.....	10.00 per year
8. Distilled spirits bottling or packaging license.....	250.00 per year
9. Beer bottling or packaging license.....	500.00 per year
10. Distilled spirits wholesale license.....	250.00 per year
11. Beer and wine wholesaler's license.....	50.00 per year
12. Retail package off-sale beer and wine license.....	10.00 per year
13. Retail package off-sale distilled spirits license.....	
14. Under 10,000 retail sales of distilled spirits.....	100.00 per year
15. \$10,000 to \$20,000 per year retail sales of distilled spirits.....	200.00 per year
16. \$20,000 to \$30,000 per year retail sales of distilled spirits.....	300.00 per year
For each \$10,000 retail sales or fraction thereof over \$30,000, per year.....	100.00 per year
14. Industrial alcohol dealer's license.....	50.00 per year
15. On-sale beer license.....	25.00 per year
16. On-sale wine license.....	25.00 per year
17. On-sale all inclusive alcoholic beverage license.....	
Under \$15,000 per year retail sales of all alcoholic beverages.....	300.00 per year
\$15,000 to \$20,000 per year retail sales of all alcoholic beverages.....	400.00 per year
\$20,000 to \$25,000 per year retail sales of all alcoholic beverages.....	500.00 per year
For each \$5,000 or fraction thereof retail sales of all alcoholic beverages over \$25,000 per year.....	100.00 per year

SEC. 5. Except as otherwise provided in this act and subject to the provisions of section 22 of Article XX of the Constitution, the licenses provided for the preceding section shall authorize the person to whom issued to exercise the following rights and privileges and no others at the premises for which issued during the year for which issued.

(a) Any manufacturer's license authorizes the person to whom issued to become a manufacturer of the alcoholic beverage specified in the license, to package, mix, flavor and color and label the same and to export or sell such alcoholic beverages to persons holding licenses issued by the board authorizing the sale of such alcoholic beverage; provided that a wine manufacturer's license authorizes the manufacture of grape brandy to be used exclusively for fortifying purposes by its holder on the premises for which issued.

(b) A rectifier's license authorizes the person to whom issued to cut, blend, mix, flavor, color and bottle distilled spirits and to export or sell such products to persons holding licenses issued by the board authorizing the sale of distilled spirits.

(c) Any importer's license authorizes the person to whom issued to become an importer of alcoholic beverages specified in the license and to export such alcoholic beverage.

(d) A bottling or packaging license authorizes the bottling or packaging or labeling alcoholic beverages specified in the license.

(e) A wholesaler's license authorizes the sale of the alcoholic beverages specified in the license, to other persons holding license issued by the board authorizing the sale of such alcoholic beverage, but does not authorize sale to consumer.

(f) An off-sale alcoholic beverage license authorizes the sale of alcoholic beverages in packages of (1) beer in quantities of thirty-one gallons or less, (2) wine in packages and quantities of fifty-two gallons or less, and distilled spirits in quantities of less than five gallons per sale and in packages of one gallon or less to consumer and not for resale, and for consumption off the premises where sold.

(g) An industrial alcohol dealer's license authorizes the sale of distilled spirits in packages of more than one gallon for use in the trades, professions or industries but not for human consumption or for the use of alcoholic beverages for human consumption.

An industrial alcohol dealer's license shall only be issued to a person already holding a license as a distilled spirits wholesaler.

(h) Any on-sale license authorizes the sale of alcoholic beverages specified in the license for consumption on the premises where sold, provided that any on-sale beer or wine license authorizes the holder to exercise the rights and privileges on the licensed premises of an off-sale retail package license of the alcoholic beverage specified in such on-sale license.

And provided further, that in the case of hotels licensed as "onsale all-inclusive alcoholic beverage licenses" service of all alcoholic beverages except beer shall be limited to that part of such hotel premises used as a "restaurant" as herein defined or to the private rooms of guests.

Retailer's "onsale wine licenses," or "onsale all-inclusive alcoholic beverage licenses" shall be issued only for premises of any bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships or other public eating places, or bona fide clubs after such clubs have been lawfully operated for not less than one year.

Retailer's on-sale license for beer may be issued for any premises mentioned in the next preceding paragraph, and also for any other premises.

Any on-sale licensee under this act who has in his possession or control, or who permits under his control upon any premises licensed under any provision of this act, any alcoholic beverage different from the kind, type and character authorized under any license issued and in effect for such premises, shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than fifty dollars or more than five hundred dollars, or by imprisonment in the county jail of not less than thirty days or more than three months, or by both such fine and imprisonment, and the license for such premises where such violation occurs shall be summarily revoked, and no new license shall be granted to such licensee or for said premises for a period of three months thereafter.

Any alcoholic beverage not authorized by such on-sale license and found upon the premises of any such licensee shall be seized by, forfeited to and sold by said board at public auction.

SEC. 5a. On application to the board and pursuant to such regulations as it may from time to time prescribe, the board shall issue permits to sell and furnish alcoholic beverages on railroad dining or club cars and passenger ships operated as common carriers. Said board shall charge and collect therefor permit fees which are hereinafter fixed in amounts hereby found to be reasonably required to defray the expenses of issuing and supervising such permits. Such permit fees shall be based on the average number in actual operation of each class of operating units, namely, trains, vehicles and boats, operated under such permit during the calendar year and upon which alcoholic beverages are sold, furnished or offered for sale within this State, such average to be ascertained by the board under such regulations as it may prescribe. Such permit fees shall be: For each train or vehicle of said average number, the sum of fifteen dollars and for each boat of said average number, the sum of fifty dollars. The said permits shall authorize only the sale or furnishing of alcoholic beverages on such railroad dining or club cars and passenger ships to a bona fide passenger or employee or person then actually being transported on said railroad dining or club train or passenger ship for consumption only on such train, vehicle or boat. Said permit shall not authorize "off-sale" privileges or transactions nor shall it authorize "onsale" privileges at any fixed place of business such as a hotel, restaurant, eating house or station.

SEC. 6. Each license issued under this act shall be issued to a specific person, and, shall be issued for a specific location, the address of which shall be indicated on the license. Separate licenses shall be issued for each of the premises of any business establishment having more than one location, provided, however, that a manufacturer who maintains branch offices in this State, at which he sells and warehouses, but does not manufacture his product, shall be required to obtain only a wholesale license for each such branch.

SEC. 7. Each license issued under this act is separate and distinct, shall be non-transferable from one person to another, but shall be transferable from the premises for which issued only as may be permitted by the board, upon payment of a transfer fee of five dollars for each license.

SEC. 7a. Whenever a license certificate issued under the act is lost or destroyed, the board shall issue a duplicate license upon the payment of a fee of five dollars.

SEC. 8. All licenses issued under this act, and all rights and privileges conferred upon licensees by any license shall, subject to revocation, be for a tax year or fiscal

year beginning with July 1st, and ending on June 30th of the following year, and in computing, any tax year or tax per annum shall mean such period of fiscal year, and all licenses shall expire on the thirtieth day of June next after their issuance. All license fees payable annually shall be due and payable on or before the first day of July of each year, and if not paid are delinquent on the fifteenth day of July next succeeding, and in the case of license fees computed quarterly are delinquent as in this act set forth. In case of any delinquency in the payment of any license fees, in the absence of any other amount being specially declared in special cases, an additional amount equal to five per cent of the amount of the license fee due shall be paid to the board before said board shall renew any license for the then current term.

In all cases of issuance of licenses hereunder and payment therefor, any applicant shall be allowed credit for the unexpired term of any existing license issued under chapters 176 or 658 of the year 1933, or the regulations of the State Board of Equalization for spirituous liquors for the year 1935, and held by such applicant upon the premises for which application is made.

SEC. 9. Upon receipt of any license issued hereunder the licensee shall sign said license and shall post the license in a conspicuous place upon the licensed premises. Licenses issued for trains or boats may, in lieu of being posted upon the train or boat for which issued, be posted in such other place in this State as the board shall designate.

SEC. 10. To obtain a license under this act application therefor, accompanied by the license fee therefor, must be made to the board upon a form prescribed by the board. The application must contain the name of the applicant, and in the case of a copartnership, the names of the individual parties in the case of a corporation the principal officers and directors, the location of the premises for which a license is applied and such other information as the board may require to assist it in determining whether the applicant and the premises qualify for a license. The board may require that the application for any on-sale license be verified under oath and be indorsed by five freeholders or householders of the city or county in which the applicant resides or the premises are located.

SEC. 11. Upon receipt of an application for a license and the license fee the board shall make a thorough investigation to determine whether the applicant and the premises for which a license is applied qualify for a license. The board must deny an application for a license if either the applicant or the premises for which a license is applied do not qualify for a license under this act.

If an application is denied, three-fourths of the license fee paid, or an amount equal to the license fee paid less ten dollars, whichever is greater, shall be returned to the applicant and the balance shall be deposited in the alcoholic beverage license fund hereinafter created.

SEC. 12. No retailer's on-sale license shall be issued to any applicant who is not a citizen of the United States; and where a corporation, partnership or other business association is the applicant no license shall be issued to it unless the majority of the members of the board of directors and all of its officers who are charged with the duty of managing, directing or conducting said business, are citizens of the United States.

SEC. 13. The board is specifically authorized to refuse the issuance of on-sale retail licenses for premises located within the immediate vicinity of churches, hospitals, schools and children's public playgrounds, and not licensed as on-sale premises at the effective date of this act.

SEC. 14. No retail license shall be issued to any applicant for any premises for which a license has been forfeited, or revoked during the three months immediately preceding the filing of such application.

SEC. 15. No retail license shall be issued for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county, city and county or municipality, unless such premises had been used in the exercise of such rights and privileges at a time prior to the effective date of any such valid zoning ordinance.

Nothing in this act contained shall be deemed to interfere with the powers of cities, counties, and cities and counties, conferred upon them by an act of the Legislature entitled, "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance."

SEC. 16. No retailer's on-sale license shall be issued to any person to whom or for any premises for which a manufacturer's, importer's, wholesaler's or rectifier's license shall have been issued, and no manufacturer's, importer's, wholesaler's or rectifier's license shall be issued to any person to whom or for any premises for which a retailer's on-sale license is issued.

SEC. 17. Before commencing to engage in the sale of any alcoholic beverage at any premises, notice of intention to so commence, with the time and place of hearing such application, must be posted in a conspicuous place at the entrances

to such premises. Licenses will not be issued for such premises until such notice has been so posted for fifteen consecutive days immediately prior to the hearing on the application for issuance of the license. The notice herein specified shall be in such form as the board shall prescribe.

Upon the receipt by the board of an original application for any license, notice thereof shall immediately be given by said board to the sheriff, chiefs of police and district attorneys of such locality, and to the city clerk and city planning commissions in such locality upon request.

SEC. 18. In the case of any applicant whose license fee varies with his total volume of sales per annum, the applicant shall at the time of filing application for license, accompany such application with the minimum license fee required, or such larger fee as the applicant shall elect.

The licensee shall report quarterly at such time and in such manner as the board may prescribe, the amount of his total sales of alcoholic beverages during the preceding quarter, and also his total sales to date during the current tax year.

If his total sales for the current tax year, as reported at the end of any quarter shall exceed the total sum of sales permitted annually by the license fee already paid the board, the licensee shall accompany such report with such additional license fee as shall authorize him to continue to make additional sales in accordance with the schedule provided in section 4.

Failure to report sales and to pay such additional license fees when due within ten days of the date set by the board, shall be considered a violation of this act, and shall also subject the licensee to an arbitrary assessment of such license due by the board.

Failure to make a final report and payment of any license due at the end of any tax year shall operate to prevent the board from issuance of any license to any delinquent licensee.

SEC. 19. In addition to the above required licenses, an excise tax is hereby imposed on the sale of all alcoholic beverages as follows, to take effect immediately upon the passage of this act.

(a) On all beer sold and delivered in this State by a manufacturer or importer, sixty-two cents for every barrel containing thirty-one gallons, and at a proportionate rate for any other quantity: provided that no beer manufacturer shall pay such tax upon any beer consumed by employees or others upon the place of manufacture and a report of such beer so consumed must be given to the board as by such board required.

(b) On all wine two cents per wine gallon, and at a proportionate rate for any other quantity:

These excise taxes on the above items, namely, beer and wine, shall be collected from the manufacturer or importer, as the case may be, of beer or wine at the time of sale and delivery.

In the case where the excise tax levied by this act is collected from the manufacturer or importer, it shall be presumed, for the purposes of this act, that all alcoholic beverages produced, brewed, fermented, distilled or manufactured in this State by a manufacturer, or delivered to a manufacturer or importer here, has been sold by such manufacturer or importer unless he shall establish to the satisfaction of the board that such beverages are still in the possession of such manufacturer or importer, or, prior to the termination of such possession, have been lost through evaporation, leakage, spillage or destruction by the elements.

On champagne, or sparkling wine, whether naturally or artificially carbonated, and whether imported or domestic, the tax shall be three cents per pint or fraction thereof.

On all distilled spirits of proof strength or less, one cent for each bottle containing two ounces or fraction thereof; three cents on each bottle containing eight ounces or fraction thereof greater than two ounces; five cents on each bottle containing one pint or fraction thereof greater than a half a pint; eight cents on each bottle containing one-fifth gallon or fraction thereof greater than one pint; ten cents on each bottle containing one quart or fraction thereof greater than one-fifth gallon; twenty cents on each bottle containing one-half gallon or fraction thereof, greater than one quart; forty cents on each bottle containing one gallon or fraction thereof greater than one-half gallon.

All spirits in excess of proof strength shall be taxed at double the above rate.

In the case of "on-sale" licensees, the tax shall be collected by affixing to the bottle a stamp or stamp of the proper denomination. These stamps must be affixed to each bottle, and canceled as hereinafter provided before the retailer shall dispense or use any of the contents thereof.

This tax shall be collected from the consumer by package off-sale distilled spirits licensees at the time of sale by means of attaching to the bottle a stamp or stamps of the denomination required by the particular package. Stamps shall be purchased by the retailer from the State Board of Equalization; said stamps shall be of such size, type, and character as the board may from time to time determine, provided

that all such stamps must be of a character, design, and process which will give the State the maximum amount of protection against counterfeiting.

The board shall have full charge and control of the issuance, securing or purchase and of the sale of such stamps, provided that no sale thereof shall be made except to a person holding an on-sale distilled spirits license or an off-sale distilled spirits license, as the case may be; and the board shall keep a record of the amount of such stamps purchased by each and every such person.

At the time of affixing any stamp as required by this act, said stamp shall be canceled by the dealer either by stamping thereon or writing in ink his license number and the date of cancellation.

SEC. 20. Every person who makes, sells, or uses any false or counterfeit stamp or permit, or die for printing or making stamps or permits which is in imitation of or purports to be a lawful stamp, permit or die of the kind before mentioned in this act, or who procures the same to be done, and every person who shall remove or cause to be removed, from any package of distilled spirits any stamp denoting the tax thereon, with intent to re-use such stamp, or who with intent to defraud the State revenue, knowingly uses, or permits to be used any stamp removed from another package, or receives, buy, sells, gives away, or has in his possession, any stamp so removed, or makes any fraudulent use of any stamp for distilled spirits, shall be guilty of a felony and shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than three years in the State prison.

SEC. 21. Every person who engages in business as, or becomes a manufacturer or importer of beer or wine, as defined in this act, shall be required by the board to file with said board, in such form as shall be prescribed by said board, a bond duly executed by such person as principal and a corporation such as is mentioned in section 1066 of the Code of Civil Procedure in this State, as surety, payable to the people of the State of California, conditioned upon faithful performance of all of the requirements of this act and expressly providing for the payment of all excise taxes, penalties and other obligations of such person, arising out of this act.

The total amount of the bond or bonds required of any such manufacturer or importer, shall be fixed by the board and may be increased or reduced by said board at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required of any such manufacturer or importer, the board must require a bond or bonds equivalent in total amount to one and one-half times his estimated monthly excise tax determined in such manner as said board may deem proper; provided, that the total amount of the bond or bonds required of any such manufacturer or importer shall never be less than five hundred dollars.

SEC. 22. Every manufacturer or importer of alcoholic beverages taxable under this act shall render to the board on or before the tenth day of the month immediately following the effective date of this act, and on or before the tenth day of each month thereafter, a verified statement of the quantity of such alcoholic beverage sold by such manufacturer or importer during the preceding calendar month. Such statement shall be in such form as the board may prescribe, together with such other information as the board may require.

If any manufacturer or importer shall fail, neglect or refuse to file said report, within the time prescribed for filing such report, the board must note such failure, neglect or refusal upon the tax roll hereinafter described, and must estimate the amount of alcoholic beverage sold by said manufacturer or importer assessing the excise tax thereon, adding to said excise tax a penalty of fifteen per cent thereof for failure, neglect, or refusal to report. Such action of the board shall be final, and subject only to review by a court of competent jurisdiction.

The board shall, on or before the twenty-second day of the month immediately following the effective date of this act, and on or before the twenty-second day of each calendar month thereafter, assess the excise tax due hereunder, and prepare and complete an assessment roll showing the amount of the excise tax assessed against each manufacturer and immediately deliver said assessment roll to the State Controller.

Excise taxes herein required to be paid by the manufacturer or importer shall be payable in monthly installments to the State Controller commencing with the end of the month which immediately follows the effective date of this act, and for each and every calendar month thereafter. The amount of such excise tax for each month shall be paid on or before the tenth day of the second calendar month thereafter, and if not paid prior thereto, shall become delinquent at five o'clock in the afternoon of said day, and ten per cent penalty shall be added thereto for delinquency.

SEC. 23. The board may examine the books and records of any person required to make said statement, and may also examine the books and records of any licensee as herein defined, and such books and records shall at all times be subject to the inspection of said board or its representatives during regular business hours.

If any examinations or investigations made by the board shall disclose that any reports of manufacturers or importers theretofore filed with said board by said manufacturers or importers pursuant to the requirements of this act, have shown incorrectly the amount of alcoholic beverage sold or the excise tax accruing thereon, said board shall have the power, and is hereby authorized, to make such changes in

subsequent assessments of said manufacturers or its investigations in pursuance of its powers hereunder.

Sec. 24. Any person refusing to permit the board or any of its representatives to make the inspection for which provision is made in the preceding section or failing to keep books of account as may be prescribed by the board or failing to preserve such books for the inspection of the board for such time as the board may deem necessary, and any person altering, concealing or obliterating entries in such books of account for the purpose of falsifying the records of sales of alcoholic beverages made under this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment.

Sec. 25. The board on five days' notice and after a hearing duly held shall have power to revoke or suspend the license of any licensee who fails or neglects to comply with any of the provisions of this act.

Sec. 26. No excise tax shall be imposed by this act in any transaction whereby any alcoholic beverages sold and delivered by a manufacturer or importer to another manufacturer or importer holding a valid manufacturer's or importer's license.

In order to obtain the exemption granted under this section, the manufacturer or importer selling alcoholic beverages must present to the board at the time of filing his monthly report required under section 22, a verified statement, in a form to be prescribed by the board, obtained from the purchaser showing the date, kind and quantity of alcoholic beverage sold and delivered to the purchaser, the purpose for which the alcoholic beverage is to be used, that the purchaser holds at the time of such purchase, a manufacturer's or importer's license, the number of such license, and such other information as the board may require. A copy of this statement must at all times be kept on file at the place of business of the manufacturer or importer desiring to obtain the exemption herein granted.

If any person obtains any alcoholic beverage exempt from tax, and uses such beverage for any purpose other than the purpose for which obtained, there shall immediately be due and payable from such person a tax on the beverage so used at one and one-half times the rates specified in section 20 of this act. The tax imposed by this paragraph shall be collected from the purchaser in the same manner as the tax imposed under said section 20.

Sec. 27. None of the provisions of this act shall apply, or be construed to apply, to commerce with foreign Nations or commerce with the several States, except in so far as the same may be permitted under the provisions of the Constitution and laws of the United States nor shall the excise tax imposed by section 20, or this act apply to alcoholic beverages sold and actually exported from this State, but every manufacturer shall be required to report such exports to the board in such detail as the board may require, otherwise the exemption herein granted shall be null and void and such alcoholic beverage shall be considered sold in this State subject fully to the provisions of this act.

In support of any exemption from excise taxes claimed under this section on account of the exportation of alcoholic beverage every manufacturer must execute an export certificate in such form as shall be prescribed, prepared and furnished by the board containing a sworn statement made by some person having knowledge of the fact of such exportation that the alcoholic beverage has been exported from this State, and giving such detail with reference to shipment as said board may require. All exportation certificates must be completed and on file in the office of the board within thirty days after the close of the calendar month in which the shipments were made and no certificate not completed and filed within such period shall be recognized for any purpose by the State or any agency thereof. The board may demand of any manufacturer or importer such additional data as is deemed necessary by said board in support of any such certificate and failure to supply such data will constitute waiver of all right to exemption claimed by virtue of said certificate.

Sec. 28. The excise tax required to be paid by this act shall constitute a lien upon, and shall have the effect of, an execution duly levied against any and all property of the manufacturer or importer attaching at the time of the sale subject to said excise tax, and remaining until the excise tax is paid or the property sold in payment thereof. The lien created by the provisions of this act shall be paramount to all private liens or encumbrances whatever.

In the event that any manufacturer or importer is delinquent in the payment of the excise tax herein provided for, the Controller shall notify the board forthwith and may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control, any credits or other personal property belonging to such manufacturer, or owing any debts to such manufacturer, at the time of receipt by them of such notice, and thereafter any person so notified shall neither transfer nor make other disposition of such credits, other personal property or debts until the Controller shall have consented to a transfer or disposition, or until twenty days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the Controller of any and all such credits, other personal property or debts, in their possession under control or owing by them, as the case may be.

Whenever any manufacturer or importer shall be delinquent in the payment of the excise tax herein provided for, the Controller or his duly authorized representative shall proceed forthwith to collect the excise tax due from such manufacturer or importer in the following manner: The Controller shall seize any property, real or personal, subject to the lien of said excise tax, and thereafter sell at public auction such property so seized, or a sufficient portion thereof, to pay the excise tax due hereunder, together with any penalty or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof, shall be given to such delinquent manufacturer or importer and to all persons appearing of record to have an interest in such property, in writing at least ten days before the date set for such sale by inclosing such notice in an envelope addressed to said manufacturer or importer at his last known residence or place of business in this State if any, and, depositing same in the United States mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, however, that if there be no newspaper of general circulation in such county or city and county, then by the posting of such notice in three public places in such county or city and county for said ten days period. The said notice shall contain a description of the property to be sold, together with a statement of the amount of the excise taxes, penalties and costs, the name of the manufacturer and the further statement that, unless such excise taxes, penalties and costs are paid on or before the time fixed in said notice for such sale, said property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

At any such sale, the property shall be sold by the Controller or by his duly authorized agent in accordance with law and said notice, and the Controller shall deliver to the purchaser a bill of sale for the personal property, and a deed for any real property so sold, and such bill of sale or deed shall vest title in the purchaser. The unsold portion of any property so seized may be left at the place of sale at the risk of the manufacturer or importer. If, upon any such sale, the moneys so received shall exceed the amount of all license taxes, penalties and costs due the State from such manufacturer or importer, any such excess shall be returned to the manufacturer or importer, and his receipt therefor obtained; provided, however, that if any person having an interest in or lien upon the property has filed with the Controller prior to any such sale notice of such interest said Controller shall withhold any such excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If, for any reason, the receipt of such manufacturer or importer shall not be available, the Controller shall deposit such excess moneys with the State Treasurer, as trustee for such owner, subject to the order of such manufacturer or importer, his heirs, successors or assigns.

The Controller must also immediately transmit notice of such delinquency to the Attorney General who shall at once proceed to collect all sums due to the State from any such manufacturer or importer hereunder by bringing suit against the necessary parties to effect forfeiture of the bond or bonds of the manufacturer or importer, reducing any deficiency to judgment against the manufacturer or importer.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the board, Controller or Attorney General shall be or be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

In any suit brought to enforce the rights of the State hereunder the assessment roll prepared by the board pursuant to section 22 of this act, or a copy of so much thereof as is applicable in such suit, duly certified by the Controller showing unpaid excise taxes assessed against any manufacturer or importer, shall be prima facie evidence of the assessment of the excise tax, the delinquency thereof, the amount of the excise tax, penalties and costs due and unpaid to the State, that the manufacturer or importer is indebted to the people of the State of California in the amount of such excise tax and penalties therein appearing unpaid and that all the forms of law in relation to the assessment and levy of such excise tax have been fully complied with by all persons required to perform administrative duties under this act.

SEC. 29. No such action may be instituted more than sixty days after the last day prescribed for the payment of such excise tax without penalty, and failure to bring suit within said sixty days shall constitute waiver of any and all demands against this State on account of alleged overpayment of excise taxes hereunder. No grounds of illegality of the excise tax shall be considered by the court other than those set forth in the protest filed at the time of the payment of the excise tax.

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any excise taxes due from the plaintiff under this act, and the balance of the amount of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of six per cent per annum upon the amount of excise tax found to have been illegally collected from the date of payment of such excise tax to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the Controller.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the State Treasurer to recover any excise tax paid hereunder, when such action is brought by or in the name of an assignee of the manufacturer or importer paying said excise tax, or by any person, other than the person who has paid such excise tax.

SEC. 30. The board may seize and sell at public auction any alcoholic beverage found in the possession of any person, who does not hold a license issued under this act unless it can be conclusively shown that any taxes due the State by reason of the manufacture and sale or importation or sale of such specific beverage under this act have been paid.

SEC. 30a. It is unlawful to possess any alcoholic beverage upon which State or Federal taxes have not been paid. Any person who violates the provisions of this section is guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

SEC. 31. Moneys collected by the board under the excise tax provisions of this act shall be deposited in the State treasury to the credit of the alcoholic beverage tax fund, which fund is hereby created. For expenditures by the board in carrying out the provisions for collecting the excise taxes levied under this act, there is hereby appropriated out of the alcoholic beverage tax fund an amount not to exceed five per cent of the amounts deposited in said fund; and for expenditures by the Controller in carrying out the provisions of this act requiring the collection of an excise tax there is hereby appropriated out of said alcoholic beverage tax fund the sum of twelve thousand dollars or so much of said amount as may be necessary. After allowing refunds, for which provision is made in section 29, the balance of the amount so transferred shall be deposited by the Controller to the general fund of the State.

SEC. 32. There is hereby appropriated from the alcoholic beverage tax fund the sum of thirty thousand dollars per biennium, to be used by the State Department of Public Health for enforcement work directed toward preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded liquors.

This expenditure shall be made as provided in "An act preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded food, liquor and drugs and making an appropriation" approved March 11, 1907.

The Director of Public Health shall communicate to the State Board of Equalization any findings which indicate that the above act has been violated by any holder of a license under this act.

SEC. 33. The board shall administer all of the provisions of this act and to that end shall prescribe all necessary rules and regulations to carry out such provisions. The board shall have the power to require any report from any licensee, and or transportation companies, and to make any examination of the books and records of any licensee it may deem necessary to perform its duties under this act, and for the performance of its duties shall have all the powers conferred upon it by section 3692 of the Political Code.

The members of the board and the investigators and auditors employed by the board shall have the power to administer and certify oaths, and shall have all the powers of peace officers in administering the provisions of this act.

SEC. 34. The provisions of Chapter 178, Statutes of 1932, approved April 27, 1933, shall remain in effect until June 1, 1935, after which date such provisions shall no longer be of any force and effect; provided, that any taxes imposed under said provisions prior to said date shall remain fully collectible.

SEC. 35. A written report of a member of the board or of an employee of the board engaged in the enforcement of this act disclosing that an applicant for a license or the premises for which a license is applied are not qualified for a license under this act shall constitute grounds for the denial of an application for a license.

Immediately upon the denial of any application for a license the board shall notify the applicant thereof in writing. Within ten days after mailing the notice the applicant may present his written petition for a license to the board.

Upon receipt by the board of a petition for a license in proper form it shall be referred to a representative of the board for hearing.

SEC. 36. Protests may be made to the board at any time prior to the issuance of a license against either the original issuance of a license or the renewal of a license.

Protests must be in writing and filed in the main office of the board at Sacramento, and must state one or more grounds which would authorize the board to deny or refuse the issuance of the license. The original copy of the protest must be verified unless made by public officers acting in their official capacity.

Upon receipt by the board of a protest in proper form it shall be referred to a representative of the board for hearing.

If a license has been issued to the applicant before receipt of the protest by the board, the protest shall be considered as a complaint against the licensee and a hearing had thereon as if a complaint had been filed.

SEC. 37. Complaints may be made to the board by any person against any licensee. Complaints must be in writing and must state one or more grounds which would authorize the board to suspend or revoke the license or licenses of the licensee against whom the complaint is made.

A written report of a member of the board or of an employee of the board engaged in the enforcement of this act, or of a public officer disclosing grounds for the suspension or revocation of the license or licenses of any licensee shall be deemed a complaint against the licensee within the meaning of this act, even though not in the form of a complaint.

The original copy of complaints must be verified unless made by public officers acting in their official capacity or by employees of the board engaged in the enforcement of this act.

The following are the grounds which constitute a basis for the suspension or the revocation of licenses:

(a) The violation or the causing or the permitting of a violation of this act or of the rules and regulations of the board by any licensee.

(b) The misrepresentation of a material fact by any applicant in obtaining any license hereunder.

(c) It shall be mandatory on the board to revoke any license granted by this board upon a showing that the holder of such license or a member of a partnership holding such license or a general manager or director or officer of any corporation holding such license has been convicted in any Federal or State court of a felony.

(d) It shall be mandatory on the board to revoke any license granted by the board upon a showing that the holder of the license has been convicted of either a felony or misdemeanor in connection with the evasion of a State or Federal tax required to be paid on alcoholic beverages by licensees under this act.

(e) It shall be mandatory on the board to revoke any license granted by the board upon a showing that a licensee under this act has been convicted of deliberate and wilful violation of an act of the State of California entitled, "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled, or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State Laboratory for Foods, Liquors and Drugs and making an appropriation therefor," approved March 11, 1907, or of an act of Congress of the United States entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

Upon receipt by the board of a complaint in proper form it shall be referred to a representative of the board for hearing.

At any time prior to the final determination of the board upon any complaint the board shall have the power, in its discretion, to suspend temporarily the license or licenses of the licensee against whom complaint is made for any length of time, not to exceed the time of the final determination of the matter by the board.

SEC. 38. Upon receipt by a representative of the board of a protest, a complaint or a petition for a license, the representative shall forthwith cause written notice of the time and place of the hearing of said protest, complaint or petition for a license to be given to the protesting or complaining party as well as the applicant, licensee or petitioner. The hearing shall be set for a date not more than fifteen days nor less than five days subsequent to the mailing of the notice and shall be held in the county seat of the county in which the premises of the applicant or licensee are located.

Enclosed with a copy of the notice of the time and place of hearing sent to the applicant or licensee shall be a copy of the protest or complaint as filed with the board.

SEC. 39. The failure of an applicant for a license or a licensee to appear before the representative of the board at the time set for the hearing, except for the intervention of an act of God, shall be deemed an admission by him of the facts or acts charged in the protest or complaint and thereupon the representative of the board shall have the power to act as if the facts charged in the protest or complaint were found to be true.

SEC. 40. The board or any member thereof or any representative appointed by the board to conduct hearings shall have the power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the State.

Each witness who shall appear, by order of the board or member thereof or a representative appointed by it, shall be entitled to receive, if demanded, for each attendance the same fees and mileage allowed by law to witnesses in civil cases in the superior court, which amount shall be paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the board or the representative. When any witness who has not been required to attend at the request of any party is subpoenaed by the board, or a member thereof or a representative of the board, his fees and mileage may be paid from the funds appropriated for the use of the board in the administration of this act in the same manner as other expenses of the board are paid in the administration of this act.

SEC. 41. The superior court in and for the county, or city and county in which any inquiry, investigation, hearing or proceeding may be held by the board or a representative appointed by it shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including books, accounts and documents as required by any subpoena issued by the board or any member thereof or a representative appointed by the board.

The board or any representative appointed by it, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court, in and for the county, or city and county, in which the proceeding or hearing is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness had been subpoenaed in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, or has refused to answer questions propounded to him in the course of such proceeding or hearing, and ask an order of said court, compelling the witness to attend or testify or produce said papers before the board or representative. The court, upon the petition of the board or any member thereof or a representative appointed by the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he did not attend and testify or produce said papers before the board or representative of the board. A copy of said order shall be personally served upon said witness, and service shall not be made by registered mail as otherwise provided in this act.

If it shall appear to the court that said subpoena was regularly issued by the board or member thereof or a representative of the board and the witness was legally bound to comply therewith, the court shall thereupon enter an order that said witness shall appear before the board or representative at a time and place to be fixed in such order, and testify or produce the required papers, and upon failing to obey such order said witness shall be dealt with as for contempt of court.

SEC. 42. All hearings and investigations before the board or any representative appointed thereby shall be governed by this act and other applicable provisions of law not inconsistent herewith and in the conduct of said hearings neither the board nor any representative appointed by it shall be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in such manner through oral testimony and printed records as is best calculated to extend the substantial rights of the parties and carry out jointly the spirit and provisions of this act.

The board, or any member of the board or any representative appointed by it, or any party to the action or proceeding may, in any investigation or hearing before the board or a representative thereof cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the superior court of this State, and to that end may compel the attendance of witnesses and the production of books, documents, papers and accounts; provided that depositions taken outside of the State may be taken before any officer authorized to administer oaths.

SEC. 43. Within ten days after the hearing the representative of the board shall certify to the board his findings of ultimate fact whether the protest, complaint or petition is true or not, and in the case of hearings on complaints the representative may make recommendations in respect to the suspending or revoking of licenses. The findings and recommendations of the representative shall not be open to public inspection, either to the applicant, licensee, protestant, complainant or any other person.

SEC. 44. After the findings of the representative of the board are filed, the board shall make its decision upon the petition for a license, protest or complaint, and shall notify the petitioner, protestant, complainant, and licensee thereof. Within ten days after the mailing of the notice, the petitioner, protestant, complainant or licensee may petition the board for a reconsideration of the cause. Such petitions shall be verified unless filed by a public officer acting in his official capacity.

SEC. 45. Within thirty days after receipt by the board of a petition for reconsideration the board shall either deny the petition, or modify, or set aside its original order, or refer the matter to a representative of the board for further hearing. In case the matter is referred to a representative the matter shall be treated as upon an original reference.

SEC. 46. Within thirty days after the decision of the board upon a petition for reconsideration the petitioner, protestant, complainant or licensee, may apply to the District Court of Appeal of the Appellate District in which the hearing before the representative of the board was had for a writ of review. No writ of review shall be granted unless a petition for reconsideration has been filed with the board and the board has either acted thereon or the time for so acting has elapsed.

SEC. 47. In granting a writ of review the District Court of Appeal shall have no power or authority to make any order which would restore a license or any rights thereunder except in its final decision of the review and such final decision

shall not be effective until the time has expired within which the Supreme Court may pass upon the matter.

Such writ, if granted, shall be made returnable not later than thirty days after the date of issuance thereof.

SEC. 48. Service of the notices required by this act may be made personally or by mail; if by mail service shall be made in the manner prescribed by section 1013 of the Code of Civil Procedure.

SEC. 49. All moneys collected as license fees under this act shall be deposited in the State treasury to the credit of the "Alcoholic beverage license fund," which fund is hereby created. Of all moneys collected from license fees for each year under this act, fifty per cent is hereby appropriated to be apportioned to the counties, cities and counties, and cities of the State on or before March 31st of the succeeding year in the proportion that the amount of the fees collected in the particular county, city and county, or city bears to the total amount collected throughout the State. There is hereby appropriated from the alcoholic beverage license fund so much as may be necessary to pay the salaries and expenses of auditors, inspectors and clerks employed by the board, and to defray the necessary expenses arising by reason of the administration and enforcement of the provisions of this act. The balance remaining after the appropriations heretofore authorized by this section shall be transferred to the general fund on the order of the Controller approved by the board.

SEC. 50. Postal authorities may refuse delivery of any shipment of alcoholic beverage originating outside of this State. Postal authorities may turn such alcoholic beverage over to the board. The beverage when received shall be summarily forfeited to the State, to be sold at public auction by the board. Every person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 52. It shall be unlawful for any person, whether or not such person holds a license issued by the board, to sell, serve or otherwise dispose of any alcoholic beverage other than beer which may be so sold over or at any public bar or in any public barroom, for consumption on the premises where sold. Any person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 53. Any person who fails, neglects or refuses to file any report required to be filed by this act within ten days after the report is required to be filed, or who makes any false statement or conceals any material fact in any application for a license or in any record, report, affidavit or claim provided for herein, shall be guilty of a misdemeanor unless such act is by any other law of this State declared to be a felony, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than one month, nor more than six months, or by both such fine and imprisonment.

SEC. 54. No manufacturer, rectifier, distiller, bottler, importer or wholesaler or any officer, director or agent of any such person shall

(a) Hold the ownership, directly or indirectly, of any interest in any "On-sale" license;

(b) Furnish, give or lend any money or other thing of value, directly or indirectly, to, nor guarantee the repayment of any loan or the fulfillment of any financial obligation of, any person engaged in operating, owning or maintaining any "On-sale" premises where alcoholic beverages are sold for consumption on such premises;

(c) Furnish, give, rent, lend or sell, directly or indirectly any equipment, fixtures, or supplies, other than alcoholic beverage directly or indirectly to any person engaged in operating, owning or maintaining any "on-sale" premises where alcoholic beverages are sold for consumption on such premises;

(d) Furnish, give, lend or rent directly or indirectly to any person any decorations, paintings or signs, other than interior signs mentioned in section 55 herein, for use in or about or in connection with any premises where alcoholic beverages are sold for consumption on such premises, or pay money or anything of value for the privilege of placing or painting a sign or advertisement, or window display on or in any premises selling alcoholic beverages at retail.

(e) Own any interest, directly or indirectly, in the business, furniture, fixtures, signs, refrigeration, equipment or lease in or of any premises operated or maintained under any "on-sale" license for the sale of alcoholic beverages for consumption on the premises where sold; own any interest directly or indirectly in realty upon which such "on-sale" premises are maintained.

Any person violating any provision of this section shall be guilty of a misdemeanor and any holder of any retail "on-sale" or retail "off-sale" license who shall solicit the violation of the provisions of this section or accept or permit to be accepted on his behalf and with his consent any of the prohibited matters, articles or acts herein designated shall be guilty of a misdemeanor.

SEC. 55. No signs or any matter advertising alcoholic beverages, or using the words "bar," "barroom," "saloon" or words of like or similar import, shall be maintained, erected or placed upon or adjacent to the outside of any building and in connection with any premises therein licensed to sell alcoholic beverages at retail. No advertisement or sign shall contain the words "bar," "barroom," "saloon" or words of like or similar import. Nothing in this section prohibits the manufacture

of any alcoholic beverage, beer or wine to place upon his place of manufacture or business any sign containing the name of such manufacturer or the name of his product or brands, or the class of his product as wine, beer, spirits, or other appropriate description. Every person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 55a. Signs or other advertising matter within the licensed premises of any retailer of alcoholic beverages shall not be of any obnoxious, gaudy, blatant or offensive nature and shall in no manner obstruct the view of the interior of the premises from the street, and shall be limited to illuminated or unilluminated signs of not to exceed in area six hundred thirty square inches and no one dimension to exceed forty-two inches. In no case shall any sign or other advertising matter obstruct more than one-third of the total area of a display window. Any sign so displayed shall be paid for by the retail licensee. A manufacturer, distributor or wholesaler of alcoholic beverages may furnish to retail dispensers a sign, not exceeding the area and dimensions herein prescribed, bearing only the name of the manufacturer, distributor or wholesaler or the trade or copyrighted name or brand of the product. Any sign heretofore erected not conforming with these regulations shall be made to conform thereto or shall be removed forthwith. Every person violating the provisions of this section shall be guilty of a misdemeanor.

Each and every holder of an "on-sale" retail license who shall give, sell or otherwise dispense any draught beer, shall, upon the faucet, spigot or outlet wherefrom such beer is drawn, attach and keep posted a clear and legible notice, placard or marker which shall in the English language indicate and declare the name or brand adopted by the manufacturer of such draught beer so given, sold or dispensed by such licensee, and which notice, placard or marker shall be so situated as to be clearly legible for a distance of at least ten (10) feet from such spigot, faucet or outlet to a person with normal vision, and such notice, sign or placard shall at all times be so situated as to be so clearly legible from the place where such "on-sale" licensee serves any customer or consumer of such beer, and provided further that if such faucet, spigot or other drawing device is in a location not within the room of the place of service and consumption of such beer, then, and in that event there shall also be kept posted a similar notice, placard or marker in the place of service and consumption of such beer which shall truthfully state and indicate only the kinds and brands of draught beer actually on sale in the premises of the "on-sale" licensee.

Any person who shall violate any of the provisions of this section, or who shall substitute another or different brand of draught beer from that indicated by any of the notices, placards or markers hereinabove provided for, or who shall substitute one brand of beer for another, or misrepresent the brand or kind of beer served to a consumer, shall be guilty of a misdemeanor for each such violation or noncompliance. Any wholesaler or retail licensee who sells any draught beer containing more than three and two-tenths per cent of alcohol by weight shall be guilty of a misdemeanor; and any person who sells or otherwise dispenses of any bottled beer which has not been pasteurized or which is in bottles of a capacity of more than twenty-four fluid ounces, shall be guilty of a misdemeanor.

SEC. 56. Every person holding a retailer's on-sale license under this act who employs or uses the services of minors on any premises for which a retailer's on-sale license has been issued shall be guilty of a misdemeanor. The word "premises" as used in this section shall be construed to include only that portion of a building which is used for the actual sale and service of alcoholic beverage.

SEC. 57. It shall be unlawful for any on-sale licensee to pay or agree to pay any hostess, waitress, entertainer or other person a percentage of the receipts from sales of alcoholic beverages solicited or made by such hostess, waitress, entertainer or other person a salary or remuneration the amount of which is in any way dependent upon the amount or number of sales of alcoholic beverages solicited or made by such hostess, waitress, entertainer or other person.

SEC. 58. Every person holding a retailer's on-sale license who keeps or permits to be used or suffers to be used any disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, convenience or safety shall be guilty of a misdemeanor.

SEC. 59. Every person engaged in the business of selling or serving alcoholic beverages who sells, gives away or furnishes any alcoholic beverage for consumption on the premises apart for any general or special election, in any election district or precinct in any county in the State where an election is in progress, during the hours when by law the polls are required to be kept open for voting shall be guilty of a misdemeanor.

SEC. 60. Every person engaged in the business of selling or serving alcoholic beverages who sells, serves, gives away or delivers any alcoholic beverages to any person between the hours of two o'clock a.m. and six o'clock a.m. of the same day shall be guilty of a misdemeanor.

SEC. 60a. Except as otherwise provided in this section, no person engaged in manufacturing or distributing alcoholic beverages shall deliver or cause to be delivered any alcoholic beverages to any person holding an on-sale or off-sale license

except between the hours of six a.m. and seven p.m. No such delivery may be made on Sunday. Alcoholic beverages may be delivered at the platform of the manufacturing or distributing plant at any time. Every person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 61. Every person engaged in the business of selling or serving alcoholic beverages who sells, furnishes, gives, or causes to be sold, furnished or given away any alcoholic beverage to any person under the age of twenty-one years shall be guilty of a misdemeanor.

SEC. 62. Every person engaged in the business of selling or serving alcoholic beverages who sells, furnishes, gives or causes to be sold, furnished or given away, any alcoholic beverage to any habitual or common drunkard shall be guilty of a misdemeanor.

SEC. 63. Every person, engaged in the business of selling or serving alcoholic beverages who sells, furnishes, gives or causes to be sold, furnished or given away any liquor to any Indian of whole or mixed blood, or to any person who is commonly known to live with and associate with Indians shall be guilty of a misdemeanor.

SEC. 64. Every person, not authorized by law, who brings into any State prison, town or county jail, or city and county jail, or reformatory in this State or within the grounds belonging or adjacent to any such institution any alcoholic beverage of any kind whatsoever shall be guilty of a felony.

SEC. 65. Every person who sells, gives or delivers to any other person any alcoholic beverage at any public schoolhouse or upon any portion of the grounds thereof shall be guilty of a misdemeanor. Any person convicted of a violation of this section shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property which is accorded by Chapter II of Part III of Division VI of the School Code of this State.

SEC. 66. Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another punishment is not specifically provided for herein, shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

SEC. 67. Every person convicted of a felony for a violation of any of the provisions of this act for which another punishment is not specifically provided for herein, shall be punished by a fine of not more than five thousand dollars or by imprisonment in the State penitentiary for not less than one year, nor more than five years or by both such fine and imprisonment.

SEC. It is hereby declared that this act shall not apply to the manufacture, sale or use of completely denatured ethyl alcohol or special denatured ethyl alcohol, as these substances are defined in the various statutes and regulations of the United States Government relating thereto.

Nothing in this act shall be deemed to prevent or restrict the use of tax-free ethyl alcohol under regulation of the Treasury Department of the United States Government by any governmental agency, State or Federal, or any scientific university or college of learning or any laboratory for use exclusively in scientific research or to any hospital or sanitarium.

Nothing in this act shall be deemed to prevent or restrict the use of tax-free alcohol or of industrial alcohol or other distilled spirits or wine under regulation of the United States Government in the manufacture of medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists; of toilet products, of flavoring extracts, syrups, of food products, of scientific, chemical, or industrial products; provided such products are unfit for beverage use.

The following acts and sections, together with all amendments thereof and all acts supplementary thereto, are repealed.

Year	Chapter	Page	Year	Chapter	Page
1855 :	188 :	240	1895 :	156 :	161
1858	232	193	1903	240	319
1860	223	186	1905	26	20
1871-72	188	231	1905	123	126
1873-74	13	12	1907	104	127
1873-74	27	27	1909	413	722
1873-74	198	297	1911	351	599
1873-74	300	434	1915	21	20
1873-74	345	509	1921	80	79
1875-76	473	691	1925	89	221
1880	83	80	1933	51	340
1889	241	352	1933	149	598
1891	87	91	1933	658	1697

Penal Code Sections.

63b	304	397b
172	305	397c
172a	397	680

Political Code Sections

2980
3281
3383

School Code Sections

3.80
3.81

Sec. 70. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portion of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Sec. 71. This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately."

Bill read second time, ordered to reprint and re-referred to Committee on Revenue and Taxation.

Rush Order to Printer.

On motion of Senator Pieroovich, the Secretary was directed to issue a rush order for printing Senate Bill No. 919.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 1019—An act to add a new section, to be numbered 13, to "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highway, grounds and property within the State of California, and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers, with relation to fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths." approved April 28, 1909, relating to ornamental trees and shrubs and to boards of forestry.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 37—An act providing for the creation, organization, and government of joint districts composed of two or more counties of the State of California for the purpose of maintaining joint county road camps and providing that persons confined in the county jail of any such county under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public work on public highways in any of such counties.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 37 were read and adopted:

Amendment No. 1.

On page 4, line 35, of the printed bill, strike out "Highway Commission", and insert in lieu thereof "Department of Public Works".

Amendment No. 2.

On page 4 of the printed bill, strike out line 51, and insert in lieu thereof the following: "shall be paid for by the district and the State Department of Public Works upon such terms and in such proportions as may be agreed upon by the Department of Public Works and the district. Any money expended by the Department of Public Works under the provisions of this act shall be taken from".

Amendment No. 3.

On page 5, lines 1 and 2, of the printed bill, strike out "Highway Commission of the State of California", and insert in lieu thereof "Department of Public Works".

Amendment No. 4.

On page 1, lines 8 and 9, of the printed bill, the words "having a combined population of not less than fifty thousand persons".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 359—An act to amend section 2 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," and to provide that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to boats unequipped with propelling machinery.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 153 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 153 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Senator Olson:

Resolution.

WHEREAS, It has been ascertained and is common knowledge that one of the largest and most valuable oil and gas pools in the State of California underlies the tidelands belonging to the State in the vicinity of Huntington Beach, in Orange County; and

WHEREAS, It is commonly reported and claimed that a corporation known as The Standard Oil Company of California has taken many millions of barrels of oil and many billions of cubic feet of gas from said pool, aggregating in value many millions of dollars belonging to the State of California, without any legal right thereto and without payment to the State therefor; and

WHEREAS, It is reported that the Director of Finance and the Chief of the Division of State Lands in the Department of Finance in the State are negotiating a settlement of the State's claim against said corporation in the premises, for a comparatively few thousand dollars, as a full settlement and discharge of said claim; and

WHEREAS, There are a number of bills now pending in the Legislature relating directly or indirectly to this grant oil and gas resource of the State, and the consideration of which the Legislature should have before it all of the facts pertaining to the State's interest therein and its right to the oil and gas, and the resources thereof, taken from said resource by said corporation and any and all other corporations and individuals, and full information in regard to any pending proceedings and proposed settlements with reference thereto; now, therefore, be it

Resolved by the Senate of the State of California. That a special committee of five (5) Senators be appointed by the President of the Senate to make a full and complete investigation of all operations and proceedings past and present of The Standard Oil Company of California and any and all other persons, firms, associations or corporations in connection with the abstraction of oil and gas from the lands belonging to the State and all actions of the Department of Finance and of the Attorney General with respect thereto, and all and singular the facts, circumstances and data as to the amount of oil and gas, if any, taken from tidelands belonging to the State in the vicinity of the city of Huntington Beach, county of Orange, State of California, and the market value of such oil and gas as of the time of its production, and of any and all proceedings taken in respect thereto by the Department of Finance and the Attorney General, and the circumstances, terms and conditions of any proposed settlement by the Department of Finance or any person charged with the claims of the State of California with reference thereto, and into such additional facts and circumstances as said committee may deem proper to enable the Legislature to fully protect the rights of the State in the premises and in the oil and gas underlying tidelands and other lands belonging to the State; and be it further

Resolved. That said special committee be hereby authorized to hold public hearings at any place in the State of California; and be it further

Resolved. That said special committee in making said investigation be hereby authorized and empowered to require the production of books, papers, records, documents and papers of every kind and description; to issue subpoenas to compel the attendance of witnesses and the production of testimony, and to do any and all things necessary to make a full and complete investigation of the matters herein mentioned. Each member of said special committee is hereby authorized to administer oaths, and all of the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code, relative to the attendance and assembly of witnesses before the Legislature and committees thereof, shall apply to said special committee. Said committee is authorized to sit during the present session of the Legislature and during any recess or adjournment thereof, and to report back to the Senate with recommendations during the present or any future session of the Legislature; and be it further

Resolved. That the sum of twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary for the purpose of defraying the expenses of the committee and the cost of this investigation, is hereby made available and appropriated out of the contingent fund of the Senate, and the State Controller is authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of the committee, and the State Treasurer is hereby authorized and directed to pay the same.

Consideration Postponed.

Consideration of Senate resolution, offered by Senator Olson, was deferred until the next legislative day.

Senator Schottky in the Chair.

At eleven o'clock and forty-five minutes a.m., Senator Schottky of the twenty-fourth district was called to the chair.

Withdrawal and Re-reference of Senate Bill No. 163.

Senator King moved that Senate Bill No. 163 be withdrawn from Committee on Motor Vehicles, and referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

President Pro Tempore in the Chair.

At eleven o'clock and fifty-five minutes a.m., Hon. W. P. Rich, President pro tempore of the Senate, in the chair.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 422 was passed.

The question being upon the motion to reconsider the vote whereby Senate Bill No. 422 was passed.

Reconsideration Granted.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Reconsideration of Senate Bill No. 422.

Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses.

Motion to Refer.

Upon motion of Senator McColl, Senate Bill No. 422 was ordered referred to Committee on Fish and Game.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 143—An act to amend section 737aa of the Political Code, relating to salaries of judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 143 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Hays, Keough, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams and Young—29.

NOES—Senator Deuel—1.

Title read and approved.

Senate Bill No. 143 ordered transmitted to the Assembly.

Senate Bill No. 276—An act authorizing cities, cities and counties, and boards or departments thereof, in issuing revenue bonds or other evidences of indebtedness, payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures thereto by facsimile, for making the same payable at places outside the State of California, and for the registration thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 276 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—Senator Hays—1.

Title read and approved.

Senate Bill No. 276 ordered transmitted to the Assembly.

Senate Bill No. 610—An act to add section 1203a to the Penal Code, relating to filing of reports by probation officers with the State Board of Prison Directors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 610 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Minter, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 610 ordered transmitted to the Assembly.

Senate Bill No. 212—An act to establish an Insurance Code, thereby consolidating and revising the law relating to insurance principles, practice and business and matters incidental thereto, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 212:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, March 28, 1935.

To the Honorable Members of the Senate,

Sacramento, California.

Senate Bill No. 212—An act to establish an Insurance Code, thereby consolidating and revising the laws relating to insurance principles, practice and business, and matters incidental thereto, and to repeal certain acts and parts of acts as specified herein, is before me with request for consideration before the enactment of the budget.

In my opinion said Senate Bill No. 212 constitutes an emergency bill within the meaning of that term as used in section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the budget bill.

I therefore recommend the consideration of Senate Bill No. 212 as such an emergency measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

FFM:ns

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 212 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Edwards, Fletcher, Garrison, Hays, Keough, King, Knowland, McCall, McCormack, McGuinness, Minter, Olson, Perry, Pierovich, Reindollar, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 212 ordered transmitted to the Assembly.

Reference of Senate Bill No. 1038.

Senator Seawell moved that Senate Bill No. 1038 be referred to Committee on Judiciary.

Motion carried, and such was the order.

Recess.

On motion of Senator Swing, at twelve o'clock and thirty minutes p.m., the President pro tempore of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.
Secretary Joseph A. Beek at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Deuel to introduce a bill entitled—An act making an appropriation to renovate certain portion of the State Capitol Building—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
KNOWLAND.
SLATER.
DIFANI.
TICKLE.

The question being on the adoption of the report.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Deuel moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson Rich, Slater, Snyder, Stow, Tickle, Wagye, and Young—23.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under the Call of the Senate.**Second Reading of Assembly Bills.**

Assembly Bill No. 33—An act to amend section 4300b of the Political Code of the State of California by adding thereto a provision fixing a fee to be charged by sheriffs in counties of the third class for arresting prisoners and bringing them into court or jail.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 229—An act to amend sections 3366 and 4041.14 and to repeal section 3384 of the Political Code, relating to the licensing of businesses by the counties.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 229 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, strike out all of line 4 after "license", and all of line 5, and insert in lieu thereof the following: "individuals acting as hawkers, itinerant peddlers or itinerant vendors."

Amendment No. 2.

On page 2 of the printed bill, strike out all of line 35 after "license", and all of line 36, and insert in lieu thereof the following: "individuals acting as hawkers, itinerant peddlers or itinerant vendors."

Bill read second time, ordered to reprint, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 656—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 656 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Rich, Scollan, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—24.
NOES—None.

Title read and approved.

Assembly Bill No. 656 ordered transmitted to the Assembly.

Assembly Bill No. 1235—An act to add to the Probate Code a new section, to be numbered 1068, relating to the discharge of executors and administrators and the termination of probate proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1235 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Reindollar, Rich, Scollan, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—26.
NOES—None.

Title read and approved.

Assembly Bill No. 1235 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 913—An act to add section 454.5 to the Fish and Game Code, relating to the shipment of fish and game into this State.

Amendment from the Floor.

During third reading of Senate Bill No. 913, the following amendment, offered by Senator Swing, was read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, strike out the word "under", and insert in lieu thereof "as provided by law and".

Bill read second time, ordered to reprint, re-engrossment, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and thirty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Deuel.

The Secretary was directed to call the roll, on adoption of report of Committee on Rules, of the Senators who had not answered to their names.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report finally adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Plesovich, Reinshellar, Rich, Seelien, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Deuel: Senate Bill No. 1081—An act making an appropriation to renovate certain portions of the State Capitol Building.

Bill read first time, and referred to Committee on Governmental Efficiency.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Keough to introduce a bill entitled: An act to authorize boards of supervisors to pay certain claims—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: **AYES**—5.

(Signed out)

RICH, Chairman.
DIFANI
KNOWLAND
SLATER.
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Plesovich, Reinshellar, Rich, Seelien, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Introduction, First Reading and Reference of Bill.

By Senator Keough: Senate Bill No. 1082—An act to authorize boards of supervisors to pay certain claims.

Bill read first time, and referred to Committee on County Government.

Special Order.

By unanimous consent, Senate Bills Nos. 297, 1054, 961, 284 and 128 were made a special order for Thursday, April 11, 1935, at eleven o'clock and thirty minutes a.m.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 521—An act to provide a method for improving public streets, avenues, lanes, alleys, courts and places within municipalities of the sixth class, and for levying and collecting assessments upon property to pay for such improvements, and declaring the urgency

hereof, to take effect immediately, and repealing an act approved May 25, 1933, relating to the same subject.

Bill read third time.

Urgency Clause.

SEC. 20. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting such necessity are as follows:

The continuance of the widespread depression has kept many people out of employment and continues to make it impossible for them to obtain work. By allowing street improvements to be made in accordance with this act, such work can be begun more quickly and thereby employment can be furnished to needy persons throughout the State, thereby relieving unemployment and removing many persons from the relief rolls.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Seallan, Sharkey, Slater, Snyder, Snow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 521 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Hulse, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Seallan, Sharkey, Slater, Snyder, Snow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 521 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 318—An act to amend section 11 of the State Contract Act, relating to qualification of bidders.

Amendment from the Floor.

During third reading of Senate Bill No. 318, the following amendment, offered by Senator Swing, was read:

Amendment No. 1.

On page 2, line 7, of the printed bill, after the word "bids", strike out all the balance of the line, and all of line 8, and the word "qualified", in line 9.

Ayes and Noes Demanded.

A roll call was demanded by Senators Swing, Sharkey and Seawell on the adoption of the amendment to Senate Bill No. 318.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky,

Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wag, Williams, and Young—35.

The Secretary announced the absentees.

Time, three o'clock and forty minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1739—An act to add section 670a to the Political Code, relating to the refund of penalties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1739 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1739 ordered transmitted to the Assembly.

Assembly Bill No. 1533—An act to amend section 871 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the assessment, levy and collection of taxes.

Amendments from the Floor.

During third reading of Assembly Bill No. 1533, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 2, line 11, of the printed bill, as amended, after the semicolon, insert the following: "and".

Amendment No. 2.

On page 2, line 26, of the printed bill, as amended, strike out "State", and insert in lieu thereof the following: "county".

Amendment No. 3.

On page 2, line 29, of the printed bill, as amended, strike out the semicolon, and in line 30, strike out "the", and insert in lieu thereof a period and the following: "The".

Amendment No. 4.

On page 2, lines 34 and 35, of the printed bill, as amended, strike out "provided further that".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 642—An act to provide for the formation of districts within municipalities for the acquisition, construction or extension of water works, water systems or water distribution systems; for the issuance, sale and payment of bonds of such districts to meet the cost of such water works, water systems or water distribution systems; and for the acquisition, construction or extension of such water works, water systems or water distribution systems.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 642 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Garrison, Knowland, McColl, McCormack, McGovern, Metzger, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, and Young—24.

NOES—Senators Deuel, Edwards, Gordon, Hays, Hulse, Keough, King, McGuinness, Mixter, Parkman, Stow, Tickle, and Williams—13.

Title read and approved.

Assembly Bill No. 642 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 210—An act to amend section 415 of the Civil Code, relating to purchasing and holding of real estate by insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 210 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 210 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The Secretary was directed to call the roll, on adoption of the amendment to Senate Bill No. 318, of the Senators who had not answered to their names.

The roll was called, and the amendment finally refused adoption by the following vote:

AYES—Senators Biggar, Garrison, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, Metzger, Olson, Rich, Schottky, Sharkey, Slater, Swing, Waggy, and Williams—18.

NOES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Gordon, McColl, McGuinness, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Scollan, Seawell, Snyder, Stow, Tickle, and Young—20.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 318 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 318 ordered transmitted to the Assembly.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 9, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that I am this day appointing, with the advice and consent of the Senate, Hon. John C. Porter and Hon. E. H. Christian, as members of the State Personnel Board, in harmony with initiative constitutional amendment recently adopted by the people of the State of California.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Message referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following communication from the Governor:

[SEAL]

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 9, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that I am this day appointing, with the advice and consent of the Senate, Hon. John C. Porter and Hon. E. H. Christian, as members of the State Personnel Board, in harmony with initiative constitutional amendment recently adopted by the people of the State of California.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the Senate advise and consent to the said appointments by the Governor.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
KNOWLAND.
SLATER.
TICKLE.
DIFANI.

Postponement of Consideration.

On motion of Senator Keough, the further consideration of the report of the Committee on Rules was continued until the next legislative day.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 208—An act to prohibit until January 1, 1937, sales under certain chattel mortgages for default in the payment of the principal sum, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 208 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger.

Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, and Williams—31.

NOES—None.

Title read and approved.

Assembly Bill No. 208 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 9a of an act entitled, "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

Amendment from the Floor.

During third reading of Senate Bill No. 596 the following amendment, offered by Senator Scollan, was read and adopted:

Amendment. No. 1.

On page 5 of the printed bill, as amended in Senate March 29, 1935, strike out all of line 36, beginning with the word "Each," all of line 37, and all of line 38, and by adding the letter capital "E", which is the first word on line 39.

Bill read, ordered to reprint, re engrossment, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 8, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 131—An act to amend section 683 of the Civil Code, relating to joint tenancy—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 269—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, but without recommendation as to final disposition of the bill.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 139—An act to amend sections 165 and 166 of the Civil Code, relating to inventories of the separate property owned by a husband or wife, and making the filing of such inventory notice and prima facie evidence of title:

Also: Assembly Bill No. 346—An act to amend section 1208 of the Code of Civil Procedure, relating to liens upon animals;

Also: Assembly Bill No. 479—An act to amend section 2179 of the Political Code, relating to guardianship and administration of estates of incompetents;

Also: Assembly Bill No. 480—An act to amend section 1554 of the Probate Code, relating to accounts of guardians of insane persons;

Also: Assembly Bill No. 1059—An act to amend section 377 of the Code of Civil Procedure, relating to the maintenance of actions for damages against persons responsible for the death of another;

Also: Assembly Bill No. 1232—An act to amend section 573 of the Probate Code of the State of California, relating to actions which may be maintained against executors and administrators;

Also: Assembly Bill No. 1301—An act to amend section 718 of the Civil Code and section 842 of the Probate Code and to add a new section numbered 1538.5 to the Probate Code, relating to the leasing of property of a minor, insane or incompetent person, or of a decedent;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1679—An act to amend section 1207 of the Penal Code, relating to entry of judgment;

Also: Assembly Bill No. 1722—An act to amend section 1408 of the Penal Code, relating to the order for delivery of property to the owner;

Also: Assembly Bill No. 2133—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 96—An act to amend sections 1083, 1085, 1088, 1089 and 1092 of the Agricultural Code, relating to commercial feeding stuffs—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; noes—1; absent—4.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—9; noes—3; absent—3.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 171—An act to amend section 478 of the Agricultural Code, relating to cream;

Also: Senate Bill No. 291—An act to add section 311.5 to the Agricultural Code, relating to persons handling meat;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12; absent 3.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 354—An act to amend sections 1065 and 1071 of the Agricultural Code, relating to economic poisons—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent 3.

CRITTENDEN, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, April 8, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 155—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

DIFANI, Chairman.

Also :

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 77—An act to add sections 3a and 3b to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health; defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to agreements between counties and deposits of funds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2

DIFANI, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 1007—An act to amend the Agricultural Code, relating to agriculture—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—15; committee vote: Ayes—8

(Signed out)

CRITTENDEN, Chairman
McCORMACK
METZGER
PERRY
SCOLLAN
STOW
WAGY
YOUNG

Adjournment.

On motion of Senator Mixer, at four o'clock and twenty minutes p.m., the President pro tempore of the Senate declared the Senate

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Wednesday, April 10, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

SENATORS—Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Knaugh, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Phoenix, Plavers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, April 9, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Adjutant A. M. Holbrook of Merced.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor M. B. Wellington of Santa Ana.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Houston School, Acampo, California, Mrs. Lundquist, principal; Miss Fiske, seventh grade teacher and the following pupils: Marjorie Schmidt, Rosalie Cooper, Martha Beisel, Dorothy Badgely, Sadako Tahara, Masae Tahara, Lorene Powell, Esther Keller, Rachel Keller, June Imada, Kiyoshi Sakakuchi, Verlin Schnell, Mary Tanaka, Clyde Clifton, Clara Kuwabara, Robert Hansen, Fred Nakagawa, Minoru Nishikawa, Toshio Yamashito, Joe Kadama, George Sasaki, Virda Taylor, Janice Holt, Maxine Howery, Lacia Litchfield, Kenneth Thompson, Delbert Irion, King Matsuhiro, Dean Holt, Jamie Funamura, Meryl Irey, Gladys Makashima, May Ouye, Henry Okamoto, John Okamoto, Nellie Iwamiya, Bessie Oune, Lloyd Nies, Ernest Schmierer, Arthur Schaffer, Bob Mason, Elmer Mason and Carroll Irey.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. M. E. Martin, teacher, Walter Berleman, Robert Brerton, William Dauter-man, Mary Freitas, and Lucille Rubio all of the California School for the Blind at Berkeley.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chas. H. Reed of San Diego.

On request of Hon. George J. Hatfield, President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. A. C. Carlson of Wilmar, Minnesota, National President of the American Legion Auxiliary; Mrs. Carrie Tessin Baade of Napa, State President of the American Legion Auxiliary; Mrs. Ethel M. Flynn of San Francisco, State Secretary-Treasurer of the American Legion Auxiliary; Mrs. H. B. Barry of Roseville, District President of the American Legion Auxiliary, and the following other officials and members of the American Legion Auxiliary: Mrs. Grant Reveal, Department Glee Club, Sacramento; Mrs. Joseph Henwood, Vice President District No. 6, Grass Valley; Mrs. Walter L. Francis, President, Unit No. 61, Sacramento; Mrs. Joseph Minore, Unit No. 392, Executive Board Member, Sacramento; Mrs. Earl E. Marsh, Department Americanism Chairman, Unit 73, Upland; Mrs. W. E. Snodgrass, President, Fort Sutter Unit No. 392, Sacramento; Mrs. Edwin Becker, President, Geo. W. Manhart Unit No. 391, Sacramento; Mrs. Alvide Johnson, President, North Sacramento Unit No. 447, Sacramento; and Mrs. P. D. Bevel, District Chairman of Child Welfare, Sacramento.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. W. Coburn Cook and City Clerk E. F. Ferguson, both of Turlock.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 8, 1935, concurred in Senate amendments to Assembly Bill No. 334—An

act to amend sections 1068, 1065, 1103, 1108, 1162, 1269a, 1272a, 1274a, 1290, 1822a and 1822bb of the Code of Civil Procedure, relating to special proceedings;
Also: Assembly Bill No. 335—An act to amend sections 105, 112 and 165 of the Code of Civil Procedure, relating to courts of justice;

Also: Assembly Bill No. 425—An act to amend "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, by amending sections 5 relating to the division of election precincts, 10 relating to the publication of ordinances, 12 relating to the investment of surplus moneys, 15b relating to the bonds of the district and their use as security, and adding a new section thereto to be numbered 15c, relating to the issuance of refunding bonds;

Also: Assembly Bill No. 913—An act to amend section 602 of the Political Code, relating to the payment of fees to private persons, firms and corporations, declaring the urgency thereof, and providing that it shall take effect immediately;

Also: Assembly Bill No. 1700—An act to amend sections 656 and 662 of the Political Code, to abolish the Division of Service and Supply in the Department of Finance and to provide for the membership of the State Board of Control as a result thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 5, 1935, concurred in Senate amendments to Assembly Bill No. 654—An act to add a new section numbered 1559 to the Probate Code of the State of California, relating to the guardianship of estates;

Also: Assembly Bill No. 1995—An act to amend section 779 of the Political Code, relating to publication of court reports;

Also: Assembly Bill No. 639—An act to amend section 69 of the Civil Code, relating to applications for and issuance of licenses to marry.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 9, 1935, concurred in Senate amendments to Assembly Bill No. 578—An act relating to revenue and taxation, providing for an excise tax on the sale of all oleomargarine containing any fat or oil ingredient other than any one or more of the following: oleo oil, oleo stock, oleo stearine from cattle, neutral lard from hogs, sheep fat, cottonseed oil, peanut oil, corn oil or milk fat; providing a penalty for a violation of the provisions thereof;

Also: Assembly Bill No. 1645—An act to require governmental units to furnish reports to the State Department of Finance concerning bonds and bonded indebtedness.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 9, 1935, passed Assembly Bill No. 174—An act to amend the title of Part I of Division V of the School Code, and to amend sections 5.1, 5.2, 5.10, 5.61 and 5.101 thereof, relating to State colleges;

Also: Assembly Bill No. 1394—An act amending section 14, of an act entitled: "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to officers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 174 read first time, and referred to Committee on Education.

Assembly Bill No. 1394 read first time, and referred to Committee on Municipal Corporations.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 761—An act to amend section 342 of, and to add sections 343 and 344 to, the School Code, relating to required instruction in the schools:

Also: Senate Bill No. 1019—An act to add a new section, to be numbered 13, to "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers, with relation to fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths," approved April 28, 1909, relating to ornamental trees and shrubs and to boards of forestry;

Also: Senate Concurrent Resolution No. 24—Approving an amendment to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the twelfth day of March, 1935;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 53—An act to amend section 6,90a of the School Code, relating to junior college buildings;

Also: Senate Bill No. 467—An act to amend sections 2,411, 2,418 and 2,419 of the School Code, relating to disincorporation of high school districts;

Also: Senate Bill No. 297—An act to add a new section to an act entitled, An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act, approved June 16, 1913, as amended;

Also: Senate Bill No. 359—An act to amend section 2 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," and to provide that this act shall take effect immediately;

Also: Senate Bill No. 720—An act to amend the Vehicle Code by amending sections 223, 225, 226, 306 and 308; by repealing sections 292, 293, and 304; by adding sections 292, 298, and 304, relating to vehicles;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 276—An act authorizing certain cities, cities and counties, and boards or departments thereof, in issuing revenue bonds or other evidences of indebtedness, payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures thereto by facsimile, for making the same payable at places outside the State of California, and for the registration thereof;

Also: Senate Bill No. 610—An act to add section 1203c to the Penal Code, relating to filing of reports by probation officers with the State Board of Prison Directors;

Also: Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than fifteen gross tons capacity, operating in

California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to boats unequipped with propelling machinery;
And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Further Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 9, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 681—An act confining and validating the constitution of irrigation districts, and declaring the urgency thereof, the act to take effect immediately—and reports that the same has been correctly enrolled, and presented to the Governor on the ninth day of April, 1935, at four o'clock and fifteen minutes p.m.

METZGER, Chairman.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work April 10, 1935:

	<i>Per day</i>
Helene Howe, Stenographer.....	\$5 00

Resolution read, and on motion of Senator Tickle, adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, six days per week, beginning April 8, 1935, and the Controller is hereby directed to draw his warrants for the said amount, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i>
Edith C. Johnson, Stenographer.....	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Douel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named attache of the Senate, who was heretofore appointed to the office of Assistant at Desk with a compensation of \$5 per day, be and she is hereby transferred as of April 15, 1935, and appointed to the office set forth below with the compensation following her name, payable six days per week, and the Controller is hereby directed to draw his warrants in favor of the respective person for the said amount, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i>
Ada Ford, Assistant Minute Clerk.....	\$6 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—None.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate in the sum of \$1,057.22 in favor of the Secretary of the Senate to pay the bills and for the purposes, set forth below, and the Treasurer is directed to pay the same.

State Supply Department-----	\$401 64
Geo. N. Hammond, Typewriter Company-----	90 00
H. S. Crocker Company-----	44 17
Western Union Telegraph Company-----	21 39
American Seating Company—40 chairs at \$3.48-----	145 06
Protzmans—Embossing and Engraving Company-----	4 46
Cascade Towel Supply Company-----	50 50
Postage—for the Senate-----	300 00

Total ----- \$1,057 22

KING.
POWERS.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Postponement of Consideration.

Senator Rich moved that consideration of the report of the Committee on Rules, and the confirmation of appointments by the Governor, be continued until the next legislative day.

Ayes and Noes Demanded.

A roll call was demanded by Senators Stow, Difani and McColl, on the adoption of the motion.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Hays, Knowland, McCormack, McGovern, Olson, Parkman, Rich, Schottky, Seawell, Sharkey, Slater, and Swing—15.

NOES—Senators Deuel, Difani, Fletcher, Garrison, Hulse, Keough, King, McColl, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Reindollar, Scollan, Stow, Tickle, Wagy, Williams, and Young—21.

Re-reference of Governor's Message.

Senator Stow moved that the Governor's message be re-referred to Committee on Rules.

Ayes and Noes Demanded.

A roll call was demanded by Senators Stow, Powers and Slater, on the adoption of the motion.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern,

McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rendollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Waggy, Williams, and Young—36.

NOES—Senator Crittenden—1.

The Governor's message was thereupon re-referred to Committee on Rules.

Consideration of Daily File. Third Reading of Senate Bills.

Senate Bill No. 306—An act to amend section 1111 of the Code of Civil Procedure, relating to contest of elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Rendollar, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 306 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Senate Bill No. 720—An act to amend the Vehicle Code by amending sections 223, 225, 226, 306 and 308; by repealing sections 292, 293, and 304; by adding sections 292, 298, and 304, relating to vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 720 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Powers, Rendollar, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 720 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills.

By Senator Duval: Senate Concurrent Resolution No. 25—Relative to appointment of a Joint Legislative Committee to study pending revenue and taxation measures.

Consideration of Senate Concurrent Resolution No. 25.

Senator Duval asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 25, without reference to committee for purpose of adoption.

Postponement of Consideration.

On motion of Senator Olson, the further consideration of Senate Concurrent Resolution No. 25 was continued until the next legislative day.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 329, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Third Reading of Senate Bill No. 329.

Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; creating the office of Truck Commissioner; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act.

Bill read third time.

Amendments from the Floor.

During third reading of Senate Bill No. 329, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended in Senate April 3, 1935, strike out the words "consistent with the needs of", and insert in lieu thereof the words "and to regulate"; and after the word "commerce", in the same line, insert the word "thereon"; also, in line 7, strike out the word "without", and strike out all of line 8 except the semicolon.

On page 1, line 10, strike out the word "full", and strike out all of lines 11, 12 and 13, and the words "portation agencies so that", in line 14.

On page 1, line 15, strike out the word "necessary", and in the same line, strike out the words "shall be maintained", and insert in lieu thereof the words "using the public highways."; also, following the word "and", at the end of said line 15, insert the words "to preserve"; and in line 16, strike out the words "preserved to", and insert in lieu thereof the words "for the benefit of".

Amendment No. 2.

On page 2, line 45, of the printed bill, strike out the words "other than a highway", and in line 46, strike out the words "common carrier".

Amendment No. 3.

On page 3, line 2, of the printed bill, strike out the words "other than a highway common carrier", and the comma.

Amendment No. 4.

On page 4, line 19, of the printed bill, after the word "Commission", and the period, insert the following: "In any action against a highway carrier for the recovery of damages on account of bodily injuries to or death of any person or persons, and/or for the recovery of property damage, the insurance carrier, surety company or other liability carrier or bondsmen may be made parties defendant thereto, and any judgment recovered in said action against the highway carrier shall also be entered against such insurance carrier, surety company or other bondsman or bondsmen."

Amendment No. 5.

On page 4, lines 33, 34 and 35, of the printed bill, strike out the words "or a certificate of public convenience and necessity as provided for under the provisions of Chapter 213 of the Statutes of 1917, as amended", and the commas.

Amendment No. 6.

On page 5, lines 23 and 24, of the printed bill, strike out the comma and the words "or the maximum or minimum or maximum and minimum rates", and in lines 25, 26 and 27, strike out the words "other than a highway common carrier, now subject to the jurisdiction of said commission under Chapter 213 of the Laws of 1917, and as amended".

Amendment No. 7.

On page 5, lines 34, 35 and 36, of the printed bill, after the word "performed", strike out the words "to, from, or beyond the regularly established termini of common carriers or of any accessorial service and".

Amendment No. 8.

On page 5 of the printed bill, strike out all of line 39, and in line 40, strike out the words "portation services by highway carriers such", and insert in lieu thereof the word "The", and following the word "rates", in line 40, insert the words "established by the commission".

Amendment No. 9.

On page 5 of the printed bill, strike out all of lines 49, 50, 51 and 52, and on page 6, strike out all of lines 1, 2, 3 and 4.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 131—An act to amend section 683 of the Civil Code, relating to joint tenancy.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 131 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out the word "several", and insert in lieu thereof the words "two or more".

Amendment No. 2.

On page 1, line 10, of the printed bill, and the period following the word "tenants", strike out the balance of the line, and all of line 11.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 269—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 269 was read and adopted:

Amendment No. 1.

On page 2, line 6, of the printed bill, after the word "physician", insert the word "chiropractor".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 96—An act to amend sections 1081, 1082, 1083, 1085, 1087, 1088, 1089, 1090, 1091 and 1092 of, and to add sections 1081.1, 1083.1, 1083.3 and 1083.5 to the Agricultural Code, relating to commercial feeding stuffs.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Senate Bill No. 18 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, between lines 5 and 6, add the following: "With grain bags, such salvage value shall be determined by taking as a basis

the opening price for the season of San Quentin bags as promulgated by the State Board of Prison Directors, of which basic price fifty per cent shall be paid to said owner for new bags and twenty-five per cent for used or second-hand bags.

Said values shall continue to be paid until such time as a change in price shall be promulgated by said prison board whereon a new base shall thereby be established.

The warehouse receipt shall indicate new or old bags.

The word "grain" as used herein shall include wheat, barley, corn, oats, rye and grain sorghums."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 171—An act to amend section 478 of the Agricultural Code, relating to cream.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 291—An act to add section 311.5 to the Agricultural Code, relating to persons handling meat.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 354—An act to amend sections 1061, 1065, 1066, 1071 and 1073 of the Agricultural Code, relating to economic poisons.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 354 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended March 21, 1935, immediately before "1065", insert "1064,".

Amendment No. 2.

On page 2 of the printed bill, as amended March 21, 1935, between lines 7 and 8, insert the following:

"Sec. 2. Section 1064 of the Agricultural Code is hereby amended to read as follows:

1064. Economic poison is misbranded when:

(a) The package or label thereon bears any false or misleading statement, design, or device regarding such article or the ingredients or substances contained therein.

(b) The package or label is falsely branded as to the place of manufacture or production.

(c) It is an imitation or offered for sale under the name of another article.

(d) It is labeled or branded so as to deceive or mislead the purchaser.

(e) The contents of the package as originally put up have been removed in whole or in part and other contents placed in such packages.

(f) In package form, and the contents, if stated in terms of weight or measure, are not plainly and correctly stated on the outside of the package.

(g) It consists partially or completely of any inert ingredients which are not effective as economic poisons, and does not have the names and percentage of each such inert ingredient plainly and correctly stated on the label. In lieu of naming and stating the percentage of each such inert ingredient, the producer may state the correct name and percentage of each active ingredient which is effective as economic poisons, and the total percentage of such inert ingredients present, except that the name and percentage of every ingredient of an economic poison intended for use on or sold for application to any food crop in such a way as to leave a residue declared deleterious to health by the United States Food and Drug Administration or by the director, must be plainly stated on the label."

Amendment No. 3.

On page 2, line 8, of the printed bill, as amended March 21, 1935, strike out "2", and insert in lieu thereof "3".

Amendment No. 4.

On page 2, line 29, of the printed bill, as amended March 21, 1935, strike out "3", and insert in lieu thereof "4".

Amendment No. 5.

On page 2, line 33, of the printed bill, as amended March 21, 1935, strike out "4", and insert in lieu thereof "5".

Amendment No. 6.

On page 3, line 38, of the printed bill, as amended March 21, 1935, strike out "5", and insert in lieu thereof "6".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 77—An act to add sections 3a and 3b to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health; defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to agreements between counties and deposits of funds.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendment to Senate Bill No. 77 was read and adopted:

Amendment No. 1.

On page 2, line 6, of the printed bill, as amended, strike out "directors of the", and "State Bureau of Tuberculosis", at the beginning of line 7, and insert in lieu thereof the following: "Chief of the Bureau of Tuberculosis in the Department of Public Health".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 155—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1007—An act to amend the Agricultural Code, relating to agriculture.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 1007 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 1 of the title after the comma, and all of line 2 of the title, and insert in lieu thereof the following: "by adding thereto four sections to be numbered 996, 997, 998 and 999, relating to the control of capri fig trees and the elimination of endosepsis and authorizing the director to accept donations for the enforcement of the provisions of said sections."

Amendment No. 2.

On page 1, line 1, of the printed bill, after the period, insert the following: "A new section is hereby added to the act cited in the title hereof to be numbered 995 and to read as follows:

995. Capri fig trees unless properly controlled and regulated under supervision constitute a menace because they are a source of infection and pests, and capri figs unless properly treated contribute to, and are responsible for the transmission of endosepsis and other plant diseases by the blastophaga therein. In the interest of the public welfare and general prosperity of the State and to provide for the control, eradication, elimination and prevention of endosepsis and other plant diseases, all abandoned capri fig trees, all capri fig trees used for ornamental or decorative purposes and all capri fig trees in or about a fig orchard aggregating in number more than one per centum of the fig trees therein are

declared a public nuisance. The director shall upon report and inspection by the enforcing officer notify the owner of such tree or trees to graft or destroy the same, and upon failure of the owner so to do within ten days from and after such notice, shall cause the grafting or destruction of such tree or trees in a summary manner. Instructions for application may be furnished to such owners at the expense of the department.

SEC. 2. A new section is hereby added to said act to be numbered 996 and to read as follows:

996. Every person who owns, raises, uses, packs, ships, or delivers for shipment or sells any capri figs of the profichi or mamme crops for use within the county, shall cause same to be washed or treated for the prevention or elimination of endosepsis or the transmission of endosepsis by the blastophaga therein, and when same are to be shipped or used without the county, such person shall notify the commissioner of the county within which same are to be used of such shipment, the nature thereof and the name and residence of the consignee, whereupon such commissioner shall cause such consignee to properly cleanse, wash or treat as may be necessary, such figs for the prevention or elimination of endosepsis before using. Every person violating the requirements of this provision shall be guilty of a misdemeanor.

SEC. 3. A new section is hereby added to said act to be numbered 997 and to read as follows:

997. The Director of Agriculture shall provide for and designate such deputies as are necessary for the enforcement of the foregoing provisions, in accordance with the provisions of section 23 of the Agricultural Code.

SEC. 4. A new section is hereby added to said act to be numbered 998 and to read as follows:

998. Every person who wilfully or otherwise interferes with the enforcement of the provisions of the preceding three sections is guilty of a misdemeanor.

SEC. 5. A new section is hereby added to said act to be numbered 999 and to read as follows:

999. The director may receive and accept on behalf of the State, contributions or donations of money from individuals, firms, corporations, associations, boards of supervisors, departments, divisions, bureaus, boards or commissions of this State or of the United States for the purpose of enforcing the provisions of the foregoing sections 995, 996, 997 and 998. All moneys so received shall be deposited in the Department of Agriculture fund of the State treasury and shall be expended solely for such enforcement."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Second Reading of Assembly Bills.

Assembly Bill No. 139—An act to amend sections 165 and 166 of the Civil Code, relating to inventories of the separate property owned by a husband or wife, and making the filing of such inventory notice and prima facie evidence of title.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 346—An act to amend section 1208 of the Code of Civil Procedure, relating to liens upon animals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 479—An act to amend section 2179 of the Political Code, relating to guardianship and administration of estates of incompetents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 480—An act to amend section 1554 of the Probate Code, relating to accounts of guardians of insane persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1059—An act to amend section 377 of the Code of Civil Procedure, relating to the maintenance of actions for damages against persons responsible for the death of another.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1232—An act to amend section 573 of the Probate Code of the State of California, relating to actions which may be maintained against executors and administrators.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1301—An act to amend section 718 of the Civil Code and section 842 of the Probate Code and to add a new section numbered 1538.5 to the Probate Code, relating to the leasing of property of a minor, insane or incompetent person, or of a decedent.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1679—An act to amend section 1207 of the Penal Code, relating to entry of judgment.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1722—An act to amend section 1408 of the Penal Code, relating to the order for delivery of property to the owner.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2133—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments.

Bill read second time, and ordered on file for third reading.

Consideration of Special Order—(Resumed).

Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; creating the office of Truck Commissioner; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act.

Consideration of Amendments from the Floor—(Resumed).

The amendments, offered by Senator Olson to Senate Bill No. 329, were refused adoption.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 329 passed by the following vote:

AYES—Senators Crittenden, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Keough, King, Knowland, McCall, McGovern, McGuinness, Mixer, Parkman, Pierovich, Powers, Reindollar, Schottky, Seellan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—Senators Biggar, Deuel, Garrison, Gordon, Metzger, Olson, Perry, and Rich—8.

Title read and approved.

Senate Bill No. 329 ordered transmitted to the Assembly.

Statement of Vote.

MR. PRESIDENT: For the records permit us to state that we voted "Aye" on Amendment No. 6 to Senate Bill No. 329, which amendment strikes out "minimum rate" in line 24, page 5 of the printed bill.

**J. C. GARRISON.
JACK METZGER.**

Special Order.

Senator Olson moved that his resolution, relating to an investigation of the production of oil on State tidelands, as printed in the Senate

Journal of April 9, 1935, be made a special order for Thursday, April 11, 1935, at eleven o'clock a.m.

Motion carried, and such was the order.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 406—An act to amend section 610 of the Fish and Game Code, relating to trout and whitefish;

Also: Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses;

Also: Senate Bill No. 1014—An act to amend section 48 of the Fish and Game Code, relating to fines and forfeitures;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—16; committee vote: Ayes—15; absent—1.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 29—An act to amend section 1151 of the Fish and Game Code, relating to hunting and fishing at night;

Also: Senate Bill No. 149—An act to amend section 1250 of the Fish and Game Code, relating to fully protected mammals;

Also: Senate Bill No. 161—An act to amend sections 421 and 811 of the Fish and Game Code, relating to cockle clams;

Also: Senate Bill No. 434—An act to amend section 400 of the Fish and Game Code, relating to licenses;

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—16; committee vote: Ayes—15; absent—1.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Concurrent Resolution No. 30—Relative to experimental winter feeding of deer—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—16; committee vote: Ayes—15; absent—1.

McCOLL, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 1036—An act to amend section 1418 of the Penal Code, relating to the pardoning or commutation of sentence of convicts twice convicted of felony—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

YOUNG, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 601—An act to amend section 1704 of the Streets and Highways Code, relating to county highways—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—15; absent—2.

EDWARDS, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 112—An act to amend sections 2, 13 and 17 of the Orange County Water District Act, approved June 14, 1933, relating to powers and duties of the board of

directors, the establishment of an office therefor and declaring and limiting their powers as to the district budget and the levy of assessments;

Also: Senate Bill No. 1077—An act to amend section 21 of the "California Water Storage District Act," relating to property sold for delinquent assessments. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2

MIXTER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 9, 1935

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 1079—An act to validate all proceedings for the liquidation of improvement districts within irrigation districts and for assessments levied thereon to pay such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts, and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; authorizing and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts; and the acquisition, construction, operation, maintenance and repair of improvements therein;

Also: Assembly Bill No. 844—An act to amend section 33 of the California Irrigation District Act, relating to the payment of bonds and interest thereon;

Also: Assembly Bill No. 1976—An act to amend section 29 of "The California Irrigation District Act," approved March 31, 1897, as amended, relating to the purpose for which property may be held by said district, and providing for the sale or lease of same;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2

MIXTER, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, April 10, 1935

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 358—An act to amend sections 1, 3, 4 and 10 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with the act," approved April 28, 1903, and to add a new section to said act numbered 9a, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 356—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and to add a new section thereto numbered 9a—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone typewriter system of communication between certain cities, and to make an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 572—An act to add sections 4060 to 4060.54, inclusive, to

the Political Code, and to amend section 3714 of said code, relating to the fiscal affairs of counties, cities and counties, and districts, including budgeting, accounting, reporting, and auditing—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 585—An act to amend sections 8, 10, 42, 47 and 108 of an act entitled "An act to provide for the creation, establishment and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1695—An act to amend section 19 of an act entitled "An act to authorize and control the deposits in banks of moneys belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to the deposit of money belonging to or in the custody of the State;

Also: Assembly Bill No. 1699—An act to amend section 351 of, and to add section 351a to, the Political Code, relating to officers of departments of the State government;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Adjournment.

On motion of Senator Rich, at four o'clock and twenty-five minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, April 11, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, April 11, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, April 10, 1935, the further reading was dispensed with, on motion of Senator Sharkey.

Leaves of Absence.

Senator Edwards was, on motion of Senator Duval, granted leave of absence for this day.

Senator Jespersen was, on motion of Senator Gordon, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Edward H. Cookingham of Lindsey.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. D. Farwell and J. W. Crider of Los Gatos.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the members of the graduating class of St. Vincent's Academy, Petaluma, accompanied by Sisters Paula and Mary Rose, members of the faculty, and their guests, Mrs. Margaret Schott and Mr. William McLaughlin. The students' roll was composed of Louis White, class president, Elsie Colla, Marian Gallagher, Alice Schott, Catherine O'Rourke, Esther Giacomini, Cataline Dwart, Mabel Terabellini, Anne Arndt, Elizabeth Braxmeyer, Margaret Inglin, William Bihn, John Braxmeyer, Edward Brunetti, Gordon Kamp, Charles Paine, and Russell Brown.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. K. Strobbridge, former Senator of Alameda County.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John F. Galvin, publisher Daily Independent of Richmond.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Laurentz Kreuger of San Francisco.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator F. J. Powers of Eagleville.

On request of Senator Reindollar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Henry Meyer, Sausalito; Mr. Charles L. Owens, Sausalito; Supervisor Frederick H. Thompson, Mill Valley, Marin County; Mr. Thomas Nelson, Mill Valley; Mr. Jordan L. Martinello, city attorney, San Rafael; Mr. Rodney Messner, San Rafael, county surveyor of Marin County; Mr. Clyde Strauss, manager, Marin County Chamber of Commerce, Mill Valley, and Mr. J. Barton Hirschler, custodian, Muir Woods National Monument, Mill Valley.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 451—An act to add section 303 to the Penal Code, relating to alcoholic beverages;

Also: Assembly Bill No. 1861—An act to amend section 694da of the Political Code, relating to the State Agricultural Society contingent fund.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 451 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1861 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 2, 1935, passed Assembly Bill No. 1370—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, by amending the title and sections 37 and 40 thereof, and adding a new section to be designated section 97, to authorize the borrowing or procuring of money by drainage districts from the United States or any agency thereof, and declaring the urgency thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

Assembly Bill No. 1370 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 24—Approving an amendment to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the twelfth day of March, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 24 ordered to enrollment.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 719—An act to amend the Vehicle Code by amending sections 142, 147, 150, 151, 159, 160, 161, 165, 184, 186, 205, 206, 207, 211, 215, 239, 252, 375, 376, 378, 382, and 383; by adding section 234, relating to vehicles;

Also: Senate Bill No. 155—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act;

Also: Senate Bill No. 171—An act to amend section 478 of the Agricultural Code, relating to cream;

Also: Senate Bill No. 291—An act to add section 311.5 to the Agricultural Code, relating to persons handling meat;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 9a of an act entitled, "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended;

Also: Senate Bill No. 912—An act to add section 4545 to the Fish and Game Code, relating to the shipment of fish and game into this State;
And reports that the same have been correctly re-engrossed.

MCCORMACK, Member.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags;

Also: Senate Bill No. 77—An act to add sections 3a and 3b to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health, defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to agreements between counties and deposits of funds;

Also: Senate Bill No. 131—An act to amend section 683 of the Civil Code, relating to joint tenancy;

Also: Senate Bill No. 269—An act to amend section 640 of the Code of Civil Procedure, relating to property exempt from execution or attachment;

Also: Senate Bill No. 354—An act to amend sections 1061, 1064, 1065, 1066, 1071 and 1073 of the Agricultural Code, relating to economic poisons;
And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 96—An act to amend sections 1081, 1082, 1083, 1087, 1087, 1088, 1089, 1090, 1091 and 1092 of, and to add sections 1081.4, 1083.1, 1083.2 and 1083.5 to the Agricultural Code, relating to commercial feeding stuffs.

Also: Senate Bill No. 361—An act to amend sections 5, 7, 23 and 24 of the Direct Primary Law, approved June 16, 1913, relating to the filing of candidacy for partisan offices and the powers of county central committees;
And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman.

Motion.

Upon motion of Senator Rich, the Secretary of the Senate was directed to immediately compile the Legislative Handbook

Motion to Refuse Advocate Card.

Senator Seawell moved that the Sergeant-at-Arms of the Senate be instructed to refuse to issue an advocate card to Nathan Elliott for the remainder of this fifty-first session of the Legislature.

Motion carried, and such was the order.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Gordon:

SENATE CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to make an appropriation for predatory animal control.

Respectfully submitted.

SENATOR GORDON.

Request referred to Committee on Rules.

Resolution.

The following resolution was offered:

By Senators Hays, Wagy, Mixter, Schottky, Pierovich, Rich, Williams, Garrison, Deuel, McColl, Seawell, Powers, and Scollan:

WHEREAS, The Congress of the United States has recently enacted a measure wherein \$4,800,000,000 are appropriated for relief and unemployment to be expended on useful and permanent projects; and

WHEREAS, There is in the process of development in California a high mountain scenic highway known as The Sierra Way which will, upon its completion, connect all of the National parks in California and the majority of the National forests in northern and central California, Burney Falls State Park, Lake Tahoe recreational region, and many other points of scenic and recreational value in the high Sierra Mountains; and

WHEREAS, The Sierra Way, upon its completion will greatly facilitate travel into and through the National parks and National forests and other high mountain scenic areas, and is of great value as a permanent and useful connection in the highway transportation system in the State of California; and

WHEREAS, The sum of \$15,500,000 will construct the unconstructed portions of this route and reconstruct those sections of the route constructed to a low standard; and

WHEREAS, The expenditure of this sum on road work offers a larger percentage of labor, both directly and indirectly, and is as a result highly desirable from an unemployment relief viewpoint; and

WHEREAS, Said project lies entirely within the lateral boundary of National forests and National parks and is therefore primarily a Federal undertaking; and

WHEREAS, A formal application has been made by subdivision of this State that said project be put upon the United States public works program; now, therefore, be it

Resolved, by the Senate, That the State Department of Public Works file an application with the appropriate Federal authority, requesting the sum of \$15,500,000 complete The Sierra Way; and, be it further

Resolved, That the Senate of the State of California most respectfully urges and petitions the Federal authority charged with the allocation of these funds to give every consideration to this project with a view of allocating funds necessary to complete The Sierra Way; and, be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the authority designated by the President as responsible for allocation to projects, and to the members of the Senate and House of Representatives, of the Congress of the United States, from the State of California.

Resolution read, ordered printed in the Journal, and to be considered on the next legislative day.

Unfinished Business.

Consideration of Senate Concurrent Resolution No. 25.

Senate Concurrent Resolution No. 25—Relative to the appointment of a Joint Legislative Committee to Study Pending Revenue and Taxation Measures.

Statement by Hon. George J. Hatfield, President of the Senate.

In reply to Senator Scollan's suggestion that Senate Concurrent Resolution No. 25, introduced by Senator Duval, creating a Joint Legislative Committee to be appointed for the purpose of studying pending revenue and taxation measures, that the appointive power should select representatives of the various opinions and views held, rather than a committee completely committed to the Governor's plan, I desire to make the following statement:

If Senate Concurrent Resolution No. 25 is adopted it is my intention to appoint a representative committee to the end that a tax program may be developed that will be acceptable to a majority of both houses and to the Governor. In this regard I desire to state that I do not desire to be deluged by suggestions and advice as to the membership of the committee by representatives of special interests. I have been approached by a number of persons not members of either house, with suggestions as to the make-up of the committee. I do not desire any such assistance.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 25 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Williams—34.

NOES—Senators Garrison, and Olson—2.

Senate Concurrent Resolution No. 25 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of the resolution by Senator Olson, demanding investigation of oil and gas tideland drainage, as printed in the Senate Journal of April 9th, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

Motion to Refer.

Senator Stow moved that Senator Olson's resolution demanding investigation of oil and gas tideland drainage be referred to Committee on Oil Industries.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Seollan and McGovern on the adoption of the motion.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Keough, King, Knowland, McCormack, McGuinness, Mixter, Parkman, Powers, Reichert, Rich, Schottky, Sewell, Sharkey, Slater, Snyder, Stow, Swang, Taka, Wagy, Williams, and Young—28.

NOES—Senators Fletcher, Garrison, Gordon, McColl, McGovern, Metzger, Olson, Perry, Pierovich, and Seollan—10.

Resolution by Senator Olson ordered referred to Committee on Oil Industries.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bills Nos. 297, 1054, 961, 284 and 128, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same were taken up for consideration.

Senate Bill No. 297—An act to add a new section to an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended.

Re-reference of Senate Bill No. 297.

Senator Rich moved that Senate Bill No. 297 be re-referred to Committee on Elections.

Motion carried, and such was the order.

Assistant Secretary Carl A. Shipkey at the Desk.

Senate Bill No. 284—An act to amend section 1197 of the Political Code, relating to election ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 284 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich,

Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, and Williams—26.

NOES—Senators Crittenden, Deuel, Garrison, Gordon, Hays, Knowland, McCormack, Olson, Slater, Wagy, and Young—11.

Title read and approved.

Senate Bill No. 284 ordered transmitted to the Assembly.

Special Order.

Senator Garrison moved that Senate Bills Nos. 128, 961, and 1054 be made a special order for Monday, April 15, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried and such was the order.

Reference of Communications.

Senator Swing moved that communications received by various Senators for and against the appointment of John C. Porter of Los Angeles to the State Personnel Board be referred to Committee on Rules, and that none of said messages be printed in the Journal.

Motion carried, and such was the order.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 719—An act to amend the Vehicle Code by amending sections 142, 147, 150, 151, 159, 160, 161, 165, 184, 186, 205, 206, 207, 211, 215, 239, 252, 375, 376, 378, 382, and 383; by adding section 234, relating to vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 719 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 719 ordered transmitted to the Assembly.

Senate Bill No. 53—An act to amend section 6.90a of the School Code, relating to junior college buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 53 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Keough, King, Knowland, McColl, McCormack, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—Senator Hays—1.

Title read and approved.

Senate Bill No. 53 ordered transmitted to the Assembly.

Recess.

On motion of Senator McColl, at twelve o'clock and twenty minutes p.m., the President of the Senate declared recess until twelve o'clock and twenty-five minutes p.m., for the purpose of being addressed by

former Senator Frank Powers, father of Senator Harold J. Powers of Eagleville, California, the present Senator representing District No. 1.

Hon. Frank Powers, introduced to the Senate by Hon. George J. Hatfield, President of the Senate, addressed the Senate briefly.

Reconvened.

At twelve o'clock and twenty-five minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 467—An act to amend sections 2 411, 2 418 and 2 419 of the School Code, relating to disincorporation of high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 467 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Duval, Edwards, Garrison, Gordon, Keough, King, Knowland, McColl, McGinnick, McGovern, McGuinness, Miller, Olson, Parkman, Perry, Pierovich, Powers, Randall, Schottky, Sadtler, Seawell, Sharkey, Snyder, Stow, Wag, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 467 ordered transmitted to the Assembly.

Senate Bill No. 761—An act to amend section 3 42 of, and to add section 3 43 to, the School Code, relating to required instruction in the schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 761 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Duval, Edwards, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McGinnick, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Randall, Rich, Schottky, Sharkey, Snyder, Stow, Tickle, Wag, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 761 ordered transmitted to the Assembly.

Senate Bill No. 577—An act to amend section 3780 of the Political Code, relating to the redemption of property sold to the State for delinquent taxes and limiting the same to a period of three years from and after the date of the deed to the State pursuant to section 3785 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 577 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Duval, Edwards, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Park-

man, Perry, Pierovich, Powers, Remdollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swang, Tickle, Wagy, Williams, and Young—34.
Nays—None.

Title read and approved.

Senate Bill No. 577 ordered transmitted to the Assembly.

Recess.

On motion of Senator Rich, at twelve o'clock and forty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 406—An act to amend section 610 of the Fish and Game Code, relating to trout and whitefish.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 406 were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out the words "except golden trout."

Amendment No. 2.

On page 1, line 10, of the printed bill, strike out the word "five", and insert in lieu thereof the word "six."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 422 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, after line 15, insert the following: "The provisions of this section shall not apply to vessels operating upon inland waterways including rivers and lakes."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1014—An act to amend section 48 of the Fish and Game Code, relating to fines and forfeitures.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 1014 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend section 48 of", and insert in lieu thereof the following: "add section 1412.5 to".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "fines and forfeitures", and insert in lieu thereof the following: "the cost of keeping persons imprisoned for violating any provision of said code".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 13, and insert in lieu thereof the following:

"SECTION 1. Section 1412.5 is hereby added to the Fish and Game Code to read as follows:

1412.5. The cost of feeding prisoners held in the county jail in any county of this State for a violation of any provision of this code shall, after a claim therefor has been approved by the commission, be paid out of the fish and game preservation fund. The cost of such food shall not exceed thirty-five cents per day for each such prisoner."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 29—An act to amend section 1151 of the Fish and Game Code, relating to hunting and fishing at night.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 149—An act to amend section 1250 of the Fish and Game Code, relating to fully protected mammals.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 161—An act to amend sections 421 and 811 of the Fish and Game Code, relating to cockle clams.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 434—An act to amend section 400 of the Fish and Game Code, relating to licenses.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 112—An act to amend sections 2, 13 and 17 of the Orange County Water District Act, approved June 14, 1933, relating to powers and duties of the board of directors, the establishment of an office therefor and declaring and limiting their powers as to the district budget and the levy of assessments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 112 were read and adopted:

Amendment No. 1.

On page 3, line 39, of the printed bill, as amended, strike out "for spreading", and also strike out all of line 40 on said page, and in line 41, on said page, strike out the following: "used in connection therewith, and lands".

Amendment No. 2.

On page 4, line 31, of the printed bill, as amended, immediately preceding "canal", insert the following: "tunnels,".

Amendment No. 3.

On page 4, line 9, of the printed bill, as amended, after "said", insert the following: "tunnels,".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1077—An act to amend section 21 of the "California Water Storage District Act," relating to property sold for delinquent assessments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 1077 were read and adopted:

Amendment No. 1.

On page 3, line 9, of the printed bill, between the words "outstanding", and "which", insert the following: "or which has bonds outstanding".

Amendment No. 2.

On page 3, line 9, of the printed bill, strike out the word "bonds".

Amendment No. 3.

On page 3, line 9, of the printed bill, strike out the word "prior", and insert in lieu thereof the word "subsequent".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1079—An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts; and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 358—An act to amend sections 1, 3, 4 and 10 of an act entitled, "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with the act," approved April 28, 1933, and to add a new section to said act numbered 9a.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 358 were read and adopted:

Amendment No. 1.

On page 1, line 6 of the title of the printed bill, as amended in Senate March 15, 1935, strike out the word "the", and insert in lieu thereof "this".

Amendment No. 2.

On page 2, line 24, of the printed bill, as amended in Senate March 15, 1935, strike out the words "inactive deposits", and insert in lieu thereof the words "any part of such moneys".

Amendment No. 3.

On page 2, line 26, of the printed bill, as amended in Senate March 15, 1935, strike out the word "inactive".

Amendment No. 4.

On page 2, line 37, of the printed bill, as amended in Senate March 15, 1935, strike out the word "Any-", and also strike out all of lines 38, 39, and 40.

Amendment No. 5.

On page 3, line 1, of the printed bill as amended in Senate March 15, 1935, strike out the word "inactive", and insert in lieu thereof the word "active".

Amendment No. 6.

On page 3, line 1, of the printed bill, as amended in Senate March 15, 1935, strike out the comma following the word "deposits", and insert in lieu thereof a period; also, strike out the remainder of said line, and all of lines 2, 3, 4, and down to and including the period following the word "months" in line 5.

Amendment No. 7.

On page 3, line 10, of the printed bill, as amended in Senate March 15, 1935, after the period following the word "deposits", strike out the remainder of said line, and also strike out all of lines 11 to 16, inclusive.

Amendment No. 8.

On page 5 of the printed bill, strike out all of lines 33 to 45, inclusive.

Amendment No. 9.

On page 2, line 2, of the printed bill, as amended March 15, 1935, beginning with the word "Such", strike out the remainder of said line, and all of lines 3 to 9, inclusive, and down to and including the word "bank", in line 10, and insert in lieu thereof the following: "Such depository bank or banks shall be selected from those agreeing to pay the highest rate of interest, not less than two per centum per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner as the treasurer shall direct; provided, however, that until and including September 1, 1937, such treasurer may in the absence of a higher bid or bids deposit such moneys upon interest of not less than one-half of one per centum per annum on active deposits and one per centum per annum on inactive deposits and provided further, that such deposit shall not exceed the paid-up capital, exclusive of reserve and surplus of any depository bank".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 356—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and to add a new section thereto numbered 9a.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 258 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of line 4, and in line 5, strike out "Cruz, Visalia", and insert in lieu thereof the following: "Martinez, Merced, Modesto, Redding, Riverside, San Jose, Visalia".

Bill read second time, ordered to reprint, and referred to Committee on Finance.

Senate Bill No. 572—An act to add sections 4060 to 4060.54, inclusive, to the Political Code, and to amend section 3714 of said code, relating to the fiscal affairs of counties, cities and counties, and districts, including budgeting, accounting, reporting, and auditing.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 572 were read and adopted:

Amendment No. 1.

On page 10, lines 1 and 2, of the printed bill, as amended, strike out “, with the advice and assistance of the advisory commission herein described,”.

Amendment No. 2.

On page 10, line 15, of the printed bill, as amended, strike out “the advisory commission”.

Amendment No. 3.

On page 10, line 21, of the printed bill, as amended, strike out “with the consent of the advisory commission,”.

Amendment No. 4.

On page 10, lines 31 and 32, of the printed bill, as amended, strike out “State authority”, and insert in lieu thereof the following: “Director of Finance”.

Amendment No. 5.

On page 12, lines 9 and 10, of the printed bill, as amended, strike out “advisory commission”, and insert in lieu thereof the following: “State authority”.

Amendment No. 6.

On page 12 of the printed bill, as amended, strike out lines 13 and 14, and insert in lieu thereof the following: “tion. The Division of”.

Amendment No. 7.

On page 12, line 16, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: “is hereby authorized to perform all duties delegated to it by the State authority to carry out the purposes of this article.”

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Second Reading of Assembly Bills.

Assembly Bill No. 1036—An act to amend section 1418 of the Penal Code, relating to the pardoning or commutation of sentence of convicts twice convicted of felony.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 601—An act to amend section 1704 of the Streets and Highways Code, relating to county highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 844—An act to amend section 33 of the California Irrigation District Act, relating to the payment of bonds and interest thereon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1976—An act to amend section 29 of “The California Irrigation District Act,” approved March 31, 1897, as amended, relating to the purpose for which property may be held by said district, and providing for the sale or lease of same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 585—An act to amend sections 8, 10, 42, 47 and 108 of an act entitled “An act to provide for the creation, establishment and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor,” approved June 9, 1931, relating to the State Employees’ Retirement System.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 585 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "42, 47", and insert in lieu thereof the following: "40, 42, 47, 75".

Amendment No. 2.

On page 1, line 23, of the printed bill, after "consisting of", strike out "the".

Amendment No. 3.

On page 1, line 24, of the printed bill, strike out "Attorney General", and insert in lieu thereof the following: "one member of the State Personnel Board other than the Director of Finance, to be selected by and to serve at the pleasure of the State Personnel Board".

Amendment No. 4.

On page 2, line 6, of the printed bill, strike out "The Attorney General may designate"; also strike out lines 7 and 8, and in line 9, strike out "place as a member of the said board.", and insert in lieu thereof the following: "In the election of the three members from the active members of the system, the ballots cast shall be delivered to and canvassed by the Secretary of State."

Amendment No. 5.

On page 2, line 34, of the printed bill, strike out "Sec. 4", and insert in lieu thereof the following:

"SEC. 4. Section 40 of said act is hereby amended to read as follows:

Sec. 40. Each member and each person retired shall be subject to all the provisions of this act and to the rules and regulations adopted by the Board of Administration. Any person who is retired and any person who is credited with less than twenty years of State service and who renders less than five years of service at any period of ten consecutive years, or withdraws more than one fourth of his normal contributions, ceases to be a member.

Sec. 5".

Amendment No. 6.

On page 2, line 40, of the printed bill, immediately before the comma, insert the following: "retirement".

Amendment No. 7.

On page 2, line 41, of the printed bill, strike out "under", and insert in lieu thereof the following: "and under".

Amendment No. 8.

On page 3, line 1, of the printed bill, strike out "Sec. 5", and insert in lieu thereof the following:

"SEC. 6. Section 75 of said act is hereby amended to read as follows:

Sec. 75. Should the State service of a member be discontinued otherwise than by death or retirement, he shall, six months after the date of discontinuance, be paid such part of his accumulated contributions as he demands, except that if the member is credited with less than twenty years of State service and, in the opinion of the Board of Administration, is permanently separated from State service by reason of such discontinuance, he shall be paid forthwith all of his accumulated contributions. The board may, in its discretion, withhold for not more than one year after a member last rendered State service all or part of his accumulated normal contributions if after a previous discontinuance of State service he withdrew all or a part of his accumulated normal contributions and failed to redeposit such withdrawn amount in the retirement fund as provided in section 76.

Sec. 7".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 1695—An act to amend section 10 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to the deposit of money belonging to or in the custody of the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1699—An act to amend section 351 of, and to add section 351a to, the Political Code, relating to officers of departments of the State government.

Bill read second time, and ordered on file for third reading.

Leaves of Absence.

Senator Metzger was, on motion of Senator Knowland, granted leave of absence for the remainder of this legislative day.

Senator McGuinness was, on motion of Senator Scollan, granted leave of absence for the remainder of this legislative day.

Third Reading of Senate Bills.

Senate Bill No. 359—An act to amend section 2 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," and to provide that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 359 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, Mixter, Olson, Perry, Pierovich, Seawell, Sharkey, Slater, Snyder, Stow, and Wagy—24.

NOES—None.

Title read and approved.

Senate Bill No. 359 ordered transmitted to the Assembly.

Senate Bill No. 593—An act to amend sections 3897 and 3898 of the Political Code, relating to the sale and disposal of lands deeded to the State for delinquent taxes and to abolish the tax land fund and to repeal section 3774 of the Political Code, relating to the possession, rental, lease or cultivation, and the duty to provide for rental and care, of lands deeded to the State under section 3785 of the Political Code, and also to a political subdivision or State taxing agency lying in an irrigation district delivering water to lands therein, or lying within a municipality not in an irrigation district, or lying in neither, for delinquent taxes or assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 593 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, Mixter, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—25.

NOES—None.

Title read and approved.

Senate Bill No. 593 ordered transmitted to the Assembly.

Senate Bill No. 131—An act to amend section 683 of the Civil Code, relating to joint tenancy:

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 131 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Garrison, Gordon, Hulse, Keough, King, Knowland, McColl, McCormack, Mixer, Olson, Perry, Pierovich, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—23.

NOES—None.

Title read and approved.

Senate Bill No. 131 ordered transmitted to the Assembly.

Senate Bill No. 269—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment.
Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator King moved a call of the Senate.

Motion carried

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names.

Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—30.

The Secretary announced the absentees.

Time, two o'clock and thirty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 171—An act to amend section 478 of the Agricultural Code, relating to cream.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 171 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Wagy, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 171 ordered transmitted to the Assembly.

Senate Bill No. 354—An act to amend sections 1061, 1065, 1066, 1071 and 1073 of the Agricultural Code, relating to economic poisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 354 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, Mixer,

Olson, Parkman, Perry, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 354 ordered transmitted to the Assembly.

Senate Bill No. 1019—An act to add a new section, to be numbered 13, to "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highway, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers, with relation to fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths," approved April 28, 1909, relating to ornamental trees and shrubs and to boards of forestry.

Amendments from the Floor.

During third reading of Senate Bill No. 1019, the following amendments, offered by Senator Mixter, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "a new section, to be numbered 13," and insert in lieu thereof the following: "sections 13 and 14".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "12", and insert in lieu thereof the following: "13".

Amendment No. 3.

On page 1, line 3, of the printed bill, at the end of the line, insert the following: "a resolution or ordinance adopted by".

Amendment No. 4.

On page 1, line 6, of the printed bill, after "resolution", insert the following: "or ordinance of repeal".

Amendment No. 5.

On page 1 of the printed bill, after line 12, insert the following:

"SEC. 2. Section 14 is hereby added to said act to read as follows:

Sec. 14. This act may be cited and amended as the "Shade Tree Act of 1909." "

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 33—An act to amend section 4300b of the Political Code of the State of California by adding thereto a provision fixing a fee to be charged by sheriffs for arresting prisoners and bringing them into court or jail.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 33 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, Mixter, Parkman,

Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, and Wagy—28.

NOES—None.

Title read and approved.

Assembly Bill No. 33 ordered transmitted to the Assembly.

Assembly Bill No. 229—An act to amend sections 3366 and 4041.14 and to repeal section 3384 of the Political Code, relating to the licensing of businesses by the counties.

Amendments from the Floor.

During third reading of Assembly Bill No. 229, the following amendments, offered by Senator Hulse, were read and adopted:

Amendment No. 1.

On page 2, line 6, of the printed bill, as amended, after "individuals", insert a comma and the following: "other than merchants having a fixed place of business in the county, their employees, and farmers selling farm products produced by them,".

Amendment No. 2.

On page 2, line 38, of the printed bill, as amended, after "individuals", insert a comma and the following: "other than merchants having a fixed place of business in the county, their employees, and farmers selling farm products produced by them,".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 956—An act to amend an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, by amending sections 5 and 15 thereof, relating to special assessment bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 956 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 956 ordered transmitted to the Assembly.

Assembly Bill No. 139—An act to amend sections 165 and 166 of the Civil Code, relating to inventories of the separate property owned by a husband or wife, and making the filing of such inventory notice and prima facie evidence of title.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 139 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 139 ordered transmitted to the Assembly.

Assembly Bill No. 346—An act to amend section 1208 of the Code of Civil Procedure, relating to liens upon animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 346 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 346 ordered transmitted to the Assembly.

Re-reference of Assembly Bill No. 479.

Senator Sharkey moved that Assembly Bill No. 479 be referred to Committee on Finance.

Motion carried, and such was the order.

Assembly Bill No. 1059—An act to amend section 377 of the Code of Civil Procedure, relating to the maintenance of actions for damages against persons responsible for the death of another.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1059 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1059 ordered transmitted to the Assembly.

Assembly Bill No. 1679—An act to amend section 1207 of the Penal Code, relating to entry of judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1679 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1679 ordered transmitted to the Assembly.

Assembly Bill No. 1722—An act to amend section 1408 of the Penal Code, relating to the order for delivery of property to the owner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1722 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Gordon, Hays, Hulse, Knowland, McColl, McCormack, McGovern, Mixter, Olson, Perry, Pierovich, Powers,

Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—29.
 NOES—None.

Title read and approved.

Assembly Bill No. 1722 ordered transmitted to the Assembly.

Re-reference of Assembly Bill No. 2133.

Senator McGovern moved that Assembly Bill No. 2133 be referred to Committee on Judiciary.

Motion carried, and such was the order.

Assembly Bill No. 1064—An act authorizing municipalities to afford special assessment relief by the appropriation of money for the reduction of special assessments and the payments on bonds issued to represent such assessments, and by the payment of any portion of the principal or interest of, or by the purchase or redemption at a discount of, or by the transfer to the interest and sinking fund for the discharge and payment of bonds, the proceeds of which have been used for the acquisition of rights of way or easements for, or for the construction, maintenance, improvement or repair of streets, bridges and culverts within such cities, and providing a method for the making of such appropriations.

Amendments from the Floor.

During third reading of Assembly Bill No. 1064, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 1, line 16, of the printed bill, after the comma following the word "therefor", strike out the remainder of said line 16, and strike out all of lines 17 and 18.

Amendment No. 2.

On page 2 of the printed bill, strike out all of line 1, and strike out the first word "for", and the comma in line 2.

Amendment No. 3.

On page 2, line 2, of the printed bill, strike out "such purpose", and insert in lieu thereof the following: "the purposes of this act".

Bill read, ordered to reprint, and on file for third reading.

Re-reference of Assembly Bill No. 1343.

Senator Difani moved that Assembly Bill No. 1343 be re-referred to Committee on Education.

Motion carried, and such was the order.

Assembly Bill No. 480—An act to amend section 1554 of the Probate Code, relating to accounts of guardians of insane persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 480 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 480 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 96—An act to amend sections 1081, 1082, 1083, 1085, 1087, 1088, 1089, 1090, 1091 and 1092 of, and to add sections 1081.1, 1083.1, 1083.3 and 1083.5 to the Agricultural Code, relating to commercial feeding stuffs.

Amendments from the Floor.

During third reading of Senate Bill No. 96, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended in Senate April 3, 1935, strike out the words "1091 and 1092", and insert in lieu thereof the words "and 1091".

Amendment No. 2.

On page 3, line 20, of the printed bill, as amended in Senate April 3, 1935, strike out the word "form", and insert in lieu thereof the word "firm".

Amendment No. 3.

On page 5 of the printed bill, as amended in Senate April 3, 1935, strike out all of lines 4 to 10, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 594—An act to amend section 3817d of the Political Code, relating to the sale of property for delinquent taxes, and the sale of tax-deeded property by the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 594 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McGovern, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 594 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At three o'clock and twenty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator King.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 269 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Gordon, King, Knowland, McColl, McCormack, McGovern, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Scollan, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—25.

NOES—Senators Difani, Hays, Hulse, Keough, Reindollar, Rich, Schottky, Seawell, Sharkey, and Wag—10.

Title read and approved.

Senate Bill No. 269 ordered transmitted to the Assembly.

Notice on Motion to Reconsider.

Senator Stow gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 269 was passed.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 11, 1935

MR. PRESIDENT: Your Committee on Rules, to which was referred the following communication from the Governor:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 9, 1935

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that I am this day appointing, with the advice and consent of the Senate, Hon. John C. Porter and Hon. E. H. Christian, as members of the State Personnel Board, in harmony with initiative constitutional amendment recently adopted by the people of the State of California.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back and recommends as follows: All five of the committee membership recommends that the Senate advise and consent to the appointment by the Governor of E. H. Christian, as a member of the State Personnel Board, and as to the appointment by the Governor of John C. Porter as a member of said board, the committee recommends that the Senate advise and consent to his appointment by the following vote:

Ayes—3; namely: Rich, Knowland, and Tickle. Noes—2, namely: Difani and Slater.

Committee membership—5.

(Signed out)

RICH, Chairman.

SLATER

KNOWLAND.

TICKLE

DIFANI

Consideration of Appointments by Governor.

Motion Confirming Appointment by Governor.

Senator Rich moved that the Senate confirm and consent to the appointment of John C. Porter as a member of the State Personnel Board.

The President put the question: "Will the Senate confirm and consent to the appointment of John C. Porter as a member of the State Personnel Board?"

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Stow moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCall, McCormack, McGovern, Maxter, Osce, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seellan, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

The Secretary announced the absentees.

Time, three o'clock and fifty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

**Proceedings Under Call of the Senate.
Motion Confirming Appointment by Governor.**

Senator Rich moved that the Senate confirm and consent to the appointment of E. H. Christian, as a member of the State Personnel Board.

The President put the question, "Will the Senate confirm and consent to the appointment of E. H. Christian, as a member of the State Personnel Board?"

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hulse, Keough, King, Knowland, McCormack, McGovern, Parkman, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Stow, Swing, Waggy, and Young—25.

NOES—Senator Olson—1.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of E. H. Christian as a member of the State Personnel Board.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and fifty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

The Secretary was directed to call the roll, on confirmation of appointment by the Governor, of the Senators who had not answered to their names.

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Hays, Hulse, Knowland, McCormack, McGovern, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Seawell, Sharkey, Snyder, Swing, and Waggy—18.

NOES—Senators Deuel, Difani, Duval, Garrison, Gordon, Keough, King, McColl, Olson, Powers, Reindollar, Scollan, Slater, Stow, Tickle, Williams, and Young—17.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of John C. Porter, as a member of the State Personnel Board.

Notice of Motion to Reconsider.

Senator Snyder gave notice that on the next legislative day he would move to reconsider the vote by which the appointment of John E. Porter to the State Personnel Board was confirmed by the Senate.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 867—An act relating to and providing for the levy and collection of a tax upon sales of tangible personal property and making provision for the administration thereof and prescribing penalties for violations of its provisions, the act to take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—13; committee vote: Ayes—8; absent—5.

DUVAL, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 78—An act to authorize the creation and establishment

of a public utilities commission within any city, county and other local governmental agency or political subdivision, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and/or acquisition of public utilities and extensions and additions to public utilities for the production, purchase, sale and distribution of products, commodities, energy and/or services of such public utilities, providing for the payment of such bonds and the interest thereon—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 121—An act to amend section 861 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1881, relating to cities and towns of sixth class—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 4—An act to amend sections 2, 3, and 6 of an act entitled "An act authorizing municipal corporations to constitute the use of land for other purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 16, 1875, relating to the conveyance, exchange, sale or other disposition of lands—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 242—An act to add a new section to be numbered section 28a to an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in which of its parts, including property upon which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities or within unincorporated territory and one or more municipalities or towns within the same municipality, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds, to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, relating to assessments and bonds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 2174—An act to confirm, ratify and make valid ordinances heretofore passed by the city council or the people of any incorporated city creating a civil service commission and placing employees of the city under control of said civil service commission—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 491—An act to amend section 3 of, and to add section 11.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions and the limitation of actions:

Also: Senate Bill No. 492—An act to add sections 9.4 and 9.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to liability;

Also: Senate Bill No. 493—An act to provide for physical examinations of persons employed in certain industries: Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 936—An act to repeal section 2610 of the Penal Code as added by Chapter 962 of the fiftieth session of the Legislature and to add a new section to the Political Code to be numbered section 2610a, relating to a Board of State Harbor Commissioners for the Bay of San Diego—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

PARKMAN, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 758—An act to amend an "Act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yuma Brown Island," (Chap. 912, Stats. 1922), to add a new section to be numbered section 4 permitting the temporary use of said lands for exposition purposes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

PARKMAN, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

PARKMAN, Chairman.

Adjournment.

On motion of Senator Rich, at five o'clock and five minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m. Friday, April 12, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Friday, April 12, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.
Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Bagger, Crittenden, Duval, Garrison, Gordon, Hays, Jaspersen, Keough, King, Knowlton, McCormack, McGovern, Mixer, Olson, Parkman, Petrovich, Reindollar, Rich, Schickly, Seltan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Waggy, Williams, and Young—29.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Thursday, April 11, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Metzger was, on motion of Senator Knowland, granted leave of absence for this day.

Senator Deuel was, on motion of Senator Hays, granted leave of absence for this day.

Senator Powers was, on motion of Senator Tickle, granted leave of absence for this day.

Senator Edwards was, on motion of Senator Duval, granted leave of absence for this day.

Senators Snyder, Fletcher, and Perry were, on motion of Senator Scollan, granted leaves of absence for this day.

Senators Hulse, McColl, Difani, and McGuinness were, on motion of Senator Stow, granted leaves of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Joseph A. Beek, Barton Beek, Alan Beek and Seymour Beek, of Balboa.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. C. L. Remington and Miss Pauline Remington of Merced.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. A. Becker, teacher of the eighth grade, Granite Grammar School, Folsom, and the following pupils: William Buchanan, Robert Bennett, Robert Gail Keefe, Fred Tracy, Arthur Tracy, Melvin Glenn, John Runkle, Willetta Taylor, Phyllis LaSalles, Alwin Casella, Kenneth Kipp, Charles Townsend, William Rumsey, Majorie Needles, Peggy Gage, Franklin Jewell, Ernest Chambers, Walter Huff, Leslie Dean, Howard Wilson, Leonard Chappell, Jean Mackay, Evelyn Maderos, Patricia Swingle, Vera Morton, May Teceira, A. J. Gwin, Lillian Relvas, Mary Stevens, Donald Pierce, Barbara Castro, Edart Frates, Arla Kyburz, and Roberta Richmond.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 341—An act to amend sections 21.1, 53, 54, 63, 64, 105, 133, 135d and 139 of the Bank Act, and to add two new sections thereto to be numbered 16d and 51.1:

Also: Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 341 read first time, and referred to Committee on Banking.

Assembly Bill No. 1182 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's veto concerning Assembly Bill No. 1793—An act to add section 690.11 to the Political Code, relating to fees.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 208—An act to prohibit under certain conditions, sales under certain chattel mortgages, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately;

Also: Assembly Bill No. 1730—An act to add section 670.5 to the Political Code, relating to the refund of penalties.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 37—An act providing for the creation, organization, and government of joint districts composed of two or more counties of the State of California for the purpose of maintaining joint county road camps and providing that persons confined in the county jail of any such county under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public work or public highways in any of such counties—and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 29—An act to amend section 1151 of the Fish and Game Code, relating to hunting and fishing at night;

Also: Senate Bill No. 149—An act to amend section 1250 of the Fish and Game Code, relating to fully protected mammals;

Also: Senate Bill No. 161—An act to amend sections 421 and 811 of the Fish and Game Code, relating to cockle clams;

Also: Senate Bill No. 434—An act to amend section 400 of the Fish and Game Code, relating to licenses;

Also: Senate Bill No. 356—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and to add a new section thereto numbered 9a;

Also: Senate Bill No. 1079—An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts; and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein;
And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman.

Also :

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1054—An act to amend sections 1, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to nonpartisan offices—and reports that the same has been correctly engrossed.

MINTER, Vice Chairman.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Stow moved to reconsider the vote whereby Senate Bill No. 269 was passed.

Postponement of Reconsideration.

On motion of Senator Stow, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 269 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to the notice given on a previous day, Senator Stow moved to reconsider the vote whereby the appointment of John C. Porter to the State Personnel Board was confirmed.

Postponement of Reconsideration.

On motion of Senator Stow, the further consideration of the motion to reconsider the vote whereby the appointment of John C. Porter to the State Personnel Board was confirmed was continued until the next legislative day.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 867—An act relating to and providing for the levy and collection of a tax upon sales of tangible personal property and making provision for the administration thereof and prescribing penalties for violation of its provisions, the act to take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Senate Bill No. 867 was read and adopted :

Amendment No. 1.

On page 1 of the printed bill, strike out lines 3 to 7, inclusive, and insert in lieu thereof the following :

"Sec. 2. The following words, terms and phrases when used in this act have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit, and the plural as well as the singular number.

(b) "Sale" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property, for a consideration, and includes the furnishing, preparing or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price shall be deemed a sale.

(c) A "retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property.

(d) "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect.

(e) "Vendor" means the person by whom the transfer effected or license given by a sale is or is to be made or given; and in case two or more persons shall be engaged in business in the same retail establishment under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor for the purpose of this act.

When, in the opinion of the board it is necessary for the efficient administration of this act to regard any salesmen, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the board may so regard them and may regard the dealers, distributors, supervisors or employers as vendors for purposes of this act.

(f) "Consumer" means the person to whom the transfer effected or license given by a sale is or is to be made or given, or to whom the admission is granted.

(g) "Price" means the aggregate value in money of any thing or things paid or delivered, or promised to be paid or delivered by a consumer to a vendor in the consummation and complete performance of a retail sale without any deduction therefrom on account of the cost of the property sold, cost of materials used, labor or service cost, interest or discount paid, or any other expense whatsoever. The tax collected by the vendor from the consumer under the provisions of this act shall not be considered as a part of the price, but shall be considered as a tax collection for the benefit of the State, and, except for the discount authorized in section 14 of this act, no persons other than the State shall derive any benefit from the collection or payment of such tax.

(h) "Retail establishment" means any premises in which the business of selling tangible personal property is conducted or in or from which any retail sales are made.

(i) "Tangible personal property" means personal property which may be seen, weighed, measured, felt, touched, or is in any other manner perceptible to the senses.

(j) "Board" means the State Board of Equalization.

SEC. 3. For the purpose of providing revenue with which to meet the needs of the State in the existing economic crisis, for the use of the general fund of the State, for the purpose of securing a thorough and efficient system of public schools throughout the State, and for the purpose of affording revenues, in addition to those from other sources, permitted under constitutional limitations, and for the purpose of reimbursing the State for the expense of administering this act, an excise tax is hereby levied on each retail sale in this State of tangible personal property occurring during the period beginning on the first day of _____ 1935, and ending on the _____ day of _____, with the exceptions hereinafter mentioned and described, as follows:

One cent, if the price is more than five cents and not more than fifty cents;

Two cents, if the price is more than fifty cents and not more than eighty-four cents;

Three cents, if the price is more than eighty-four cents and not more than one dollar seventeen cents;

Four cents, if the price is more than one dollar and seventeen cents and not more than one dollar fifty cents;

Five cents, if the price is more than one dollar and fifty cents and not more than one dollar eighty-four cents;

Six cents, if the price is more than one dollar and eighty-four cents and not more than two dollars seventeen cents; and thereafter one cent additional shall be added within each dollar of sale after seventeen cents, fifty cents, and eighty-four cents.

If the price is not more than five cents, no tax shall be imposed.

The taxes hereby imposed shall apply and be collected when the sale is made, regardless of the time when the price is paid or delivered.

In the case of a sale as herein defined made during said period, the price of which as herein defined consists in whole or in part of rentals for the use of the thing transferred, the taxes hereby imposed shall, as regards such rentals, be measured by the installments thereof falling due within said period only.

SEC. 4. There are hereby specifically exempted from the provisions of this act and from the computation of the amount of tax levied, assessed or payable under this act the following:

(a) Sales of tangible personal property which this State is prohibited from taxing under the Constitution or laws of the United States of America or under the Constitution of this State.

(b) The sale, furnishing, or service of gas, electricity, and water, when delivered to consumers through mains, lines, or pipes.

(c) The sale of gold bullion or gold concentrates or gold precipitates by the producer or refiner thereof.

(d) Sales of tangible personal property used for the performance of a contract on public works executed prior to the effective date of this act.

SEC. 5. There is hereby specifically exempted from the provisions of this act and from the computation of the amount of tax levied, assessed or payable under this act, sales or distributions of motor vehicle fuel in this State subject to the tax imposed thereon under the provisions of the "Motor Vehicle Fuel License Tax Act," and not subject to refund.

The tax by this act imposed upon those sales of motor vehicle fuel which are subject to tax and refund under the "Motor Vehicle Fuel License Tax Act" shall be collected by the State Controller by way of deduction from refunds otherwise allowable under said act. The amount of such deductions, he shall transfer from the motor vehicle fuel fund to the retail sales tax fund.

This section is hereby declared to be separable and distinct from all other portions of this act, and shall not be deemed a consideration or inducement for the enactment of the whole or any portion of this act. If this section be for any reason declared invalid, the remainder of this act shall remain in full force and effect and shall be as completely operative as though this section had not been included herein.

SEC. 6. As used in this section governmental agency means the State, any county, city and county, city or district thereof.

A governmental agency may apply to the board for refund of the amount of tax imposed hereunder and paid upon sales to it of foodstuffs used for free distribution to the poor and needy.

Such refunds may be obtained only in the following amounts and manner and only under the following conditions:

(a) On forms furnished by the board, the governmental agency shall report to the board, within ninety days from the date or dates of purchase, the total amount or amounts, valued in money, expended, directly or indirectly, for foodstuffs used for free distribution to the poor and needy.

(b) On said forms the governmental agency shall separately list the persons making the sales to it, or to its order, together with the dates of the sales, the total amounts so expended by the governmental agency, and the total amounts of tax imposed by this act and paid thereon by said governmental agency.

(c) The governmental agency must prove to the satisfaction of the board that the tax provided for by this act has been paid upon such sales.

If the board is satisfied that the foregoing conditions and requirements have been complied with, it shall certify the amount of the refund payable to the governmental agency to the State Board of Control. Upon approval by the State Board of Control, the State Controller shall draw his warrant on the sales tax fund in the amount specified, payable to the governmental agency, and the State Treasurer shall pay the same.

SEC. 7. For the purpose of the proper administration of this act and to prevent the evasion of the tax hereby levied, it shall be presumed that all sales made in this State during the period defined in section 3 hereof are subject to the tax hereby levied until the contrary is established.

SEC. 8. Excepting as provided in section 10 of this act, the tax hereby imposed shall be paid by the consumer to the vendor in every instance, and it shall be the duty of each vendor to collect from the consumer the full and exact amount of the tax payable in respect of each taxable sale, and to evidence the payment of the tax in each case by canceling prepaid tax receipts, equal in face value to the amount thereof, in the manner and at the times provided in this section, to wit:

(a) If the price is, at or prior to the delivery of possession of the thing sold, to the consumer, paid in currency passed from hand to hand by the consumer or his agent to the vendor or his agent, the vendor or his agent shall:

1. Collect the tax with and at the same time as the price.
2. Immediately cancel in the presence of the buyer by immediately tearing into two parts a prepaid tax receipt or receipts of the proper face value, deliver one part of each such canceled prepaid tax receipt to the consumer or his agent, and retain the other part thereof.

(b) If the price is otherwise paid or to be paid, the vendor or his agent shall, at or prior to the delivery of possession of the thing sold, to the consumer, cancel or cause to be canceled by tearing into two parts prepaid tax receipts equal in face value to the amount of the tax imposed by this act. Thereupon and thereby the amount of the tax with respect to such sale, payment of which to the State is evidenced by such cancellation, shall become a legal charge in favor of the vendor and against the consumer, which shall in every case be collected by the vendor, as herein provided, in addition to the price; and at or immediately after such collection, the vendor shall deliver one part of each such canceled prepaid tax receipt to the consumer and retain the other part thereof.

SEC. 9. Prepaid tax receipts required by this act shall be issued by the board in such denominations as the board may deem necessary. They shall be printed on durable paper, be of different design and distinctly different coloring for each of such denominations represented thereby.

SEC. 10. The board shall design and procure the prepaid tax receipts herein provided for. The board shall enforce and administer the provisions of this act. It shall have power to adopt and promulgate such rules and regulations as it may deem necessary to carry out the provisions of this act, and without prejudice to the generality of the powers of the board by virtue of the foregoing provisions, the board may:

(a) Prescribe the form and manner of canceling prepaid tax receipts consistent with the provisions of this act.

(b) Authorize a vendor to prepay the tax levied by this act upon sales of things produced or distributed by such vendor, and waive the collection of the tax from the consumer in the manner otherwise provided in this act; but no such authority shall be granted or exercised excepting upon application to the board and unless the board shall, after hearing, advance notice of which must be given by the board to all vendors in the same general classification as the applicant, find that the conditions of the applicant's business are such as to render impracticable the collection of the tax in the manner otherwise provided by this act and upon the applicant furnishing a bond payable to the State of California in such amount as the board may determine to be sufficient to secure the prepayment of the taxes levied by this act in the manner desired, with surety to the satisfaction of the State Controller, with whom such bond shall be filed; nor shall the authority so granted be exercised nor the vendor or vendors actually selling such products be exempted from the other provisions of this act by virtue thereof unless the person to whom such authority is granted shall print plainly upon the product sold or offered for sale, a statement to the effect that the tax levied by this act has been paid in advance.

(c) Upon written request of a vendor, authorize the use of mechanical devices or meters approved by it, in lieu of prepaid tax receipts, for the purpose of establishing the accountability for the tax collected and providing a tax receipt to consumers.

SEC. 11. In the event prepaid purchases are returned to the vendor by the consumer after the tax imposed by this act has been collected or charged to the account of the consumer, the vendor shall be entitled to reimbursement of the amount of the tax so collected or charged by him, either through the cancellation of prepaid tax receipts paid for by the consumer, or through the canceling of prepaid tax receipts paid for by the vendor and charged to the account of the consumer, in the manner herein provided. Upon receipt of a sworn statement by the vendor as to the gross amount of such refunds, during the period covered by such sworn statement, which period shall not be longer than sixty days, the board shall issue to the vendor an official credit memorandum equal to the net amount paid by the vendor for such canceled prepaid tax receipts. Such memorandum shall be accepted by any county treasurer, or by any agent of the board at full face value, from the vendor to whom it is issued, in the purchase of prepaid tax receipts under the provisions of section 12 of this act.

SEC. 12. The board shall be responsible for the custody and distribution of the prepaid tax receipts provided for herein. It may appoint agents for the sale of prepaid tax receipts at such places in the State as it may deem expedient, fix their compensation, payable from any appropriation made for the purpose of administering the provisions of this act, and require of each agent such bond or other security as it may deem necessary. It shall deliver to each county treasurer such number and denomination of prepaid tax receipts as in its judgment may be required for sale in each county or city and county, pursuant to this act, and may prescribe such regulations and forms of receipts and reports as it may deem necessary and advisable for the transaction of the business of selling such prepaid tax receipts.

SEC. 13. Each county treasurer shall pay, on the first business day of each week, to the board all moneys arising from the sale of prepaid tax receipts by him during the preceding week. At the same time each county treasurer shall transmit a report showing all sales, the name of purchasers, and the aggregate face value purchased by each.

Each county treasurer shall retain for the use of the general fund of the county or city and county, an amount equal to one-tenth of one per centum of the proceeds of such sales. All the powers and duties hereby imposed upon the county treasurer shall be deemed and considered to be within the scope of his office as county treasurer for all purposes.

The agents appointed by the board for the sale of prepaid tax receipts shall transmit all moneys received by them at such times and in such manner as the board may direct.

SEC. 14. The board, its agents, and the several county treasurers shall sell prepaid tax receipts only to licensed vendors. All such prepaid tax receipts shall be sold and accounted for at a discount of not to exceed three per centum of the face value thereof, as a commission for handling and cancelling such prepaid tax receipts. The board shall by regulation, fix within the limitations herein prescribed the rate of discount applicable to the sale of prepaid tax receipts to such classes of licensed vendors as it may establish.

SEC. 15. The county treasurers shall redeem and pay for any unused or spoiled tax receipts at the net value thereof on written verified request made by any licensed vendor, his administrators, executors, successors or assigns. Such payments shall be made from current collections. Each county treasurer shall be entitled to deduct from the amount transmitted by him to the board any amounts so paid by him.

upon the delivery to the board of such unused or spoiled tax receipts accompanied by the written verified request provided for herein.

SEC. 16. Within five days after the issuance of his license, it shall be the duty of each such licensed vendor to purchase and have on hand at all times prepaid tax receipts in suitable denominations and in amount sufficient to supply the normal requirements of his business. A licensed vendor shall procure prepaid tax receipts only from the board, or its agents authorized to sell such receipts, or the treasurer of the county in which he is licensed.

SEC. 17. After July 1, 1935, no person shall engage in making retail sales as herein defined, as a business, without having a license therefor, excepting that in the case of the dissolution of a partnership by death, the surviving partner or partners may operate under the license of the partnership for a period of sixty days, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy, appointed by any competent authority, may operate under the license of the person so succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy; and excepting further that two or more persons constituting a single "vendor" as defined by section 2 of this act may operate a single retail establishment under one license, and in such case neither the retirement of one or more such persons from business in such establishment, nor the entrance of one or more therein, under an existing arrangement, shall affect the license or require the issuance of a new license.

SEC. 18. Every person desiring to engage in or transact business as a vendor of tangible personal property within this State shall file with the board an application for a permit or permits. Every application for such a permit shall be made upon a form prescribed by the board and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the board may require. The application shall be signed by the owner if a natural person, in the case of an association or partnership, by a member or partner thereof, in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority. Any person who engages in the business of selling tangible personal property at retail in this State without a permit or permits or after a permit has been suspended, and the officers of any corporation which shall so sell, shall be guilty of a misdemeanor.

SEC. 19. At the time of making such application, the applicant shall pay to the board a permit fee of one dollar for each permit, and the applicant must have a permit for each place of business.

SEC. 20. Upon the payment of the permit fee or fees herein required, the board shall grant and issue to each applicant a permit for each place of business within the State. A permit is not assignable and shall be valid only for the person on whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

SEC. 21. Permits issued under the provisions of this act shall be valid and effective without further payment of fees until suspended or revoked by the board.

The board shall charge a fee of one dollar for the removal of assurance of a permit to a retailer whose permit has been previously suspended or revoked.

SEC. 22. Whenever the holder of a permit fails to comply with any of the provisions of this act or any rules or regulations of the board prescribed and adopted under this act, the board upon hearing after giving ten days' notice in writing of the time and place of the hearing to show cause why his permit should not be revoked, may revoke or suspend the permit.

SEC. 23. Each vendor shall keep such records of sales together with invoices, bills of lading, retained parts of canceled prepaid tax receipts, and such other pertinent documents, in such form as the board may by regulation require. Such records and other documents shall be open at any time during business hours to the inspection of the board and shall be preserved for a period of three years, unless the board shall in writing consent to their destruction within that period, or by order require that they be kept longer.

SEC. 24. In case any vendor fails to collect the tax herein imposed, or, having collected the tax, fails to cancel the prepaid tax receipts in the manner prescribed by this act and by the regulations of the board, he shall be personally liable for such amount as he failed to collect or for the amount of the prepaid tax receipts which he failed to cancel. In such case the board shall have power to make an assessment against such vendor based upon any information within its possession or that may come into its possession. If any part of the deficiency for which such assessment is imposed is due to negligence or intentional disregard of this act or authorized rules and regulations thereunder, a penalty of five per cent of the amount of such assessment shall be added. If any part of the deficiency for which such assessment is imposed is due to fraud or an intent to evade the tax, a penalty of twenty-five per cent of the amount of such assessment shall be added. The board shall give to the vendor written notice of such assessment. Such notice may be served upon the vendor personally or by mail; if by mail, service shall be made in

the manner prescribed by section 1013 of the Code of Civil Procedure and addressed to the vendor at his address as the same appears in the records of the board. The vendor shall have the right to petition for reassessment of any such tax found, determined and declared by the board pursuant to and in accordance with the provisions of this section.

Sec. 25. Any vendor against whom an assessment is made by the board under the provisions of section 24 hereof may petition for a reassessment thereof within fifteen days after service upon the vendor of notice thereof. If a petition for reassessment is not filed within said fifteen-day period the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within said fifteen-day period the board shall reconsider the assessment, and if the vendor has so requested in his petition, shall grant said vendor an oral hearing and shall give the vendor ten days' notice of the time and place thereof. The board shall have power to continue the hearing from time to time as may be necessary.

The order or decision of the board upon a petition for reassessment shall become final sixty days after service upon the vendor of notice thereof unless the retailer brings a proceeding for the review thereof under the provisions of section 38 hereof.

Any notice required by this section shall be served personally or by mail in the same manner as prescribed for service of notice by the provisions of section 24 hereof.

Sec. 26. Except in the case of a fraudulent return, or neglect or refusal to make a return, every notice of additional tax proposed to be assessed hereunder shall be mailed to the vendor within three years after the return was filed.

Sec. 27. All assessments made by the board under the provisions of section 24 hereof shall become due and payable at the time they become final and if not paid when due and payable there shall be added thereto a penalty of five per cent of the amount of the tax and interest on the amount of the tax at the rate of one per cent per month, or fraction thereof, from that date until the date of payment.

Sec. 28. The board shall report to the Controller every assessment made under this act, and he shall keep a record thereof.

Sec. 29. In any case in which any tax, interest or penalty imposed under this act is not paid when due the board may file for record in the recorder's office of any county a notice of lien specifying the amount of the tax, interest or penalty due and the name of the vendor liable for the same. From the time of filing any such notice the amount of the tax specified in such notice shall have the force and effect of the lien of a judgment against the vendor named in said notice of lien for the amount specified in such notice. Such lien may be released by filing for record in the offices of the county recorder of a release thereof executed by the board upon payment of the tax, interest and penalties or upon receipt by the board of security sufficient to secure payment thereof, but no such release shall be deemed a waiver of any tax, interest or penalty levied or assessed under this act and due and payable or to become due and payable by such vendor.

In the event that any vendor is delinquent in the payment of the tax herein provided for the board may give notice of the amount of such delinquency by registered mail to all persons having in their possession, or under their control, any credits or other personal property belonging to such vendor, or owing any debts to such vendor at the time of receipt by them of such notice and thereafter any person so notified shall neither transfer nor make any other disposition of such credits, other personal property, or debts until the board shall have consented to a transfer or disposition, or until twenty days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the board of any and all such credits, other personal property or debts, in their possession, under their control or owing by them, as the case may be.

At any time within two years after any vendor is delinquent in the payment of the tax herein provided for, the board may proceed forthwith to collect the tax due from the vendor in the following manner: The board shall seize any property, real or personal, subject to the lien of said tax, and thereafter sell at public auction such property so seized, or a sufficient portion thereof, to pay the tax due hereunder, together with any interest or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof, shall be given to such delinquent vendor and to all persons appearing of record to have an interest in such property in writing at least ten days before the date set for such sale by enclosing such notice in an envelope addressed to such vendor at his last known residence or place of business in this State if any, and in the case of any person appearing of record to have an interest in such property addressed to each person at the last known place of residence, if any, and depositing the same in the United States mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, that if there be no newspaper of general circulation in such county or city and county, then by the posting of such notice in three public places in such county or city and county ten

days prior to the date set for such sale. The said notice shall contain a description of the property to be sold, together with a statement of the amount of the taxes, interest, penalties and costs, the name of the vendor, and the further statement that unless such taxes, interest and penalties and costs are paid on or before the time fixed in said notice for such sale, said property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

At any such sale, the property shall be sold by the board in accordance with law and said notice, and the board shall deliver to the purchaser a bill of sale for the personal property, and a deed for any real property so sold, and such bill of sale or deed shall vest the interest or title of the vendor in the purchaser. The unsold portion of any property so seized may be left at the place of sale at the risk of the vendor. If, upon any such sale, the moneys so received shall exceed the amount of all taxes, interest, penalties and costs due the State from such vendor, any such excess shall be returned to the vendor, and his receipt therefor obtained; provided, however, that if any person having an interest or lien upon the property has filed with the board prior to any such sale notice of such interest or lien the board shall withhold any such excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If, for any reason, the receipt of such vendor shall not be available, the board shall deposit such excess moneys with the State Treasurer, as trustee for such owner, subject to the order of such vendor, his heirs, successors or assigns.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the board or Attorney General shall be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provisions is made in this act.

SEC. 30. At any time within three years after the delinquency of any tax, the board may bring an action in a court of competent jurisdiction in the name of the people of the State of California to collect the amount delinquent, together with penalties. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summonses, pleadings, process, trials and appeals are applicable to the proceedings hereby provided for. In such action a writ of attachment may issue, and no bond or affidavit previous to the issuing of said attachment is required. In such action a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency and of compliance by the board with all provisions of this act in relation to the computation and levy of the tax.

SEC. 31. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or against any officer thereof to prevent or enjoin under this act the collection of any tax sought to be collected, but after payment of any such tax under protest, duly verified and setting forth the grounds of objection to the legality of such tax, the vendor paying such tax may bring an action against the State Treasurer in a court of competent jurisdiction in the county of Sacramento for the recovery of the tax so paid under protest. No such action may be instituted more than sixty days after the tax becomes due and payable, and failure to bring suit within said sixty days shall constitute waiver of any and all demands against this State on account of alleged overpayment of taxes hereunder. No grounds of illegality of the tax shall be considered by the court other than those set forth in the protest filed at the time of the payment of the tax.

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any taxes due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of six per cent per annum upon the amount of tax found to have been illegally collected from the date of payment of such tax to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the Controller.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the State Treasurer to recover any tax paid hereunder, when such action is brought by or in the name of an assignee of the vendor paying said tax, or by any person other than the vendor who has paid such tax.

SEC. 32. Whoever falsely or fraudulently makes, forges, alters, or counterfeits any prepaid tax receipt prescribed by the board under the provisions of this act, or knowingly and wilfully utters, publishes, passes, or renders as true, any such false, altered, forged or counterfeited receipt shall be imprisoned in the State prison for a term of not less than one year or more than ten years.

SEC. 33. Whoever, being a vendor, as defined in this act, fails, neglects, or refuses to collect the full and exact tax as required by this act, or fails, neglects, or refuses to comply with the provisions of this act and the rules and regulations of the board with respect to the cancellation of prepaid tax receipts, or excepting as expressly authorized pursuant to this act, refunds, remits or rebates to a consumer, either directly or indirectly and by whatsoever means, all or any part of the tax levied by this act, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for

the consumer by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, and upon conviction for a second or other subsequent offense, shall, if a corporation, be fined not less than one hundred dollars nor more than five hundred dollars, or if an individual or a member of a partnership, firm, or association, be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned in the county jail, not more than sixty days, or both.

SEC. 34. Whoever violates any provision of this act or any lawful rule or regulation promulgated by the board under authority of this act for the violation of which no penalty is otherwise expressly provided by law, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

SEC. 35. It shall be unlawful for the board, or any person having an administrative duty under this act to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any vendor visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or any copy thereof or any book containing any abstract or particulars claimed to be seen or examined by any person except as provided by law; provided, however, that the Governor may authorize examination of such returns by other State officers, by tax officers of another State, or by the Federal Government, if a reciprocal arrangement exists, and any other persons the Governor may so authorize.

Any violations of the provisions of this section shall be a misdemeanor and be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

SEC. 36. Any vendor failing or refusing to furnish any return hereby required to be made, or failing or refusing to furnish a supplemental return, or other data required by the board, or rendering a false or fraudulent return, shall be guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars for each such offense.

SEC. 37. Any person required to make, render, sign or verify any report as aforesaid, who makes any false or fraudulent return, with intent to defraud or evade the assessment required by law to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars and not more than five hundred dollars or be imprisoned not exceeding one year in the county jail or be subject to both said fine and imprisonment in the discretion of the court.

SEC. 38. Every order, decision or other official act of the board shall be subject to review in accordance with the provisions of Chapter 1, Title I of Part III of the Code of Civil Procedure if the proceeding is brought within sixty days after service of notice of such order, decision or other official act. Upon such review the court shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the board in making such order, decision or other official act. The person prosecuting for a review of any order, decision or other official act of the board shall pay the cost of the preparation of any transcript or transcripts of the records or proceedings of the board that the board may be required to furnish in the proceeding instituted by the vendor under the provisions of this section.

SEC. 39. All fees, taxes, interest and penalties imposed under this act must be paid to the board in the form of remittances payable to the Treasurer of the State of California, and said board shall transmit such payments daily to the State Treasurer to be deposited in the State treasury to the credit of the "Retail sales tax fund," which fund is hereby created.

SEC. 40. For expenditure by the board in carrying out the provisions of this act there is hereby appropriated a sum of money equal to _____ dollars plus _____ per cent, or so much thereof as may be necessary, of all other moneys deposited in the retail sales tax fund; said _____ dollars being payable out of moneys in the general fund not otherwise appropriated being payable out of the retail sales tax fund; provided, that, out of said two per cent of said other moneys deposited in the retail sales tax fund and on or before June 30, 1937, the sum of _____ dollars shall be returned into the general fund.

For expenditure by the Controller in carrying out the provisions of this act there is hereby appropriated out of the retail sales tax fund the sum of _____ dollars or so much thereof as may be necessary.

The balance of the moneys in the retail sales tax fund shall, upon order of the State Controller, be drawn therefrom for the purpose of refunding to the taxpayers hereunder or be transferred to the general fund of the State.

SEC. 41. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

Sec. 42. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation

Senate Bill No. 78.—An act to authorize the creation and establishment of a public utilities commission within any city, county and other local governmental agency or political subdivision, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and/or acquisition of public utilities and extensions and additions to public utilities for the production, purchase, sale and distribution of products, commodities, energy and/or services of such public utilities, providing for the payment of such bonds and the interest thereon.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 78 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, strike out the second word "of", before the word "operating", and insert in lieu thereof the following: "for".

Amendment No. 2.

On page 1, line 7, of the printed bill, after the word "whereof", change the period to a comma, and add the following: "for any department or agency of such city."

Amendment No. 3.

On page 1, line 18, of the printed bill, following the hyphenated word "trust", insert a comma and the following: "chartered agricultural associations, State Agricultural Society,".

Amendment No. 4.

On page 2, line 29, of the printed bill, after the word "agency", change the period to a comma and add the following: "wherein said commission may be organized. However, all the powers, duties and functions herein prescribed for a public utilities commission shall, in the case of a district or other local governmental agency as said term is hereinbefore defined, be exercised by the legislative or governing body of any such district or other local governmental agency whenever such district or other local governmental agency elects to avail itself of the provisions of this act without setting up a public utilities commission as herein provided for."

Amendment No. 5.

On page 2, line 31, of the printed bill, after the word "department", insert the following: "charged with the administration and management".

Amendment No. 6.

On page 2, line 40, of the printed bill, following the period after the word "adopted", insert a new paragraph as follows: "The term 'legislative body' when used in this act shall be construed to mean the duly authorized representatives of any State authority, the mayor and council or other legislative and executive body of any city or department or agency thereof, city and county or town, or the board of directors or other governing body of other political subdivisions, local governmental agencies or public agencies of the State."

Amendment No. 7.

On page 2, line 44, of the printed bill, after the word "ordinance", insert the following: "resolution or order as may be authorized by charter, or general laws under which it operates, adopt the whole or any part or parts".

Amendment No. 8.

On page 2, line 44, of the printed bill, after the comma following the word "ordinance", strike out the balance of the line and also lines 45, 46 and on line 47, strike out the words "and the next following ten sections".

Amendment No. 9.

On page 2, line 50, of the printed bill, strike out the words "said sections of".

Amendment No. 10.

On page 2, line 50, of the printed bill, after the word "act", insert the following: "or the parts or sections thereof to be adopted".

Amendment No. 11.

On page 3, line 7, of the printed bill, strike out the words "Said commission", and also strike out all of lines 8 to 32, inclusive, and insert in lieu thereof the following: "A temporary commission, the members of which shall hold office until the election and qualification of members of said commission as hereinafter provided, may be appointed by the mayor or other chief executive officer, or, in the absence thereof, by the president of the legislative body thereof, subject in either case to confirmation by the council or other legislative body thereof. Any such appointee may be removed by the mayor or other appointing officer subject to the approval of the council or other legislative body by a majority vote and thereupon a temporary successor shall be appointed in the manner hereinabove prescribed. A permanent commission shall be elected at large, and every qualified voter in the city, county or other local governmental agency may vote for all commissioners to be elected. Said election and all matters pertaining thereto not otherwise provided for herein or in the charter of a city proceeding under the provisions hereof shall be held and conducted and the results thereof ascertained, determined and declared in accordance with the general laws of this State. Said election may be held on the same day as any State, county or city election and may be consolidated therewith. The first election of members of said commission shall be held at the time of the general, local, or any special election next following the date of the determination of such city, county or other local governmental agency to adopt or proceed under the provisions of this act or any part thereof. The terms of office of the first commissioners so elected shall be two, four and four years respectively and until their successors respectively are elected at the general or local election nearest in time to the expiration of their respective terms. The commissioners receiving the highest and the next highest vote at the first election shall each hold office for the first four-year term. The other commissioner so elected shall hold office for a four-year term of office and/or until their respective successors are elected and qualify."

Amendment No. 12.

On page 3, line 41, of the printed bill, strike out the words "the first day of May in each year", and insert in lieu thereof the following: "each election".

Amendment No. 13.

On page 3, line 43, of the printed bill, strike out the words "one year", and insert in lieu thereof the following: "two years".

Amendment No. 14.

On page 3, line 45, of the printed bill, following the period after the word "expires", strike out the balance of the line, and also lines 46 and 47, and in line 48, the words "each year".

Amendment No. 15.

On page 5, line 45, of the printed bill, following the period after the word "uses", insert the following: "The rates to be charged for the services from such public utility services or systems shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking or other retirement fund to pay the principal thereof as and when the same becomes due, and to provide for the operation and maintenance of the system, and to provide an adequate depreciation fund."

Amendment No. 16.

On page 6, line 20, of the printed bill, after the word "therein", change the comma to a period, and strike out the rest of the line and also line 21.

Amendment No. 17.

On page 7, line 7, of the printed bill, following the word "persons", insert the following: "unless in case of an extreme disaster or emergency, and then only for a period not exceeding one year (without any right or power of renewal or extension thereof)".

Amendment No. 18.

On page 7, line 22, of the printed bill, following the word "agency", insert the following: "or corporation".

Amendment No. 19.

On page 7, line 24, of the printed bill, following the word "department", change the period to a comma and add the following: "provided, however, that this is not a limitation on the power of such commission."

Amendment No. 20.

On page 7, line 35, of the printed bill, after the word "acquisition", insert the following: "or construction".

Amendment No. 21.

On page 7, line 48, of the printed bill, after the word "appointment", change the comma to a period, and strike out line 49, and in line 50, strike out the words "agent of the department".

Amendment No. 22.

On page 8, line 40, of the printed bill, after the words "public utility or utilities", insert a comma and the following: "including franchises, maps, records and personal property used and useful in connection therewith".

Amendment No. 23.

On page 8, line 41, of the printed bill, after the word "agency", insert the following: "whether such utility or utilities be within or without the municipality, or partly within and partly without the municipality".

Amendment No. 24.

On page 9, line 17, of the printed bill, after the word "from", insert the following: "or such part or portion thereof as may be prescribed by said commission by order or by contract".

Amendment No. 25.

On page 9, line 43, of the printed bill, after the word "utilities", change the period to a comma, and add the following: "unless such commission shall limit the charge and lien to a part of the revenues of such utility or utilities or shall limit such charge and lien to a fixed portion of all revenues from such utility or utilities, which limitation shall be clearly expressed in all such bonds."

Amendment No. 26.

On page 11, line 11, of the printed bill, strike out the words "under the law merchant", and insert in lieu thereof the following: "within the meaning of and for all the purposes of Title XV of Part IV of Division Third of the Civil Code of California and may be callable with or without premium as well be determined by the commission or body issuing them."

Amendment No. 27.

On page 11, line 19, of the printed bill, following the period after the word "rejected", insert the following: "Any resolution or resolutions authorizing the issuance of bonds under this act may contain covenants as to (a) the purposes or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof, (b) the use and disposition of the revenues of the utility for which said bonds are to be issued, including the creation and maintenance of reserves, (c) the transfer from the general funds of the city, county or other local governmental agency to the account or accounts of the utility an amount equal to the cost of furnishing such city, county or other local governmental agency or any of its departments, boards or agencies with the supplies, facilities and commodities of said utility, (d) the issuance of other or additional bonds payable from the revenue of said utility, (e) the operation and maintenance of such utility, (f) the insurance to be carried thereon and the use and disposition of insurance monies, (g) books of account and the inspection and audit thereof, and (h) the terms and conditions upon which the holders of said bonds or any proportion of them or any trustee thereof shall be entitled to the appointment of a receiver by the superior court, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of said utility, operate and maintain the same, prescribe rates, fees or charges and collect, receive and apply all revenues therefrom arising therefrom in the same manner as the city, county or other local governmental agency itself might do. The provisions of this act and any such resolution or resolutions shall be a contract with the holder or holders of said bonds, and the duties of the city, county or other local governmental agency and of its governing body and officers, including the public utilities commissioners thereof, under this act and any such resolution or resolutions shall be enforceable by any bondholder, by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction."

Amendment No. 28.

On page 11, line 48, following the period after the word "law", add the following: "All bonds issued pursuant to this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State school funds, and whenever any moneys or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, or school districts, in the State of California, such moneys or funds may be invested in the bonds issued under this act; and whenever bonds of cities, cities and counties, counties, or school districts may by any law now or hereafter enacted be issued as security for the performance of any act or as security for the deposit of public funds of the State or of any county, city and county, municipality, or other public corporation or political subdivision in any State or National bank or banks, bonds issued under this act may be so used."

Bonds issued under this act to the same extent as other securities referred to in section 4 of the act hereinafter referred to shall be legal for use by the State or National bank or other depository in this State as security for public funds, both active and inactive, in accordance with the provisions of that certain act entitled, "An act to authorize and control the deposit in banks of money belonging to or in custody of any county, city and county, city, town, municipality or other political subdivision within this State, and to repeal all acts or parts of acts in conflict with this act," approved May 24, 1927, and any act or acts amendatory thereof.

Bonds issued under this act shall in the same manner be legal for use by any State or National bank or banks in this State as security for deposits of State funds, both active and inactive, in accordance with the provisions of that certain act entitled, "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and any act or acts amendatory thereof."

Amendment No. 29.

On page 12, line 34, of the printed bill, following the period after the word "law", insert the following: "All bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims or obligations, have a prior and paramount lien on the revenue of the utility, for which said bonds have been issued, over and ahead of all bonds of any issue payable from said revenue which may be subsequently issued and over and ahead of any claims or obligations of any nature against said revenue subsequently arising or subsequently incurred. All bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, of sale, of execution, or of delivery, by a lien on said revenue in accordance with the provisions of this act and the resolution or resolutions authorizing said bonds."

Amendment No. 30.

On page 14, line 41, of the printed bill, after the word "bond", insert the word "fund".

Amendment No. 31.

On page 16, line 32, of the printed bill, following the word "State", insert the following: "An annual report conforming as closely as practicable to the form of report and classification of assets and liabilities, income, disbursements and accounts (excepting capital accounts) as established by the Railroad Commission of this State shall be filed with the State Controller. Said annual report shall be made upon the forms provided thereto by said Railroad Commission. A qualified professional accountant, not an officer or employee of such Public Utilities Commission or of the city, county or other local governmental agency making such report shall be engaged by said commission to certify to the correctness of each such annual report. In such certificate such accountant shall certify that he has made an examination of the books of account and records of such commission or of the local governmental agency pertaining to public utilities, without personal supervision of inventories or independent appraisal of assets and that, to the best of his knowledge and belief, such annual report is in accordance with correct accounting practice and fairly reflects the true condition of the assets and liabilities and the operations thereof for the period embraced therein."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 121—An act to amend section 861 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of sixth class.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Senate Bill No. 121 was read and adopted:

Amendment No. 1.

On page 2, line 14, of the printed bill, after the word "ferries", insert the following: "except where prohibited under the terms of the "California Toll Bridge Authority Act"".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 4—An act to amend sections 2, 3, and 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 4 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended by Senate March 29, 1935, strike out all of lines 41 to 51, inclusive, and on page 3 thereof, also strike out all of lines 1 to 34, inclusive.

Amendment No. 2.

On page 3, line 35, of the printed bill, as amended by Senate March 29, 1935, strike out the numeral "4", and insert in lieu thereof the numeral "3".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 936—An act to repeal section 2610 of the Political Code as added by Chapter 992 of the fiftieth session of the Legislature and to add a new section to the Political Code to be numbered section 2610a, relating to a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendment to Senate Bill No. 118 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 8 and 9 and insert in lieu thereof the following: "and, except vessels of more than fifty tons burden registered at any port in this State and engaged in the transportation of freight or passengers."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 491—An act to amend section 3 of, and to add section 11.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions and the limitation of actions.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 491 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 4 and 5, and insert in lieu thereof the following: "caused by the inhalation of the dust of silica."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 492—An act to add sections 9.4 and 9.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to liability.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 492 was read and adopted:

Amendment No. 1.

• On page 1 of the printed bill, as amended, strike out lines 19 to 23, inclusive, and insert in lieu thereof the following: "dent Commission on the date this section takes effect, compensation shall not be paid for disability or death due to silicosis or asbestosis unless the employee has been exposed to harmful dust over a period of not less than five years in this State."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 493—An act to provide for physical examinations of persons employed in certain industries.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 493 were read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, as amended, strike out "industry", and insert in lieu thereof the following: "occupation".

Amendment No. 2.

On page 1, line 6, of the printed bill, as amended, after the period, insert the following: "The Industrial Accident Commission shall post at its offices in San Francisco and Los Angeles a list of such occupations with the names and addresses of employers and the location of the exposure within sixty days after this act takes effect and may revise such list in its discretion."

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out line 13, and insert in lieu thereof the following: "is for the purpose of engaging in such an occupation, and shall contain such other information as the Industrial Accident Commission may require."

Amendment No. 4.

On page 1, line 21, of the printed bill, as amended, after "hearing", insert the following: "if".

Amendment No. 5.

On page 2 of the printed bill, as amended, between lines 9 and 10, insert the following: "If an employee, at the time of his application for examination falsely represents in writing that he has not previously been disabled by, or received compensation for, any pulmonary disease, then all rights to compensation for silicosis or asbestosis shall be forfeited."

Amendment No. 6.

On page 2, line 10, of the printed bill, as amended, strike out "industry", and insert in lieu thereof the following: "occupation".

Amendment No. 7.

On page 2, line 12, of the printed bill, as amended, strike out "annually", and insert in lieu thereof the following: "have the right to".

Amendment No. 8.

On page 2, line 13, of the printed bill, as amended, after "examined", insert the following: "annually".

Amendment No. 9.

On page 2, line 15, of the printed bill, as amended, after the period, insert the following: "The cost of such examination shall be a charge against the employer, not to exceed \$----- for each examination."

Amendment No. 10.

On page 2 of the printed bill, as amended, strike out lines 16 to 41, inclusive, and insert in lieu thereof the following:

"SEC. 3. The Industrial Accident Commission shall appoint a panel of examining physicians from lists of qualified applicants to be furnished by the heads of

recognized medical schools of the State for the purpose of making the physical examinations hereinbefore provided for. Such medical examiners shall be licensed physicians in good professional standing, all of whom shall have had at the time of their appointment and immediately prior thereto at least five years of practice in the diagnosis, care and treatment of diseases, and of the diagnosis of lung conditions by X ray and otherwise.

The Industrial Accident Commission shall appoint a Medical Board of Review to consist of three licensed physicians in good professional standing, all of whom shall have had at the time of their appointment and immediately prior thereto, at least ten years of practice in the diagnosis, care and treatment of upper respiratory diseases of the lungs and the interpretation of X-ray films.

Upon notification by the Industrial Accident Commission to any member of the board that a written request for review of a finding of disability has been filed as provided in section 1 hereof, a member of said board shall review the findings of the Medical Examiner, make an examination of the applicant for employment, hear such testimony as may be presented to him, and within fifteen days affirm, modify, or reverse the finding of the Medical Examiner and issue a certificate in accordance with his conclusion.

Medical Examiners and members of the Board of Medical Review may be employed on a full time or on a fee basis as the Industrial Accident Commission may determine and the salaries and fees shall be fixed by the commission with the approval of the Department of Finance."

Amendment No. 11.

On page 2 of the printed bill, as amended, strike out lines 42 to 51, inclusive, and insert in lieu thereof the following:

"Sec. 5. Any person engaged in an occupation declared by an order of the Industrial Accident Commission to be one in which there may be harmful exposure to dust, who fails or refuses to use a safety appliance for protection against harmful dust furnished in accordance with an order".

Amendment No. 12.

On page 3, line 4, of the printed bill, as amended, strike out "for disability".

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 758—An act to amend an "Act granting certain tide lands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island." (Chap. 912, Stats. 1933), to add a new section to be numbered section 4 permitting the temporary use of said lands for exposition purposes.

Bill read second time, ordered to engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 242—An act to add a new section to be numbered section 28a to an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof.

and providing a method for the payment of such bonds," approved April 7, 1911, relating to assessments and bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2174—An act to confirm, ratify and make valid ordinances heretofore passed by the city council or the people of any incorporated city creating a civil service commission and placing employees of the city under control of said civil service commission.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 2174 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out "commission", and insert in lieu thereof the following: "commissions".

Amendment No. 2.

On page 1, line 8, of the printed bill, strike out "as", after the word "been".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 11 and 12.

Bill read second time, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 1019—An act to add a new section, to be numbered 13, to "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highway, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers, with relation to fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths." approved April 28, 1909, relating to ornamental trees and shrubs and to boards of forestry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1019 passed by the following vote:

AYES—Senators Crittenden, Duval, Gordon, Hays, Jespersen, King, Knowland, McCormack, Mixer, Olson, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Waggy, and Young—22.

NOES—None.

Title read and approved.

Senate Bill No. 1019 ordered transmitted to the Assembly.

Senate Bill No. 155—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating

to courses of study required of applicants for certification under said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 155 passed by the following vote:

AYES—Senators Crittenden, Duval, Gordon, Hays, Jespersen, King, Knowland, McCormack, Mixer, Olson, Parkman, Rich, Schetty, Seelien, Serwell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—23

NOES—None.

Title read and approved.

Senate Bill No. 155 ordered transmitted to the Assembly.

Senate Bill No. 29—An act to amend section 1151 of the Fish and Game Code, relating to hunting and fishing at night.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 29 passed by the following vote:

AYES—Senators Crittenden, Duval, Garrison, Gordon, Hays, Jespersen, King, Knowland, McCormack, Mixer, Olson, Parkman, Rich, Schetty, Seelien, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—23

NOES—None.

Title read and approved.

Senate Bill No. 29 ordered transmitted to the Assembly.

Senate Bill No. 434—An act to amend section 400 of the Fish and Game Code, relating to licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 434 passed by the following vote:

AYES—Senators Crittenden, Duval, Garrison, Gordon, Hays, Jespersen, King, Knowland, McCormack, Mixer, Olson, Parkman, Rich, Schetty, Seelien, Sharkey, Slater, Stow, Swing, Tickle, Wagy, and Williams—22

NOES—None.

Title read and approved.

Senate Bill No. 434 ordered transmitted to the Assembly.

Senate Bill No. 1079—An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts; and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1079 passed by the following vote:

AYES—Senators Crittenden, Duval, Garrison, Gordon, Hays, Jespersen, King, Knowland, McCormack, Mixer, Olson, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, and Williams—22.

NOES—None.

Title read and approved.

Senate Bill No. 1079 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Bill No. 1976—An act to amend section 29 of "The California Irrigation District Act," approved March 31, 1897, as amended, relating to the purpose for which property may be held by said district, and providing for the sale or lease of same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1976 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Garrison, Gordon, Hays, Jespersen, Knowland, McCormack, Mixer, Olson, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 1976 ordered transmitted to the Assembly.

Assembly Bill No. 884—An act to add a new section to the Penal Code, to be numbered section 593b, relating to climbing upon poles, towers and other structures supporting wires or cables, transmitting electric energy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 884 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Garrison, Gordon, Hays, Jespersen, King, Knowland, McCormack, Mixer, Olson, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 884 ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 30—Relative to experimental winter feeding of deer.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 30 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Garrison, Gordon, Hays, Jespersen, King, Knowland, McCormack, Mixer, Olson, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—24.

NOES—None.

Assembly Concurrent Resolution No. 30 ordered transmitted to the Assembly.

Assembly Bill No. 1695—An act to amend section 10 of an act entitled "An act to authorize and control the deposit in banks of money belong-

ing to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to the deposit of money belonging to or in the custody of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1695 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Garrison, Gordon, Jespersen, King, Knowland, McCormack, Mixer, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—21

NOES—None.

Title read and approved.

Assembly Bill No. 1695 ordered transmitted to the Assembly.

Assembly Bill No. 1699—An act to amend section 351 of, and to add section 351a to, the Political Code, relating to officers of departments of the State government.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1699 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Garrison, Gordon, Jespersen, King, Knowland, McCormack, Mixer, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—21.

NOES—None.

Title read and approved.

Assembly Bill No. 1699 ordered transmitted to the Assembly.

Reference of Resolution.

Senator Hays moved that the Senate resolution regarding The Sierra Way be referred to Committee on Federal Relations.

Motion carried, and such was the order.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 37—An act providing for the creation, organization, and government of joint districts composed of two or more counties of the State of California for the purpose of maintaining joint county road camps and providing that persons confined in the county jail of any such county under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public work on public highways in any of such counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Garrison, Gordon, Jespersen, King, Knowland, McCormack, Mixer, Olson, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—23.

NOES—None.

Title read and approved.

Senate Bill No. 37 ordered transmitted to the Assembly.

Report of Special Committee.

The following report of Special Committee on Investigation of the High Cost of Sickness was received and ordered printed in the Journal.

**REPORT
OF THE
SENATE COMMITTEE
ON
INVESTIGATION OF THE HIGH COST
OF SICKNESS.**

To the Senate of the State of California at its Fifty-first Session, April 12, 1935.

Under authority of the Senate of the State of California and pursuant to a resolution passed by the Senate at the fiftieth session of the California Legislature, the Senate Committee on the Investigation of the High Cost of Sickness appointed by Hon. Frank F. Merriam, respectfully submits the following report:

The committee was required

"to investigate and report at the next session of the Legislature (to be held in 1935) as to the advisability of a health insurance act for the reduction of the high cost of sickness, and if, in the opinion of said committee, such an act be advisable to accompany its report by a draft of a bill therefor."

In undertaking this investigation, your Senate committee, acting in the interests of the State, had as its primary purpose the ascertainment of accurate information on all practical phases of the question in order to do something in a constructive, legislative way for the general welfare of the people. It is no exaggeration to say that the committee was confronted with one of the most vital and urgent questions before the people. We recognized the magnitude and complexity of the problems involved. We aimed to consider from every practical angle the reasons for the high cost of sickness, and, in so far as it might be measured, we tried to analyze the effect of such high costs on public welfare and the health interests of groups most affected.

The health of every citizen is a matter of vital concern to the State and it is the fundamental duty and supreme law of the State to provide for the safety of society. The high cost of sickness is of common cognizance and the increasing need for some solution of this problem is generally recognized. The inevitable consequences of the high cost of sickness are incalculably injurious to the interests of the State.

In conducting this investigation of the high cost of sickness the Senate committee was not committed to any hypothesis, formula, remedy or preconceived plan. We had no prejudice or bias and no interest to govern us in the discharge of our duty except the public interest.

As pointed out by Senator Tickle in Appendix A of this report, this Senate committee is unique indeed. Its work has been wholly a free inquiry. It has not cost the State a dollar. The committee did not receive any appropriation and the members have contributed their time and their money to this investigation of the high cost of sickness. One unique feature of this investigating committee is that it has really functioned for two years without funds.

Congress some years ago created a National Board of Health, whose duty it was to investigate the causes and means of prevention of contagious and infectious diseases, to indicate measures of National importance, and to be a distributing center of information relating to public health. The National Board of Health, composed of distinguished men, died a premature death from lack of nutrition popularly known as "an appropriation."

The Legislature gave no appropriation but the committee was empowered to obtain funds from philanthropists and foundations and anyone interested in such practical welfare work.

The concluding paragraph of the resolution adopted by the Senate is as follows.

"In order to enable the committee to make a comprehensive investigation of this vital problem, the committee is hereby authorized to accept donations from philanthropic persons, foundations, and others interested in this constructive work and to expend such donations in carrying out the purposes hereof."

This authorization of the California Senate was plainly predicated on the belief that certain foundations, philanthropists and others interested would welcome the opportunity to make ample contributions to carry on this work. This assumption was warranted because certain well-financed foundations had expressed such active interest in the subject and were spending much money to ascertain what could be done in a legislative way.

Two typical replies which the committee received from richly endowed foundations (names of which will be given to the Legislature upon request) are partially quoted here:

"MY DEAR SENATOR WILLIAMS: As you probably know the ----- Foundation contributed to the expenses of the Committee on the Costs of Medical Care. The nature of that committee's work was in large measure to ascertain what the facts are. The factual material was supplemented by a report with an interpretation of the possible significance and importance of the facts revealed. The contribution to the comprehensive study of medical economies has been so large, that it is not likely we should be in a position to be of aid."

"DEAR SENATOR WILLIAMS: I was greatly interested to learn from Dr. Ray Lyman Wilbur of the appointment of your committee. I feel you have an opportunity to make an important contribution to social legislation and I sincerely hope that California will set an example for other States to follow. I regret to say, however, that ----- is too fully committed that it is not in a position to make an appropriation toward the expenses of your committee."

We shall, of course, be glad to put at your disposal the results of our studies now in progress. The first of these, which is almost completed, will analyze the existing situation in the United States, supplementing the report of the Committee on the Costs of Medical Care; the second, which will be published early next year, will contain a critical analysis of health insurance and other methods of dealing with the problem in Europe and the United States; and the third, to be published later in 1934, will contain a comprehensive plan for one or more typical States. We shall be glad to send you our reports as they are issued, and our staff will be glad to supplement these by expert advice at your request, in so far as we are in a position to do so."

The Senate committee was not discouraged by the adverse action of philanthropic foundations and altruistic associations. Upon inquiry we found the committee growing among discriminating legislators and well-informed progressive physicians that some of these highly endowed foundations and associations, while trying to impress the public that they are sincerely interested in doing something to solve the very vital problem which this Senate committee is now handling, and unsparingly striving to solve, always avoid any practical steps that may be taken, and they succeed. They seem to prefer futile discussion of plans which no well-informed observer believes will ever be operative.

After the expensive studies and analyses of health insurance and other methods of dealing with the problem in Europe and elsewhere, and much professional theoretical plans for unnamed States to adopt, we find that substantial results are no nearer. To judge the lack of effectiveness of their methods, we need only to look at the lack of results. They are acting as if writing treatises and recording reports of surveys were real remedies. All their pretension is no remedy at all, but an aggravation of the problem. We know that this problem has not been solved in any State despite all their surveys, and they are waiting for "California to set an example for other States to follow."

The policy adopted by the committee is expressed in Appendix A: "We shall preserve the spirit of free inquiry to the end, and we will not accept any funds with any strings attached to them. We have no axes to grind and we are not going to grind any axes for others. We are going ahead without being open to the accusation that we are subsidized for the promotion of any special theory or group. This question vitally concerns everyone who gets sick and all who pay the bills, and that includes all of us."

In all our approaches to the problem we shall maintain a fair and open-minded attitude and we shall make a sincere and devoted effort to find a sound basis for legislation that will neither invade rights nor impair services but that will provide adequate care for the sick and improve the health and well-being of the State."

The committee was empowered by the resolution to choose its own officers and we drafted Dr. Celestine J. Sullivan as best qualified by vision, knowledge and experience to serve as our coordinator-secretary. He has been serving steadily and efficiently with the committee without any remuneration and at personal sacrifice of time, talent, and money.

Volumes could be filled with the data which has been accumulated by our fact-finding inquiries. We can not attempt to recount all the important meetings, conferences, discussions, correspondence, oral and written evidence obtained, analyses of reports, studies, surveys, to which members of the committee gave their attention during this two-year investigation. Each member of the committee did not concern himself equally with the actual investigation and the laborious process of reading reports, reviewing the literature and sympathetically and diplomatically discussing controversial aspects of the question with conflicting interests. Senator Tickle and the coordinator-secretary did this important work. It would be beyond the scope of this committee to set down in writing all the facts and aspects of this social, economic and paramount health problem. It would be impractical.

even if it were possible, to recite in detail in this report all of the evidence which proves how tragically inadequate is the present system of medical care. We must say very frankly that little of practical value can be accomplished unless the Legislature realizes that the present system is inadequate and demands a remedy. The problem is difficult and complex but the committee believes that in health service insurance is a satisfactory solution and that it is imperative for the State to adopt this practical measure to protect the health of its citizens and surround them with adequate care when sick.

It is already recognized by the Legislature that certain diseases and certain classes of the community can not be given adequate care by private enterprise. Should the State be impartial to all its citizens, play no favorites, and, because of governmental responsibility, see to it that all who can not pay under the present system are treated adequately? What are the real costs of sickness and who really pays them? How and why have present conditions come about? Why is the cost of sickness so high? Why is the care of so many sick citizens inadequate? What are the present tendencies, whither are they leading, and, with due consideration for all the human factors and vested interests involved, what should the State do to solve health problems which concern more vitally than anything else the stamina, usefulness, and happiness of its citizens?

Your committee has secured competent answers to these and many other essential questions relating to the subject of the high cost of sickness and we believe that the dependable evidence in this report is sufficient for the Legislature to reach a just judgment.

Health Comes First.

Man has had health problems from the primeval period when life evolved and he began to metabolize atoms of oxygen, nitrogen and carbon, and construct for himself a community of cells having specialized functions, cooperative interests, and central government. Health always has been the most priceless possession, but too often it is appreciated only after it has been lost. The question of health is that of life itself, because when health is lost the joys of living depart and life becomes a burden. The pursuit of happiness and the enjoyment of success depend first of all on health. As health is the most valuable asset that the citizen has, the health of the people is the most valuable of all the resources of the State.

A great statesman proclaimed: "The health of the people is really the foundation upon which all their happiness and their powers as a State depend." Holy Writ says: "Health and good estate of body are above all gold, and a strong body above infinite wealth."

Public health in a given community depends upon the personal health of each individual. The individual is the foundation upon which the public health is built. In order for health officials to deal effectively with community conditions, it must first be known what diseases are present. The causes of ill health are of great importance to health officers and physicians in their scientific preventive and curative work. The importance of taking necessary steps to safeguard and improve the health of the people has been recognized by every session of the California Legislature. The protection and conservation of health and the care of the sick is a matter in which the State must be interested for its own welfare. For this reason the Legislature enacted health laws, medical practice laws, nursing laws, pure food laws. For health reasons the Legislature appropriated millions for medical schools and hospitals, child hygiene, epidemiology, canning inspection, dairy and poultry, fruit and vegetable and meat and mattress inspection services; also for bovine tuberculosis control and tuberculosis subsidies for humans.

While all agree that health is of primary importance, we are too prone to place health matters as secondary to the claims of property and profit. The rights of property are, of course, important, but health service insurance must be determined by the same criterion that is justly applied to every other method or rule of distribution, namely, social and individual consequences. Citizens are not subordinate to profit-making.

Governor Merriam in his inaugural address, January 8, 1935, said: "Human needs demand and should receive first consideration; they must be served as long as society exists and government is maintained. To such service we must bring not alone the words of our mouths and the wishes of our hearts; we must contribute the labor of our hands and the intelligent and practical attention of our minds. . . . the wider and greater enjoyment of social justice and basic human rights should have, and must have, our undivided, unremitting, and unselfish care. To the care of the disabled, the aged, and the sick, every consideration should be given. There is an obligation here which as a people we have never fully understood or assumed. In the future, society will meet this responsibility not only in justice to the individual, but as a protection to society itself."

Governor Merriam spoke soundly. There is an obligation here which as a people we never fully understood or assumed. The Senate committee appointed by Governor Merriam to investigate the care of the disabled and the sick has the facts to prove the obligation of the State, and we are asking the State to fulfill its obligation and meet this responsibility not only in justice to the individual (which our tables show in serious need) but as a protection to society itself.

Lieutenant Governor George J. Hatfield in his inaugural address urged "a proper regard for human rights and human needs, for human suffering and distress. . . . 'I am appealing,' said the Lieutenant Governor, 'for a new spirit of cooperation in solving common problems; a new appreciation of the other fellow's problems and a recognition that human need must come first in the new scheme of things, regardless of the cost and regardless even of a balanced or an unbalanced budget. . . . Those who have must pay toward the support of those who have not. . . . A policy which places human rights above property rights and man above the dollar.'"

The most transcendent of human needs as well as the most fundamental factor in life and let live is health, for without it nothing else in life matters much. The average length of human life in the sixteenth century, when health work occupied a place of minor importance, was between 18 and 20 years, and at the close of the eighteenth century it was still less than 25 years. At the close of the nineteenth century it was between 45 and 48 years, whereas, today it varies in different countries from less than 25 in India, where the average remains only about 24 years—to 60 years in New Zealand and 58 years in the United States. The best available figures show that the span of life in this country has been lengthened 17 years since 1870.

The epoch making discoveries of Pasteur, Koch, and others from 1870 to 1890 gave a new impetus to legislative interest in health affairs.

The bacillus of anthrax was discovered by Davaine. In 1873 Obermayer discovered the spirochaetes of relapsing fever; in 1875 Louis Pasteur discovered the bacillus of malignant edema; in 1879 Neisser isolated the pneumococcus of gonorrhea; in 1880 Sternberg discovered the organism causing psittacosis; and in the same year Ehrlich isolated the bacillus of typhoid fever. In June 1882 Koch discovered the tubercle bacillus, and in 1884 the spirillae of cholera. Other important discoveries, such as the plasmodium of malarial fever, were made in the eighties by Laveran. In 1894 Yersin and Kitasato discovered the bacillus of bubonic plague. The spirochaetes that are the cause of yellow fever were isolated in 1929 by Noguchi.

With the development of bacteriology, practically since 1870, modern preventive medicine had its birth, and we know that the diseases mentioned above, as also glanders, tetanus, leprosy, erysipelas, wound and postoperative infections, cerebrospinal meningitis, influenza, dysentery, and typhus fever, are caused by living organisms, capable of reproduction within the body.

The great white plague was the name formerly given to tuberculosis. Through the centuries it was a leading cause of sickness and death. Robert Koch's discovery of the tubercle bacillus that causes tuberculosis was announced for the first time at a time when consumption was the captain of the men of death. One out of seven died of it, and if only those were counted who died between adolescence and old age, its deadly toll reached one out of three. Tuberculosis took millions in lives and billions in treasure.

Before Koch's discovery it was thought that tuberculosis was a hereditary disease to be feared only by certain families. Koch bridged the gap in Villermé's translation work by establishing a sure method of diagnosing tuberculosis and revealing the presence of the bacillus. He indicated the precautions that must be taken to prevent its spread and revolutionized the world's knowledge of its most costly and dangerous disease.

But what good are all these scientific discoveries to a large per cent. of the people of California who lack the funds to pay for them under the present individual and prohibitive system of charging for medical care? As stated in the minority report of the Committee on the Costs of Medical Care, "If an illness requires hospital care in addition to professional services, it alone may entail costs which are catastrophic for the family. . . . Illnesses which involve hospitalization are responsible for 50 per cent of the total charges for medical care."

Under the present system scientific discoveries are not applied to a considerable percentage of the people. Can anyone soundly say that the scientific discoveries of medicine should be reserved for the benefit of the rich and the indigent and withheld from the man of average income?

To practice medicine on a thoroughgoing scientific basis diagnosis must precede treatment. To pay for a complete diagnosis, followed by scientific treatment, is beyond the reach of the average patient's purse. What is the alternative? People in the lower income brackets are getting the unscientific and inadequate methods that prevailed before the days of Pasteur and Koch.

To bridge this gap, as Koch did the one in his day, there is an effective method. The very essence of the problem is economic—economic from the standpoint of the patient, the physician and the public. What the patient wants the physician to do for him but for which he can not pay present prices, what the physician wants to do for the patient but can not afford to do without adequate payment, and what the public wants the physician and the patient to do for each other, may be accomplished through the practical application of health service insurance.

HOW CAN THE LEGISLATURE BRING HOSPITAL SERVICES WITHIN THE REACH OF PERSONS OF AVERAGE INCOME?

Inseparably attached to the problems of efficiency and economy in the practice of scientific medicine, is the hospitalization of the sick. We all recognize that for the safety of the surgical patient, hospital care is imperative. The elaborate technique of aseptic surgery demands the perfect organization obtainable only in the hospital operating room. The fear of surgical sepsis drives patient and surgeon to the protection of hospital equipment. We have been slow, however, to acknowledge the necessity, even the advisability, of the hospitalization of the medical patient. Even serious medical cases receive only the inadequate and haphazard care possible in home surroundings.

The modern hospital has been the direct result of the scientific discoveries in the field of medicine. To apply the new discoveries, special facilities and equipment are required that must be available every minute of every hour through the whole 24 hours of the day. The hospital has become the only place where all of the agencies developed by scientific medicine can be brought to the bedside, and applied most effectively for the benefit of the patient. Nowhere else can these scientific agencies be used so quickly and safely. The three most important things in the control of any disease, viz., the understanding of the origin and mode of development, the early diagnosis, and the institution of intelligent treatment, can be observed best where the best facilities are ready that can be utilized to identify and trace disease processes back to their first causes. Progress in medicine runs almost parallel with the discovery of the cause and nature of disease.

The complexities of medical service, the necessary expense of applying new truths and new diagnostic procedures, the increased cost of thousands of supplies of different kinds that must be kept constantly available, the increased costs of nurses, of labor of every variety, have also combined to create the factors that have resulted in increasing the cost of hospital service to patients. Chemistry, biology, physics, in addition to all the other agencies of scientific medicine, are in daily cooperation in the modern hospital for the benefit of the patient.

Hospitals have arisen during the twentieth century in all civilized communities in response to humanitarian sentiments. In former days they were viewed largely as places to care for the indigent. Now they have become great homes for physicians and nurses where all kinds of patients, ambulatory and bed-ridden, come to get the best that medical skill can offer.

The community hospital, originated for the care of the helpless and friendless poor, with the development of modern science has become a necessity for all members of society.

It is obvious that the actual cost of all the valuable scientific hospital and medical services must be borne by someone. Those who have kept their eyes only on the income side of hospitals, and concluded from the big bills rendered that the hospitals must be paying fat profits, should be furnished the facts which show that practically all the hospitals of California report deficits. Hospitals are suffering economically from the results of their own scientific advancement. Fifty years ago there were very few hospitals in the United States, and in most of those that were in existence conditions were so deplorable that patients went to the hospital only as a last resort. Most hospitals in the early days cared for the poor, while people of moderate means and the well-to-do stayed at home when they were ill. Although splendid hospitals have been built in our various communities, the sad statement is made and can not be challenged that a large percentage of our people is not receiving the maximum benefits of hospital, medical and nursing care; and that only the very poor in the cities and the rich, both in country and city, are receiving the full benefits of the advances of medical science.

Forgotten Men and Women of California.

Your Senate committee regrets to report that there exists in this incomparable State of California, in the midst of all its rich resources, a no man's land, occupied at present by forgotten men and women of average incomes who want and need hospital and medical care, but who are not rich enough to pay present prices and not poor enough to be given free service.

Among some of the far-reaching consequences of the present costly system of paying for hospital and medical services, only a few may be mentioned. It is obvious that when the cost of hospitalization has reached such a height that people of moderate means can not afford to pay hospital and nursing bills, much less that of the physicians who have the greater responsibility of their treatment, that such patients must suffer.

People of moderate income, as data in this report show, often put off seeking expert diagnosis and treatment on account of the expense involved until a serious illness brings them to a helpless position; many when sick and unable to pay the present high costs and too self-respecting to accept charity, go entirely without medical attention; some seek charity at the hands of family doctors whose generosity has generally been demonstrated; often patients pay the hospital, nursing and other

bills incident to sickness, and nothing is left over to pay the physician or to pay other community obligations.

Do the members of this fifty-first session of the California Legislature believe that industrious, self-respecting citizens of California, whose incomes are sufficient to pay ordinary bills and living expenses but are not enough to pay hospital, medical and nursing bills, should be compelled to accept charity or suffer in silence?

The pity of it is that it is so unnecessary! Health service insurance will prevent such economic and social disaster, and a vast amount of unnecessary sickness and thousands of unnecessary deaths.

Insurance is used by the hospitals to protect their own interests. They have fire insurance, hospital liability, general liability, elevator liability, automobile liability and property damage and compensation insurance. California, it is pleasant to record, was a leader in making the compensation form of insurance compulsory over the opposition of a great many powerful groups.

Thus, every hospital in California must carry compensation insurance in order to comply with the law. The compensation policies insure directly to the benefit of the injured workman or servant, and by the terms of these policies the insurance company assumes all the obligations which may be imposed against the employer on account of the compensation law, with the exception of injuries resulting from the serious and wilful misconduct of the employer. It is prohibited by the law to insure against this hazard.

The compensation premium is computed on the wages of the employees and the Insurance Manual standardizes the rates, which vary in accordance with the classification of work done by the employees, the more hazardous forms of employment taking the higher rates. The usual form of compensation policy assumes all the obligations of the Compensation Act.

The hospital liability form of policy protects the hospital against errors or mistakes made by its agents or representatives; that is, against malpractice, negligence, or mistake in the treatment of the patient, and suits for damages growing out of autopsies or inquests, alleged personal restraints, dispensing of drugs or medicines and against damages growing out of counter claims in suits brought by the hospital for the collection of fees. In addition the policy imposes on the insurance company the duty to defend any suit arising out of such cases, without limit as to the cost of defense, and to carry it to the court of last resort if desired by the hospital. The policy further provides that the company will not compromise any such claim without the consent of the hospital.

The hospital liability policy not only protects the hospital from liability against errors and mistakes, but protects individually the physicians, surgeons, dentists, pharmacists or prescription clerks, employed by the hospitals from such errors and mistakes. The visiting physician and surgeon, or dentist, or pharmacist, is not protected by the policy, but almost always pays for individual protection by obtaining a physicians' and surgeons' defense form of insurance policy, protecting him against liability for damages because of malpractice, error or mistake.

FACTS FOUND BY THE CALIFORNIA MEDICAL ECONOMIC SURVEY.

The study of the cost and adequacy of medical care in California undertaken by the California Medical Economic Survey was started over eight months ago, and while there still remains some work to be completed in making available the final report, most of the significant statistical compilations have been completed, the more important of which are in Appendix E.

The exhaustiveness of this study is well demonstrated by the fact that the survey has contacted personally a total of 20,560 families scattered throughout California, from whom important data relating to health and economic conditions have been obtained. These families include a fair statistical sample of the residents of California as a whole. The information has come from over one thousand communities and territories in 26 widely scattered counties. In addition to this the staff has also secured statements, largely signed statements, from a total of 1112 doctors of medicine, 646 doctors of osteopathy, 828 dentists, 192 hospitals and 97 clinics. Most of this information, as suggested above, has been carefully classified and tabulated, and certain very significant conclusions can be drawn from the data.

1. Medical facilities within the State are unevenly distributed. In 1929, California had a higher proportion of physicians to the population than any other State in the Union, or any Nation in the world. Furthermore, a higher proportion of physicians and surgeons is to be found in urban centers than in rural communities. Hospital facilities are likewise unevenly distributed, and examination of the location of bed capacities discloses little evident recognition of the comparative needs of communities. It is also true that hospitals operate at a wide variation of percentage capacity. For instance, State institutions operated during 1933 at approximately 90 per cent capacity, while private institutions operated at approximately 53 per cent capacity.

Hospitals 40 Per Cent Empty and Accumulating Deficits.

2. Hospital institutions are everywhere suffering from poor financial conditions. To remedy their unprofitable plight, some hospitals have reincorporated as non-profit institutions and proposed hospital legislation which obviously would not touch the more important problems of medical care. Preliminary tabulations based upon reports from 22 private hospitals in the State illustrate the hospital problem. Out of a total bed capacity of 61,053 (63,526 at the end of 1934) afforded by both public and private institutions within the State, these 22 private hospitals reported a bed capacity of 7145, or approximately 12 per cent of the State's total. They further reported that during 1933 they had experienced an average occupancy of 4385 beds, or slightly less than 60 per cent of their capacity.

Hospitals with 40 per cent vacancy could not operate profitably without charging exorbitant prices to many.

The trend of charges that these institutions made to patients is also significant. In 1929 total charges to patients for the 22 hospitals equaled \$5,253,557.63. By 1934 this figure had decreased to \$4,661,618.99; in 1933 the figure dropped to \$3,347,532; in 1934 it had increased slightly to \$3,432,303. Based on 1933 charges for these 22 hospitals, the average charge per patient was \$80.60. Manifestly it is not good public policy to allow such a condition to continue.

The ratio between collections and charges among these hospitals has remained fairly high, especially as compared with the percentage collections of doctors and dentists. Over 95 per cent of the patients' charges was collected during the three-year period 1929-31. In 1932, however, this percentage dropped to 85.2, then increased to 92.8 in 1933 and 92.3 in 1934.

The 22 hospitals considered show a total operating income of \$310,789.53 in 1929. This figure decreased constantly during the following years until 1933, when it reached a deficit of \$80,226.64. In 1934 their income situation improved somewhat, but deficits prevailed. Thus are revealed the financial trends of approximately 12 per cent of the State's total hospital bed facilities, representing approximately 42 per cent of the total bed capacity of private institutions in California.

Whether the hospitals show a deficit or an income, however, is only part of the picture. This condition does not disclose whether the patient who needs care can pay the price for medical and dental care, or for proper hospital and nursing charges; nor does it disclose how the percentage of hospital collections compares with that of other medical agencies. These are questions that deserve consideration.

3. The California Medical Economic Survey has revealed interesting and significant facts concerning the incomes of medical practitioners. It has discovered that in 1933 approximately one-third of the doctors of medicine earned net professional incomes of less than \$2,000; one-half of them earned less than \$3,000; while approximately three-fourths of these members of an educated and highly trained profession whose services are indispensable to society earned less than \$5,000. While 25 per cent of these stating incomes for both 1929 and 1933 reported having earned over \$9,000 net professional income in 1929, only 10 per cent reported earnings of over \$9,000 in 1933.

Similar trends in the net professional incomes of others concerned have been discovered. These trends, however, indicate that doctors of medicine are receiving relatively higher incomes than others performing medical and dental services. In the case of doctors of dental science (D.D.S.), one-third were earning less than \$2,000 net in 1933, while approximately two-thirds were earning less than \$3,000, and three-fourths were earning less than \$4,000.

The net professional incomes of the doctors of osteopathy throughout the State have dropped sharper than those of the dental profession, as judged by the large sample covered. The study of the California Medical Economic Survey shows that in 1933 almost one-half of the doctors of osteopathy earned less than \$2,000 net, while five-sixths earned less than \$4,000.

These relatively low net professional incomes can be explained in several ways. They may indicate more free work on the part of professional medical people, in which case those concerned have been asked to contribute services with little or no compensation. Again, these trends may indicate an increasing number of uncollectible bills, in which case services may be extended to individuals who need them, but without remuneration. Finally, they may indicate that fewer medical and dental services are being offered to citizens of the State, which suggests again the fact that large numbers may be going without adequate attention either because they can not pay, or do not choose to ask for these services free of charge.

Facts Which the Government Can Not Safely Ignore.

4. Another general conclusion to be drawn from the study is that many families are in need of medical and dental care. Final compilations on income distribution demonstrate that among 18,863 white families studied, representing a fair cross section of all income groups within the State, 15 per cent in 1933 had net incomes of less than \$500; 39 per cent had incomes of less than \$1,000; while 51 per cent had incomes of less than \$1,200. In income classes above \$1,200 the study has shown that during the year 1933 approximately 13 per cent of families received incomes of between \$1,200 and \$1,500, while 14 per cent received incomes ranging

from \$1,500 to \$2,000, and 8 per cent received incomes from \$2,000 to \$2,500. It has been further revealed that in 1933 almost 15 per cent of all families received more than \$2,500, and slightly more than 4 per cent reported incomes for that year of more than \$5,000.

5. When these income groups are further scrutinized, it is discovered that certain income classes require more medical care than others. Almost twice as many families with incomes of \$1,200 a year or less reported that they required more medical care, relatively speaking, than others with incomes above \$5,000 in 1933, while almost three times as many families with incomes of \$1,200 a year or less reported that they required more dental care, relatively speaking, than those with incomes above \$5,000. Between the income groups of \$1,200 to \$5,000 the variation in the amount of medical or dental care required does not appear to be of great significance.

6. Another deplorable fact disclosed by this study is that lower income classes do not get the care which they need. Preliminary analyses, for instance, have shown that only one-fifth of the people in families with 1933 incomes below \$1,200 reporting a need for medical care were receiving such care at the time of interview, while two-thirds of those between the income classes of \$2,000 to \$5,000 reporting a need for such care were receiving it. This same condition holds in general for dental care as well, where, for instance, only one-half of all those in families with 1933 incomes of less than \$1,200 reporting a need for medical care were receiving it; while four-fifths of those whose family incomes are between \$2,000 to \$5,000 so reporting were receiving care.

7. A final general conclusion to be drawn from the study to date is that charges for medical, dental, and hospital care are unevenly distributed within each family income grouping. It can not be emphasized too often that many studies have demonstrated the fact that the average charges for these services are not equally burdensome when distributed over the entire population by health service utilization. A serious social and individual problem, however, is created when unexpected demands for treatment and care arise within the individual family of low income. Almost as a rule the medical charges have not been anticipated and as a result many families find it impossible to meet payments, and thus are often forced to go without proper services. The California Medical Economic Survey has substantiated the general findings of previous studies in this regard, but has gone further by emphasizing the extent and severity of this problem within the State. About one-fourth of all families surveyed reported that no charges were sustained for medical care during the year September, 1933, to September, 1934. This statement is based upon a record of the individual expenditures of 18,843 families including over 61,000 persons. But in contrast with this large number of families in all income groups scattered throughout the State who have escaped the necessity of incurring medical and dental charges, the study shows that almost one-third of the families with incomes of \$1,200 or less in 1933 reported that they had incurred no charges, while only one-ninth of the families with incomes of \$5,000 or more reported that they had incurred no charges during this same period. While it is true, however, that large numbers of the lower income groups reporting no charges are actually receiving free medical services from public institutions and from physicians and surgeons, still it must be remembered that many families within these brackets actually go without adequate services.

Further analysis of this data shows that charges range widely within certain income groups. In the case of families with incomes in 1933 of \$1,200 or less, 15 per cent of the total number falling within these groups is found to have had charges of from \$20 to \$40 within the one-year period; another 8 per cent had charges of between \$100 and \$200; and 4 per cent had charges of between \$200 and \$500. One hundred families out of every thousand, on the average, with incomes ranging between \$1,000 and \$1,200 reported that they had incurred charges of between \$500 and \$1,000; while still another proportional 40 out of every 1,000 reported they had incurred charges of \$1,000 or over.

Within the group of families with incomes ranging from \$1,200 to \$2,000 it has been found that over 14 per cent had charges between \$100 and \$200; and almost 9 per cent had charges between \$200 and \$500. Within the family groups whose incomes range from \$2,000 to \$3,000 who experienced charges, 17 per cent reported having incurred charges between \$100 and \$200; about 13 per cent reported charges between \$200 and \$500; while almost 2 per cent reported charges of over \$1,000.

These figures can not fail to lead one to ask the serious question: Can a family with an income of \$1,200 or less afford unexpected medical and dental charges ranging between \$100 to \$500 during the year? We may well question the ability of individual families to meet such unexpected charges, yet 12 per cent of the families studied actually reported such charges.

The conditions prevailing among these families surveyed, and professional people responding to inquiries, it is believed, are in general quite representative of conditions throughout California. They have led the Staff and Advisory Council of the California Medical Economic Survey to recommend to the Committee of Five and to the House of Delegates of the California Medical Association that it is their

belief that the best way of meeting the problems of unexpected costs, low income, operating deficits, uncollectible bills, etc., is for the State of California to pass a type of compulsory health insurance law with voluntary privileges, which will make it mandatory for large numbers of individuals from families of low incomes in the State to be insured for a certain small amount of the wage earner's pay roll while gainfully employed. Such a law would safeguard the uncertain and ever-present possibility of the necessary requirement of adequate services from the doctor, dentist or hospital.

Illness and the Receipt of Medical Care Among California Families of Low and Moderate Incomes.

To measure the extent of illness and the receipt of medical care in California among families of low and moderate economic status and to correlate these data with incomes decreased by the depression, the State of California Emergency Relief Administration, through its Division of Research and Statistics, sponsored a survey of health and the depression in representative rural and urban areas of the State. The survey, conducted during 1934, was under the competent direction of Margaret C. Klem. The Senate committee is indebted to her and her splendid staff for continuous cooperation.

Twenty-one separate areas were chosen for study as being sufficiently representative of the State as a whole. Los Angeles, San Francisco, and Oakland were selected as typical cities of over 250,000 population; eleven other cities were chosen to represent smaller commercial and manufacturing centers;¹ and seven counties were chosen from different sections of the State to represent various types of rural areas.²

Within the areas selected for survey, 5096 white families of two or more persons were visited in June, 1934, and questioned regarding the number of illnesses experienced during the three months immediately preceding the date of interview. At the same time information was obtained on the type and volume of medical care received for each illness, the amount of charges incurred, the amount of outstanding medical bills, and the employment record and family income during 1929 and 1933.

In the cities covered by the SERA Health and Depression Survey all white families of two or more persons residing in certain selected blocks were interviewed. The blocks chosen were in residential sections representative of moderate and low income groups. In rural areas different sections of each county were chosen to give a fair sample of income and occupations.

Of the 5096 white families, 555 reported that they received medical care on an annual fee basis. Data for these families are being analyzed separately and are not included in the present report, which is confined to records of 4541 families who either obtained their medical care on the customary fee-for-service basis or were the recipients of free care from practitioners or institutions. Of these families 641 were recipients of some public or private relief during 1933. These families, regardless of their supplemental incomes, are considered as constituting the lowest income group of the study and are designated as "relief families" in the present discussion. This, however, does not imply that they were continuously on relief or that they were completely dependent upon relief during the entire year. Of the families surveyed 14 per cent were recipients of relief during 1933, 18 per cent had an annual income in 1933 of less than \$600, 29 per cent of from \$600 to \$1,200, 26 per cent of from \$1,200 to \$2,000, 9 per cent of from \$2,000 to \$3,000, and 4 per cent of \$3,000 and over.

The average size of family was largest in the so-called "relief" group, which had an average of 4.5 persons per family. The next higher income group, families with less than \$600 a year who had received no relief in 1933, had the smallest families, with an average of 3.3 members. The highest income group with \$3,000 or more had an average of 3.9 persons per family.

The surveyed population was slightly younger than that of the State. Approximately 36 per cent of the individuals in the families studied were less than 20 years of age, whereas, for California as a whole, only 29 per cent of the 1930 population was reported as under 20.

Illness Rates.

Perhaps the most striking revelation of the effect of family income upon health is found in a comparison of illness rates. It should be pointed out that many cases of minor, nondisabling illness are quickly forgotten and are not reported to an investigator. In this SERA survey where families were visited only once, it is obvious that records will be far more accurate for disabling illness of long duration and for disabling illness with onset within the period of survey than for nondisabling illnesses. Figures indicate that persons in the "relief" families experienced more illnesses per 1000 individuals than those in any other income categories. Their illness rate for the three-month survey period was 267 per 1000 persons as contrasted with a rate of 227 per 1000 in the highest income group. This difference between the extremes of income is found to be even greater for

¹ San Diego, Sacramento, Fresno, Stockton, Santa Barbara, Santa Ana, Bakersfield, Richmond, Eureka, Pittsburg, and Detention.

² These counties were Los Angeles, Fresno, San Joaquin, San Diego, Contra Costa, Humboldt, and El Dorado.

illness with onset prior to the survey period than for illness which started during the three months of survey. This fact would indicate that the "relief" group experienced significantly more illness of long duration or a higher rate of chronic illness than the highest income group.

When disabling illness is contrasted with nondisabling it appears that the higher illness rate among the poorest families studied results from their higher case rate for disabling illness with onset during the survey period. For all disabling illness the relief group with a rate of 183 per 1000 persons experienced 51 per cent more illness which interrupted the normal routine of daily living than the highest income group which had a case rate of 121 per 1000 for disabling illness.

20.1 Per Cent Received No Medical Treatment.

When disabling illnesses are correlated with the receipt of medical care it is found that the "relief" group is at the lowest end of the scale in the receipt of medical attention to medical needs. Of the individuals in the "relief" group who reported some illness during the survey period, 20.1 per cent received no medical treatment. This is in sharp contrast to the highest income group where only 8.9 per cent of the individuals reporting illness received no medical attention. This difference is the more marked when one recalls the higher rate of disabling and consequently more severe illness among individuals in the "relief" category. Of the disabling illnesses which individuals in "relief" families experienced only 71 per cent received some medical care. In the \$2,000 and over income group 90 per cent of the disabling illnesses received medical treatment.

During the period of this survey of medical care in California data were also collected on the number of months which had elapsed between the date of interview and the last receipt for medical, dental, and eye care. In an age when an annual medical examination is considered highly desirable, for the early discovery and treatment of incipient disorders, it is dismaying to learn that except for the "relief" group more than a third of the individuals in all the income categories had had no medical attention in the three years prior to the survey. Since the Federal Emergency Relief Administrator has, within the last year, made provision for medical care of families on the relief rolls, this, and the receipt of free care from private physicians, dentists, and hospitals, and other agencies may account for the fact that nearly half (43.6 per cent) of the individuals in the families which had received some relief in 1933 had also received some medical care within the twelve months preceding the date of interview.

Lack of Medical, Eye and Dental Care.

However, total lack of medical, eye, or dental care is conspicuously higher among individuals in "relief" families than in the higher income groups. Slightly more than one-fourth of these individuals had never visited a dentist in their lives; more than one-half had never had their eyes examined or treated; and 8 per cent had never had any medical care whatever. Among these individuals are included those who by reason of age, or good teeth or eyes, or general health might have had little occasion for obtaining the care in question, but when the various income groups are compared and it is found that the percentage of individuals with a lifelong record of no medical care drops with each successive increase in income level, one is led to the conclusion that economic status rather than the incidence of good health is a major factor in the total lack of medical examination or treatment.

Eleven per cent of the illnesses reported by the "relief" families received hospital treatment, a percentage which was also found for the families with annual incomes of less than \$600. For these two income groups combined a total of 151 illnesses were hospitalized for an average of 23 days of care per case. Public hospitals furnished 3205 days or nearly 92 per cent of this care. Less than 7 per cent of the illnesses among families with incomes of \$2,000 or more were hospitalized. Their 34 hospital cases received on the average 15 days of care, about 73 per cent of which represent treatment in private hospitals. When the illnesses reported for all families are totaled it is found that less than 9 per cent received hospital treatment within the period covered by the survey. Nearly one-third of the total days of hospital care were, moreover, received by mental and tuberculous patients who were almost exclusively in public hospitals. This largely accounts for the high average days of care per case found in the low income groups.

The average charges for the medical care received during the three months of survey varied with income. In the "relief" group the average cost for the three-month period was \$8.06 per family receiving medical care, or \$33 per family per year. The highest income group on the other hand received services which cost them \$51.51 per family receiving care, or an annual charge of \$206. When these costs are averaged among all families surveyed, they amount to \$23 per year for the "relief" group and \$152 per year for families in the highest income category.

Variations in medical charges, however, tell a more dramatic story of individual experience than do average charges. Practically 40 per cent of the "relief" group who received care of any kind, received free care during the survey period; an additional 25 per cent had three-month charges of less than \$5, and nearly 5 per cent incurred charges of \$40 or more.

In the "relief" group 32 per cent of the total charges were incurred by 2 per cent of the families, and the three-month charges of these families were \$60 and more. More than half of the charges (53 per cent) were borne by only 13 per cent of the families, and these charges ranged from \$10 to \$60 in magnitude.

As one observes the figures in various tables printed in Appendices D and E for each of the income groups it appears that the uneven burden of medical costs affects families in all economic classes.

Uneven Distribution of Costs of Medical Care.

The problem of meeting the costs of medical care is not so much the magnitude of total costs, but the uneven distribution of these costs among the families concerned. In the highest income class approximately half of the families bore only about 2 per cent of the total charges, and less than one-fifth of the families were called upon to meet three-fourths of the total medical bills. Let us consider the composition of these charges.

Except for the families who received some relief in 1933, charges for physicians' services constituted approximately one-third of the total costs of medical care. For these so-called "relief" families physicians' services represented slightly more than one-fourth of the total three-month charges incurred. The tendency toward self-medication, always dangerous, is strikingly revealed by the "relief" group when it is noted that more than 20 per cent of their total medical expenses were for the purchase of drugs and medicines sold without prescription.

Facts relating to outstanding medical bills, not only for services received during the survey period but for all medical expenses which the family considered as obligations and hoped and intended to pay, may be found in the tables in the appendix. The average total medical bill outstanding among the relief group amounted to \$23.46. This is higher than the average amount owed by any other income group except for families with incomes of \$2,000 to \$3,000 who owed, on the average, \$32.35 per family.

Physicians Bear Heaviest Burdens for the Sick.

In Figure 2 of Appendix D may be found a graphic presentation of the distribution of the total outstanding bills among physicians, hospitals, dentists, and other practitioners and services providing medical care to the surveyed population. It will be observed to the praise due physicians that they bear three-fourths of the total outstanding charges for the families in the lowest income class. These self-sacrificing physicians also bear 70 per cent of the total amounts due for services to the families with \$1,200 to \$3,000 and approximately half of the amount owed by the highest income group. Hospitals and dentists each carry only about 10 per cent of the total outstanding accounts for the lowest income group, but with increasing income level the proportion borne by the hospital decreases while that owing to dentists rises. Among the families with income of \$3,000 and over the amount owed to the hospital represents only 2 per cent of the total outstanding bills, while the dentist gives larger credit to the larger income groups.

The percentage of disabling illness receiving medical attention shows significant variation with shifts in income status. Of the disabling illnesses among families who shifted from "comfortable" income to "relief," 22 per cent received no medical care of any type. Among families maintaining a "comfortable" status in the two years only 14 per cent of the disabling illnesses received no medical care. The lowest economic group of all—those who were relief recipients at some time in 1929 as well as in 1933—had no medical care for 40 per cent of these disabling illnesses.

Surveys Cost More Than \$100,000.

Your Senate committee, in drawing attention to the phenomenal fact that it has functioned two years without any appropriation, donation or other source of revenue, except that derived from its own personal pockets, would not have the Legislature believe that the factual material contained in this report was collected, collated, coordinated, criticized and tabulated without the expenditure of a good round sum of money. Faced with the fact that foundations were more interested in gathering data in Russia, the Scandinavian countries, the Orient and distant places than in California, the committee stimulated local bodies to take immediate interest in their own problems and leave foreign fields to philanthropists.

The California Medical Association responded and sponsored the California Medical Economic Survey. The distinguished personnel of the survey is guarantee of ability, reliability and sincerity of the public purposes that inspired the work. Here are some of the leaders of the survey:

Paul A. Dodd, Ph.D., Director of the Survey, Assistant Professor of Economics, University of California at Los Angeles.

Rockwell D. Hunt, Ph.D., Dean of the Graduate School, University of Southern California.

Gordon S. Watkins, Ph.D., Consulting Economist, Professor of Economics, University of California at Los Angeles.

John B. Canning, Ph.D., Professor of Economics, Stanford University.

The Reverend James J. Lyons, S.J., President of the University of Santa Clara.

Arthur G. Coons, Ph.D., Dean of Men and Associate Professor of Economics, Occidental College.

California Medical Association Committee of Five
for the Study of Medical Care

William R. Molony, M.D., Chairman, Los Angeles.

Harry H. Wilson, M.D., Secretary, Los Angeles.

Alton R. Kilgore, M.D., San Francisco.

Robert A. Peers, M.D., Colfax.

Rodney A. Yoell, M.D., San Francisco.

The first letter sent out by the C. M. E. Survey staff opened with this sentence:

"Will you help us secure a truthful view of the economic and health situation in California homes?"

The SERA splendid survey is described elsewhere in this report.

The combined surveys cost more than \$100,000 and your Senate committee presents them to the Legislature without one cent of expense to the State.

ECONOMY SECURITY AND HEALTH INSURANCE

In making our investigations we have not been unmindful of social and economic needs other than the immediate protection of the health and vitality of the population. In our study of foreign experience we find a wide variety of cash benefits merged, under single administrative departments, with medical benefits in kind. This mingling has become so common that the conventional meaning of the term "health insurance" has come to include both sorts of benefit. This more common of language has unduly influenced numerous ill considered legislative proposals in the United States. Lost our failure to conform be understood we assign the following grounds for recommending that all cash benefits, whatever the occasion for them may be, shall be administered separately from health benefits in kind.

The appropriate mode of preventing harm to people by reason of economic insecurity depends upon the character of the need to be supplied. If shortage of ready money in hand leads to harm of the person by reason of insufficient food, clothing, shelter, fuel, etc., recurrent payments of cash, adjusted in amount to these needs of the family, may be an adequate and proper preventive. To be sure, such needs can be supplied in kind rather than in cash, but only at very great administrative cost and only at the cost of needless invasion of the private lives and domestic establishments of those in economic jeopardy.

On the other hand the hourly and daily pressure of such wants, upon the person in need of protection, is of a character which assures us that nearly all cash awards, if properly made, will be devoted to their intended uses. The rudiments of common sense and shopping skill are sufficient, on the part of the recipient, to ensure reasonably appropriate use of such awards. The immediate wastages and abuses of cash awards is mostly to be found where the amount awarded is not adjusted to current needs. The total wastage of cash awards is usually much smaller than the administrative cost of supplying benefits in kind for the satisfaction of such wants.

An entirely different condition prevails when harm is threatened by reason of illness. Day to day requirement of food, clothing and the like and their money cost can be forecast with reasonable reliability. This is obviously not the case with health services. Not even the most skilled physician can forecast individual illnesses; and, after the illness begins, only the physician in attendance can determine what is needful—and then only from day to day. Medical benefits must be given in kind.

Conferring Medical Benefits Must Not Be Confused with Cash Benefits.

The administering of cash benefits is only one kind of administrative task no matter what the occasion for making the award may be. It is a wholly different kind of administrative task from that of conferring medical benefits in kind. In a single country we find one administrative department distributing cash awards to the aged, another distributing cash under a workmen's compensation act, a third making unemployment awards, a fourth paying out emergency relief funds and so on. When the ill informed superficial enthusiasts for each of these mere verbal types of economic security services point with none too well founded pride to the efficiency of the several administrative agencies they have set up, they wholly fail to impress us.

If a State is to have both a system of compulsory unemployment reserves and a system of health insurance it is obviously advantageous that the cash awards made to persons who are unemployed by reason of illness should be administered by the unemployment reserves agencies. All their awards are cash awards; the harm done by unemployment does not depend on the cause of the unemployment; but the few additional cash awards can be made with lesser additional administrative cost than would be possible if a separate personnel under a health service insurance commission had to make this one type of cash distribution.

We see, in other countries, a multitude of agencies duplicating one another's organizations and each doing only a single part of one common service for exactly the same population. We do not need to be told that such duplication involves waste and misuse of public funds. While we have sought throughout our investigation to

glean what is good from foreign experience we have equally sought to avoid common blunders.

It is our hope that California will not make the mistake of giving two unlike jobs to one agency nor the mistake of splitting one job between two agencies. There can be no doubt that the action of this Legislature will be looked to as a model for American legislation on economic security. We urge this Legislature not to freeze into single statutory institutions administrative tasks that are essentially unlike and not to split up essentially like tasks among many statutory institutions. Your Senate committee with the cooperation of the important groups who are now rendering the best service to the sick has designed a plan of health service insurance that is economical and workable and that will help to solve the problem.

Basis of Legislation on Health Insurance.

The legislation which we propose is recommended on the following basis:

Individual illnesses and injuries are unpredictable both as to character, time of occurrence, duration, and cost of treatment. By reason of this individually unbudgetable character of these costs many people die prematurely or become gravely impaired in health and vitality for want of ability to pay the irreducible costs of timely, proper, and adequate services. Many others become impoverished by reason of prolonged illnesses. Experience has shown, beyond all possibility of informed doubt, that these conditions prevail even in the most prosperous times. In times of depression, when those thus harmed become much more numerous and their suffering is augmented by the increased incidence of illness due to privation, many lose confidence in our social and political institutions and become resentful against them. There is a basis of fact for this resentment; for other populations with lesser resources have long since proved that agencies of the kinds provided in this act are efficient remedies to these conditions.

The present numbers, proficiency, and geographical distribution of those licensed to practice medicine, surgery and dentistry are all adequate for the needful care of all illnesses and injuries at all times for the present population. The service capacity of existing hospitals, laboratories and other facilities is greater than any past or present utilization of them. Many such licensed practitioners and many of those who operate hospitals are either wholly unemployed, or partially or inadequately employed by reason of their patients' inability to pay currently the amounts necessary to bear the irreducible costs of rendering the services. Many fully occupied practitioners, even in prosperous times, are unable to obtain incomes which, in view of the costly and prolonged period of training, will serve as an inducement to attract sufficient numbers of able young men and women to enter these indispensable professions.

Both common experience and scientific investigation have shown beyond the possibility of informed doubt that the health, vitality and the life itself of every member of the population of California are dependent upon many variable conditions. These conditions include: the standards and practices of agencies of the State, its political subdivisions and its instrumentalities in administering the laws relating to health and sanitation; the conditions under which gainful occupations are carried on; the economic conditions that affect the stability of incomes available for maintenance of households; and those conditions of living imposed by the increasing complexity of our industrial and social organization. No agency less powerful than the State is competent to deal effectively in the public interest with such conditions.

Experience has shown that the aggregate of needed health service does not greatly change from year to year in relation to the total numbers of the population in the lower ranges of income. Current, regular contributions which persons of small and moderate income can afford to pay will, if pooled and budgeted, suffice to defray the costs of all or nearly all needful services of the kind in question. Such funds equitably distributed among those practicing under this act will suffice both to enable those indispensable public servants to maintain themselves and render their services and to assure appropriate recruitments to their ranks. Experience has shown that only by common pooling of the risks by large numbers and by common, current budgeting of the cost can the continuity and the adequacy of these services be assured.

Experience has shown that in times of depression the increase of cost burden of these benefits upon the general funds of political subdivisions and instrumentalities of this State overburdens those general funds at a time at which revenues are most needed for emergency requirements and at which taxpayers are least able to increase their contributions. The reserve principle of this act tends to eliminate this improper fluctuation of general revenue burden by making the health services self-financing.

Recommended Declaration of Public Policy with Respect to Legislation on Health Insurance.

The following severally declared statements of public policy are recommended as a declaration of the public policy of the State of California with respect to

health service insurance. They should be given precedence in the order of the following enumeration:

(1) The preventable death, disability or impairment either of health or vitality of any member of its population is an irreparable damage to all persons in the State of California.

(2) The loss of confidence in self and resultant impairment of morale because of preventable death, disability or impairment of health or vitality of an immediate dependent of any person in California is an irreparable damage to all persons in California.

(3) The loss of confidence in our social and political institutions by those unable by themselves to prevent avoidable impairment of health or vitality of themselves and of their families is a damage to the stability of the social and political institutions of the State of California.

(4) The determination by the medical profession of the standards of and the necessity for the treatment and care of the sick person, and the preservation of the relation of utmost mutual good faith between physician and patient, and of the responsibility of the physician for his treatment of the patient, are necessary to the most effective conservation of the life and health of the people of California.

(5) Insufficient and inequitably distributed compensation of those licensed to render medical, surgical and dental services tends toward intolerable lowering of the standards of practice in these indispensable public services in the State of California.

(6) The reserve principle is a necessary adjunct to the rendering of adequate health services and is an important means of protecting the credit of the State of California and of its political subdivisions and instrumentalities.

Loss of Health More Serious Than Property Loss.

Although health is our most valuable State resource and the most priceless possession of the individual citizen, it is the one thing that is being squandered most recklessly. Health service insurance will usher in a better appreciation of science and a clearer comprehension of the relative importance and value of those things which scientific services can bestow. It is folly to give more attention to building highways and byways and bridges and developing businesses and government organizations than to building and maintaining sound citizens who govern and pay for all these material things. Loss of health is a far greater disaster than loss of property, for one may have happiness without wealth, but not without health. There is no reasonable equivalent for the loss of health of any individual. The right to health, and the efficacious means to preserve it, are immediate and direct and derived from society or the State. The State can not rightfully kill innocent citizens nor permit visible or invisible enemies to do so. Science insists that the invisible foes of man cause tens of thousands of preventable deaths. The justification for expenditure of public funds for public health work is based upon the fact that public health work is an approved means to human welfare and the money spent is much more than equalled by the prevention of disease and the saving of human life. Scientific knowledge regarding the causes and ways of spread of certain diseases is so definitely established and the methods of preventing such diseases are so frequently demonstrated that it is possible to determine with a considerable degree of certainty the proportion of cases and deaths from a given disease, which may be prevented.

The Senate committee has created nothing new or original in recommending health service insurance to the favorable consideration of the Legislature. We have adopted and adapted those parts of health insurance which have many years of successful experience to recommend them.

Legislature Has Right to Pass Health Service Insurance.

Session after session of our Legislature has appropriated large sums of money for public health purposes yet less than 10 per cent are diseases against which public health efforts are chiefly directed. More than 90 per cent of the illnesses can not be controlled by public health measures but are problems of individual patients which physicians must treat individually and not collectively. Modern medicine is a basic necessity. Bacterial cause of infection is a scientific fact and germs make no special concessions to those who deny their existence. No one challenges the police power of the State to protect the citizens against infected milk, infected food and water. If the sciences upon which medicine is based ceased to be applied modern urban civilization could not continue. The Legislature possesses the undoubted right to pass laws for the preservation of health. The Legislature may, by appropriate legislation, provide for the comfort, health and general welfare of any and all employees. The Legislature, the Chief Executive, and the courts are under a solemn duty to protect the health and safety of the public. Government is instituted for the protection, security and benefit of the people. The police power, deriving its existence from the rule that the safety of the people is the supreme law, justifies legislation upon matters pertaining to the public welfare, the public health, or the public morals. A legitimate exercise of the police power can not be condemned as invalid on the ground that it is an unlawful or unauthorized invasion of the right of property, or upon the ground that it is a taking of property

without due process of law, or that it deprives persons of the equal protection of the laws contrary to the fourteenth amendment of the Constitution of the United States. When a legislative enactment is attacked upon the ground that it is arbitrary, unreasonable and discriminatory and constitutes special legislation, violating the prohibitions of both the State and Federal Constitutions, all presumptions and intendments are in favor of the reasonableness and fairness of the legislative action, and the decision of the Legislature as to what is sufficient distinction to warrant the classification will not be overthrown by the courts unless it is palpably arbitrary. As a general rule the question of classification is one for the legislative power, to be determined by it in the light of its knowledge of all the circumstances and requirements. The presumption in the courts is in favor of the fairness and correctness of the determination by the legislative department, and the courts are not privileged to overturn that determination unless they can plainly see that the same was not warranted by the facts. The general powers of the Legislature to determine what is necessary for the protection of the public health are well recognized and in viewing a statute, the courts must presume that the Legislature has carefully investigated and has properly determined that the interests of the public require certain legislation. The power to invade property rights exists only to the extent to which its exercise is reasonably necessary to protect the health, safety or welfare of the people; the question whether or not such necessity exists is for the Legislature, and its determination thereof is conclusive upon the courts if there is any basis in reason therefor. The Legislature may pass a special law, though it be in derogation of, or in the nature of an exception to the operation of a general statute. A legislative enactment which is designed to operate upon a particular class which, in its specifications, presents a genuine or constitutional differentiation from other classes, either individual or considered as a whole, is not unconstitutional as discriminatory and lacking in uniformity of application. A law to promote public health will be upheld as a valid exercise of the police power if its requirements are not unreasonable and its provisions do not discriminate in favor of or against particular persons or classes of persons as to whom no reasonable basis of discrimination exists.

What is for the public good, and what are public purposes, are questions which the Legislature must decide upon its own judgment, in respect to which it is vested with a large discretion which can not be controlled by the courts. It is not the province of the courts to deal with the policy of the law, as that belongs exclusively to the Legislature. The Legislature has power as well as the judiciary to determine facts and the court will not assume a wisdom which it denies to the Legislature or exercise a supervision over the discretion of the Legislature.

Important as are the business interests of each citizen and the proprietary rights of citizens, they must sometimes yield to the superior health interests of all. The Legislature acts for the whole people and has the power and responsibility to enact laws which in its judgment will promote the health interests of the people. The health of the people must outweigh the profit interests of any class in the judicial scale of true social and individual values.

The Health Service Insurance Act we believe is for the public good, based upon incontestable facts, the health rights and needs of the people. Among indispensable demands and vital needs of men not only as a social group, but also as individuals, health comes first. To deny adequate medical care to our citizens of average income, to those who constitute the largest proportion of our population, violates the most fundamental principles of justice, humanity and good government. The requisites for human health, security in life and limb, without which we are undermining our present and future citizens, can not be measured merely in dollars.

The central consideration here is the power and responsibility of the Legislature to pass a Health Service Insurance Act for the public welfare and the sound policy and the need for and the reasonableness of the act itself. Employers are the only persons to whom government can look to pay a living wage. The health of employees confers benefits on the employer, the community as a whole as well as on the employees. The wisdom and the right of a government to compel citizens, for their own good and for the good of society, to provide by insurance against contingencies against which experience has proven that they are unable to protect themselves, have been maintained by enlightened governments throughout the world, including those countries from which we received our common law and our principles of democracy.

The Senate committee which impartially has been investigating this subject for two years is entirely convinced that there are abundant facts and eloquent evidence in the tables and other facts contained in this report that prove the need for the application of the insurance principle to distribute the costs of illness and make more available the life-saving services of scientific medicine. Under the present system a siege of sickness brings many families to bankruptcy. When the entire family income for one year is exhausted to pay doctor and hospital bills, what becomes of the other obligations of the family? We can not hide our heads from the facts and we can not hide the facts from the people. "Facts," as the Scottish writer declared, "are fellows you can't coerce, and won't bear to be disputed." We must face the facts.

Let Us Have Equal Distribution of Health Services.

We are printing carefully collected and tabulated data in this report and the representativeness and adequacy of the statistical tables presented from the California Medical Economic Survey and the SERA Survey must be recognized. In studying the tables, keep in mind that the minute variation in percentages between several tables of the two surveys is due to the fact that the SERA Survey was based mainly upon the lower income classes and were not selected as a statistical cross-section sample of the State, but were chosen in order to study the relationship between depression and health. But it is overwhelmingly evident that these two competent studies, carried on quite independently within the State of California, verify and substantiate the results and conclusions of each other.

Anyone without blinding bias who will review the tables of this report can not escape the conclusion that, despite the self-sacrifice of the physicians of California, their devotion to duty, their loss of time and money in giving free services, and charged services that can never be paid for, and notwithstanding the many possible plans of hospital insurance and medical care, the services of scientific medicine are not within the reach of many who seriously need them. The tables give a very pathetic picture and show how critical the situation is becoming. Sickness is no respecter of persons, never visits one at an opportune time and there is no other cause of economic disaster which compares with sickness. The human temple deserves more care than buildings of stone and bastions of steel. Damaged hearts, injured lungs and kidneys can not be replaced like stripped gears, broken bridges or cracked pistons. The moving appeals which we have heard for medical and surgical care after irreparable damage was done, together with other facts, impel us to say that the present system is one of the most tragic and wasteful causes of human relationship and it is not surprising that the victims of the system are starving more and more loudly that something is radically wrong.

The scientific methods of saving those from subjecting the economy to losses caused by preventable diseases, are well known and have been demonstrated to be effective. Health Service Insurance will provide the means whereby a majority of the people will receive adequately and reasonably needed scientific treatment that was given to a minority. It is the duty of the Legislature to meet the human needs of today and tomorrow, to give the ordinary man and woman all the health protection that science and a progressive State can give. The right to pursue and obtain happiness is guaranteed to all by the fundamental law of the State. This right, by its very nature, includes the right to health protection and adequate care to preserve and restore health. We can not have a healthy state of society if we waste the physical and mental resources of our people. Health services must be distributed otherwise the present and future citizenship is undermined.

California has an unequal distribution of wealth. As far as may be we should strive to have an equal distribution of health.

Your Senate Committee on the Investigation of the High Cost of Sickness recommends this report to your careful consideration and respectfully requests the honorable members of the fifty-first session of the California Legislature to enact Senate Bill No. 454, introduced by the members of the committee, for the promotion and protection of the health of the people of California.

WILLIAMS,
TICKLE
DIFANI

SENATE COMMITTEE ON PUBLIC HEALTH AND QUARANTINE. AMENDMENTS TO SENATE BILL No. 454.

Amendment No. 1.

In lines 2 and 3 of the title of the printed bill, strike out "health insurance for persons in certain income groups", and insert in lieu thereof the following: "State health service insurance, including the establishing of a Health Service Insurance Commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereon, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith."

Amendment No. 2.

On page 1, line 1, of the printed bill, insert after "SECTION 1.", the following: "This act is adopted by the people of the State of California to promote the comfort, health, safety and general welfare of the people of the State of California."

SEC. 2. This act shall be known and may be cited and referred to as "The Health Service Insurance Act."

SEC. 3. Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine; the singular number includes the plural, and the plural the singular; "writing" includes "printing" and "typewriting"; the word "county" includes "city and county."

SEC. 4. Unless the context otherwise clearly indicates, as used in this act, the words and phrases defined in the sections immediately following shall have the meanings ascribed to them.

SEC. 5. "Benefit" means any medical, dental, hospital, or other service which is made available by this act for the diagnosis, treatment, or care of any person coming under the provisions of this act and includes:

(a) "Professional benefits," which consist only of the services of a physician or dentist, and which include all such services which either is entitled to render under the laws of the State of California.

(b) "Auxiliary benefits," which consist of maintenance and care in hospital, nursing care, drugs, medicines, physiotherapy, occupational therapy, transportation, material appliances and their upkeep.

The determination of the commission that a service is a professional benefit or an auxiliary benefit is final and conclusive.

SEC. 6. "Beneficiary" means any person entitled to receive a benefit under this act.

SEC. 7. "Commission" means the Health Service Insurance Commission.

SEC. 8. "Physician" means the holder of a valid and unrevoked "physician and surgeon certificate" entitling him to practice medicine and surgery in the State of California.

SEC. 9. "Dentist" means the holder of a valid and unrevoked license entitling him to practice dentistry in the State of California.

SEC. 10. "Employer" means any employer of one or more employees, as the term "employee" is defined in this act, doing business in the State of California, and includes the State, every State agency, and each county, city and county, city, district having power to assess or levy taxes or assessments, or both, and all public or municipal corporations and quasi-public corporations and public agencies therein, and every person, firm, voluntary association, and private corporation, including any public service corporation, any trustee in bankruptcy, receiver, or trustee, and the legal representative of any deceased employer, but does not include the United States of America or any foreign State.

SEC. 11. "Employee" means every person, including aliens and minors, receiving a wage at a rate which will yield a total amount not greater than three thousand dollars per year and whose net income from all sources together with that of his spouse is not in excess of three thousand dollars per year, in the service of an employer, as defined in this act, under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and all elected and appointed paid public officers, and all officers of quasi-public or private corporations while rendering actual service for such corporations for pay, but excluding any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper, magazine or periodical where the title to such newspaper, magazine or periodical has passed to the person so engaged, and also excluding any person holding an appointment as a deputy clerk, deputy sheriff or deputy constable, or other deputy, appointed for the convenience of such appointee, who receives no compensation from the county, township or municipal corporation or from the citizens thereof for services as such deputy, and also excluding any person while both he and his dependents are absent from this State.

Any person who for hire renders services to another, other than as an independent contractor, or one who is expressly excluded herein, is presumed to be an employee within the meaning of this act. The term "independent contractor" shall be taken to mean, for the purposes of this act, any person who renders service, other than manual labor, for a specified recompense for a specified result, under the control of his principal as to the result of his work only and not as to the means by which such result is accomplished.

An employee is a "casual" employee if, (a) in the usual and normal course of his employer's trade, business, profession, or occupation, the particular work to which said employee is assigned is begun and concluded within nine successive calendar days; or (b) his employment is not in the course of the trade, business, profession, occupation, or domestic establishment of his employer. The phrase "course of trade, business, profession or occupation of his employer" shall be taken to include all services tending toward the preservation, maintenance or operation of the business, business premises or business property of the employer. The words "trade, business, profession or occupation of his employer," shall be taken to include any undertaking actually engaged in by the employer with some degree of regularity, the trade name, articles of incorporation or principal business of the employer to the contrary notwithstanding.

It shall not be a defense to the commission, the holder of a certificate of compliance, or to any health service insurance association that a person with respect to whom any benefit is claimed was not lawfully employed, or was the dependent spouse or minor child of one not lawfully employed by reason of the violation of any civil service or other law, rule, or regulation respecting the hiring of employees.

Workmen associating themselves under a partnership agreement, the principal purpose of which is the performance of the labor on a particular piece of work, shall be deemed employees of the person having such work executed.

SEC. 12. "Health service insurance" is the provision, by any means or in any form, by or for any person or group of persons, of the right to receive, when needed, the benefits of professional service practice and auxiliary insurance service as hereinafter defined, when the costs of such benefits and of their administration are defrayed from funds derived by any one or more of the following means or from any one or more of the following sources:

(a) The issuance of memberships, certificates, contracts or other evidences of rights or privileges to participate in or use the benefits, services, facilities or activities of the group or association or of any subsidiary, associated or affiliated firm, group, or association.

(b) Donations, contributions, or payments of money or other valuable consideration, mandatory or voluntary, from any source for the purpose of obtaining the benefits of professional service practice and auxiliary insurance service.

(c) Appropriations from any fund or funds of this State or of any political subdivision of this State or from any fund or funds of any instrumentality of this State.

(d) Any other form of common or pooled moneys, property, credit or other resources to be used to obtain or furnish any of the benefits, as defined by this act, for or to individual persons or groups of persons.

SEC. 13. "Fund" means the health service insurance fund.

SEC. 14. "Professional service practice" means the furnishing of any professional benefit under this act.

SEC. 15. "Auxiliary insurance service" means the furnishing by any person, firm, association or corporation of auxiliary benefits under this act.

SEC. 16. "Professional service practitioner" means any physician or dentist availing himself of the privilege to engage in professional service practice.

SEC. 17. "Auxiliary service association" means:

(a) Any person, firm, association or corporation furnishing for compensation any or all of the auxiliary benefits upon the basis of a health service insurance contract and not upon the basis of a service contract.

(b) For the purposes of this act, a county hospital or a municipal hospital or other public facility provided for rendering or actually rendering or prepared for conferring or actually conferring for compensation any or all of the auxiliary benefits.

SEC. 18. "Health service insurance association" means any group of two or more persons, other than a person and his dependents, who associate themselves together to secure for themselves and their dependents, or others, by any lawful means or in any lawful form, the benefits of professional service practice or auxiliary insurance service, or both.

SEC. 19. "Certificate of compliance" means a certificate issued by the commission to a single employer or a group of employers who are affiliated by stock ownership or common financial interests, certifying:

(a) That the employees of such employer or group of employers have been and are receiving the benefits of medical, surgical, dental, hospital and other service, defined herein as professional service practice and auxiliary insurance service.

(b) That such service is being received from the hospital departments of railroad, industrial, or other private corporations which have heretofore furnished and at the time or the enactment of this act are furnishing to the employees of the said employer or group of employers the same or equivalent services or treatment as would be required by this act.

(c) That such service is being rendered for no less than the same compensation, dues or payments by whomsoever paid, as would be required with respect to like groups of such employees if the contributions were paid into the health service insurance fund.

SEC. 20. "Member" means any person entitled to participate in or receive the use of benefits, services, facilities, or activities of a licensed health service insurance association.

SEC. 21. "Patient" means any person who needs or receives the professional services of a physician or dentist.

SEC. 22. "Wage" means every form of compensation paid by an employer to an employee as consideration for labor or services, and includes salaries, commissions, bonuses, and the reasonable money value of gifts, board, rent, housing, lodging, or other forms of consideration furnished by an employer.

SEC. 23. "Resident" means every natural person who has been physically within this State at least forty-eight weeks of the year next preceeding the time when he is entitled to receive any benefit; but temporary absences from this State shall not affect a person's status as such resident if such person has been living in this State at least five years.

SEC. 24. "Dependent" means a dependent spouse or a dependent minor child.

SEC. 30. This act shall be administered by the Health Service Insurance Commission, which is hereby created.

SEC. 31. The commission shall be composed of five members, all of whom shall have been residents of California for at least a total of ten years, two of whom

shall be physicians who have held the degree of doctor of medicine for not less than ten years.

SEC. 32. All commissioners shall be appointed by the Governor, with the consent of the Senate. The first commissioners shall be appointed within thirty days after the effective date of this act.

SEC. 33. The terms of the first commissioners shall expire: Two on February 28, 1937, and three on February 28, 1939. Upon the expiration of these terms, the term for each commissioner shall be four years. In the event of a vacancy in any term the Governor shall appoint a commissioner for the unexpired portion thereof.

SEC. 34. If there is a quorum, no vacancy shall impair the commission's powers. Three commissioners shall constitute a quorum.

SEC. 35. No commissioner shall hold any position of trust or profit or engage in any business, occupation, or profession the duties or functions of which are inconsistent with or interfere with his duties as such commissioner.

SEC. 37. Each commissioner shall execute an official bond in the sum of twenty-five thousand dollars (\$25,000).

SEC. 38. Each commissioner shall receive an annual salary of \$8,000 and his actual and necessary traveling expenses.

SEC. 39. Commissioners shall be liable to impeachment for any misdemeanor in office and shall be tried therefor in the manner prescribed in and subject to the provisions of Article IV, sections 17 and 18, of the Constitution.

SEC. 40. The Attorney General of the State of California shall be the attorney for the commission and he may assign from his staff such assistants or deputies as may be necessary.

SEC. 41. The commission shall appoint a chief medical officer and fix his compensation. He shall be a physician, shall hold the degree of doctor of medicine and shall have been engaged in the practice of medicine or in medical administration for at least ten years during the period of twelve years immediately preceding his appointment, not less than three years of which shall have been in the State of California. Upon making public the reason therefor the commission may remove the chief medical officer from such office. During the time he holds office the chief medical officer shall:

(a) Hold no other position of trust or profit, but shall devote his entire time to the performance of his official duties; and

(b) Be the chief administrative officer under this act with respect to all benefits conferred by this act and have all the duties, powers, and authority which may be delegated to him by the commission to carry out the purposes of this act.

SEC. 42. Subject to civil service laws, the commission may from time to time appoint a general finance officer and such assistants and other employees as may be necessary for the general financial administration of this act and may fix the method and amount of their compensation and assign their duties and require from them security for the faithful performance thereof.

SEC. 43. Subject to civil service laws, the commission may from time to time appoint or employ such assistants and other employees as may be required for the administration of this act and may assign their duties and fix the method and amount of their compensation and require of them security for the faithful performance of their duties.

SEC. 44. The commission may engage the services of and accept the reports and advice of experts concerning technical, scientific, medico-legal, actuarial, and other matters pertaining to the administration of this act.

SEC. 45. The commission shall designate a member to act as chairman. The chairman may from time to time divide the commission into subcommissions of one or more members, for the purpose of conducting any investigation, inquiry, hearing or review which may come under the jurisdiction of the commission, assign the members of the commission thereto, and, in case of a subcommission of more than one member, designate the chief thereof. A subcommission shall hear and make a determination upon any proceeding instituted by or before the commission assigned to such subcommission by the chairman, and shall make its report to the commission. Subcommissions consisting of professional members only, to be known as professional subcommissions, shall be assigned to conduct, hear and determine all investigations, inquiries, hearings or reviews relating to professional matters including matters relating to standards, service and compensation. The report of a subcommission shall become the final determination of the commission within thirty days after said report is filed with the commission by the subcommission unless, within such period, the chairman, or any member of the commission, has directed that such report shall be reviewed by the commission as a whole; provided, that no subcommission shall be assigned, without the unanimous assent of its members, to conduct any such investigation, inquiry, hearing or review, and provided that if such assent is not given, the commission shall sit en banc.

SEC. 50. There is hereby created a Health Insurance Advisory Council, herein after referred to as the "council" consisting of ten members, who shall be appointed by, and serve at the pleasure of, the commission.

SEC. 51. The membership of the council shall include at least two representatives from the California Medical Association, and representatives of the dental and nursing professions, and of hospitals, employers, employees, and agriculturists. Every such representative shall be actively engaged in the business, profession, or pursuit of which he is a representative.

SEC. 52. The council shall consider and shall advise the commission on such matters connected with the financial and medical administration of this act as may be submitted to it by the commission. Upon its own motion it may also submit to the commission such changes in the financial and medical administration of this act as it deems necessary. When directed by the commission to make an investigation in connection with the administration of this act, the council shall have the powers of the head of a department as such powers are specified in section 353 of the Political Code.

SEC. 53. The members of the council shall be paid their actual and necessary traveling and other necessary expenses incurred in connection with any activity under the provisions of this act.

SEC. 54. Five councilors shall constitute a quorum.

SEC. 60. (a) The commission shall procure and have offices in the city of Sacramento and in such other places as it may require in its discretion.

SEC. 61. The commission shall have full power and authority unconditionally to administer and enforce the provisions of this act, to make, amend, modify, repeal, and enforce rules and regulations consistent with the provisions of this act for its administration and enforcement, to perform all acts and exercise all powers, whether herein specifically designated, or in addition thereto, which are necessary or convenient to accomplish the purposes of this act, and to delegate to others such powers as may be necessary in administering this act.

SEC. 62. The commission shall promptly promulgate all rules and regulations adopted by it pursuant to this act and all amendments thereto and promulgates or repeals thereof. For the purposes of this section a rule or a regulation shall be deemed to be in full force and effect from the time of its promulgation to the time of

(1) promulgation of an amendment thereto, or

(2) promulgation of a modification or repeal thereto, or

(3) a judicial declaration by a court of competent jurisdiction to the effect that said rule or regulation was in excess of the authority of the commission, whichever is earlier.

An amendment or modification of a rule or regulation is a rule or regulation for the purposes of this section. No act not otherwise unlawful done by any person in good faith under the apparent authority of any rule or regulation adopted by the commission, while such rule or regulation is in effect, shall give rise to any liability, either civil or criminal, on the part of any person so acting.

SEC. 63. The commission shall have power to regulate and control professional service practice and auxiliary insurance service, to investigate, regulate and control the operations and affairs of all professional service practitioners, auxiliary service associations and health service insurance associations and to prescribe and enforce rates or fees to be charged or paid for all services to be furnished under this act. In prescribing such fees, rates, or charges, the commission shall have regard for the necessity of furnishing proper and adequate benefits to beneficiaries and for providing adequate, but not excessive, compensation therefor to professional service practitioners and auxiliary service associations. The commission may, to accomplish the purposes hereof, prescribe, maintain and enforce reasonable rules and regulations.

SEC. 64. The commission shall have the further power to investigate, regulate and control the operations and affairs of all persons, firms and corporations, including public corporations, offering to furnish or furnishing any service of a kind defined in this act as a benefit, or any other medical, dental, or hospital service, under any form of organization, including, but not restricted to, the forms of organization defined herein as an auxiliary service association or health service insurance association, without regard to the amount of compensation paid to any employee or to the amount of the net income of any person entitled to receive any such benefit thereunder.

SEC. 65. The commission may cooperate with public health officers and agents, both public and private, in the improvement of public health and sanitation and in the promotion of public education on all matters pertaining to health.

SEC. 66. The commission may accept and take and hold in public trust, either by purchase or by donation or gift, testamentary or otherwise, or in any other manner, without restrictions, all real and personal property for the benefit of this health service insurance system. The commission shall be vested with the legal title, as trustee for the public, and with the management and disposition of all of the property acquired by it pursuant to this section.

SEC. 67. The commission shall have power to institute and prosecute actions and proceedings involving any provision of this act or the administration thereof; and the commission may defend any action or proceeding brought against it for any cause whatever.

SEC. 68. The commission shall have the powers of the head of a department as such powers are specified in section 353 of the Political Code.

SEC. 70. In the administration of this act, the commission may hold and conduct hearings on any disputed matter arising under the provisions of this act.

SEC. 71. Claims shall be filed at such place, in such form, within such time and in such manner as the commission shall prescribe. The commission shall have power to determine all controverted claims and all other controversies arising under this act, and shall adopt such reasonable rules and regulations as may be necessary to establish a uniform system thereof throughout the State, and may designate referees to hear and determine, in the first instance, any such controverted claim or other controversy.

SEC. 72. Any person adversely affected by a decision of a referee may, within fourteen days after written notice of such decision, request a rehearing by the referee who made the decision. Thereupon such referee shall conduct such rehearing upon the matter after giving reasonable written notice thereof to all persons affected thereby who appeared at such prior hearing. Such referee shall render a decision on his rehearing within such uniform time as the commission may prescribe and shall give notice thereof to all persons interested who have appeared thereon.

All notices required to be given by this act or by any rule or regulation of the commission shall be in writing and may be served personally, or deposited in the United States registered mail addressed to the party to be notified at his last known address.

SEC. 73. Any person adversely affected by a decision upon a rehearing, may within fourteen days after written notice of such decision, request the commission to review such decision by filing notice to that effect with the referee who conducted such rehearing, and by filing a copy of such notice in an office of the commission. Thereupon the commission or any sub-commission thereof shall conduct a hearing upon the matter after giving reasonable written notice thereof to all persons affected by the decision to be reviewed who have appeared at either or both of such hearing and rehearing. The commission or any division thereof shall render a decision within thirty days after its hearing is completed, and shall give written notice of its decision to all persons affected thereby who appeared thereon and to all persons who appeared at either or both of such prior hearing and rehearing.

SEC. 74. Any party aggrieved by such action of the commission may make a written demand for a certified transcript of all the papers on file in the commission's office affecting or relating to such action and all the evidence taken on the hearing. Such party shall pay such reasonable fee as the commission may prescribe for every folio of the transcript and one dollar for certification thereof. Thereupon, the commission shall, within thirty days, make and certify such transcript.

SEC. 75. Any party affected by a decision of the commission may apply to any court of competent jurisdiction for a writ of review for the purpose of having the lawfulness of the original order, rule, regulation or decision on rehearing inquired into and determined. Such review shall not be extended further than to determine whether or not:

1. The commission acted without or in excess of its powers;
2. The order or decision was procured by fraud;
3. The order, decision, rule or regulation was unreasonable;
4. If findings of fact were made, such findings of fact support the order or decision under review.

The findings of the commission on questions of fact shall be conclusive and final and shall not be subject to review. The commission and each party to the proceeding before the commission shall have the right to appear in the review proceeding.

The provisions of the Code of Civil Procedure of this State relating to writs of review shall, so far as applicable and not in conflict with this act, apply to proceedings in the courts under the provisions of this section.

Such writ of review shall be issued if, but only if, applied for within the sixty days next succeeding any one of the following occurrences:

- (a) Notice of a denial by the commission of an application for an original hearing;
- (b) Notice of a denial by the commission of an application for a review by the commission of a decision made by a referee upon a rehearing;
- (c) Notice of a decision by the commission on any matter heard by the commission either originally or upon a review after a hearing or a rehearing by a referee.

Deposit in the United States registered mail, addressed to the last address of the applicant made known by him to the commission, shall constitute communication of notice within the intent of this section.

SEC. 76. The following decisions are final and not subject to review:

- (a) The determination of a referee unless proceedings for rehearing or review thereof are taken as herein provided.
- (b) The action of the commission in denying or revoking a privilege or a license or making a decision on a claim, complaint or controversy unless application for review thereof is made to a court of competent jurisdiction within the time specified in this act.

SEC. 77. The commission and its delegated representatives shall, in administering any provision of this act or conducting any hearing or investigation hereunder, have power to administer oaths and examine under oath any person, or witness, certify to all official acts, take depositions and issue subpoenas for the attendance of witnesses and the production of books, accounts, documents, records or other papers.

Sec. 78. In any hearing in any part of the State, the process of the commission shall extend to all parts of the State and may be served by any person capable of serving civil process, such person to receive such compensation as may be allowed by the commission but not to exceed the fees allowed by law for similar service.

Sec. 79. Each witness who shall appear in response to a subpoena shall receive for his attendance the fees and mileage allowed by law to a witness in a civil action.

Sec. 80. In case of the refusal of any witness to attend or testify or produce any papers as required by such subpoena, the commission may petition the superior court, in and for the county in which the particular matter is pending, for its order requiring the obedience of the witness to the subpoena. The court shall order the witness to appear at the time and place designated in such order, which time shall be not more than ten days from the date of the order then and there to show cause why he has not obeyed the subpoena, a copy of which order shall be served upon such witness. If it shall appear to the court that such subpoena was regularly issued under this act, the court shall order such witness to obey such subpoena at a time and place to be designated in such order.

Sec. 81. Depositions of witnesses within or without the State may be taken in the manner prescribed by law for like depositions in civil actions in the superior court.

Sec. 82. Any party to a hearing under this act shall have the right to reasonable notice thereof and of a written copy of all charges or other matters of concern to such party which will be presented at such hearing.

Sec. 83. Any party to a hearing under the provisions of this act shall have the right to the attendance of witnesses in his behalf at such hearing or upon deposition upon making request that designated persons be subpoenaed. But the commission may require that any party who requests the issuance of a subpoena for any attending witness shall pay the mileage and witness fees of such witness if it shall be made satisfactorily evident, and the commission finds, that the said party had no reasonable ground for believing that the said witness could give competent, material or relevant evidence substantially tending to establish such party's claim or answer.

Sec. 84. No exceptions need be entered to any ruling made in any hearing under this act.

Sec. 85. Evidence shall be governed by the rules of the commission and shall not be subject to common law or statutory rules of evidence and procedure, but such competent, relevant and material evidence is admissible as will serve to obtain and preserve the substantial rights of the parties.

Sec. 86. The commission shall have power to require a bond in a reasonable amount of any claimant making application for a rehearing before a referee or review before the commission, and may assess costs, including attorney's fees against a claimant whose claim is disallowed upon such reconsideration or review, but those powers shall be exercised only in those instances in which the claim is made on trivial grounds, or in which there is satisfactory evidence and the commission finds an intent on the part of the claimant to harass the commission in the discharge of its duties or maliciously to harass an opposing party in interest.

Sec. 87. Attorneys appearing for or on behalf of any beneficiary under the provisions of this act shall receive only such compensation therefor from said party as may be fixed, both as to amount and manner of payment, by the rules of the commission. The charging or receipt of any other amount of compensation by such attorney is unlawful.

Sec. 88. It shall be a misdemeanor to solicit, by agent or otherwise, for the purpose of appearing for or on behalf of any party in any matter instituted by or before the commission or its referees.

Sec. 100. The commission shall prescribe, maintain and enforce reasonable rules and regulations for professional service practice and the obtaining thereof by individuals and health service insurance associations, including, but not restricted to, the ratio of the number of physicians or dentists to the number of members.

Sec. 101. No professional service practitioner shall render any professional services under this act other than personally; and nothing in this act shall be construed to authorize payment of compensation to any physician or dentist for professional services rendered under this act not rendered by him personally; provided, however, that the commission may in its discretion recognize not more than two bona fide professional assistants of any physician or dentist rendering such services under this act, when it is established to the satisfaction of the commission that these assistants are not supplanting the personal services of such physician or dentist.

Sec. 102. The rendering of services under this act is a privilege and any physician or dentist and any regularly established hospital, or laboratory, or any other person or agency able and desiring to render services necessary for the proper furnishing of benefits, shall be entitled to render services in accordance with the provisions of this act; provided, however, that the commission, after notice and a full opportunity to be heard pursuant to the provisions of this act may, upon determining that good and sufficient cause exists, revoke such privilege. The following shall be deemed to be good and sufficient cause for revocation of the privilege of rendering services under this act: fraud, deceit, intent to defraud, gross neglect, habitual intemperance, habitual use of narcotic drugs, rebate of fees or charges that will result in the actual rendering of services at rates below those for fees or charges that may be

established by the commission, solicitation of patients, or any violation of the Medical Practice Act or Dental Practice Act of this State; provided, that none of the aforementioned causes shall justify the revocation of such privilege unless done or committed while the physician, dentist, hospital, laboratory or other person or agency was rendering services under the provisions of this act.

SEC. 103. In addition to its own action against a physician or dentist for any of the causes specified as sufficient for the revocation of the privilege of rendering services under this act, the commission shall file a complaint with the State Board of Medical Examiners or the State Board of Dental Examiners, as the case may be, against any physician or dentist found by the commission to be guilty of any of the acts specified in the State Medical Practice Act or State Dental Practice Act as cause for revocation of license.

SEC. 110. Any professional service practitioner proposing to furnish or furnishing any service of a kind defined in this act as a professional benefit to the members of any health service insurance association shall first obtain a license from the commission so to do.

SEC. 111. Any person, firm, or corporation proposing to furnish, or furnishing, any service of a kind defined in this act as an auxiliary benefit to members of any health service insurance association shall first obtain a license from the commission to operate as an auxiliary service association.

SEC. 112. Any group of persons proposing to operate, or operating, in a manner or for a purpose defined in this act as a health service insurance association shall first obtain a license from the commission so to do.

SEC. 113. Any person, firm, association, or corporation which, on the effective date of this act, is furnishing to or obtaining for any person or group of persons any service of a kind defined in this act as a professional or auxiliary benefit is a health service insurance association when the costs of such service or services and the administration thereof are defrayed from funds derived by any one or more of the following means or from any one or more of the following sources:

(a) The issuance of memberships, certificates, contracts, or other evidences of rights or privileges to participate in or use the benefits, services, facilities or activities of the group or association or of any subsidiary, associated, or affiliated firm, group, association, or corporation.

(b) Donations or contributions from any source for the purpose of obtaining the benefits of professional service practice or auxiliary insurance service.

(c) Appropriations from any fund, except the health service insurance fund, of this State or any political subdivision or instrumentality of this State.

(d) Any other form of common or pooled moneys, property, credit, or other resources to be used to obtain or furnish any benefit, as defined by this act, for or to a person or group of persons.

SEC. 114. Any person, firm, association or corporation required by this act to obtain a license must make written application therefor to the commission, which application shall be verified by or on behalf of the applicant in the same manner as pleadings are verified in civil actions, and then filed in the office of the commission.

SEC. 115. In such form and in addition to such other information as the commission may require, such application with respect to a professional service practitioner shall specify:

(a) The rate of compensation to be received in return for services;

(b) References to the character, reputation for personal integrity and standing of the applicant;

(c) Information with respect to the means by which applicant intends to assure the fulfillment of any contract that applicant may undertake to furnish the benefits of professional service practice.

SEC. 116. In such form and in addition to such other information as the commission may require, such application with respect to auxiliary service associations shall specify:

(a) A description of the types and kinds of service to be furnished to those persons entitled to participate in the benefits or activities of such association;

(b) A description of the physical facilities to be used in rendering or furnishing such service;

(c) The names and office and residence addresses of the persons who will conduct the business of the association and a succinct statement of their experience and training;

(d) A statement of the fees, dues, rates or other charges imposed upon members of such association.

SEC. 117. In such form and in addition to such other information as the commission may require, such application with respect to health service insurance associations shall specify:

(a) A description of the types of service to be received by those persons entitled to participate in the benefits or activities of such association.

(b) A description of the physical facilities to be used in rendering such service.

(c) The names and office and residence addresses of the professional service practitioner or practitioners who will furnish the benefits of professional service practice to the members of such association and the method of compensation by which

they propose to be paid therefor; and the means and agencies by which the applicant intends to furnish to its members the benefits of auxiliary insurance service.

(d) The names and office and residence addresses of the persons who will conduct the business of the association, and a succinct statement of their experience and training.

(e) A statement of the fees, dues, rates, or other charges imposed upon members of such association and of the fees, rates or other considerations to be paid for services rendered to the members.

SEC. 118. Upon the filing of an application for any of the licenses hereinabove required, the commission shall examine it and any other papers and documents filed therewith. The commission may also require, at the actual expense of the applicant, incurred and borne by the applicant, a detailed examination, audit and investigation of the applicant and its affairs.

SEC. 119. Before issuing a license to an applicant for any of the licenses hereinabove required, the commission must find that at least the following conditions exist:

(a) That the proposed plan of applicant's operations and activities is fair, just, and equitable.

(b) That applicant is not engaged in, and does not propose to engage in, solicitation, directly or through agents, of members, subscribers or beneficiaries.

(c) If the application is for either a license to operate an auxiliary service association or a health service insurance association, that the memberships, certificates, contracts, or other evidences of rights or privileges for participation in or use of the benefits, services, facilities, or activities of the association, which the applicant proposes to issue, and the method whereby the same are proposed to be issued, conform to the rules and regulations of the commission in regard thereto, promulgated pursuant to the provisions of this act, and are not such as will work a fraud or injustice upon any member, intended beneficiary, or other person.

(d) If the application is for a license to operate a health service insurance association, that applicant is able to provide adequate benefits of professional service practice or auxiliary insurance service, or both, as the case may be, and properly to care for its members according to the standards of service prescribed by the commission.

(e) If the application is for a license to operate a health service insurance association, that applicant has made, and/or proposes to make, all investments of funds derived from members in compliance with the provisions of section 574 of the Civil Code, as therein prescribed for investments by savings and loan corporations.

SEC. 120. When the commission has determined that an applicant for any of the licenses hereinabove required is otherwise entitled to a license, it shall require the applicant to file with it a bond conditioned both: (1) Upon the compliance by applicant with the provisions of this act and with the rules and regulations of the commission; and (2) upon the protection of those with whom applicant may have any dealing against fraud or damage by reason of the applicant's activities. The penal sum of such bond shall be such sum as the commission may find to be reasonable but not to exceed twenty five thousand dollars (\$25,000), and shall be executed by a corporation authorized to become a surety upon bonds or undertakings required or authorized by the laws of this State.

In any action against the applicant covered by the conditions of said bond, the surety thereon may be joined with the applicant, in which case the surety, to the amount of the bond, will be jointly and severally liable with applicant for the payment of any judgment rendered against applicant in such action.

SEC. 121. Before granting any license to any applicant, the commission shall require the applicant to pay to the commission a minimum original fee of:

(a) Five dollars, for a professional service practitioner's license.

(b) Twenty dollars, for an auxiliary service association's license.

(c) Fifty dollars, for a health service insurance association's license.

In addition to such minimum original fees, the commission may charge and collect such fees as may be necessary to defray the necessary expenses incident to superintendence, control, and regulation of each of said classes of such licenses respectively.

SEC. 122. When the commission has approved the bond which has been filed by the applicant and when the applicant has paid the prescribed fee therefor, the commission shall issue to the applicant a license. Such license shall remain in force and effect unless suspended or revoked until the thirtieth day of June next following; and thereafter the licensee must renew its license annually subject to the same conditions as applied to its original license, each renewal to expire on the succeeding thirtieth day of June. The commission before renewing a license shall require the licensee to pay the commission a renewal fee. The amount of such renewal fee shall be fixed in the same manner and subject to the same requirements as are herein prescribed for original fees.

SEC. 123. After notice and hearing, the commission may suspend or revoke the license of any licensee for failing to conform to any of the standards prescribed by this act or to any of the rules or regulations of the commission promulgated pursuant to the provisions of this act. Any such hearing shall be subject to all the provisions of this act relating to hearings before the commission and review thereof.

SEC. 124. Every representation by a health service insurance association, with respect to the diagnosis, treatment, or other medical or dental services available to its members, must include a statement containing the name and address of each physician or dentist by whom such diagnosis, treatment or service will be given.

SEC. 130. Benefits shall be available to the extent and under the conditions of this act at a time set by the commission, and not later than December 1, 1936, to an employee and his dependent spouse and minor children. An employee or his dependent spouse or minor child shall not be entitled to benefits under this act unless he or she shall be or become a resident of and physically within this State or unless he or she shall be physically within this State and shall have satisfactorily passed such physical examination as the commission may prescribe, within ten days immediately preceding becoming so entitled. But no constrained inmate of a penal institution or of an institution for the insane and no person committed to an institution for the feeble-minded shall become entitled to receive any benefits provided in this act.

SEC. 131. No benefit shall be paid for by the commission unless:

(a) There shall be paid by or on behalf of the beneficiary to the commission for any one sickness or injury, 50 per cent of the cost of the first professional visit and 25 per cent of the maintenance cost of the first day's hospitalization, collection thereof to be made at such time and in such manner as may be prescribed by the commission.

(b) If an employee, he has had not less than ten days of employment within the three months preceding the day on which benefits are claimed.

(c) He be the dependent of an employee, and such employee has had not less than ten days of employment within the three months preceding the day on which benefits are claimed.

SEC. 132. Primary benefits shall include:

Class one: The services of a physician who is a professional service practitioner and who shall be chosen by the patient, who shall give preventive, diagnostic, or therapeutic treatment and care to the patient at the physician's office, the patient's home, a hospital, or elsewhere as the case, in the opinion of the physician, may warrant.

Class two: The services of laboratories when prescribed by the attending physician.

Class three: The services of a dentist who is a professional service practitioner and who shall be chosen by the patient, for the extraction of teeth, and on the prescription of the attending physician, such other therapeutic dental services as may be authorized by the commission.

Class four: Prenatal and maternity treatment and care at the physician's office, at home, in hospital, or elsewhere as the case, in the opinion of the physician, may warrant.

Class five: Maintenance and care in hospital and nursing care as may be prescribed by the attending physician.

Class six: Infants and children up to fourteen years of age shall receive not only sickness and injury benefits, but health supervision and preventive medical care as the commission may prescribe.

Class seven: Essential drugs and medicines.

SEC. 133. The amounts of primary benefits to be furnished to a patient suffering from any one illness or injury shall be limited as follows:

Class one: Twenty-six weeks.

Class two: On the prescription of the attending physician.

Class three: On the prescription of the attending physician except for the extraction of teeth.

Class four: When necessary, maintenance and care in hospital and nursing care limited as in class five hereunder.

Class five: One hundred and eleven days, of which the first twenty-one days shall be without charge to the patient except for charges expressly imposed by this act, and the remaining ninety days at a charge to such patient equal to fifteen per cent (15%) of the daily maintenance cost of such benefit; provided, however, that any beneficiary over sixty-five years of age shall receive said benefits for not to exceed ninety days in any consecutive one hundred and four weeks, subject to the same provisions for the first twenty-one days and the last sixty-nine days as are above set forth; provided that any beneficiary may at his expense receive these benefits beyond the limits above specified at the same basic maintenance cost paid by the commission.

Class six: For sickness and injury, as above specified; for health supervision and preventive medical care, as the commission may prescribe.

Class seven: On the prescription of the attending physician under uniform rules and regulations to be prescribed by the commission.

The foregoing periods and services may be shortened and reduced by the commission by reasonable, uniform regulations, if the resources of the fund make such action necessary or advisable in its opinion.

SEC. 134. Whenever the commission finds that the revenues of the fund justify provision of benefits in addition to the primary benefits it may from time to time provide for the furnishing of all or a part of the following additional benefits:

(a) Drugs and medicines other than those included in primary benefits and medical and surgical appliances as may be prescribed by the attending physician.

(b) Nursing service outside of the hospital as may be prescribed by the attending physician.

(c) Institutional care for convalescents.

(d) The commission shall designate types of dental restorations or replacements or other dental services to be allowed as additional benefits hereunder. The commission shall, however, permit the beneficiary and his dentist to designate the type of dental restorations or replacements and other dental service or services.

The commission may:

(1) Pay the whole cost of the dental service rendered; or

(2) Such fractional cost thereof as the commission may determine; or

(3) Allow a maximum dental expenditure exclusive of dental extractions for each beneficiary for any given period or periods.

The benefits provided by this section may be referred to as "additional benefits".

SEC. 135. When a person ceases to be an employee, he shall, from the date he ceased to be such employee, nevertheless be considered an employee for an extended period equal to one week for every five weeks during which contributions with respect to such employee have been made; provided that such extended period shall not become greater than one year. In the event of his death during such extended period, his dependents shall be entitled to all benefits to which they would have been entitled had he remained alive for the entire extended period.

SEC. 136. When any employer establishes to the satisfaction of the commission that its employees have been, and, on the effective date of this act, and at the time of such employer's application for the certificate provided for in this section, are receiving the same or equivalent medical, surgical, dental, hospital and other services, provided for other employees by this act, from its existing hospital department and the personnel thereof, as then organized, conducted and operated, the commission shall issue to said employer a certificate of compliance, and the employees of such employer may continue to receive the said benefits from and as furnished and provided by the hospital department of their said employer in lieu of the benefits furnished under the provisions of this act.

Under such conditions said employer and employees shall be considered as complying with this act; and provided, further, that the commission shall have the power, by resolution after a hearing, to determine from time to time whether any such organization, hospital department or corporation and the employees contributing thereto, or the members thereof, are in compliance with this act.

The commission shall, when it issues such certificate of compliance, appropriate the reasonable sum paid to the hospital departments of such employer for the furnishing of the benefits extended by it to its employees, and arrange for the payment of the remainder of the contributions in respect to the said employees to the commission for the furnishing of the benefits of health service insurance to their spouses and dependent minor children under the provisions of this act, provided, further, that if such employer so elects, and meets the standards of the commission, it may be licensed to serve as a health service insurance association to care for the employees and/or their spouses and dependent minor children.

SEC. 137. No similar benefits shall be provided or allowed for any person entitled, for the same physical causes, to medical, dental, hospital, or other treatment or care under any workmen's compensation insurance act or employer's liability act of this State or of the United States of America.

In the event of any doubt as to whether or not any beneficiary would be entitled, for the same physical causes, to a similar benefit from any other source, the benefits provided by this act shall be promptly furnished and the commission shall be reimbursed therefor as provided in this act.

SEC. 138. If any benefit is furnished to any person who, by reason of the same sickness or injury, has a claim for compensation or damages (including costs of or liability for medical care), under any workmen's compensation insurance act or any employer's liability act of this State, or of the United States of America, or otherwise, against his employer or against any other person, firm, or corporation for causing such sickness or injury and for the damages resulting therefrom, the commission shall, to the extent of the disbursement for furnishing such benefit, have a prior right to be reimbursed from any sum or damages which such person is entitled to receive by way of compensation or damages, by suit, settlement, voluntary payment or judgment, and the commission shall, to such extent, be subrogated to such claim. After having received notice that the commission is entitled to reimbursement and is subrogated as provided in this section, the payment of any sum of money or delivery of any thing of value to such person by way of such compensation or damages without first reimbursing the commission for such disbursement shall render the employer or other person, firm, or corporation making such payment or delivery liable to damages, at the suit of the commission, in such sum as may

be necessary to reimburse the commission to the extent of such disbursement.

SEC. 139. If the person furnished such benefit and having such claim for compensation or damages (including costs of or liability for medical care) unreasonably refuses or neglects to commence action or to institute proceedings to enforce and collect such claim, the commission may either:

(a) Recover from the person furnished such benefit such sum as may be necessary to reimburse the commission to the extent of the disbursement for so furnishing the benefit to such person; or

(b) Take such action or institute such proceeding, in the name and on behalf of such person, to recover such claim for compensation or damages (including costs of or liability for medical care) from the one liable to such person therefor, in which case any sum recovered by settlement or judgment as the result of such action or proceeding, after deducting the costs, shall be used first to reimburse the commission to the extent of its disbursement, and any balance thereof remaining shall be paid to such person having such claim.

Nothing in this act shall affect or diminish any physician's, dentist's, nurse's, hospital's, or other agency's claim for the value of services rendered by them, whether or not paid for under this act, in any such action brought to recover such compensation or damages.

SEC. 140. If an employee himself pays for care or treatment when sick or injured because of a dispute over his right to be furnished such care or treatment under this act, he shall be reimbursed therefor by the commission from the fund when it is determined, at a hearing before the commission under its jurisdiction as elsewhere provided in this act, that he should have received such benefit under the provisions of this act.

SEC. 150. The commission shall be authorized to enter into contracts and agreements with persons, firms or corporations to furnish benefits upon the terms and conditions provided in this act. Said agreements shall provide for benefits for such periods of time and contain such other reasonable terms and provisions consistent with this act as the commission shall prescribe.

SEC. 151. The commission shall, by contractual engagements or other undertakings, make all the primary benefits enumerated in this act available to any resident of this State who is neither an employee nor the dependent of an employee within the meaning of this act, subject, however, to all of the following four enumerated conditions:

(a) The net annual income of the resident from all sources together with that of his spouse shall not be in excess of \$3,000.00; and

(b) The resident, or some person or agency as hereinafter described acting on his behalf, shall have paid in advance the premium or premiums prescribed by the commission; and

(c) Within ten days of the time at which he is to become a beneficiary the resident shall either:

(1) Have passed a physical examination prescribed by the commission; or

(2) Have been a beneficiary under the provisions of this act relating to employees and their dependents; or

(3) Have been born in the State of California to parents at least one of whom since the birth of said child has continued to be a beneficiary.

(d) The person is not a constrained inmate of any penal institution or of any institution for the insane and is not one committed to an institution for the feeble-minded.

SEC. 152. Subject to all of the conditions enumerated in this act, the following persons and entities may contract for health service insurance with the commission:

(a) A resident on his behalf, and on behalf of his dependents;

(b) The United States of America or any department, bureau or commission thereof or any foreign State upon behalf of any or all of its officers, employees and agents and their dependents who are residents of this State;

(c) Any political subdivision of this State and any instrumentality of this State on behalf of any of its residents, the care of whose health is imposed upon it by law;

(d) Any competent person on behalf of any person who is made eligible to the benefits of this act subject to the provisions of this act relating to conditions precedent to eligibility for the right to contract for benefits.

The commission shall also undertake under equitable conditions and for an equitable contribution from any lawful source or fund to make the benefits of this act available to any class of residents on whose behalf the State of California assumes the burden of providing the benefits enumerated in this act.

SEC. 153. The commission shall be competent to enter into contractual engagements and other undertakings concerning health service insurance on behalf of the State of California, and any such contract or undertaking shall specify among other things:

(a) The length of time during which such engagements and undertakings shall subsist;

(b) The manner and time of paying premiums and other contributions under such engagements and undertakings;

(c) The amounts of premiums and other contributions to be paid under such engagements and undertakings;

(d) The manner and conditions of novation of such engagements and undertakings; and

(e) Such other conditions as may be reasonably necessary for the equitable administration of such engagements and undertakings.

SEC. 154. In order equitably to distribute the costs of benefits among those who contribute to the fund, whether as employees or otherwise, the commission may from time to time establish and alter systems of premium rates giving effect to differences of costs as between those who are required to be beneficiaries and those who become beneficiaries by contract or other undertakings with the commission pursuant to the provisions of this act. In fixing such premium rates, established actuarial principles shall be followed, in determining differences in costs between those required to be beneficiaries and those who become beneficiaries by contract with the commission or by other undertakings, arising because of the following:

(a) Costs of making the physical examinations authorized by or provided in this act;

(b) Costs of administration;

(c) Average morbidity rates;

(d) Average number of dependents; and

(e) Such other differences as are necessary to uniform and equitable distribution of the costs of benefits.

In giving effect to the foregoing subsections of this section, all premiums shall be directly proportional to the average annual net income of the beneficiary and his spouse, provided that the minimum premium shall not be less than the premium determined with respect to an average net income of \$1,000 a year. Premiums determined under this section shall not depend, in the instance of any particular family, upon the number of persons in a family composed of parents and dependent minor children.

When no general State tax on the annual net income of natural persons is in effect, the annual net income, for the purposes of this act, of a person and his spouse shall be determined with respect to the next preceding completed calendar year and shall be deemed to be the sum of the following enumerated items:

(a) Their total wage earnings, fees, and other emoluments for personal services received during the said calendar year, whether as employees or otherwise; plus

(b) An amount determined as follows:

(1) Their withdrawals in money or the equivalent from asset funds devoted previously to the said withdrawals, to their principal trade, business, or other gainful occupation; minus

(2) Their investments during the year in money, or the equivalent in their principal trade, business, or other gainful occupation, of any funds not devoted previously to the said principal trade, business, or other gainful occupation; and

(c) Plus an amount equal to seven per cent of all their real and personal property not primarily used or held for use either in their principal trade, business, or other gainful occupation or primarily used or held for use in their domestic establishment or for both such classes of use, valued at their reasonable market value as of December 31 of the said calendar year; provided that all claims in action shall be deemed to be property coming within the meaning of this subsection and subject to its provisions.

When the annual net income of natural persons is made the basis of any general State tax, the annual net income of a person and his spouse shall for the purposes of this act, be determined with respect to the next preceding completed taxable year and shall be deemed to be the sum of the following enumerated items:

(a) Their net taxable income under the said income tax act; plus

(b) Their income from all sources, realized in money, that is either:

(1) Not taxable by the State; or

(2) Taxable by the State but not taxed under the said income tax act.

In no event shall the income of a person and his spouse, if neither is an employee, be deemed, for the purpose of determining any premium for voluntary health service insurance, to be less than one thousand dollars (\$1,000) a year.

The commission shall have power to prescribe the forms requiring the disclosure of all facts material for determining net income, and the manner of reporting thereon, for all determinations of net incomes of persons for the purposes of this act and shall have power to withhold and shall withhold all benefits under this act from all persons who shall fail to present, under oath within a reasonable time after demand by the commission, signed statements in writing on the prescribed forms showing that their incomes entitle them to receive the benefits of this act; provided that during such time of withholding of benefits from any such person and his dependents, or any of them, the sums payable by employers with respect to employees under this act, or with respect to any person procuring voluntary health service insurance under this act, shall continue to be payable, but the commission shall hold all sums paid during such time in trust for the person paying said sums pending the establishment of the income status of the person from whom or from whose dependents benefits are being withheld.

The commission, for the purpose of ascertaining the correctness of any verified statement or for the purpose of making an estimate of the net income of any person, shall have power to examine or cause to be examined by any agent or representative designated by it for that purpose, any books, records or memoranda, bearing upon the matters required to be included in the verified statement.

SEC. 153. The commission shall by contractual engagements and other undertakings make available to employees and to other voluntary subscribers thereto any one or more of the additional benefits provided for by this act under the conditions set forth in this act with respect to primary benefits. The commission shall be competent to enter into such undertaking on behalf of the State of California in accordance with the conditions enumerated in this act with respect to contractual agreements and other undertakings relating to primary benefits.

In order equitably to distribute the cost of additional benefits to be made available to those voluntarily subscribing thereto, either on behalf of themselves, or on behalf of themselves and their dependents or on behalf of others, the commission may from time to time establish and alter systems of premium rates giving effect, in accordance with established actuarial principles, to the following variable characteristics:

- (a) Costs of physical examinations;
- (b) Differences of average morbidity rates as among the several items for which additional benefits may be authorized;
- (c) Differences in costs of the several benefit items which may be authorized; and
- (d) Differences in average number of persons per family as between those eligible for primary benefits and those subscribing for additional benefits.

But the premium rates determined for particular benefits or for particular combinations of benefits shall not depend upon the number of persons in a family consisting of parents and dependent minor children. The system of premium rates provided for in this section shall be such that the total cost of additional benefits subscribed to shall be borne by those who pay such premiums.

SEC. 156. The commission shall from time to time make rules for the reduction, postponement, suspension, or termination of the right of a resident and his dependents to receive any or all benefits hereunder because of nonpayment of premiums, for the methods by which unpaid premiums may be paid, and for the reinstatement of the right to receive all or a portion of such benefits by payment of past and present unpaid premiums.

SEC. 157. During the period of a resident's illness entitling him to benefits hereunder, payment by him of premiums for himself and his dependents may be suspended, premiums accruing during such period to be later paid as may reasonably be prescribed by the commission.

SEC. 158. If she engages in no gainful occupation during such period, a woman entitled to benefits paying premiums hereunder shall not be required to pay any premium with respect to the period beginning six weeks before childbirth and ending six weeks thereafter.

SEC. 170. There is hereby created the health service insurance fund which shall be administered by the commission.

SEC. 171. The liability of the State of California under any provision of this act is limited to the resources of the fund and the State shall not be liable under any condition or in any circumstance for any amount which cannot be recovered from or paid out of the fund.

SEC. 172. All moneys received by the commission shall be paid over to the State Controller and by him deposited in the State treasury of this State and credited to the "Health service insurance fund" hereinabove created and to the particular account specified by the commission.

Compensation for all benefits, all expenses of administration and all other charges which accrue by reason of the provisions of this act shall be paid from the fund.

The Controller shall issue no warrants upon the Treasurer for any disbursement, other than in the making of investments of surplus funds and of reserve funds, except upon the order of the commission. The commission shall allocate the fund to the respective fund accounts against which all warrants are to be drawn and shall indicate on each order upon the Controller the account against which the warrant is to be drawn.

SEC. 173. The State Treasurer shall be custodian of the fund and shall make disbursements therefrom only in the manner provided by law. He shall execute an additional official bond in the penal sum of \$50,000 conditioned upon the faithful performance of his duties under this act. He shall deposit such portion of the fund as is not required for immediate use in the manner authorized by law for other State funds in his custody. All interest earned thereby shall accrue to the fund and shall be credited to the several fund accounts in proportion to their average daily balances.

SEC. 174. In the manner provided by law any surplus or reserve in the fund may be invested in securities which are legal investments for the moneys of the State of California. Said securities may be converted into money. All such surplus or reserves shall remain in the custody of the State Treasurer regardless of whether they be in the form of cash or securities.

SEC. 175. All receipts and disbursements under the voluntary provisions of this act shall be accounted for separately from the receipts and disbursements under the mandatory provisions of this act. All costs of administration referable to the voluntary provisions of this act shall be charged to the expense accounts of voluntary health service insurance and all costs of administration referable to the mandatory provisions of this act shall be charged to the expense accounts of mandatory health service insurance.

All receipts and disbursements occurring by reason of additional benefits under this act shall be accounted for separately from receipts and disbursements occurring by reason of primary benefits under this act. All administrative costs referable to the administration of additional benefits shall be charged to the expense accounts of additional benefits.

All administrative expenses not directly attributable to or referable to any particular class of health service insurance shall be distributed, in proportion to their average daily balances, among the following classes of accounts:

- (a) Expense accounts for mandatory health service insurance of primary benefits;
- (b) Expense accounts for voluntary health service insurance of primary benefits;
- (c) Expense accounts for additional benefits.

SEC. 176. From and after ninety days after the effective date of this act, every employer other than the State, and other than an employer to whom a certificate of compliance has been issued and is in effect, shall pay to the commission an amount equal to five per cent of the wages paid to his employees, other than casual employees, during any calendar month, provided that, from the amount thus made payable, any employer may deduct an amount equal to one-half of one per cent of the wages paid to those of his employees who are entitled to benefits under this act and any workmen's compensation or employer's liability act.

Said amounts, so adjusted by such deductions, shall be paid to the commission not later than the fifteenth day of the calendar month next following the month in which said wages were paid.

It shall be unlawful for any employer subject to this section to deduct from the wage of any employee, with respect to whom any amount is payable under this section, a sum greater than three and one-half per cent of the wage of such employee.

SEC. 177. From and after ninety days after the effective date of this act every employer, other than the State and other than one to whom a certificate of compliance has been issued and is in effect, shall pay to the commission with respect to each of his casual employees an amount equal to twelve cents per calendar day from and including the day on which the employment is begun to and including the day on which the employment is concluded. Such amounts shall be paid to the commission not later than the fifteenth day of the month next following the month in which the employer pays the wage of such casual employee.

If a casual employee concludes a casual employment and, on the same day, begins one or more other casual employments, only one payment to the commission with respect to that day shall be made; and such payment shall be made by the employer for whom the said employee first worked on that day. The commission may direct that at the conclusion of each casual employment the employer shall give to each casual employee a signed statement in writing on the form prescribed by it, showing the beginning date and the closing date of the employment.

SEC. 178. From and after ninety days after the effective date of this act, every employee of the State, other than a casual employee, whose wage is paid from funds directly controlled by the State shall pay to the commission such sum as will equal three and one-half per cent of his wage. The head of each State office or department shall apply such rate of payment to such employee's wage and shall certify to the State Controller on each and every pay roll the amount to be paid and shall furnish immediately to the commission a copy of each and every such pay roll; and each such amount shall be deducted by the head of each office or department and shall be remitted to the commission, and record thereof shall be made by the commission. Payment of salaries or wages less such payment shall be full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by employees during the period covered by such payment, except their claims to the benefits to which they may be entitled under the provisions of this act.

The provisions of this section shall apply to all casual employees of the State and payments for them to the commission except that, in lieu of three and one-half per cent of the wage, such casual employees shall pay twelve cents for each calendar day of employment from and including the day of beginning of the casual employment to and including the day of concluding such casual employment.

SEC. 179. From and after ninety days after the effective date of this act, there shall be paid into the health service insurance fund by the State from the general fund and from every other fund out of which wages are paid to employees, the following:

One and one-half per cent of all wages paid to employees other than casual employees; provided, that, from the amount thus made payable, there shall be an allowable deduction equal to one-half of one per cent paid to such employees as

are entitled to benefits under this act and any workmen's compensation or employer's liability act.

Sec. 180. All the moneys now or hereafter paid into the health service insurance fund are hereby appropriated, to be expended by the commission in accordance with law for the administration of and to carry out the purposes of this act. Such moneys shall be paid into the fund from the following sources and subject to the following restrictions and conditions:

(a) On the date this act takes effect, there shall be transferred to the fund out of the general fund of the State, as a loan, the sum of one hundred thousand dollars (\$100,000). Thereafter, whenever on the last day of any month there is in the health service insurance fund the sum of six hundred thousand dollars (\$600,000) in excess of the probable disbursements from the fund for the next succeeding month, the commission shall thereupon transfer the one hundred thousand dollars (\$100,000), so borrowed, from the health insurance fund to the general fund.

(b) From and after ninety days after the effective date of this act, there shall be paid monthly out of the general fund into the health service insurance fund a sum equal to one and one-half per cent, less allowable deductions of one-half of one per cent, of the total wages paid to said employees, other than casual employees, subject to this act, whose wages are paid from the general fund. The commission shall certify to the State Controller at the end of each month the total amount of wages paid such employees, and the Controller shall thereupon transfer one and one-half per cent, less allowable deductions of one-half of one per cent, of the amount so certified from the general fund of the State to the health service insurance fund.

(c) From and after ninety days after the effective date of this act, in addition to such payments out of the general fund, there shall be paid monthly into the health service insurance fund out of every other fund in the State treasury from which the wages of employees, other than casual employees, subject to this act, are paid, a sum equal to one and one-half per cent, less allowable deductions of one-half of one per cent, of the total wages paid such employees from such fund. The commission shall certify to the State Controller at the end of each month the total amount of wages paid such employees from each such fund, and the controller shall thereupon transfer one and one-half per cent, less allowable deductions of one-half of one per cent, of the amount so certified from each such fund respectively, to the health service insurance fund.

(d) Such other sources from which moneys are to be paid into the fund pursuant to this act.

Sec. 181. The commission may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate five hundred thousand dollars, said sums so drawn to be used as a revolving fund.

Sec. 182. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the commission or against any officer or agent thereof to prevent or enjoin under this act the collection of any payment sought to be collected; but after any such payment made under protest, duly verified and setting forth the grounds of objection to the legality of such payment, the person making such payment may bring an action against the commission in a court of competent jurisdiction in the county of Sacramento for the recovery of the payments so paid under protest. No such action may be instituted more than sixty days after the payment becomes due and payable, and failure to bring suit within said sixty days shall constitute waiver of any and all demands against this State on account of alleged overpayment hereunder. No grounds of illegality of the payment shall be considered by the court other than those set forth in the protest filed at the time of such payment.

If, in any such action, judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any payments due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of six per cent per annum upon the amount of payment found to have been illegally collected from the date of such payment to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the Controller.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the commission to recover any payment hereunder, when such action is brought by or in the name of an assignee of the person making such payment, or by any person other than the person who has made such payment.

Sec. 190. Every employer shall make and keep open to examination by the commission, such records of employment of his employees, of wages paid to his employees, of sums paid to the commission by him pursuant to this act, and of such other employment and pay roll data as the commission may reasonably prescribe. Every employer shall make such reports to the commission concerning such records as the commission may prescribe. The records or reports so furnished to the commission and all other records and reports furnished to the commission shall be deemed to be confidential communications within the meaning of the Code of Civil Procedure, section 1881.

Sec. 191. The commission may compile tabulations of the data furnished by employers to the commission from records kept with respect to employees for the use and information of State departments and of the public, but such reports shall in no event be in such form as to enable any person other than those charged with the administration of this act to identify therein any employer or any employee.

SEC. 192. Any patient wilfully failing or refusing to follow the instructions or course of treatment prescribed by the attending physician shall not be entitled to any further benefits for the particular sickness or injury.

SEC. 193. Nothing in this act shall be construed as authorizing any corporation or any person other than the holder of a valid and unrevoked "physician and surgeon certificate" or license to practice dentistry in the State of California, to practice medicine or dentistry, or to furnish the services of physicians or dentists.

SEC. 194. The commission shall make available, under reasonable rules and regulations, provision for medical or dental consultation at the request of the attending physician or dentist; and if in its own judgment such professional consultation is essential to the most effective application of the benefits specified in this act, it shall order such consultation as it deems necessary and may require compliance by the attending physician or dentist with the recommendations resulting therefrom.

SEC. 195. No act, rule, or regulation of the commission shall abridge, modify, curtail, derogate, prohibit, or in any way interfere with the right of a beneficiary to make a free choice of physicians, dentists, or hospitals entitled under this act to render services. Such choice may be restricted in the case of employees of an employer holding a certificate of compliance, but otherwise such selection shall not be restricted by the local area or district in which such beneficiary resides or works, being subject only to the consent of the physician, dentist, or hospital to render the necessary services.

SEC. 196. Such free choice may be subjected to inquiry by the commission if there is reason to believe that the services being rendered by such physician, dentist, or hospital are being improperly or negligently furnished or that such selection was entered into with fraudulent intent on the part of either, or both, the patient and physician, dentist, or hospital.

SEC. 197. Unless the physician, dentist, or hospital is paid directly or indirectly from the funds of a health service insurance association or the health service insurance fund or any other fund into which assessments or contributions are made for the purpose of receiving, wholly or partially, directly or indirectly, the benefits enumerated in this act, nothing in this act shall apply to advice, diagnosis, treatment, or other service by a physician or dentist or to the furnishing of its facilities by a hospital.

SEC. 198. Every bond required by this act shall be approved by a judge of the superior court.

SEC. 199. The operations of professional service practitioners or auxiliary service associations or health service insurance associations are not to be deemed to be or construed as insurance business. No acts, statutes, or rules previously of this State relating to insurance shall be applicable to professional service practitioners, auxiliary service associations or health service insurance associations.

SEC. 200. Every payment, premium, contribution or donation made under the provisions of this act or to carry out the purposes thereof, shall be deductible from the amount of any income tax which may become due by reason of any such tax which is levied in this State.

SEC. 201. It shall be the duty of every member of a partnership, firm, or association and of the president, secretary, and general manager of every corporation to cause such partnership, firm, association, or corporation to comply with all provisions of this act.

SEC. 202. It is a misdemeanor to:

(a) Wilfully make any false statement or representation to obtain any benefit or payment, to obtain payment or compensation for services rendered or materials furnished, or to obtain a reduction in the amount of any contribution, payment or premium.

(b) Wilfully fail to make any payment required to be made by this act.

(c) Refuse to allow the commission, or its authorized representatives, to make any inspection necessary to be made for the proper administration of this act.

(d) Hinder the commission, or its authorized representatives, in the administration of this act.

(e) Violate any provision of this act by action or omission.

SEC. 203. Any person or officer responsible for the violation of this act by any firm, partnership, or corporation is guilty of a misdemeanor.

SEC. 204. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 205. All acts and portions of acts in conflict with this act are hereby repealed.

SEC. 206. If in any proceeding or action arising under this act the intent of the Legislature relevant thereto is not fairly and clearly to be inferred from the text of the act, reference shall be made to those portions of the Report of the Senate Committee on Investigation of the High Cost of Sickness under the captions

"Basis" of legislation on health insurance and "Declaration of public policy" with respect to legislation on health insurance. The said portions of said report are hereby adopted, subject to the conditions expressed in this section, as declaratory of the intent of the Legislature in enacting this act.

SEC. 207. Nothing in this act shall be construed as affecting any workmen's compensation or employers' liability act of this State.

APPENDIX A.

IS HEALTH INSURANCE COMING TO CALIFORNIA?

Address Given by Senator E. H. Tickle at The University of California Western Conference on Government, Thursday, March 28, 1934.*

The vast majority of the people of our State is vitally interested in a correct answer to the question: Is health insurance coming to California? The taxpayers are interested because major economic questions as well as health questions are involved. Indeed, health is the best economic asset of the citizens of the State whether considered from the individual or the collective standpoint. The wastefulness and the high costs of sickness, with the endless train of disastrous economic consequences, are generally recognized. The importance to the State of healthful citizens is obvious because the health of the people is the wealth of the State.

It is a fundamental principle of every State of our Republic that the essence of democracy is that all citizens are entitled to essential services and opportunities of life and a full measure of social justice. This basic principle necessarily includes adequate health protection and care in sickness. When you have once laid down the principle that this State can not permit any of its citizens to suffer involuntarily from sickness which may be cured or alleviated, it follows that necessary ways and means must be found to carry the principle into practical effect.

During the fiftieth session of the California Legislature we were repeatedly called upon for a moratorium for the benefit of this, that, and the other group. State aid has been given to relieve the difficulties of farmers, bankers, insurance companies, building and loan associations, railroads, and other basic industries. The inability of many home owners, under present conditions, to meet interest charges on mortgages was given due consideration by the Legislature.

Why should not the sick who are inarticulate and unorganized receive more consideration? The sick have an imperative call on the State for cure, when possible, and always for the alleviation of suffering. Inadequate care of the sick, because of costs too high for the average family to bear individually, is against the best interest of the State.

To give this vital subject the consideration which it merits, a resolution was adopted by the Senate of the State of California appointing a Senate committee of three members "to investigate and report on a 'Health Insurance Act' for the reduction of the high cost of sickness." Lieutenant Governor Frank F. Merriam, President of the Senate, appointed a committee consisting of Senator Dan E. Williams, Senator Leonard Joseph Difani, and myself.

The committee is empowered to choose its own officers and we have drafted Dr. Celestine J. Sullivan as best qualified by vision, knowledge, and experience to serve as our coordinator-secretary.

The committee is known as Senate Committee on Investigation of the High Cost of Sickness. Let us consider for a moment what, precisely, this Senate committee was created for, as there seems to be a wide divergence of opinion as to our functions. First of all, let me state positively that the Senate committee is not committed to any plan. It is committed by the resolution creating it "to investigate and report on a Health Insurance Act for the reduction of the high cost of sickness and report at the next regular session of the Legislature as to the advisability of a Health Insurance Act, and, if in the opinion of said committee such an act be advisable to accompany its report by the draft of a bill therefor. * * * The object of said act shall be, so far as it may be legal and practicable, to provide for a reduction of the high cost of sickness."

The committee is free to accompany its report with the draft of a bill, if, after full investigation, it considers a Health Insurance Act advisable and practicable, or the committee has the alternative, to present no bill if it considers a Health Insurance Act inadvisable and impracticable.

If the committee finds that the costs of sickness are not too high for a majority of the people, then there will be no need for a Health Insurance Act. The evidence thus far received indicates costs are too high. If any considerable number of patients or families of patients thinks that costs are too low, or just about right, we have not heard from such patients. On the contrary, we have heard from many who express the view that present fees—medical and hospital—are beyond their financial ability.

I am not contending that fees are too high from the standpoint of the income of the physician or the income of the hospital. We are not blaming the physicians or the hospitals for the high costs of sickness, but the Senate committee is searching

* Dr. Ray Lyman Wilbur, President of Stanford University presided, and many representatives of various professions, industries, and labor organizations were present.

for the reasons for the present difficulties as the unsatisfactory conditions of medical care directly and indirectly affect the lives of all of us.

Despite the best efforts of physicians, dentists, nurses, hospitals, social welfare workers, community chests, parent-teacher associations, women's clubs, groups of various churches, fraternal organizations and civic clubs of all kinds, the great problem of adequate medical and hospital care for the average person is very unsatisfactory and steadily growing worse. It has been stated authoritatively on good authority that the average income of 90 per cent of the families of California is below \$2,000 a year. Who can sincerely say that the problem of adequate medical care can be handled by families with that income when such families are the very ones that need resources and have to pay as individuals the enormous fees charged for all services required. It hardly requires argument to prove how difficult, if not impossible, a great number of families find the struggle to meet ordinary daily expenses, not to speak of the extraordinary payments which sickness entails. When unexpected sickness comes and takes a considerable proportion of the income, the family is tragically handicapped and unable to meet its essential communal obligations.

The assumption that this social and economical question is exclusively a medical question and that laymen and laywomen have no valid interest in it, shows a lack of understanding of the problem. In this complex and complicated question the interests of all groups in the community are almost inseparably intermingled. The State and each community of the State has a responsibility superior to any group, and patients, composed of laymen and laywomen, have the most vital interest in the question as their health and lives are at stake, and they pay the bills.

Many talented men and women in the scientific fields of physics, chemistry, engineering, and other branches of science have by their experiments made medicine less empirical but more expensive. Specialists in various branches of medicine who are utilizing, in the diagnosis, prevention, cure, and alleviation of illness, the discoveries of scientific workers in other fields, render superior but more costly service. Most of us want a competent and complete medical service, and such a service when it must be purchased by the individual at retail rates, is too expensive for most of us.

Would health insurance wisely applied remedy this condition? We insure against fires, against automobile liabilities, accidents, theft, etc. Why not extend the insurance principle to cover sickness?

Sickness insurance plans are in operation elsewhere that seem to give a satisfactory answer. Insurance against sickness exists in some form, under State authority, in the following countries:

Austria, Bulgaria, Chile, Czechoslovakia, Estonia, France, Germany, Great Britain, Greece, Hungary, Irish Free State, Japan, Jug. Slavia, Latvia, Lithuania, Luxembourg, Norway, Poland, Portugal, Rumania, Russia, Argentina, Australia, Canada, Denmark, Finland, Netherlands, New Zealand, Palestine, South Africa, Spain, Sweden, Uruguay, Belgium, Italy, and Switzerland.

It is evident, therefore, that insurance against sickness throughout the world is generally accepted and approved. And no country that has adopted health insurance has abandoned it.

The committee is aware of obstacles and knows something about the violent controversies that raged around the early days of sickness insurance establishment and administration in other countries. However much we might prefer to avoid the highly controversial phases of this question, events and circumstances compel us to consider them, and the more we consider them the more serious the question appears. The whole history of sickness insurance lends one inevitably to conclude that if and when it is adopted by California, it will be adopted in response to the public need and public welfare and over the opposition of special groups with private interests. I think we must agree that the interests of the public are paramount.

It has become almost a daily occurrence to pick up the newspapers and read pathetic evidence of "health rackets." We are not going to be astonished and hold our heads in the sand and enjoy the delightful delusion that everything is all right. We are going to keep our heads up and see things in their right proportion and perspective.

One conclusion that may be drawn from the prevalence of this "health racketeering" is that the present system of medical care is not reaching a considerable percentage of our people because it is too expensive for them under the present individual fee for service basis. These people are seeking to insure care for themselves in the event of sickness and they are open to exploitation by various health and hospital associations that promise medical and hospital service at attractive rates. Health "racketeering" has brought some flagrant phases of the subject into the open and has shown that something is radically wrong.

It is time to review the whole question in the light of present needs and trends and discard any obsolete and obsolescent methods and drive from California all agencies that prey upon the sick.

Shall we hide the facts and allow children and grown-ups to suffer the lack of prompt and adequate medical and dental care when ways and means for providing such care can be found? The health benefits which school children have received from medical and dental inspection, and the early correction of minor defects and disorders which uncorrected would have handicapped them seriously

later in life, are generally approved. Such beneficent work is paid for by taxation; and even those who prefer to send their children to private schools, and those who are not blessed with children, are not exempted from their share of taxes for this valuable work. The value of sickness insurance in safeguarding the health of prospective mothers and their children, and reducing maternal mortality, is worthy of consideration. Several weeks ago the Academy of Medicine of New York published a report declaring that "66 per cent of the maternal mortality of New York was preventable and that most of the needless deaths were the results of shortcomings on the part of the medical profession." Of course the report was denounced by some, but facts are not to be shouted or whispered away and they can not be evaded or ignored indefinitely.

Sickness insurance will repeal no public health measures, but on the contrary, it will stimulate and extend preventive medicine, it will not impair but improve the services of all serviceable existing agencies, it will not interfere in the competition of physicians for private medical work, it will not prevent patients from paying as large fees as they may desire to as many private physicians as they may choose, but it will give adequate medical service to the average citizen (the same kind of service that the poor now receive for nothing and the rich pay for) at reasonable rates. We are assuming, of course, and many facts support the theory that all necessary services can be provided on an insurance basis at very moderate rates within easy range of the average purse. Men with large experience inform us that it will cost comparatively few cents a day for each individual insured to install and administer a practicable comprehensive sickness insurance plan.

This Senate committee has no cut and dried plan. Anyone who believes he or she has a solution or a partial solution for the problem of the high cost of sickness, please send it to our coordinator-secretary, Dr. Celestine J. Sullivan, 490 Post Street, San Francisco, or to any member of the committee. There are many publicized plans—the majority and minority plans of the Committee on the Costs of Medical Care that spent a million dollars in a five-year investigation. There are many varieties of private plans of fraternal societies, mutual benefit societies, trade unions, group insurance, industrial plans, community health associations, private group clinics, health centers, community hospitals, insurance companies plans, the Alameda County plan, the Coffey plan, the San Diego plan, the San Fernando plan, the Detroit plan, the Philadelphia plan, etc., etc. Some of these plans have good features but they do not reach a considerable majority and they are still very far from actually placing the minimum measure of medical and hospital care at reasonable rates.

This Senate committee is really a free inquiry. It is costing the State nothing. We have not received any funds from anybody although we are authorized to accept donations from philanthropists, foundations, and others interested in this constructive work. We shall preserve the spirit of free inquiry to the end, and we will not accept any funds with any strings attached to them. We have no axes to grind and we are not going to grind any axes for others. We are going ahead without being open to the accusation that we are subsidized for the promotion of any special theory or group.

It is gratifying to the committee to observe the widespread interest that is being taken in this investigation. There are a number of far-sighted and broad-visioned men and women among the professional groups that understand the constructive objectives of the committee. This Senate committee has in mind the legal, social, and economic aspects of this question and we shall deal with fairness and impartiality to all concerned.

The committee is going to ask innumerable specific questions of all who are authorized to treat the sick. We know that physicians are organized, dentists are organized, nurses are organized, hospitals are organized, fraternal organizations and hospital associations are organized, druggists are organized, osteopaths, chiropractors, optometrists, and all other practitioners are organized, but sick persons, who far outnumber those who treat them, and their families, are not organized and are most helpless and least free to speak for themselves or improve their position. The Senate committee wants to hear the viewpoint of the sick and the views of their families as well as the viewpoint of those who receive financial returns from patients. It would not be fair to have the licensed groups or the groups with pecuniary interests control both sides of this question.

The Legislature has already recognized that certain diseases and certain classes of the community can not be given adequate care by private enterprise. Should the State be impartial to all its citizens, play no favorites, and, because of governmental responsibility, see to it that all are treated adequately?

The committee has no utopian idea that sickness can be eliminated by law, but its high cost may be reduced substantially by distributing the costs of medical service among a great group of people on an equitable basis.

Is health insurance coming to California? No positive answer is warranted at the present time. If the members of this Senate committee consider health insurance advisable and practicable, we shall endeavor to present a report to justify it accompanied by a bill with terms fair to all, and, as far as possible, satisfactory to and adequate for the greatest number. The committee and its able coordinator-sec-

retary would not have undertaken the weighty responsibilities of this controversial and complex question if we did not regard the work as important and necessary. When the committee transmits its report to the Legislature, the Legislature of California, vested with the legislative power of the State, will take upon itself the full responsibilities and duties to provide for the public welfare and will deal with this vital subject positively and constructively. The Legislature has the inherent power, in the exercise of its police power and for the general welfare of the State at large, to provide for the care and maintenance of its citizens.

APPENDIX B.

Opening Statement by Senator Edward H. Tickle at Public Hearing of Senate Committee on Investigation of the High Cost of Sickness held Friday, December 14, 1934, State Building, Civic Center, San Francisco, California.*

This Senate committee was appointed by the Honorable Frank F. Merriam during the fiftieth session of the California Legislature.

"to investigate and report at the next session of the Legislature (to be held in 1935) as to the advisability of a Health Insurance Act for the reduction of the high cost of sickness, and if in the opinion of said committee such act be advisable to accompany its report by a draft of a bill therefor."

In undertaking this investigation the Senate Committee on Investigation of the High Cost of Sickness is acting in the interests of the State of California and our primary purpose has been, is, and will continue to be, to ascertain an accurate and useful information as possible on all practical phases of the very vital question of the high cost of sickness and adequate medical care.

We have invited you, ladies and gentlemen, to attend this public hearing on this outstanding problem of our State and to give the committee any constructive and practicable information you may have for its solution. Health is the best asset of the State and of the individual and always of first importance to every member of every family, and the State can not inactively stand by while a considerable proportion of its citizens do not receive adequate treatment and care when sick. We want to obtain from you representative physicians, hospitals and allied institutions, dentists, nurses, social service workers, public health officers, druggists, labor leaders, industrialists, educators, and thoughtful men and women interested in this paramount problem, your professional, public welfare, social, legal, business, community, and group viewpoints. We want, as far as possible, to avoid wasting time on nonessential and extraneous matters and to keep in sight the central situation and to see each group and interest in proper perspective.

It may be admitted without any discussion that the agencies and agents that provide medical service, the physicians, dentists, hospitals, nurses, druggists, manufacturers of medical, dental and hospital supplies have a very large economic interest in this question. It must be conceded also that the public, because it pays the bill, has a larger interest at stake, and that the State, representing all the people, has the largest interest and responsibility.

It is now generally conceded that the present methods of providing and paying for medical services are inadequate and unsatisfactory, and that better methods, adequate methods, that would substantially reduce the high cost of sickness have been tried and are now in successful operation and could be applied advantageously by the people of California. The California Legislature has always manifested an active interest in any progressive measures to promote and protect the health of the citizens of our State. California was the second State in the Union to establish a State Board of Health, and the Legislature gave that board adequate powers to do all its essential and indispensable work of such vital importance to the progress and welfare of the State.

For the protection and benefit of the people of California, and to protect society from the imposition of quacks and charlatans, the Legislature passed laws prescribing what are and what are not proper qualifications for those to possess who would be physicians and surgeons, dentists, pharmacists and others who treat, operate or prescribe for any human disease, pain, injury, deformity or physical or mental condition. The power of the State to provide for the health needs and general welfare of its people has been repeatedly recognized in the combat against certain diseases and for the benefit of certain classes of the community, by the granting of subsidies, the building and conduct of hospitals, clinics, laboratories and the furnishing of various types of service.

The question confronts us, if the physicians and surgeons and others licensed by the State for the benefit of its citizens and the privately owned hospitals are unable under present economic conditions to furnish adequate medical and hospital care at a price within the income ability of a large proportion of our population,

* This public hearing continued for two days and opportunity was given for all to present their various views on the question of health insurance. Condensed statement of views from stenographic report.

what can and should the Legislature do to make adequate medical care available to those who can not pay present average prices?

Let me prevent any possible misunderstanding or misinterpretation by declaring definitely that nothing I say is intended in a spirit of criticism of the medical, dental or nursing professions or of the splendid services which the hospitals of our State are rendering. The physicians, dentists, nurses and hospitals did not create the complex problems of costs of medical care, and they, no matter how altruistic their purposes or self-sacrificing their efforts, can not solve these serious problems, in which we are all vitally interested, without changing methods to meet changed conditions. Surveys furnish facts that groups in the lower income brackets receive inadequate care from physicians and dentists, hospitalization, eye care, health examinations, immunizations, special nursing, maternity care and X-ray and laboratory services. Families with incomes of \$1,200 to \$2,000 receive even less hospitalization and preventive services than do the families with incomes under \$1,200. People within these groups are suffering from a multitude of preventable defects, disabling diseases and incipient ailments that later may lead to chronic consequences.

It would be a pleasant and easy task to express our admiration of the medical profession which has made more progress in alleviating human suffering, prolonging life and controlling and reducing diseases than any other agencies. If such merited praise of a noble and devoted profession would serve any useful purpose under present conditions we could enumerate contributions made by the medical profession that have made society its debtor. Abundant statistics are available to prove that physicians, dentists, nurses, by and large, are inadequately paid and only partially employed. Very frequently we have heard from people who claimed that physicians, dentists, nurses and hospitals charged too much for good, bad and indifferent services. Physicians always have rendered and always will render much free service, for a humanitarian profession "has for its prime object," according to the principles of medical ethics, "the service it can render to humanity; reward or financial gain being a subordinate consideration." Exorbitant charges are deplored by most physicians and are confined to a comparatively small number of members of the profession.

If the people who complain that hospitals charge too much were compelled to furnish the funds to make up deficits of many hospitals, if they had to sacrifice time, talent and money to keep hospitals ready, running and rendering 24 hours of service every day of the week, month and year, they would know that good hospitals are not profit-making institutions.

The sciences which physicians use in their practice are constantly changing and improving but the methods of the organization by which they are applied are governed by an individualistic philosophy in the midst of a highly organized economic world. Dr. William H. Welch, one of the renowned leaders of his profession, wrote a few years ago: "We know how to do a lot of things which we don't do, or do on a wretchedly small scale. The health field has a woefully ineffective distribution service, as compared with its marvelously effective production service in the laboratories of the world."

How can we bring this marvelous scientific service to the people at a price which the average man and woman can conveniently pay? We insure our lives, our homes, our automobiles, our jewels, our ships at sea and our airplanes, manufacturers, the operations of mines, crops and herds, singers' throats and musicians' fingers and almost anything that is subject to mischance and hazard.

Workmen's compensation laws passed by our Legislature are practical examples of the utilization of the insurance principle. They were passed, it may be recalled, against the opposition of a great many physicians who considered workmen's compensation legislation an unwarranted interference in their professional work. All sorts of dire predictions were made, such as that the law would expose the injured workman to inferior service and exploitation, that the patient's chance of recovery would be endangered by faulty treatment, and disability increased, and that an industrial board composed of laymen could not deal fairly with questions involving medical problems.

The minority report, number one, of the Committee on the Costs of Medical Care after carrying on an extensive program of research in the various economic aspects of medical care was signed by Dr. Olin West, secretary of the American Medical Association, and Drs. A. C. Christie, George E. Follansbee, M. L. Harris, A. C. Morgan, N. B. Van Etten and Robert Wilson, and they declare:

"The operation of every form of insurance practice up to the present time has resulted in a vast amount of competitive effort on the part of the practitioner groups, hospitals and lay controlled organizations. Such competition tends to lower the standards of medical care, degrade the medical personnel and make medical care a business rather than a profession. Proof of this is at hand in our own experience in this country with the only compulsory system with which we have yet had to deal, workmen's compensation insurance. The results named above are preva-

lent in many States. This is the rule to which there are a few notable exceptions. Under workmen's compensation, groups are selecting doctors, often through paid lay promoters; laymen are organizing clinics and hiring doctors to do the work; standards of practice are being lowered; able physicians outside the groups are being pushed to the wall; the patient is coerced by his employer to go to a certain clinic; and the physician is largely under the control of the insurance companies. These are not visionary fears of what may happen, but a true picture of widespread evils attending insurance practice. We should heed the better example of what must happen to medical care if compulsory insurance is extended to families.

There is one aspect of any system of insurance which should be kept in mind by all students of this question, namely, that the total cost of medical care is usually increased when it is paid for through insurance.

If this strange statement of the distinguished members of the American Medical Association were correct and not founded on false assumptions and erroneous interpretation, then the service which insurance is ready to render would have to be abandoned. The principle and machinery of insurance are accomplishing economically and beneficially so much in so many forms of human endeavor, and very impressively in the health field, that we would be glad to hear what those familiar with workmen's compensation and self-insurance and insurance experts have to say. From our observation and information the mutual rights of doctors and employers and physicians have been safeguarded by workmen's compensation insurance, and the Industrial Accident Commission, although composed of laymen, has been generally reasonable and competent and the health interests of employees have been protected.

Let me quote further from the minority report, number one, issued by these distinguished doctors of the American Medical Association:

"There are great dangers and evils in insurance practice which must be set over against the advantage of distributing the cost of medical care by this method and which it seems to us the majority report has minimized. The dangers are especially directed at the continued well-being and progress of the medical professions, namely, where all are the ones most concerned in maintaining a high grade of medical service. It ought to be remembered that compulsory insurance will necessarily be subject to political control and that such control will inevitably destroy professional morale and ideals in medicine."

Insurance is being applied and demanded by the public in an ever widening field. It is a recorded fact that none may deny that all age insurance, sickness insurance, workmen's compensation insurance have each in their turn appealed to Legislature after Legislature in the forward looking States of the Union. And let us remind you that these laws, enacted by a high public interest, were passed and put in operation without any aid or instructions from the Federal Government.

In health insurance which will provide medical assistance for the sick, the instrumentality of insurance finds its lowest field. As a voluntary instrumentality of fire or death risks an insurance company is able to guarantee full protection to the policyholders on the actuarial principle that neither all losses fall and all come due at the same time. Through the common sharing of a common risk, the unfortunate receive immediate assistance while the rest of us no longer have the same case for the sake of our own security. Under private insurance only a few persons of the many who need it are able to buy insurance against old age and sickness because each person insured must bear the entire cost of his protection plus the large competitive overhead costs and profits. Health insurance, established and directed by the State distributes the costs on an economical basis among as many members of society as possible so as to enable those who could not otherwise pay private fees to obtain adequate medical care. As one authority expresses it, its function is "that greater relative protection may be properly given to those in the greatest relative need."

We have witnessed a campaign of misrepresentation of the British system of health insurance. It is true that when health insurance was first formulated in England that the medical profession, particularly the representatives of the British Medical Association occupying official positions or having very profitable practices, were lined up in active opposition. When England started to study better provisions for its sickness problem some 30 years ago and the royal commission issued its report in 1908, it contained a minority and majority report, each report, however, being in agreement on one transcendent thing, that the provisions made for medical service to those in lower income brackets was most unsatisfactory and that something ought to be done about it. In 1911 David Lloyd George declared before the British House of Commons: "Thirty per cent of the pauperism is attributable to sickness The efforts made by the working classes to insure against the troubles of life indicate that they are fully alive to the need of some provisions being made."

There are three contingencies against which they insure—death, sickness and unemployment."

At the time that David Lloyd George spoke these words he had the strong opposition of the official medical profession. Twenty-one years later, the British Medical Association, the National Dental Association, the National Ophthalmic Association, the National Pharmaceutical Union honored Lloyd George at a luncheon for fashioning and promoting the first National Insurance Act in the United Kingdom. And might I parenthetically remark that those who are now being unfairly attacked for trying to improve our present unsatisfactory methods by providing more adequate medical service to the whole community, may be honored also, if they survive the attacks and are alive 21 years from now.

While we have no intention of recommending the adoption of the panel system or of a number of inapplicable features of traditional European systems, it may be observed that the panel system formed no part of the insurance plan as laid before parliament by Lloyd George. The government incorporated the panel system into its plan at the request of the medical profession as a method by which the conditions of insurance practice could be made most closely to resemble those of private practice. It is also enlightening and encouraging to note that the British Medical Association, after 21 years' experience with health service insurance, which on June 30, 1933, showed that 18,500,000 persons were insured, now officially is so well satisfied with insurance methods of providing medical care that they desire "that medical benefits of the present National Health Insurance Acts should be extended so as to include the dependants of all insured persons thereunder and entitled to medical benefit."

Here we have a striking example of the unfounded fears and the unjustified forecasts of the medical profession on health service insurance. Now they are glad that it was put in operation and the people have been receiving the benefits for 21 years and the medical profession enthusiastically advocates that the benefits be extended.

Wouldn't we in California exhibit constructive cooperation by avoiding the unfortunate controversies that have delayed needed action? By cooperative and coordinated effort we can prevent a vast amount of unnecessary sickness and many thousands of unnecessary deaths.

We are glad to receive and record assurances of cooperation from the California Medical Association, the University of California, Stanford University, Western Hospital Association, California Congress of Parents and Teachers, California State Chamber of Commerce, Los Angeles and San Francisco chambers of commerce, California Conference of Social Work, League of California Municipalities, California Teachers Association, California Farm Bureau Federation, Commonwealth Club of California, health officers and many community groups profoundly interested in this question.

It is costing California \$8,000,000 a month to take care of its relief program, and more people are on relief now in our Golden State than the total population of California at the time when the Legislature established the State Board of Health. Preventable sickness plays an important role in creating relief problems.

So that the Senate Committee may have your individual and composite opinions to give us a clearer understanding of the most practical, economic, sympathetic, and early solution of the problems we have under consideration, we ask you to discuss the question freely and frankly and your views will be welcomed and cordially and candidly considered.

APPENDIX B.

DR. CELESTINE J. SULLIVAN, Coordinator-Secretary of Senate Committee: Mr. Chairman.

CHAIRMAN WILLIAMS: Dr. Sullivan.

DR. SULLIVAN: We are honored by the presence of the Chairman of the Social Health Insurance Commission of 1917-1918, appointed by former Governor, now Senator Hiram W. Johnson. He has studied the problem of health insurance a great number of years, both here and in Europe. He conducted a campaign 17 years ago in this State for social health insurance, and I had the distinguished privilege at that time of conducting the campaign against him. I needn't mention the result of that campaign, or we wouldn't be here discussing the enactment of health insurance today. During the intervening years we have exchanged views many times upon the question, and I want to say, Chester, almost thou persuadest me.

We have the privilege now of hearing from Hon. Chester H. Rowell.

MR. CHESTER H. ROWELL: Mr. Chairman, Dr. Sullivan has referred to the fact that I was chairman of the Health Insurance Commission of California 17 years ago, and he was then upon the other side. I am very proud of such contributions as I have since made to his education, and to know that that contribution to which I contributed a little has added to his experience, and has also gone far with the medical profession of California. In Dr. Sullivan's case I think the education far antedated his estimate of the time as to the carrying out of that part of the education. Since that personal question has been raised, may I say that my own contact

and interest with reference to this question antedated that 17 years, even by 25 years. My first contacts were as a student in Germany more than 40 years ago, when I saw it in successful operation there as established by Bismarck 20 years ago. I had my first lesson in it under Bismarck, and a second lesson under David Lloyd George in Britain; I had my third lesson under Theodore Roosevelt in America, in 1912, when I had the honor of writing the social insurance chapter in his platform of 1912, and the same planks in the California platform of 1914, and under Senator Roosevelt now. During that long time America has gradually been more and more isolated from the experience of the remainder of mankind, an experience and common man in America. We have the idea that America is the most progressive country in the world, because in 1776 it was, and the social thinking of most of us has stopped as of that date. We have assumed that all the progress since then was individual, and that we made it. It happens that a great deal of it has been social. This system of social insurance, as I said, was established in Germany 50 years ago. It was established in Britain under David Lloyd George only a few years before the war, and yet it survived in Britain that great strife which had not been anticipated. After the war, when the Allies imposed upon Germany at the cost of the gas and troop losses by themselves, the only amendment to that treaty that the Germans dared insist upon, and did insist upon successfully, was the demand that the people of Alsace-Lorraine, who were about to be transferred to France, should carry with them into France their insurance rights that they had under German law. France granted that. France had already made some timid beginnings toward a voluntary system of health insurance. Timid beginnings I call them, but they were eight times as bold as America had ever dared. At any rate these Alsace-Lorraine immigrants given their rights under the treaty, and France liked it so well that they extended it to all the rest of the people of France. It has gone around the world, including Japan and Russia, and I had occasion to discover a while ago that even China demanded its inclusion in the Pan Islands as a condition of sending Chinese emigrants there; they would not send their indentured laborers to any countries not civilized enough to have this system. So now the two extremes in the world are Canada and the United States. The various provinces of Canada have already made their beginning toward it, because at the last meeting of the American Medical Association I heard a distinguished Canadian physician say that compulsory health insurance was now recognized in Canada. During all that time the Medical Association has been very slow to accept it, but from lessons of experience it is learning it too.

Twenty years ago when I was beginning to practice this social health of all the physicians were in favor of continuing the old system. If there are any here who have that position now, I haven't heard from them. At that time though I was persona grata with the Medical Association of California upon all other subjects, they wouldn't even let me inside of a meeting upon this subject, and passed formal resolutions that only one side should be heard. That was the situation 17 years ago. For a good many years there has never been a meeting of the Medical Association of California that I haven't been invited to and to discuss this subject on the side upon which I was not even permitted to hearing in a local medical society then. The medical profession of California is now divided into two groups. One of which is favorable to, or openly receptive to this plan of which Dr. Sullivan has learned a great deal out of long study; and the other which is seeking to postpone it by presenting various makeshifts to cover some fragments of the situation. So, the only difference of opinion in the medical profession now is between those who have gone the whole way, and those who have gone part of the way, and that have learned in the school of 17 years of experience, what I am rather proud to have learned in the school of 25 years of experience before the emergency held in California 17 years ago.

Now, the situation is that our health problem is divided into several branches. One of them is Dr. Geiger's branch, that is, health engineering, that sort of health treatment that can be administered to the community collectively, instead of individually. We are all for that, and we are all for the State and the city doing it. By the process of distributing clean water and clean milk and decent sewerage, and by all sorts of other collective methods the health officer has done an enormous job of administering preventive medicine to the community; but there is also medicine that has to be administered to individuals, and Dr. Geiger's ability over that is more limited; that is administered first to the indigents, and everybody is in favor of doing that at the State's expense; in fact, a large proportion of it has been administered to indigents at the expense of the medical profession. There is no more reason why the physician who administers to an indigent should not be paid for it, than there is that the grocer should furnish food to an indigent free. No one expects the grocer to do that. Nobody ought to expect the physician to do that. The indigent should be cared for at the expense of the State. Then, at the other end, are the well-to-do. Nobody in this country, or in any other, proposes that the relation of the physician to them shall be anything but what it has always been, and out of them he still makes the most of what little revenue is left to the medical profession. Now, in between comes that vast class that is not indigent, but could easily become indigent under the impact of a serious illness, and who are not able to meet the impact of a serious illness by the savings that they have already made. That includes a very large share of them. I have sometimes told the story of an experience I had myself. The first, and the last serious illness of my life—I have been very lucky in only having one—I found myself in a hospital, and in a room barer than this, as hospital rooms should

be; in fact, upon its wall there was only one thing, and that was a sign, which read: "The price of this room is \$7 a day, payable in advance." Fortunately I was 50 years old, and had the \$7, but suppose it had come upon me, as it would have just been likely to, at 25 years old, when I didn't have the \$7? It would have been a serious problem. That illustrates the difference between provision against the emergency of sickness, and provision against other things. The exigencies of life are of two sorts: Averageable and unaverageable. We do that with fire insurance. If one per cent of my house burned up every year, I wouldn't insure, but I would repair it; but one per cent doesn't burn up every year—it is most of it, or none of it; but tomorrow all of it may burn up; and we all long ago learned that the only way to meet that provision was by insurance, because there is nobody on earth that can pay for his house the day it burns up out of his day's earnings; but everybody who has any earnings at all can pay for his food each day out of that day's earnings. So nobody insures his food, and everybody insures his house. The same thing, of course, is true of the unaverageable risk of death. If everybody knew that he was going to die at 77½ years, everybody who is able to make provision at all would make provision each year so that at his death, at the age of 77½ years, his surviving dependents would be provided for, but nobody does that because everybody knows that while he has an average expectancy of life, that there is no certainty whatever whether he will die tomorrow, or will survive that average expectancy by so many years, and that his insurance will cost him more than it is worth; so that we all meet that by insurance. The same thing is true of sickness. There is no average way of meeting the cost of sickness, because it never comes in averages, and yet every man who is able to pay the landlord and the grocer and the tailor, is equally able to pay the average cost of insurance.

Even before the depression, many, many times more people received medical charity, either from the public clinics, or from private charities, than received any other sort of charity. A system under which people who pay their other bills, but who do not pay their medical bills, is a wrong system, and it is due precisely to this point: That the cost of sickness—and that means not only the cost of the physician and surgeon, and also the hospital, but it also means the cost of the landlord and the grocer come right along, and we had no insurance way of meeting it. And the time has arrived, one would say, 21 years after it arrived in England, 50 years after it arrived in Germany, and many years after it arrived in every other civilized nation on earth.

Health insurance is a proposal to meet only one feature of medical practice, and that is the part that the physician doesn't do now, but which his office assistant does, the sending in and collecting of the bills. Nobody proposes to change the science of medicine at all; nobody proposes to change the practice of medicine at all. The proposal is to change the business of medicine. The proposal is that the physician shall have his own patients, and those patients shall consist of those who choose him, just as they do now; that he shall go to them, and attend them at their houses, or that they shall come to his office, and he shall attend to them there; each of them individually; exactly as he does now; nothing will be changed, except sending the bills; but as to that large group of them, who are roughly the same persons who are now covered by industrial accident insurance, that they when they need attendance, will get it from their own physician, but he shall send his bill to the health insurance fund, instead of to the patient, and the patient shall have paid that bill by his regular contributions while he was well, rather than by the emergency exhaustion of all his savings, if he has any, and when he is not earning anything. That will be the only thing that will be changed. The experience already works, because we have that experience all over the world. All over the world that system has shown some faults, and doubtless there will be those who will outline to you those faults; but there is not a country in the world which by reason of those faults has ever proposed to cure those faults by undoing the system. The experience of every country in the world is that those faults are less than the faults of the system that it replaced, and that nobody proposes to undo it. Some of those faults may be incurable, but many are curable; and we in the light of that experience should start as far as we can without those faults. The system will require governmental supervision that no physician wants. It will have some tendency to malingering on the side of the patient that nobody wants. The question is not whether the system is perfect, because it is not; nor whether it can be made perfect, because it cannot; but it will meet a problem that the present system is not meeting; and the experience of the civilized world is that it is doing it everywhere. The main question is, "How rapidly will America learn the lesson that Europe has learned?" And, "Shall California lead or follow along with that lesson?" California did lead—it was not the first, but it was one of the first in meeting that problem as to industrial accidents. California is among the leaders, and was one of the first in point of time to meet it, as to the preventive public health service. California is already in the lead in the quality of its medical education, and in the quality of its medical profession. We have the physicians that can do it, and California should be among those who are in the lead in understanding it; we have now done our part, and others have done their part toward that education. Dr. Wilbur, of Stanford, was the head of the American Medical Association that led in the education of the entire Nation on it. There are

medical men in California, men who probably know more about it than any number of men anywhere else in the United States. The experience of mankind is that this is one form of social insurance that can be begun by a state government, and if, after seventeen years of study, California should come more into the lead in the United States in a progressive reform, California will be merely dragging 50 years behind European example, and will not be breaking the speed limit in leadership in the United States.

I am very glad to know that there is a legislative committee willing to take responsibility in that direction, and as an old man, I welcome these young men in doing that. (Applause.)

CHAIRMAN WILLIAMS. I will next introduce Dr. French.

SENATOR TUCKER. This is Dr. French, President of the Western Hospital Association. We would like to hear what you have to say, Doctor.

DR. FRENCH. Mr. Chairman, members of the Senate interim committee, ladies and gentlemen, and fellow practitioners.

We are assembled here today in the interest of humanity, but I would like to add just one other statement to that, and let us say, in the interest of the medical profession and the hospitals. I will venture to say if we take a poll of those present here today we would probably find 98 per cent of the same opinion, namely, that there is need for change in our present system of providing health service. Why is there need for change? There are two reasons: One, to increase the availability to those who can not secure adequate service at this time; secondly, to provide adequate remuneration for those physicians and hospitals, and others interested, in rendering the service. To develop some satisfactory plan to meet these two emergencies, they must tie together. First, let us think of the needs of the people, second, the needs of the State, third, the needs of the physicians and hospitals. We all appreciate that service can not be rendered if there are no funds available to pay for it. I can safely say that the costs of medical care today are not excessive, we are not paying our physicians too much, we are not paying the hospitals too much, but when we stop to realize that the entire burden of carrying the entire total cost is a burden upon 12 per cent of the people who are the consumers of this service, it is certainly too great a burden to be carried by that group. Health service is one of the essentials of life. We can not dispute that fact. And when we consider that the availability under present conditions is limited really to the individuals known as the well-to-do class, and the class that we commonly speak of as the indigent, I think we realize that we are limiting the availability of medical service to a small percentage of the people. Health service can be economically given by utilization of health insurance. It has long been recognized as the only plan for meeting equitably the costs of unpredictable hazards, and we certainly can put illness in the class of an unpredictable hazard.

Now, the question arises, what are we going to do about it? We are assembled here for the purpose of giving our views as to what can be done. Now, when we come down to the idea of what can be done, I feel we are probably divided into several groups. In other words, we could group our opinions into possibly several classes. First, there is some resistance coming as has been stated by the speaker before me, Mr. Chester Rowell, from some of the medical profession. The members of the medical profession in my opinion have not offered the resistance because they did not care to give adequate service to the patient, or because they were selfish and seeking larger fees. They have offered resistance largely because of the objectionable features which have been incorporated in systems which have been developed in other countries. Chester Rowell has nicely illustrated that point, that we are in America, and is there any reason why we can not develop an American system which will minimize these objectionable features? Now, how can we develop a plan to minimize the objectionable features? By getting together, and pointing out the objectionable features. Now, if those of you who are here feel there are objectionable features in some of the other systems, you will have the privilege of pointing them out, and it is your duty to point them out. It is the duty of this Senate committee to digest your remarks, and to give recognition to your remarks; and in developing a system of health service insurance they will give those things consideration.

Now, why a system of health service insurance? As I have stated, the utilization of the insurance principle is the only way I know of, or that ever has been suggested for distributing equitably the costs of any unpredictable hazard. Now, how are you going to develop it? There are a great many of you here, and let us say there is a great deal of evidence offered as to the cost of medical care, and indicating that we should start with a voluntary plan, and let people do as they want—join or not join. Now, there are several reasons why a voluntary plan is not practicable. I am not going into the personal elements, but I am just going to mention one objectionable feature of the voluntary system, and that is the fact that it costs 40 per cent more to operate a system of that kind than it does any other kind; 40 per cent for promotion and maintenance of membership. And, gentlemen, if you are going to take 40 per cent and put it into the hands of a lay agency or commercial agency, we had better stop right now, for the reason that all our

efforts will be thrown into commercial channels, and I want to say that whatever plan is developed must not permit intervening commercial agencies.

Another thing that I want to say, that in my opinion no one plan will suffice to meet the needs of the respective social classes. One principle will suffice—don't misunderstand that—the principle is all right, but in developing this system I would like to impress upon the Senate committee that in my opinion no one system will suffice; that we must have—I won't say whether it is one, two, three or four, but whatever the law—that you are going to develop, it must be applicable to meet the needs of the respective classes. For the sake of the discussion, let us divide the classes into four classes. The well-to-do, or those that need no one to take care of their needs, the upper class, or the higher income bracket of the employed group, the lower income bracket group, and the indigent. There has been an effort made through various agencies to develop a plan that will take care of the indigent class.

Now, there is no hope of developing an insurance system—

Ring me off, Mr. Chairman, if I talk too long.

CHAIRMAN WILLIAMS: You may proceed.

DR. FRENCH: There is no hope of developing a system of insurance for the indigent class. There always has been a certain percentage who were dependent upon the State, and it is our duty as citizens of the State to protect their health. Therefore, I would strongly suggest, as did Chester Rowell, that we limit our activities to that group between the indigent and the well-to-do, and to provide service to adequately care for the differences of the income group. Now, by joining or grouping those with the minimum group, the minimum wage with the higher wage, you can strike an average, and you can develop a practical system. As I say, no one plan will suffice, but make it flexible enough to develop the plans to take care of the needs of each. Thank you.

CHAIRMAN WILLIAMS: Thank you, Doctor.

SENATOR TICKLE: Mr. Frank McDonald, Industrial Accident Commissioner, will now address this committee.

CHAIRMAN WILLIAMS: Mr. McDonald.

MR. FRANK McDONALD: Mr. Chairman, and members of the Senate interim committee:

It so happens that I am President of the State Building Trades Council of California. True, I am earning my living as a member of the Industrial Accident Commission. I desire at this time to express to the members of the committee and your coordinator secretary, Dr. Sullivan, the profound thanks of the working men and women of this State for the personal sacrifices you are making, and the efforts that you are putting forth in trying to bring about an understanding that will enable you to make a proper recommendation to the Senate of the State of California.

I take it that in this public gathering that we all understand that it is not the purpose nor the intent of any speaker to offer offense to any one, but rather to speak candidly on a question that affects the health and the life of the people of our State, and on a situation that compels frank statements.

The men of labor are conscious of the fact that there are now dying in this city, in this State, and in this Nation, thousands of people because they are unable to pay for medical care. We know that there are hundreds of thousands of men and women in America who should be receiving medical attention, but who are doomed to become paupers because they cannot pay for medical attention, and because the State and the Nation says "Our public institutions are overcrowded." Dr. Geiger, who sits here, can verify the statement that he is annually, and particularly in the winter months, hard pressed to try and give but limited accommodation to the destitute sick in San Francisco in the hospitals that he presides over. So that we are dealing with a dangerous, and a most serious subject. We also realize that there is an inherent characteristic in human nature that seems to impel us to oppose any change of any kind. It has been one of the curses of mankind. We look back, and we recall that not many generations ago every other man and woman in Europe had their faces pitted with smallpox; and because of our ignorance, and because of our brutality toward one another, we were slow in eradicating that. We know that in the matter of childbirth that because of our superlative ignorance,—because we did not know enough to thoroughly cleanse our hands, that millions of women suffered and died during childbirth. We didn't even know enough to thoroughly wash our hands before giving medical attention that we were called upon to give. We know that yellow fever devastated the Southern States, and we in our ignorance thought that we couldn't overcome it until we started to build the Panama Canal, and then we demonstrated that we could be intelligent, and that we could eradicate it. We know that we condemned our fellow citizens to insane asylums in America simply because we didn't have intelligence enough to remove an impacted wisdom tooth that created pressure upon the nerves, which caused insanity. And, oh, what price we paid for such ignorance! We know that men have stood and opposed progressive measures. More recently we have been swept by epidemics of the flu; we aren't quite clear of the epidemic of infantile paralysis, and we know now if the moment a child becomes sick, competent medical attention is rushed

to him that we would not force the business men to support schemes that are all too prevalent in America, and we would not have the burden of similar schemes that are so numerous to us.

In other words, it is a question of money and costs. We men of Illinois appreciate that when we urge health insurance that there are those who are going to say, "That is one of those foreign things; that is some sort of that European socialized stuff." In Europe it came about because of very serious diseases and the condition that brought it to Europe is not all too far from it. America with one out of every ten in America so poor, and in some communities one out of five on relief, with one out of ten apparently susceptible to disease, we have got to give some thought to health insurance. Whether we had the insurance or not. We are spending many millions annually on cancer prevention, yet we have not the same right to spend millions upon disease prevention. Particularly when we know that a careful and scientific investigation has demonstrated the indisputable fact that a very large proportion of the cause of America's ill health is traceable to disease. In other words, we men of other countries, too, are money spent in making healthier and happier people by guaranteeing that health through competent medical treatment and nursing. America, from private and public, has us billions that we otherwise will continue to lose.

We men in the building industry are told, and have been told for a number of years, that we are overbuilt; that there are too many carpenters and painters and plasterers, and the Government is making money when it comes to a matter of creating work in improving the condition of the people. It is true that we started a campaign for disease clearance, with the same object of getting dollars in mind.

Reference has been made to the industrial accident compensation laws of the State of California, that were so happily accepted by the State and that are now acclaimed by all intelligent people in our State and Nation. I know it is just that much interested in industrial insurance that we ought to take it away from labor would, if such a possibility existed, that we could do it. It is true that in the State of California. That is how many we have of it.

Let me just sketch to you a few features concerning the insurance question. Over \$56,000,000 has been paid in insurance premiums in the State of California since the Industrial Accident Commission since its inception. Of that amount over \$10,000,000 has been paid to the workmen in compensation insurance during the period of their unemployment because of accidents, and of that \$10,000,000 over \$2,000,000 was paid to the physicians and surgeons of the State to treat the injured workmen.

Now, we found this in conducting the Industrial Accident Commission, that thousands of cases come before us where the injury is partially traceable to a pre-existing condition of disease. Treatment is given to cure the effect of the effects of the injury, and we have learned that thousands of men in a dangerous diseased condition are told, "Go back and go to work." We know in the union movements that thousands and thousands of men are told to go back at medical treatment, and cannot afford to pay for it, and therefore they get it. What right has society to say to physicians, "You treat those people for nothing." One of the most ridiculous and unfair things that has been said in the medical medicine is your free clinics. We know that just as the workmen are being pauperized, so are physicians and dentists, not because there are not in need of medical attention, but because they cannot pay for it. It is high time to have that condition changed.

We as Americans cherish the declaration in our Constitution that guarantees the right to life, liberty, and the pursuit of happiness, but with a full knowledge of the fact that men and women are now dying in California, because they cannot get the money to pay for medical care. We say that the Constitution of the United States is not being lived up to as it should be lived up to, and therefore, Mr. Chairman, I come here with the authorization of the State Board of Trade Council to assure you that it is their earnest request that your committee have a recommendation to the Legislature for compulsory health insurance in the State of California. (Applause.)

CHAIRMAN WILLIAMS: We certainly wish to thank you, Mr. McDonald.

CHAIRMAN WILLIAMS: Dr. Walter B. Coffey is chief surgeon of the Southern Pacific and of the Dollar Steamship Company. I think you were one of the chief originators of this—may I put it that way?

DR. COFFEY: Well, I will admit that I am one of the originators of the present movement, Mr. Williams. In the years that have gone by, as Chester Rowell has stated, Dr. Celestine Sullivan and a few of us who defected from health insurance felt something had to be done. The fear of the medical profession has always been of politics guiding the hand of the physician. It is sound medical tradition that no one must come between the physician and his patient.

As you know I am chief surgeon and conduct an association of insurance of the Southern Pacific Railroad, the oldest in the United States. This great railroad was forced to organize for the protection of its sick and injured in the building of the Continental Railroad. As the increased cost of sickness developed with modern

times we kept the cost down for our men to a minimum. I felt that when this question was being discussed and various county medical societies were expressing conflicting opinions, I thought of the old story of a man interfering when a wife and husband were beating one another, and he came out the worst end of it. I felt that if we could have the Legislature investigate the whole question that some sound method of distributing the costs of medical care would be found. The true American does not want to accept charity. I am glad to be here today, and see so many people representing various interests, and to hear the leaders of my profession united for health insurance. I want to emphasize one thing—that patients now neglected must be taken care of. That is the first duty of this State. Years ago when workmen's compensation came up, our profession was divided. I pleaded and begged with the representatives of my profession to go to Sacramento and take part in formulating those laws that were enacted. The medical profession refused to do so; they were opposed to workmen's compensation insurance. There are three people largely concerned in compensation: The employee, the employer, and the physician, and therefore the physician should have his proper place in writing that bill.

I appreciate the courtesy that you are extending to the medical profession in asking for their views. The right of the patient to select his own doctor must be maintained for the rights of the patient always come first.

SENATOR TICKLE: Dr. Coffey, it is very interesting to me to hear you, and to have you publicly declare you really favor this health insurance.

DR. COFFEY: I favor it if it provides adequate care for the patient at a very reasonable monthly rate.

SENATOR TICKLE: And when you came to Sacramento with that resolution, did you ever see me in your life, or had you ever seen me before?

DR. COFFEY: Never.

SENATOR TICKLE: Did you ever talk to me before the resolution was presented?

DR. COFFEY: No, I never met you before.

SENATOR TICKLE: Do you really think health insurance is practicable and workable?

DR. COFFEY: I certainly do.

DR. COFFEY: May I add another statement?

CHAIRMAN WILLIAMS: Yes.

DR. COFFEY: Representatives of the railroad organizations, engineers, firemen and other employees, are here who have been under this plan. Why not ask them for their views? They know how our health insurance works.

Our plan has existed for 68 years, and it started with 50 cents a month. I pay out every nickel in service to the sick, as these gentlemen know who are familiar with the hospital arrangements. I am 38 years in this work, and I know the necessity of taking care of many thousands of sick and injured workmen. I think it is the duty of the doctor to think of his patient first. I know right well what can be done for the benefit of the people of California with a plan similar to our own.

DR. SULLIVAN: What do the men say about the treatment they receive at the Southern Pacific Hospital?

DR. COFFEY: There is a gentleman here, who is a representative of one of the railroad organizations, and I wish you would call on Mr. Peterson, the head of the engineers of the Pacific Coast.

SENATOR TICKLE: Mr. Peterson, you can tell us it is the rottenest system in the world, if you like; just tell us the facts.

MR. PETERSON: Mr. Chairman, and members of the committee, and fellow citizens:

I believe that labor has been rather ably represented here today, and I merely want to add to it by making this statement, that the railroad employees of the Southern Pacific and the Northwestern Pacific are really enjoying fine treatment today, and have enjoyed it ever since the railroad really started. I am representing the locomotive engineers of the two railroads, and I can say to you without any hesitation that the employees of the railroads certainly believe that the hospitalization and medical attention given them by the Southern Pacific Hospital Association is wonderful; we are only paying a dollar and a half a month, and if necessary the employees without question would be willing to pay more. If there is any doubt as to the soundness of the Southern Pacific Hospital, I would suggest that any member of the committee visit that hospital, and interview any of the patients there, or interview anyone who has ever been required to be a patient in the Southern Pacific Hospital. I think that will be the best testimonial that you could get in behalf of the Southern Pacific Hospital. I elect to call it the railroad employees' hospital, because as Dr. Coffey has told you, he is operating and running the hospital without interference on the part of the railroad management.

I am not going to take up any more of your time, but I want to say as the representative of the locomotive engineers we believe that compulsory health insurance is a matter of necessity.

SENATOR TICKLE: In other words, Mr. Peterson, they really gave the people that work for them much better service than the locomotive.

MR. PETERSON: They repair a locomotive when it can't run any longer, but when it comes to the locomotive engineer, he is given advice by the hospital and the doctors not to wait until he burns up or falls down, but to come in and visit the doctor and consult with him before it is too late.

CHAIRMAN WILLIAMS: Dr. T. Henshaw Kelly, we would like to hear from you.

SENATOR TICKLE: What is your office, Dr. Kelly?

DR. T. HENSHAW KELLY: I am Chairman of the Council of the California Medical Association, Senator Tickle. I am speaking as one of the non-competitive officers of the California Medical Association. The association, as Dr. Coffey will agree, has been neatly conscious of the insurance principle in the practice of medicine for years. We began in a big way when Dr. Coffey was a member of the council some years ago in the study of a state-wide insurance plan which might be installed in the State of California. We probably in the California Medical Association know as much about voluntary and compulsory health systems and the medical problems concerned as any one.

And speaking as one of the administrative officers of the association, I want to agree with Dr. Coffey that we have had a just feeling for a long time, and Dr. Coffey's resolution which was adopted by the California Legislature I think has been one of the major instruments, as well as the growing consciousness of the profession at large that something does have to be done. Medicine through the development of new scientific methods of diagnosis and treatment has come to a point where the service is so costly that the sick man, unless he is pretty healthy, can't buy it. The arguments that have been hurled the calculation up from time to time have been as to how the charge should take place, and what the nature of the charge shall be. And when the Senate committee was created under the resolution, the association began to crystallize at least into two groups instead of a number of groups. We have been doing our best to crystallize opinion in the association, because I believe that it is the responsibility of the administrative officers of the association to do what they can to get an opinion out of the association so that regardless of whether one group ultimately comes out on top, or the other group ultimately comes out on top, the association should have an official opinion, and work as a unit; and I believe that medicine as the profession most intimately concerned in any change in the method of furnishing medical care should be given the privilege of sitting down and considering as put into a bill what it knows about the administration and furnishing of medical care for the greatest benefit to the sick man, because I can tell you, gentlemen of the committee, and everyone here listening, that any one who says that the thing that is best for the patient, is the best for the medical profession, doesn't know what he is talking about. If we take care of the sick man right, that is the best thing for the medical profession. The two things are synonymous.

Now, I do not want to take up too much time, but I would like to just say what the association is doing to crystallize itself. Last year the association created a committee to study the situation as it exists here in California. There have been big surveys made that have taken little spots in the State, but there has been no evidence or no study made at the present time showing a cross-section of the situation as it exists in the State. The Senate did not see fit to give your Senate committee any money to conduct such an investigation, and the association felt it could help the committee by furnishing such figures.

DR. HARRY H. WILSON, the Secretary of our Survey Committee, is here today and I would like to have Dr. Wilson tell you how the survey is proceeding.

CHAIRMAN WILLIAMS: We will now hear from Dr. Wilson.

DR. HARRY H. WILSON: Senator Williams, members of the Senate interim committee, and ladies and gentlemen:

The present committee of five, unlike some other committees that have died aborning, were given sufficient funds to carry out a survey, and we were charged with the responsibility of ascertaining health conditions in the State of California, as well as the economic conditions of the State of California, together with the duty of bringing in a bill that would be available for compulsory health insurance, and having such bill available for the 1935 session of the Legislature.

We have assumed the responsibility in as nearly a scientific manner as is possible, and a physician should bring to a problem a completely scientific attitude, and in so doing I think it is worth a moment's time to explain to this Senate committee the scope of our activities. The first action of the committee was to communicate to the Senate interim committee that we would be very happy to work with and coordinate our activities with those of your committee, and to make available to you all data and information as gathered by our group. Then we individually consulted with the heads of departments of economics of six of our universities in the State of California, arrived at a definition of our problem, defined the scope and details of our activities, and selected Dr. Paul Dodd, an associate professor of the University of California at Los Angeles, who obtained leave of absence for six months from the University so that Dr. Dodd might have his unlimited time to devote to this matter.

The California Medical Association, through its board of counselors, on an order of its house of delegates appropriated sufficient money to pay for a limited survey.

We found in dispensing various relief problems with the heads of the SERRA that they were tremendously interested in social legislation and health problems, and so that we might have available funds from SERRA to carry out the field work, having the twofold purpose of putting people to work and ascertaining necessary information. Through the courtesy and confidence of the Board of Health, the California Medical Association has had available some \$56,000 of SERRA money with which we have at the present time 331 field workers who are making house-to-house canvasses in 25 counties in the State, having for our objective 14,578 completed questionnaire schedules from the citizens; we have at the present time 10,026 completed, so that our survey should be complete from the standpoint of a house-to-house canvass before the end of the month. I might tell you that we are meeting with tremendous response on the part of the public, as most of our counties are running nearly 30 per cent of their quota as anticipated. We have 89 office workers, coding, filing, and classifying the reports as they are coming in. We have sent out 60,000 questionnaires by mail to the medical profession, the dental profession, those doctors of osteopathy who have offices, hospitals, industrial health offices, and presidents of civic organizations. We have 14,972 completed questionnaires in from professional groups. At the present time the committee is having the technical staff analyze all of the important existing health organizations that are operating in California, and elsewhere, including all of the European systems; so that we hope that when the committee makes its report we should be able to know with a fair degree of accuracy the expense of illness, and the ability of the various groups of our population to pay the costs.

We shall make available for your use, scientific analyses of the health and economic conditions in the State of California, and bring into being actually how the cost may be spread and borne. The committee at the present time has requested me to bring to this hearing the statement that the California Medical Association Committee of Five for the Study of Medical Care wish to place on record its tremendous interest in relating the principles of insurance to the cost of sickness.

Friday, December 14, 1934, 2 P.M.

CHAIRMAN WILLIAMS: The meeting will come to order, please.

Dr. Roy Green, who went back east at the request of President Roosevelt, will now have a few moments. He has to catch a train, so I am putting him in rather out of order at the present time. Dr. Green will address us.

DR. ROY GREEN: Senator Williams, members of the interim committee, and ladies and gentlemen:

In regard to the Dental Advisory Board in Washington, I had the privilege of sitting on that board, which was the Advisory Board to President Roosevelt's Committee on Economic Security; and unfortunately the action of that committee—or at least, we were requested not to divulge the action of that committee at this time. I might state, however, that the Committee on Economic Security is working on a very concrete and comprehensive plan in regard to health service, which, if they see fit, will be put into force in the various States of the Union. However, as to the possibility of the thing, we do not know.

I spoke to Senator Williams just a moment ago in regard to a statement from the dental association, and I did not think I would be allowed the floor this early, and, having to catch a train, I prepared a statement which I was going to leave to have read, but I think I will read the thing myself at this time.

CHAIRMAN WILLIAMS: If you please.

DR. GREEN: I represent the California State Dental Association and the Joint Legislative Committee of the California and Southern California State Dental Associations.

The time that I will consume in reporting for these organizations will be brief and certainly not in proportion to the relative importance of dentistry to any satisfactory health program. Dentistry is an important, necessary, and indispensable division of medical service and, as you know, is practiced entirely by members of the dental profession.

We believe that any plan of health insurance will be satisfactory only in proportion to the amount of dental service included therein. To exclude dentistry in our opinion would not only be unsatisfactory, but would invite failure of the plan (the people) to neglect their mouths and teeth, thereby inviting the many consequent ills which are admittedly the result of a faulty dental apparatus. The State dental associations have not committed themselves however on the subject of health insurance. We are actively participating in the California Medical Association's economic survey and have contributed some money towards the expenses incidental to this problem. Our members are acutely interested in the problem of health insurance but will not be in an advantageous position to draw conclusions on these exceedingly

important problems until the work of the special committee of 1926 on human economy of the California Medical Association has been completed.

I would like to submit that report as if the two State medical organizations wish to thank you for the privilege of appearing before you. Thank you.

DR. SULLIVAN: Dr. Green, may I ask you a question?

DR. GREEN: Certainly.

DR. SULLIVAN: You stated that the conference in Washington, in a sort of indefinite way, thought they might put a plan into effect in the coming session of the Union.

DR. GREEN: It is rather vague, Dr. Sullivan. The suggestion of the whole thing was this: That if they deemed it necessary, or that the time would be the meantime perfect a plan which would probably be presented to the coming session of the Union.

DR. SULLIVAN: Who would present that plan?

DR. GREEN: The Federal Government.

DR. SULLIVAN: In what way?

DR. GREEN: Well, we don't know. That is something else that is very vague about it.

DR. SULLIVAN: How can the Federal Government legislate for the various States of the Union on health questions?

DR. GREEN: That point was raised, and it is just possible that due to the funds used for relief in the various States, they would recall all funds for relief and say: "Handle your own relief, or accept our plan."

DR. SULLIVAN: Oh, it would be coercion, then, on the States?

DR. GREEN: Well, possibly.

DR. SULLIVAN: That is a new Federal method?

CHAIRMAN WILLIAMS: It is not new, because we are getting that some thing in unemployment matters.

DR. SULLIVAN: Secretary FRANK PERKINS said the other day very definitely that they were not going to recommend it that way; that they were going to recommend that the States enact their own laws, because we still have State rights.

CHAIRMAN WILLIAMS: That is quite true.

DR. SULLIVAN: And the Federal Government can only enact certain laws for the District of Columbia.

CHAIRMAN WILLIAMS: That is quite true.

DR. GREEN: Anything else, Dr. Sullivan?

CHAIRMAN WILLIAMS: Is there anything else from Dr. Green?

DR. SULLIVAN: I believe, Dr. French, you were back there in Washington, too, in response to one of those numerous presidential invitations?

DR. FRENCH: Yes, sir.

DR. SULLIVAN: Did you get the same impression as Dr. Green?

DR. FRENCH: No, sir.

DR. SULLIVAN: Mr. Chairman, I have just received a telegram addressed to the committee. May I read it?

CHAIRMAN WILLIAMS: Yes, surely.

DR. SULLIVAN: "Celestine J. Sullivan, Senate Committee, 217 State Building. As representative of the California Osteopathic Association, I wish to express through you to the Senate interim committee our grateful appreciation of the pioneering efforts of the committee to solve the difficult problem of health insurance. There are no divisions in our ranks. The California Osteopathic Association heartily approves the insurance plan as outlined by Senator Yoell and Mr. Rowell."

W. W. VANDERBURG, D. O.

CHAIRMAN WILLIAMS: Dr. Sullivan, who have you in mind to call on now?

CHAIRMAN WILLIAMS: The committee would be very glad to have you speak, Dr. Yoell.

DR. YOELL: Mr. Chairman and members of the Senate interim committee, and ladies and gentlemen:

I received an invitation to speak and be present at the public hearing of the Senate interim committee, and I wish to say that in availing myself of that privilege I am speaking as an individual physician, and not as a representative of any organized body of medical men.

Now, it is true that the presence of this representative group of people here this afternoon signifies the coming to the crisis of a great social trend and a great many men within the medical profession in the State of California have been conscious for quite a number of years of the direction, growth, and development of that trend.

While it is true that there are differences of opinion within what is termed organized medicine as to the best method of approach to the solution of this problem, I would call respectful attention to your distinguished committee that contention is to be found not only within the ranks of the medical profession, but that any body of men drawn together to consider the elements of any problem:

must necessarily, if they bring an honest approach to that problem, bring also honest differences of opinion.

There is a great bridge in progress in this city. The mind of man is going to throw a span of steel, ton on ton, across a mile of sea water; and yet, with all the instruments of precision, with the most mathematically exact science that the mind of man has ever been able to develop within the ranks of engineers concerned with the erection of that bridge, there have also been honest differences of opinion.

And I would also respectfully call your attention to the fact that in any case that is brought into any court, under the jurisdiction of the codes of this State, there is also represented in the minds of the legal profession honest differences of opinion. But as I stand here, a younger man—but not necessarily a young man—and see the grizzled veterans of our profession—men like Dr. John Graves, men like Dr. Walter Coffey—and see some of the younger men that I must admit I do contend with, men like Dr. Wilson, men like Dr. T. Henshaw Kelly, men like Dr. Kilgore—I have yet to find in our contentious a single thing which would lead me to doubt the sincerity and the integrity of purpose with which they put up their proposals.

Now, I believe this: I believe that roughly from 55 per cent to 65 per cent of the people in the State of California can not from their own earnings finance the cost of a major illness, and that this group, or any member of that group, when faced by a major illness, must necessarily, if they meet their financial obligations, skirt the edge of bankruptcy. That is a definite sociological fact.

I also believe that just as labor has established the right to collective bargaining; so, too, have the individual citizens the right to pool their resources and to buy collectively that which they can not finance on a personal and isolated basis. And we have heard this morning from organized labor; we have heard from the men who are the root, the bone, the heart, the marrow, the strength, of the commonwealth of the country in which we live, and we have heard that they unhesitatingly and with unflinching eye, meet this challenge, and they want to solve it in an American way. Now, those men and their forebears in the bygone centuries, in the early twenties and thirties in England, which was then going through an industrial revolution, sought and fought to establish this right of collective bargaining, and the mill owners and the mine owners of England combined and passed laws in Parliament which made it a criminal offense for working men to combine to gain their end, and men were picked up from the street, imprisoned, tried, and again imprisoned, and sent across the seas into a howling wilderness—namely, the then existing Australia—in defense of that right; and it is my sincere belief that the medical profession is faced by the same inevitable destiny that faced the mine owners and the mill owners of England in the early twenties and thirties of the last century.

This right to cooperative buying of health protection is definite. It is no longer decent, it is no longer civilized, for a man trying to protect his wife or his children in time of illness, to have a financial barrier established between himself and those things which he needs to have to sustain the life of his loved ones, if that financial barrier can be removed; and it can be removed through the instrumentality of the insurance principle as a social mechanism. It has been established in almost every civilized country in the world, and it will and should be established in California.

There is, however, this distinction—and again I call respectfully the attention of your committee in your deliberations, that the right to cooperatively buy health protection is a very different thing from the rights of corporations to sell medical service. And I ask, with all the earnestness at my command, that in all your deliberations at Sacramento, where you represent the people of this State, that you will bear in mind the distinction between the right to buy cooperatively and the right of corporations to sell.

Now, I believe also that medicine, organized medicine, will sit down with you and work out a happy solution to this problem; because I know in times past that no call has ever been made by an existing civilization on the medical profession wherein the medical profession has been derelict in its duty, and it has been unhearing and unmindful of that call. You must be a little patient with us within the next few weeks, in our deliberations, and with our contentions; but I do believe this: That just as you gentlemen of this Senate committee, and you men and women representing the various hospital associations—the great Catholic sisterhoods, the non-Catholic hospitals, the great universities, the labor organizations, the industries—are sitting in this room now and giving an honest intent and a keen mind and an absolutely penetrating judgment on this existing problem and its solution—so, too, will the medical profession come forward and join you in this study.

We of California, who were born on this soil, and those who live from the bounty of this soil, love this State; we love this, our California, and we feel absolutely that in your hands and in the hands of the fellow citizens of this State, that a solution to this problem will be worked out which will provide for every solvent person competent, adequate medical care, that will retain to the medical profession the right to the competitive effort of practice, and that marching forward shoulder

to shoulder, a great load of preventable want and misery will be lifted from the shoulders of the people of California.

I thank you for the opportunity of addressing you.

CHAIRMAN WILLIAMS: We would very much like to hear from Mr. Moffatt, who represents one of the groups of railroad men. Would you mind coming forward, Mr. Moffatt?

MR. MOFFATT: Mr. Chairman, and ladies and gentlemen—

CHAIRMAN WILLIAMS: Mr. Moffatt, will you please tell us whom you represent?

MR. MOFFATT: I am representing the Brotherhood of Locomotive Firemen and Engineers on the Southern Pacific and Pacific Lines, and I would distinctly state that there was some criticism offered, or will be offered at this hearing, relative to the hospital system of the Southern Pacific. I would like to state that I have been employed as chauffeur of this Brotherhood for approximately eight years, and I have visited our hospital once and twice a week during that period, and I think and can speak without fear of intentional misstatement, that I could take you to any patient in the hospital, and let one of our men voluntarily tell you that they are well pleased and satisfied. I have been an employee of the Southern Pacific 28 years, and I just roughly estimated what I have paid into the hospital department, \$336 on a graduated scale. I believe when I started, when I was first employed, I paid 50 cents a month; is that correct, doctor?

DR. COFFEY: That is correct.

MR. MOFFATT: And now it is \$1.50, and I have been in that hospital not less than six months in the 28 years, and have been operated on three times, and all successfully.

Now, there is one point that I have intended to cover thoroughly, and that is the plan of health insurance, as to being voluntary or compulsory. I might relate a little of our own experience. We have had in our organization a pension plan. At one time we had 122,500 members. Our pension plan was voluntary, and finally less than 20 per cent of our members participated in the pension department; consequently it couldn't function, and it was gone away with in 1931. Therefore, I think that any plan adopted should be compulsory, and everybody participate in it and receive benefits whenever needed.

In further support of our satisfaction with our hospital department, I might say that our members who are furloughed have requested and have been granted the privilege of paying hospital dues of \$1.50 a month while furloughed, to keep in good standing, so that if anything happened they could enter our hospital.

Now, I think that I have covered it all. If you would like to ask me any questions, I would be glad to answer them.

CHAIRMAN WILLIAMS: May I ask you this question: Have you any figures as to the percentage of those who were furloughed and who maintained that active interest?

MR. MOFFATT: No, I have not.

CHAIRMAN WILLIAMS: Have you, Dr. Coffey?

DR. COFFEY: I haven't them with me.

CHAIRMAN WILLIAMS: Could you tell me approximately?

DR. COFFEY: Well, I couldn't say approximately, because I don't handle all the figures; my manager handles them. But there are a great number of them that continue on.

MR. MOFFATT: I might state this: That you will work a month or two months, and then be furloughed a month, and then come back on; so it would be rather hard to tell just who furloughed and who was contributing.

DR. COFFEY: There have been men who have passed out to other systems out of our jurisdiction, that have asked the privilege of continuing, even as far as New York—which we have granted, outside the jurisdiction of the Southern Pacific—there are men representing the company all over the United States, and they have the privilege, if they wish it, and they all seem to want to belong to it.

MR. MOFFATT: I might also state that our organization's representatives, who are out of service and are not employed by the company, and persons not employed by the Brotherhood, continue to pay their hospital fees, and are entitled to hospital privileges.

CHAIRMAN WILLIAMS: We will hear now from Mr. George Irvine.

MR. IRVINE: Mr. Chairman, ladies and gentlemen: There is very little to add to what has already been said.

CHAIRMAN WILLIAMS: Pardon me. Will you please tell us whom you represent?

MR. IRVINE: I represent the Brotherhood of Locomotive Firemen in the State—men employed on all the railroads in the State.

There is very little that I can add to what Mr. Moffatt has said, except there is a desire on the part of some of the employees of these railroads to have their families included. There is no provision made for their families. The employees are well taken care of.

I can go Mr. Moffatt one better: I worked for the Southern Pacific about 32 years, and I paid in. I figured out one time, approximately \$400, and I was in the Southern Pacific Hospital for a compound fracture of the leg for four months; so I think that

I got my money's worth. I think that this is a very commendable and practical plan for everyone.

SENATOR TICKLE: Would you like your families to be taken care of?

MR. IRVINE: That is the opinion of most of the men, that they would like to have their families taken care of for a monthly payment, the same as the men are, and I think that is the opinion of the men—not only on the Southern Pacific, but the Atchison, Topeka & Santa Fe, the Western Pacific, and the Union Pacific. Those are the major lines in California where we represent the men.

CHAIRMAN WILLIAMS: Thank you. We will next hear from Miss Jamme.

MISS JAMME: I represent the California State Nurses' Association. While nursing is not medicine, yet it is an important factor in health service, because it is based on and bound inextricably with medical practice; and any change that may take place in the economics of medical practice will affect nursing practice.

Nursing is an important part of medical care, under whatever system it operates, whether voluntary or under State or municipal jurisdiction. The nursing organizations of California have taken no action for or against compulsory health insurance. The nursing profession, however, is pledged to the policy of adequate care of the sick, of whatever type or quality or quantity, and a cost that is within the power of the sick to pay. It has proven that this can be accomplished where organization exists, and the cost of the service is covered by State or municipal funds, or by private endowment. There are data now available showing how effective nursing service can be rendered to the people on an organized basis. It is now given to the people almost all over the country on an organized basis, and it is well carried out by organized nurses.

I think you have with you today a man, Dr. Sheppard, who can very well support the ideas of nursing service in connection with any organized effort to bring nursing care to the people at a moderate rate.

DR. SULLIVAN: Miss Jamme, you had in the last issue of your very valuable journal an article on health insurance—

MISS JAMME: Yes.

DR. SULLIVAN: And commended it very highly.

MISS JAMME: Yes.

DR. SULLIVAN: Do you approve of that article?

MISS JAMME: Yes, I do.

DR. SULLIVAN: All right. Thank you.

MR. MOFFATT: Mr. Chairman, if I may, I would like to make another statement in support of our hospital plan.

CHAIRMAN WILLIAMS: Will you proceed, Mr. Moffatt?

MR. MOFFATT: I would like to make another statement. Our good friend, Dr. Coffey, through his interest and persuasion on the Southern Pacific Company, has within the last year established what is known as a better health car. It has traveled all over the line in California, Texas, New Mexico, Nevada, Utah, and into Oregon; and through the efforts and examinations of the examining physician in the car, they have found lots of employees who were just beginning to take down with some disease, ordered them into the hospital, and given them a chance to get well without serious damage. I am bringing that out, for your committee, to illustrate that the other workers who are possibly unemployed or working for a very small salary haven't the opportunity to go to their family physician and secure the information that we can get through the examination car.

DR. SULLIVAN: That is the Better Health car?

MR. MOFFATT: The Better Health car, yes.

DR. SULLIVAN: In other words, that is a practical system of prevention, rather than cure?

MR. MOFFATT: Yes, that is what it is. A similar service could be followed out for all those covered by health insurance if the plan was adopted which we are now discussing.

CHAIRMAN WILLIAMS: Thank you, Mr. Moffatt. We will now hear from Dr. Sheppard.

DR. SHEPPARD: Senator Williams, and members of the interim committee:—

SENATOR TICKLE: Dr. Sheppard, for the record will you state whom you represent?

DR. SHEPPARD: I am here purely as an interested onlooker. I came to listen and learn, and I am not authorized to represent my employer, which is the Metropolitan Life Insurance Company.

My work is connected with the work that Miss Jamme referred to—namely, the direction of a public health program of limited extent amongst our policyholders in the western territory of the company.

Miss Jamme's reference was to a part of that program which deals with the furnishing of our industrial policyholders with a visiting nursing service at their home in the presence of acute illness.

Now, for the benefit of the medical men here, since this has been brought up, I should explain that the nurse is not permitted to continue in charge of the case unless a physician is in attendance. We do find undeniable proof in our own records

that there is an inability, at least on the part of our policyholders, to obtain competent medical care when it is needed. These people come through the fact that the nurse is permitted to make one visit at the home of the policyholder at their request. If she finds that the patient is seriously ill, she immediately communicates with the policyholder and a physician to examine the patient and see what steps to be done, and leave directions for the nurse. The nurse is then permitted to make a second visit the next day in urgent cases, to see if the physician has left directions for her to treat the patient, to give nursing care, and so forth. In the majority of cases, 18 per cent of those cases where the nurse herself has been to the home and has been satisfied that serious illness exists, on the return the second day the people have tried to call a physician.

SENATOR TICKLE: Would you mind telling us why?

DR. SHEPPARD: I have been very much impressed in our Senator Tickle and I have no figures on the answer to your question. I have consulted with the nurses in various parts of this territory, and I find that less than 2 per cent of their opinion is due to antimedical obstacles, religion or otherwise, and that 98 per cent. They roughly estimate that perhaps 90 per cent is due to ignorance, not feeling on the part of the policyholder that they are unable to pay for that doctor's visit. That is the nurses' estimate.

I should like to say, since the name of my employer has been brought in, that we are not interested in the sale of this type of insurance. We do not handle health insurance at any time.

I have been pleased with the discussions thus far in defining rather carefully the meaning of the term "insurance." We are using here the insurance principle, and insurance as is so often loosely expressed. As I say it, we are in a relatively fortunate position in this State to tackle the problem, which your committee is concerned with. Sickness is an insurable risk, in the terms of the insurance companies. It is not an insurable risk in the terms of the life insurance companies; and life insurance is a relatively exact science, since we are all in a state of death when, within reasonable limits of error, how many death claims we shall have to pay out of a given part of population. Sickness can be determined with less accuracy.

The cost of sickness may be determined with still less accuracy, because different people require different grades as they think of services, but it can be determined, and our State Medical Society study will give us the best figures. I am sure you are available on that subject.

SENATOR TICKLE: Does your company, as some companies do, send out a notice asking your policyholder to go and see a doctor once a year, at no expense to the policyholder?

DR. SHEPPARD: Yes, sir.

SENATOR TICKLE: You do that?

DR. SHEPPARD: Yes, sir.

SENATOR TICKLE: Well, why do you do that? Isn't that an expense to you?

DR. SHEPPARD: Yes, sir, we pay for the examination. We don't make the examination. That is through contract with a different organization, known as the Life Extension Institute. The figures of that Institute show, as regards our own policyholders, that out of 17,000 persons typically examined over a period of two years, those 17,000 persons had roughly 20 per cent less mortality, less deaths, fewer deaths, than would have been expected according to the average run of deaths in that size group.

SENATOR TICKLE: Then you merely do it as a very sound investment?

DR. SHEPPARD: Yes, sir.

CHAIRMAN WILLIAMS: Doctor, that is only for policyholders of \$5,000 or more?

DR. SHEPPARD: No, it is available to policyholders holding, I think, as low as \$1,000, once a year. I can't give you exactly that figure, but it is available to certain policyholders.

CHAIRMAN WILLIAMS: But it has paid your company to do it?

DR. SHEPPARD: Yes, sir.

DR. SULLIVAN: Did your company, Dr. Sheppard, make a study of health insurance?

DR. SHEPPARD: We have made extensive studies of all types of health insurance.

DR. SULLIVAN: What conclusions did the company reach, and do you agree with those conclusions?

DR. SHEPPARD: We came to no conclusions, Dr. Sullivan. Those studies were simply fact-finding studies, and I think they have been made available to your office.

DR. SULLIVAN: I have them, thank you.

DR. SHEPPARD: They were for the benefit of all individuals.

DR. SULLIVAN: I just wondered whether you approved of them.

DR. SHEPPARD: Well, I can not deny the facts in the studies. I think those are as accurate as could be possibly obtained.

DR. SULLIVAN: Do you think they could be followed with reasonable security?

DR. SHEPPARD: Yes, in so far as they go.

DR. SULLIVAN: Do you believe that the improved death rate, or the rate of 20 per cent, was due to preventive measures that followed the examinations, or that

you happened to have a favorable group of people that took better care of themselves?

DR. SHEPPARD: That is a controversial question, of course. There are two obvious errors in those figures—at least, two obvious variables: First, that that examination is not compulsory, but voluntary. Therefore, it is not an unselected group. Doctor. It will consist, first, of those people who know they are sick, or have reason to suspect that they are, and therefore are more willing, perhaps, to seek medical aid. That variable would tend to reduce the expected favorable mortality, because they are sick people. The other error to some extent counteracts that. That is the fact that those people, who would naturally take advantage of this free offer, would be people who are rather meticulous about their physical care anyhow, and who perhaps take a little better care of themselves than the average; and that would in turn tend to counteract the other error. I only know what the figures show; and my own opinion is—and this is a personal opinion, not a company opinion—that it is worth while, it is worth the money that it costs.

DR. SULLIVAN: Are you familiar, Doctor, with the report of the committee on the costs of medical care?

DR. SHEPPARD: Well, with parts of it, Dr. Sullivan. It is very extensive. I haven't followed it in detail.

DR. SULLIVAN: May I read to you just one recommendation in the majority report, and see whether you approve of that:

"The committee recommends that the cost of medical care be placed on a group payment basis through the use of insurance, through the use of taxation, or through the use of both of these methods."

Do you see any objection to that recommendation?

DR. SHEPPARD: No, I do not see any objection to it personally.

CHAIRMAN WILLIAMS: We will now hear from Dr. Morton Gibbons, representing Stanford University.

DR. GIBBONS: Mr. Chairman and members of the commission, and ladies and gentlemen:

CHAIRMAN WILLIAMS: Doctor, don't limit yourself as to time at all.

DR. GIBBONS: I am here as a member of the committee appointed by Dr. Wilbur to represent Stanford University; but inasmuch as Stanford University, so far as I know, as a university has no policy, I shall have to speak for myself. I can not commit Stanford University.

It is my feeling, and that, I think, of a great many of the physicians, that health insurance is inevitable. We have based all our studies in the past three or four years in San Francisco, in our county medical society and other groups studying this subject, upon the assumption that if health insurance were here we would have to cope with it and that we would have to make the arrangements. And it is on that point that I would like to speak.

Assuming that we have health insurance, how is it going to be arranged? What will the details be? You have heard it said that all the countries except Canada and the United States have health insurance. It is significant to me that no two of those systems are alike. It is granted that no two countries are alike. The needs of no two groups of people are alike. But no two of these systems are alike. We can go further than that, and it is probably known to the members of the commission, and it may be a surprise to some other people who are in the audience, the German system is the oldest. Mr. Rowell said it was 50 years old. It is probably older than that. And yet the German system is not perfect. I am not going to take much time. I only want to point but one or two points to you, in the hope that the Senate committee will take such things into consideration. We will grant health insurance, but it is the means of putting it over. In the last 15 or 16 years since the Armistice, the length of disability incapacitation from any given disease in Germany has increased 40 per cent. With the experience of 35 to 50 years, it would seem by this time that something of that sort should be stabilized. We know from Germany that gradually the number of civilian employees employed in bringing the doctor and the patient together, collecting the finances to carry the scheme over, has increased to a number in excess of the doctors employed to do the work. We know that the amount of money collected has been the same. These civilian employees have had to be paid, and the only means left was to squeeze the doctors. We know, further, that the number of doctors applying to the colleges to take medical education has decreased to some 40 per cent of what it used to be, because there is no promise of a future. We know that in England—we heard that the English physicians, at a banquet given to Lloyd George—because he was the originator of this system—I was in England at the time that this system was started in 1911, and knew all about it—that the doctors would not go back. There is a great deal of space between not going back, and what it might be; and some of you may not be aware that there is practically no surgery in the English system. They have a remarkable system in England, unlike ours, in taking care of the sick, and in taking care of particular surgical cases; and it amounts, in the majority of cases, to this: If a man encounters a surgical case—an emergency, for instance an

appendix—that is all right, he can take his patient to any hospital, and the patient will be taken care of. The English are remarkably businesslike, even there, and would be in this country under such circumstances. Our doctors come to the military hospital, and are well taken care of. That it is not the same there. You can go to any one of what are known as public hospitals, but they are not taken care of by the man on the panel. We would not that there is a danger, the man rendered an operation for a tumor. The panel doctor doesn't take care of that case, because he in a large majority of cases, but not more in a hospital. As soon as hospital profits are taken up by men who render to the public, it is not the same. The friend of his man is on the staff and who can take him in a hospital. The man goes to the hospital if that arrangement is made, and is operated on for nothing, with no cost to the fund. The lady member of the hospital goes around and visits the patients and her friends, when the time comes, and she collects what she can for the benefit of the hospital, run by private subscription and voluntary contributions. Nobody pays for that case. The doctor is not paid for the Mary, and the panel man is not remunerated, and the man that operates the case is not paid.

We have heard our Workmen's Compensation Law referred to. The Workmen's Compensation Law in California, as we should want. Mr. McDonald said that there would be heavy costs of and the right to remove that from among the laws of the State; but there is no change in the law that I can recall or which has made anything possible in the way of medical care, that has come from passing in the way of medical care under the law, but little good. We have had saving the life of that law, contrary to the law, and different parties, and we have had I mean lay organizers doing things to do the work in large groups, and we have had panel systems. None of these things should be allowed under our health insurance. We have not, furthermore, the administration of the Workmen's Compensation Law during the last 15 years or so in the hands of men who originally framed the law—highly trained men, interested in medical matters, and we have seen now that men who were working elsewhere about the system over which they have had control.

Now, the medical profession is not going to oppose a health insurance law; it is not going to oppose a comprehensive health insurance, because I think they feel or well know that any other system is not possible. But when they want almost all things, is to have the law right so that the work will be done, and the treatment, however treatment, and so that the doctors may be so successful that they may give that treatment.

SENATOR TICKLE: Dr. Gibbons, have you read the California report?

DR. GIBBONS: I am not familiar with it. I have heard it discussed and heard it described, but I am not familiar with it.

SENATOR TICKLE: In that report they state that there has been a 50 per cent decrease in sickness in England since they had their system of health insurance in effect?

DR. GIBBONS: Well, I would imagine that would be so.

DR. SULLIVAN: Are you familiar, Dr. Gibbons, with progress in medical service?

DR. GIBBONS: Only very vaguely. I am not in a medical service myself. Do you mean the instruction—the clinical work, and all that?

DR. SULLIVAN: No, the service rendered to students in the various universities throughout the United States that are progressive, including the University of Stanford—the distinguished university you are representing—and the University of California?

DR. GIBBONS: Well, yes, I am familiar in a vague way. I have not studied them closely.

DR. SULLIVAN: It is stated that the University of California physicians, surgeons, dentistry, hospitalization, laboratory service, physiotherapy, X-ray service, and drugs, are furnished to 18,000 students in residence at a cost, including capital charges, of \$17.86 per eligible student for the school year.

Knowing the very high character of the doctors who serve these students, they must receive practically the best care that could be given, don't they?

DR. GIBBONS: Yes. I would like some one who knows more about it than I to tell you more about it, however. I am not familiar with Stanford at all.

SENATOR TICKLE: Inasmuch as we are getting quite eloquent, and we have been to Stanford, we might now go to the University of California.

PROFESSOR MAY: Senator Tickle, and members of the interim committee, and ladies and gentlemen.

I do want to qualify my remarks by stating first that I am not speaking officially for the University of California, except in this respect. As director of the bureau of public administration of the university we are most anxious to be of service to the interim committee or any other commission of the Legislature in furnishing factual material; but it has been our policy not to recommend anything at any time in dealing with legislative matters, so that we can best serve this committee and the State by confining our services to the furnishing of factual material when desired; and for that purpose we have rather unusual facilities, and are at all times ready to marshal our resources in order to give factual information to the committee.

I, however, would like to make a few remarks in regard to the subject generally, which I hope will be considered factual, and not as propaganda for or against any particular scheme.

First, I want to say that we are in an unusual position in the State of California, in that this movement is starting with the experience of almost every other civilization as our background. There has been ample written on this subject, and we have enough material to fill room after room of this size with the material and studies that have been made in this field. Very few more studies are required in this field. It is merely a question of ascertaining the various schemes which exist in the different parts of the world, understanding our own situation, and seeing which ones will be applicable to meet our needs.

To those of you who are interested in this matter, and do not care to go into it at great length, may I suggest, without in any way trying to advertise a particular magazine, that this month's issue of the "Survey Graphic" is devoted entirely to this subject of health insurance, and in my opinion for the layman it has almost everything that is needed for a thorough understanding of this subject. There is here in the briefest survey the report of the American Medical Association boiled down to some ten little paragraphs; the American Dental Association, the Committee on the Cost of Medical Care, the minority report, the Committee on Economics of the American Medical Association, the American College of Surgeons; and then there are a good many articles dealing with the particular aspects of the problem. The Milbank Foundation has been devoting considerable attention to this matter, and I am particularly impressed with an article in their July number, 1934, by the head of the Medical Association in Great Britain, which I recommend to any of you who doubt their own point of view in regard to their experience in England. Sir Henry Brackenbury, who is a member of the Royal College of Physicians, and who is chairman of the British Medical Association—there seems to be no question in regard to their official statement concerning their experience.

Now, we have the advantage of all that, and it seems to me that the problem resolves itself into some very definite questions. Most of the European experience deals with the laboring classes, as such.

There is a serious question in this country as to whether health insurance, if it is passed in this or any other State, should not apply not to just the working classes as such, but certain income groups, and there have been a great many studies to show just what the cost of the medical care in these various groups has been, and also the adequacy of the service in these groups.

Another question, which has not arisen as yet today, but which I think should deserve your consideration, is the problem of cash benefits, because of loss of wages among the unemployed; and again without suggesting what the solution is, I might say that it seems to be the consensus of opinion in America that there should be a complete separation between the cash benefit phase of this problem and the medical phase of the problem. I think hardly any one would differ with me when I say that is the consensus of opinion of most people who studied this problem. And then there is the problem, of course, of the amount of service. Most of the schemes which have been proposed suggest difficulty from the Verdes scheme that hospitalization be included as well as medical service; but, on the other hand, most of the schemes do not include highly specialized medical service, confining their service to general practitioners, hospitalization, drugs, and maternity benefits, leaving to local autonomy the discussion of whether or not the specialists, dentistry, clinics, and home nursing be included. These seem to be the standards which are the minimum which have been suggested by most of those who have given considerable thought to this subject.

Now, another thing which troubles the people interested in this subject greatly, is this fear of politics—the relationship between the layman on the one hand, and the physician on the other. I am not speaking now of the relationship between patient and physician; but in the administration of any health insurance scheme, the degree to which the physicians themselves should control the situation. Now, that is something which deserves consideration, and a good many plans have been suggested.

May I direct your attention to the suggestions made this year in this same quarterly of the Milbank Memorial fund for a three point division, whereby the administrative phases are handled by a lay board with the distinct understanding that all professional problems are handled strictly by physicians, and then when judicial and legislative problems arise, there be some kind of conference between the lay board and the physicians. There is no question about it. There is a practical problem involved, and there is that difficulty. If, as has been suggested here time and again, some type of insurance is inevitable, that is a problem which will have to be settled. All of the schemes I believe suggest that there be a free choice on the part of the patient concerning the individual physician who shall handle his case.

Now, in regard to the cost of this scheme: Most of the proposals suggest, as did the Cost of Medical Care Committee, that there be some public contribution, as well as those who are the beneficiaries of the insurance scheme; and that is, of course, something that the committee will want to consider, too. Of course, with the present state of the budget and finances in the State of California, that is a ticklish question; but a good many of the schemes do suggest that a part of this be taken care of through taxation; and if we are going to include those who are

to benefit by this scheme, those other than employees, farmers, let us say, and others, it may be that a taxation scheme is the best way to collect that particular part of the cost.

The fact that studies, and may I say on safer ground, all indicate that a health insurance scheme would not cost more than it now does, even for medical service in this country, I think that is a particularly significant thing. It would appear to be a question of a spread both in the time element, in having the money available, and it would get more integrated service, because it would smooth the rough ride under an emergency requires the service to get it at the time when it was wanted.

I am not going to take up the time of the committee by going into any details concerning the English, the German, or the French systems, except to say that we have the advantage of reason and touch of reality and reality of this scheme, and it seems to me the time for action has arrived in California, and also from the point of view of the patient, not only from the point of view of the public, but from the point of view of the medical profession itself. I have been disappointed that the medical profession has not assumed leadership in building up a scheme of health insurance in this country, because it does appear that they are being forced into the situation. Of course, the medical profession is entitled to leadership if the members of that profession will assume it, but up to the present time I am afraid the medical profession has not assumed the leadership in this matter. You have not asked, however, that the medical profession assume the only one proposed. The one statistics which I have show about \$1,000,000,000 cost for physicians fees, about \$850,000,000 for hospitals, about \$715,000,000 for medicine, \$450,000,000 for dentists, \$200,000,000 for nurses, and then a smaller figure, \$120,000,000 for public health activities. All of these figures should also be paid.

And I am going to end with a rather indefinite statement concerning the administration. The primary interest in this is the public interest. I am not speaking now of the taxing interest or the contribution of funds, but I am speaking of the administration. The primary interest is the public interest, and any type of administration that is worked out must primarily represent the public rather than the physicians as such, or the patients as such. I think that there is nearly general agreement upon that point by all important segments of the situation, and we must expect any of the interested groups to be correctly informed. It is possible that they should represent their interests, and at the same time be perfectly honest and unselfish in so doing.

I think there is one other thing which I may suggest, and that is in the relations of the various groups who are attending this meeting, that they have become the subject of group medicine from health insurance. And the approach which we have are two different things, and in this country, where we have a great deal of public medicine in the way of hospitalization, and insurance schemes which would be worked out would of necessity include the use by those who are the beneficiaries of the scheme, both public institutions and private institutions, of both the private practicing physician and the public agencies as well.

I had the honor bestowed upon me not long ago of being named on the advisory council of the California Medical Economic Survey, and having conversations of that group are here today. I would like to make a statement in regard to it at this time.

I am not a "yes" man. Inasmuch as I have been placed on that committee, I hope that I will have ample opportunity to take part in the discussions, and conclusions are formed in regard to the facts and data which are being presented by the staff.

SENATOR TICKLER: Haven't you been consulted so far, professor?

PROFESSOR MAY: Well, I think that committee in going here has not as yet come to any conclusion, and their data is not in, but when the data is in I hope that I will have an opportunity to help them in regard to the public phase of it.

DR. WILSON: Could I answer you, Doctor?

PROFESSOR MAY: Yes.

DR. WILSON: The committee of five had the honor and privilege of obtaining your consent and that of the heads of the departments of various other universities, not with the thought of having "yes" answers, but that we might have the advantage of the experience and ability and information that was available in your various heads and departments, that out of this, when we submit our report, we would have worked out a bill which might be for the best interests of the public welfare.

PROFESSOR MAY: I am sure of that. In fact, I only made that remark because of this factor: As I understand, so far it is being substantially done in the way of gathering factual material. After all that factual material has been gathered, then a much more important function of the committee immediately arises, and that is to recommend some definite action to the Legislature in the form of legislation which will put into effect the policies; and I am quite frank, without being critical, in saying that, although we all welcome this additional data which will be furnished by the committee in regard to California conditions, I believe the whole subject of health insurance has reached a stage at this time where there is at the present time a great mass of data, and the real problem will be on the decision of some of these problems. Should it become compulsory, what is the group which is to be benefited? How are the funds to be raised? Is the public going to participate?

Those are the questions which are extremely important in any legislative course which is proposed. And what I hope I have done in my talk, is merely to raise some of the problems, Senator Tickle, without in any way trying to answer them.

SENATOR TICKLE: Professor, did you ever go to the University of California Hospital? Were you ever in there?

PROFESSOR MAY: Well, I have two sons who are in there. Members of the faculty are not entitled to the hospital privileges.

SENATOR TICKLE: Would you like to be?

PROFESSOR MAY: Yes. I come in contact with the students, of course; and so far as I can make out, other than the little complaints which you hear here and there, about a tooth hurting when it was pulled, or something of that kind, I think that the students are, so far as I can make out, quite satisfied with the service they are receiving there.

DR. SULLIVAN: Members of the faculty are supposed to have salaries high enough to pay private fees, are they not?

PROFESSOR MAY: Well, I think that we do not even use the hospital facilities. Even if we were to pay for it, \$3—it is just for the students. A large part of the fee which is paid the University of California, which is \$26—which the public does not always understand—say it costs \$26 a semester to go to the University of California in fees, about \$17 of that is for medical service alone. It is a service fee in reality.

I would like to make another statement, which hasn't very much to do with the problem of health insurance, and yet I think it is rather intimately related. It was my privilege about two weeks ago in this room to appear before another legislative committee on unemployment insurance; and I have also appeared before a group of the Legislature in regard to old-age pensions. There seems to be no question at all in my mind that there has been a great change in sentiment on the part of the people of California in regard to the whole subject of social insurance during the last two years, and there are some relationships between health insurance, unemployment insurance, and old age pensions, and it is my hope that as these various pieces of legislation in these fields are presented to the Legislature, there may be some interrelationship; and if we keep distinct and separate the financial features of the raising of the money and the paying of the doctor bills, completely separated from the professional, technical and service functions of medical service, I can then see on that other feature of it a very close relationship to these other types of social insurance from an administrative point of view. I hope I haven't made it too technical.

CHAIRMAN WILLIAMS: Doctor, may I ask you a question? I think I asked you the same question on the Committee on Unemployment Insurance. This is not your statement. Mr. Kingsbury advocates 20 per cent from taxes, 40 per cent from the employee, and 40 per cent from the employer. It is not a matter of percentage here at all so far as I am concerned; but do you believe personally that the State itself should participate in this as is indicated here?

PROFESSOR MAY: I am speaking now only as an individual, of course.

CHAIRMAN WILLIAMS: Yes.

PROFESSOR MAY: And I may say that there are many other people at the university. I am not a specialist in this field. There are many other people at the university who are better versed in this particular subject than myself. My own individual feeling is that primarily the State is the principal factor, and should contribute.

CHAIRMAN WILLIAMS: That is, the employee and the employer who are paying the taxes?

PROFESSOR MAY: Yes, but my point is this: In industrial accident insurance or in unemployment insurance, you are dealing with an industrial problem. In health insurance you are dealing with a problem that goes out beyond industry, and covers every man, woman and child in the community.

CHAIRMAN WILLIAMS: You remember, on unemployment insurance there was quite a variance of opinion in regard to that. I do not remember just exactly who participated in that, but my understanding was that there was only one professor from the University of California who was in favor of the State becoming a participant in that situation.

PROFESSOR MAY: Yes, I heard Professor Ewing make a statement that he thought the State should participate.

CHAIRMAN WILLIAMS: Do you believe there is any particular difference in this situation that you have there?

PROFESSOR MAY: There is more reason in health insurance for the State to participate in the raising of the fund, in my opinion, than there is in unemployment insurance, because, after all, unemployment is a problem of industry, while health is a problem which affects every human individual.

CHAIRMAN WILLIAMS: Yes.

DR. SULLIVAN: Professor May, if you have given the matter sufficient consideration, do you think that unemployment is as insurable a risk as sickness?

PROFESSOR MAY: No, I do not. I think that health insurance lends itself to the insurance principle to a greater degree than unemployment.

DR. COFFEY: Wouldn't your method or set-up for health insurance make it a paternal form of government, and place the State in the absolute control of the practice of medicine?

PROFESSOR MAY: Well, I think you may have misunderstood a statement, or perhaps I misstated it. I do not suggest that the greatest proportion of the contribution come from the State; I think that their interest is great, and they should make some contribution, but I am not suggesting that 60 per cent, or anything of that sort, should be made by the State to this fund. But I think in answer to that question we are putting up a straw man in order to knock him down. We in this country are not setting up some ideal which we call State medicine, or State socialism, or fascism, or any particular scheme which we are working toward. The American public does not work that way, thank heavens. We have a practical problem before us, whether it is unemployment insurance, or whether it is health insurance. Necessity enforces the consideration of certain factors, and we try to meet the present problem, and I do not think in meeting the present problem, where the necessity exists, we should set up against the solution of that problem, come fear of some kind which we call State medicine or State socialism, or the trend is in that direction sufficiently, not because we purposely try to make it go that way, but that is the trend, then it is a trend so fundamental that it is our duty to go along it that it will do as little harm as possible. We have the present and immediate problem before us that health insurance is a possible way of improving the health status of this country, giving better service to the patient and a better or wider spread at least of income to the physician. We have always proceeded along the line of meeting a practical problem in a practical way, just as England has done along with us, and that is why I think that England and America are the two great democracies of the world, and they will remain great democracies if they continue to meet problems that way. This merely creates a cross and a struggle between two elements, that are merely theorizing about something in the future, trying to set up an ideal form of government, where you can't do such a thing. Health insurance can not be made perfect, as was said this morning. There is nothing perfect, either in government or in health; and the problem before this committee and the people of the State of California is whether or not legislation can be passed which will improve the health of the people of the State of California through some kind of health insurance. (Applause.)

CHAIRMAN WILLIAMS: We will next hear from Dr. John H. Graves.

DR. GRAVES: Senator, I did not come here with any idea of speaking on this subject. I came to listen to what others had to say, and with a very firm hope that I might learn something. I say that because after 20 years of deep interest and study of this problem, I appreciate very keenly how little I know about it, and how much I have to learn, and I appreciate still more keenly how difficult it is to get a reliable teacher—somebody who has information based upon facts.

I want to congratulate the people of the State and the medical profession upon having a committee such as the Senators and your efficient coordinator-secretary, going into this thing in the manner in which you are.

I feel that something ought to be said about the attitude of the medical profession, so that you will grasp the reason for some of their opinions and ideas.

Now, 17 or 18 years have elapsed since there was a serious effort to establish compulsory social health insurance in California; and Dr. Scullion knows very well the interest that that elicited at that time, and the very bitter contest that followed; but there were reasons. The Legislature made an appropriation for an investigation. A gentleman was brought out here from New York, who had never seen California before, and when he arrived he knew all about what California needed; you couldn't tell him anything. And so he expected, and that commission expected, the full support of the medical profession for a constitutional amendment that would enable them to establish a law, the bill for which never had been written. Well, naturally everybody paused and wanted to know something about it, and so the study of it began. Now, at that time, I testified at many of these hearings, and the dearth of facts and the willingness to establish something that nobody knew anything about, impressed me very much indeed, and, of course, the distinguished publisher this morning, Mr. Rowell, was a valiant exponent of that measure, and on occasions a member of the medical profession advocated it. And Mr. Rowell told you this morning that no matter how carefully you consider this measure, no matter how wise you are, that there is not and never will be a compulsory health insurance measure put into operation, without grave and serious faults. Seventeen years ago, when I heard Mr. Rowell speak of compulsory social health insurance, I thought it was a bed of roses, everything beautiful, and there wasn't a rough spot in it, but he, too, has changed his mind.

Now, this may not be of very much interest to you, or much help to you; but, of course, a great deal of water has gone over the dam during the last 17 years, and California today is an entirely different State from what it was 17 years ago, and the economic, industrial, social and political California of today is not much like it was 17 years ago, or 10 years ago, or 5 years ago, so far as that is concerned. Great changes are occurring all the time, and these changes, of course, must be met.

Now, Professor May has said that he has always felt that the medical profession should have been the leaders in this movement. I entirely agree with him. It was a hope that I clung to for years tenaciously, and spent a great deal of my time and most of my money trying to convince the medical profession of the fact that they should be leaders—and, of course, that entails responsibility.

The professor is also correct in the statement that up to the present time the medical profession has not offered to the people of the State of California in any one locality an opportunity to pay for necessary medical service upon a plan by which they could make periodic payments when they were well that would insure them against the disaster of illness when it occurred; and it seems to me, and I think it seems to all men who have studied this subject—I certainly was glad to know about this "Graphic," when I think of the nights that I have sat up and the volumes that I have read during the last 20 years, and it could all be contained within one little magazine like that. I feel like I have wasted a tremendous amount of money and time. (Laughter.)

But the thing is this—if you will pardon me: That first of all, if certain definite principles can be established—now, organized societies of medicine, the California Medical Association did adopt certain definite principles—that there should be no middleman's profit, that there should be no one who can sell physicians' services to a sick man and make a profit on it himself, no matter what that agency might be—the State, a private corporation, or an individual, or any other agency. You have a group of human beings, and a certain number of them become afflicted with disease or suffer from injuries, and it doesn't make a particle of difference what caused the trouble or what the type of it is: There is a sick person that needs succor and help and treatment, and any system and any State that is worthy of the name has got to provide adequate, reasonable, humane treatment for that sick person. Now, it is true that you may limit the period of time, you may limit the age of the individual, and you will accomplish a certain amount of good; but you are still going to throw onto the scrap heap a lot of people who are just as deserving and it is just as necessary that they should have care; and it seems to me that it is a thing for serious consideration. About the other principles, it is not necessary to enumerate them, because you can get them; I am sure that the medical committee will furnish them to you. And, as has been said, you have the experience of the world back of you. Here is one other thing that I want to say in conclusion: That no matter how long you labor, no matter how carefully you look into every detail, and no matter how much factual material all these various committees that are working so hard present to you, any system that you approve, any bill that you write that becomes a law in the State of California, is going to have a great many faults in it. You are going to do like a great many people have done before—not go very far along until you begin to throw over this, that, or the other, because of its imperfections. But those are things that can not be helped. But the fact does remain, and there is an abundance of proof of that, that today in California there are innumerable California families and California citizens who can not secure for themselves adequate medical care without going to the verge of pauperism, and sometimes over the brink into indigency; and it is a thing that must be met.

SENATOR TICKLE: Mr. Von Ellsworth, I know that you are not prepared to give a lengthy dissertation on this subject—for which we are thankful. (Laughter.) But nevertheless, Mr. Von Ellsworth I know is the economist for the California Farm Bureau Federation, and I think they have been making some sort of a study of health insurance.

MR. VON ELLSWORTH: Mr. Chairman, members of the committee, and ladies and gentlemen: I don't know whether that remark of Senator Tickle's was because he has heard me speak before.

The farmers of the State of California are very vitally concerned in this problem. The problem as it affects them is more important than it is as it affects city people, because oftentimes facilities are available to city folks that are not available to rural people. Oftentimes people are qualified for admission to public institutions where health facilities are made available, when they are in no better economic conditions than many of our farmers are who today neither want such service nor could get it if they did want it in such circumstances. Therefore the problem becomes acute to them.

As you know, Senator Tickle, we have no definite program at this time. In many of our counties we have institutions and county hospitals that we feel are serving very well. We feel that those services should be made available to the members under conditions which would enable them to take advantage of them. But by and large, as a group of farmers, we do not have a position on this particular issue. I think that I can say to you and to your committee that the organization will gladly support any program that is found to be sound and remedial. It has no program of its own. For some time it has to the best of its ability been studying the problem. We have gathered, as you know, considerable data on it, attempting to analyze it from our angle as well as from the angle of the other people of the community, and those data are at your disposal at any time that you see fit to use them. Our study has not progressed far enough to enable us to analyze it and make recommendations thereon. We are looking forward very hopefully to the study that is now being carried on over the State under the direction of Dr. Dodd, and feel

that any recommendations that might be made at this time would be speculative and probably premature. We feel that while I agree with our friend Professor Mann that there are volumes written on it, and I must admit that there are volumes that I haven't read on it; yet I feel that I yet have to see a comprehensive survey of the problem, particularly as it affects rural California. There is one phase of the medical problem, it seems to me, that has been somewhat neglected.

Now, just to suggest certain related problems that occur to me and that you are probably considering, because I think we are concerned in one health problem. Since conversing with you up at the hotel that day, I see a great deal in the title of your committee, the high cost of sickness. I think it is. It not only means the amount which we pay to the doctor and the dentist and the hospital, and so forth, but it means the loss that is sustained to society through the individuals being incapacitated; in fact, it changes the individual's mental attitude; the fact that he might be disabled is a serious economic loss. Within the scope of your committee, it seems to me, should come such problems as a consideration of the unification of the entire health program.

Now, by that I mean this: That as you go from county to county over this State, so far as I know with one exception in the State—and that exception is Kern—there is a difference in the personnel between the county board of health and the county physician, a difference in the personnel between the health regulatory official and the head of the county hospital. I think now particularly and observed in one county, for example: A county physician and a county health officer—two different individuals, both apparently very competent persons, both of them giving a great deal of their time and energy, sincerely and efficiently, and yet the scope of jurisdiction of the county health officer is such that there are certain municipalities within that county that do not come under the scope of his jurisdiction, and within those municipalities is created disease and contamination that he has no regulation over whatever. Some of the cities within the county are by compact between the city councils and the board of supervisors, but the city I think of now was not, and sanitation, it seems to me, is the fundamental one of many of their health problems. Very likely there should be a connection between your county hospital and other groups and other institutions.

Now, then, to us as farmers those are very vital problems. They are directly connected up with the problem that you are directing attention to at this time, and it seems to me that they should be taken into consideration. Very likely you are taking them into consideration. Along that line, there is the problem of governmental activity, which has been the subject of discussion more extensively today. There is the matter of taking care of our indigents. Is that a county responsibility? Is it a State responsibility? Maybe it is a National responsibility. I don't know.

CHAIRMAN WILLIAMS: Could you give your opinion on it?

MR. VON ELLSWORTH: I can not give you an opinion on it. I can give you some interesting observations, if you would like to have them.

CHAIRMAN WILLIAMS: We would.

MR. VON ELLSWORTH: It seems to me that there is no question but what we are going to take care of our health problems—not only the indigents, but those that are not indigents, and the healthy—even all of them, but it appears to me at this time, when our populace is so transient and they are moving about so rapidly, when so many of our people are moving into California and migrating and moving about within and without the State, that very likely we should have a larger taxing unit than the county unit to provide for the medical needs of our indigents.

CHAIRMAN WILLIAMS: We will next hear from Dr. Geiger.

DR. GEIGER: Mr. Chairman, I supply, of course, the care for the indigent sick of the City and County of San Francisco. We supply about 1,200,000 beds a year. To say that we take care of the indigent sick of the City and County of San Francisco very well, I think is plainly evident. It is done through the help of the two universities. To say that the public health side of it—that the preventive side of it, is well taken care of—well, I think that certainly doesn't need any explanation right here. So far as the problems are concerned in the City and County of San Francisco for the indigent sick and for the preventive services, they are well done. Apparently this committee has several problems before it. Before you get through with it, I am sure that you will be both pessimists and optimists to a certain extent. I have been more or less a pessimist in regard to this problem for many years. We are beginning to get in our institutions more people every day. It is becoming more difficult to take care of them. The problem of the money to be taken from the taxpayer is getting more difficult; the taxpayer hasn't got it. The cost of hospital care is going up, due to certain governmental reasons, recovery, and so on. Our costs have gone up at least about \$65,000 this year, over and above what we are anticipated. Now, those problems indicate to me one thing: Either we are getting more people who are coming in to us sick, from the standpoint of a person who is ill, or that more people are becoming incapacitated as the days go along.

Now, there are certain things about this that are of direct interest. In the first place, we have to take care of the indigent sick. That is being fairly well done in

many counties. Irrespective of what is being said here, I think it is well done in many of our counties. That part of it can be almost forgotten. That depends upon the taxpayers and the amount of money that they are willing to subscribe to take care of our more unfortunate brothers. That part is all clear; but the part that is not clear is that there is being constantly loaded into the indigent class the people that you are interested in now. Persons made indigent by sickness. The second thing is this, that you have got to have some unanimity of opinion among the medical profession, which is a most difficult thing to obtain, and I don't want any of you to be too pessimistic about that. One thing that organized medicine has to have is loyalty among its own group, and I think that is what is happening in our California today. I think that as a group the medical profession are more loyal than they ever have been to each other, and if there is some difference of opinion between the committee and organized medicine, that difference of opinion certainly can be ironed out between such gentlemen as you are and with organized medicine. I deal with political bodies perhaps more than some of these other gentlemen do. I have to deal with the political bodies of the City and County of San Francisco all the time. I have never found the so-called politician absolutely inimical to public health; neither have I found him inimical in any of his opinions in regard to the people that need to be taken care of; and I don't think you people will be that way toward organized medicine. I think you have a problem before you. There is no doubt that we have got to have something; we have got to have it. And the only thing that we are trying to do in organized medicine is to bring to you a unanimity of opinion as to how this thing should be done, and which will not be a discredit to the medical profession—and I know you don't want to discredit it; I am sure of that.

Now, our people are getting medical service, perhaps not as good as they should get it, to take care of people who are indigents. I know the cost of it, and I know exactly what it means. I know the things that we have to do for that particular patient. Now, no doctor can supply that unless he is paid for it; no hospital can give facilities unless they are paid for it, and the doctors themselves should be paid. One thing that we have tried to do in our city and county work is to see that there should be at least some compensation for the physicians who work in the Department of Public Health.

Now, I realize that we are in a unique institution. On the one hand, we have in one set of men a preventive service, and likewise, on the other hand, we have in the same set of men the curative side of medicine. You have here one of the most interesting problems of medicine that I know of, where the two universities combine with the Department of Public Health, for teaching purposes, it may be true, for teaching purposes of medicine, and from which the indigent poor of this city obtain probably the finest medical advice that they could ever obtain under any circumstances. Now, we have got the best type of hospitals to which the other people can go. There certainly should be some guarantee, with a man on a certain salary, that he can obtain medical service and hospital service. They have both got to come together. You have got to realize this, that if we don't do something the taxpayers are going to be overloaded with indigents, and somebody has to pay. We will have to raise the standards of our so-called social service economy. Now, whether we agree on the social service economy standards, or economic standards, if you want to put it that way, we are going to have to raise that economic standard to a certain extent, if we don't do something of this kind. The medical profession today, of course, are not beggars by any means. None of us are, and we are not requesting anything at all that we should not have; but I think—and I will be the president of the county medical society next year, not because I desire it, but because somebody appointed me—because the whole medical profession appointed me for that position; and one of my attributes has been, and I think it has been attributed to me for many years, a loyalty to organized medicine; and that is one thing that I have brought to the Department of Public Health—loyalty to organized medicine, and to see that they get their just dues. I am not afraid of this Legislature or any other Legislature with reference to their attitude toward organized medicine. I feel sorry for you gentlemen, but I want you to feel that I am willing to help—my whole department is going to help. And so far as the San Francisco County Medical Society is concerned, with its 800 odd members—it is true some of them are militant, and I am glad they are—all I can do is to make certain recommendations, and those recommendations will be substantially this, that they will cooperate through their own State Medical Association, in order to at least permit you gentlemen to work out a plan which I hope will be acceptable to all. I know what is happening in England. I have seen the English system; I have been with the British Minister of Health. I know what is happening in France; I know some things about Germany. We all know about these things; but when you talk about the European countries, you are not talking about America. We have an entirely different situation here. We might take some of their principles, but we can't take all their systems; it can't be done.

Of course you heard labor this morning, from Frank McDonald. If you want to put it that way, our institution is the midwife of labor; we deliver some 20 per cent

of the babies. That is a service in this city to the poor, if you want to put it that way. It has got to be taken into consideration. That is one thing that has got to be done properly, notwithstanding the fact of best control and a lot of other things. Somebody and we are not going to have any more babies. Well, we may have plenty of babies yet to come. Now, that is all a part of our health system. I want you to feel, and I hope that you do not in any way take exception to any of the remarks that I am making in this whole hearing. But I am sure much pleased with the personnel of this commission. I want you gentlemen listen today, and I think you are willing to learn, as we are willing to try to learn, just what we think we should have in organized medicine. We have got to have some kind of insurance of some kind. It has got to be paid for by somebody. It can't be paid for by the taxpayers—that we know—but it has got to be paid for by the people who receive it, and the doctor has to receive a certain compensation.

You have heard figures from the Southern Pacific Hospital. I don't know of any system in the world that I would rather bank on than the Southern Pacific system, which Dr. Colley has run for many years. I don't know of any system that I would rather belong to than the Southern Pacific system. I am proud of it. They have never paid me anything, but my relations with them have been as generous, because I have seen some of the work that has been done. Now, it is perfectly true that our public health program in this State is not what it should be. Anytime you don't give us enough money. It is not because the Legislature does not give us enough money. The State Board of Health knows how to run it, and it is just a question of dollars and cents. I could run a 100-bed hospital department with 100 nurses, I could pay it with 50 cents; I could run it with a dollar, and I could give the doctors on the amount of money that you give me. And we can do the same thing on the preventive side, and we can do the same thing on the curative side, provided the doctor is happy in his work—and the only way he can be happy in his work is to have some financial guarantee for his own family, the better he can live.

DR. SULLIVAN: Dr. Geiger, don't you believe that the physicians and surgeons who treat the indigent should be paid for their services?

DR. GEIGER: Dr. Sullivan, that brings up one of the most important things that we are dealing with in curative medicine in our institutions. I think the ideal system that is arranged today in our county hospital here, in which it is used for teaching purposes by two great institutions, in which are paid the resident staff, in which we pay nothing more than the resident staff and a part of the expense. I can admit that the San Francisco County has not paid its resident doctors, and that the universities have been stuck, on some occasions when the county should have paid for it. We are trying to correct that as the years go by.

But when the two universities which we have are giving our instruction for teaching purposes—which is a proper thing to do, and in which they are giving service, there are a part of those services which we can pay for, but I do not think for the attending staff and for the consulting staff. I do not think for the indigent sick that the doctor should be paid. That is a service that he owes.

DR. WILSON: I think it is due the public that some statement as to the relationship or lack of relationship between the Public Health League and the California Medical Association and the various county medical associations be made. It happened that the Public Health League originally was started by various members of the staffs of health centers of Los Angeles County, who were disgruntled at the increasing number of patients that they were being compelled to take care of in the public health agencies, without any voice in the methods and procedures, and so on. The present makeup or organization of who were disgruntled at the conservatism of the organized medical profession, and who believed through their more intense activity that they might effect certain changes which would be and they are primarily, if I am not mistaken, interested in public welfare. Once in a while some individual gets the idea that he is correct in his interpretation, but it isn't so; that is a misconception on the part of the individual. Repeatedly, as the Los Angeles County Medical Association—and I think I may speak for them, as I have been their secretary for four years, and will be the president a week from today—we have refused the endorsement or approval of the Public Health League purely for the reason that we know that some day medicine would be misrepresented in the community. Unfairly so, not through any intention to misrepresent it, but through the lack of care that individuals in their passion and prejudice might exercise over their tongues.

SENATOR TICKLE: I am very much obliged, Doctor. That is very good.

CHAIRMAN WILLIAMS: It has been suggested that before we adjourn, that we ask any of you who care to talk on this subject, if it will not be possible for you to be heard tomorrow. We propose to adjourn until tomorrow. We would be very glad to hear you today, if you desire. Our time is at your disposal. Any person who can not be here tomorrow at the meeting, why, we would be very glad to hear from them today.

We will now adjourn until ten o'clock tomorrow morning, in this same room.

(Thereupon an adjournment was taken until ten o'clock a.m., Saturday, December 15, 1934.)

Saturday, December 15, 1934, Ten o'Clock A.M.

CHAIRMAN WILLIAMS: The meeting will come to order, please. Come to order.
SENATOR TICKLE: Is there an official representative here of the Dental Association?

DR. SLOMAN: Yes, sir.

CHAIRMAN WILLIAMS: Dr. Sloman.

SENATOR TICKLE: At the public hearing of this committee yesterday, Dr. T. Henshaw Kelly, Chairman of the Council of the California Medical Association, informed the committee that the Public Health League did not represent and was not the official spokesman of the California Medical Association. I would like to ask you the same question: Is the Public Health League the official representative of the Dental Association?

DR. SLOMAN: No, sir.

SENATOR TICKLE: You never had anything to do with them, Doctor?

DR. SLOMAN: I had nothing to do with them—or do you mean the Dental Association?

SENATOR TICKLE: The Dental Association.

DR. SLOMAN: The closest thing to approval that I can think of at the moment, and probably the only record of approval of the work of the Public Health League, or disapproval, is contained in the minutes of the Council of the California State Dental Association early in the spring of 1933, and this is the result of the executive secretary's appearance before that council, in which he explained the purposes of the Public Health League of California to the council of the California State Dental Association.

Let me call your attention to one thing on the side first: There are two State dental associations—the California State Dental Association and the Southern California State Dental Association.

SENATOR TICKLE: Yes.

DR. SLOMAN: And in the minutes of the council of the California State Dental Association, is that after listening to the presentation of the plans and principles of the Public Health League, the council of the California State Dental Association approved the plan of the Public Health League. That is the only official action of the California State Dental Association. I do not believe there is any official action of the Southern California State Dental Association in regard to the Public Health League, but the council of the State Association has the following wording in the motion regarding the report of Mr. Read, that they approved the plan of the Public Health League.

DR. SULLIVAN: But it is not the official spokesman for the Dental Association?

DR. SLOMAN: No, sir.

SENATOR TICKLE: You have not, as an association, contributed to them financially?

DR. SLOMAN: No, sir. No moneys have been contributed to the Public Health League by either association or by the joint legislative committee, of which I am a member, which represents both associations.

DR. SULLIVAN: I think the committee would be delighted to hear from you on the subject before the Committee on Health Insurance, and any solution of our problems which you consider desirable and practical.

DR. SLOMAN: Right now?

DR. SULLIVAN: Yes.

DR. SLOMAN: The Joint Legislative Committee of the California State Dental Associations—neither of the two California State Dental Associations have formed any policy regarding the problem of health insurance. It has been discussed by the councils of both associations, and at length by the Joint Legislative Committee. Dr. Roy Green and I were appointed to come here and represent the California State Dental Association, and the Joint Legislative Committee of both associations. We both come uninstructed; we have no instructions. The statement was given by Dr. Green yesterday, and Dr. Green was of the opinion that he might have to leave before he could make the statement, so we had it here, and the assumption was that we would either leave it with the chairman of the committee or the secretary of the committee, or I would present it.

Any views, of course, that I would express in regard to health insurance would not necessarily be the views of the official organization. The only thing I can do is to anticipate what the views might be in the event of any health insurance legislation. I believe that the members of the dental profession of California are waiting courteously and patiently for the House of Delegates of the California State Medical Association to form a policy or draw some conclusions on the subject of health insurance, and I believe that then the two dental associations will exercise their prerogative of agreeing with the Medical Association or disagreeing with the Medical Association, as seems to best fit their own policy as dentists and as citizens. I believe, too, that the majority of physicians and dentists of California have not made up their mind, probably because they are not in the possession of sufficient information, as to whether or not the public health problem of California will be considerably better off through the advent of

health insurance. I think we are all hopeful that this committee can evolve a satisfactory, or nearly satisfactory plan of health insurance. I think that health insurance offers some exceedingly splendid opportunities for dentistry, for the reason that dentistry is confronted with an intricate problem of prevention. I believe that the medical profession, or the members of the medical profession and the people of the State will be taught through some organized method the value of preventive dentistry. We know that we can take care of a child's mouth, for instance, for a period of about ten years, from the ages of two until twelve, for about \$107, providing adequate care of that child, exclusive of orthodontia, or straightening the child's teeth, for about ten years at a fee of about \$10.70 a year; that is, providing that child or that group of children are all brought to the dentist's office—preferably to a child's dentist—at the age of two. And we know, further, that if another group of children are brought to the dentist's office at the age of six, that the succeeding six years of service incidental to maintaining a healthy dental apparatus for that child, will be considerably in excess of \$107 for the six years involved. So we can see in that the economy and the value, in terms of health service, of starting the child to the dentist and giving it adequate care early. The same principle holds true for adults. We know now that the per capita expenditure for dental health service is not nearly what it should be, and through the advent of health insurance we hope that the public will be enlightened sufficiently to know that a few dollars well spent for dental service will probably pay their cost of medical service throughout their lives. Probably the primary concern of dentistry and health insurance is to make reasonable sure that sufficient dentistry is included in any program of health insurance that will provide a comfortable, efficient, and aseptic dental apparatus. We are fearful that in order to reduce the cost—the cost per participant—in any health insurance program, that an attempt might be made to include only the exceedingly simple forms of dentistry, and if the exceedingly simple forms of dentistry, that would be probably the extraction of teeth, and the eradication of infection and the insertion of plastic fillings and vulcanite, which is simply an aseptic job. If those forms of dentistry are included and restricted in any form of health insurance legislation, I am quite sure that the dentistry of America—which is recognized as the best dentistry in the world, the best for the patient's health. I mean, as well as comfort, that if those types of dentistry are classified as non health insurance legislation, that it will teach the American people or even the American people into a type of dentistry that is prevalent throughout Europe today, which is highly unsatisfactory in my opinion from the health standpoint and from the standpoint of service. The number of dentists in England is about half of the number of dentists in America per capita. The kind of dentistry that is being done in England in my opinion is wholly unsatisfactory. The Englishman, as a matter of fact, will appreciate, are just as intelligent as the American, but there are not as intelligent regarding dentistry, and probably the reason is that the English dentist is taught what is properly termed blood and vulcanite dentistry, and I am sure that as a student in school, and having done that in the first few years of his practice, he visualizes every mouth that he sees, regardless of where he is doing the dentistry, in terms of plastic fillings, extractions, and vulcanite denture, which in my opinion is wholly unsatisfactory dentistry.

DR. SULLIVAN: Doctor, do you favor the measures advocated by Dr. McManey relating to dental hygiene in the schools?

DR. SLOMAN: You mean putting hygiene in all the public schools for the purpose of educating the children?

DR. SULLIVAN: Yes—at the expense of the taxpayers, but for the benefit of the children attending public schools.

DR. SLOMAN: Yes, sir.

CHAIRMAN WILLIAMS: Doctor, did I understand that the United States Government has some figures that dentistry per capita can be carried on for something under, I think it is, \$4.72? Is that possible in your mind?

DR. SLOMAN: No, it isn't—not nearly possible, Senator.

SENATOR TICKLE: That was just for prophylactic treatment, wasn't it?

CHAIRMAN WILLIAMS: Yes.

DR. SLOMAN: The Committee on Cost of Medical Care calculated the per capita expenditure in 1929 for medical and dental services at \$9.66, and in the same report said that 25 per cent of the people had adequate dental care. I believe that they meant that 25 per cent of the people patronized dentists.

CHAIRMAN WILLIAMS: Doctor, what do you have in your dental organization that corresponds or synchronizes at all with the House of Delegates in the medical profession?

DR. SLOMAN: We have a House of Delegates.

CHAIRMAN WILLIAMS: You have a House of Delegates?

DR. SLOMAN: Yes, in the American Dental Society.

CHAIRMAN WILLIAMS: On the same principle?

DR. SLOMAN: Yes, there is the same plan of organization in the American Medical Association as in the American Dental Association, or vice versa.

CHAIRMAN WILLIAMS: Thank you very much, Doctor.

DR. SULLIVAN: May I ask another question?

CHAIRMAN WILLIAMS: Certainly

DR. SULLIVAN: Among families that have an income of from \$1,200 to \$2,000, the average annual expenditure for dental care is \$9.01. Do you think that is sufficient for dental care?

DR. SLOMAN: No, sir, I still think that is consistent with the per capita that I mentioned of \$3.66. You are speaking of families.

DR. SULLIVAN: Do you think that the present system is unsatisfactory and inadequate?

DR. SLOMAN: The present system is wholly inadequate from the standpoint of taking care of the mouths of the people in the United States; the per capita expenditure is wholly inadequate.

DR. SULLIVAN: And something should be done to correct the present situation?

DR. SLOMAN: I think so. I think if anything can be done to correct the present situation, it will be entirely acceptable to the dental profession.

DR. SULLIVAN: You also believe, do you, that the average dentist in the State of California is very inadequately remunerated for his services?

DR. SLOMAN: I think the majority of the dental profession would subscribe to that viewpoint.

DR. SULLIVAN: Do you or do you not believe that dentists should be paid for taking care of the indigent?

DR. SLOMAN: I certainly believe that, sir.

DR. SULLIVAN: That they should be paid?

DR. SLOMAN: Yes, sir.

DR. SULLIVAN: That is all.

CHAIRMAN WILLIAMS: Thank you, Doctor.

SENATOR TICKLE: We see a face in the crowd at this meeting that is very familiar, I think, to every one here, and I think known to all of us, and that is Dr. Philip King Brown. I am glad to see that you are well and on your feet again, Doctor, and I am glad to know that you are here.

DR. SULLIVAN: Every one shares in that expression, Dr. Brown.

SENATOR TICKLE: I think if you would like to tell us anything about health problems in California, we are in a very receptive mood.

Won't you come up and sit down here at the table, Dr. Brown?

DR. BROWN: I came up from Southern California in order to be present at this meeting. I was hoping that I might have come yesterday, but it was impossible.

There are several things about the situation which it seems to me need a much better understanding. They have been referred to by various speakers, and I will discuss the things in a general way as they come to me.

We are an intellectual organization—the medical profession—so far as we are organized at all. We have had so much to do to keep pace with the rapid advances of medicine that the extraordinary changes which the rapid advances of industry have put upon us have not received the amount of attention that such economic problems should have received from the profession. There are in all professions people ready to take advantage, selfish advantage, of opportunity, and there has come up in the medical profession too much of that, to which we have not given adequate attention. I think that if we understood better, we would have corrected some of these abuses as they occurred. I am accused of having used the public press to call attention to some of these things. I did it only because I could have no hearing in any medical organization. There are on record at least two letters from me in the last year, to my own society, the first of which was never even answered, when, after a most depressing meeting of its economic section, I offered to tell them how other county societies had worked out this problem and make it the basis of what we might ourselves do. From my publications on various aspects of this standard of better distribution of medical care, I have had letters from laymen and doctors all over this country, and the one cry is, "Stop talking and do something." I have published in an address delivered at Long Beach a year and a half ago quotations from a recent president of the Los Angeles Society, in which he said:

"The white collar class is our responsibility, and we are going to do something for them."

You have all seen the plan that Dr. Graves proposed two or three years ago. Did anything come of it? No. Nothing has come of any of the things that have been proposed thus far; and yet to my certain knowledge Dr. Coffey, who represents the oldest and most successful private health insurance organization in the world, has offered to help with a plan. Perhaps the profession was not ready for it. Perhaps the individuality which we have developed through the overemphasis of specialism has prevented our getting together to deal with the economic problems. The misconceptions on the part of intelligent medical men, the misinterpretations which they put upon things, are really stupid, they are so illy founded.

I have in two of these books plenty of evidence, and I have probably twenty such volumes of the things that I have collected about this problem of better distribution of care. One of the things is a letter from this so-called Public Health League, its secretary, in which he makes four statements, no one of which can he possibly prove. It is said in a letter which the president of the league has written to an eastern organization that I am not capable of telling the truth, and yet I

have never made a statement that I can not prove, and I have, for instance, here the proof, three or four times expressed on their own letterhead, and in their own writing, that they have advocated a militant attitude against what this Senate committee might do in the way of developing a system of health insurance.

Let me read to you one excerpt from the *Los Angeles Times* of October 7, 1934:

"To forestall legislative action, a state-wide 'Public Health League,' composed of doctors and dentists, has been organized with two sets of officers and headquarters in San Francisco and Los Angeles. The league has a magazine of its own, the *Guardian*, in which methods of opposition are hotly discussed. Politically and ethically speaking, the methods advocated are regarded by laymen as pathetic. Instead of relying upon the merits of their cause, lobbying is proposed.

'We must control the politics of the Assembly districts by organizing along military lines,' wrote Dr. Barry E. Coleman in the *Guardian*. 'We must maintain a strong lobby at Sacramento. We must be willing to work individually and collectively to sway political bodies and to educate the public. We must develop political strength for purposes of barter and trade.'

Besides making politicians smile, that kind of a campaign must be very embarrassing to men like Dr. Pattengill, Dr. Medary and Dr. John L. Pomerooy, county health officer, who believes medical men and medical agencies should find ways and means to remove the burden of State medicine without resorting to lobbying."

Now, we are afraid of our individual soul being dealt with in any way that would disturb what is our particular grasp of the situation. In other words, we are all in a sense specialists, and we do not want to be interfered with; but the fact is that it has been made plain to us by every survey that has ever been made in this country that the 20 per cent of the great population who can pay their bills are all right. The State has given us a license to do the particular job—to practice, provided we practice under the terms of the Medical Practice Act. Thirty per cent of the population can pay the bills that we ask; 11 per cent never can pay a cent, no matter what happens. That percentage has steadily gone up in the last five years, but between the 30 per cent who can pay, and the 11 to 20 per cent who can not pay, there is a large percentage, practically half the population, who can pay if you give them a decent business arrangement of payment. Two per cent of the population are sick all of the time. Under an insurance plan, 100 per cent are paying bills of that 2 per cent. It can be paid, and paid for well. If you dared to drive an automobile in this town without insurance on it, you would be a bigger and more foolish person than I think any of you are. You can not afford to take the chance of the sudden thing happening to you. I had a lesson at the time of the fire, with \$2,000 insurance on my office, and no other insurance, and I lost probably a library worth \$25,000, and a great many things that were of value to me—and I learned a lesson. I didn't need another lesson to sell to me the idea of spreading the cost of sudden disaster such as a sickness. You yourselves know that we tried to help this campaign by putting the physicians out of business, by legislation that would oblige the licensing and the standardization of anybody who presumed to do health insurance work in this State. The State law forbids the practice of medicine by corporations. We were defeated in that because it was said that we did not make it quite clear that corporations were excluded. That, however, I do not believe is still the case, because you can not, if you are a corporation, apply for a license and get it if the State forbids your being licensed as a corporation to do a thing which the State itself forbids.

Now, there is one thing which I want to say—I could talk to you for hours about the thing—and that is something about public health. Do you know, Doctors, that the State gives the medical profession no license whatsoever to practice preventive medicine and public health? The Medical Practice Act contains reference to that in only two places, and they are where it requires public health and preventive medicine to be taught in the several schools. It gives the medical profession the right to administer drugs, and to make certain incisions in the human body for the relief of things, but it gives them no right to practice preventive medicine or public health. Under the law that is a privilege given only to the State Board of Health. If you will refer back to your own bulletins that were published by the State Board of Health, you will find that the State Board of Health alone has the right to practice preventive medicine and public health, and to delegate it to such people as operate under their jurisdiction.

Now, that is my great contention, that the Public Health League was formed on a wrong basis. Perhaps the State Board of Health should give to every doctor in the State who lives up to a certain standard of practice the right to be its agent in practicing preventive medicine. I have no doubt in the world that all over the State the State health officers cooperate with the medical profession thoroughly, but I am not at all sure that the medical profession cooperates with the State Board of Health.

The man who controls the budget of Los Angeles County told me at the public health meeting there early in September that the racket of the Public Health League was going to cost the county of Los Angeles \$100,000 in a year more than the plan under which they were operating until that time. Now, there were things that were wrong with the way it was operating before. I don't deny that. What Dr. Sloman said is true: The work done by dentists and doctors for the indigent should be paid for. Every other thing done for the indigents is paid for—the food that the State has to give them, the clothing that they wear, what covers their heads at night, the roof over their heads is paid for. Why shouldn't their medical care be paid for? Why should we be imposed upon to do an amount of work that never should have been put upon us? That is the thing that was wrong in Los Angeles County. If those 500 doctors contributing their time to those clinics had been backed by the medical profession of Los Angeles County in its board of supervisors, they could have done what was done to the Naturopathic Act and the Chiropractic Act, and they could have made that board of supervisors pay for the services rendered, in which case there would have been no Public Health League, and those 500 doctors, and 500 more if it was necessary in the emergency, would have received some compensation for the work that was done by them under the control of the public health officer of the county; and it would have been well done because the surroundings in which they were working were among the best in the United States, and have been so made a matter of record many times. But did they do that? No, they disrupted all they possibly could of the work that had been done, and sought, by issuing a coupon ticket to the poor under a charity arrangement, to give them a certain number of visits to doctors' offices, the 500 who had contributed their services, so that they should collect fifty cents apiece for administering to them in their own offices. Now, that they say has been a success. Gentlemen, it has not been a success. I have investigated that thing, and spent hours and hours of time over it, and it is not a success. It is no more a success than the Alameda County plan, or the San Diego plan is; and Dr. Nathan Sinai said in the presence of perhaps some of the doctors here, "All of these charity plans for the relief of the poor are glorified collection agencies."

I just came from discussing with the head of the Cottage Hospital, and some of his staff there, the plan that they have inaugurated in Santa Barbara. It is an absolute failure, top, bottom and sideways; and yet it represents the best ideas that they have collected from these other plans.

Now, we have got to have a better distribution of our service; we want to do more work. We can do it. I have seen it done in the Southern Pacific Hospital. Dr. Coffey has never asked me one question as to why I spent \$200 on a poor man who had worked for the company only a few days, if he came in with tetanus, or threatened with tetanus, or with an epidemic disease that required any quantity of serum. We give him what he needs. Our business is to put him back on his feet as fast as possible, and we are paid for doing it; we are paid on a salary basis. There are other ways of paying for them, ways that can be worked out, that are just to the fund that would be collected under an insurance plan, and that are just to the doctors, and that would give them much more to do—much more stimulus to do good work, much better support, much better contact with each other, much better team work. In the meantime the sick person, instead of going to an uneducated practitioner to get his back rubbed, when he had the two dollars and a half to pay for it, or going to a drug store and getting a bottle of red medicine which says it will cure rheumatism—would seek qualified medical care. If he went to a regular doctor, he would be sent to have his teeth X-rayed, which he would promptly decide he couldn't pay for; then he would have to have a blood count, which he couldn't pay for; and then he would have to have half a dozen other things, which we of the profession need to know about that man, but which the man couldn't probably pay for under the present system. Now, we want him to get all those things; I want him to get the things I have seen for 30 years given to the working people of the Southern Pacific Hospital, where no questions are asked; but let us find out as promptly as possible what is wrong with this man, and let us do the things that the sick or injured person needs, that the company wants, and that the hospital wants—get him back on his feet at the earliest possible moment.

Now, I have talked too long.

CHAIRMAN WILLIAMS: Not at all, Doctor.

DR. SULLIVAN: No, Doctor.

DR. BROWN: I can prove what I have said, that the Public Health League has practically fought health insurance. I have the history of every single thing that they have ever put out in this book.

SENATOR TICKLE: Do you mean to say, Doctor, that the Public Health League has fought health insurance?

DR. BROWN: The purpose of the organization is:

"To maintain the proper relationship between the patient and his private physician, and to foresall all forms of socialized medicine."

That is one thing. Here's another:

"There is no question but that State medicine is coming, and coming fast, and unless the medical profession snaps out of it, and that mighty

soon, they will wake up some fine morning, when it is too late, to find that they are lashed to the claspnet wheels of State madness."

In a publication there is a great deal to criticize. The real discrepancy of the proper work among the great mass of the poor is the chief thing by which he proposes to get rid of all clinics, and to have the profession handle the thing, he says here:

"Requiring low wage workers to be covered by insurance for major health calamities, probably subsidized by philanthropy or State, or by both."

A special committee of the California Senate is now studying plans for a State health insurance act to be presented at the next meeting of the Legislature. It appears certain at this time that some form of State medicine will be proposed. Whether it will be in a form compatible to the medical profession, or whether it will be something arbitrarily handled to us by the politicians, depends upon how well we master our political strength."

CHAIRMAN WILLIAMS: Doctor, may we have that quotation—from what source it comes?

DR. BROWN: That is from a public letter written on the paper of the Public Health League of California, in San Francisco, and signed by Drs. Gilman, Caplan, and Delprat. It bears the date of October 30th, 1933.

Now, I could go on and bring to your attention a great many of these things. I don't think that I want to be known as a person who is opposed to the medical profession. I am not. I am trying to get them to clean their own house, and I am trying to get men of ability—loads of men in this room—on making these representations do their work for them, and not delegate it to anybody else whose motives are not always what one thinks they are. I know too much about some of the things that have gone on in this State by people who think they represent the medical profession, and I am sure that they do not.

DR. SULLIVAN: Mr. Chairman, may I ask Dr. Brown a question?

CHAIRMAN WILLIAMS: Certainly.

DR. SULLIVAN: I judge from your remarks that you do not believe that the application of insurance to medical care tends to lower the standards of medical care, degrade the medical personnel, and make medical care a business rather than a profession?

DR. BROWN: Not if it is run by medical men. Insurance that is run by laymen or lay organizations or hospital associations has no place in this situation. However, because they hire the cheapest person that they can get, the medical profession is on trial in an insurance plan, and it can not stand to give poor service. It must protect the poor man in his own group, as they have done in some places, by forcing consultation upon men that they know to be incompetent, without criticizing the men; they really criticize that word as a punishment to the profession, and they are getting all the time better word out of the great body of medical men; and that is what we ought to do here.

DR. SULLIVAN: Do you endorse the Alameda County plan run by medical men, or the San Fernando plan run by medical men, or any of these other plans that are over the State?

DR. BROWN: I think that those plans up to a certain point are very interesting in ordinary times. If one takes the Alameda County plan, which is probably the best one, as an example: When a man is unable to provide for himself with medical care, the Alameda County Society almost to a man has agreed to give him that care at what he can afford to pay, and the arrangement between the patient and the doctor is a purely personal one. In other words, when John Smith, a non-unionist, telephones the central bureau that his wife is ill, and that unfortunately he can't pay a doctor's full price for attending her, this central bureau sends the nearest medical man to him. He has a little pink ticket. He makes his own careful investigation. He finds that John Smith has been a respectable entrepreneur in that community for ten years, and has a wife and four children, and that he has paid his bills. Now, that doctor, and every one in that society, undoubtedly is glad to take care of that man's family at whatever that man can pay at the time, or promises to pay. It is nobody's business but the doctor and that man what the arrangement is between them. That far, that is the best plan that has ever been proposed, but somebody immediately ruined it by doing—

DR. SULLIVAN: Do you know how they determine how much a man can pay?

DR. BROWN: Well, I can't say that I know all the detail of the thing; but I want to say this thing—

I know that he signs the willingness; and his status, and the facts about him, are distributed to every large charitable organization in Alameda County, and he is referred to a credit bureau in order that the medical profession may be protected against his being a liar about what he has said. Now, there the medical profession sold its birthright, because the relation between that man and his doctor was as sacred as any relation that ever existed between patient and doctor up to the time the man signed his name on the back of that thing, and he agreed that he should be branded a public charitable charge; and that is to the eternal discredit of whoever proposed that addition to the plan.

SENATOR TICKLE: That was one bad feature of it.

DR. SULLIVAN: What do you think of the San Fernando plan? You have been down in that district recently.

DR. BROWN: I know what is happening down there. Whenever a good service moves into any of those communities that can be bought in any way, everybody joins that service who can get into it, on any of the plans that they accept service on.

Now, the San Fernando plan is just about as bad as it can be, because it disrupted the public health held on that community first; because it is going to cost Los Angeles County \$100,000 more in expenses to administer the San Fernando plan in a year than the other plan that they had. It still doesn't make it right that they don't pay the doctors. Perhaps if they paid the doctors \$100,000, it would be paid to the medical profession. It is paid to them now under the San Fernando plan, but are they giving the service? In a few cases I think they are. I have seen one or two cases down toward Long Beach where I think much better service was given to the people than was under the inadequate central clinic plan in so large and poorly populated an area as held down there, where the mileage of the doctor was over 100 miles a day in making visits to people. Now, that is being paid for by the San Fernando plan at so much a mile. I have forgotten just now what the mileage rate was. One doctor told me that he got \$200 a month out of it. He needed it to support a family. That was practically all the income that that doctor had. But that could have been provided for, and should have been provided for by the set-up which the Federal Government, and the State, and the municipal and the county, were trying to work out. A little brains put into that thing, backed by the medical profession, and demanded by the medical profession, would have put that whole thing on a different basis. And now, instead of in some places smelling to heaven,—why, people are complaining that they wait three or four hours to see a doctor—the thing would be a right and privilege that those people had, and they wouldn't be treated as the scum of the earth in so many of the doctors' offices.

DR. SULLIVAN: Are you familiar, Doctor, with the articles of Frederick J. Hoffman that are now being distributed by the Public Health League to the newspapers of California?

DR. BROWN: Yes.

DR. SULLIVAN (Continuing): Opposing health insurance?

DR. BROWN: I know his articles. I think he went outside of the facts.

CHAIRMAN WILLIAMS: Thank you very kindly, Doctor. (Applause.)

DR. SULLIVAN: Dr. Alson Kilgore, reference was made to your hospital insurance plan by Dr. Brown. The committee would like to hear what your plan on hospital insurance is, and what has been accomplished by it.

DR. KILGORE: Gentlemen, it was not my plan. What Dr. Brown has reference to I am sure is the work of the San Francisco County Medical Society in 1933, jointly with the hospital council of the Community Chest of San Francisco, in an effort to work out a plan for this community for the care on a monthly payment basis of hospitalization service. That plan was nearly completed by the end of 1933, after a very great deal of work on our part, and on the part of the hospital representatives; and work was stopped on it because early in 1933 we were apprised of an opinion handed down by the Attorney General of the State to the effect that such plans were to be regarded not as service plans, but as insurance plans, and would require, to be put into operation, the deposit with the Insurance Commissioner of a sum of money which was impracticable for the San Francisco County Medical Society, or for the hospitals to raise. And inasmuch as in 1934, the early part of 1934, the State Medical Society began its most active interest in this field by the appointment of its committee of five for the investigation of the whole field, the San Francisco County Medical Society has not carried on its plan. Does that answer the question?

DR. SULLIVAN: Well, that is your answer. Doctor, what is your attitude toward health insurance?

DR. KILGORE: I think perhaps I ought not to answer that question specifically, because I—

SENATOR TICKLE: This is a perfectly free country. You are not bound to answer or you can express any opinion you care to.

CHAIRMAN WILLIAMS: Give us your own personal opinion.

DR. KILGORE: No, I am bound by being a member of the Committee of Five of the California Medical Association.

DR. SULLIVAN: Are they pledged to secrecy on their attitude as to the question of health insurance?

DR. KILGORE: No, we are not pledged to secrecy, except on the deliberations and work of the committee.

DR. SULLIVAN: But you, personally, what is your position on social health insurance—are you for it, or against it?

DR. KILGORE: Well, if this is understood to be personal, I feel this: That there is a very serious social problem involved—a social problem of the necessity of making the medical care available to people who can not pay for it individually. Again as a personal reaction, I regret very much the existence of that problem. I feel that under any form of health insurance the relationship of the doctor to his patient, which is very highly prized by the medical profession, both for our

own benefit and for the benefit of the patient, is bound to be disturbed more or less, but I feel this, and I have expressed this opinion before, that in view of the seriousness of the economic questions involved we shall have to sacrifice some of the fine qualities of that relationship in order to meet the economic conditions.

DR. SULLIVAN: And adopt some form of health insurance?

DR. KILGORE: Some form of distribution of the cost of medical care must be evolved.

DR. SULLIVAN: Nationally and internationally called health insurance?

DR. KILGORE: Yes.

SENATOR TICKLE: Doctor, what do you think is the value of the survey which is being conducted by your committee at this time? What is your candid opinion?

DR. KILGORE: I think it is a very valuable contribution to our knowledge of the situation in California.

DR. SULLIVAN: And you are convinced that it is going to be of very great benefit to the understanding of the problem by the community?

DR. KILGORE: I anticipate that by all means.

SENATOR TICKLE: What makes you think, Doctor, that the financial relationship between the doctor and his patient would be disturbed under a health service insurance plan? What makes you think so? I would like to know.

DR. KILGORE: For the reason, Senator, in any situation in which the finances are handled by a third party the relationship between the first two parties is bound to be complicated by that relationship; it just can't help it. Whoever holds the money is going to have some control of it.

DR. SULLIVAN: Is the confidential relationship between your patients and the Western Pacific in any way disturbed?

DR. KILGORE: Did I say confidential relationship?

DR. SULLIVAN: That is what I understood you to say.

DR. KILGORE: I did not mean quite what you have in mind. I meant the sense of personal responsibility to the patient, and the patient's sense of looking to the doctor for that entire responsibility.

DR. SULLIVAN: You give your patients in the Western Pacific just as fine scientific treatment, Dr. Kilgore, as we know you are capable of, and you are recognized as one of the great men in medicine.

DR. KILGORE: No. I will agree to the first part of that statement.

DR. SULLIVAN: Well, everybody else will agree to the second part of it. Dr. Kilgore, you would, no matter whether your patients were private or whether they were employees, and you the surgeon of the Western Pacific, you would give just as fine services as Dr. Coffey and your colleagues give in the Southern Pacific? Now isn't that a fact?

DR. KILGORE: We try our best, yes.

DR. SULLIVAN: Of course you do; and the relationship between the Western Pacific patients isn't disturbed in any way.

DR. KILGORE: Yes, it is.

DR. SULLIVAN: It is?

DR. KILGORE: Oh, yes. There is the feeling on the part of the patient that he is coming to a doctor whose associations are with the railroad. And it just can't be helped.

DR. SULLIVAN: He would rather go some place else?

DR. KILGORE: I haven't the slightest doubt that a good many of them would.

DR. SULLIVAN: The testimony yesterday was quite contrary to that from men representing the locomotive engineers, the firemen, the switchmen, and other groups of employees. They said they would like to have their families treated by the Southern Pacific doctors.

DR. KILGORE: Well, I can't be responsible for their opinions. I can only give you my own. I think it is a fine service, but I do think that that relationship between the private patient and the private physician is necessarily disturbed.

SENATOR TICKLE: Doctor, the plans that have been evolved so far—with which I presume you are familiar—

DR. KILGORE: Some of them.

SENATOR TICKLE (Continuing): We will take, if you wish, the Alameda plan. Wasn't that evolved by the men of the medical profession themselves?

DR. KILGORE: Yes.

SENATOR TICKLE: By the doctors themselves?

DR. KILGORE: Yes.

SENATOR TICKLE: And among other details they devised the system of investigation and those elaborate credit details, did they not?

DR. KILGORE: Yes.

SENATOR TICKLE: They worked out their own plan so that when the patient who was unable to secure service, for financial reasons, they developed forms which the man signed and which completely destroyed the confidential relationship?

DR. KILGORE: So far as I know, Senator, yes.

SENATOR TICKLE: Yes. It was all evolved by the doctors, and that plan necessitates the man practically making a pauper of himself. I had a great argument on that with Dr. George Reinle, who was president of the California Medical Associa-

tion and the prime mover in that plan, and thoroughly familiar with it. I disagreed with him on the principle and on the details of that plan, and I still disagree with him because I believe that since the medical profession has insisted that the confidential relationship should not be disturbed, the doctors should not by their very acts disturb so seriously the very relationship that they were so apparently wishing to guard. It seems so inconsistent that I can not reconcile that in my mind.

DR. KILGORE: I do not think they regarded it as an ideal relationship. It was made to fit an economic situation.

SENATOR TICKLE: Well, was it, Doctor? Was it absolutely essential that that questionnaire be gotten out? Couldn't those parts of the plan have been dropped that revealed the most humiliating details about patients?

DR. KILGORE: Well, I have no doubt, Senator, that objection could be removed, and still accomplish the same purpose by other machinery. I haven't had anything to do with the people drawing the Alameda plan.

SENATOR TICKLE: I thought you were familiar with it, and inasmuch as that was one of the things you spoke about, I think that it is a very important thing, the confidential relationship between the doctor and his patient.

DR. KILGORE: Much more important than many of us realize.

SENATOR TICKLE: Yes, I think it is quite important, Doctor.

DR. SULLIVAN: Who is responsible, Dr. Kilgore, in the Western Pacific Railroad medical and hospital service for disturbing this confidential relationship? Is it the doctor, the patient, or the railroad?

DR. KILGORE: The system.

DR. SULLIVAN: The system?

DR. KILGORE: Yes. It is a very fundamental economic fact. It is a very fundamental fact which neither Dr. Coffey nor I could escape from, much as we would like to escape from it—the fact that the patient does not pay his bill directly to the doctor. Now, when you introduce that factor you just can't avoid objectionable features.

DR. SULLIVAN: You believe, Dr. Kilgore, that the patient is anxious to pay his bill to the doctor direct and that such payment has any therapeutic value?

DR. KILGORE: No, I didn't say that, but I say when that fact ceases to exist, and when the accounts and the bills are handled through any third agency whatever, no matter how benevolent it may be in its desires, ambitious and aims, it must disturb something of that relationship. Now, I don't know that in the railroad service—in fact, I do know in the railroad service, it doesn't prevent the giving of good medicine.

CHAIRMAN WILLIAMS: Well, that is the important thing.

DR. KILGORE: Now, the Southern Pacific Railroad gives its men most excellent service; we give our men excellent service, but I still maintain that there is not the same fine relationship between the patient and his doctor that there was under private practice of medicine.

DR. SULLIVAN: Where is the confidential relationship between a child, say an infant and its doctor. Infants don't know who are paying the bills. One of the many things that we really are deeply indebted to the medical profession for is the wonderful care which they give to children. It is that scientific care which is really extending the longevity tables. Lives of people up in the fifties and sixties are not being prolonged; they are dropping off just like autumn leaves. The child is not aware that it is being treated, infants don't know who is paying the bills; so we can not attribute the successful treatment of children to any confidential relationship.

DR. KILGORE: That, Dr. Sullivan, is one of the difficulties of practicing with children, the fact that you can not establish exactly that confidential relationship with the patient.

May I make one other comment?

CHAIRMAN WILLIAMS: Surely.

DR. KILGORE: I trust in the deliberations of this committee that you will not base in your minds the need for a health insurance system upon the need of the medical profession to collect its bills. The need for a health insurance system, as we see it—some of us—is that the public, the people can not pay any reasonable bill no matter how the collection is carried out, unless some change in the present system is established. In other words, the public interest is the interest that we are mostly concerned in.

CHAIRMAN WILLIAMS: We will now hear from Mr. Zion.

MR. ZION: My name is E. R. Zion. I did not come here to speak, gentlemen. I came here merely to see that nothing should be done inimical to groups that wanted to get their own group insurance.

About six months ago I organized a savings and loan society. We have now about 300 members, and a part of the program was as soon as we get 1000 members we would get health insurance, and that is what has led them on, I think, to grow rather rapidly. We have made no great effort to secure membership, but after the first of January, when we will pay 6 per cent dividends to those who put their money in, about \$13,000, and then we will get a considerable membership, and when we get 1000 I am satisfied there are other groups in the city who will join with us, and

give us as many as 5000, and with that number we will be able to start something like the Ross-Loss Group in Los Angeles. We are satisfied that it can be done, at least I am.

In my work with the civil service commission in the city hall I have seen so many of our own boys spend their last nickel, almost, and now coming to me for money to pay doctor bills and hospital bills, and at the same time I have seen doctors pay me to work for \$5 a night from 7 o'clock to 11, and some of them are out on the Stock Boulevard working for that wage or less, for about three days a week. Now, then, we have a group that needs medical attention. We have a group of treated patients that could give them that attention, and I don't see why the outrageous fees that are at the present time charged by the doctors should still continue with so many doctors out of work.

My own experience has been rather sad financially. Until I was married I didn't pay a nickel for a doctor. Now, I have three children, a mother-in-law, and a wife. I am going to touch now on the present ethics of the medical profession. I have done as much as any monopoly in the State to change all the traffic would want, and apparently to adopt as much legislation as they could to force people to go to doctors.

One of my boys when about 16 months old got a bellyache. I took him to a doctor and tried to get 10 cents worth of paregoric. That is what my family has used for years. It was ten o'clock at night, and I couldn't get it. I had to have a doctor's prescription. I thought, "Well, I will give him blackberry cordial." I gave him that all night, but it did no good. I called the doctor in the morning, and he came and took the boy to the hospital—not for a bellyache, but for infant convulsions, dysentery, he was bleeding at the mouth, and I had to give him two hundred dollars. The total bill was \$1,400, and all they gave him to start with was paregoric that would have stopped the contractions that were causing this bleeding, and that almost caused him to bleed to death. It was impossible to get paregoric without a doctor's prescription. Did anybody ever hear about anybody having a paregoric remedy? And my doctors tell us whether that is a real dope. Absolutely not. They wanted to get \$2.50 for a prescription, and say here is a drugstore for filling it. That is what it cost me, \$1,400, and it almost lost the boy's life.

Now, with our health insurance, we feel that we will be kept well. And what I hope is that there will be no bill introduced that will make it impossible for us to go ahead and organize our group here in San Francisco as they have done in Los Angeles. If we get groups of that kind, it won't be like a separate independent group and joining through high salesmanship—that is not our goal. But we know, and you know from the Ross-Loss Foundation or group down there, and Edward F. Filene, who is backing the credit union—we call it a savings union—it is a credit union, just like a labor union—a union, a family—so that we can go ahead with other groups and organize our own health insurance. I think it can be done without compulsion. And yet I do know that in the city hall we had to have compulsion to get a pension system; and also when we talked of a hospital group for the city hall it fell through once because it was attempted to be voluntary and the group that wanted it the most, which was the railroad group, said they couldn't get anywhere if it wasn't compulsory; that is, the average citizen wouldn't lay up money for sickness and death, and all those things.

Now, it may be that you can make some kind of an optional system for them to belong to—your own group, or the city group, and maybe that will work the best, but I am satisfied we will have a credit union. Dr. Rowan is here from the Southern Pacific, and they take care of their people in groups like that, and maybe to better satisfaction than if it was compulsory. But I hope that there will be two systems so that you won't interfere with the private groups, because we think we can go ahead.

CHAIRMAN WILLIAMS: You would call that a voluntary or an optional system?

MR. ZION: I would call it optional. Let this Los Angeles group go ahead, and let us build up a group like that here, which we have. The large groups can work together and make a success of it, whereas if you trust a salesman or some solicitor, we know from experience in the past that it has been disastrous.

CHAIRMAN WILLIAMS: You would be for compulsory insurance?

MR. ZION: It should be compulsory, either through a private group, or through a public group, we will assume.

CHAIRMAN WILLIAMS: Yes.

MR. ZION: It is like insurance of some kind. You don't have to go to one group, but run your own, if you like. I think it is essential. When doctors put out these health bulletins, they say, "Go to a doctor," and they don't give you a little simple remedy for sore throat, like hot water and salt; but, no, they tell you to "go to a doctor" if anything happens, and then they shut off 10 cents worth of paregoric which would have saved me \$1,500.

DR. KELLY: I think that needs just a little bit of explanation, because I think Mr. Zion misunderstands the problem.

I do not attempt to tell a bridge engineer how to construct a bridge, or where he made his mistakes in constructing it unless the bridge falls in. And I can assure Mr. Zion if he wants to understand the effect of paregoric he had better go and spend four years in medical schools before he criticizes the doctors, because paregoric never

cured the type of dysentery to which he referred, yet it killed many a child and many a grown person who was convinced of the fact that he had no more pain because he took his paregoric while his appendix blew up, and gave him general peritonitis.

I can assure you of the fact that hot water and salt won't cure almost any sore throat. I can assure you of the fact that I myself, with patients under the most careful regimes, with everything known to medicine, have seen heart disease developed that permanently disabled them, because of their little sore throats, that developed kidney disease which you would never know you had until it was too far gone to do anything about unless you did go to a doctor early with your sore throat. It is a very good thing to know the full picture before one generalizes about another fellow's profession that he has spent longer learning than any other profession in the world. There is no other profession in the United States of America that is required by law to have so long an education, or so complete an education.

And for your further information, the medical profession had nothing to do with the passage of the Harrison Antinarcotic Act. If they had anything to do with it, I think they probably opposed it, because it meant a lot of extra paper work in the office. Now, members of the Senate committee, I would just like that in the record after that attack on the medical profession. The other thing that I wanted to say is this: I have said that the California Medical Association is doing its best to finish the survey, and to formulate a plan based on the survey, recognizing the fact that some sort of insurance is probably the only way that the human race in the complexity of modern civilization can pay for adequate medical care.

A problem came up this morning in which the question of the personal relationship of the physician and the patient was discussed, and I think that a little further elucidation of Medicines' attitude toward that thing would be valuable, and an explanation of what Medicines' fear has always been in regard to the disturbance of that relationship.

When a sick man comes into my office, everything about that sick man under the present system lies between him and me. Anything that I have to say about his sickness, any symptoms that I find out, anything in his life that may have a bearing on his present illness, is locked in my office. And human nature is still subject to slips and slides, and sometimes a man's illness may depend upon indiscretions; it may depend upon very tense situations—business, social, domestic, or what not. All of that matter stays within the confines of my office, and rests entirely between that man and me. And when we have accomplished something in regard to his case, the obligation rests still between the man and me. He knows that my only interest is in him; I know that his only interest is in me, and a bond of loyalty and trust and confidence grows up in that relationship which in many, many instances is absolutely essential in order that anything really be done with that man. Now, the moment that any one begins to collect money, and pay the bill for that man, in justice to the other people who are putting money up, there has to be some control exercised over the amount of service that I give to that man, and the kind of service that I give to that man. That means that the agency which is collecting the money, and then paying me for the service to the individual patient, must have in its hands a record of what is the matter with that man; so that what is wrong with him is no longer a matter between him and me. It also can step in and say, "Here, we can't pay for this kind of treatment which you have said the man ought to have." Now, speaking as an individual, I want to say that I think that certainly that thing would lead probably in many instances to better medicine—that second control of the treatment—because with the proper agency, and proper medical control in the agency, certainly there would be some skilled supervision over that man, and if he had a doctor who was a little bit at sea, perhaps, or whose training had not been as good or as extensive as other men in the same community, the agency could say, "Here, we are going to have some other advice in order to protect the time that the man is going to be ill, and thereby protect the pool of funds that other people have paid in along with the patient." But it is the fear on the part of the profession that in any scheme of State medicine, as it loves to call it, that the mistake will be made, and some kind of an agency put in there which isn't medical enough to recognize the fact that the sick man's sickness fundamentally is his own business, and that he has a right to go into a doctor's office and take his troubles and his disease—and his disease may be a function of his troubles—to his doctor, and knowing that they are going to stop, that his secrets and so forth are going to stop right there. Now, we know that in any form of insurance, whether it be compulsory, or whether it be voluntary, that that old relationship has got to be sacrificed to the extent that a record of that man has got to go out of the doctor's office. But we hope that in any scheme that may be developed, whether it be voluntary under groups, or under the aegis of the medical profession as a whole, or whether it be compulsory, we hope that in sacrificing that relationship of confidence—confidential or privileged communication the law calls it, and protects it right down the line—that the hands that it may come into may be hands that will safeguard it, and it will never be subject to any kind of improper use or inspection, or anything else. I think that is one of the fears that the medical profession has had, and I think it explains a lot of the psychology about the fear of

medicine—the profession of medicine—for any kind of compulsory insurance or any kind of voluntary insurance. It has been one of the stuporific blocks. The doctor has always felt, "The patient and I must be just together." The law also says that

DR. SULLIVAN: They also want qualified service, don't they?

DR. KELLY: Yes, certainly.

DR. SULLIVAN: They don't want any patient to fall into hands that are not qualified by education to treat them?

DR. KELLY: Now, that is the trouble with the doctor. I think that it could be arranged in either kind of a scheme so that the maximum amount of protection would be given to the individual patient. I can understand that in a big voluntary scheme, or in a big, compulsory scheme, even, where they put up their money, and have free choice of physicians, that that relationship might very easily be sacrificed out when they felt that it was really part of their own business.

DR. SULLIVAN: Dr. Ingber, do you wish to address the committee?

DR. INGBER: Thank you, Mr. Chairman, but some of the little points that I wished to speak on have just been covered.

SENATOR TICKLER: Have you anything to say, Dr. Loos?

DR. LOOS: I just wanted to make a short remark about personal relations. Professor Hugh Netter, of the California University, makes a very careful survey of medical insurance and health insurance, and he states that he is at a loss to understand what that personal relationship is that exists between doctor and patient. He states that the intelligent man of the present time seeks his medical help not as a faith healer, but as one expert to treat him when he is sick. However, I as a doctor feel that that relationship is most necessary in the proper conduct of a case of illness. In our institution I believe that we have retained that relationship between patient and doctor, perhaps in a better manner than prevail with the railroad systems. Ours is purely voluntary. Please physicians who come to take our services do so; those who do not care to take it in the working group with whom we have an agreement do not take this service. Therefore, those people who come to us voluntarily as subscribers soon come to look upon the doctor that is treating them a great deal as the patient in a small village looks to the village physician. I believe that that relationship is more necessary in an institution such as ours than it is in general practice where there is sort of a transient clientele coming to the doctor's office. In our institution it is a steady clientele; the same people are coming month after month, and year after year, and see the same doctor, and there is a close relationship existing between the doctor and the patient in our institution, and it seems to remain so. As to the confidential nature of these things, it is quite right that any act should protect the confidence of the patient's illness with a doctor—that is most essential, and the medical profession will demand that. In our institution no history or diagnosis of a patient is ever revealed to any one else. I have an instance of where the chief of police of Los Angeles made a demand upon me to reveal a diagnosis of one of the policemen, and I refused. He got very angry, and would have arrested me if he had any sort of a charge that he could make. It happened that the policeman involved was not available; he merely had a little cold; there was nothing to hide, except that it was a rule of our establishment that no history, no diagnosis, no information about the sickness of an individual should ever be given to another party. So that point must be a part of any act that is put into effect. There must be the confidential relationship retained. As to the personal relationship between the doctor and the patient, that to me is entirely up to the doctor to inspire that confidence in the doctor, so that the patient will feel that relationship exists.

I feel that, first, we should express great gratitude to this Senate Investigating Committee that has seen fit to call upon us and others in making this study. I do not know of any other contemplated legislation that has been transpiring in this State, where as much time and care has been taken as has been taken by this committee, and the tolerance in which they have done it, and the allowance of all of us to aid them; and I feel that it is the duty of all of us to help this committee all we can, so we can get proper legislation along this line.

I would like to state first that I believe that the medical profession has gotten the worst end of everything for a long, long time. We have given of our service to the indigent; we have been open to all sorts of unfair malpractice suits; we have given our services to patients who could not pay; and it is high time that the medical profession itself was helped a little bit, if any one is going to be helped. We realize that the patient has got to be helped; but what about the doctor? He has got to have some consideration also; and I hope that something can be done in the way of legislation to help the doctor. He must be helped. Do you think for a minute that the work such as we are doing in the Ross-Loos medical group has been one of our own choosing? It is the result of conditions which have forced us, and will probably force others, to engage in. I deplore the fact that it is necessary, perhaps, to have a compulsory act of this kind. I personally would prefer to have it a voluntary system.

I was quite surprised yesterday at some statements that were made at this public hearing, that 40 per cent of the fee was necessary for promotional work.

Our institution is in its sixth year, and we have yet to spend one cent for the obtaining of subscribers or for advertising, as can be seen by our books and by the thousands of people whom we are servicing. At the present time we are servicing in our institution about 28,000 people. This is a voluntary proposition entirely. With us it has been satisfactory. Our people seem to be satisfied. We are making a living. If this is to be a compulsory health act, which I believe the time is almost making necessary, there are some questions that have to be answered before we know whether we will accept it. We may have to accept it; but I mean whether we will do so in the right spirit. If this is to be a compulsory act, I quite agree with Dr. French that it must not be through the intermediary of a middleman. Now, if it is to be compulsory, these questions must be answered, and the Legislature must answer them.

Are only employed individuals to be covered, through their employers paying for it, or through pay roll deductions of the worker himself?

Are the employees' dependents to be covered by this compulsory act?

What about the individual who certainly is entitled to such a service, if there is to be such a service, who is not employed by someone else? In case those people are to be included, how are we to collect from those individuals? Shall it be like the old poll tax? How will those people pay their money?

Now, when this money is paid in to the State, or the commission that is authorized to accept it, how are the doctors to be paid who do the work? Is this to be on a fee basis schedule?

How are the hospitals to be paid? What class of people are to be included, as to be eligible to this service? What are going to be the brackets within which the income of an individual entitles him to this service?

We quite agree that there should be free choice of physicians. I am heartily in accord with that. But if that becomes allowable, how is the individual to select the particular specialist that he may require? Would that not almost mean that every doctor would have to qualify as a specialist, in order that adequate care could be given to those people who seek his aid?

Those are the questions that must be answered, I believe, before the medical profession will feel that this is going to be a safe act. We must have some legislation along this line; and I, for one, appreciate the fact that we have the sort of a committee that we have, that is willing to listen to us and hear our opinions.

Questions have been asked me as to the cost of such a service as we are delivering. Our service is not as complete as your law would contemplate. We, briefly, give full coverage to the employee—all medicines, all drugs, hospitalization, ambulance service, X-ray, laboratory, and everything. To the dependent, they merely get service; they must pay for their hospital, their drugs, their dressings, their X-rays, and so forth.

Now, our service is not complete. It is far from complete. If this service is to be made complete, to cover the entire family, giving the dependent the same thing that, for instance, we give the employee, it is going to be very costly, as our figures will show. We have accumulated a vast amount of statistical data over our six years of experience, which data we feel it is only right that we should give to you if you care to use it. It is experience data, and tells what the cost of all these things has been, and what amount of profit can be expected from the fee that we charge. And it is very small. It would be cumbersome to bore this large gathering with figures.

I have with me Mr. Ingram, who has compiled this data for us, and this is available to you if you care to use it; but I feel that it would probably be boring to put it before this large group here.

I think that is all I have to say.

CHAIRMAN WILLIAMS: May I ask a couple of questions, Doctor?

DR. LOOS: Yes.

CHAIRMAN WILLIAMS: Do you include dentistry in your service?

DR. LOOS: No, we do not include dentistry.

CHAIRMAN WILLIAMS: What brackets do you particularly deal in?

DR. LOOS: I think the average pay of our subscribers is around \$139 a month, though we do include in our groups—we take an entire group, regardless of the pay in that group. We have as subscribers people who have an income sufficient to pay their private physician. I feel that whatever act is enacted in the way of making a compulsory health service for our people, that there will always be room for the private practitioner in medicine.

We have very excellent public schools; yet there seems to be room for the private school; and I feel that this is not going to take all the practice of medicine by a long ways.

DR. SULLIVAN: Dr. Loos, how many people do you service per month?

DR. LOOS: Mr. Ingram, have you those figures?

DR. SULLIVAN: I believe it is about 655, if my memory is correct.

DR. LOOS: Yes, we have one doctor to 655 subscribers.

DR. SULLIVAN: And what you call subscribers are patients?

DR. LOOS: Yes.

DR. SULLIVAN: On that basis, or if you had 1000 persons in a dollar, just if it is a fact that the State of California would have a vacancy for approximately 1100 to 1200 doctors?

DR. LOOS: I made a report, which I have just with me. Dr. Phillips, do you have that report that I made to that research body in Washington?

DR. PHILLIPS: I haven't that with me; no.

DR. SULLIVAN: I have a very good memory for such matters, Dr. Phillips. I shall it. Can you verify that, Dr. Loos?

DR. LOOS: It was estimated that if the entire State of California were being serviced in the same manner as our small group by the Ross-Loos medical group, there would be room for about 1050 more doctors in the State of California than we have, and that the average net income of each one of those doctors above all of his office and running expenses, would be \$400. I have those figures, but I haven't them with me.

CHAIRMAN WILLIAMS: Doctor, do you differentiate in your charges at all—do you make any differentiation between a man needing \$130 or \$175? Does it make any difference to you?

DR. LOOS: No, it is the same.

CHAIRMAN WILLIAMS: It wouldn't make any difference?

DR. LOOS: It is \$2 a month for everybody.

CHAIRMAN WILLIAMS: Thank you.

SENATOR TICKLE: Do you consider yourself quite satisfied by your position?

DR. LOOS: That is an awfully hard question to put to me. I do, well, all of us in our group do, but, as you understand, we are under indictment at the present time for being unethical.

SENATOR TICKLE: I understand.

DR. LOOS: And I would much prefer if that were not brought up here.

SENATOR TICKLE: I was going to ask you to define the word "ethics," but I won't do it if it would embarrass you.

DR. LOOS: I would very much prefer not to have that brought up.

SENATOR TICKLE: All right, I won't do it, Doctor.

CHAIRMAN WILLIAMS: You are excused. Thank you very much.

DR. WILSON: Mr. CHAIRMAN, as long as a transcript is being made of these proceedings, and since some of the men felt it was desirable to make the record, one of the men stated that by not reading it was an omission in the statement. And I am quite sure that Dr. Brown was not wish to have the county medical association, or the San Fernando plan on trial, but having been somewhat active in the San Fernando plan and the Los Angeles County Medical Association in their attempts to help the officials and representatives of the taxpayers in meeting the problem cases in the county, I would like to tell you that the change from the outpatient department of the health system was brought about by the fact that the county council ruled that it was illegal to expend money from the health department for curative work, and in response to that ruling we outlined a tentative program which became known as the San Fernando plan, which substituted office and domiciliary care for clinic care, and the workings of it have been so satisfactory that the board of supervisors, and the Superintendent of Welfare of Los Angeles County have asked the Los Angeles County Medical Association to take over the entire care of the problem cases in the county, and arrangements are almost completed at the request of the representatives of the Federal Government that we take over the entire indigent load in Los Angeles County on a somewhat similar basis. This I have told to Dr. Brown, and explained to him that there are differences of opinion, and that the profession have rather nobly come to the rescue of the taxpayer in the community; and we recognize that it is inadequate and experimental, but it has been as good as money was able to provide, and with the money that was available for the care of those people.

CHAIRMAN WILLIAMS: Thank you, Doctor.

DR. BROWN: May I ask Dr. Wilson if under this plan epidemic poliomyelitis would be taken care of by the Public Health Department, or—

DR. WILSON: The treatment is taken care of by private physicians of the city entirely.

DR. SULLIVAN: This is a relief measure, isn't it?

DR. WILSON: Entirely so.

DR. SULLIVAN: Similar to the ones going on in all States of the Union?

DR. WILSON: And yet they tell us if the medical profession can help them take care of the unusual load of the welfare department, the county will be solvent; and we are hoping that as a result of the extension of this plan whereby we may make physicians available in the homes of the needy, and in the offices of the physicians, we may be able to substitute a medical care which is adequate at a cost of a dollar or two dollars a week, instead of four dollars a day hospital cost, that is now

necessary for some 20 to 40 per cent of hospital population in Los Angeles County because they are hospitalized through lack of adequate outside care, and it is to our discredit that chaotic conditions in relief agencies and governmental activities and medical societies, and so on, should make such relief delayed so long, but we are having similar economic difficulties applied to every other phase of life, and it isn't the failure of medical care, because we have, contrary to statements that have been made, instead of 1 to 650, we have nearly a physician for every 275 people available for care of sick people. It isn't a question of demand and supply. It is a question of money; the failure of the economic system to meet the conditions, because there are plenty physicians. And I wish to tell this group before we leave, it is much easier for a sick individual to receive medical care than it is for him to get clothing or shelter or food.

DR. SULLIVAN: I think it should be said, Dr. Wilson, that we recognize that the physicians—and are glad to announce it with a great deal of emphasis—the physicians are doing more than any other group to lighten the burdens of relief.

DR. WILSON: I would just like to make one more statement: Two years ago I had audited all relief agencies in Los Angeles County where medical care was given without any compensation to the profession—estimated it on a fee schedule basis, and the members of the Los Angeles County Medical Association are giving in excess of \$10,000,000 worth of services to the needy in Los Angeles County, which is in excess of the amount that the community is expending for those same things.

SENATOR TICKLE: Then you think also, Doctor, if some plan were adopted that would enable the doctor to receive a better remuneration for his services, it would be only just?

DR. WILSON: Yes. I dislike very much, Senator Tickle, to express myself relative to the insurance, due to the fact that as a member of the committee I have attempted to the best of my ability to keep an absolutely open mind on the problem; but still reading, studying, and approaching it practically and theoretically and constantly, we must come to certain definite conclusions, and the failure of the individual to anticipate the necessary illness that is going to occur is at the root of this problem. We are too optimistic as individuals. We don't recognize the fact that some day we are going to be ill. Then, too, medicine has been debarred by its code of ethics from salesmanship and advertising, and the people have been encouraged to buy rides and automobiles, and various other things, which have become necessities, not luxuries, so that this problem is acute due to the necessary restraint that the profession imposed upon itself for the protection of the public. It is probable that an educational system to encourage people to save so that the aggregate accumulated savings might be pooled and used to meet the individual's incidence of illness would be a long drawn out, and very expensive procedure.

DR. BROWN: Mr. Chairman, may I just make one brief statement: There are 137,000 dependents in the city of Los Angeles—is that right? There are 137,000 units of dependency in Los Angeles. That represents about 400,000 people. There are about 2200 men in the county hospital. Two per cent of the 400,000, or about 8000, are sick all of the time. They don't require hospitalization, but they do require some medical consideration.

Now, let us help Los Angeles clean up its very difficult problem. It has a hospital second to none in the United States for its dependents. It has overdone the thing this way and that way, in every conceivable way. It has paid \$16,000,000, has it not, for its hospital?

DR. WILSON: Pardon me, Doctor?

DR. BROWN: It paid about \$16,000,000 for its hospital, did it not?

DR. WILSON: Well, there is a lot of dispute about that.

DR. BROWN: Well, it paid a lot—entirely too much for the hospital.

SENATOR TICKLE: Did it all go into the building?

DR. BROWN: No, I presume not. Every type of individual can walk into that hospital and be taken care of. The great problem in Los Angeles is to take care of the man in the lower income brackets. Under the present conditions the Government is hiring some persons. It is offering to pay to the Los Angeles County Medical Association for their care, and it will be Dr. Wilson's business, and those who are working with him, to do it well; it is going to be their responsibility to see that that experiment that we will look at from all over the United States is carried out as successfully as some private organizations have carried out their work.

People often say to me, "How long have you worked for the Southern Pacific?" "Thirty years." They say, "Why so long?" Well, I probably deliver the goods about as well as the average man would. If I didn't, I know that I would lose the job right away. As an engineer you can't make more than a certain number of mistakes, and you are out. I have no doubt in the world that Dr. Coffey, friendly as he has been to me for many years, would get rid of me if I made too many mistakes. Now, there must be supervision. There must be something that the Los Angeles County Medical Society can give to that scheme, if you or your leaders in the medical profession take hold of it and stand back of you, and make that experiment something that we can all learn from.

CHAIRMAN WILLIAMS: Is there any other person who wishes to address the committee? Maybe Dr. Coffey wants to answer Dr. Brown.

DR. COFFEY: I would not get rid of my own brother if his life's work is put into jeopardy. I will say, gentlemen, that I am delighted, as you mentioned yesterday, that I was one of the originators of the committee organized in the Senate that produced all this useful investigation. I am much delighted now I am here here before, because I have my profession. As I was in 1910, I got out of my profession. I saw the disagreement, the legitimacy thing, and so on. We have many different opinions and as we are individualists we express them as freely as at home. But always we try to do the best we can, trying our best. I was anxious to bring together my profession to discuss a problem, and say a thing. I am proud ahead of us, as I did in consequence. I want my profession to take part and help all they can with their experience in discussing social legislation.

SENATOR TIERCE: In answer to that, Doctor Coffey, I would like to see that your committee and its able constituents, Dr. Sullivan, has undertaken to do the duty to the State as a whole, to the people, the Legislature and the medical profession. We have always been struggling to get a better system as we have been in every other group, we are struggling to solve this problem, knowing it must appear that the greatest interest of the State is the health of the people. The work that I have done has brought me very close to Dr. Sullivan here, and I think you have a greater champion in the State of California than anywhere else. The public health and all the agencies of medical science have the doctors. He has at all times counseled with me, and he has the same knowledge and most sympathetic understanding of the problem in front of me. Now I have your society and you fought this battle, he has fought it honestly and bravely, and I know because I have worked with him for the past two years.

We are going to adjourn this meeting. It has brought a great many of us a little closer together and given us a closer understanding of our common interests.

It is not socially sound or safe for the State to stand idly by while the wealth of its present and future citizens is sacrificed to the medical profession, and a considerable percentage of children as well as adults have no resources. Those of you who are willing to face the facts know that a majority of physicians, dentists and nurses is receiving very inadequate incomes and that hospitals, clinics and other institutional agencies of medicine are everywhere bankrupt.

The health of the people is the wealth of the State, and the right to health is as far as an enlightened body of medical science can make that right should be the inalienable privilege of all citizens of a State as to property and education. And I am here to tell you that so far as possible within my power I am not going to resign to trail but to take the leadership and become the champion for whom Senate action by enacting during the fifty-four session of the Legislature an adequate and equitable health insurance program that will be administered by an independent board so that the medical profession will have just representation, and will not be handicapped or handicapped by and hope that will have the double value of giving patients medical care at reasonable rates to the people and adequate payment to the physicians and hospitals that furnish the care. (Applause.)

CHAIRMAN WILLIAMS: Is there anyone else who would like to make a statement here for the record? If so, we would be very glad to hear them speak. If not, the future meetings of this committee will be held in Sacramento. The Senators will give you the information as to when these meetings will be held. I certainly thank all of you for the very considerable amount of information that you have given us.

If there is no other person who wishes to address the committee, we will stand adjourned.

DR. WILSON: May I thank you for the committee of two, and I speak for the council committee, and assure you again that our facilities and efforts will be at your disposal?

CHAIRMAN WILLIAMS: I was very much interested, Doctor, in your statement of the difficulties that you are trying to encompass and get over.

If there is any person who has anything further to say, we would like to hear them, and take all the time that is necessary.

MRS. GARDEN: I was sent here by the Los Angeles County Farm Bureau, but Mr. Ellsworth spoke yesterday for the farm bureau, but I would just like to say a word as an individual:

I want to thank you on behalf of the people of California who will be benefited by your investigation, and the way you are going about it, and the sympathetic interest you are taking in it.

MR. ALBERT E. LOMBARD (Christian Science Committee on Publication for South-eastern California): I move a rising vote of thanks to the committee.

(All persons in room arose in response to Mr. Lombard's motion.)

CHAIRMAN WILLIAMS: Thank you on behalf of the committee.

The meeting will stand adjourned until further notice from Dr. Sullivan.

WHEREAS, The California Medical Economic Survey Committee has reported that the information thus far gathered indicates that all hospitals should cooperate in establishing adequate systems of health service insurance; therefore, be it

Resolved, That the Western Hospital Association recommend its board assist in approving the development of adequate systems of health service insurance; be it further

Resolved, That the California Senate Committee be encouraged to sponsor the enactment of remedial legislation which will give the people of California a system of health service insurance which will provide adequate medical and hospital services on a monthly budgetable basis for the utilization of the insurance principle.

Unanimously adopted by delegates at final convention, Western Hospital Association, in San Francisco, February 22, 1935.

**Resolution Adopted by California Medical Association, House of Delegates,
March 3, 1935.**

WHEREAS, The studies of the committee of five of the California Medical Association, have shown the inability of a certain percentage of our population to adequately finance the costs entailed by illness; and

WHEREAS, Because of this economic situation proper medical care is beyond the reach of this population group; and

WHEREAS, It has been established that this problem can be alleviated by the utilization of the insurance principle; now, therefore, be it

Resolved, That the House of Delegates of the California Medical Association recommends that legislation be proposed seeking to establish a health insurance system mandatory as to certain population groups, and voluntary as to certain population groups which shall include the following principles:

1. The patient shall have absolutely free choice of physician and hospital.
2. The medical profession shall determine the scope, the extent, standards, quality, compensation paid for and all other matters and things related to the medical and medical auxiliary services rendered under this system.

3. There shall be no provision for cash benefit.

4. The patient shall receive adequate treatment and the physician shall receive adequate compensation.

5. The foregoing principles shall be maintained with such modifications thereof as may from time to time be recommended or approved by the profession; be it further

6. *Resolved*, That the California Medical Association offer its full aid and cooperation to the interim committee of the Senate of the State of California charged with the study of this problem to the end that any measure which shall be passed establishing a health insurance system at the 1935 session of the California Legislature shall contain the above principles; and be it further

Resolved, That there be formed a special committee authorized and empowered to act herein, constituted as follows: The legislative committee of the association and three members of the association to be appointed by the Speaker of the House of Delegates.

**Resolution Unanimously Adopted by House of Delegates,
California Medical Association.**

Resolved, That the House of Delegates of the California Medical Association in special session assembled at Los Angeles, California, this third day of March, 1935 hereby expresses its thanks and appreciation to the interim committee of the Senate of the State of California, consisting of Hon. Dan E. Williams, chairman, Hon. Edward H. Tickle, and the Honorable Leonard Dufray and Dr. Christine J. Sullivan, coordinator-secretary of said Senate committee, for its cooperation with the committee of five and the council of this association in the study of problems of sickness costs and sickness insurance.

EDWARD M. PALLETTE, M.D., Speaker of House of Delegates

WHEREAS, The studies of the California medical economic survey have shown the inability of a certain percentage of our population to adequately finance the cost entailed by dental services; and

WHEREAS, Because of this economic situation it appears that proper dental care is beyond the reach of this population group; and

WHEREAS, It has been established that this problem can be alleviated by the utilization of the insurance principle; and

WHEREAS, A resolution of parallel intention has been adopted by the California Medical Association covering medical and hospital attention; now, therefore, be it

Resolved, That the councils of the California and Southern California State Dental associations recommend that legislation be proposed seeking to establish a

health insurance system, mandatory as to certain population groups and voluntary as to certain population groups, which shall include the following principles:

No. 1—The patient shall have absolutely free choice of dentist and hospital.

No. 2—The dental professions shall through their representative organization determine the scope, extent, standards, quality, compensation paid for, and all other matters and things related to, dental, and dental auxiliary services rendered under the system.

No. 3—There shall be no provision for cash benefits.

No. 4—The patient shall receive adequate treatment and his dentist shall receive adequate compensation.

No. 5—The foregoing principles shall be maintained with such modifications thereof as may from time to time be recommended, or approved by the profession; and be it further

Resolved, That the California and Southern California State Dental associations immediately offer their full aid and cooperation to the interim committee of the Senate of the State of California charged with the study of this problem and the California Medical Association to the end that any measure which shall be passed establishing a health insurance system at the 1935 session of the California Legislature shall contain the above principles; and be it further

Resolved, That there be formed a special committee authorized and empowered to act herein, constituted as follows: The presidents of the California and Southern California State Dental associations, the chairmen of the legislative committees of the California and Southern California State Dental associations, J. Franklyn Cook, and Ernest G. Sloman.

Adopted March 10, 1935.

Resolution by the California State Nurses Association.

Resolved, That the board of directors of the California State Nurses' Association do on record as approving the principle of health insurance; and be it

Resolved, That any plan of health insurance adopted shall provide for adequate nursing service; and be it

Resolved, That such nursing service be supplied only by nurses registered in the State of California; and be it

Resolved, That machinery be set up for the direction and standardization of such nursing service.

APPENDIX D.

California Medical-Economic Survey.

When the staff of the California Medical-Economic Survey took up its duties in August, 1934, it announced among the purposes of the research work to be undertaken, the following:

1. To ascertain the amount paid by various classes of income receivers in California for medical and dental care.
2. To determine the ability of various income groups in California—
 - (a) To pay for health and dental services.
 - (b) To secure adequate medical and dental care.
3. To review methods of meeting the problem of medical care in various localities within the State, in other States, and in other countries.

Authorized by the State Department of Public Health, the California Medical Economic Survey has, among its staff, the following men whose character and ability give us assurance of reliable information:

Paul A. Dodd, Ph.D., Director of the Survey, Assistant Professor of Economics, University of California at Los Angeles.

Gordon S. Watkins, Ph.D., Consulting Economist, Professor of Economics, University of California at Los Angeles.

Advisory Council.

John B. Canning, Ph.D., Professor of Economics, Stanford University.

Arthur G. Coons, Ph.D., Dean of Men and Associate Professor of Economics, Occidental College.

Rockwell D. Hunt, Ph.D., Dean of the Graduate School, University of Southern California.

The Reverend James J. Lyons, S.J., President of the University of Santa Clara.

Samuel C. May, Ph.D., Professor of Political Science, Director of the Bureau of Public Administration, University of California.

California Medical Association Committee of Five for the Study of Medical Care.

William R. Molony, M.D., Chairman, Los Angeles.

Harry H. Wilson, M.D., Secretary, Los Angeles.

Alson R. Kilgore, M.D., San Francisco.

Robert A. Peers, M.D., Colfax.

Rodney A. Yoell, M.D., San Francisco.

The field survey phase of the staff's study has been limited to the State of California; but the broader economic aspects of the problem of medical and dental care involving a study of methods and procedures for their extension to large areas. These statistical data relating to the health and economic conditions of California, its diseases, dentists, hospitals, clinics, etc., have been carefully collected from the records of individuals and organizations within the State. But on the other hand, all the facts and information relating to conditions of economic status in various parts of the State have been secured wherever such information has been available. In other words, the statistical picture presented is one of conditions obtained within California, while the results of experience and experiment elsewhere have been studied wherever it has been possible to secure records of them.

The study is based upon four types of data. One is composed of individual returns for information from the public and from the various municipal, county and institutions related to the broad field of medicine and dentistry. The forms of general schedules have been used in receiving information from the members of medical and dental societies; the first for use by individuals in personal contact with the individual family, and the second for use by the family doctor or through the agent or through some representative organization. Upon these two forms information has been obtained concerning the economic and health conditions, such as income, principal ailments, treatment, expenditures, etc., of families throughout the State.

In addition to these general schedules for the public a specially prepared schedule was constructed for receiving data to be secured from the various medical societies, dentists, another for the hospitals of the State, and still another for clinics.

All of these schedules were drawn up with the greatest possible care. Each form was compared with those used previously in similar studies, such as suggested by its respective group of doctors, dentists, hospital officials, or other known organizations and suggestions. Furthermore, these forms were submitted also to a member of the advisory council, and to the numerous learned disinterested officials of the State and the Federal Government, Bureau of Census, etc. These forms were finally approved by these qualified individuals before being placed by the staff for general use. It might also be added that in the case of the general schedule special pre-test runs were made in the field before the final forms were printed so that in most of the indefinite questions as possible might be clarified, and changes that might be made before the forms were sent to final use. Careful review and revision of questions from the general schedule have been made with a view to minimize duplications and coordinate the information requested on the different schedules with that obtained by other studies of a somewhat general nature.

The objectives to which the staff was committed necessitated very extensive investigation and study. A mass of data has been gathered which is generally presented in tables and charts in this appendix. The field work for about half a year of 1934 workers was engaged for the field work throughout the State, and that 75 have been employed in the central office on relief work. Of the 600 individuals employed in these operations, 29 were supervisors, 43 were office stenographers, 100 doctors and clerks; and 610 were field visitors.

The following selected facts from the California Medical Economics Survey tend to emphasize facts discovered by other surveys and to demonstrate that a large percentage of the people of California is not receiving adequate medical care and that no matter how honorably the medical profession may endeavor to combat all the service required, changed conditions make impossible the economic situation. It is a reasonable and in fact to expect physicians to small incomes to carry increasing burdens. It seems entirely clear that legislative action is necessary for these conditions and can not safely be ignored.

Almost one-third of the doctors of medicine earned less than \$1,000 in 1934. Half of them earned less than \$3,000, and three-fourths less than \$5,000.

Medical practice is not a trade or a business engaged in for profit. It is a profession, and medical service is more beneficent than any service rendered for profit. Business and society have accepted with too much complacency the free services of the medical profession for the indigent and parts of society and the underpaid and cast-offs of business. California had, in 1927, a higher percentage of physicians to population than any other State in the United States, or any nation in the world.

In California in 1934 there were 551 persons per doctor of medicine in six metropolitan counties, while for the State as a whole, there were 625 persons per doctor of medicine.

In 1934 doctors of medicine in the State were almost twice as numerous as dentists, three times as numerous as chiropractors, and seven times as numerous as doctors of osteopathy.

The proportion of practitioners in Los Angeles in 1934 was four times as great as in communities of less than 5,000.

Over 40 per cent of all practitioners in Los Angeles and San Francisco are doctors of medicine, and almost 25 per cent are dentists.

Rural areas including small urban centers have a greater hospital bed capacity in proportion to population than have urbanized communities.

Patients with ordinary illnesses, requiring the facilities of general, maternity and children's hospitals, have access to only half the hospital bed capacity of the State.

Three hundred ninety-nine hospitals reported a total bed capacity in 1933 of 61,053 beds, admitted 520,991 patients during the year, and had an average occupancy of 48,017 patients.

In 1933 all hospitals in California operated at about 79 per cent capacity. Government-owned hospitals operated at almost 90 per cent capacity, and nongovernment-owned operated at 53 per cent capacity.

The bed capacity of nongovernment-owned hospitals declined slightly from 17,362 in 1933 to 17,345 in 1934, while the bed capacity of government-owned hospitals increased from 43,691 in 1933 to 46,181 in 1934.

The number of patients admitted to nongovernment-owned hospitals in 1933 was almost as large as the number admitted to government-owned, while the bed capacity was less than half as large.

Approximately half the doctors of medicine reporting for both 1929 and 1933 earned less than \$6,000 in 1929, while three-fourths earned less than \$6,000 in 1933. Twenty-five per cent earned over \$9,000 in 1929 and only 10 per cent in 1933.

In 1933 one-half of the osteopaths had incomes of less than \$2,000. Eighty-six per cent of them earned less than \$4,000.

Five per cent of the doctors of osteopathy earned over \$10,000 in 1929. None were in this income class in 1933. Fifty-one per cent of the osteopaths in 1929, and 85 per cent in 1933, earned less than \$4,000.

Dentists appear to have earned less than doctors of medicine but more than osteopaths, in both 1929 and 1933.

In 1933, 34 per cent of the dentists earned less than \$2,000, 61 per cent earned less than \$3,000, and 78 per cent earned less than \$4,000.

Only 13 per cent of the dentists reporting incomes for both 1929 and 1933 earned less than \$2,000 in 1929; but in 1933, the proportion was 30 per cent. Forty-four per cent earned less than \$4,000 in 1929, as compared with 76 per cent in 1933.

The depression seems to have affected the incomes of dentists and osteopaths more than those of doctors of medicine.

Eighty-one per cent of the 4882 families upon which information has been tabulated reported annual incomes in 1933 of less than \$2,000. Of these 26 per cent had incomes ranging from \$2,000 to \$1,200, and 55 per cent had incomes of less than \$1,200.

Out of the 19 per cent of families found to have incomes of over \$2,000 in 1933, 11 per cent had incomes ranging from \$2,000 to \$3,000, 5 per cent had from \$3,000 to \$5,000, and nearly 3 per cent had incomes of \$5,000 and over.

Of all persons in the income class under \$1,200, 17.3 per cent required medical attention in contrast to the 8.6 per cent of persons in the income class of \$5,000 and over.

No significant differences in the need for medical care appear among the income classes between \$1,200 and \$5,000. The proportion of persons needing medical attention who received a diagnosis is smallest in the low income classes and greatest in the high income classes.

Twelve and three-tenths per cent of all persons in the income class under \$1,200 were reported as requiring dental attention against 4.4 per cent in the class of \$5,000 and over.

The proportion of persons needing dental attention who received a diagnosis varies with income, and relatively more sharply so than those reporting a need for medical attention who received a diagnosis.

Only 21.2 per cent of the income class under \$1,200 needing dental attention were receiving it, while 60.3 per cent of those in the \$3,000 to \$5,000 class who reported the need for treatment were receiving it.

Twenty-five and seven-tenths per cent of all families studied reported no medical and dental charges had been incurred within the period September 1, 1933, to September 1, 1934. This does not necessarily mean, however, that they were receiving no medical care, for some may have received free clinical attention or free services from members of the professions.

The proportion of families reporting no charges incurred during a one year period varies from 33.4 per cent in the group under \$1,200, to 10.4 per cent in the group of \$5,000 and over.

Of the families receiving less than \$1,200 in 1933, 15 per cent reported that charges ranged between \$20 and \$40; 8 per cent reported charges of \$100 to \$200; 3.8 per cent or 103 families reported charges of between \$200 and \$500; 23 families reported charges between \$500 and \$1,000, and 9 families reported charges of over \$1,000.

Medical charges amounted to a proportion varying from half to all of the reported income of 32 of the families incurring charges of over \$500. Of the families reporting incomes in 1933 ranging from \$1,200 to \$2,000, 15 per cent reported

medical and dental charges from \$100 to \$200, while another 8 per cent reported charges of \$200 to \$500.

In the income group between \$2,000 and \$3,000, 16 per cent of the families incurred charges between \$100 and \$200, and 14 per cent incurred charges between \$200 and \$500.

The devotion and self-sacrifice of the medical profession in giving free services have received merited praise. The theory has been stated many times that the medical profession would and could render services to every citizen regardless of ability to pay. The facts developed by our Senate committee and by the several surveys make that theory untenable and impracticable.

Every civilized country in the world, except our own, has worked out at least a partial solution by distributing the costs of medical care through the medium of either of insurance. Why not have progressive California lead the way and other States will follow?

As pointed out elsewhere in this report, the United States stands in a position of unenviable isolation in its delay in giving official recognition to a principle which is almost axiomatic in the advanced countries of the world, namely, that, granted, the majority of the population is unable financially to meet the costs of illness as an individual liability. Since the incidence of illness, like the hazards of fire, theft, accident, or death is unpredictable for the individual, some collective liability must be established through insurance to meet the costs for a large group whose collective rates of illness and annual medical bills can be anticipated on an actuarial basis. The economic depression has intensified the need for action in the United States. Medical practitioners, and hospital officials—many of whom have for years been concerned with the problems of empty waiting rooms, overcrowded beds, mounting costs of maintaining equipment and facilities in readiness for service—have realized that action must be taken to coordinate supply and the urgent demand for needed medical services.

APPENDIX D.

Table I.

VARIATIONS IN COST OF MEDICAL CARE TO FAMILIES FOR THE YEAR SEPTEMBER 1, 1933, TO SEPTEMBER 1, 1934, BY 1933 FAMILY INCOME.
 Percentage Distributions of Families According to Charges Incurred for All Medical and Dental Care Between September 1, 1933, and September 1, 1934; Based on Records for 18,317 White Families of Known 1933 Income and Known Community Surveyed Once Between October 1 and December 31, 1934.

Total annual family charges	All incomes	Under \$500	\$500- \$999	\$1,000- \$1,499	\$1,500- \$1,999	\$2,000- \$2,499	\$2,500- \$2,999	\$3,000- \$4,999	\$5,000- \$9,999	\$10,000 and over
Number of families.....	18,317	2,772	4,308	2,195	2,357	2,495	804	1,136	513	237
Percentage of families.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
None.....	23.8	41.3	30.7	24.1	19.4	16.4	13.2	10.0	11.5	6.8
Under \$10.....	8.5	13.8	11.5	8.7	8.0	6.4	3.5	2.9	1.4	.8
\$10.00-\$19.99.....	11.4	12.5	13.9	12.6	11.9	10.5	9.4	6.2	3.3	4.2
20.00-39.99.....	15.0	12.3	15.5	16.5	16.9	16.9	14.3	13.2	8.6	7.6
40.00-59.99.....	10.0	6.4	8.5	11.2	11.3	12.0	11.9	12.4	9.2	6.7
60.00-99.99.....	7.8	4.8	6.2	8.2	8.7	9.6	9.5	9.7	8.0	4.2
100.00-199.99.....	12.1	5.3	8.2	10.7	13.6	15.1	17.5	19.8	26.3	21.1
200.00-299.99.....	5.2	2.2	2.9	4.1	5.2	5.9	6.9	7.7	16.0	16.9
300.00-499.99.....	3.2	.6	1.7	2.5	3.0	4.0	4.7	7.5	9.0	11.0
500.00-999.99.....	2.2	.6	.8	1.0	1.5	2.6	5.1	6.3	8.6	13.1
1,000.00 and over.....	.8	.2	.1	.4	.5	.6	1.4	2.0	4.1	7.6

The above table contains evidence of the need for the application of the insurance principle in order to meet the unpredictable costs of illness. Note the large variations of charges that accompany illness in all income groups. Observe that illnesses incurred during the course of only one year cost certain families practically the entire annual income of the family! The disastrous consequences that flow from the present system are felt not only by the individuals and families that are victims of the uneven burdens of medical costs but also by the community at large.

Table II.

PERCENTAGE DISTRIBUTION OF WHITE PERSONS REQUIRING MEDICAL ATTENTION BY SIZE OF COMMUNITY AND 1000 INCOME CLASS
 Percentage of All Persons Who Require Medical Attention. Based on Records for 64,725 Persons in 10,560 Families Interviewed Between
 October 1 and December 31, 1934.

Size of Community	All income	Family income									
		\$0- \$499	\$500- \$999	\$1,000- \$1,499	\$1,500- \$1,999	\$2,000- \$2,499	\$2,500- \$2,999	\$3,000- \$3,499	\$3,500- \$3,999	\$4,000- \$4,999	\$5,000- \$9,999 and over
All communities-----	13.6	21.7	15.8	12.5	12.3	11.0	10.2	10.3	8.7	8.9	11.4
Under 5,000-----	16.5	24.6	16.9	15.2	14.3	13.6	12.7	10.1	14.0	10.0	10.7
5,000-49,999-----	14.0	22.6	17.2	12.2	11.3	11.2	10.4	7.9	6.4	9.3	10.5
50,000-99,999-----	13.5	24.0	15.4	12.3	12.0	10.6	12.2	10.0	10.0	8.6	13.9
100,000-999,999-----	11.7	18.1	13.6	10.0	11.6	8.3	8.6	10.0	11.2	3.1	13.5
1,000,000 and over-----	13.6	21.1	16.3	12.4	13.2	10.5	9.6	11.1	7.7	10.8	11.1
Community unknown-----	11.2	17.1	11.5	12.1	9.4	10.8	4.9	6.9	100.0		7.1

Table III.

THE REPORTED NEED FOR AND RECEIPT OF MEDICAL CARE ON DATE OF FAMILY INTERVIEW.

Percentage Distributions of Persons Needing and Receiving Medical Care Based on Records for 60,033 Persons in 18,430 White Families of Known 1933 Income, Surveyed Once Between October 1 and December 31, 1934.

Size of community	Family income											
	All incomes	Summary Under \$3,000	Over \$3,000	Under \$499	\$500-999	\$1,000-1,199	\$1,200-1,499	\$1,500-1,999	\$2,000-2,999	\$3,000-4,999	\$5,000-9,999	\$10,000 and over
Percentage of All Persons Reported in Need of Medical Care.												
All communities-----	13.8	14.3	9.8	21.9	15.9	12.5	12.4	11.0	10.8	10.3	8.8	9.1
Under 5,000 and rural areas	16.6	17.0	10.8	24.6	16.9	16.2	14.3	13.6	12.9	10.1	14.0	10.0
5,000-99,999-----	14.0	14.7	9.2	22.9	16.7	12.5	11.5	11.0	12.2	10.0	7.8	8.9
100,000-999,999-----	11.6	11.8	10.0	18.1	13.6	10.0	11.6	10.0	8.4	10.0	11.2	3.1
Over 1,000,000-----	13.7	14.2	10.2	21.1	16.3	12.4	13.2	10.5	10.1	11.1	7.7	10.8
Percentage of Persons Reported in Need of Medical Care Who Received a Diagnosis.												
All communities-----	86.8	86.0	95.9	80.4	83.6	86.9	90.6	89.9	93.1	95.6	96.8	95.9
Under 5,000 and rural areas	82.2	82.3	80.7	74.6	79.8	85.9	85.6	92.2	92.6	81.0	76.9	100.0
5,000-99,999-----	87.7	86.8	97.8	80.0	81.7	83.8	97.4	91.7	92.4	96.9	98.6	100.0
100,000-999,999-----	89.2	88.4	97.9	84.0	85.7	87.9	91.5	90.0	95.9	96.9	100.0	100.0
Over 1,000,000-----	87.0	86.0	96.4	84.3	83.3	91.7	85.7	85.1	92.0	97.7	97.1	89.3
Percentage of Persons Reported in Need of Medical Care Who Were Receiving It.												
All communities-----	58.1	56.1	81.8	44.1	51.5	59.9	61.0	66.1	71.2	78.7	86.1	90.4
Under 5,000 and rural areas	51.9	51.6	61.4	37.5	48.5	55.0	58.9	67.5	70.5	66.7	38.5	100.0
5,000-99,999-----	60.0	57.6	83.6	45.8	52.9	59.7	64.8	69.1	71.7	79.2	88.4	92.7
100,000-999,999-----	64.6	62.3	88.6	46.3	57.2	66.5	67.8	70.6	76.7	85.6	95.1	100.0
Over 1,000,000-----	55.0	52.3	80.3	46.2	47.4	59.3	52.5	55.3	67.2	76.9	88.6	85.7

Table IV.
PERCENTAGE DISTRIBUTION OF WHITE PERSONS RECEIVING A MEDICAL DIAGNOSIS BY SIZE OF COMMUNITY AND 1933 INCOME CLASS
Percentage of Persons Needing Medical Attention Who Received a Diagnosis: Based on Records for 93,725 Persons in 19,540 Families Inter-
viewed Between October 1 and December 31, 1934.

Size of Community	Family income											
	All incomes	\$0- \$499	\$500- \$999	\$1,000- \$1,499	\$1,500- \$1,999	\$2,000- \$2,499	\$2,500- \$2,999	\$3,000- \$4,999	\$5,000- \$9,999	\$10,000- and over	Income unknown	
All communities	83.8	80.1	83.9	86.6	90.6	89.9	93.6	92.0	93.1	96.8	95.9	86.2
Under 5,000	82.3	74.6	77.6	85.9	85.6	92.2	93.7	90.7	81.0	76.9	100.0	85.7
5,000-49,999	86.7	70.0	84.3	81.1	100.0	89.6	94.9	88.7	97.2	100.0	100.0	86.5
50,000-99,999	90.2	83.1	85.9	90.8	100.0	96.2	92.0	90.2	93.6	97.1	100.0	92.9
100,000-999,999	93.3	84.0	85.7	87.9	91.5	90.0	94.0	100.0	96.9	100.0	100.0	90.0
1,000,000 and over	86.8	84.2	83.3	91.7	85.7	87.1	92.2	91.8	97.7	97.1	89.3	82.1
Community unknown	85.9	70.2	100.0	75.0	49.5	90.5	100.0	75.0	100.0	---	---	100.0

Table VI.

THE REPORTED NEED FOR AND RECEIPT OF DENTAL CARE ON DATE OF FAMILY INTERVIEW

Percentage Distributions of Persons Needing and Receiving Dental Care Based on Records for 60,023 Families of Known 1933 Income, and Known Community, Selected Over Entire Country 1933. Persons in 18,430 White Families of Known 1933 Income, and Known Community, Selected Over Entire Country 1933. December 31, 1934

Size of community	Family income									
	All incomes	Summary Under \$3,000	Over \$3,000	Under \$499	\$500-\$999	\$1,000-\$1,499	\$1,500-\$1,999	\$2,000-\$2,999	\$3,000-\$4,999	\$5,000-\$10,000 and over
Percentage of All Persons Reported in Need of Dental Care										
All communities	9.7	10.2	5.3	13.6	12.2	10.0	9.3	8.1	6.9	5.8
Under 5,000 and rural areas	14.9	15.1	10.6	15.7	11.7	10.3	12.9	12.1	10.8	11.3
5,000-99,999	9.7	10.3	5.1	14.3	12.9	9.8	9.6	7.2	7.8	6.2
100,000-999,999	8.6	8.9	3.6	11.5	10.3	8.3	9.1	6.8	6.7	6.2
Over 1,000,000	7.3	7.9	3.8	10.4	8.7	7.5	7.9	6.7	5.3	5.5
Percentage of Persons Reported in Need of Dental Care Who Received a Diagnosis										
All communities	63.8	62.5	84.6	55.7	56.1	65.5	67.7	71.2	75.8	81.5
Under 5,000 and rural areas	58.6	57.5	84.7	60.1	46.8	61.9	67.3	65.4	72.3	77.3
5,000-99,999	64.3	63.0	81.1	48.1	61.4	60.7	71.1	71.0	74.9	77.6
100,000-999,999	69.1	67.6	91.9	59.3	62.3	68.1	74.8	79.7	90.9	90.6
Over 1,000,000	63.6	62.5	79.2	61.2	53.0	67.2	62.5	68.4	76.1	79.1
Percentage of Persons Reported in Need of Dental Care Who Were Receiving It										
All communities	31.2	29.2	62.4	18.7	21.1	31.7	35.6	40.7	47.4	60.1
Under 5,000 and rural areas	26.5	25.2	55.4	21.3	15.3	25.3	34.0	36.5	47.1	57.4
5,000-99,999	34.3	32.2	61.5	17.6	24.7	30.0	39.7	44.8	52.4	62.5
100,000-999,999	33.7	31.4	69.7	18.2	24.7	32.6	35.3	43.0	50.1	70.0
Over 1,000,000	28.4	25.9	63.9	15.2	19.0	27.5	31.5	35.5	36.8	65.8

Table VII.

NUMBER OF SURVEYED WHITE FAMILIES OF MORE THAN ONE PERSON, NUMBER OF PERSONS AND AVERAGE SIZE OF FAMILY, BY SIZE OF COMMUNITY AND 1933 FAMILY INCOME.

Based on Records for 17,524 Families of Known 1933 Income, Surveyed Once Between October 1 and December 31, 1934.

Size of community	Family income									
	All incomes	Under \$500	\$500-999	\$1,000-1,199	\$1,200-1,499	\$1,500-1,999	\$2,000-2,999	\$3,000-4,999	\$5,000-9,999	\$10,000 and over
		Number of Families.								
All communities	17,524	2,325	4,058	2,135	2,358	2,483	2,295	1,114	499	227
Under 5,000 and rural areas	2,543	444	1,711	321	343	320	259	115	21	6
5,000-99,999	6,123	771	1,391	727	751	860	812	430	249	132
100,000-999,999	4,030	432	875	506	585	608	591	256	96	18
Over 1,000,000	4,413	536	982	530	620	585	584	322	127	67
Unknown communities	415	82	99	51	59	50	46	21	3	4
		Number of Persons.								
All communities	60,290	7,608	13,697	7,246	8,298	8,690	8,019	4,198	1,791	863
Under 5,000 and rural areas	9,174	1,513	2,573	1,157	1,250	1,212	942	415	92	20
5,000-99,999	21,337	2,002	4,788	2,497	2,628	3,031	2,898	1,568	878	447
100,000-999,999	13,654	1,305	2,887	1,692	2,003	2,288	2,022	1,005	406	65
Over 1,000,000	14,547	1,861	3,077	1,704	2,105	1,965	1,972	1,164	447	252
Unknown communities	1,578	326	342	193	222	194	185	86	8	19
		Average Number of Persons Per Family.								
All communities	3.4	3.3	3.4	3.4	3.5	3.5	3.5	3.7	3.6	3.5
Under 5,000 and rural areas	3.6	3.4	3.6	3.0	3.6	3.8	3.6	3.6	3.8	3.3
5,000-99,999	3.5	3.4	3.4	3.4	3.5	3.5	3.6	3.6	3.5	3.4
100,000-999,999	3.4	3.2	3.3	3.3	3.4	3.4	3.4	3.8	3.8	3.6
Over 1,000,000	3.3	3.1	3.1	3.2	3.4	3.4	3.4	3.6	3.5	3.8
Unknown communities	3.8	4.0	3.5	3.8	3.8	3.9	4.0	4.1	2.7	4.7

Table VIII.
INCOME OF WHITE FAMILIES, BY EACH YEAR, 1929 to 1933.
Percentages, Distributions of Families Reporting Income for Each 1929, and 1933,
by Income Class and Year, 1929 to 1933. Based on Records for 17,769 Families.

Income class	Per cent					Percentage, Per cent				
	1929	1930	1931	1932	1933	1929	1930	1931	1932	1933
Number of families	17,769	17,748	17,738	17,532	17,769	17,769	17,748	17,738	17,732	17,769
Per cent of families	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Under \$500	7.6	8.9	11.4	14.3	17.2	7.6	8.9	11.4	14.3	16.7
\$500-999	13.4	13.8	14.4	21.2	23.3	21.0	24.5	29.8	35.5	38.3
1,000-1,499	10.6	11.9	12.9	12.6	11.9	11.6	16.1	14.7	18.1	19.4
1,500-1,999	12.3	11.8	12.9	12.8	12.8	11.9	19.2	15.6	18.1	16.2
2,000-2,499	15.6	13.6	14.6	11.8	11.6	13.5	16.1	17.1	14.5	13.7
2,500-2,999	13.6	12.3	19.5	9.7	8.3	13.1	17.0	18.1	14.9	14.0
3,000-3,499	7.7	6.6	5.8	4.7	4.3	8.0	8.6	8.6	8.6	8.0
3,500-4,999	4.3	4.5	7.8	1.1	1.2	5.7	8.1	9.0	9.1	9.2
5,000-5,999	6.3	5.5	4.4	1.8	1.6	9.1	9.1	9.4	9.5	9.5
6,000-6,999	3.4	3.4	2.6	1.1	1.9	9.5	9.6	9.7	9.7	9.7
7,000-9,999	1.1	1.4	1.9	0.9	0.9	9.7	9.9	9.7	9.7	9.7
10,000 and over	2.9	2.1	1.7	1.5	1.3	100.0	100.0	100.0	100.0	100.0

Table IX.

PERCENTAGE DISTRIBUTION OF SURVEYED WHITE PERSONS BY SIZE OF COMMUNITY AND 1933 FAMILY INCOME.

Based on Records for 61,629 Persons in 18,863 Families of Known 1933 Income Surveyed Once Between October 1 and December 31, 1934.

Size of community	Family income									
	All incomes	Under \$500	\$500-\$999	\$1,000-\$1,199	\$1,200-\$1,499	\$1,500-\$1,999	\$2,000-\$2,999	\$3,000-\$4,999	\$5,000-\$9,999	\$10,000 and over
Percentage of Persons in Each Income Class and Size of Community.										
All communities	100.0	13.3	22.9	11.9	13.5	14.3	13.0	6.9	2.9	1.3
Under 5,000 and rural areas	15.2	2.6	4.3	1.9	2.0	2.0	1.5	0.7	0.2	^a
5,000 to 99,999	35.3	4.5	7.9	4.1	4.3	5.0	4.7	2.6	1.4	0.8
100,000 to 999,999	22.8	2.4	4.9	2.8	3.3	3.8	3.3	1.6	0.6	0.1
Over 1,000,000	24.2	3.3	5.2	2.8	3.5	3.2	3.2	1.9	0.7	0.4
Unknown communities	2.5	0.5	0.6	0.3	0.4	0.3	0.3	0.1	^a	^a
Percentage of Persons in Each Income Class According to Size of Community.										
All communities	100.0	13.3	22.8	12.0	13.5	14.2	13.1	6.9	2.9	1.3
Under 5,000 and rural areas	100.0	17.2	28.0	12.6	13.5	13.0	10.1	4.4	1.0	0.2
5,000 to 99,999	100.0	12.7	22.5	11.6	12.2	14.1	13.4	7.3	4.1	2.1
100,000 to 999,999	100.0	10.6	21.4	12.4	14.5	16.5	14.6	6.9	2.6	0.5
Over 1,000,000	100.0	13.5	21.4	11.6	14.2	13.3	13.3	7.8	3.1	1.8
Unknown communities	100.0	20.9	21.8	12.4	14.0	12.2	11.6	5.4	0.5	1.2
Cumulative Percentage of Persons in Each Income Class According to Size of Community.										
All communities	---	13.3	36.1	48.1	61.6	75.8	88.9	95.8	98.7	100.0
Under 5,000 and rural areas	---	17.2	45.2	57.8	71.3	84.3	94.4	98.8	99.8	100.0
5,000 to 99,999	---	12.7	35.2	46.8	58.9	73.1	86.5	93.8	97.9	100.0
100,000 to 999,999	---	10.6	32.0	44.4	59.0	75.4	90.0	96.9	99.5	100.0
Over 1,000,000	---	13.5	34.0	46.5	60.7	74.0	87.3	95.1	98.2	100.0
Unknown communities	---	20.9	42.7	55.1	69.1	81.3	92.9	98.3	98.8	100.0

^a Less than one-tenth of 1 per cent.

Table X.

VARIATIONS IN COSTS OF MEDICAL AND DENTAL CARE TO FAMILIES, BY 1932 INCOME CLASSES

Distribution of Families According to Charges Incurred for Medical and Dental Care Between September 1, 1933, and September 1, 1934. Based on Returns for 4861 Families Interviewed Between October 1 and December 31, 1934.

Charges	Income class					\$5,000 and over
	All incomes	Under \$1,000	\$1,000-\$1,999	\$2,000-\$3,999	\$4,000-\$4,999	
	Percentage distribution					
No charges	25.7	23.4	18.8	14.3	16.2	19.4
Under \$10.00	8.8	11.4	6.5	5.5	2.5	2.1
\$10.00-19.99	10.8	12.3	11.0	6.8	5.9	2.4
20.00-39.99	15.4	15.3	16.8	15.0	12.3	9.6
40.00-59.99	9.7	7.9	11.4	11.3	16.5	11.1
60.00-99.99	7.6	6.5	9.3	9.3	9.2	5.6
100.00-199.99	12.0	8.2	15.6	19.3	19.1	18.4
200.00-499.99	7.4	3.8	8.4	12.3	16.5	27.1
500.00-999.99	1.8	0.9	2.4	2.8	4.7	8.1
1,000.00 and over	0.8	0.3	0.4	1.8	3.0	4.8
Totals	100.0	100.0	100.0	100.0	100.0	100.0
Number of families						
No charges	1,251	897	240	77	24	13
Under \$10.00	428	306	83	30	6	3
\$10.00-19.99	525	330	141	37	14	7
20.00-39.99	746	410	214	81	29	12
40.00-59.99	473	213	146	61	29	14
60.00-99.99	371	173	119	50	22	7
100.00-199.99	583	219	192	164	45	24
200.00-499.99	358	163	107	75	39	34
500.00-999.99	80	23	30	15	11	10
1,000.00 and over	37	9	5	10	7	6
Totals	4,861	2,683	1,277	540	296	125

Table XI.
AVERAGE CHARGE PER PERSON.

Size of community	All incomes	AVERAGE CHARGE PER PERSON									
		\$0-\$499	\$500-\$999	\$1,000-\$1,199	\$1,200-\$1,499	\$1,500-\$1,999	\$2,000-\$2,499	\$2,500-\$2,999	\$3,000-\$4,999	\$5,000-\$9,999	\$10,000 and over
All communities	\$24 48	\$11 77	\$13 66	\$18 92	\$21 31	\$25 95	\$34 48	\$37 49	\$42 91	\$61 22	\$115 15
Under 5,000	19 54	11 13	14 63	17 81	20 69	24 73	33 94	28 93	34 76	45 72	21 75
5,000-49,999	24 31	12 23	13 81	16 94	21 86	25 80	38 11	37 54	41 14	61 48	115 18
50,000-99,999	31 75	12 31	14 09	20 96	19 57	27 87	39 62	45 35	36 05	82 17	21 42
100,000-999,999	24 40	13 17	13 40	19 36	22 34	27 08	29 73	42 97	42 56	50 88	27 04
1,000,000 and over	24 58	10 59	12 79	19 99	20 79	24 58	33 55	52 34	46 08	57 10	127 13

Table XI-A.
AVERAGE CHARGE PER PERSON IN FAMILIES REPORTING CHARGES OVER ZERO.

Size of community	All incomes	AVERAGE CHARGE PER PERSON IN FAMILIES REPORTING CHARGES OVER ZERO									
		\$0-\$499	\$500-\$999	\$1,000-\$1,199	\$1,200-\$1,499	\$1,500-\$1,999	\$2,000-\$2,499	\$2,500-\$2,999	\$3,000-\$4,999	\$5,000-\$9,999	\$10,000 and over
All communities	\$30 97	\$18 56	\$19 33	\$24 34	\$25 36	\$30 46	\$39 21	\$42 42	\$47 13	\$67 79	\$121 00
Under 5,000	24 45	16 71	19 92	21 28	24 74	27 10	37 34	32 15	37 76	55 22	25 59
5,000-49,999	28 28	16 96	17 05	20 10	22 86	28 47	42 02	39 47	45 31	65 18	118 47
50,000-99,999	39 32	20 39	21 32	27 15	32 96	42 52	51 03	49 73	49 73	75 92	119 74
100,000-999,999	32 32	21 19	20 43	27 56	28 08	33 84	36 11	50 81	46 26	72 36	98 87
1,000,000 and over	33 18	19 78	20 21	27 44	26 83	29 88	38 54	57 87	51 15	63 63	137 82

Table XII.

PROFESSIONAL NET INCOMES OF DOCTORS OF MEDICINE IN 1933.

Based on Reports From 1549 M.D.'s.

Net income (dollars)	Cumulative percentage of M.D.'s	
	Percentage	Cumulative
0- 999	12.7	12.7
1,000- 1,999	18.7	31.4
2,000- 2,999	20.1	51.5
3,000- 3,999	14.3	65.8
4,000- 4,999	10.2	76.0
5,000- 5,999	4.9	80.9
6,000- 6,999	5.0	85.9
7,000- 7,999	4.2	90.1
8,000- 8,999	2.7	92.8
9,000- 9,999	1.8	94.6
10,000- 10,999	1.3	95.9
11,000- 11,999	1.0	96.9
12,000- 12,999	0.8	97.7
13,000- 13,999	0.4	98.1
14,000- 14,999	0.4	98.5
15,000- 15,999	1.1	99.6
20,000- 24,999	0.1	99.9
25,000- 49,999	0.1	100.0
Total	100.0	

Table XIII.

PROFESSIONAL NET INCOMES OF DOCTORS OF MEDICINE IN 1929 AND 1933.

Based on Reports for Both Years From 790 M.D.'s.

Net income (dollars)	Percentage of M.D.'s		Cumulative percentage of M.D.'s	
	1929	1933	1929	1933
0- 999	3.9	8.5	3.9	8.5
1,000- 1,999	7.2	17.5	11.1	26.0
2,000- 2,999	11.4	18.2	22.5	44.2
3,000- 3,999	12.5	13.2	35.0	57.4
4,000- 4,999	10.6	12.0	45.6	69.4
5,000- 5,999	8.5	6.0	54.1	75.4
6,000- 6,999	8.2	6.1	62.3	81.5
7,000- 7,999	6.2	5.3	68.5	86.8
8,000- 8,999	5.5	3.2	74.0	90.0
9,000- 9,999	3.4	2.5	77.4	92.5
10,000- 10,999	4.4	1.8	81.8	94.3
11,000- 11,999	2.0	1.4	83.8	95.7
12,000- 12,999	2.8	1.2	86.6	96.9
13,000- 13,999	1.7	0.5	88.3	97.4
14,000- 14,999	1.9	0.8	90.2	98.2
15,000- 19,999	5.5	1.2	95.7	99.4
20,000- 24,999	2.0	0.5	97.7	99.9
25,000- 49,999	2.2	0.1	99.9	100.0
50,000- 99,999	0.1	---	100.0	
Totals	100.0	100.0		

Table XIV.

PROFESSIONAL NET INCOMES OF DOCTORS OF OSTEOPATHY IN 1933.

Based on Reports From 493 D.O.'s.

Net income (dollars)	Percentage of D.O.'s	Cumulative percentage of D.O.'s
0- 999	24.3	24.3
1,000- 1,999	26.0	50.3
2,000- 2,999	19.3	69.6
3,000- 3,999	16.0	85.6
4,000- 4,999	6.9	92.5
5,000- 5,999	3.7	96.2
6,000- 6,999	1.2	97.4
7,000- 7,999	1.0	98.4
8,000- 8,999	0.8	99.2
9,000- 9,999	0.4	99.6
10,000-10,999	0.2	99.8
11,000-11,999	---	99.8
12,000-12,999	---	99.8
13,000-13,999	---	99.8
14,000-14,999	0.2	100.0
Total	100.0	

Table XV.

PROFESSIONAL NET INCOMES OF DOCTORS OF OSTEOPATHY IN 1929 AND 1933.

Based on Reports for Both Years From 184 D.O.'s.

Net income (dollars)	Percentage of D.O.'s		Cumulative percentage of D.O.'s	
	1929	1933	1929	1933
0- 999	8.7	20.1	8.7	20.1
1,000- 1,999	12.0	20.7	20.7	40.8
2,000- 2,999	13.6	23.9	34.3	64.7
3,000- 3,999	16.3	20.1	50.6	84.8
4,000- 4,999	14.1	6.0	64.7	90.8
5,000- 5,999	8.7	4.9	73.4	95.7
6,000- 6,999	9.8	1.6	83.2	97.3
7,000- 7,999	4.9	1.6	88.1	98.9
8,000- 8,999	6.0	1.1	94.1	100.0
9,000- 9,999	0.5	---	94.6	
10,000-10,999	1.6	---	96.2	
11,000-11,999	1.1	---	97.3	
12,000-12,999	1.1	---	98.4	
13,000-13,999	0.5	---	98.9	
14,000-14,999	---	---	98.9	
15,000-19,999	1.1	---	100.0	
Totals	100.0	100.0		

Table XVI.

PROFESSIONAL NET INCOMES OF DENTISTS IN 1933.

Based on Reports from 1534 Dentists.

Net income (dollars)	Percentage percentage of dentists of dentists	
	Percentage of dentists	Cumulative percentage of dentists
0- 999	9.0	9.0
1,000- 1,999	25.1	34.1
2,000- 2,999	26.5	60.6
3,000- 3,999	17.2	77.8
4,000- 4,999	8.4	86.2
5,000- 5,999	5.6	91.8
6,000- 6,999	3.3	95.1
7,000- 7,999	1.8	96.9
8,000- 8,999	1.2	98.1
9,000- 9,999	0.6	98.7
10,000-10,999	0.5	99.2
11,000-11,999	0.1	99.3
12,000-12,999	0.3	99.6
13,000-13,999	0.1	99.7
14,000-14,999	—	99.7
15,000-19,999	0.1	99.8
20,000-24,999	0.2	100.0
Total	100.0	

Table XVII.

PROFESSIONAL NET INCOMES OF DENTISTS IN 1929 AND 1933

Based on Reports for Both Years from 801 Dentists.

Net income (dollars)	Percentage of dentists		Cumulative percentage of dentists	
	1929	1933	1929	1933
0- 999	2.6	6.7	2.6	6.7
1,000- 1,999	10.0	23.2	12.6	29.9
2,000- 2,999	14.7	26.6	27.3	56.5
3,000- 3,999	17.1	19.8	44.4	76.3
4,000- 4,999	14.0	10.1	58.4	86.4
5,000- 5,999	11.5	6.7	69.9	93.1
6,000- 6,999	9.0	2.5	78.9	95.6
7,000- 7,999	6.7	1.1	85.6	96.7
8,000- 8,999	4.9	1.5	90.5	98.2
9,000- 9,999	3.4	0.8	93.9	99.0
10,000-10,999	2.4	0.5	96.3	99.5
11,000-11,999	0.5	—	96.8	99.5
12,000-12,999	0.9	—	97.7	99.5
13,000-13,999	0.6	—	98.3	99.5
14,000-14,999	0.1	—	98.4	99.5
15,000-19,999	1.4	0.1	99.8	99.6
20,000-24,999	0.2	0.4	100.0	100.0
Totals	100.0	100.0		

Table XVIII.

COMPARISON OF PROFESSIONAL NET INCOMES IN 1933.

Cumulative Percentage Distributions Based on Reports from 1549 Doctors of Medicine, 493 Doctors of Osteopathy and 1534 Dentists.

Net income (dollars)	Cumulative percentage		
	M.D.'s	D.O.'s	D.D.S.'s
0- 999	12.7	24.3	9.0
1,000- 1,999	31.4	50.3	34.1
2,000- 2,999	51.5	69.6	60.6
3,000- 3,999	65.8	85.6	77.8
4,000- 4,999	76.0	92.5	86.2
5,000- 5,999	80.9	96.2	91.8
6,000- 6,999	85.9	97.4	95.1
7,000- 7,999	90.1	98.4	96.9
8,000- 8,999	92.8	99.2	98.1
9,000- 9,999	94.6	99.6	98.7
10,000-10,999	95.9	99.8	99.2
11,000-11,999	96.9	99.8	99.3
12,000-12,999	97.7	99.8	99.6
13,000-13,999	98.1	99.8	99.7
14,000-14,999	98.5	100.0	99.7
15,000-19,999	99.6		99.8
20,000-24,999	99.9		100.0
25,000-49,999	100.0		

Table XIX.

COMPARISON OF PROFESSIONAL NET INCOMES IN 1929 AND 1933.

Cumulative Percentage Distributions Based on Reports from 790 Doctors of Medicine, 184 Doctors of Osteopathy and 801 Dentists.

Net income (dollars)	Cumulative percentage					
	M.D.'s		D.O.'s		D.D.S.'s	
	1929	1933	1929	1933	1929	1933
0- 999	3.9	8.5	8.7	20.1	2.6	6.7
1,000- 1,999	11.1	26.0	20.7	40.8	12.6	29.9
2,000- 2,999	22.5	44.2	34.3	64.7	27.3	56.5
3,000- 3,999	35.0	57.4	50.6	84.8	44.4	76.3
4,000- 4,999	45.6	69.4	64.7	90.8	58.4	86.4
5,000- 5,999	54.1	75.4	73.4	95.7	69.9	93.1
6,000- 6,999	62.3	81.5	83.2	97.3	78.9	95.6
7,000- 7,999	68.5	86.8	88.1	98.9	85.6	96.7
8,000- 8,999	74.0	90.0	94.1	100.0	90.5	98.2
9,000- 9,999	77.4	92.5	94.6		93.9	99.0
10,000-10,999	81.8	94.3	96.2		96.3	99.5
11,000-11,999	83.8	95.7	97.3		96.8	99.5
12,000-12,999	86.6	96.9	98.4		97.7	99.5
13,000-13,999	88.3	97.4	98.9		98.3	99.5
14,000-14,999	90.2	98.2	98.9		98.4	99.5
15,000-19,999	95.7	99.4	100.0		99.8	99.6
20,000-24,999	97.7	99.9			100.0	100.0
25,000-49,999	99.9	100.0				
50,000-99,999	100.0					

Table XX.

PER CENT DISTRIBUTION OF PRACTICING PHYSICIANS ACCORDING TO 1933 NET PROFESSIONAL INCOME.

<i>Net Professional Income, 1933 (dollars)</i>	<i>Percentage of Physicians</i>	<i>Cumulative Percentage</i>
Net loss for year	1.3	1.8
0 to 999	14.5	15.3
1,000 to 1,999	18.4	33.7
2,000 to 2,999	19.9	53.6
3,000 to 3,999	14.3	67.9
4,000 to 4,999	9.9	77.8
5,000 to 5,999	5.8	83.6
6,000 to 6,999	4.6	88.2
7,000 to 7,999	2.6	90.8
8,000 to 8,999	2.5	93.3
9,000 to 9,999	1.2	94.5
10,000 to 14,999	3.9	98.4
15,000 to 19,999	1.1	99.5
20,000 and over	.5	100.0
Total	100.0	
Number in sample		2,728
Median income		\$2,700

Table XXI.
DISTRIBUTION OF PRACTICING PHYSICIANS ACCORDING TO 1933 NET PROFESSIONAL INCOME, BY YEAR OF GRADUATION.
 Based on Reports from 2739 Doctors of Medicine.

Net professional income, 1933 (dollars)	All physicians 1933	Year of Graduation															1885-1889	Before 1885 known																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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		1929	1928	1927	1926	1925	1924	1923	1922	1921	1920	1919	1918	1917	1916	1915			1914	1913	1912	1911	1910	1909	1908	1907	1906	1905	1904	1903	1902	1901	1900	1899	1898	1897	1896	1895	1894	1893	1892	1891	1890	1889	1888	1887	1886	1885																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
Net loss for year under	48	2	4	5	0	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	

Table XXII.

POPULATION PER PRACTITIONER IN CALIFORNIA IN 1934, ACCORDING TO SIZE OF COMMUNITY.

	Population per practitioner	Population per M.D.	Population per dentist	Population per osteopath	Population per chiropractor	Population per chiropractist	Population per other practi- tioner
The State	265	625	1,002	4,114	2,025	17,309	2,631
Counties over 90% Nonfarm	220	551	826	3,253	1,657	12,885	2,026
Counties 80% - 90% Nonfarm	373	807	1,411	6,088	2,880	43,472	4,751
Counties 70% - 80% Nonfarm	397	847	1,484	7,350	3,349	27,500	5,122
Counties 60% - 70% Nonfarm	514	1,002	1,808	11,570	5,510	38,567	1,006
Counties 50% - 60% Nonfarm	520	1,080	1,897	9,320	4,661		8,027
Counties less than 50% Nonfarm	649	1,385	2,492	62,361	5,664		8,900

1 Data for dentists as of September, 1934.

2 Data for osteopaths, naturopaths, drugless practitioners, midwives and Christian Science practitioners from the *Directory of Physicians and Surgeons, Naturopaths, Drugless Practitioners, Osteopaths, Midwives, and Christian Scientists of the State of California, 1934*. These figures are for practitioners having licenses March 1, 1934.

3 Data on osteopaths from the *Directory of Physicians and Surgeons, Naturopaths, Drugless Practitioners, Osteopaths, Midwives, and Christian Scientists of the State of California, 1934*. Figures are for the number of osteopaths having licenses March 15, 1934.

4 Data on dentists from the *Report of the Board of Dental Examiners, submitted to the Board of Health Examiners, 1934*. Figures are for the number of dentists having licenses March 1, 1934.

5 Data on chiropractors from the *Report of the State Board of Chiropractic Examiners, 1934*.

6 Data on chiropractist from the *California Statutes, Chapter 10, Vol. 41, No. 12, March, 1934*. Figures are for practitioners having licenses March 1, 1934.

7 Data on other practitioners from the *Report of the Board of Health Examiners, 1934*. Vol. 41, No. 12, March 21, 1934. Figures are for the number of other practitioners having licenses March 1, 1934. Figures are for the number of other practitioners having licenses March 1, 1934.

Table XXIII.

POPULATION PER PRACTITIONER IN CALIFORNIA IN 1934, ACCORDING TO SIZE OF COMMUNITY.

Size of Community	Population per practitioner	Population per M.D.	Population per dentist	Population per osteopath	Population per chiropractor	Population per chiropractist	Population per other practi- tioner
The State	265	625	1,002	4,114	2,025	17,309	2,631
Less than 5,000 (including all rural areas)	742	1,428	3,196	16,518	5,636	278,062	10,695
5,000 to 9,999	327	738	1,273	5,883	2,244	48,535	3,530
10,000 to 24,999	250	666	959	2,559	1,796	31,497	2,122
25,000 to 49,999	263	640	1,033	3,615	1,964	14,157	2,396
50,000 to 99,999	194	477	718	2,387	1,609	14,615	1,953
100,000 to 499,999	219	540	813	3,959	1,577	12,757	1,613
500,000 to 999,999	187	410	574	12,947	2,059	6,678	2,188
1,000,000 and over	180	451	736	2,109	1,242	11,571	1,669

1 Data for dentists as of September, 1934.

2 Including naturopaths, drugless practitioners, midwives and Christian Science practitioners.

Table XXIV.

NUMBER AND CAPACITY OF HOSPITALS IN CALIFORNIA, ACCORDING TO AGENCIES OWNING OR IN CONTROL.

	<i>Hospitals,</i> <i>1933</i>	<i>Beds,</i> <i>1933</i>	<i>Hospitals,</i> <i>1934</i>	<i>Beds,</i> <i>1934</i>	<i>Bassi-</i> <i>nets,</i> <i>1933</i>	<i>Patients</i> <i>admitted,</i> <i>1933</i>	<i>Average</i> <i>census,</i> <i>1933</i>
All hospitals-----	399	61,053	397	63,526	2,964	520,991	48,017
Federal-----	18	6,659	18	6,252	23	33,044	4,779
State-----	16	22,155	16	22,408	32	18,246	21,039
County-----	61	12,573	61	15,150	425	127,506	11,288
City-----	2	130			0	10,271	1
City and county-----	5	2,174	7	2,371	56	76,006	1,794
Government owned—							
Total-----	102	43,691	102	46,181	536	265,073	38,901
Church-----	41	4,984	41	4,910	814	76,981	2,437
Fraternal-----	6	711	6	701	30	7,596	496
Industrial-----	9	731	9	731	19	7,337	463
Individual or partnership-----	130	2,996	128	3,058	492	35,315	1,341
Independent association-----	111	7,940	111	7,945	1,163	128,689	4,379
Nongovernment owned—							
Total-----	297	17,362	295	17,345	2,428	255,918	9,116

Sources: 1933 data from *Journal of the American Medical Association*, March 31, 1934;
1934 data includes supplementary information from present study.

Table XXV.

DISTRIBUTION OF HOSPITAL BEDS AND POPULATION PER HOSPITAL BED IN CALIFORNIA, 1934.
BY GROUPS OF COUNTIES.

	<i>All hospitals</i>		<i>General, maternity and children's hospitals</i>		<i>Other hospitals</i>	
	<i>Beds</i>	<i>Population per bed</i>	<i>Beds</i>	<i>Population per bed</i>	<i>Beds</i>	<i>Population per bed</i>
The State-----	63,526	89	31,193	182	32,333	176
Counties over 90%—						
Nonfarm-----	30,788	118	20,469	178	10,319	353
Counties 80%-90%—						
Nonfarm-----	13,645	64	5,206	167	8,439	103
Counties 70%-80%—						
Nonfarm-----	13,519	39	2,838	184	10,681	49
Counties 60%-70%—						
Nonfarm-----	1,269	182	1,130	205	139	1,665
Counties 50%-60%—						
Nonfarm-----	3,918	88	1,163	297	2,755	125
Counties less than 50%—Nonfarm---	387	161	387	161	0	---

Sources: *Journal of the American Medical Association*, March 31, 1934, and present study.

Table XXVI.

DISTRIBUTION OF SURVEYED WHITE FAMILIES AND PERSONS OF KNOWN 1929 FAMILY INCOME
AND KNOWN COMMUNITY AND OF CALIFORNIA WHITE FAMILIES
AND POPULATION 1929, BY COUNTIES.

County	Number of Surveyed		Number of California		Percentage surveyed	
	Families	Persons	Families	Persons	Families	Persons
All counties	18,430	60,032	1,350,464	4,506,234	1.4	1.3
Alameda	1,642	5,694	120,000	447,844	1.3	1.3
Butte	111	442	6,671	22,679	1.2	1.4
Contra Costa	237	856	19,410	71,461	1.2	1.2
Fresno	393	1,374	34,297	125,877	1.2	1.1
Humboldt	138	456	11,622	40,837	1.2	1.1
Imperial	138	493	8,949	32,166	1.5	1.5
Kern	223	750	19,917	71,572	1.1	1.0
Los Angeles	8,691	27,379	598,566	1,949,882	1.5	1.4
Monterey	122	461	12,194	44,702	1.0	1.0
Nevada	84	310	7,155	10,780	1.7	3.0
Orange	356	1,166	30,019	96,800	1.2	1.2
Riverside	354	1,138	18,658	69,726	1.0	1.8
Sacramento	502	1,799	32,674	121,545	1.5	1.5
San Bernardino	589	1,863	31,285	106,846	1.0	1.8
San Diego	826	2,653	38,182	130,068	1.4	1.4
San Francisco	2,071	6,500	170,628	594,069	1.2	1.1
San Joaquin	236	754	23,014	89,257	1.0	0.8
Santa Barbara	183	669	15,253	52,044	1.2	1.3
Santa Clara	567	1,895	38,365	135,188	1.5	1.4
Santa Cruz	115	365	11,081	34,798	1.0	1.1
Siskiyou	86	321	6,528	22,942	1.3	1.4
Sonoma	201	697	17,794	66,279	1.1	1.2
Stanislaus	132	485	14,847	54,274	0.9	0.9
Tulare	159	556	18,185	67,175	0.9	0.8
Ventura	195	664	11,662	40,005	1.7	1.7
Yuba	89	323	2,851	9,854	3.1	3.3

APPENDIX E.

Figure 1 indicates that, except for families with annual incomes of \$2,000 to \$2,999, the three-month rate for disabling illness per 1000 persons increases as the family income decreases. The difference between the rate for families which received some relief during 1933 and the next higher income category is greater than between any other two adjacent income groups.

The chief causes of illness which received hospital treatment were as follows: accidents, 49 cases; maternity, 33 cases; appendicitis, 30 cases; tonsil and adenoid operations, 29 cases; hernia and intestinal disorders, 21 cases; contagious diseases, 18 cases; tuberculosis, 20 cases; heart disease, 16 cases; mental and nervous disorders, 13 cases; disturbances of the digestive tract, 12 cases; nonvenereal diseases of the female genito-urinary tract, 12 cases; diseases of the kidney and bladder, 10 cases.

For purposes of comparing the effect of changes in family income and health three economic levels were chosen to designate three standards of living, namely, relief, moderate, and comfortable. The classification of a given family in one of these three groups depended upon the family income and the size of the families for which the income had to provide. To allow for a decrease in the costs of living, \$1,000 as annual income in 1933 was considered equivalent to \$1,200 in 1929. This amount and all incomes in excess of this were arbitrarily considered as providing a "comfortable" standard of living for a family of two persons. For a family of four, \$1,600 or more a year was considered comfortable in 1929 and \$1,400 or more in 1933. Any family so reduced in economic level that it was forced to seek public or private relief at any time in 1929 or 1933 was classified as a "relief" family in the year in question. All others between the "relief" and the "comfortable" status were grouped in the "moderate" class.

In Figure 2 the composition of the medical charges is presented for the families combined into three income categories, namely, those with annual incomes under \$1,200, \$1,200 to \$3,000, and \$3,000 and over. In the lowest income indicated in the chart, physicians are responsible for 34.6 per cent of the charges, hospitals for 12.6 per cent, dentists for 25.3 per cent, nurses for 2.8 per cent, drugs and medicines for 11.4 per cent, and all other expenses for 13.3 per cent. In the highest income group of the graph, physicians' services are responsible for 32.4 per cent of the total charges; hospitals for 17.5 per cent, dentists for 33.5 per cent, nurses for 3.3 per cent, drugs and medicines for 6.7 per cent, and all other expenses for 6.6 per cent.

In other tables which follow data are presented for urban families only. Definitions of decreased income and unemployment among farm families have been inadequate to provide a satisfactory classification of the economic status of the rural population.

First, let us consider the families according to the three broad income groups: relief, moderate and comfortable. It is seen in Figure 3 that the illness rate per 1000 persons among the relief group is 181; among the moderate, 133; and among the comfortable, 124. Now let us consider these same families in relation to the change in their economic status.

It has been found in the California study, as in the Milbank Memorial Foundation and Public Health Service studies of health and the depression in Eastern cities, that the rate of disabling illness is higher among families who dropped from a comfortable status in 1929 to a "relief" status in 1933 than in any other income shift. See Figure 4. In the three-month survey period this group had 225 disabling illnesses per 1000 persons. In contrast with this group the families who remained "comfortable" had only 125 disabling illnesses per 1000 persons, and those who dropped from "comfortable" to "moderate" incomes had only 128 per 1000. Of those families who were in "moderate" circumstances in 1929, the drop to relief status was associated with a disabling illness rate of 174 per 1000. For families whose "moderate" 1929 incomes remained "moderate" in 1933, 136 disabling illnesses per 1000 were reported, and for the families whose income rose from "moderate" to "comfortable," the rate was 117 per 1000.

Figure 5 shows the per cent of illnesses which were hospitalized. The white represents those illnesses hospitalized in a public hospital and the black those in a private hospital. The highest percentage of illnesses hospitalized occurs among the "relief-relief" and the "moderate-relief" groups.

Figure 6 shows the number of days of hospital care per 1000 illnesses. The black represents days in private hospitals and the white in public hospitals. The highest number of days occurs in the group which dropped from comfortable to relief.

In Figure 7 data are presented in relation to the employment status of the wage earners in the family. The families are divided into three groups, those having one or more full-time workers, one or more part-time workers, and those with no employed person.

Since unemployment might be the result of the disabling illness of the family wage earner, thus increasing the case rate for those families with no worker employed, all families in which the no-worker or part-time worker status was caused by illness were excluded. A higher case rate for disabling illness was also found among families suffering from unemployment of their wage earners. In families with no employed worker the rate of disabling illness was 179 per 1000 individuals during the three-month survey period as contrasted with 143 per 1000 among families with

only part-time workers, and 126 per 1000 among those with one or more full-time workers.

The "no-work" group had 13.6 per cent of its illnesses hospitalized, as contrasted with 8.1 per cent in the families having one or more full-time workers. There were 262 days of care per 100 illnesses among the no-worker group as compared with 112 days in the full-time group.

The time has come for the citizen in the lower income brackets, whether working in a manufacturing plant, behind a counter, or in any trade or occupation, for the ordinary man and woman engaged in doing the work that keeps society from collapse, to demand adequate health protection and service. Even the opponents of health insurance admit that it is desirable. Economic conditions exist which they have no control have determined that. No more products of the poverty stricken can compensate the individual or his family for loss of health. Homeless, hungry, worried by economic problems and financial inequalities, could not even maintain upon them a more solid sense of security than to know that they had received adequate medical care when sick at a price they can easily pay.

Health service insurance seems to be the better way to be the treatment of people to correct the present condition. And there appears to be no satisfactory substitute. Judging from the evidence, compulsory health insurance is demanded by conditions that compel. WPA, welfare and future generations the health of thousands of men and women and the growing generation when it is within the undoubted power of the California Legislature to prevent this mental agony.

Figure 1.

NUMBER OF DISABLING ILLNESSES PER 1000 PERSONS IN FAMILIES CLASSIFIED ACCORDING TO 1933 INCOME.

Relief	183
\$0- \$599	139
\$600-\$1,199	127
\$1,200-\$1,999	125
\$2,000-\$2,999	131
\$3,000 and over	121

THE PERCENTAGE OF ALL ILLNESS RECEIVING CARE OF ANY TYPE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO 1933 ECONOMIC LEVEL, IN URBAN AREAS OF CALIFORNIA. *

Economic level 1933	Per cent of illnesses receiving care					
	0	20	40	60	80	100

I. All Illness.

Relief	69.2
Moderate	72.8
Comfortable	80.0

II. Disabling Illness.

Relief	72.8
Moderate	78.3
Comfortable	84.5

III. Nondisabling Illness.

Relief	60.8
Moderate	64.8
Comfortable	70.2

* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income; excludes 925 persons in families of unknown income.

Figure 2.

PER CENT OF MEDICAL CHARGES INCURRED AND UNPAID, BY TYPE OF SERVICE IN FAMILIES CLASSIFIED ACCORDING TO THE INCOME.

PHYSICIAN DENTIST HOSPITAL NURSE DRUGS ALL OTHER

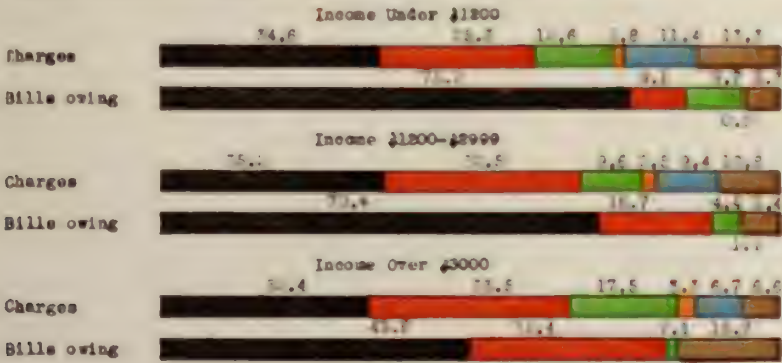




Figure 3.

NUMBER OF DISABLING ILLNESSES PER 1000 PERSONS IN FAMILIES CLASSIFIED
ACCORDING TO 1931 ECONOMIC LEVEL

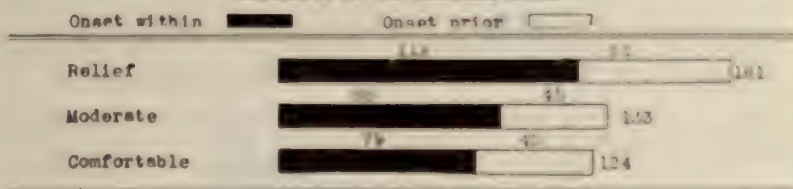


Figure 4.

NUMBER OF DISABLING ILLNESSES IN FAMILIES CLASSIFIED ACCORDING TO
CHANGE IN ECONOMIC LEVEL 1929-1933

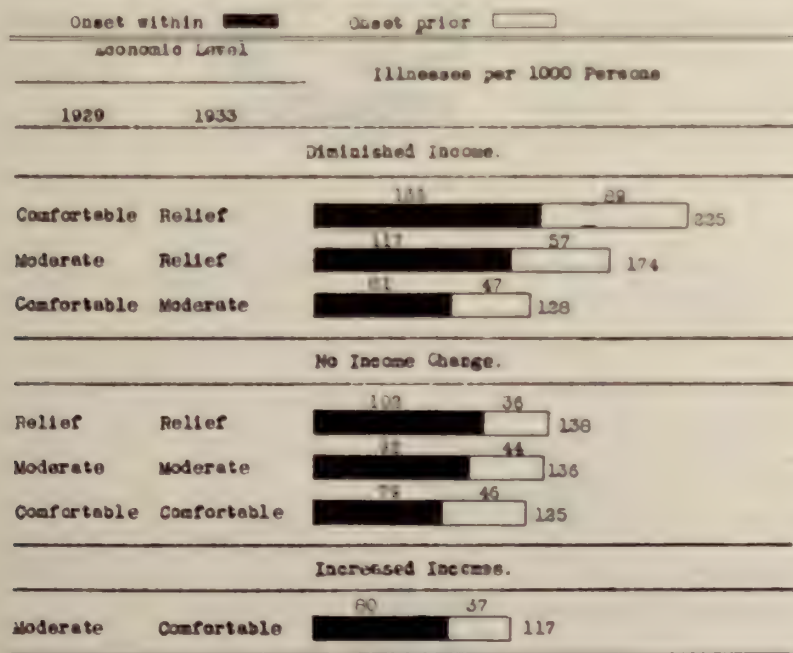


Figure 5.

PER CENT OF ILLNESSES HOSPITALIZED IN FAMILIES CLASSIFIED ACCORDING
TO CHANGE IN ECONOMIC LEVEL, 1929-1933.

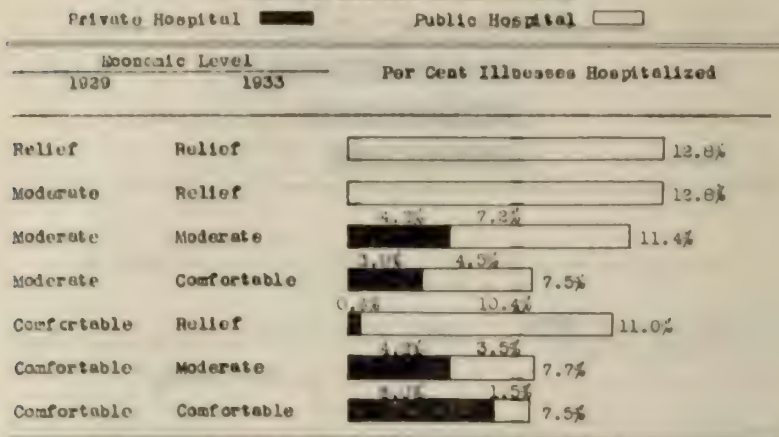


Figure 6.

DAYS OF HOSPITAL CARE IN FAMILIES CLASSIFIED ACCORDING TO
CHANGE IN ECONOMIC LEVEL, 1929-1933.

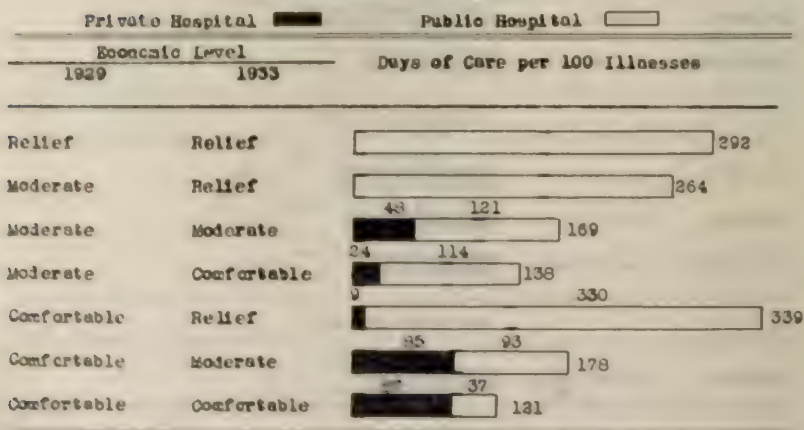
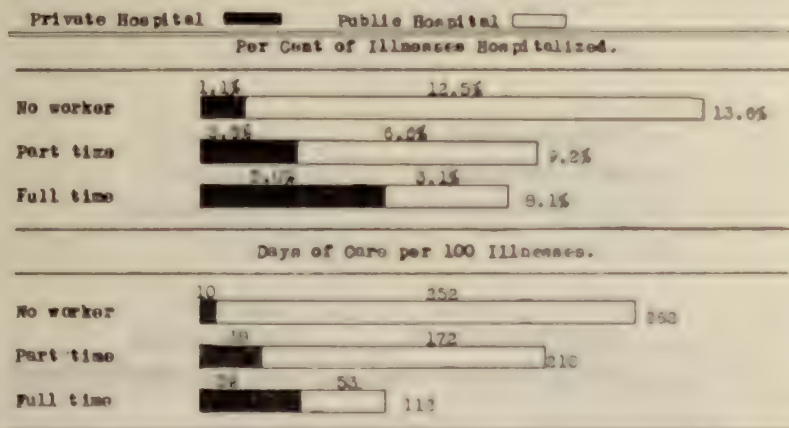
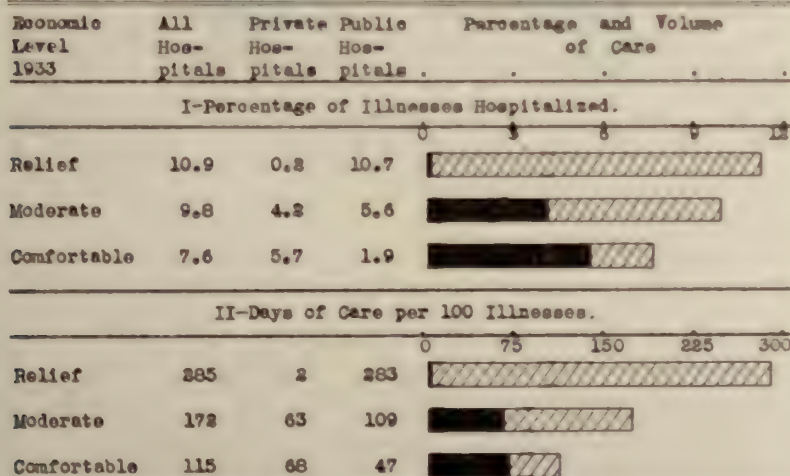


Figure 7.



AMOUNT OF PUBLIC AND PRIVATE HOSPITAL CARE FOR FAMILIES CLASSIFIED ACCORDING TO THE 1933 EMPLOYMENT STATUS OF THE WAGE EARNERS.



THE PERCENTAGE OF ALL ILLNESS RECEIVING HOSPITAL CARE AND THE VOLUME OF THAT CARE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE 1933 ECONOMIC LEVEL IN URBAN AREAS OF CALIFORNIA.*



* Based on illnesses reported for 13,713 persons in families of known 1929 and 1933 income; excludes 825 persons in families of unknown income.

Private Hospital Public Hospital 

THE PERCENTAGE OF ALL ILLNESS RECEIVING PHYSICIAN CARE AND THE VOLUME OF THAT CARE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO 1933 ECONOMIC LEVEL, IN URBAN AREAS OF CALIFORNIA. *

Economic level 1933	Per cent of illnesses receiving physicians care					Number of physician calls per 100 illnesses				
	0	20	40	60	80	0	150	300	450	500

I. All Illness.

Relief-----	59.0					262				
Moderate--	63.9					336				
Comfortable	70.3					416				

II. Disabling Illness.

Relief-----	60.0					291				
Moderate--	67.2					408				
Comfortable	78.0					512				

III. Nondisabling Illness.

Relief-----	55.9					203				
Moderate--	58.8					235				
Comfortable	61.6					306				

* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income; excludes 925 persons in families of unknown income.

THE PERCENTAGE OF ALL ILLNESS RECEIVING PHYSICIANS' CARE AND THE VOLUME OF THAT CARE DURING THE SURVEY PERIOD, MARCH 1934-1935, IN FARMERS' CLASSIFIED ACCORDING TO THE 1933 EMPLOYMENT STATUS OF THE WAGE EARNERS IN URBAN AREAS OF CALIFORNIA.*

1933 employment status of wage earners	Percentage of illness receiving physicians' care				Number of physicians' calls per 100 illnesses			
	0	25	50	75	0	100	200	400
I. All Illness.								
No worker ---	61.4				328			
Part time ----	62.1				319			
Full time ----	67.1				357			
II. Disabling Illness.								
No worker ---	64.2				419			
Part time ----	64.5				378			
Full time ----	72.5				428			
III. Nondisabling Illness.								
No worker ---	53.3				167			
Part time ----	57.4				225			
Full time ----	59.8				280			

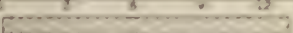
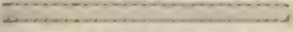

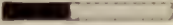
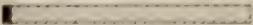


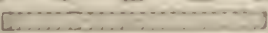
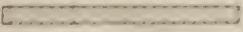


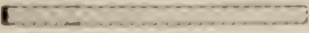

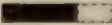
* Based on illnesses reported for 1,514 persons, including 772 persons in families with one or more workers whose employment status is the no worker, regardless of the person's occupation, while the person's status was "no-worker" but which had other income; and 742 persons in families where employment status was unknown.

THE PERCENTAGE OF ALL ILLNESS RECEIVING PHYSICIAN'S CARE AND THE VOLUME OF THAT CARE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1933, IN URBAN AREAS OF CALIFORNIA. *

<i>Economic Level</i>		<i>The percentage of all illness receiving physician's care</i>				
1929	1933	0	25	50	75	100
I. Per Cent Receiving Physician's Care.						
Relief	Relief	61.7				
Moderate	Relief	57.3				
Moderate	Moderate	60.9				
Moderate	Comfortable	69.7				
Comfortable	Relief	62.2				
Comfortable	Moderate	68.1				
Comfortable	Comfortable	70.4				
II. Number of Physician's Calls per 100 Illnesses.						
		0	125	250	375	500
Relief	Relief	237				
Moderate	Relief	241				
Moderate	Moderate	308				
Moderate	Comfortable	300				
Comfortable	Relief	319				
Comfortable	Moderate	376				
Comfortable	Comfortable	434				

* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income; excludes 826 persons in families of unknown income.

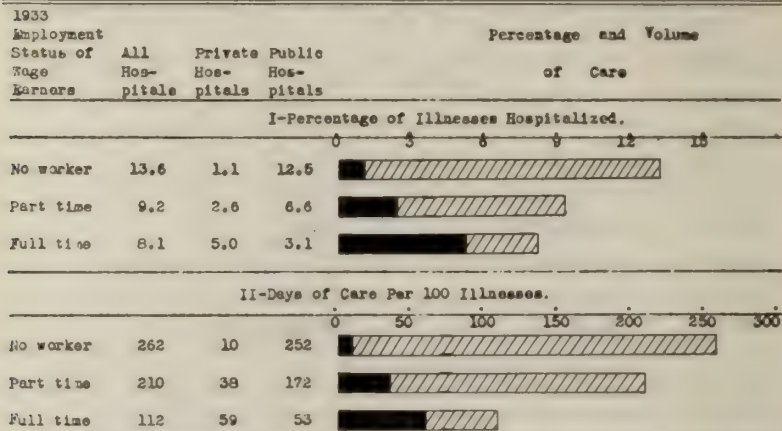
THE PERCENTAGE OF ALL ILLNESS RECEIVING HOSPITAL CARE AND THE VOLUME OF THAT CARE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1931, IN URBAN AREAS OF CALIFORNIA.*

Economic Level	1929	1933	All Hos-pital	Private Hos-pital	Public Hos-pital	Percentage and Volume of Care
I-Percentage of Illnesses.						
Relief	Relief	12.8	0.0	12.8		
Moderate	Relief	10.6	0.0	10.6		
Moderate	Moderate	11.4	4.2	7.2		
Moderate	Comfortable	7.6	3.0	4.5		
Comfortable	Relief	11.0	0.6	10.4		
Comfortable	Moderate	7.7	4.9	3.5		
Comfortable	Comfortable	7.5	6.0	1.5		
II-Days of Care For 100 Illnesses.						
Relief	Relief	293	0	293		
Moderate	Relief	264	0	264		
Moderate	Moderate	169	46	121		
Moderate	Comfortable	136	24	114		
Comfortable	Relief	339	0	339		
Comfortable	Moderate	176	66	90		
Comfortable	Comfortable	111	74	37		

* Based on illnesses reported for 12,712 persons in families of known 1929 and 1931 income; excludes 925 persons in families of unknown income.

Private Hospital  ; Public Hospital  .

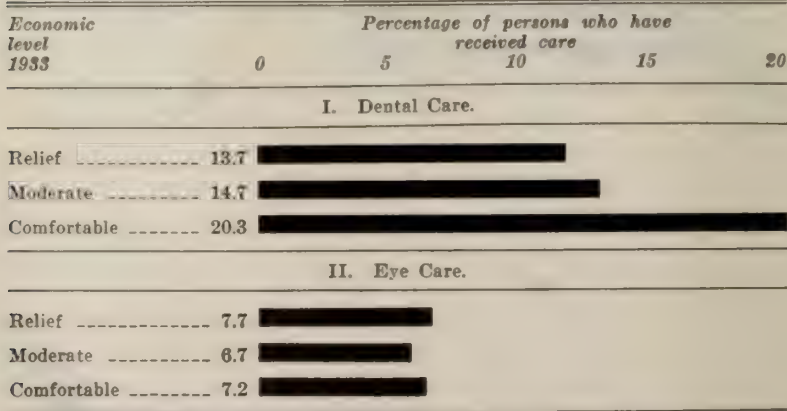
THE PERCENTAGE OF ALL ILLNESSES RECEIVING HOSPITAL CARE AND THE VOLUME OF THAT CARE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE 1933 EMPLOYMENT STATUS OF THE WAGE EARNERS, IN URBAN AREAS OF CALIFORNIA.*



Private Hospitals ; Public Hospitals .







* Based on illnesses reported for 13,000 persons; excludes 270 persons in families with part time or no workers; whose employment status is due to illness; excludes 339 persons in families whose employment status was "no-worker" but which had other income; and excludes 38 persons in families whose employment status was unknown.

THE PERCENTAGE OF PERSONS WHO RECEIVED DENTAL AND EYE CARE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO 1933 ECONOMIC LEVEL, IN URBAN AREAS OF CALIFORNIA.*





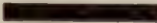











* Based on 12,713 persons surveyed in June, 1934; excludes 925 persons in families of unknown income.

THE PERCENTAGE OF PERSONS WHO HAVE NEVER RECEIVED DENTAL AND EYE CARE IN FAMILIES CLASSIFIED ACCORDING TO 1933 ECONOMIC LEVEL IN URBAN AREAS OF CALIFORNIA *

Economic level 1933	Percentage of persons who have never received care				
	0	20	40	60	80
I. Dental Care					
Relief	28.6				
Moderate	19.0				
Comfortable	10.6				
II. Eye Care					
Relief	60.2				
Moderate	53.4				
Comfortable	43.9				

* Based on 12,713 persons surveyed in June, 1934, excludes 915 persons in families of unknown income.

THE PERCENTAGE OF ALL ILLNESS RECEIVING NURSE CARE AND VOLUME OF THAT CARE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL 1929-1933 IN URBAN AREAS OF CALIFORNIA *

Economic Level		Per cent of illnesses receiving visiting nurse care				Number of visiting nurse calls per 100 illnesses				
1929	1933	0	5	10	15	0	30	60	90	
Relief	Relief	4.3					9			
Moderate	Relief	11.1					36			
Moderate	Moderate	5.3					16			
Moderate	Comfortable	3.0					3			
Comfortable	Relief	14.0					90			
Comfortable	Moderate	3.7					12			
Comfortable	Comfortable	2.2					6			

* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income; excludes 915 persons in families of unknown income.

THE PERCENTAGE OF ALL ILLNESS RECEIVING VISITING NURSE CARE AND VOLUME OF THAT CARE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO 1933 ECONOMIC LEVEL, IN URBAN AREAS OF CALIFORNIA. *

Economic level	Per cent of illnesses receiving visiting nurse care					Number of visiting nurse calls per 100 illnesses				
	0	3	6	9	12	0	15	30	45	60
1933										
Relief ----- 11.4						49				
Moderate -- 4.6						14				
Comfortable 2.3						6				

* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income; excludes 925 persons in families of unknown income.

THE PERCENTAGE OF ALL ILLNESSES RECEIVING VISITING NURSE CARE AND THE VOLUME OF THAT CARE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE 1933 EMPLOYMENT STATUS OF THE WAGE EARNERS, IN URBAN AREAS OF CALIFORNIA. *

1933 employment status of wage earners	Per cent of illnesses receiving visiting nurse care					Number of visiting nurse calls per 1000 illnesses			
	0	3	6	9		0	10	20	30
No worker ---- 9.2						28			
Part time ---- 5.9						22			
Full time ---- 3.3						8			


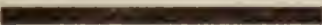

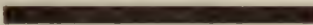


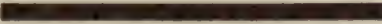
* Based on illnesses reported for 10,666 persons; excludes 276 persons in families with part-time or no workers whose employment status is due to illness; excludes 306 persons in families whose employment status was "no worker" but with other income; and excludes 27 persons in families whose employment status was unknown.

THE PERCENTAGE OF ALL ILLNESS RECEIVING CARE OF ANY TYPE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1933, IN URBAN AREAS OF CALIFORNIA. *

Economic Level		Per cent of illnesses receiving care				
1929	1933	0	25	50	75	100
Relief	Relief	66.0				
Moderate	Relief	68.8				
Moderate	Moderate	70.8				
Moderate	Comfortable	72.0				
Comfortable	Relief	75.6				
Comfortable	Moderate	75.7				
Comfortable	Comfortable	78.8				



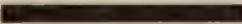




* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income; excludes 925 persons in families of unknown income.

THE PERCENTAGE OF DISABLING ILLNESSES RECEIVING CARE OF ANY TYPE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1933, IN URBAN AREAS OF CALIFORNIA.*

Economic Level			Per cent of illnesses receiving care				
1929	1933		0	25	50	75	100
Relief	Relief	60.9					
Moderate	Relief	71.3					
Moderate	Moderate	77.8					
Moderate	Comfortable	71.2					
Comfortable	Relief	78.4					
Comfortable	Moderate	79.1					
Comfortable	Comfortable	86.5					

* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income, excludes 935 persons in families of unknown income.

THE PERCENTAGE OF NONDISABLING ILLNESSES RECEIVING CARE OF ANY TYPE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1933, IN URBAN AREAS OF CALIFORNIA.*

Economic Level		Per cent of illnesses receiving care					
1929	1933		0	25	50	75	100
Relief	Relief	70.8					
Moderate	Relief	55.7					
Moderate	Moderate	59.5					
Moderate	Comfortable	71.4					
Comfortable	Relief	68.1					
Comfortable	Moderate	71.3					
Comfortable	Comfortable	70.0					

* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income, excludes 935 persons in families of unknown income.

THE PERCENTAGE OF ALL ILLNESS RECEIVING CARE OF ANY TYPE DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE 1933 EMPLOYMENT STATUS OF THE WAGE EARNERS IN URBAN AREAS OF CALIFORNIA.*

1933 employment status of wage earners	Percentage of illness receiving care				
	0	20	40	60	80
	I. All Illness.				
No worker -----	71.2				
Part time -----	72.9				
Full time -----	74.2				
II. Disabling Illness.					
No worker -----	77.5				
Part time -----	75.9				
Full time -----	80.6				
III. Nondisabling Illness.					
No worker -----	56.7				
Part time -----	65.2				
Full time -----	66.8				

* Based on illnesses reported for 13,640 persons; excludes 170 persons in families with part time or no workers whose employment status is due to illness; excludes 190 persons in families whose employment status was "no worker" but which had other income; and excludes 34 persons in families whose employment status was unknown.

Table 1.

RATE OF ILLNESS.

Per Cent of Disabling and Nondisabling Illnesses With Onset During and Prior to the Survey Period Based on 18,481.* Individuals in 4541 White Families of Known Income Surveyed for Three Consecutive Months, March-June, 1934; in Representative Areas in the State of California.

Annual family income in 1933	Three-month illness rate per 1000 individuals									
	Number of indi- viduals	All illnesses			Disabling illnesses			Nondisabling illnesses		
		Total	Onset within period	Onset prior to period	Total	Onset within period	Onset prior to period	Total	Onset within period	Onset prior to period
Relief ^a	3,009	267	156	111	183	118	65	84	38	46
\$0-\$599.....	2,901	229	140	89	139	88	51	77	52	35
600-1,199.....	5,032	225	130	94	127	81	46	97	42	48
1,200-1,999.....	4,953	238	146	91	125	87	38	112	50	53
2,000-2,999.....	1,775	230	141	89	131	87	44	99	54	45
3,000 and over.....	811	227	138	89	121	79	42	106	59	47

* Excludes 52 individuals for whom onset and/or disability are unknown and individuals in families of less than two persons, as well as individuals in families paying for medical services on an annual basis.

* Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 2.

INCIDENCE OF ILLNESS AND RECEIPT OF MEDICAL CARE.

Number and Per Cent of Individuals Reporting Illness and Care Received During the Survey Period. Based on 16,447 Individuals in White Families* of Known Income, Surveyed for Three Consecutive Months, March-June, 1934, in Representative Areas of the State of California.

Annual family income in 1933	Total	No. of individuals reporting illness	Per cent of individuals reporting illness who received		Total
			Some medical care	No medical care	
Relief ^b	2,893	1,904	79.9	20.1	100.0
\$0-\$500	2,694	1,875	84.2	15.8	100.0
600-1,199	4,487	2,696	84.9	15.1	100.0
1,200-1,999	4,233	2,713	86.8	13.2	100.0
2,000-2,999	1,437	873	90.4	9.6	100.0
3,000 and over	703	422	91.1	8.9	100.0

* Single person families and families paying for their medical care on an annual basis excluded, as well as 13 individuals for whom the incidence of illness is unknown.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 3.

LACK OF MEDICAL CARE.

Per Cent of Individuals Who Have Never Received Any Medical, Dental or Eye Care. Based on 16,490 Individuals in 4,541 White Families* of Known Income, Surveyed for Three Consecutive Months, March-June, 1934, in Representative Areas in the State of California.

Annual family income in 1933	Per cent of individuals who have never received care of specified type		
	Medical ^c	Dental ^d	Eye ^e
Relief ^b	8.2	27.4	59.5
\$0-\$500	7.5	18.9	48.6
600-1,199	6.3	17.7	51.4
1,200-1,999	4.9	13.0	48.3
2,000-2,999	4.4	12.4	44.9
3,000 and over	3.2	8.3	40.9

* Excludes families of less than two persons and families paying for medical services on an annual basis.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

^c Excludes 155 individuals who were unable to ascertain the number of months since receiving medical care.

^d Excludes 103 individuals who were unable to ascertain the number of months since receiving dental services.

^e Excludes 106 individuals who were unable to ascertain the number of months since receiving eye glasses and/or refractions.

Table 4.

MONTHS SINCE RECEIPT OF MEDICAL CARE.

Cumulative Percentage Distribution of Individuals in Each Income Group According to the Number of Months Between the Date of Interview and the Date of Last Medical Care; Based on 15,299 Individuals^a Who Had Received Medical Care at Some Time in Their Lives, Surveyed for Three Consecutive Months, March-June, 1934, in Representative Areas of California.

Months between date of interview and date of last medical care	Cumulative per cent of individuals who had received some medical care					
	Family income in 1933					\$3,000 and over
	Relief ^b	\$0-\$599	\$600- \$1,199	\$1,200- \$1,999	\$2,000- \$2,999	
0 or more.....	100.0	100.0	100.0	100.0	100.0	100.0
3 or more.....	78.5	80.5	81.3	79.7	79.2	78.3
6 or more.....	70.2	73.8	74.8	73.0	72.6	72.4
12 or more.....	56.4	64.2	63.7	61.1	61.8	61.0
24 or more.....	39.8	50.3	48.7	45.1	43.9	44.5
36 or more.....	30.7	40.9	38.0	34.8	34.8	34.7
48 or more.....	24.1	33.3	30.4	27.0	28.3	27.1
60 or more.....	19.5	28.0	24.0	20.9	23.7	23.7

^a Individuals in families of less than two persons and in families paying for medical care on an annual basis, are excluded.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 5.

MONTHS SINCE RECEIPT OF DENTAL CARE.

Cumulative Percentage Distribution of Individuals in Each Income Group According to the Number of Months Between the Date of Interview and the Date of Last Dental Service; Based on 13,488 Individuals^a Who Had Received Dental Care at Some Time in Their Lives, Surveyed for Three Consecutive Months, March-June, 1934, in Representative Areas of California.

Months between date of interview and date of last dental care	Cumulative per cent of individuals who had received some dental care					
	Family income in 1933					\$3,000 and over
	Relief ^b	\$0-\$599	\$600- \$1,199	\$1,200- \$1,999	\$2,000- \$2,999	
0 or more.....	100.0	100.0	100.0	100.0	100.0	100.0
3 or more.....	87.0	86.7	84.5	82.9	78.4	77.1
6 or more.....	80.6	81.4	79.1	76.0	73.2	70.5
12 or more.....	65.6	70.3	65.5	59.1	53.7	51.9
24 or more.....	47.3	53.4	45.9	38.3	34.0	33.3
36 or more.....	38.1	42.6	35.2	27.0	23.2	23.6
48 or more.....	30.9	33.8	26.7	20.2	17.5	18.1
60 or more.....	25.6	27.4	21.6	16.0	14.0	14.8

^a Individuals in families of less than two persons and in families paying for medical care on an annual basis, are excluded.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 6.

MONTHS SINCE RECEIPT OF EYE CARE.

Cumulative Percentage Distribution of Individuals in Each Income Group According to the Number of Months Between the Date of Last Eye Care. Based on 8088 Individuals* Who Had Received Eye Care at Some Time in Their Lives, Surveyed for Three Consecutive Months, March-June, 1934, in Representative Areas of California.

Months between date of interview and date of last eye care	Percentage per cent of individuals who had received some medical care Family income in 1933					
	Relief ^a	\$0-\$599	Square			
			\$1,100	\$1,200	\$2,000	\$2,600 and over
0 or more	100.0	100.0	100.0	100.0	100.0	100.0
3 or more	92.3	92.1	92.4	93.0	91.4	96.4
6 or more	84.8	87.4	88.1	88.5	80.2	92.5
12 or more	68.2	76.8	77.5	74.2	73.2	75.4
24 or more	48.5	59.6	59.2	55.4	54.2	54.7
36 or more	41.5	49.7	48.6	42.6	41.4	41.3
48 or more	34.2	41.8	39.2	33.5	32.4	31.0
60 or more	29.2	35.2	33.3	27.6	25.3	23.2

* Individuals in families of less than two persons and in families paying for medical care on an annual basis are excluded.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 7.

TOTAL MEDICAL SERVICE, INCLUDING DENTAL AND EYE CARE.

Per Cent of Charges in Specified Ranges for All Families in Each Income Group. Based on 4444 White Families* of Known Income, Surveyed for Three Consecutive Months, March-June, 1934, in Representative Areas in the State of California.

Annual family income in 1933	Families receiving medical services—3 month period							
	All families		No service		Free service only		Specific charges	
	No.	Pct.	No.	Pct.	No.	Pct.	No.	Pct.
Relief ^b	638	100.0	188	29.5	179	28.0	271	42.5
\$0-\$599	808	100.0	313	38.6	75	9.3	421	52.1
600-1,199	1,267	100.0	424	33.5	83	6.5	760	60.0
1,200-1,999	1,472	100.0	370	31.6	58	4.9	744	63.5
2,000-2,999	381	100.0	106	27.8	10	2.6	265	69.6
3,000 and over	177	100.0	46	26.0	10	5.6	121	68.4

* Single person families and families paying for their medical services on an annual basis excluded, as well as 70 families with unknown total physician's charges.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 8.

PHYSICIAN'S SERVICES.

Number and Per Cent of Families by Income Group According to Receipt of Physician's Services. Based on 4471 White Families^a With Known Income, Surveyed for Three Consecutive Months, March-June, 1934; in Specified Areas in the State of California.

Annual family income in 1933	Families receiving physician's services—3-month period							
	All families		No service		Free service only		Specific charges	
	No.	Pct.	No.	Pct.	No.	Pct.	No.	Pct.
Relief ^b -----	640	100.0	522	81.6	38	5.9	80	12.5
\$0- \$599-----	811	100.0	587	72.4	49	6.0	175	21.6
600-1,199-----	1,276	100.0	889	69.7	61	4.8	326	25.5
1,200-1,999-----	1,181	100.0	760	64.4	51	4.3	370	31.3
2,000-2,999-----	387	100.0	233	60.2	18	4.7	136	35.1
3,000 and over----	176	100.0	92	52.3	14	7.9	70	39.8

^a Single person families and families paying for their medical services on an annual basis excluded, as well as 70 families with unknown total physician's charges.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 9.

PRIVATE HOSPITAL SERVICES.

Number and Per Cent of Families by Income Group According to Receipt of Hospital's Services. Based on 4536 White Families^a With Known Income, Surveyed for Three Consecutive Months, March-June, 1934; in Specified Areas in the State of California.

Annual family income in 1933	Families receiving hospital's services—3-month period							
	All families		No service		Free service only		Specific charges	
	No.	Pct.	No.	Pct.	No.	Pct.	No.	Pct.
Relief ^b -----	641	100.0	637	99.3	3	0.5	1	0.2
\$0- \$599-----	819	100.0	799	97.6	6	0.7	14	1.7
600-1,199-----	1,301	100.0	1,256	96.6	7	0.5	38	2.9
1,200-1,999-----	1,199	100.0	1,154	96.3	5	0.4	40	3.3
2,000-2,999-----	397	100.0	381	96.0	1	0.2	15	3.8
3,000 and over----	179	100.0	168	93.9	0	--	11	6.1

^a Single person families and families paying for their medical services on an annual basis excluded, as well as 70 families with unknown total hospital's charges.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 10.

DENTAL SERVICES.

Number and Per Cent of Families by Income Group According to Receipt of Dental Services. Based on 4431 White Families^a with Known Income, Sampled for Three Consecutive Months, March-June, 1934, in Sampling Areas in the State of California.

Annual family income in 1933	Families receiving dental services—3 months period							
	All families		No service		From service only		Specific charges	
	No.	Pct.	No.	Pct.	No.	Pct.	No.	Pct.
Relief ^b	633	100.0	450	72.5	84	13.2	89	14.0
\$0- \$599.....	810	100.0	696	74.8	46	4.9	164	20.1
600-1,199.....	1,265	100.0	806	79.0	56	4.4	317	25.0
1,200-1,999.....	1,171	100.0	767	65.5	46	3.9	358	30.6
2,000-2,999.....	380	100.0	217	57.1	8	2.1	155	40.8
3,000 and over.....	171	100.0	102	59.6	2	1.2	67	39.2

^a Single persons, families, and families having the same medical services on an annual basis included as well as 70 families with unknown family income.

^b Includes all families which received dental relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon dental treatment the year.

Table 11.

VARIATION IN FAMILY CHARGES FOR TOTAL MEDICAL SERVICES INCLUDING DENTAL AND EYE CARE DURING A THREE-MONTH PERIOD.
 Per Cent of Families in Each Income Group Having Charges for Medical Services in Specified Ranges, Based on 4444 White Families^a
 with Known Income, Surveyed for Three Consecutive Months, March-June, 1934; in Representative Areas in the State of California.

Annual family income in 1933	Total care	Families Receiving medical charges	Per cent of families having charges in specified ranges									
			Free	\$2 or less	\$3-4	\$5-9	\$10-19	\$20-39	\$40-59	\$60-99	\$100- 249	\$250 and over
Relief ^b	638	450	39.8	19.6	5.8	13.3	8.9	8.0	2.0	2.0	0.4	0.2
80- \$599	---	---	---	---	---	---	---	---	---	---	---	---
600-1,199	808	496	8,739.30	15.1	11.3	12.5	13.8	15.1	5.2	4.0	2.0	0.4
1,200-1,999	843	---	23,014.19	9.8	14.8	12.9	17.5	14.1	6.5	5.6	4.9	1.1
2,000-2,999	1,172	802	22,963.61	7.2	12.0	10.1	17.7	17.5	7.9	6.3	4.9	1.2
3,000 and over	381	275	12,247.29	3.6	5.5	8.4	14.1	17.1	9.4	13.5	9.1	1.8
	177	131	6,748.40	7.6	4.5	9.2	9.9	16.0	7.6	8.4	10.8	5.3

^a Single person families and families paying for their care on an annual basis excluded, as well as 97 families with unknown total medical charges excluded.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 12.

VARIATION IN FAMILY CHARGES FOR PHYSICIAN SERVICES RENDERED DURING A THREE-MONTH PERIOD.

Per Cent of Families in Each Income Group Having Charges for Physician Services in Specified Ranges, Based on 4471 White Families^a
 with Known Income, Surveyed for Three Consecutive Months, March-June, 1934; in Representative Areas in the State of California.

Annual family income in 1933	Families Receiving care		Total medical charges	Per cent of families having charges in specified ranges									
	Total	Free		Under \$2	\$3-4	\$5-9	\$10-19	\$20-29	\$30-39	\$40-69	\$70 and over		
Relief ^b	640	118	\$826.40	32.2	12.8	10.2	16.9	16.9	5.9	0.8	2.5	1.5	
80-\$599	---	---	---	---	---	---	---	---	---	---	---	---	
600-1,199	811	224	3,036.90	21.9	12.9	16.1	17.4	9.8	7.6	5.8	5.4	3.1	
1,200-1,999	887	---	7,916.55	15.8	6.7	16.0	17.8	19.1	6.2	7.8	5.4	5.4	
2,000-2,999	1,181	421	8,178.20	12.1	6.7	16.6	21.6	18.1	3.5	6.2	6.6	4.6	
3,000-3,999	387	154	3,759.00	11.7	5.8	12.3	18.8	14.4	10.4	9.1	8.4	9.1	
4,000 and over	176	84	2,076.00	16.7	3.6	15.5	8.3	19.0	10.8	9.5	8.3	8.3	

^a Single person families and families paying for their medical services on an annual basis excluded, as well as 70 families with unknown total physician's charges.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 13.

VARIATION IN FAMILY CHARGES FOR HOSPITAL CARE—THREE-MONTH PERIOD.

Distribution of Families by Income Group According to Charges Incurred for Hospital Care.^a Based on 4,596 White Families^b with Known Income, Surveyed for Three Consecutive Months, March-June, 1934, in Santa Feid, Ariz., in the State of California.

Annual family income in 1933	Total	Families receiving care	Total medical charges	Free or less	Number of families having charges in specified ranges										\$25- and over
					\$10 or less	\$10-\$19	\$20-\$29	\$30-\$39	\$40-\$49	\$50-\$59	\$60-\$69	\$70-\$79	\$80-\$89	\$90-\$99	
Relief ^c															
\$0-\$500	641	4	\$87.00	3	0	0	0	0	1	0	0	0	0	0	0
500-1,000	819	20	691.75	6	1	0	3	3	1	1	0	0	0	0	0
1,000-1,500	1,301	45	2,928.31	7	6	6	2	8	4	1	0	0	1	1	3
1,500-2,000	1,130	45	2,467.77	5	2	1	3	9	6	1	0	0	0	0	0
2,000-2,500	397	16	826.22	1	2	1	2	2	2	2	1	0	0	0	0
2,500 and over	179	11	1,179.61	0	0	1	1	0	4	1	1	1	1	2	0

^a Care in multiple hospitals accepted.^b Single person families and families having for their care an in-annual total amount of \$100 or less.^c Includes all families which received some public or private relief during 1933. It also includes all families which received some public or private relief during 1934, but which did not receive relief during 1933.

Table 14.

VARIATION IN FAMILY CHARGES FOR HOSPITAL CARE—THREE-MONTH PERIOD.

Per Cent of Families in Each Income Group Having Charges for Hospital Care in Specified Ranges, Based on 4,531 White Families^a with Known Income, Surveyed for Three Consecutive Months, March-June, 1934, in Santa Feid, Ariz., in the State of California.

Annual family income in 1933	Total	Families receiving care	Total medical charges	Per cent of families having charges in specified ranges										\$25- and over
				Free or less	\$10 or less	\$10-\$19	\$20-\$29	\$30-\$39	\$40-\$49	\$50-\$59	\$60-\$69	\$70-\$79	\$80-\$89	
Relief ^b														
\$0-\$500	623	173	\$915.65	48.6	30.4	4.4	9.8	1.7	4.0	1.2	1.2	1.2	1.7	
500-1,000	810	204	2,104.25	19.6	10.2	10.2	13.2	1.4	6.4	1.4	1.4	1.4	1.7	
1,000-1,500	1,295	373	5,773.69	16.6	13.6	13.6	17.1	1.4	6.4	1.4	1.4	1.4	1.7	
1,500-2,000	1,121	104	7,103.94	1.9	1.9	1.9	17.1	1.4	6.4	1.4	1.4	1.4	1.7	
2,000-2,500	380	192	4,262.25	1.9	1.9	1.9	17.1	1.4	6.4	1.4	1.4	1.4	1.7	
2,500 and over	171	99	2,293.66	2.9	13.6	13.6	17.1	1.4	6.4	1.4	1.4	1.4	1.7	

^a Single person families and families having for their care an in-annual total amount of \$100 or less.^b Includes all families which received some public or private relief during 1933. It also includes all families which received some public or private relief during 1934, but which did not receive relief during 1933.

Table 15.

COMPOSITION OF THE MEDICAL CHARGES

Per Cent of Total Specified Medical Charges Incurred for Various Types of Medical Services by Families in Long Beach County during the 1934 Winter Season* of Known Income Sources for Long Beach County Medical Month, June, 1934, in Representative Areas in the State of California.

Annual family income in 1933	PER CENT OF TOTAL CHARGES INCURRED FOR SPECIFIED SERVICES								
	Average total charges	Total	Physicians	Miscellaneous	Nurses	Dentists	Pharmacies and medicine	Drugs and medical supplies	Secondary practitioners
Relief ^a	\$5.00	100.0	26.3	4.7	5.5	26.1	7.4	2.2	9.1
40-5000.....	10.82	100.0	15.0	11.1	1.1	25.1	3.8	13.5	4.5
600-1,199.....	18.40	100.0	15.0	14.0	2.9	25.1	4.9	8.7	3.3
1,200-1,999.....	25.26	100.0	17.1	11.1	1.1	31.2	6.1	8.7	2.3
2,000-2,999.....	35.00	100.0	31.4	6.7	5.1	25.1	6.3	10.4	7.0
3,000 and over.....	38.13	100.0	22.4	17.5	3.3	25.1	1.7	6.7	1.2

* Excluded 97 families for whom the medical charges are unknown, families of less than two persons, and families seeking for medical care in an armed camp.

^a People group except poor people group excluded.

^c Includes chiropodists, podiatrists, and Christian Science practitioners.

^d Includes charges for secondary practitioners, remaining types of sectarian practitioners and miscellaneous appliances, physiotherapy, X-ray, etc.

Table 16.

CHARGES AND THE FAMILIES WHICH INCUR THEM, CONSIDERED BY INCOME.

Based on 4444 White Families* with Known Income Surveyed for Three Consecutive Months, March-June, 1934, in Representative Areas in the State of California.

Amount of charges	Per cent of families having charges in specified range	Per cent of charges incurred by families having charges in specified range
Families Receiving Some Relief in 1933—		
None	57.5	0.0
Under \$10	27.4	15.5
\$10-\$59	14.1	52.6
\$60 and over	1.9	31.6
Annual Family Income \$0-\$599—		
None	47.2	0.0
Under \$10	27.5	7.9
\$10-\$59	26.6	59.7
\$60 and over	1.9	31.4
Annual Family Income \$600-\$1,199—		
None	40.0	0.0
Under \$10	27.0	5.2
\$10-\$59	25.4	51.1
\$60 and over	7.6	33.5
Annual Family Income \$1,200-\$1,999—		
None	36.5	0.0
Under \$10	24.5	3.0
\$10-\$59	19.5	38.4
\$60 and over	8.5	36.7
Annual Family Income \$2,000-\$2,999—		
None	30.4	0.0
Under \$10	20.1	2.8
\$10-\$59	31.9	26.2
\$60 and over	17.6	71.0
Annual Family Income \$3,000 and Over—		
None	21.6	0.0
Under \$10	17.4	1.9
\$10-\$59	32.9	29.6
\$60 and over	18.1	74.5

* Single person families paying for their care in an annual home extended as well as 57 families with unknown total medical charges.

* Includes all families which received some relief in previous years during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

Table 17.

OUTSTANDING MEDICAL BILLS.

Per Cent of Total Outstanding Bills Owed by Various Types of Medical Service by Families in Each Income Group.—Based on 4407 Families* of Known Income Surveyed for Three Consecutive Months, March-June, 1934; in Representative Areas in the State of California.

Annual family income in 1933	Average total outstanding bills	Per cent of total outstanding medical bills owing to:					Sectarian practitioners ^d	All others ^e
		Total	Physician ^c	Hospital	Nurse	Dentist		
Relief ^b	\$23.46	100.0	75.9	8.2	0.9	6.4	6.5	2.1
\$0- \$399	17.76	100.0	72.2	13.7	1.7	7.6	3.9	0.9
600-1,199	21.98	100.0	75.9	8.5	0.5	11.3	2.4	1.4
1,200-1,999	21.36	100.0	71.0	5.8	0.1	17.3	5.2	0.6
2,000-2,999	32.36	100.0	69.3	1.5	3.2	21.6	1.6	2.8
3,000 and over	22.47	100.0	49.6	2.1	—	32.4	8.5	7.4

* Excludes 134 families for whom the outstanding medical bill is unknown, families of less than two persons, as well as families paying for medical services on an annual basis. Of the 4407 families, 2837 reported no outstanding medical bills.

^b Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

^c Private group clinic and public clinic included.

^d Includes chiropractor, osteopath, and Christian Science practitioner.

^e Includes charges for secondary practitioners, remaining types of sectarian practitioners, glasses and refractions, and miscellaneous appliances, physiotherapy, X-ray, etc.

Table 18.

Comparison Between Charges Incurred and Total Outstanding Bills, Based on 4400 White Families* of Known Income, Surveyed for Three Consecutive Months, March-June, 1934; in Representative Areas in the State of California.

Annual family income in 1933	Average total charges	Average total outstanding bills	Percentage composition of							
			Charges incurred in survey period				Total outstanding bills			
			Physicians ^a	Hospitals	Dentists	All others ^c	Physicians ^b	Hospitals	Dentists	All others ^c
Relief ^d	\$5.69	\$23.46	26.3	3.7	26.1	43.9	75.9	8.2	6.4	9.5
\$0- \$399	10.82	17.76	35.5	11.1	25.3	28.1	72.2	13.7	7.6	6.5
600-1,199	18.16	21.98	35.6	14.6	25.1	24.7	75.9	8.5	11.3	4.3
1,200-1,999	19.50	21.36	37.2	11.1	31.2	20.5	71.0	5.8	17.3	5.9
2,000-2,999	32.15	32.36	31.4	6.7	35.1	26.8	69.3	1.5	21.6	7.6
3,000 and over	38.13	22.47	32.4	17.5	33.5	16.6	49.6	2.1	32.4	15.9

* Families of less than two persons, and families paying for medical care on an annual basis, are excluded.

^b Private group clinic and public clinic included.

^c Includes chiropractor, osteopath, and Christian Science practitioner. Includes charges for secondary practitioners, remaining types of sectarian practitioners and miscellaneous appliances, physiotherapy, X-ray, glasses and refractions, etc.

^d Includes all families which received some public or private relief during 1933. It does not necessarily mean continuous relief nor that the family was entirely dependent upon relief throughout the year.

THE NUMBER OF DISABLING ILLNESSES PER 1,000 PERSONS DURING THE SURVEY, MARCH-JUNE 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE 1933 INCOME IN URBAN AREAS OF CALIFORNIA*

Economic level 1933	Case rate per 1,000 persons			Disabling illnesses per 1,000 persons for 3 months period				
	Total	Onset disabling within illness period	Onset prior to period	0-25	25-50	50-75	75-100	100-150

Relief	181	119	62					
Moderate	133	79	54					
Comfortable	124	79	45					

Onset within ; onset prior .

* Based on illnesses reported for 12,713 persons in families of known 1933 income; excludes 925 persons in families of unknown income.

THE NUMBER OF DISABLING ILLNESSES PER 1,000 PERSONS DURING THE SURVEY, MARCH-JUNE 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1933, IN URBAN AREAS OF CALIFORNIA*

Economic level 1929	Level 1933	Case rate per 1,000 persons			Disabling illnesses per 1,000 persons for 3 months period			
		Total	Onset disabling within illness period	Onset prior to period	0-25	25-50	50-75	75-100

I—Persons in families having comfortable incomes in 1929.

Comfortable	Relief	225	136	89				
Comfortable	Moderate	128	81	47				
Comfortable	Comfortable	135	79	45				

II—Persons in families having moderate incomes in 1929.

Moderate	Relief	174	116	58				
Moderate	Moderate	136	92	44				
Moderate	Comfortable	117	60	37				

Onset within ; onset prior .

* Based on illnesses reported for 12,513 persons in families of known 1929 income; excludes 925 persons in families of unknown income.

THE NUMBER OF DISABLING ILLNESSES PER 1000 PERSONS DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1933, IN URBAN AREAS OF CALIFORNIA.*

Economic 1929	Level 1933	Case rate per 1000 persons			Disabling illnesses per 1000 persons for 3 months period			
		Total disabling illness	Onset within period	Onset prior to period	60	120	180	240

I-Persons in families with diminished incomes:- 1929-1933.

Comfortable	Relief	225	136	89				
Moderate	Relief	174	117	57				
Comfortable	Moderate	128	81	47				

II-Persons in families with no change in incomes: 1929-1933.

Relief	Relief	138	103	36				
Moderate	Moderate	136	92	44				
Comfortable	Comfortable	125	79	46				

III-Persons in families with increased incomes: 1929-1933.

Moderate	Comfortable	117	80	37				
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Onset within ; onset prior

* Based on illness reported for 12,713 persons in families of known 1929 income; excludes 925 persons in families of unknown income.

THE NUMBER OF DISABLING ILLNESSES PER 1000 PERSONS DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE 1933 EMPLOYMENT STATUS OF THE WAGE EARNERS, IN URBAN AREAS OF CALIFORNIA.*

Employment Status of Family	Case rate per 1000 persons			Disabling illnesses per 1000 persons for 3 months period				
	Total disabling illness	Onset within period	Onset prior to period	20	60	100	140	180

No worker	179	107	72					
Part time	143	95	48					
Full time	126	86	40					

Onset within ; onset prior

* Based on illnesses reported for 13,000 persons; excludes 270 persons in families with part time or no-workers whose employment status is due to illness; excludes 330 persons in families whose employment status was "no-worker" but which had other income; and excludes 38 persons in families whose employment status was unknown.

THE NUMBER OF NONDISABLING ILLNESSES PER 1000 PERSONS AT SPECIFIC AGES DURING THE SURVEY PERIOD MARCH-JUNE, 1931, IN FAMILIES CLASSIFIED ACCORDING TO THE 1929 INCOME IN URBAN AREAS OF CALIFORNIA.*

Economic level 1933	All ages	Age of persons							65 and over
		0-9	10-19	20-29	30-39	40-49	50-59	60-64	
Relief	84	60	81	54	122	69	144	117	
Moderate	92	86	80	89	102	84	82	125	
Comfortable	106	99	78	85	141	117	98	122	

* Based on illnesses reported for 12,713 persons in families of known 1931 income; excludes 325 persons in families of unknown income.

THE NUMBER OF NONDISABLING ILLNESSES DURING THE SURVEY PERIOD MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1933, IN URBAN AREAS OF CALIFORNIA.*

Economic level		Nondisabling illnesses per 1000 persons		
1929	1933	Total	Based on period survey period	
Relief	Relief	144	60	84
Moderate	Relief	76	36	28
Moderate	Moderate	86	52	34
Moderate	Comfortable	91	49	42
Comfortable	Relief	94	37	54
Comfortable	Moderate	98	47	51
Comfortable	Comfortable	108	54	54

* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income; excludes 325 persons in families of unknown income.

THE NUMBER OF NONDISABLING ILLNESSES DURING THE SURVEY PERIOD MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1933, IN URBAN AREAS OF CALIFORNIA.*

Economic level		Nondisabling illnesses per 1000 persons at specific ages							
1929	1933	Total	0-9	10-19	20-29	30-39	40-49	50-59	60-64
Relief	Relief	144	143	167	—	313	105	83	—
Moderate	Relief	75	46	81	52	96	78	123	127
Moderate	Moderate	84	80	81	80	83	82	82	131
Moderate	Comfortable	90	81	81	82	137	77	78	96
Comfortable	Relief	91	85	41	70	151	41	200	133
Comfortable	Moderate	98	98	77	103	127	88	84	117
Comfortable	Comfortable	100	102	77	85	142	122	100	125

* Based on illnesses reported for 12,713 persons in families of known 1933 income; excludes 325 persons in families of unknown income.

THE NUMBER OF NONDISABLING ILLNESSES PER 1000 PERSONS AT SPECIFIED AGES, DURING THE SURVEY PERIOD, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE 1933 EMPLOYMENT STATUS OF THE WAGE EARNERS, IN URBAN AREAS OF CALIFORNIA.*

1933 employment status of family wage earners	Age of persons							
	All ages	0-9	10-19	20-29	30-39	40-49	50-59	60 and over

Total Nondisabling Illness.

No worker.....	89	54	108	42	85	78	90	158
Part time.....	87	67	75	72	119	96	97	108
Full time.....	108	100	85	112	130	101	103	136

Nondisabling Illness With Onset Prior to Survey Period.

No worker.....	50	38	36	32	51	56	60	83
Part time.....	41	14	24	33	61	58	63	68
Full time.....	50	25	30	51	62	55	59	88

Nondisabling Illness With Onset Within Survey Period.

No worker.....	39	15	72	11	34	22	30	75
Part time.....	46	53	50	37	58	38	34	39
Full time.....	58	75	56	61	66	46	44	48

* Based on 13,000 persons; excludes 270 persons in families with part-time or no workers whose employment status is due to illness; excludes 330 persons in families whose employment status was "no worker" but which had other income; and excludes 38 persons in families whose employment status was unknown.

COMPOSITION OF THE MEDICAL BILL.

Per Cent of the Total Charged for the Specified Items According to Family Income.
Based on 887 White Families in California with Known Incomes, Surveyed
for Twelve Consecutive Months, 1928-1931.

Family income	Number of families	Average total charges	Percentage of total charged per annum for:									
			Physician's charges	Hospital charges	Nursing charges	Locality charges	Medicine charges	Specialty charges	Examination charges	Tests charges	Examination and treatment charges	Special charges
Under \$1,000	118	\$17.31	75.5	28.0	8.0	5.0	14.1	4.0	2.4	100.0	1.0	13.2
\$1,000-1,999	276	80.40	30.0	14.8	11.0	11.0	15.0	4.7	3.1	96.00	2.5	10.6
2,000-2,999	253	130.00	37.7	20.4	12.0	17.8	19.8	3.1	3.1	100.00	2.1	14.8
3,000-4,999	128	178.88	42.2	7.2	17.0	21.0	11.0	3.1	5.4	100.00	3.0	11.0
5,000-9,999	71	344.52	35.4	4.6	17.0	30.0	9.0	3.1	7.0	100.00	2.4	7.1
10,000 or more	32	648.47	31.8	8.8	11.0	28.4	10.0	3.0	3.0	100.00	1.0	10.0

* Includes 6 families of unknown incomes and 2 families of unknown costs.

† Includes all physicians' charges, specialists' charges and specialists listed in last two columns and those whose charges are merged in the centralized charges of institutions, hospitals, clinics, etc., and laboratories (clinical, X-ray, etc.).

‡ Excludes special nursing.

§ Excludes all nursing which is provided in ordinary hospital care.

|| Includes charges for dietitians, midwives, allopathists, Christian Science practitioners, etc.

¶ Includes charges for refractions and glasses except those for examinations or refractions by a physician which are included in the physician's charges.

AVERAGE ANNUAL CHARGE PER FAMILY FOR MEDICAL CARE.

Based on 887 Families in California with Known Income, Surveyed for Twelve Consecutive Months.*

Size of community	Family income						
	Under \$1,000	\$1,000 to \$1,999	\$2,000 to \$2,999	\$3,000 to \$4,999	\$5,000 to \$9,999	\$10,000 and over	All income
Cities of 100,000 or more—							
Average charge	\$134.37	\$69.65	\$149.00	\$235.67	\$403.84	\$709.50	\$225.45
Number of families	41	63	103	55	50	27	369
Cities of 5,000 to 100,000—							
Average charge	3.00	61.77	66.68	97.50	213.50	285.00	77.50
Number of families	1	22	37	17	2	1	80
Towns of less than 5,000 and rural areas—							
Average charge	47.51	71.80	112.69	124.91	202.21	326.75	95.28
Number of families	76	161	113	56	19	4	429
All communities—							
Average charge	77.31	80.49	130.32	168.88	344.52	648.47	146.56
Number of families	118	276	263	128	71	32	878

* Includes 6 families with unknown incomes and 3 families with unknown costs.

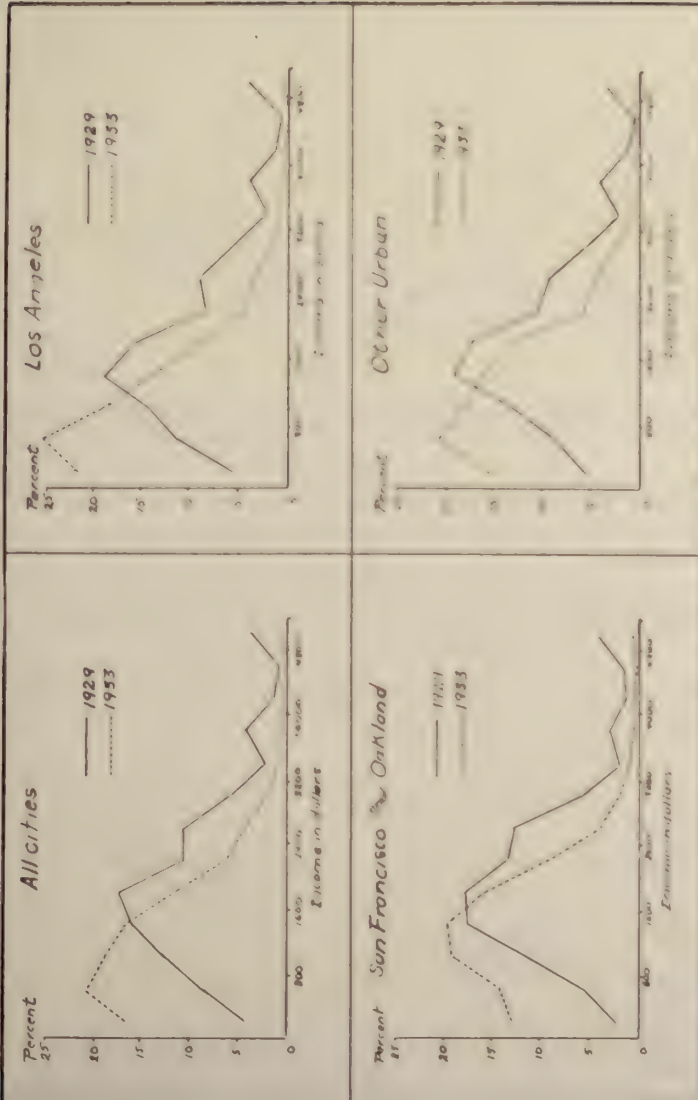
† Values given for "All incomes" and "All Communities" are arithmetic averages (unweighted) based on total charges and total families in each group.

THE VARIATION IN FAMILY CHARGES.
Percentage Distribution of Families in Different Income Groups According to Total Charges for Medical Care;
Based on 887 Families in California Surveyed for Twelve Consecutive Months.^a

Income group	Per cent of families whose total annual charges were in the specified ranges										Per cent of families whose total annual charges were in the specified ranges									
	Under \$5					\$5 to \$10					Under \$5					\$5 to \$10				
	Total	\$1,000 and over	\$500 to \$1,000	\$300 to \$500	\$200 to \$300	Total	\$1,000 and over	\$500 to \$1,000	\$300 to \$500	\$200 to \$300	Total	\$1,000 and over	\$500 to \$1,000	\$300 to \$500	\$200 to \$300	Total	\$1,000 and over	\$500 to \$1,000	\$300 to \$500	\$200 to \$300
Cities of 100,000 or More.																				
Under \$1,200.....	19.5	14.6	9.8	4.9	2.4	4.9	2.4	4.9	2.4	100.0	100.0	2.4	100.0	100.0	9.1	22.7	9.1	22.7	9.1	22.7
\$1,200-1,999.....	18.3	8.6	6.4	9.7	14.0	18.3	9.7	13.6	5.8	8.7	10.0	16.2	5.4	18.9	19.0	8.1	13.5	10.8	2.7	4.3
2,000-2,999.....	16.5	6.8	9.7	13.6	5.8	8.7	10.9	10.9	10.9	1.0	100.0	1.0	5.9	17.6	17.6	5.9	17.6	23.6	11.8	50.0
3,000-4,999.....	7.3	1.8	3.6	5.5	2.0	4.0	18.0	12.0	20.0	6.0	100.0	6.0	...	...	...	...	...	50.0	...	100.0
5,000-9,999.....	4.0	4.0	6.0	2.0	4.0	8.2	14.3	22.4	26.5	28.6	100.0	28.6	...	...	...	...	...	100.0	...	100.0
10,000 and over.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
All.....	13.0	6.5	6.8	7.9	8.7	11.1	13.8	8.1	10.0	10.3	3.8	100.0	11.2	7.5	15.0	18.8	7.5	16.2	13.8	6.2
Cities of 5,000 to 100,000.																				
All Communities.																				
Under \$1,200.....	14.5	17.1	14.5	22.3	13.1	5.4	6.6	5.3	1.3	100.0	100.0	17.0	16.1	12.7	16.1	14.4	6.8	7.6	5.1	1.7
\$1,200-1,999.....	8.7	11.8	13.7	13.0	18.7	11.8	14.0	3.7	2.5	1.2	100.0	12.0	10.9	10.9	12.7	10.3	14.8	12.7	2.9	3.6
2,000-2,999.....	8.0	10.6	8.9	13.3	11.5	14.1	17.7	9.7	3.5	1.8	9.0	12.7	8.3	10.7	14.2	8.7	12.3	15.0	7.1	5.9
3,000-4,999.....	8.9	1.8	8.9	8.9	17.9	12.5	23.2	3.6	12.5	10.5	1.8	100.0	1.8	17.9	18.4	8.9	10.7	17.9	5.4	3.6
5,000-9,999.....	...	...	...	15.8	10.5	15.8	15.8	15.8	15.8	10.5	10.5	100.0	2.8	4.2	5.6	5.6	7.1	18.3	14.1	18.4
10,000 and over.....	...	...	...	...	...	...	100.0	...	...	...	100.0	...	...	...	...	...	...	15.6	13.6	25.0
All.....	9.1	10.5	11.2	14.2	15.2	11.4	15.8	6.1	4.4	1.6	5	100.0	8.6	9.7	12.0	11.7	11.7	14.8	6.7	7.0

^a Includes 6 families with unknown incomes and 3 families with unknown costs.

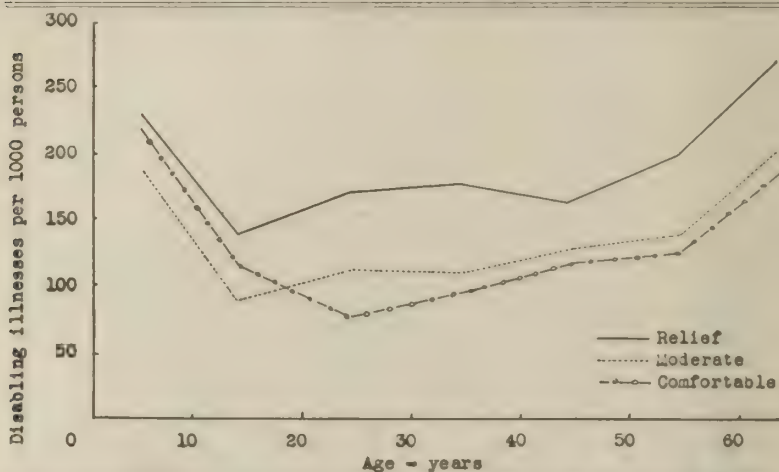
Chart I.
THE PERCENTAGE DISTRIBUTION OF SURVEYED FAMILIES ACCORDING TO 1919 AND 1933 INCOMES, IN LOS ANGELES, SAN FRANCISCO AND OAKLAND, AND OTHER URBAN AREAS OF CALIFORNIA.*



* Based on 8426 families of known income; excludes 110 families whose 1919 or 1933 income were unknown.

Chart II.

THE NUMBER OF DISABLING ILLNESSES AT SPECIFIC AGES DURING THE SURVEY, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO 1933 INCOME, IN URBAN AREAS OF CALIFORNIA.*



* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income; excludes 925 persons in families of unknown income.

Chart III.

THE NUMBER OF DISABLING ILLNESSES AT SPECIFIC AGES DURING THE SURVEY, MARCH-JUNE, 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE CHANGE IN ECONOMIC LEVEL, 1929-1933, IN URBAN AREAS OF CALIFORNIA.*

I. In Families With Comfortable Incomes, 1929.

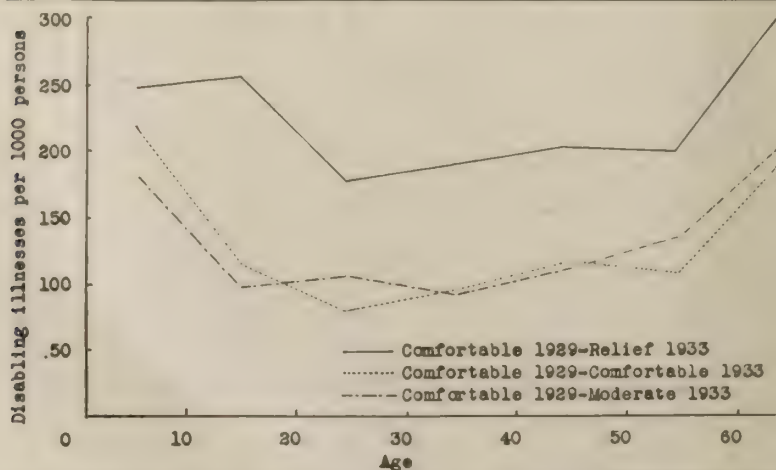
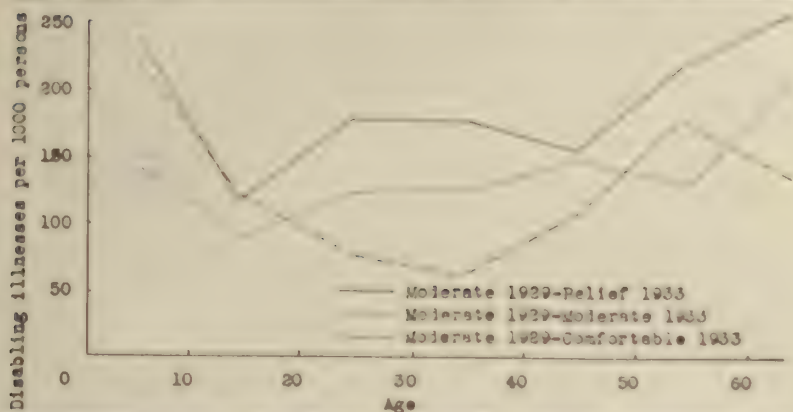


Chart III—Continued.

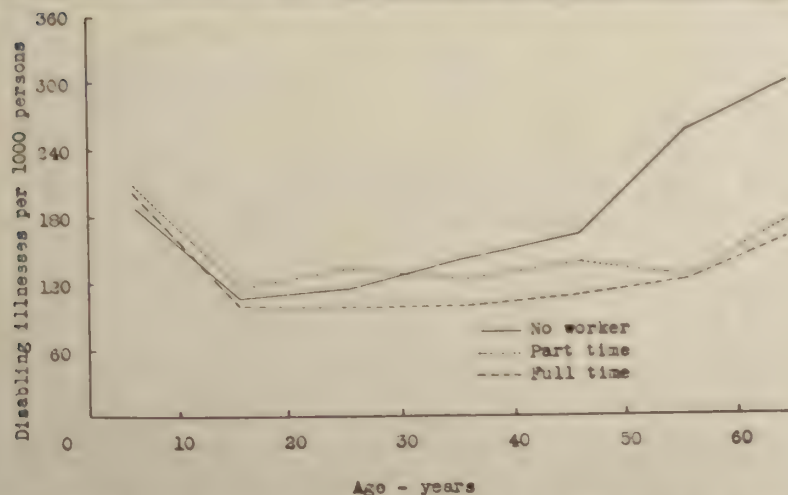
11. In Families With Moderate Incomes, 1929



* Based on illnesses reported for 12,713 persons in families of known 1929 and 1933 income; excludes 925 persons in families of unknown income.

Chart IV.

THE NUMBER OF DISABLING ILLNESSES PER 1000 PERSONS AT SPECIFIC AGES DURING THE SURVEY PERIOD, MARCH-JUNE 1934, IN FAMILIES CLASSIFIED ACCORDING TO THE 1931 EMPLOYMENT STATUS OF THE WAGE EARNERS, IN URBAN AREAS OF CALIFORNIA.*

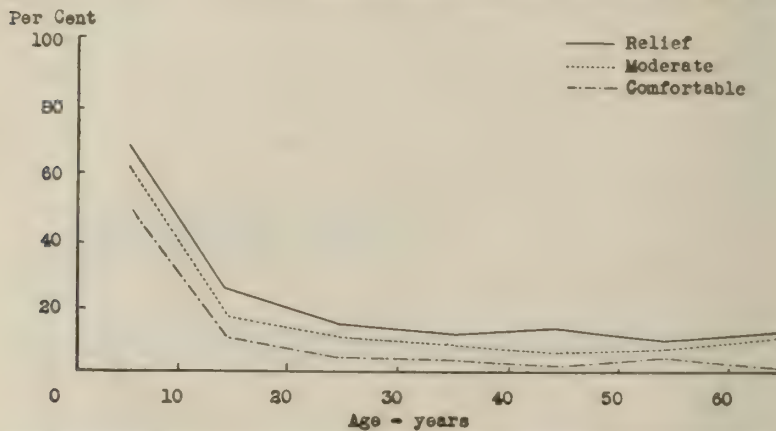


* Based on illnesses reported for 13,000 persons; excludes 270 persons in families with part time or no-workers whose employment status is due to illness; excludes 330 persons in families whose employment status was "no-worker" but which had other income; and excludes 38 persons in families whose employment status was unknown.

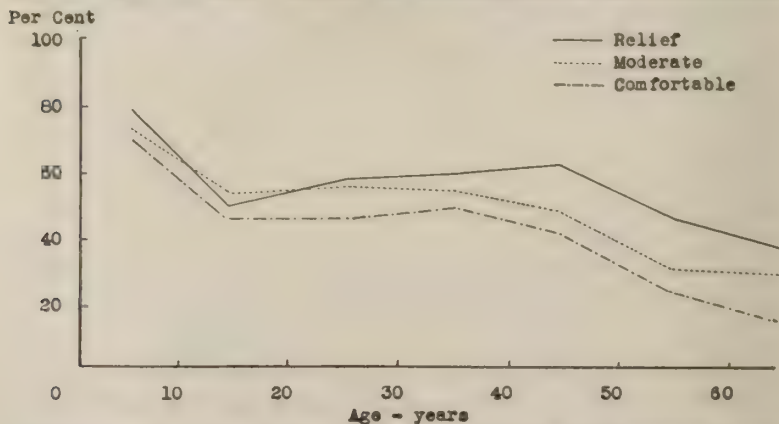
Chart V.

THE PERCENTAGE OF PERSONS AT SPECIFIC AGES WHO HAVE NEVER RECEIVED DENTAL AND EYE CARE IN FAMILIES CLASSIFIED ACCORDING TO 1933 ECONOMIC LEVEL, IN URBAN AREAS OF CALIFORNIA.*

I. Dental Care.



II. Eye Care.



* Based on 12,713 persons surveyed in June, 1934; excludes 925 persons in families of unknown income.

THE PERCENTAGE OF THE SURVEYED FAMILIES AND PERSONS JUNE 1934, AND OF ALL WHITE FAMILIES AND PERSONS IN CALIFORNIA, 1930, LIVING IN COMMUNITIES OF EACH SIZE

<i>Size of community</i>	<i>Surveyed families ^a</i>	<i>Families in California ^b</i>	<i>Surveyed persons ^c</i>	<i>Persons in California ^d</i>
All communities	100.0	100.0	100.0	100.0
Cities of 150,000 and over	40.4	39.3	40.5	38.4
Cities of 5,000-150,000	33.3	30.0	33.1	35.9
Rural nonfarm	17.6	15.4	17.7	16.1
Rural farm	8.7	8.7	8.7	9.6

^a Includes 5086 families.

^b Includes 1,482,203 families.

^c Includes 18,537 persons.

^d Includes 5,040,247 persons.

THE PERCENTAGE OF SURVEYED FAMILIES HAVING INCOME IN EACH RANGE IN 1929 AND 1933 IN LOS ANGELES, SAN FRANCISCO AND OAKLAND, AND OTHER URBAN AREAS OF CALIFORNIA *

<i>Annual family income</i>	<i>Percentage of families</i>			
	<i>California cities</i>		<i>Los Angeles</i>	
	<i>1929</i>	<i>1933</i>	<i>1929</i>	<i>1933</i>
All incomes	100.0	100.0	100.0	100.0
Under \$600	7.9	26.6	9.3	34.1
\$600-1,100	18.7	29.8	21.7	32.0
1,200-1,900	36.0	28.3	35.3	22.4
2,000-2,900	22.0	10.7	18.5	8.3
3,000-3,900	9.3	3.2	8.9	2.4
4,000 and over	6.1	1.4	6.3	0.8
Number of families	3,425	3,425	1,123	1,123
Average income	\$1,920	\$1,217	\$1,843	\$1,062
<i>San Francisco and Oakland</i>				
<i>Other cities</i>				
<i>1929 1933 1929 1933</i>				
All incomes	100.0	100.0	100.0	100.0
Under \$600	5.2	19.5	8.3	24.7
\$600-1,100	14.7	26.5	18.7	29.9
1,200-1,900	35.5	34.9	36.8	29.2
2,000-2,900	27.8	13.9	21.7	10.9
3,000-3,900	9.6	3.0	9.3	3.9
4,000 and over	7.2	2.2	5.2	1.4
Number of families	791	791	1,511	1,511
Average income	\$2,061	\$1,375	\$1,977	\$1,258

* Based on 3,425 families of known income; excludes 330 families whose 1929 or 1933 incomes were unknown.

INCOME DISTRIBUTION IN 1933 OF FAMILIES HAVING 1929 INCOMES IN SPECIFIED RANGES.*

Annual family income in 1933	Percentage of families in each 1933 income group with 1929 income in the following ranges					
	Under \$600	\$600-\$1,199	\$1,200-\$1,999	\$2,000-\$2,999	\$3,000-\$3,999	\$4,000 and over
I. Families in all California cities surveyed.						
Total	100.0	100.0	100.0	100.0	100.0	100.0
Under \$600	79.0	49.1	20.9	11.1	7.3	8.2
\$600-1,199	15.5	38.6	38.8	24.8	12.9	12.0
1,200-1,999	4.8	10.0	35.4	40.0	33.8	23.1
2,000-2,999	0.7	2.0	4.0	21.7	29.3	22.1
3,000-3,999	0.0	0.3	0.9	2.1	13.9	17.8
4,000 and over	0.0	0.0	0.0	0.3	2.8	16.8
II. Families in Los Angeles.						
Total	100.0	100.0	100.0	100.0	100.0	100.0
Under \$600	81.7	55.3	28.3	13.5	10.0	18.3
\$600-1,199	13.5	37.7	39.9	30.3	16.0	22.5
1,200-1,999	3.8	4.9	27.3	36.5	36.0	22.5
2,000-2,999	1.0	1.6	4.3	18.3	21.0	16.9
3,000-3,999	0.0	0.5	0.2	0.9	16.0	9.9
4,000 and over	0.0	0.0	0.0	0.5	1.0	9.9
III. Families in San Francisco and Oakland.						
Total	100.0	100.0	100.0	100.0	100.0	100.0
Under \$600	75.6	40.5	16.4	10.0	9.2	1.8
\$600-1,199	12.2	42.2	34.5	22.3	11.8	1.8
1,200-1,999	12.2	13.8	44.8	41.4	31.6	24.5
2,000-2,999	0.0	2.6	3.6	24.1	34.2	31.6
3,000-3,999	0.0	0.9	0.7	1.8	9.2	17.5
4,000 and over	0.0	0.0	0.0	0.4	4.0	22.8
IV. Families in other California cities.						
Total	100.0	100.0	100.0	100.0	100.0	100.0
Under \$600	77.8	47.2	18.0	10.1	4.3	3.8
\$600-1,199	18.2	37.9	40.2	22.9	11.3	10.0
1,200-1,999	3.2	12.8	36.4	41.3	33.3	22.5
2,000-2,999	0.8	2.1	4.0	22.3	32.6	20.0
3,000-3,999	0.0	0.0	1.4	3.1	14.9	25.0
4,000 and over	0.0	0.0	0.0	0.3	3.6	18.7

* Based on 3425 families of known income; excludes 330 families whose 1929 or 1933 incomes were unknown.

THE INCOME INTERVALS USED FOR CLASSIFYING SURVEYED FAMILIES OF DIFFERENT SIZES ACCORDING TO ECONOMIC LEVELS IN 1929 AND 1933.

Number in family	Relief	Economic level Moderate	Comfortable
1929			
2	Relief	\$0-\$1,199	\$1,200 and over
3	Relief	0- 1,499	1,500 and over
4	Relief	0- 1,599	1,600 and over
5	Relief	0- 1,799	1,800 and over
6 or 7	Relief	0- 1,899	1,900 and over
8 or over	Relief	0- 2,199	2,200 and over
1933			
2	Relief	0- \$999	\$1,000 and over
3	Relief	0- 1,299	1,300 and over
4	Relief	0- 1,399	1,400 and over
5	Relief	0- 1,599	1,600 and over
6 or 7	Relief	0- 1,699	1,700 and over
8 or over	Relief	0- 1,899	1,900 and over

**GEOGRAPHICAL LOCATION OF THE FAMILIES AND PERSONS SURVEYED IN RURAL AND URBAN
AREAS OF CALIFORNIA, JUNE, 1934**

Area	Number of families surveyed	Number of persons in surveyed families
Los Angeles.....	1,208	4,522
San Francisco.....	596	2,148
Oakland.....	253	829
San Diego.....	253	971
Sacramento.....	196	711
Fresno.....	197	699
Stockton.....	110	423
Santa Barbara.....	80	292
Santa Ana.....	139	457
Bakersfield.....	126	486
Richmond.....	221	869
Eureka.....	167	563
Pittsburg.....	111	439
Petaluma.....	101	349
Urban.....	3,755	13,638
Los Angeles County.....	763	2,690
Fresno County.....	96	360
San Joaquin County.....	102	390
San Diego County.....	103	395
Contra Costa County.....	100	424
Humboldt County.....	95	341
El Dorado County.....	87	280
Rural.....	1,341	4,889
Total number.....	5,096	18,527

APPENDIX F.

**SOME COMPULSORY NATIONAL PLANS, SHOWING COUNTRY
AND YEARS OF PRINCIPAL LAWS.**

AUSTRIA—1888; 1922; 1928.

Scope.

All wage earners and salaried employees¹ without regard to income, including home workers, middlemen, agricultural workers¹ (except in one province), and apprentices. Salaried civil servants whose pay continues when ill get medical aid only. Relatives of employer, occasional, temporary, and part-time workers are excluded.

Benefits and Conditions for Benefit.

(a) *Cash Sickness Payments*—About 4/5 of basic daily wage in lowest 5 wage classes, decreasing to 58% in the highest, for 26 weeks (52 weeks if contributions have been paid for 30 consecutive weeks), payable from the first day for sickness lasting more than 3 days. May be increased to full basic wage in lowest 5 wage classes, by 1/4 in the 6th and 7th and by 1/6 in the remainder, and extended to 1 1/2 years. Increases up to 10% may be allowed for dependent children under 18. May be refused or reduced for culpable illness. Payments made to dependents at half rates if insured is in hospital. Maximum basic daily wage of \$1.01.

(b) *Medical Care*—Medical treatment, drugs and appliances, for a period of 26 weeks, which is extended to 52 if contributions have been paid for 30 consecutive weeks. Hospital treatment if required. Dependents may be covered. This occurs chiefly in funds for salaried employees.

(c) *Maternity Benefit*—Medical treatment if needed, and midwife. Usual sickness payments for 6 weeks before, and 6 weeks after, confinement. Nursing bonus of 1/2

¹ Salaried employees and agricultural workers are insured under separate laws with provisions differing from those for wage earners.

sickness payment for 12 weeks (may be extended up to 26 weeks). Fund may require that insured shall have worked in an insurable occupation for 6 months out of the last 12. Dependents may be covered.

(d) *Funeral Benefit*—Fifty to seventy-five times the daily cash sickness benefit for each class, but not less than \$7 or more than \$35, payable to dependents at death during membership, or within 6 months of expiry of sickness payments. Funeral expenses only, if no dependents. May be granted at death of a dependent relative.

Contributions.

(a) *Insured Person*—Two-thirds of contribution. Total weekly contribution is half the average daily wage in the first eight wage classes, while in the 9th and 10th wage classes (the two highest) it is 50% and 45% respectively of the lower limit of the wage class.

(b) *Employer*—One-third of contribution. Entire contribution for employees who are not paid in cash.

(c) *State*—None.

(d) *Local Government*—None.

Administration.

(a) *Local*—Territorial works, guild, mutual benefit and mining funds. Funds may form federations on a provincial basis to promote uniformity and efficiency in the conduct of their business. These federations are regulated and supervised by the State. Contributions are remitted directly to the funds by the employers. Arbitration courts, set up in each fund, handle disputes concerning benefits.

(b) *Central*—Ministry of Social Welfare acting through the governors of the provinces and their public officials. Railwaymen's insurance is under the Ministry of Commerce and Communications.

(c) *Medical Services*—Funds provide medical, hospital, and other services. Insured may choose doctor from among those with whom his fund has contracted. Disputes between a fund and an individual practitioner are settled by an arbitration court, the composition of which is determined when the contract is made; those between funds and organizations of practitioners are settled by conciliation committees on which both parties to the dispute are equally represented, with a chairman appointed by the Provincial Governor (in some cases the Minister). In neither case can there be any appeal.

FRANCE—1928.*

Scope.

All paid workers² over 13 and under 60 years of age receiving less than \$588 in country, \$705 in city. Limit increased \$78 for each child over 6 months and under 16 years of age, up to \$980 for 3 or more children. Food, lodging and other payments in kind are included in income according to a descending scale fixed for towns of over 200,000 inhabitants, towns of 5001 to 200,000, and other communes⁴ respectively. Children of whatever age working for relatives without pay, persons employed less than 90 days a year, and civil servants are excluded.

Benefits and Conditions for Benefit.

(a) *Cash Sickness Payments*—Half basic daily wage for 6 months,⁵ payable from 6th day of sickness if insured has less than 3 children, and from 4th day for 3 or more children. Increased by 4 cents a day for each child. Contributions must have been paid for at least 60 days in last 3 months, or 240 days in past year. Payments for hospital inmate reduced by $\frac{1}{2}$ if there are dependents, $\frac{1}{3}$ if married with no dependents other than wife, and $\frac{1}{4}$ otherwise. No payments for culpable illness. Maximum basic daily wage of \$1.41.

(b) *Medical Care*—Refund of part cost (see *Administration*, below) of all medical care (general and specialist, hospital, clinic, or other institution, drugs, transport, operations, etc.), from the first day of sickness for 6 months. Expenditure limited to half the average daily basic wage for the preceding year except in special cases. Cash payments may be substituted for medical care (other than surgical and hospital) if fund can not conclude an agreement with the medical profession. Wife and children under 16 covered.

(c) *Maternity Benefit*—Part cost (as below) of medical attendance, midwife and drugs required during pregnancy and for 6 months following confinement. Usual cash sickness payment for 6 weeks before and 6 weeks after confinement to persons

² This law set up a unified system of social insurance covering the risks of invalidity and old age in addition to those treated above. It took effect in 1930 after considerable modification chiefly in regard to benefits in kind and has been subject to much subsequent official regulation.

³ There are special provisions for agricultural workers differing from those for other paid workers.

⁴ France is divided for administrative purposes into 90 departments, which are in turn subdivided into about 3000 cantons, and these again into about 27,000 communes.

⁵ Any recurrence of a sickness within 2 months of recovery is regarded as continuing the preceding sickness. A new malady, or a longer interval than 2 months in regard to the preceding malady, gives rise to a new 6 months period.

insured for 60 days out of last 3 months, or 240 days out of the last year. Continued if necessary for 6 months in all. Nursing home, or \$5.00 a month for 4 months, \$3.92 a month for 5th and 6th months, and \$1.92 for the 7th, 8th and 9th months. Milk certificates of a value up to 3 of nursing home are provided if mother can not fully nurse her child. Uninsured wife of an insured man entitled for medical care only.

(d) *Financial Benefit*. Twenty per cent of gross personal income, but not less than \$39 (unless \$39 exceeds 2 of income, in which case 2 of income is paid), if deceased has been insured at least one year, and has paid 240 daily contributions. Increased by \$3.90 for each child of the deceased.

Contributions.

(a) *Insured Person*. Two per cent of basic wage determined for each of 5 wage classes. An old-age pensioner wishing to remain insured for medical care must contribute at least 59 cents a month for this privilege.

(b) *Employer*. Two per cent of basic wage. Must contribute for employees over age 60.

(c) *State*. Adds 23.5 cents a month to contributions from old-age pensioners continuing right to medical care. Contributes to the plan as a whole the full amount by which its expenditure on relief falls short of the average of the amounts budgeted for the 5 preceding years, together with a portion of certain items of tax receipts up to a total of \$150,000.

(d) *Local Government*. Commune pays 20% of cost of medical care for indigent insured persons and their families. Departments⁴ and cantons contribute (to the plan as a whole) half the amounts of savings in their total expenditure similar to that indicated above in the case of the State.

Administration.

(a) *Local*. Funds set up voluntarily by interested groups, or by Mutual Aid Societies and occupational unions existing when the law took effect. Departmental, and in some cases interdepartmental, funds set up by the government for persons liable to insurance who do not join one of the above. A fund must insure all risks covered by the law.

(b) *Central*. A Social Insurance Service for each department, which among other duties enrolls and eliminates members, receives from (or pays) portions of the money collected from the sale of contribution stamps to employers, and distributes it to the various funds according to contract requirements. A National Social Insurance Office under the Ministry of Labor, advised by a Council of Social Insurance, Funds are remitted on a departmental (8 provinces) interdepartmental basis.

(c) *Medical Services*. Insured selects his own attendant or institution, and pays the entire charge himself, but may recover from his fund a proportion (80% in the highest and 85% in the 2 lowest wage classes) of the cost as based on a scale of charges drawn up by the fund.⁵ Fund may set up its own hospitals, clinics, etc., in agreement with the regional medical syndicates, or may contract with institutions set up by Mutual Aid Societies subject to maximum service rates fixed by the Minister. Insured has right to treatment in any such institution connected with its fund. Disputes between funds and patients are dealt with by a "technical commission," consisting of the attending doctor, a doctor named by the fund, and one appointed by a justice of the peace. Those between funds and professional syndicates regarding contracts are settled by departmental commissions on which funds, syndicates and the government are equally represented. Other disputes go before special cantonal⁶ tribunals with appeal to the civil authorities.

GERMANY—1883; 1911.

Scope.

All wage earners, including apprentices, and salaried employees earning up to \$858 a year. Temporary, occasional, and part-time workers, civil servants, and salaried railway employees for whom other provision is made, are excluded.

Benefits and Conditions for Benefit.

(a) *Cash Sickness Payments*. Half basic daily wage from fourth day of incapacity to work for 26 weeks of such incapacity (may be interrupted by not more than 13 weeks of sickness which does not involve incapacity). Amount may be increased by fund;⁷ (1) from 7th week of incapacity, (2) if benefits do not begin at date of incapacity because insured has been drawing wages, (3) according to family

⁴ France is divided for administrative purposes into 90 departments, which are in turn subdivided into about 3,000 cantons, and these again into about 27,000 communes.

⁵ These correspond with general charges only where the funds have concluded agreements with the professional syndicates which directly control the quality of professional work. In other cases they are considerably lower.

⁷ All optional benefits now suspended until contribution rates of fund desiring to grant them falls below 5 per cent of maximum wage.

responsibilities. Total payment must in no case exceed 75% of basic wage. Qualifying period of not more than 6 months may be required for optional benefits. Maximum basic daily wage of \$2.38.

(b) *Medical Care*—All necessary treatment (including specialist and dental), drugs, minor remedies and appliances, from beginning of sickness up to 26 weeks, or for as much longer as cash benefit is also granted. Hospital care, with half cash benefit payable to dependents, may be substituted for cash and medical benefits. Home nursing, with cash benefit reduced not more than one-fourth, may also be granted in special cases.⁷ Extension of the duration of medical care, and other optional medical benefits, may be granted by fund.⁷ Dependent spouse and children get approximately the same benefits as insured, but up to 13 weeks only, with additions at option of fund.⁷

(c) *Maternity Benefit*—Medical treatment if needed, midwife, drugs and minor remedies. Usual sickness payments, but not less than 12 cents a day, for 4 weeks before and from 6 to 13 weeks after confinement. Lump sum of \$2.38. Nursing bonus of half the usual sickness payment, but not less than 6 cents a day, for 12 weeks. A qualifying period of 10 months in the preceding two years, 6 of which must be in the preceding year, is required. Uninsured wife and daughter get approximately the same benefits as an insured woman. Various additional benefits may be granted at the option of the fund.⁷

(d) *Funeral Benefit*—Twenty (to forty⁷) times basic daily wage, payable to dependent relatives, if death occurs from any cause during membership, or from the same illness for which payments were made, within one year of the expiry of sickness payments. Burial costs only, if no dependent relatives. Two-thirds of above at death of wife and $\frac{1}{2}$ at death of child.

Contributions.

(a) *Insured Person*—Two-thirds of contribution (half in some cases), which must not exceed a total of 6% of basic wage. Also a 12-cent fee for each medical certificate, and the actual cost up to 12 cents of each prescription during the first 10 days of incapacity.

(b) *Employer*—One-third of contribution (half in some cases), and most of administrative expense.

(c) *State*—Twelve dollars for each case of family maternity benefit.

(d) *Local Government*—In certain cases where contributions fail to provide the minimum benefits required the communes must make up the difference.

Administration.

(a) *Local*—Territorial (both rural and urban), works, guild, miners' ⁸ and mutual benefit funds. Funds may form federations, usually covering the district of a local insurance office. Contributions are remitted directly to the fund by the employers on specified pay days not more than one month apart.

(b) *Central*—Local insurance offices, grouped in turn under regional offices, all being under the Federal (State⁹) Office, which is composed of public officials and elected representatives of employees and employers and is supervised by the Ministry of Labor. Attached to each supervisory office are corresponding judicial bodies to handle disputes.

(c) *Medical Services*—Funds contract with and pay doctors in accordance with provisions laid down by a Federal (State⁹) Committee, consisting of 5 representatives of medical organizations, 5 of sickness funds, and 3 ministerial appointees. Disputes are handled by various arbitration boards—central and local.

JUGO-SLAVIA—1922.¹⁰

Scope.

All paid workers irrespective of earnings. Public servants entitled to at least 26 weeks' pay when ill get medical, funeral and maternity benefits only. Agricultural and home workers are excluded temporarily.

Benefits and Conditions for Benefit.

(a) *Cash Sickness Payments*—Two-thirds of basic daily wage for 26 weeks, payable from first day for sickness lasting more than 3 days. Reduced payment made to dependents if insured is in hospital. Payments may be reduced or refused if insured delays cure by disregarding doctor's orders.

(b) *Medical Care*—Medical treatment, drugs and minor appliances for 26 weeks. Dependents covered.

(c) *Maternity Benefit*—Medical attendance and midwife, lump sum of 14 times daily wage, and $\frac{1}{2}$ of wage for 2 months before, and 2 months after, confinement.

⁷ All optional benefits now suspended until contribution rates of fund desiring to grant them falls below 5 per cent of minimum wage.

⁸ Miners' insurance is dealt with under a separate law.

⁹ See p. 14.

¹⁰ The original Serbian law dated from 1910.

Nursing bonus not exceeding 58 cents a day. Dependents get medical attendance and midwife with 29 cents a day for one month before and one month after confinement.

(d) *Funeral Benefit*.—Thirty to forty-five times basic daily wage (ranging from \$12 to \$277 for lowest and highest paid persons) payable to dependent, pending if death occurs during membership, or within 2 years of the expiry of sickness payments, from the same illness for which payments were made. Same benefit as for insured at death of adult dependent, \$9.65 at death of newborn child, \$19.20 for child under 4, and \$38.59 for child aged 5 to 14.

Contributions.

(a) *Insured Person*.—Half of contribution, which never can exceed 7% or fall below 4% of basic wage (averages 6%).

(b) *Employer*.—Half of contribution. Entire contribution for very low paid employees or those whose remuneration is not paid in cash.

(c) *State*.—None.

(d) *Local Government*.—None.

Administration.

(a) *Local*.—Twenty-six local offices. These are merely agencies of the system as the sole insurance carrier. Hence no federations required. Contributions are paid to special collectors, and not through the employer.

(b) *Central*.—Central Workers' Insurance Institution under Ministry of Health and Social Welfare. Disputes between funds and insured persons are handled by special insurance courts, one for each local office, with appeal to a Supreme Workers' Insurance Court attached to the Central Institution. Disputes regarding contribution (e.g., between employers and insured regarding contributions), are dealt with by the ordinary administrative authority with appeal to the Minister.

(c) *Medical Services*.—The local offices direct doctors and midwives to contribute to the number of persons for whom each is responsible. There are general practitioners in towns and industrial districts, sometimes equipped with specialist, dental, X-ray and other departments. Practically no choice of doctor is possible.

NORWAY—1915.

Scope.

All wage-earners and salaried employees over age 15, with an income limit, earned or otherwise, of about \$1,400 a year in the case of salaried employees. Children working at home without fixed wage and sailors making voyages lasting more than 10 days are excluded.

Benefits and Conditions for Benefit.

(a) *Cash Sickness Payments*.—Varies from 21 cents a day for persons earning between \$80 and \$160 a year to \$1.07 a day for persons earning over \$750 a year. Payable from 4th day of sickness up to 26 weeks (30 weeks in case of tuberculosis, cancer, or recurring illness). Payments may be reduced or refused for culpable sickness. No cash payments to persons earning less than \$80 a year. Reduced payments to dependents if insured is in hospital.

(b) *Medical Care*.—Medical, dental (extractions only), and hospital treatment for as long as membership lasts. No drugs supplied. Medical and dental treatment for wife and children under 15.

(c) *Maternity Benefit*.—Midwife and usual sickness payment for 2 weeks before and 6 weeks after confinement. An insured wife who is not a wage-earner, or whose income does not exceed \$80 a year, gets a lump sum of \$8. Maternity and care in a maternity home may be substituted for above benefits at option of fund, with an allowance if necessary, for support of dependents. Qualifying period of 10 months required. Uninsured wife gets midwife and lump sum of \$8, or hospital treatment up to 15 days, if husband has been insured 12 months.

(d) *Funeral Benefit*.—Twenty dollars payable to relatives if death occurs during membership, or within one year of the expiry of sickness payments, from the same illness for which payments were made. Funeral expenses only, if no relatives. Same amount at death of wife, and \$13.40 at death of child.

Contributions.

(a) *Insured Person*.—Six-tenths of contribution in district funds, 2/6 in other funds. Each fund fixes the contribution in accordance with its experience and the member's income. The law prescribes a "normal" rate to which funds must keep as nearly as possible. If the actual rate exceeds the normal by more than 50%, the excess must be borne by the insured person only.

(b) *Employer*.—One-tenth of contribution in district funds, 1/6 in other funds. Entire contribution for persons not paid in cash or earning less than \$80 a year.

(c) *State*.—Two-tenths of contribution in district funds, 2/6 in other funds.

(d) *Local Government*.—Commune pays: One-tenth of contribution in district funds, 1/6 in other funds.

Administration.

(a) *Local*—Territorial (district), works, and trade union funds, also funds for teachers and railway employees supervised locally by communal councils. As a rule only one fund is allowed in each district and this handles invalidity and old-age pensions in addition to sickness insurance. Contributions are remitted directly to the funds by the employers. There are no federations of funds. A committee of three consisting of a member of the communal council, an employer, and a member of the district fund, handles local disputes, with appeal to the State Insurance Institution.

(b) *Central*—State Insurance Institution managed by three public officials and under Ministry of Social Affairs. This institution decides in disputes between district funds, or between a district fund and a commune. Appeals against its decisions are carried to a State Insurance Appeal Commission consisting of 7 members—a presiding judge, a medical practitioner, a governmental social insurance expert, 2 employers and 2 insured persons' representatives.

(c) *Medical Services*—Law requires funds to provide medical care through contracts with doctors, etc., but where contracts can not be concluded they may continue the previous system whereby insured pays his own doctor and is reimbursed by the fund in accordance with a fixed scale (giving returns often lower than the actual charge). Insured has free choice of doctor owing to sparsity of population. Funds usually pay for hospital treatment at full rates.

POLAND—1920; 1930.¹¹**Scope.**

All paid workers under contract of service, whatever their remuneration, apprentices, home workers and temporary workers. Persons included above who earn more than \$840 a year may be exempted on request, while any person not under contract of service and not earning more than this amount may insure voluntarily. Appointive state and railway officers get medical care only. Agricultural workers are excluded in practice.

Benefits and Conditions for Benefit.

(a) *Cash Sickness Payments*—Sixty per cent of basic daily wage from 3d day of sickness for 26 or 39 weeks, according as fund has been operating for less or longer than 3 years. Half cash benefit if insured is in hospital and has dependents, and 10% if no dependents. No payment if insured is imprisoned or refuses to enter a hospital for infectious disease. If the condition of the fund allows, period of benefit may be increased to 52 weeks, or amount increased for each child by 5% of the normal, provided total does not exceed $\frac{2}{3}$ of basic daily wage.

(b) *Medical Care*—Medical treatment, drugs, appliances, and hospital treatment with reduced cash benefits, for a period of 26 weeks, which is increased to 39 weeks if fund has been in operation for more than 3 years, and may be extended to 52 weeks at option of fund. Dependents covered only for 13 weeks.

(c) *Maternity Benefit*—Medical attendance and full basic wage for 2 weeks before, and 6 weeks after, confinement if voluntarily insured for 8 months, or compulsorily insured for 4 out of 12 months. Nursing bonus, varying from 2 to 6 cents a day, for not more than 12 weeks. Dependents get full medical attendance and half the nursing bonus for insured. Alternatively, hospital care, or home treatment with nurse, with cash benefit reduced by half.

(d) *Funeral Benefit*—Twenty-one times basic daily wage, payable to persons who defray burial costs, if death occurs during membership, or within 6 months of the expiry of sickness payments, from the same illness for which payments were made. Half the above benefit at death of a dependent.

Contributions.

(a) *Insured Person*—Two-fifths of contribution, which is normally 6 $\frac{1}{4}$ % of basic wage, but may be reduced or increased according to fund's experience.

(b) *Employer*—Three-fifths of contribution. Entire contribution for apprentices not paid in cash.

(c) *State*—Half of cash maternity benefits and nursing bonus. Entire cost of medical care for the unemployed and their families.

(d) *Local Government*—None.

Administration.

(a) *Local*—Territorial funds, with special funds for miners, railway men, and State employees. Owing to criticism of their methods, funds have in certain cases been deprived of their autonomy and put under government commissioners. Meanwhile funds are being reorganized and their numbers reduced by amalgamation. An arbitration committee of 5 members (2 insured persons, 2 employees' representatives and one neutral) is set up in connection with each fund to handle disputes concerning benefits, and its decisions are final. Each fund must belong to a provincial federation, and this in turn to a National Federation.

(b) *Central*—District offices under Ministry of Labor and Social Welfare. Ministry is advised by a Social Insurance Council of 40 members, appointed by the

¹¹ This law only deals with administrative reorganization. It did not change benefits or contributions.

Minister, 12 representing wage-earners and salaried employees, 12 employers, and 16 chosen from among social insurance workers.

(c) *Medical Service*. Funds usually provide doctors, dentists, nurses, pharmacists, etc. Contribution contracted in which salaried employees and firms are equally represented are not so for the patients, comprising almost no family doctors between practitioners and funds.

ROUMANIA¹⁹—1912; 1923; 1932.²⁰

Scope.

Until recently Members of handicraft guilds including employees and casual apprentices, rural craftsmen, employing farmers, and apprentices and workers in factories, mines and quarries. Agricultural commercial treatment and domestic workers excluded. Since 1932 law. All wage-earners in industry and commerce, irrespective of age or sex, with percentage extension to other wage-earners and members of liberal professions for whose insurance funds could be set up.

Benefits and Conditions for Benefit

(a) *Cash Sickness Payments*. 20% or 25% of basic daily wage according to insured is with or without dependents, from first day of sickness for 16 weeks. Reduced to 25% or 10% respectively if insured is a husband. Payments for first 3 days if sickness lasts more than 8 days. May be increased if receipt of land warrant. Funds may grant additional cash or medical benefits. After sickness payments lapse and invalidity benefits can not be claimed. Qualifying period 45 weeks required.

(b) *Medical Care*—Medical treatment, home or hospital treatment if necessary, drugs and minor appliances, for 16 weeks, medical certification is made within 4 weeks of last contribution payment. With and without dependents covered for dispensary treatment and home attendance, if necessary, with drugs or medical fees.

(c) *Maternity Benefit*. Cash payments for 2 weeks before and 6 weeks after confinement conditional on 26 weekly contributions. Nursing bonus for 3 months. Dependents get medical attendance and drugs.

(d) *Funeral Benefit*—\$7.50 to \$18, payable to survivors of persons not have been insured a year.

Contributions.

(a) *Insured Person*—Whole cost, which varies from 75 of a cent to 6 cents a week in five wage classes.

(b) *Employer*—None.

(c) *State*—None.

(d) *Local Governments*—None.

Administration.

(a) *Local*—Craft guilds and mutual benefit funds, neither of which have any autonomy but act merely as organs for the Central Office. An arbitration board, set up in each district, handles disputes between employers, funds and insured persons. Appeals against its decisions are taken to the Administrative Council of the Central Insurance Office whose decisions can be appealed to the ordinary law courts. Contributions are collected by the Central Office through the sale of stamps, and distributed by it to the funds as required.

(b) *Central*—Central Office for Crafts, Guilds and Workers Insurance, managed by an administrative council (employers, workers and mutualist members) appointments being confirmed by Royal Decree) under the Ministry of Labor, Cooperation and Social Insurance.

(c) *Medical Services*—Insured may choose doctor from among those with whom his fund has contracted.

RUSSIA—1911; 1922; 1931.

Scope.

All employed persons irrespective of nature and duration of employment and method of remuneration.

Benefits and Conditions for Benefit.

(a) *Cash Sickness Payments*—A proportion of wages depending on many factors—e.g., length, continuity and type of employment, duration of sickness, whether or not the worker is a trade-unionist, and whether he is employed in a socialist or in private employment.

(b) *Medical Care*—Medical treatment, drugs, minor appliances and home nursing for as long as membership lasts. Hospital treatment, if necessary, and dental service, if specially prescribed. Admission to rest homes, sanatoria, camps, etc., for not more than 3½ months, with precedence for trade-unionists.

¹⁹ Excluding the provinces of Ardeal and Bukovina, which have sickness insurance laws derived from those of Hungary and Austria, respectively.

²⁰ The 1932 law aimed at facilitating the introduction of a unified social insurance system for the whole country.

(c) *Maternity Benefit*—Medical or other treatment in maternity home or creche. Cash payments for eight weeks before and eight weeks after, confinement. (Four weeks less for nonmanual workers.) Nursing bonus of \$23.16 payable in two installments, \$16.48 towards cost of layette. Qualifying periods as follows: "Shock brigades," four months; other union workers—eight months; nonunionists—12 months; special cases—none.

(d) *Funeral Benefit*—Payable as follows to persons who defray burial costs: Urban Centers: Over age 10, \$16.58; under age 10, \$8.29. Rural Districts: Over age 10, \$8.29; under age 10, \$4.15.

Contributions.

(a) *Insured Person*—None.

(b) *Employer*—The whole cost, which depends on wages and type of undertaking. A single contribution to a so-called working fund covers invalidity, unemployment and sickness benefits other than medical care. Only expenditure for medical care is kept separate. Contributions may be raised or lowered not more than 25% according to health conditions in an undertaking.

(c) *State*—State pays only in the capacity of employer. The insurance institutions generally must grant special subsidies to funds in the heavy industries (coal mining, metal, chemical, engineering) and transport. These funds are further subsidized by the trade unions.

(d) *Local Governments*—None.

Administration.

(a) *Local*—Federal occupational funds for rail and water transportation, metal, engineering, mining and chemical industries, each administered by a committee elected by the Trade Union Congress. Territorial funds for all other workers. Funds have no financial autonomy. Surplus may be shifted from one to another by the supervising authorities. In public undertakings benefits are payable directly by the undertaking, the amounts paid being deducted from contributions payable. In other cases the funds set up offices for the payment of benefits.¹⁴

(b) *Central*—Central Social Insurance Department under the U. S. S. R. Commissariat of Labor, assisted by a Federal Social Insurance Council. The territorial general funds in each of the six Federal Republics are combined into a single territorial fund for the Republic in question. Occupational funds are directly supervised by the Central Social Insurance Department. The general social insurance budget and the distribution of funds between the different republics and districts is determined by the General Council of Trade Unions and the Commissariat of Labor with the approval of the Council of People's Commissaires of the Soviet Union.

(c) *Medical Services*—Medical service is supplied by the Commissariat of Public Health, which receives from the Social Insurance Department funds set aside for the purpose.

¹⁴ Offices for paying benefits are set up for funds in large or medium-sized industrial and transport undertakings, in large building undertakings, and in Soviet farms. These offices are competent to settle all disputes relating to benefits. Half the savings effected by them go to improve the living conditions of workers.

HEALTH INSURANCE SYSTEMS IN GREAT BRITAIN AND DENMARK

	Great Britain	Denmark
Population in 1933.....	45,700,000	3,000,000
Number insured in 1933.....	17,299,660	1,648,000
Per cent of population insured.....	37.6	45.7
Type of health insurance.....	Compulsory	Voluntary
Scheme—	All manual workers under contract of service. Nonmanual workers over 16 earning a maximum of \$1,217 a year Nonmanual workers under 16 if eligible for cash benefit	A recognized authorized fund must admit any applicant between the ages of 14 and 16 on any disease capable of work, whose earnings have not exceeded the average annual earnings of skilled full-time workers according to locality and whose capital does not exceed a specified amount.
Benefits—		Members children under 15 automatically covered.
Cash sickness	Weekly payments Men.....\$1.65 Single women.....1.02 Married women.....1.11 Payable for the duration of sickness (7 in fourth day up to end of 26 weeks of "continuous" benefit) No payment until 26 weeks' contribution have been made. And a reduced payment only after 104 have been made.	\$1.01 a day (40 pence for persons admitted as chronic sufferers and 27 pence for persons admitted as acute sufferers). If maximum benefit is not reached in 26 weeks, after 12 months (15 weeks for persons of pensionable age) a further period of 6 weeks reduced payments is accorded.
Cash disablement	Weekly payments Men.....\$1.82 Single women.....1.10 Married women.....1.21 Payable after 26 weeks of sickness benefit. No payment until 104 weeks' contribution have been made.	Members are entitled to benefit for periods of up to 12 months for temporary disablement and 24 months for permanent disablement. If the maximum benefit is not reached in 26 weeks, after 12 months (15 weeks for persons of pensionable age) a further period of 6 weeks reduced payments is accorded.
Medical	All proper and necessary including specialist treatment and drugs.	Members are entitled to benefit for periods of up to 12 months for temporary disablement and 24 months for permanent disablement. If the maximum benefit is not reached in 26 weeks, after 12 months (15 weeks for persons of pensionable age) a further period of 6 weeks reduced payments is accorded.

HEALTH INSURANCE SYSTEMS IN GREAT BRITAIN AND IRELAND CONTINUED

	Great Britain	Ireland
Maternity	Lump sum of \$19.47 for each insured wife. \$0.75 if the husband alone is insured; of woman is unmarried. No payment until 42 weekly contributions have been made.	Maximum 27 cents a day during confinement. Maximum time 10 days after childbirth. Ordinary sickness benefits thereafter. Paid and at expense of the fund, if needed. Ordinary period of 10 months required.
Funeral		Funds affiliated to recognized sickness or State-controlled continuation funds. 1. Funds granting a benefit of over \$27. 2. Funds with a membership of over 300. 3. Other funds may submit to State control.
Other	Increases in each payment, special grant in cases of distress, and costs of dental and optical care special facilities, home nursing, treatment in the hospital or convalescent home and other additional benefits, may be furnished by societies which show a surplus on valuation.	
Sources of funds	<p>Employer 9 cents Insured person 9 cents State 1.7 for men 1.5 for women</p> <p>Weekly payments Man 9 cents Woman 8 cents Proportion of cost of benefits and central administration 1.7 for men 1.5 for women</p>	Insured members: Contributions fixed by each fund; amount may vary from year to year. State 54 cents per member per annum. One-fourth the cost of all benefits other than drugs with subsidy for medical treatment limited to \$43,000. 2 of excess cost for chronic invalids. Continuance Must allow treatment in communal hospitals at no more than half the normal charges—also free transport and must pay remaining 1/2 excess cost for chronic invalids. Allowed by law to pay up to 1/4 of an individual member's contribution. Assigned voluntary subsidies 1/7 to 1/10 cents per member per annum.
Administration	Approved societies administer cash benefits. Insurance committees administer medical benefits.	Territorial and trade funds. Funds belong to central bodies (one for each county), which in turn belong to a Confederation of Central Unions.
Central	National Health Insurance Funds for England, Scotland and Wales. several subsidiary funds under Ministry of Health for England and Wales, and under Department of Health for Scotland. Chief function of the National Funds is to collect income from the various sources and distribute it to the various societies, branches, insurance committees. Deposit Contribution Fund, etc. Regional Medical Staffs act as medical referees and supervise insurance interviews.	Confederation of Recognized Sickness Funds responsible to the Minister of Social Welfare; also in charge of sickness insurance. Sickness Funds Committee elected by individual communities.

APPENDIX G.

Anachronistic Attitude of A. M. A. at Chicago.

Physicians of California, hospital associations, unions and others connected to the service of the sick have convinced this Senate committee that the American Medical Association interpretation of the viewpoint of California is particularly and the negative opinion of organized medicine in general, at the meeting of the House or Delegates of the A. M. A., at Chicago, February 15 and 16, 1935. The House of Delegates of the American Medical Association declared "its opposition to all forms of compulsory sickness insurance whether administered by the Federal Government, the government of individual States or any individual industry, community or similar body." Gentlemen of the A. M. A. House at Chicago prefer "compulsory sickness" to "compulsory health."

The president of the American Medical Association several years ago announced at the A. M. A. National convention with resounding emphasis: "The medical profession stands ready to render complete protection and service on terms within the people's means." This lofty, but unopposed and most recent announced sentiment applies. The over-simplified plan of the classical physician was paralleled in the days when the physician could carry his instruments of precision in his vest pocket and his full equipment in his saddle bags. The modern physician of economic class and his handicapped by atrophic traditions that are cultural only because of their antiquity. The law of the Moses and the Pericles which although not was followed by the A. M. A. House of Delegates at Chicago in reiterating "its opposition to all forms of compulsory sickness insurance." The A. M. A. delegates in Chicago wanted the travelers described by Newman: "Nothing which meets them carries them forward or backward to any place beyond themselves."

One of the returning delegates expressed the opinion that those distinguished doctors were men of personal character and culture and essentially and basically self-assured. It is not surprising that these delegates with sympathy, sympathy among citizens with ample means fail to grasp the pressing problem of the lower income groups. They are not socially conscious of the grinding evils of the present system which are revealed by tales contained in the report of this Senate committee. They would not, of course, posing the agency caused by the present system if they understood the problem. If they understood the problem they would follow the leadership of the members of the House of Delegates of the California Medical Association who have looked ahead with clear vision, and seeing that the present system must be changed to meet the demands of today, recommended compulsory health insurance (see resolution in Appendix C) so that citizens within the lower income brackets may be assured adequate care or prices they can easily afford.

What the American Medical Association did at Chicago, February 16, 1935, is "opposition to all forms of sickness insurance whether administered by the Federal Government, the government of the individual States or any individual industry, community or similar body" was significant.

But what the California Medical Association did only two weeks later, at Los Angeles, March 3, 1935, is far more significant. The physicians of California recognized that there is a real social, economic and professional problem of medical care that does not belong exclusively to the medical profession but is also the concern of the State and a proper subject for the consideration and action of the Legislature, and that no group, least of all one vested with a public function, whose privilege to practice is prescribed and regulated by the State for the promotion and protection of the health of the citizens, can isolate itself and arrogantly assume that it can dictate. When a private organization like the American Medical Association attempts to invade or usurp the right of the State, no matter how spacious the language of its resolution, we must reemphasize that the State must never grant to private interests the public interest and, above all, must guard such a precious possession as the health of its citizens.

The American Medical Association violated a policy determined in 1930 by its House of Delegates. In 1930 the A. M. A. resolved that each State should be left free to formulate its own health program. Of course, the Chicago resolution of February 16th could not have any binding force on anyone in California. The A. M. A. resolution is just one more turn of the highly colored Chicago kaleidoscopic machinery. The American Medical Association can not exercise dogmatic authority over its membership, and the California Medical Association in repudiating the changeless conservatism of the A. M. A. House of Delegates demonstrated its progressive independence, and its clearer understanding of the problems of medical care, and its sympathetic interest in the middle-class folk who are told they are the heart and backbone of the country but who can't afford to pay under the present system the charges when their own hearts or backbones require the doctor's attention.

According to the A. M. A. meeting at Chicago: "The primary considerations of the physicians constituting the American Medical Association are the welfare of the people, the preservation of their health and their care in sickness, the advancement of medical science, the improvement of medical care, and the provision of adequate medical service to all the people. These physicians are the only body in the United States qualified by experience and training to guide and suitably control plans for the provision of medical care. The fact that the quality of medical service to the

people of the United States today is better than that of any other country in the world is evidence of the extent to which the American medical profession has fulfilled its obligations."

If it is the function of the A. M. A. to provide adequate medical service to all the people, the A. M. A. is incorrect in concluding that "the American medical profession has fulfilled its obligations." If this were the case there would be no problem of providing for the medical care of those in the low income brackets. However, the important question is whether this problem, which the A. M. A. can not deny exists and which it assumes the responsibility of solving, is essentially a medical problem. No one denies the high quality of medical service in the United States and in California the scientific service of our doctors is second to none, and no one denies the need of this service on the part of those in the low income brackets; the problem is how to put this excellent service in operation upon this needful part of the population. If this is supposed to be a medical problem, it might be wondered why it should ever be raised; a doctor who did not know how to put his excellent service in operation upon a patient ready at hand would simply not be a doctor worthy of the name. But the problem, as all doctors and all patients know, is not medical but economic. The patient can not pay for the service and the doctor can not render it without just remuneration, since the dispensing of such service is his function with respect to his fellow man and hence the means of his own livelihood.

But is it not the height of presumption on the part of the A. M. A. to declare that this problem, which is an aspect of the larger question of the proper distribution of the burdens and benefits of civilization, is exclusively within their ken as physicians? It is only by resort to arrogant assumption that it can even be made to appear so. In the passage quoted, does the phrase "the provision of adequate medical service to all the people" refer to the character of the service as medical or as a form of economic *quid pro quo*, as a form of exchange of services between free and supposedly equal members of a democratic commonwealth? The doctors must have the former reference in mind, for they offer the excellent quality of medical service in the United States as evidence that they have fulfilled their obligation to provide adequate medical service to all the people—that is, to all who can pay the price.

Testimony given by California physicians at the public hearing of the Senate Committee in San Francisco showed the extensive propaganda against health insurance conducted by the A. M. A. in this State. We are informed by members of the California Medical Association that Dr. Morris Fishbein's address on health insurance before the Dental Association in Oakland did not have any official sanction of the medical profession. In fact, Dr. Fishbein, although editor of the Journal of the American Medical Association, failed to get an invitation to address any of the constituent county societies of the California Medical Association. Dr. Fishbein is an entertaining talker and California welcomes every visitor. The California Medical Association, after due deliberation, having gone on record for compulsory health insurance very consistently refused to permit Dr. Fishbein to confuse the issue by inciting prejudice and opposition. Dr. Fishbein's anti-health insurance addresses in California would not merit our attention if they were not designed to undermine the constructive action of the California Medical Association. The A. M. A. was powerful enough to make the American College of Surgeons recede from its position on health insurance; it was potent enough to make the Michigan State Medical Society lay down and turn face downward its expensive survey and report on health insurance but the A. M. A. was impotent to delay or dismay the California Medical Association by ukase. The narrow viewpoint of the official A. M. A. on the shores of Lake Michigan compare in breadth and depth with the broader vision of the C. M. A. on the shores of the Pacific as the lake compares to the ocean.

There seems to be something about Chicago, Ill., that adversely affects the minds of medical men. This is not the first time that Chicago doctors indicated that they are not constructively interested in the problem of reduction of the high costs of illness.

The Sacramento Bee had a forceful editorial April 27, 1929, under the appropriate title:

"IS IT A CRIME TO SEEK TO REDUCE SICKNESS COST?"

"Dr. Louis E. Schmidt, nationally known specialist and man of the highest standing as a citizen in Chicago, recently was expelled from the Chicago Medical Society, and hence also from the American Medical Association.

At a meeting behind closed doors, from which newspaper men were barred, a majority of the doctors present decided that he had violated the ethics of the profession by advertising, through the Illinois Social Hygiene League, of which he is president, that victims of social diseases could receive treatment at the Public Health Institute, an institution of the highest order, supported by Chicago philanthropists and not operated for profit.

This advertising was not of a personal character. It has no reference whatever to Dr. Schmidt himself or his practice.

It merely made known to the victims of these diseases that opportunity for help for them was at hand and that at a very small cost. Apparently, Dr. Schmidt's crime was that he dared to attempt to reduce the cost of being sick.

Dr. Schmidt, in an eloquent defense of his action, told his fellow physicians:

"The time will come when both the profession and the public will be better served. If we organize to bring the cost of hospital, laboratory and medical care within the purse of all that great majority of our people known as the middle classes, all reputable, capable physicians will prosper greatly.

Such a plan will take the business of meeting the health problems of these people with special revenues away from the quacks and charlatans, who now prey upon a public which has no other place to turn. The millions of dollars now given to these disreputable quacks will then be given to medical men.

Honest, ethical physicians will be treating these thousands of sick people, because the cost of that treatment can be lowered, and because we shall find the means, by ethical advertising, to lead them away from the quacks and to our profession.

Are such views criminal?

But no amount of eloquence or reason can change the minds of men already made up.

Yet the questions raised by Dr. Schmidt are not answered by his casting. Dr. Charles Mayo of Rochester, Minnesota, has come to his defense. So has President Walter Dell Scott of Northwestern University, whom he is a professor, and great numbers of middle-class citizens in Chicago to whom the prospect of illness under present day conditions is appalling in its costliness, have rallied to his support.

For Dr. Schmidt has repeatedly asserted that medical, hospital and laboratory care of the sick, which now costs people with incomes from \$3,000 to \$5,000 a year \$20 a day in Chicago, could be furnished at a cost of \$5 a day if properly organized and directed.

People not living even in Chicago will sympathize with the efforts of any man directed to an end so desirable, and they will wish him well."

REACTIONARY DR. FISHBEIN

"Coming so immediately after the reactionary action of the House of Delegates of the American Medical Association at Chicago, the action of the Western Hospital Association at San Francisco in declaring emphatically for health insurance is a refreshing and encouraging contrast.

California was one of the States which took the lead in workmen's compensation insurance, which is now the settled policy of every enlightened State. It can well assume the responsibility of leading also in the expansion of the same principle to cover sickness generally. That, too, is already the policy of all other enlightened Nations. America, by following in the rear, will at least not be breaking the speed limit.

Now we have thousands of physicians who can not make a living, and millions of people who, though they can care for themselves when well, have no reserve with which to meet the costs and the losses of sickness. The emergency is immediate, practical and personal. Therefore we are open to consider methods of meeting it.

The official obstacle is a small group of ultra-conservatives, headed by Dr. Fishbein, editor of the *Journal of the American Medical Association*. They have set themselves obstinately against this obvious next step, and have secured the support of many physicians, who would rather go on in the old way, or change it as little as possible.

Their preference is quite natural. All of us would rather go on in the old ways, if we could. But, since we can not, and since we do not have to invent the new way to meet the new conditions, but find it already at hand, developed by the experimentation of other Nations, the obvious course is to go ahead.

If it were a matter of medical science, this would have been done long ago, with the American medical profession in the lead.

But, since it is a matter of medical business, America will be doing well in even tardily following."—*San Francisco Chronicle*.

THE PRACTICAL ISSUE.

"The underlying practical issue in Chicago is described by the Chicago News, which says that 'at the bottom that is whether the profession itself, by cooperation, organization and economical use of modern equipment shall attack the problem of reducing the high cost of services required by persons suffering from disease, or whether benevolent lay associations shall

perform the task. Clinics and hospitals of the new type will be established, whether the profession favors them or not."

MEDICAL ETHICS AND THE SICK.

"Social organization is changing, and the changes will include the care of sufferers. The meeting of the Chicago Medical Society Tuesday 'took no action on the high cost of medical care, except to issue a statement that physicians have no control over the costs of hospital and laboratory services.' But it threw out a physician employed by an institute which takes care of the sick at moderate costs. Action like that calls for something more than a pretended explanation which insults public intelligence.

Men and women and children learn to love their doctors. This calling which so often demands sacrifice wins gratitude and praise above other callings. But its ethics ought not to be above public comprehension. We read somewhere: 'His disciples said, "Master, we saw one casting out devils in Thy name. And we forbade him because he followeth not with us." And Jesus said, "Forbid them not; for there is no one who shall do a miracle in my name that can lightly speak evil of me."'

The British situation is evidence of what has been said to the physicians in America—that treatments provided at great expense are not now available to many people who need them and that they can not be provided unless some plan is worked out to put the financing of medical care on a different basis. Some will argue that the British plan is just another tendency toward State medicine. It need not be that. Whether or not State medicine comes will depend, more than anything else, on the doctors themselves. If they just stand on their own conception of medical ethics to block any move to bring the applications of science to the man of average means, they will probably get State medicine. If, on the other hand, they meet this problem as they have done in the splendid way they have cooperated for furthering the prevention of disease, they will in reality strengthen their position as a profession."—*Milwaukee Journal*.

FIGHT FOR LOWER MEDICAL COSTS.

The Chicago Association of Commerce passed a resolution on this serious question which may be quoted appropriately.

"The resolution, upon which there was only one negative vote, is as follows:

"The Chicago Medical Society, by various resolutions, including two additional statements of policies published in a bulletin for April 6; and by charges of alleged 'unethical' professional services against Dr. Louis E. Schmidt, and his expulsion from the society, has raised a serious question which affects the entire program of local medical charity for persons of moderate means.

Certain of the institutions directly affected or mentioned in this connection, notably the Public Health Institute, Illinois Social Hygienic League, Infant Welfare Society, Visiting Nurse Association, St. Luke's Hospital, and the Chicago Lying-In Hospital, all of which are endorsed by this association, as well as other public and philanthropic organizations, such as the University of Chicago and Northwestern University, the University of Wisconsin, and the Rosenwald Foundation, all of which are rendering valuable service to this community and are affected by this attitude.

It is vital that such disinterested and humanitarian agencies as the foregoing endeavoring to promote the health and welfare of Chicago should be supported in that endeavor by public opinion and their work carried on.

If such needs are not being met by any other associations or professions involved, then obviously the community itself through such agencies as the foregoing must ultimately meet the responsibility.

Therefore, be it resolved, that the Chicago Association of Commerce expresses its continued confidence in the institutions named, and reaffirms its endorsement of the medical charities on its approved list; and also expresses its hope that the Chicago Medical Society will endeavor to work out its problems of professional ethics without interfering with well established and highly valuable institutions conducted with the approval and financial support of our leading citizens.

Apparently there has arisen a situation with reference to this matter calling for disinterested and unbiased consideration.

So be it further resolved, that the Association of Commerce appoint a special committee to take up the matter with the Chicago Medical Society and try, if possible, to get it to bring its action with reference to the public institutions involved more in line, without sacrificing its own standards, with what the association believes the welfare of this community requires in the way of medical care and assistance.

And be it further resolved, that the Association of Commerce, having had its attention called to Senate Bill No. 231, intended to prevent medical

work being carried on under the auspices of corporations, even though they are civic and philanthropic institutions, concerned for public welfare, have with disapproval upon such bill and urges the Legislature to defeat it."

HIGH COST OF CARE

"Expulsion of Dr. Louis F. Schmidt, eminent specialist, from the Chicago Medical Society, has caused a storm of protest in that city. The case is attracting attention throughout the country because it goes to the heart of the problem of excessive fees for medical and hospital care. The outcome may have a vital influence on the present campaign in many cities to make the services of reliable physicians and hospitals available to citizens in moderate circumstances."

The situation has brought a sentiment from Dr. Schmidt to the effect that "present rates of medical care are such that families of moderate circumstances are forced to quit hospital and patient medicine in their efforts to heal sickness." —*Washington Post*.

OUSTER MOTIVES AVOIDED

"Dr. Yarros, in her letter of resignation addressed to the Chicago Medical Society, recalled the motives of the physicians in ousting Dr. Schmidt."

"As a resident of Hull House for several years, Dr. Yarros will working during this period in obstetrics among the poor and working classes. I learned from my own experience the need for lowering medical fees. The obstetrical care in that community (poor) was being given by midwives, with a resulting high mortality of mother and child, and yet vigorous protest was made by the same physicians when the Young In dispensary and the dispensary of the medical department of the University of Illinois were established."

But that did not deter us from doing steady, painful public service." —*Chicago Tribune*.

A. M. A. STANDING IN ITS OWN LIGHT

"Many members of the American Medical Association favor a fee-fixing system that differs little from the police 'steering' in its effect on the victim. The association's office promotes and enforces it."

The average man who has had to do with the medical profession knows what it is. When he goes to pay a bill, coming by him Bradstreet written all over him, he is turned over to an assistant. Taken into an anteroom and subjected to a systematic routine that would fill to shame the income tax collector's headquarters. He is asked, by a man in voice that makes him feel like he had been caught in the wrong business for a while to buy a cup of coffee, thus fulfilling the request he is so anxious usually about five times what the coffee is worth to pay for. He will be given a discount if he is unable to pay.

Rather than lower his self-respect by pleading inability to pay, he agrees to "the request" for if it is an urgent case. In it is not of these operations that would be paid a little longer, as slips and as much as possible and sometimes treatment must last for the treatment and maintenance of the medical profession's practices and "all of which" might have added several years to a happy life.

The system makes it impossible for the family with an income of less than \$5,000 a year to enjoy the luxury of a consultant physician's care. And because the middle-classes can not afford to support him, it is necessary for the physician to operate his sliding-scale fee system. It is a vicious circle.

There are many physicians today who are as socially-minded as the country doctor who never refused to answer a call and who gave collected for his services. They feel the desire to serve, and they try to serve by "making the rich man's appendix pay for the poor man's." But they limit their potential field of service so greatly by isolating themselves, and by leaving the impression that they are available only to the rich, that their good intentions often go for naught.

The medical profession needs more American vision. The mass production also would help it infinitely to get away from its sliding scale and to fulfill its inherent desire to be of service. The American people would still be making in bargains of pathological discoveries had been treated as medical discoveries are. The American Medical Association is standing in its own light." —*Des Moines Capital*.

Science is making steady advancement in the prevention and cure of disease and further discoveries in this field may be expected from the large number engaged in medical research. However, the discovery of medicines does not always make them available to the public. The usefulness of any discovery depends upon its adaptation

to the public need. Thousands of lives are lost annually because remedies of science are not available to the victims of disease.

The statistics from surveys printed in this report of the Senate Committee on the Investigation of the High Cost of Sickness are designed to show what percentage of the population can not afford medical and hospital treatment. Without question there is need for a plan making scientific remedies and expert treatment available to more people. Wider use of present knowledge for promotion of health will prove of greater value than new discoveries. If health service insurance which the Senate committee recommends is fairly applied to the patients who pay the bills, to the physicians to whom the bills are paid, and the Health Service Insurance Commission as the official agent of California sees to it that the public interests are at all times safeguarded and all engaged in the work are prevented from exploitation of the sick, the plan will work and develop constructively for the benefit of all. The policy of health service insurance which this Senate committee recommends will mould our destiny for generations. We realize that our bill is not perfect, because whoever thinks a perfect bill to see, thinks what ne'er was, nor is, nor e'er shall be.

APPENDIX H.

THE DOCTOR AND THE STATE.*

By Morris Fishbein, M.D., Editor, Journal of the American Medical Association.

Since November, 1932, when the Committee on the Costs of Medical Care promulgated its majority and minority reports to the medical profession and to the public of this country, the relationship which the State should bear to the medical profession has been a much debated topic in this country. Many of those who participate in the program here today have on previous occasions recorded their views. Not only have articles been published in periodicals for the public, for the medical profession and for economists, sociologists and lawyers; programs devoted to medical economics have been offered to medical societies, congresses on education and innumerable lay organizations. In the program presented here today there has been much public exposure and airing of medical linen, but largely by laundrymen who, for the most part, do not appear to be members of the family. Thus the audience has been intrigued, if not embarrassed, by the spectacle of father's red flannels and daughter's scanties displayed in a manner which might not have been so scandalous had the family wash been subjected to the sympathetic attention of mother or some other member of the family. Indeed, the attitude of many of those who have addressed you concerning the medical profession today might well be defined by the celebrated epigram from the oration over Julius Caesar by Mark Antony, in which he said: "I come to bury Caesar, not to praise him."

The points of view of those who speak are fundamental in the appraisal of any consideration of this subject. The medical profession has insisted with remarkable unanimity that no other group except physicians is really entitled to say how medicine shall be practiced, for only the physicians are competent by training and experience to judge adequately the quality of medical care. There is no criterion of adequate medical care except the quality of the care that is rendered.

For some months now audience after audience, viewing a play on Broadway called "Men in White," has burst spontaneously into applause after a bit of dialogue in the first act. The resident physician of a hospital, Ferguson, is talking to Levine, a doctor who practices on the east side of New York. Ferguson has been describing the difficulties under which his father, a country physician upstate, had endeavored to practice medicine. The motto of this country doctor had been: "Above all is humanity." The old man died poor and in the harness. Levine says: "A doctor shouldn't have to worry about money. That's one disease he's not trained to fight. It either corrupts him—or it destroys him." And then he reflects: "Well, maybe some day the State will take over medicine." To this Ferguson replies: "Before we let the State control medicine we'd have to put every politician on the operating table and cut out his acquisitive instincts." And here each audience bursts into applause. This applause need not necessarily be taken as the attitude of the public toward State medicine, but it may represent the attitude of the public toward politicians.

The relationship of the State to the practice of medicine is no new subject to the medical profession either in this country or abroad. The time has long since passed when the family doctor in his relationships to his patients represented complete medical responsibility and care. When great plagues swept across Europe in the Middle Ages, devastating the populations, the State organized the attack against those plagues. In fact, when Moses led the Children of Israel out of the land of Egypt he laid down certain health laws, as a representative of the State, which have been recognized ever since that time as reasonable responsibilities of the State in regard to medical care. He was concerned with rest, with food and water and with communicable disease. From the first, the medical profession has

* Delivered at meeting of American Academy of Political and Social Science, in Philadelphia, February 7, 1934.

recognized the right of the State to an interest in medicine as it concerns the community in the mass. However, the medical profession has, during the past quarter century, been confronted with many facts indicating the desirability of the State to enter more fully into the problems of medical care. It has seen, the extension of free clinics. It has participated in a multitude of surveys and demonstrations. It has witnessed innumerable attempts by the State to conduct for medical care under a variety of conditions. It has observed the establishment by most of the large universities in this country of health services which undertake to provide complete medical care for the students of these universities.

The medical profession has noted also the attempts of health officers in some communities to broaden unduly the scope of their work. Indeed, Dr. Thomas Parran, at a recent meeting of the American Medical Association, stressed the many ways in which, in the State of New York, the government has increased participation in medical practice. All these things medicine has witnessed, and in many of them it has given largely of its services, making for their success.

Without the cooperation of the medical profession no system of medical practice can succeed. One listens with amusement, if not with amazement, therefore, to the threats of many of the leaders of the organizations that have been conducting widespread propaganda for nationalization of property and socialization of political service, when they say to the medical profession that unless it surrenders itself, socialization will be forced upon it. No well organized body can be forced into any position. The medical profession, as an intimate part of our nation, will too surely participate, indeed already has, in the general trend of our government. There has been in our government a trend toward socialization for some twenty years. It is interesting to realize, as was pointed out by the president of the Federal State Medical Association in a recent address, that all but two of the planks in the Socialistic platform of 1912 have today become part of the law of our land. Nevertheless, those who know and understand the nature of medical care, including particularly the diagnosis and treatment of disease in the individual, are inclined to believe that the last stand of the citizen in maintaining his status as an individual human being is going to be in times of disease. A man at work in a gang along the side of the road, a soldier who is a fragment of humanity in a regiment of disease fodder, a robot in one of our great industrial plants who spends minutes after minutes day after day, performing the same mechanical functions, has but little opportunity to feel that he is an individual human being. But when a splinter of steel flies into his eye, when his shoulder begins to ache with the stress of the park and travel, or when he inadvertently takes into his system a large dose of *Escherichia* beginning with drinking water which he has been assured by the State is quite free from contamination, he begins to realize that there are parts of his body that have no realization of the State's desire to care for him. Those parts make their presence known in a most disagreeable manner. At such times he seems to prefer a physician who will look at his eye not as an eye belonging to the State but as an eye belonging to John Smith. He prefers a physician who will treat his amoebic dysentery without any relationship to the State's responsibility for having permitted the conditions that caused that dysentery to develop. He finds himself in his relationship to the State exactly as he finds himself in his relationship to an employer who wants from his labor all the work that he can get but who wants to pay to his labor the least that can be paid. Those who have watched the tender care of the State for the public in times of stress realize that the sympathy, the understanding, and the humanity of State employees toward the unfortunate is not always manifested with what might be called humanism. Those who have read in "Little Man, What Now?" the experience of the German laborer who was trying to get from his government something in the way of benefits under the insurance act in Germany will find a startling example of the way in which bureaucratic employees under most circumstances concern themselves with the problem of the individual sick man.

There is hardly one of the socialized medical services and the State medical services that have been developed in various parts of the world that has not constantly been subjected to criticism of political manipulation. The answer of those who would socialize medicine to the charge that under a system conducted by physicians politics would not enter into the picture is in itself too naive to merit consideration. In Brooklyn there seems to be in process of formation a medical league for socialized medicine, which attempts in one of its prospectuses an answer to this fundamental question:

"Under socialized medicine you would not substitute an evil (politics) for something that does not exist in the present system. Politics can not be worse under socialized medicine than exists today. It is a fact that no doctor can advance much without hospital affiliation. It is no secret that he has to play politics (social, financial, and political) in order to be connected, to advance or to hang onto his position. This is also true of other medical institutions, insurance companies, and all forms of present-day contract practice. It is true even of much of our private practice."

As long as men are human beings they will continue to react personally on each other. As long as Nations are subject to political manipulation, contracts between a Nation and the individual in the Nation are merely matters of form. Consider what happened in Germany to its social insurance scheme when the Hitler regime took over the reins. What then of the contracts held by physicians with various sickness organizations? What then of the high standard of medical practice set up in Germany under a different reign? What of the resolution which was promulgated by the new government, licensing 5000 naturopathists and telling the medical profession to turn its face to the naturopathic system of practice? Such are the possibilities in medical care when a nonmedical government is in the saddle.

What of Russia with its Sovietized system of Red medicine, so sympathetically and joyously considered in the recent writings of Messrs. Newsholme and Kingsbury? Their 9000 mile jaunt in four weeks obviously gave them opportunity to see all the best that Red medicine had to offer; but the review of their observations in the *New York Times* brings to light the remarkable vagaries of their health inspection tour and leads an enlightened reviewer to conclude that it resembles nothing like a scientific investigation of the facts. What about the examination of that Communist student of physiology who was flunked by his professor when he gave the composition of air as 10 per cent oxygen, 5 per cent hydrogen, 65 per cent nitrogen, and 10 per cent temperature? The professor was then ordered by the government to reexamine the youth on the same subject two weeks later after he had had time to look up the answers and inform himself as to his error. What about the patients of this young man some years later when he has been appointed by his government to take care of a considerable number of them? Will they have opportunity to cry out from their tombs against governmental appointment of incompetent doctors? Alas, we know only too well that there is no raising from the dead!

If there is any one fact apparent in relationship to all of the systems of State and socialized medicine that have been developed throughout the world, it is that not one of them has been established as a success. There is not one of even the most prejudiced investigators of such systems who is willing to say that the United States today should establish a similar system for the people of this country. But with the folly that has inevitably characterized the projectors of fantastic schemes for social reorganization, perhaps with an inordinate pride in American democracy, those who urge the socialization of medicine insist that where others have failed with such systems Americans will be sure to succeed. Have they any evidence that there is any reason to anticipate such success?

In 1917, the following resolution was offered to the House of Delegates of the American Medical Association and adopted by them. It was just after the British system had begun to function and at a time when the insurance system seemed to answer for the public the problem of medical care. The resolution read:

"Resolved, That the House of Delegates of the American Medical Association in the interests of both the wage earners and the medical profession authorize its council of health and public instruction to continue to study and to make reports on the future development of social insurance legislation and to cooperate, when possible, in the molding of these laws that the health of the community may be properly safeguarded, and the interests of the medical profession protected; and be it further

Resolved, That the House of Delegates instruct its council on health and public instruction to insist that such legislation shall provide for freedom of choice of physician by the insured; payment of the physician in proportion to the amount of work done; the separation of the functions of medical supervision from the function of the daily care of the sick; and adequate representation of the medical profession on the appropriate administrative bodies."

In the 16 years that have intervened the medical profession seems to have become more definitely opposed to nation-wide social insurance and State medicine than it was then. In 1927 the funds were collected for establishing the Committee on the Costs of Medical Care, and in 1932 the majority of that committee brought in its report favoring essentially a system of socialized medicine. Nevertheless, by 1932 the Nation was in the midst of an economic depression from which there is doubt as yet that it has wholly emerged. Perhaps the economists will function satisfactorily as physicians to the Nation in its time of depression, but it is doubted that they have the knowledge to cure the social evils which are basic in the nature of man. It is doubted that they know enough about the mind and body of a man diseased to organize a system for his cure. Indeed, even the methods of cure for the economic difficulties of the Nation are in that stage of science in which medicine was at the time of Hippocrates. They offer remedies for the Nation's economic troubles as the physician of today endeavors to treat arthritis—knowing of no specific cause of arthritis, he recommends salicylates and cinchopen; he uses hydrotherapy, diathermy and rest in bed, and massage, and then is still ready to send the patient to a hot climate and to recommend consultation with three more specialists.

However, the treatment of the economic illnesses of a Nation is not to be compared wholly with the diagnosis and treatment of the disease of an individual human being. That is an intensely personal matter. Indeed, the best evidence of the exceedingly personal character of such attention may be found in the demonstration of National and personal prejudice in relationship to medical care manifested in the classified advertisements published in the columns of *The Journal of the American Medical Association*. Bear in mind that the population of the United States is not homogeneous. The statement that Great Britain, France, Germany and similar countries have had even partial success with systems of National medical care is no guarantee that these systems would work even partially in the United States. In the classified advertisements referred to, one physician asks for an assistant in his practice who must be a third degree Mason, another requires a Shriner, a third says only a Catholic will serve, and a fourth feels that the assistant must be a woman. These men who are advertising for assistants to aid them in the care of the sick in their particular province in the community know that personal relationships will enter into medical care which are as fundamental in securing a result in many cases as is the diphtheria antitoxin in a case of diphtheria. They know that human beings are composed of both a mind and a body and that any attempt in the present state of medical knowledge to treat the body alone and not to treat the human being as a whole will lower the standards of quality of medical care. Again I would emphasize that only by the quality of medical care is it possible to judge medical service.

I have spoken thus far largely in generalities, because it seemed to me that the prime purpose of this meeting was to lay before the public an understanding of the situation which exists today. I have said that the question of the attitudes of the speakers is fundamental to a consideration of the subject. Any one who has studied the bibliographies of the members of the Committee on the Costs of Medical Care could have told long before its report was issued what the nature of the reports would be. Since the announcement of the meetings held here today physicians have written in considerable numbers pointing out that the program seemed to be stacked against the medical profession, for the medical profession as a whole is quite familiar with the points of view not only of its own representatives on this program but also of Drs. Sydenstricker, Michael Davis, and Parran, and with the views of Mr. William T. Foster, who follows me.

It is not surprising to hear Dr. Sydenstricker assert that the profession is bound by taboos and traditions which must be overthrown, neither is it remarkable to hear him insinuate that our entire economic, social and political system needs reorganizing. It is annoying, however, to have him center his attention on medicine and want to begin all the reorganization with the medical profession. Yet as an employee of the Milbank Foundation what other course is open to him? The foundation is pledged to a program for socialization of medical care and its executive secretary, Mr. Kingsbury, has become enamored of what was shown to him in a personally conducted tour of Russia.

No better proof of the necessity for medical advice in a study of medical matters could be offered than Professor Rossard's analysis of the distribution of physicians and hospitals in Philadelphia, of his attempt to trace an analogy between university health services and military medical services offered to special classes of the population under peculiar conditions with the medical care that must be given to people generally, living in their own homes and subject to all of the vicissitudes of existence, such as lack of fuel, bad housing, improper nutrition and want of some of the other necessities of a bare existence. He points out that the poor suffer much more with illness than do the rich, but he does not attempt to cure them of the cause of their illness which lies largely in their poverty. Quite unscientifically and wholly unmedically he would not attack the cause of their illness, but worries about diagnosis and treatment after the illnesses develop. His maps of the distribution of physicians in Philadelphia prove just one thing—that a patient will travel many miles and pass by the offices of innumerable competent doctors from a legal and scientific and educational point of view to get the doctor that he wants to take care of him. And Professor Rossard ends his discussion with the same old threat: If the doctors do not give us what we want there may be violence. Well, the doctors in Germany and France and in England have been giving the people what the politicians and the economists said the people wanted and there is violence. And a hundred competent observers including many in high places do not find the vast majority of the people of the United States dissatisfied with the type of medical care available to most of them today.

It is asserted by both Messrs. Sydenstricker and Davis that the organized medical profession does not today represent the majority of physicians. If it does not then the Congress and Senate and the President of the United States do not represent the people because the American Medical Association has been since 1901 organized and conducted on a strictly democratic representative basis. He accuses the secretary of the association and myself as editor of having failed to represent conditions here and abroad adequately to the profession and then he fills his manuscript with quota-

tions from the *Journal of the American Medical Association* to prove the value of the foreign systems of practice that he supports. Mr. Davis indicts the medical profession because of its opposition to certain plans of hospital insurance. He fails to point out that in the period of prosperity, when money was spent in madness, hospitals overexpanded, attempted to ape the wealthiest hotels in their constructions, provided for nurses in their competition to get free nursing service with dance halls, swimming pools, libraries and great reception halls, and then, when caught by the depression, in many instances tried to save themselves from bankruptcy through the development of schemes which would disrupt, disorganize and exploit the medical profession. He forgets that the quality of service rendered by any hospital can be measured only by the quality of physicians who compose its staff. And finally he fails to state how many of the experimental schemes to which he points with pride were initiated by personal visitations from members of the Milbank and Rosenwald funds, subsidized with money coming from these funds and promoted with propaganda paid for by these funds. In so far as any of the experiments has succeeded, and no one can say now whether or not any of them will succeed, they have been made possible by the tolerance and cooperation of the organized medical profession.

The American Medical Association has never opposed honest scientific experimentation. But it has asked that the game be played according to the rules laid down by a thousand years of tradition and experiment. The rules were made to safeguard the interests of the sick individual, not, like the rules of so many of our philanthropies, to make a vast number of people, dissatisfied with their hours of work and the wages they receive, complacent because somebody else pays for the costs of their illnesses. The sociologist E. A. Ross, talking of philanthropy with strings, points out that medical care on a philanthropic basis has come to be the philanthropists' panacea for social unrest.

It is useless to attempt to distinguish between the content of medical practice and the method of administration. The whole question of mutual responsibility between patient and physician is basic. Shall the doctor be responsible to the patient whom he serves, protecting the interests of the patient and considering those interests first or shall he be responsible to the industry which employs the patient, the insurance company which insures him, the government which dictates to him, or the hospital to which he consigns his body in times of sickness? Shall the doctor or the insurance adjuster say how long the patient is to lie in bed after an operation for appendicitis? Shall the doctor or the employer say when the sick man is able to come back to work? I must insist that these are questions which only a physician with the patient as his first interest is able to answer satisfactorily for that patient.

The medical profession has witnessed some interesting spectacles of late. It has seen a Hugh Cabot who argued for social insurance and State medicine come back from abroad and announce that the standard of medical care in the United States today is better than he found it in five foreign countries. It has seen England disturbed for fear that its system of compulsory health insurance would bankrupt the Nation as it has already bankrupted the voluntary hospitals, and it has seen politicians offering as a cure for the situation more social insurance. *Similia similibus curantur*.

The majority of American physicians have not been greatly concerned about the entrance of the State into medical practice; and Walter Lippmann says that the people generally are even less concerned. In most communities there have been departments of public health which are able to accomplish results in preventive medicine by cooperation with the medical profession. Some of these departments have entered much more fully into medical practice than others. Eventually the Vaughan plan was developed in Detroit, under which physicians immunized individual patients against infectious disease and were paid for the service by the State when payment could not be made by the patient himself. At the same time, of course, the State supplied the materials for such immunization. Gradually health departments in some places encroached on the province of the medical profession. When money was freely available some even attempted to conduct periodic physical examinations. Then came the depression, and with the depression a tremendous lowering of budgets of health departments. When these budgets were lowered health departments discontinued most of their services to the individual and concerned themselves more and more with those functions involving the prevention of disease by the control of the water supply and of the food supply, the disposal of sewage and the control of epidemics. These may be considered well established functions of health departments. Moreover, the health departments continue to devote themselves largely to education of the public in the nature of disease and in the desirability of early consultation with the family physician.

Beyond these phases of government participation in medical care there was also the Veterans' Bureau. When the depression arrived the government was able to see the folly of giving complete medical and surgical care to men who had been

veterans and who were well able to pay for such care when the illness or disability bore no relationship whatever to the government service.

Under the Federal Emergency Relief Administration arrangements are being made by county medical societies with county administrators of relief for the care of the indigent sick, and the fees to be paid are adjusted between the parties concerned either at a fixed rate or according to some percentage of the usual fee in that community. The government has insisted that the expenses of hospitalization are beyond the funds available, and hospital fees and specialist care are not provided for under the FERA. Our FERA differs from the British panel system only in the fact that the patient is completely taken care of with funds supplied by the government whereas the British system collects something from the patient himself and from the employer. On the other hand, the FERA provides for the wife and children as well as for the employed worker. The British panel system provides free choice of physician and our indigents are sent to physicians listed in order of listing.

Under the CWA it is found that since these persons are government employees they are entitled to care for injuries or sickness arising through their occupation in government hospitals and by government physicians when such are available, but when not available arrangements are again made by the government with the local medical organizations. Thus again the State enters into medical practice, but of course with the understanding that these are emergency measures and are not to obtain if, as and when the emergency passes.

In all of these efforts of the government the medical profession has participated, realizing the existence of the emergency. No doubt the entire program has been in itself a sort of insidious propaganda for State medicine among the persons who received the benefit and among a considerable number of almost indigent physicians who have been enabled thereby to benefit somewhat their financial status.

The medical profession has, moreover, been lending itself in various ways in various parts of this country to innumerable other experiments in medical care. Contract practice, industrial practice, hospital insurance schemes, university practice, lodge practice and group clinics are a few of the many forms of medical care now available in various communities, and these simply could not exist without the services of some of the medical profession.

There are certain criteria by which scientists measure the results of various experiments. In consideration of many of these sociomedical experiments the scientific criteria have been waived or overlooked. It would be desirable to know first of all whether morbidity and mortality rates in communities where these experiments exist are lower than those in other communities in which the old form of medical practice prevails. Actually, however, no satisfactory scientific statistical data are available to show that sickness and death, even among the low-income classes, are lessened after any of these plans for the distribution of medical costs are put into effect.

It is realized that advance payment covering the cost of sickness is likely to prolong the illness. It is realized that advance payment is likely to cause the patient to consult the physician much more frequently than he would otherwise. This very psychology in itself tends to invalidate much of the statistical data that are made available.

In European countries with compulsory health insurance schemes the amount of sickness has not been reduced. Moreover, the death rate, which is much more accurate, does not seem to be affected in any measurable manner by the introduction of these schemes or by any other method of paying for medical care. In fact, it is safe to say that the mortality and morbidity rates in the United States are as low as, or lower than, those of most civilized countries.

In reading a vast amount of literary material on this subject I have been struck repeatedly by the statement appearing in the papers of most of the socially-minded writers to the effect that medicine is proceeding in a stagecoach or on a bicycle while the world is traveling on an express train or in an airplane. Medicine has always been rather proud of its conservatism. If it had leaped at once to embrace all of the half-baked schemes that have been offered for changing the nature of practice, if it had hastened in its acceptance of thousands of theories of the causation of disease and of millions of panaceas and cures for various disorders, the effects on humanity would have been disastrous. Nevertheless, medicine points with pride to the fact that it has made more progress within the last 50 years than in all the previous years of its existence. As a result of this progress, increasing years of life have been conferred on most of civilized humanity, and the fear of pain, disease and death has been abolished. No doubt the very abolition of this fear has given the world the opportunity for most of the progress that it has made in other fields.

Nevertheless, with all of the progress that it has made, medicine is not yet ready to say to the world that it has standardized mankind. It still finds individual human beings so definitely individual in times of illness that they are not to be handled in the mass. True, even when they are handled in the mass it is possible to benefit ailing human bodies. But there is a great distinction between the quality of medical

care that can be rendered to mankind in the mass and the quality that is given to an individual. As I have said previously, medical care can be judged only on the basis of the quality of the service rendered.

It is conceivable that out of many of the experiments that have been made and that are being made, out of the scientific advancement of medicine itself, there may develop a greater and greater tendency toward discounting individuality in medical care. However, the scientific studies of recent years reveal no such tendency. We have seen instead in this period the growth of a method like psychoanalysis which requires the closest possible communion between an individual physician and an individual patient for hundreds of hours in order to get at the basis of a great deal of physical and mental disease. Under no system of State medical care is there provision for adequate psychologic investigation and mental hygiene.

We have seen in this period a reaction of the body of man to this new speed of civilization. A lowering of life expectancy at birth instead of a continued increase begins to reveal itself. Perhaps the machine age is bad for the health of man. Is it not conceivable that the great machine age in which we take such pride, that the great production in industry which seems to some men, to represent the apotheosis of the purpose of mankind in this world, represents a wrong philosophy of human life? The medical profession feels that the sick man is still an individual, a human being. Until it is convinced by properly controlled scientific data that its point of view is wrong, it is likely to continue to insist on the basic idea of personal relationship between doctor and patient as the necessary foundation for good medical care. It has shown repeatedly its willingness to work with economists, sociologists and statesmen toward schemes for making such individual medical care possible for the vast majority of our people.

DOCTORS, PATIENTS AND THE COMMUNITY.*

By William Trufant Foster, LL.D., Director of the Pollak Foundation for Economic Research, Formerly President of Reed College.

Dr. Cumming, Ladies and Gentlemen: I have listened, in the speech of Dr. Fishbein who preceded me, for a statement of the grave deficiencies in medical care which it should be the dominant purpose of this meeting to consider. No one would imagine, from anything that he has said, that in this country at the present time there are millions of people with virtually no medical care whatever. No one would imagine that in this country, which leads the world in the profession of dentistry, there are not three persons out of ten whose teeth are adequately taken care of. No one would suppose, from anything that has been said, that in this country, which leads the world in preventive medicine, not one person out of ten has even one adequate, complete physical examination each year—and that, we must admit, is a prerequisite of preventive medicine; or that there are thousands of sufferers who eagerly want and need hospital care yet can not get it, while one bed out of three in the private hospitals is unoccupied; or that a large proportion of our nurses are sitting at the telephone, waiting, in the hope that possibly they may get an opportunity to render the service they are eager to give, and which suffering humanity is eager to have.

Is there, ladies and gentlemen, no problem whatever of the economics of medical care?

It seems that I belong to that group which has just been scathingly referred to by Dr. Fishbein—those who try to foment discontent with conditions as they are in the United States! I do belong to that group, and I am proud to belong to it. I would not care to belong to any group, in the medical profession, or in the teaching profession, or in the banking profession, or in any other profession, which is seeking to preserve things as they are.

The need for discontent is not confined to medicine. With a superabundance of milk, we have malnutrition of infants. With a capacity which we are told is sufficient to produce three times as many shoes as we could wear, we have tens of thousands who can not get shoes. What is the trouble? Everywhere we hear questions and answers which sound like the riddles of the mad hatter. Why must anyone go hungry? That is because we have produced too much food. But why must we go with shabby clothing? That, we are told, is because we have too much cotton, too much wool, too many cotton mills and woolen mills. Why these shabby houses? That's because we have produced too much lumber, steel, cement, too many tools, too many carpenters, plumbers, architects and contractors.

The whole story makes no sense. It ought to be called Alice in Blunderland!

Yet we hear the same story in the domain of medical service. When we ask why teeth are neglected, the answer is that we have too many dentists. When we ask why we have to go without nurses, we find it is because we have trained too many nurses. Nobody questions our ability to care for all who need care. We have the personnel and the equipment and the knowledge. If we could answer the economic riddle, we could render adequate medical service to our 120,000,000 people. Yet we do not do it.

* Delivered at a meeting of the Academy of Political and Social Science, in Philadelphia, February 7, 1934.

The most obvious thing in this whole situation is that in the United States we possess everything that is necessary to solve the economic problem. Yet, as I pointed out, it is the interesting address of the present speaker, I found not a single constructive, largescale proposal for attacking this problem. The primary defect as is the physical well being of a hundred and twenty million persons. We possess, I repeat, every material requisite for rendering these persons happy, contented. We have the men and women, eager and able to make. We have all the material resources that we ever had. God has not gone back on us! We have the accumulated knowledge of the centuries. We have all the results of research in this great university and in all the others. We have, in short, everything that we need for solving this problem—everything except a largescale, bold, constructive program for positive action.

Why, then, have we sat around these weary years, bemoaning our fate, and doing nothing about it? The answer is simple. In the present and past economy in which we live, producers continue to produce goods, employ men, order raw material, and build factories, as long as they can sell the product. They sell the product as long as people buy it. People buy it, as a rule, as long as they have the money.

Why, in this depression, have we not thought more? Mainly because the wherewithal to buy was crushed out of existence. With a money and credit system under the control of individual bankers, instead of under collective control, \$9,000,000,000 of purchasing power were destroyed in two years. Nine billion dollars of wages, more or less, also disappeared. We do not have to look further for an explanation of the depression.

Yet money and credit are absolutely subject to human control. Trees do not grow on bushes! Greenbacks do not grow on green gage plants! Every dollar that goes out of circulation goes out because some human being puts it out. Every currency is a managed currency. The only question is whether we shall manage our currency intelligently, or the way we have managed it in the last five years!

Why, then, have we failed? Mainly, I think, because we have been brought up for generations to believe in the theory of laissez faire. We have thought that the best thing we could do was to leave each "rugged individual" alone to seek profits as he saw fit, and that somehow, beneficently, that would turn out to be the best thing for all of us. Everything is governed by natural law, and certainly it is sacrilegious to interfere with natural law.

It is easy to understand why this theory is popular. It lets everybody out. Nobody is responsible for natural law, so nobody has to do anything about anything; and some wise man, who had made some of those sociological studies to which the previous speaker referred, said long ago, "The most powerful impulse of the human race is the instinct to sit down."

Yet, in spite of the virtues of "rugged individualism," in spite of the natural desire to leave the job to the lazy fairies, the fact is that whenever a business depression starts in, and men are thrown out of work, and prices fall, and pessimism increases, every "rugged individual" does exactly the wrong thing. Each "rugged" consumer cuts down his buying; each "rugged" short-seller creates panic on the stock exchange; each "rugged" producer throws men out of work, refuses pay rolls, pays off bank loans, expresses expressions of the heart, and everything he does makes things worse for all of us. In this situation, each "rugged" banker hauls in the money and sits on it—that's what he calls "becoming liquid." So we go on, from bad to worse. In this condition, it is futile to rely on the individual, pursuing his own interests. The victory must come by collective action.

The initiative usually comes from outside the group, or from rebels within the group. That has been true of education. Progress has resulted mainly from the heresies of a few "wild-eyed radicals" among teachers, or has been imposed upon the schools by outsiders—consumers of education. What is true of educators is true of bankers. The American Bankers' Association opposed the introduction of the Federal Reserve System, because it was a change. Eighty per cent of the bankers opposed it. One year later, the bankers unanimously opposed any change in the Federal Reserve System, because it was a change. They are now having thrust upon them, by collective action inspired from outside their ranks, reforms which should have been made long ago.

The stock exchange likewise refused to make adequate reforms on its own initiative; reforms had to be thrust upon the exchange from outside.

What is true of these professions is true of the rest. Lawyers, notoriously, are loath to take action which is not based on precedent. The principle of the dangerous precedent, as you know, is that we must not do an admittedly right and new thing today, because in the future it might be used as a precedent for doing a wrong thing. Therefore, nothing should ever be done for the first time.

Doctors, as a group, do not greatly differ in this respect from educators or bankers, or lawyers or, indeed, from the various industrial groups—the manufacturers of cotton cloth, for example, or manufacturers of leather, or the producers of oil—who found it impossible to initiate within their own group the action which, collectively, is now being taken for their good and for the common good.

But the medical association insists that "medicine has a right to control its own affairs." That evades the question. Of course, medicine has the sole right to control its own affairs, so far as they have to do with medical science. Everything that Dr. Fishbein has said on that subject seems to me beside the point. He is putting up a straw figure and knocking it down with great gusto—and with humor. (We thank him for that!) But, after all, it is only a straw man. Nobody that I have heard of has proposed that the control of the science of medicine should be taken out of the hands of scientists. I have never heard anybody say that politicians should decide how soon a patient should be allowed to get up from an operation.

When, however, you interpret this demand, which I read again and again in the medical magazines, "Medicine has a right to control its own affairs"—when you interpret that to mean the economic aspects of medical care, that is another matter. Doctors have no special qualifications in that field; no right of eminent domain. We must draw this sharp line between the practice of medicine in its scientific aspects, and the economic means whereby individuals pay and doctors receive pay. Pray God that some day they may receive the pay which they deserve!

If "rugged individualism" actually had succeeded in solving this problem, we might leave the matter entirely to the doctors; just as, if "rugged individualism" among the bankers had solved the problem of money and credit, we could safely leave the control of money and credit to the bankers. But in neither case has the problem been solved.

The report of the Committee on the Costs of Medical Care—discount it 50 per cent, if you want to—still would show that our tragic failure to use our available knowledge and services causes a vast amount of preventable physical pain and mental anguish, needless deaths, and economic waste. Present conditions call not merely for a little improvement here and there; they call for a far-reaching change.

The recent progress of the science of medicine has been little short of miraculous. Physicians and other men of science have shown an almost unparalleled professional spirit in making available for the benefit of mankind the results of their research. Physicians as a body, especially family doctors, have shown a willingness to risk their lives, and to serve suffering mankind, without regard to money rewards; indeed, they have rendered this service knowing for a certainty that, due to the chaotic economic condition of individual medical practice, a large proportion of patients would never pay bills. This is a record scarcely equalled by any business or even by any profession; and yet—I return to my first point—and yet, in the distribution of the benefits of this amazing advance, medicine has made intolerably slow progress.

Under the prevailing form of medical service—private individual practice—more than 50,000,000 persons in the United States either do not receive the care which they need, and with which they could readily be provided, or are heavily burdened by its costs, while many practitioners and agencies for health are underemployed and poorly paid. The barrier is mainly economic. It stands between the doctors and the dentists and the nurses who are able and eager to serve and the patients who are sorely in need of the service. Even in places where adequate medical care can be purchased, most of the persons in the lowest income groups do not get it. In spite of the large volume of free work, it appears that each year nearly half the individuals in the lowest income group receive no professional medical or dental attention. "Rugged individualism" has left us millions of far from rugged individuals.

What every sick person needs is a single agency, in one place, freed from every taint of commercialism, which will furnish him, through a general practitioner, preferably of his own choosing, all the necessary requirements.

The report of Hugh Cabot, which has just been referred to, seems to me beside the point. He says that in five of the countries he visited in Europe, he did not find medical care equal to that in the United States. Of course he didn't! It is also true that in the United States, even in the depths of the depression about a year ago, we had the highest standard of living of any country in the world. Were we satisfied with that? Of course we were not. The people of the United States, by an overwhelming majority, said so. We do not set our standards by those of any other country. The fact that we are better off than some other countries has nothing to do with the question. The question is how much better off we could be if we used our resources.

Again I say, we ought to be discontented, much more so than some of the leaders of the medical association seem to be, with the inadequacy of medical care in the United States; and the fact that conditions are worse in Russia or some other country has nothing to do with the question.

The problem is to bring doctors and dollars and diseases into such helpful and continuous contact with each other that the practice of medicine can keep pace with the science of medicine. This can be done only by collective action. Medical services, both preventive and therapeutic, should be furnished, wherever consumers desire to try out the method, by organized groups of physicians, dentists, nurses,

pharmacists and other associated personnel. Such groups might well be organized around a hospital for rendering complete home, office and medical care.

Everybody agrees that the form of organization should encourage the maintenance of high standards and the development and preservation of a personal relation between patient and physician.

All I advocate is open-minded approach to the problem: Willingness to try, here and there, where the people want it, various plans for group practice and group payment, with the economic phases in charge of the public who pay the bills and who offer their bodies for the experiments, and with the physicians in complete control of the medical phases.

This is what the Committee on the Costs of Medical Care advocates in the report signed by the majority, including 17 physicians, eminent in their profession, and 22 laymen; including men like Morris Cooke of your own city of Philadelphia, so distinguished for enlightened and unselfish social service that the results of their five years of labor, freely given, deserve more than contemptuous rejection, or attempts at humorous reading out of the records. And certainly, this work deserves more than misrepresentation. Yet this mild proposal of the majority of the Committee on the Costs of Medical Care—for voluntary action here and there, wherever groups of people desire to try it—this is called editorially, by the *Journal of the American Medical Association*, "socialism and communism—leading to revolution."

It has been asserted, over and over again, that the administration of the economic phases of medical care by group payment precludes the precious personal relation between the patient and his family doctor. My first reply to that contention is that there are literally millions of sufferers in the United States today who do not now get adequate medical care, with personal relations or without them, by a family physician or by any other kind of physician. This is the chief problem of medical care: we must not be misled from the central issue by any details.

My second reply is this: the Committee on the Costs of Medical Care propose, in the group plans, that each patient should be in charge of one general practitioner. There is nothing in this plan to prevent the best of personal relations. In fact, the personal relations under this plan might be even better than under the individual fee basis of medical practice, for—we may as well admit it—the greatest source of irritation between patients and doctors is, after all, the bills, and this irritation is removed by group practice, for bills are paid to the group on an insurance basis, and the physician is then free to devote himself wholly to the professional care of his patient. Yet the American Medical Association says that this method turns doctors into hirelings and treats patients like robots.

This noon I visited the Medical School of the University of Pennsylvania. Formerly each student in this school individually paid each professor, or he did not get any instruction. Now the school has group payment of the doctors. Has this destroyed the personal relation between doctor and student? Has it turned the doctors into hirelings and the students into robots? We know better. No professor of medicine in the United States wishes to return to the individual fee basis. We have had some humorous remarks about the man who gets a cinder in his eye. Must a doctor look at John Smith's eye as an eye belonging to the State, instead of to John Smith, merely because John Smith has joined with other consumers in an insurance plan which enables them to pay for the service when they get it? I can not see that the method of payment has anything to do with the patient's eye or the way the doctor looks at it.

My "remarkable solution," which has been promised you, is simply that the costs of medical care, which are unpredictable in their nature, which therefore the average individual consumer of medical care can not budget, should be placed on a group payment basis, wherever—again I say—wherever groups desire to try it, through the use of insurance or the use of taxation, or through the use of both these methods. And, mark you, this is not meant to preclude the continuation of medical service provided on an individual fee basis for those who prefer that method and can pay for it.

This mild proposal, however, is scorned by officers of the American Medical Association. They tell us that the report of the Committee on the Costs of Medical Care is now languishing—to quote them exactly—"languishing into innocuous desuetude." They appear to me a "recalcitrant minority" of the profession, similar to the obstructive minorities which Mr. Roosevelt has deplored in certain industries. I have personal acquaintance with hundreds of physicians, and in my immediate family connections there have been 19. Virtually all the physicians whom I happen to know do not stand by the official position of the American Medical Association. I can not bring myself to believe that the association, in its present stand, truly represents the profession. I believe that the conflict is not between patients and doctors: the conflict is between reactionary doctors and progressive doctors. It is merely one phase of the war now being waged in every profession between those who imagine that we can still live in an economic age that is gone, and those who realize that we are living in a new economic age.

Fortunately, the progressive doctors are winning. The movement in the direction which I have indicated has already gone so far that it is only academic to debate

about it. Since the publication of the report of the Committee on the Costs of Medical Care, the State Medical Society of California has approved the plan, and group practice has spread all the way from Los Angeles to Seattle. In Portland, a very conservative city, 170 doctors are now operating under the plan which we advocate; in Seattle, over 200 doctors. This year, the Medical Society of New Jersey has also approved it, and group hospitalization plans have been approved by the Medical Society of the State of New York, by the Cleveland Academy of Medicine, and in at least 25 cities. This has all happened since the report of the Committee on the Costs of Medical Care languished "into innocuous desuetude."

As your chairman has said, I have been working in Washington for several months as a member of the Consumers Advisory Board; and so I know more about consumer attitudes than I did. Consumers at last are becoming articulate. They are going to demand, and they are going to get, the kind of treatment which they should have; because all industry, and banking, and transportation, and legal services, as well as medical services, exist only for the sake of the consumer. If we could only start with that proposition and keep it constantly before us, whenever we consider what bankers should do, or what lawyers should do, we would be in a fair way to solve the problem. The trouble is we begin at the wrong end, instead of beginning with the consumer.

It is only yesterday, in the countless centuries of human history, that we took over the education of youth as a public responsibility. Before that, formal education was limited to those who could afford to pay for it. The private practice of education failed; and it failed through no fault of the private practitioners. Now, we all realize that the State, for its own protection, must require every one to go to school, whether or not he can pay the bills, and whether or not he wants to go. This is one of the fields in which individualism, however rugged, is not a sufficient protection of society.

This is equally true of medical care. For centuries we have relied mainly on individual initiative. For the most part, each individual has been left free to care for his health if he wanted to, or to neglect his health if he preferred to do that, or couldn't pay the bills. One result is the shocking condition of the rank and file of our citizens, as revealed by the physical examinations of the drafted men in our army and navy. Rugged individualism has failed. The private practice of medicine on an individual fee basis has failed to provide a large majority of our people with adequate care. This, I repeat, is through no fault of the private practitioners of medicine.

Yet health is not one of those personal matters with which we need not be collectively concerned. The health of the public is just as necessary for the safety of the State as is the education of the public. The analogy is sound in every essential. Perhaps that is the very reason why certain members of the medical profession vehemently object to any use of this analogy.

To assert that we can not collectively try out plans for buying and paying for medical service without plunging the country into socialism and "inciting it to revolution" is nonsense. It ignores what we have already done collectively without socialism; we have achieved, as Dr. Sydenstricker pointed out this morning, a far better socialization of our water supply than Russia has, without achieving communism. Moreover, we have long had group payment and group practice of medicine for millions of indigent and tubercular and mentally diseased patients and others; and yet, after generations of such "dangerous" experiments in socialism, we gave last year only a handful of votes to even so eminently fit a Socialist candidate as Norman Thomas. Society must look forward to providing for health, eventually, on the same basis as education, or else we must leave the medical profession in its present plight, which even the chairman of the minority group of the Committee on the Costs of Medical Service says is very unfortunate.

In conclusion, I insist again that Dr. Fishbein confuses the issue when he says that the right to say how medicine shall be practiced must remain with the medical profession. Nobody proposes that lay boards shall tell surgeons how to operate for cancer, or what to prescribe for pneumonia. Nobody suggests any interference with the science of medicine. On the contrary, the aim is to free the science of medicine from the present chaos of the economics of medicine. What the public does demand is the right to say, not how medicine shall be practiced, but how it shall be purchased and paid for; and who has a better right than those who do the paying? In any event, it is folly to burden physicians any longer with business affairs which they have notoriously mismanaged, for which they are not trained, in which they are not interested, and which interfere with that single-hearted devotion to patients which is the glory of their profession.

APPENDIX I.

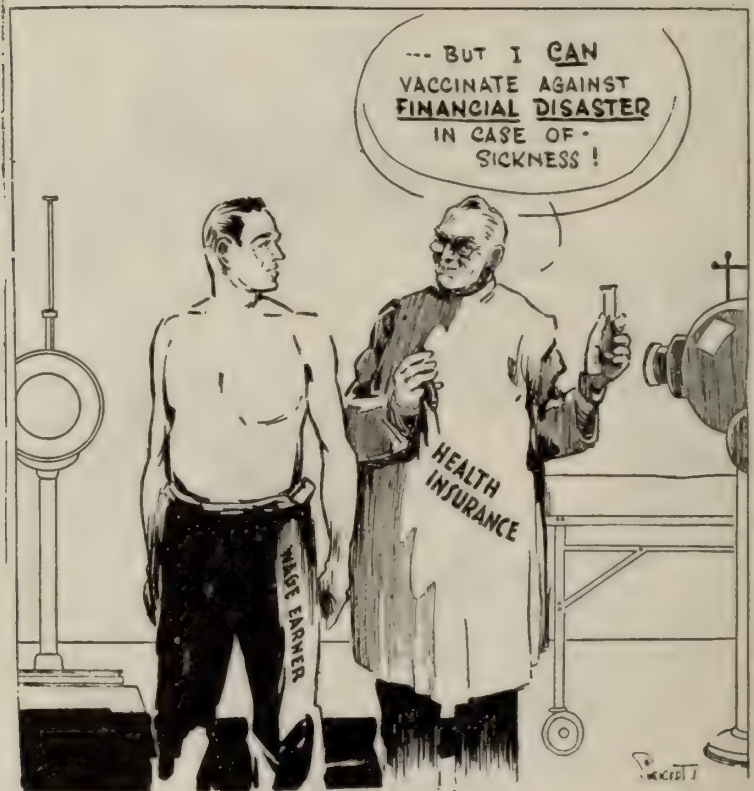
"Sounds Very Good"



—The San Francisco News.

San Francisco Chronicle

Another Medical Discovery



APPENDIX J.

Condensed List of Publications Consulted.

The Committee on the Costs of Medical Care (Reports by Volumes).

1 to 5—

The Five Year Program.
The Extent of Illness.
A Survey of Medical Facilities.
Hospital Service for Patients of Moderate Means.
The Endicott Johnson Medical Service.

6 to 8—

The Shelby County Survey.
Capital Investment in Hospitals.
Private Group Clinics.

9 to 11—

The Philadelphia Survey.
Physicians and Dentists in Detroit.
The Saskatchewan Plan.

12 to 13—

The San Joaquin County Survey.
The Vermont Survey.

14 to 16—

The Costs of Medicines.
Midwives, Chiropodists, and Optometrists.
The Healing Cults.

17 to 21—Medical Care in Brattleboro.

The Homestake Mining Company Service.
University Health Services.
The Roanoke Rapids Medical Service.
Medical Service at Fort Benning.

22—

The Fundamentals of Good Medical Care.

23 and 24—

Surveys of Southern Counties.
The Income of Physicians.

25 and 26—The Ability to Pay for Medical Care.

Incidence of Illness and Costs of Medical Care Among Family Groups.

27—

The Costs of Medical Care—A Summary.

28—

Medical Care for the American People.

Miscellaneous Contributions on the Costs of Medical Care—

1. Institutional Convalescence.
2. The Costs of Medical Care: Preliminary Report.
3. Funeral Costs.
4. Medicine and Public Health.
5. The Use of Small Loans for Medical Expenses.
6. The Cancer Program of Massachusetts.
7. Medical Care in Middletown.
8. The Need of Hospitals for Competent Directors.
9. Illness and Dependency.
10. The Frontier Nursing Service.
11. The Amount of Life Insurance in the United States.
12. Health Councils.
13. The Ross-Lewis Medical Group—A Description of a Voluntary Health Insurance Plan.

Alternatives to Compulsory Public Health Insurance. P. Williams, Ann. Am. Acad. 170:128-40. November, 1933.

Actuarial Report on Health Insurance in Great Britain. Tabs Int., Labor Rev. 25:665-73. May, 1932.

Accident and Health Insurance. S. M. LaMont, Ann. Am. Acad. 161:128-33. May, 1932.

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Do We Need Compulsory Public Health Insurance? I. M. Rubinow, R. G. Leland and A. M. Simons, Ann. Am. Acad. 170:112-27.

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 Health Insurance. Amer. Lab. Leg. R. 22:161-2. December, 1932.
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 Medicine and the State. Sir Arthur Newsholme.
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 National Health Insurance. E. G. Little, Edin. R. 249:129-44. January, 1929.
 Social Insurance. Ann. Am. Acad. Vol. 170.

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 The British System of Social Insurance. Percy Cohen. New York, 1932.
 Social Insurance in Germany, 1883-1911. W. H. Dawson. London, 1912.
 The Peoples Insurance. Lloyd George. London, 1911.
 Social Insurance; What It Is and What It Might Be. A. G. Gordon. London, 1924.
 Tomorrow's Route: a Critical and Constructive Analysis of the Swope Plan. J. R. Hall. New York, 1932.
 History of Labor in the United States. Commons and Associates. 1918.
 History and Operation of Fraternal Insurance.
 The Development of Social Insurance and Minimum Wage Legislation in Great Britain. Helen F. Hohman. New York, 1933.
 Selected Articles on Social Insurance. Julia Johnsen. New York, 1922.
 Beneficiary Features of American Trade Unions. James B. Kennedy. Washington, 1908.
 Life Insurance and Other Subjects. Dryden.
 National Health Insurance. G. F. McCleary. London, 1932.
 Public Relief of Sickness. Gerald Morgan. New York, 1922.
 Social Insurance, With Special Reference to American Conditions. Isaac M. Rubinow. New York, 1913.
 Standards of Health Insurance. Isaac M. Rubinow. New York, 1916.
 The Way of Health Insurance. A. M. Simons. Chicago, 1932.
 The Purchase of Medical Care Through Fixed Periodic Payment. Pierce Williams, National Bureau of Economic Research. New York, 1932.
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- California: Report of the Social Insurance Commission. Sacramento, 1917, 1919.
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 Ohio: Health Insurance and Old Age Pensions Commission. Columbus, 1919.
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 Sickness Insurance for Wage Earners in the Netherlands. Monthly Labor R. 31:96-102. July, 1930.
 Sickness and Accident Insurance for Workers in Esthonia. Monthly Labor R. 32:1343-7. June, 1931.
 The Prevention of Destitution. Sidney and Beatrice.
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Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 454—An act to provide for the establishment and maintenance of a system of health insurance for persons in certain income groups—has had the same under consideration, and respectfully reports the same, with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

(Signed out.)

TICKLE, Vice Chairman.
YOUNG,
WILLIAMS,
FARRMAN,
McGOVERN,
MENTON.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 1741—An act to amend sections 265 and 860 of the Penal Code, relating to the punishment of a person having a temporary insanity, and to add section 859 to the Penal Code, relating to a plea of guilty to the crime charged before a magistrate, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 229—An act to amend sections 2, 3, 10, 11, 12, 13, 4, 6, 7, 10c, 11 and 15 of, and to add sections 115, 116 and 18 to—An act to regulate the sale, possession, distribution and use of intoxicating liquors, and other dangerous drugs and substances, and providing penalties for the violation thereof, approved May 4, 1929, relating to subsection 2, paragraph 5d, and dangerous drugs and substances—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 207—An act to amend section 4230 of the Political Code, relating to the compensation of county and township officers to counties of the fourth class—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SHARKEY, Vice Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 305—An act to amend section 1357 of the Political Code, relating to absentee voters—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—11.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 127—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to

regulate the conduct of election campaigns, and repealing an act entitled "An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the State and providing penalties for violation of the provisions hereof," approved May 31, 1921—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, but without further recommendations as to final disposition of the bill.

Committee membership—11; committee vote: Ayes—8; noes—3.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 793—An act to amend section 1094 of the Political Code, relating to elections;

Also: Senate Bill No. 160—An act to amend sections 1103, 1105, and 1113 of the Political Code, relating to the registration of electors;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—11.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article II thereof a new section to be numbered section 7, relating to the registration of voters;

Also: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, being an amendment of section 1 of Article II of said Constitution, relative to elections and eligibility of voters, disabilities and absent voters;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—11; committee vote: Ayes—11.

POWERS, Chairman.

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 45—An act limiting the hours of labor of persons employed as personal or domestic servants and providing penalties for the violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

Approval of Journals.

The Senate Journals of Monday, April 1, 1935; Tuesday, April 2, 1935; Wednesday, April 3, 1935; Thursday, April 4, 1935, and Friday, April 5, 1935, were, on motion of Senator Schottky, approved as corrected by the Journal Clerk and Minute Clerk.

Adjournment.

On motion of Senator Swing, at eleven o'clock and fifty-five minutes a.m., the President pro tempore of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, April 15, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Monday, April 15, 1935.

The Senate met at eleven o'clock a m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Defast, David, Edwards, Fletcher, Garrison, Gordon, Hays, Hulso, Jespersen, Keough, King, Kinsland, McCall, McCann, McGovern, McGinness, Metzger, Meyer, Olson, Patrick, Perry, Pritchard, Quinn, Reindollar, Rich, Schottky, Soodan, Stewart, Stokes, Slater, Snyder, Snow, Strong, Tickle, Wagy, Williams, and Young—49.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, April 12, 1935, the further reading was dispensed with, on motion of Senator Sharkey.

Privilege of Floor of Senate Extended.

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Sam Griffith of Bishop.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. James Nolan of Jamestown and Dugal I. Gray of Modesto.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. W. Husband of Modesto.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Adella A. Jones, principal of Fairview School, Stanislaus County, and the following pupils: Sergio Solari, Minnie Sargenti, Richard Sargenti, Marion Clay, Burnell McKee, Alfred Sargenti, Carol Slater and Jennie Overholtzer.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Shirley Rae Nacari, student of Miss Hamlin's School, San Francisco.

On request of Lieutenant Governor Hatfield, President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. W. T. Saxon of Oakland.

On request of Lieutenant Governor Hatfield, President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. John C. Porter, ex-Mayor of Los Angeles.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to his sons, Lawrence, Francis and Robert Jespersen, and Curtis Baxter of Atascadero.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1481—An act providing for the organization and government of horticultural protection districts for the purpose of protecting horticultural products and the vines, trees and shrubs whereon the same are grown against diseases, insects and pests; defining the powers of such districts and authorizing any such district to eradicate, remove or prevent the spread of any disease, insect or pest injurious to the horticultural product which such district is organized to protect; to provide for the levying and collection of taxes to pay the costs and expenses of administering such districts and carrying on their operations; defining the duties and powers of county agricultural commissioners, and other county officers in connection with such districts; to provide for including lands within and excluding lands from any such district, and to provide a method of dissolving such districts;

Also: Assembly Bill No. 1763—An act to amend sections 669, 702, 703, 709, 711 and 712 of the Fish and Game Code, relating to black bass, crappie, calico bass and sun fish;

Also: Assembly Bill No. 2028—An act to amend section 1310 of the Fish and Game Code and to add thereto section 1340.6, relating to bear.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1481 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bills Nos. 1763 and 2028 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 579—An act to amend section 1153 of the Probate Code, relating to publication of reports of the finances of the estate of decedents by the public administrator;

Also: Assembly Bill No. 583—An act to amend section 1144 of the Probate Code, relating to the disposition of the property of the estate of any decedent of the value of one hundred dollars or less;

Also: Assembly Bill No. 620—An act to amend section 4307 of the Political Code, relating to county charges;

Also: Assembly Bill No. 2047—An act to amend section 1197 of the Code of Civil Procedure, relative to executions in mechanics' lien actions.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 579 and 583 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 620 read first time, and referred to Committee on County Government.

Assembly Bill No. 2047 read first time, and referred to Committee on Building and Construction.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 621—An act to amend sections 2240 and 2255 of the Political Code, relating to the clothing, transportation, dental work, eye care, operations and hospitalization of pupils enrolled in the California School for the Deaf and the California School for the Blind;

Also: Assembly Bill No. 731—An act to amend section 10 of an act entitled "An act providing for the formation, government and operation of harbor districts, the calling and conducting of elections in such districts of harbor commissioners, defining their powers and duties, and providing for the issuance and disposal of bonds of such harbor districts, and providing for the assessment, levy and collection of taxes for the payment of such bonds and for the ordinary annual expenses of such harbor districts," approved June 10, 1931, relating to the government of such districts;

Also: Assembly Bill No. 848—An act to amend section 2.60 of the School Code, relating to the correction and relocation of boundaries of school districts;

Also: Assembly Bill No. 906—An act confirming the formation, organization and existence of municipal utility districts;

Also: Assembly Bill No. 942—An act to amend section 423 of the Probate Code, of the State of California, relating to nomination of administrators.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 621 read first time, and referred to Committee on Universities and Teachers Colleges.

Assembly Bill No. 731 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 848 read first time, and referred to Committee on Education.

Assembly Bills Nos. 906 and 942 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2129—An act amending section 111 of the Penal Code, relating to expense of trial of convicts;

Also: Assembly Bill No. 2285—An act to amend section 1026 of the Streets and Highways Code, relating to relief to special assessment districts.

Also: Assembly Bill No. 2387—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Long Beach upon certain trusts and conditions," approved April 28, 1925, relating to the use of such tidelands and submerged lands;

Also: Assembly Bill No. 65—An act granting certain tide and submerged lands of the State of California to the city of San Buenaventura, upon certain trusts and conditions;

Also: Assembly Bill No. 442—An act to repeal sections 1270, 1271, 1271.5 and 1272 of the Fish and Game Code, and to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2129 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 2285 read first time, and referred to Committee on Roads and Highways.

Assembly Bills Nos. 2387 and 65 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 442 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 377—An act to validate the organization and existence of regional park districts;

Also: Senate Bill No. 450—An act to amend section 4030 of the Political Code, relating to vacancies in county boards of supervisors;

Also: Senate Bill No. 519—An act to repeal "An act to regulate the business of selling live stock at public auction and requiring live stock purchasers to obtain a license and to execute a bond to the State of California, and providing penalties for violation of this act, and repealing acts in conflict herewith," approved June 1, 1921.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 377, 450 and 519 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 185—An act to validate bonds of municipal improvement districts and providing for the levy of a tax to pay the same;

Also: Senate Bill No. 186—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 188—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 189—An act to validate the organization and existence of municipal water districts;

Also: Senate Bill No. 190—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 185, 186, 188, 189 and 190 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 176—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same;

Also: Senate Bill No. 178—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds;

Also: Senate Bill No. 179—An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class;

Also: Senate Bill No. 180—An act to legalize refunding bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 176, 178, 179 and 180 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 293—An act to amend section 98 of the California Irrigation District Act and to repeal sections 99, 99½, 106, 107 and 108 of said act, all relating to the cancellation and destruction of unissued or unsold bonds and coupons of irrigation districts, and declaring the urgency thereof;

Also: Senate Bill No. 199—An act confirming and validating the formation or organization and existence of irrigation districts, and declaring the urgency thereof;

Also: Senate Bill No. 196—An act to validate the organization and existence of acquisition and improvement districts and declaring the urgency thereof;

Also: Senate Bill No. 194—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any acquisition and improvement district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof, and declaring the urgency thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 293, 199, 196 and 194 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1—An act to amend section 6 of an act entitled "An act to provide for the formation, organization and government of storm-water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any unnavigable stream, watercourse, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," approved March 13, 1900;

Also: Senate Bill No. 23—An act to amend section 4041 17 of the Political Code relating to the acquisition of real property by boards of supervisors.

Also: Senate Bill No. 57—An act to amend section 26 of the California Irrigation District Act, approved March 31, 1897, relating to directors of irrigation districts.

Also: Senate Bill No. 129—An act to amend section 1208 of the Political Code relating to illiterate or helpless voters.

Also: Senate Bill No. 177—An act to confirm and validate the boundaries of school districts, high school districts and junior college districts of every kind and class and declaring the urgency thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 1, 23, 57, 129 and 177 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 181—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 182—An act to legalize bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 183—An act to validate bonds of flood control districts, including refunding bonds, and all proceedings relative thereto and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 184—An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 181, 182, 183 and 184 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 191—An act to validate the organization and existence of water conservation districts;

Also: Senate Bill No. 193—An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 195—An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 197—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts;

Also: Senate Bill No. 198—An act to validate the organization and existence of county water districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 191, 193, 195 and 197 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 200—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such port districts voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 201—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 202—An act to legalize revenue bonds heretofore issued or sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 282—An act to amend section 16x24 of the Weights and Measures Act, relating to sealers of weights and measures in counties of the twenty-fourth class;

Also: Senate Bill No. 330—An act to add sections 762, 763 and 764 to, and to repeal sections 789, 790 and 791 of, the Probate Code, relating to sales of property.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 200, 201, 202, 282 and 330 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 227—An act prohibiting the use of white canes, except by blind persons, and providing protection against accidents to such persons, and providing penalties for violation thereof;

Also: Senate Bill No. 289—An act validating the formation and existence of certain harbor districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by such districts and authorizing the levy and collection of taxes sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 1016—An act validating the formation, organization and existence of the "Orange County Water District," and the election of its directors;

Also: Senate Bill No. 1070—An act to amend an act entitled "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, by amending sections 1 and 3 of said act and to validate redemptions heretofore made, and declaring the urgency thereof;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 227, 289, 1016 and 1070 ordered on file as unfinished business.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 15, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 358—An act to amend sections 1, 3, 4 and 10 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, and to add a new section to said act numbered 9a;

Also: Senate Bill No. 1077—An act to amend section 21 of the "California Water Storage District Act," relating to property sold for delinquent assessments;

Also: Senate Bill No. 4—An act to amend sections 2, 3, and 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands;

Also: Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration;

Also: Senate Bill No. 121—An act to amend section 862b of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of sixth class; And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 112—An act to amend sections 2, 13 and 17 of the Orange County Water District Act, approved June 14, 1933, relating to powers and duties of the board of directors, the establishment of an office therefor and declaring and limiting their powers as to the district budget and the levy of assessments;

Also: Senate Bill No. 406—An act to amend section 610 of the Fish and Game Code, relating to trout and salmonids.

Also: Senate Bill No. 768—An act to amend an Act granting certain tracts of and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, negotiating the management, use, lease and control thereof, authorizing the redemption and partition of interests of said lands and the conveyance and assignment of a trust of property, concerning said lands with Yorta River Lumber Co., Inc., 912 South 10th St., to and a new section to be numbered sections 1, providing for temporary use of said lands for exposition purposes.

Also: Senate Bill No. 926—An act to repeal section 2610 of the Political Code as added by Chapter 992 of the fifth session of the Legislature and to add a new section to the Political Code to be numbered section 2610a, relating to a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 1044—An act to add section 14125 to the Fish and Game Code, relating to the cost of keeping persons imprisoned for violating any provision of said code;

And reports that the same have been currently engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 26—Approving certain amendments to the charter of the city of Alameda, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the fourth day of March, 1935, and reports that the same has been correctly enrolled and presented to the Governor on the fifth day of April, 1935, at ten o'clock and fifty-five minutes a.m.

MIXTER, Vice Chairman.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate attachés, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of April 13, 1935:

Edith Johnson, Stenographer..... *Per day* \$5 00

Resolution read, and on motion of Senator Tickle, adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided for by, with the compensation set opposite her name, payable weekly, six days per week, and the Controller is hereby directed to draw his warrants in favor of the said person for the said amount, and the Treasurer is hereby directed to pay the same:

Melba Chandler, Stenographer..... *Per day* \$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Donel, Duffell, Duval, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McCoskey, McGowan, McGowan, Monger, Mixter, Olson, Parkmann, Peery, Powers, Reinhold, Rusk, Schottky, Seidlun, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Mixter: Senate Concurrent Resolution No. 26—Approving certain amendments to the charter of the city of Porterville, county of Tulare, State of California, voted for and ratified by the qualified electors of the said city of Porterville at a special municipal election held therein for that purpose on the fifth day of February, 1935.

Consideration of Senate Concurrent Resolution No. 26.

Senator Mixer asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 26, without reference to committee for purpose of adoption.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 26 adopted by the following vote:

AYES—Senators Biggar, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Senate Concurrent Resolution No. 26 ordered transmitted to the Assembly.

Appointment by the President.

The following communication was received and read:

SACRAMENTO, April 15, 1935.

To the Senate.

I beg to inform you that I have appointed:

	<i>Per day</i>
Andrew Schottky, Jr., page.....	\$2 50
GEORGE J. HATFIELD, President of the Senate.	

Appointment Confirmed.

Senator Tickle moved that the appointment be confirmed by the Senate.

The question being upon the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Motion to Reconsider.

Pursuant to his motion to reconsider given on a previous day, and action on said motion having been postponed until the next legislative day, Senator Snyder moved to reconsider the vote whereby Senate Bill No. 269 was passed.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 269 was passed, was continued until the next legislative day.

Special Order Reset.

Senator Stow moved that Senate Bills Nos. 1054, 961, and 128 heretofore made a special order for eleven o'clock and thirty minutes a.m., Monday, April 15, 1935, be considered at two o'clock and thirty minutes p.m.

Motion carried.

Motion to Reconsider.

Pursuant to his motion to reconsider, given on a previous day, and action on said motion having been postponed until the next legislative day, Senator Stow moved to reconsider the vote whereby the appoint-

ment of John C. Porter, as a member of the State Personnel Board, was consented to and confirmed by the Senate

Previous Question Moved.

Senator Deuel moved the previous question.

The question being put: "Shall the main question be now put?"

Motion carried.

Reconsideration Granted.

The question being on the adoption of the motion to reconsider

The roll was called, and the motion adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Jespersen, Keough, King, McColl, McGuinness, Metzger, Olson, Powers, Reindollar, Seollan, Seawell, Slater, Stow, Tickle, Williams, and Young—22.

NOES—Senators Biggar, Fletcher, Hays, Hulse, Knowland, McCormack, McGovern, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Sharkey, Snyder, Swang, and Wagy—17.

Motion.

Senator Crittenden moved that the Committee on Rules of the Senate be appointed to investigate the criticisms made against the confirmation of John C. Porter's appointment, that said committee be empowered to administer oaths, that the committee be authorized to incur an indebtedness in the sum of two hundred fifty dollars, and that consideration of the confirmation be deferred for two days.

Substitute Motion.

Senator Seawell moved to substitute the motion made by Senator Crittenden with the substitute motion that consideration of the confirmation of the appointment of John C. Porter be deferred until Monday, April 22, 1935.

Motion to Table.

Upon motion of Senator Olson, the original motion, offered by Senator Crittenden, and the substitute motion, offered by Senator Seawell, were tabled.

Previous Question Moved.

Senator Deuel moved the previous question.

The question being put: "Shall the main question be now put?"

Motion carried.

Reconsideration of Appointment by Governor.

The President put the question: "Will the Senate confirm and consent to the appointment of John C. Porter as a member of the State Personnel Board?"

The roll was called with the following result:

AYES—Senators Biggar, Crittenden, Fletcher, Hays, Hulse, Knowland, McCormack, McGovern, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Sharkey, Snyder, Swang, and Wagy—18.

NOES—Senators Deuel, Difani, Duval, Garrison, Gordon, Jespersen, Keough, King, McColl, McGuinness, Metzger, Olson, Powers, Reindollar, Seollan, Seawell, Slater, Stow, Tickle, Williams, and Young—21.

Confirmation Refused.

Whereupon the President announced that the Senate had refused to confirm and consent to the appointment of John C. Porter, as a member of the State Personnel Board.

Recess.

On motion of Senator Rich, at twelve o'clock and fifty-five minutes p.m., the President of the Senate declared recess until two o'clock and thirty minutes p.m.

Reconvened.

At two o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 454—An act to provide for the establishment and administration of a system of health insurance for persons in certain income groups.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 454 were read and adopted:

Amendment No. 1.

On page 1, lines 2 and 3 of the title of the printed bill, strike out "health insurance for persons in certain income groups.", and insert in lieu thereof the following: "State health service insurance, including the establishing of a Health Service Insurance Commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereto, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith."

Amendment No. 2.

On page 1, line 1, of the printed bill, insert after "Section 1.", the following: "This act is adopted by the people of the State of California to promote the comfort, health, safety and general welfare of the people of the State of California.

SEC. 2. This act shall be known and may be cited and referred to as "The Health Service Insurance Act."

SEC. 3. Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine; the singular number includes the plural, and the plural the singular; "writing" includes "printing" and "typewriting"; the word "county" includes "city and county."

SEC. 4. Unless the context otherwise clearly indicates, as used in this act, the words and phrases defined in the sections immediately following shall have the meanings ascribed to them.

SEC. 5. "Benefit" means any medical, dental, hospital, or other service which is made available by this act for the diagnosis, treatment, or care of any person coming under the provisions of this act and includes:

(a) "Professional benefits", which consist only of the services of a physician or dentist, and which include all such services which either is entitled to render under the laws of the State of California.

(b) "Auxiliary benefits", which consist of maintenance and care in hospital, nursing care, drugs, medicines, physiotherapy, occupational therapy, transportation, material appliances and their upkeep.

The determination of the commission that a service is a professional benefit or an auxiliary benefit is final and conclusive.

SEC. 6. "Beneficiary" means any person entitled to receive a benefit under this act.

SEC. 7. "Commission" means the Health Service Insurance Commission.

SEC. 8. "Physician" means the holder of a valid and unrevoked "Physician and surgeon certificate" entitling him to practice medicine and surgery in the State of California.

SEC. 9. "Dentist" means the holder of a valid and unrevoked license entitling him to practice dentistry in the State of California.

SEC. 10. "Employer" means any employer of one or more employees, as the term "employee" is defined in this act, doing business in the State of California, and includes the State, every State agency, and each county, city and county, city, district having power to assess or levy taxes or assessments, or both, and all public or municipal corporations and quasi-public corporations and public agencies therein, and every person, firm, voluntary association, and private corporation, including any public service corporation, any trustee in bankruptcy, receiver, or trustee, and the legal representative of any deceased employer, but does not include the United States of America or any foreign State.

Sec. 11. "Employee" means every person, including those not so designated, receiving a wage at a rate which will yield a total amount not greater than three thousand dollars per year and whose net income from all sources together with that of his spouse is not in excess of three thousand dollars per year in the course of an employer, as defined in this act, under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether he holds an apprenticeship, employed, and all directed and approved paid persons, officers, and all officers of quasi-public or private corporations while rendering actual services for such corporations for pay, but excluding any person engaged in farming, fishing, logging, cutting for sale, or delivering directly to the public, any newspaper, magazine or periodical, where the title to such newspaper, magazine or periodical has passed to the person so engaged, and also excluding any person holding an appointment as a deputy clerk, deputy sheriff or deputy constable, or other deputy appointed by the commission of such appointee, who receives no compensation from the master, township or municipal corporation or from the citizens thereof for services as such deputy, and also excluding any person while both he and his dependents are absent from this State.

Any person who for hire renders services to another, other than as an independent contractor, or one who is expressly excluded hereby, is deemed to be an employee within the meaning of this act. The term "independent contractor" shall be taken to mean, for the purposes of this act, any person who renders service, other than manual labor, for a specified recompense for a specified result, under the control of his principal as to the result of his work only and not as to the means by which such result is accomplished.

An employee is a "casual" employee if, (a) in the usual and normal course of his employer's trade, business, profession, or occupation, the particular task to which said employee is assigned is begun and completed within one business calendar day; or (b) his employment is not in the course of the trade, business, profession, occupation, or domestic establishment of his employer. The term "course of trade, business, profession or occupation of his employer" shall be taken to include all activities tending toward the preservation, maintenance or enjoyment of the employer's business premises or business property of the employer. The term "trade, business, profession or occupation of his employer" shall be taken to include any undertaking actually engaged in by the employer with some degree of regularity, the trade, business, articles of incorporation or principal business of the employer to the contrary notwithstanding.

It shall not be a defense to the commission, the failure of a death-benefit or compensation, or to any health service association, that a person who rendered to whom any benefit is claimed was not lawfully employed, or that the payment of service or minor child of one not lawfully employed by reason of the violation of some law, service or other law, rule, or regulation respecting the hiring of workmen.

Workmen associating themselves under a partnership agreement, the principal purpose of which is the performance of the labor on a particular piece of work, shall be deemed employees of the person having such work executed.

Sec. 12. "Health service insurance" is the provision, by any means, be it by gift, loan, by or for any person or group of persons, of the right to receive, upon payment, the benefits of professional service practice and auxiliary insurance service as hereinafter defined, when the costs of such benefits and of their administration are defrayed from funds derived by any or more of the following means or from any one or more of the following sources:

(a) The issuance of memberships, certificates, contracts or other evidences of rights or privileges to participate in or use the benefits, services, insurance or privileges of the group or association or of any subsidiary, associated or affiliated firm, group, or association.

(b) Donations, contributions, or payments of money or other valuable consideration, mandatory or voluntary, from any source for the purpose of obtaining the benefits of professional service practice and auxiliary insurance service.

(c) Appropriations from any fund or funds of this State or of any political subdivision of this State or from any fund or funds of any instrumentality of this State.

(d) Any other form of common or pooled moneys, property, credit or other resources to be used to obtain or furnish any of the benefits, as defined by this act, for or to individual persons or groups of persons.

Sec. 13. "Fund" means the health service insurance fund.

Sec. 14. "Professional service practice" means the furnishing of any professional benefit under this act.

Sec. 15. "Auxiliary insurance service" means the furnishing by any person, firm, association or corporation of auxiliary benefits under this act.

Sec. 16. "Professional service practitioner" means any physician or dentist availing himself of the privilege to engage in professional service practice.

Sec. 17. "Auxiliary service association" means:

(a) Any person, firm, association or corporation furnishing for compensation any or all of the auxiliary benefits upon the basis of a health service insurance contract and not upon the basis of a service contract.

(b) For the purposes of this act, a county hospital or a municipal hospital or other public facility provided for rendering or actually rendering or provided for conferring or actually conferring for compensation any or all of the auxiliary benefits.

SEC. 18. "Health service insurance association" means any group of two or more persons, other than a person and his dependents, who associate themselves together to secure for themselves and their dependents, or others, by any lawful means or in any lawful form, the benefits of professional service practice or auxiliary insurance service, or both.

SEC. 19. "Certificate of compliance" means a certificate issued by the commission to a single employer or a group of employers who are affiliated by stock ownership or common financial interests, certifying:

(a) That the employees of such employer or group of employers have been and are receiving the benefits of medical, surgical, dental, hospital and other service, defined herein as professional service practice and auxiliary insurance service.

(b) That such service is being received from the hospital departments of railroad, industrial, or other private corporations which have heretofore furnished and at the time the enactment of this act are furnishing to the employees of the said employer or group of employers the same or equivalent services or treatment as would be required by this act.

(c) That such service is being rendered for no less than the same compensation, dues or payments by whomsoever paid, as would be required with respect to like groups of such employees if the contributions were paid into the health service insurance fund.

SEC. 20. "Member" means any person entitled to participate in or receive the use of benefits, services, facilities, or activities of a licensed health service insurance association.

SEC. 21. "Patient" means any person who needs or receives the professional services of a physician or dentist.

SEC. 22. "Wage" means every form of compensation paid by an employer to an employee as consideration for labor or services, and includes salaries, commissions, bonuses, and the reasonable money value of gifts, board, rent, housing, lodging, or other forms of consideration furnished by an employer.

SEC. 23. "Resident" means every natural person who has been physically within this State at least forty-eight weeks of the year next preceding the time when he is entitled to receive any benefit; but temporary absence from this State shall not affect a person's status as such resident if such person has been living in this State at least five years.

SEC. 24. "Dependent" means a dependent spouse or a dependent minor child.

SEC. 30. This act shall be administered by the Health Service Insurance Commission, which is hereby created.

SEC. 31. The commission shall be composed of five members, all of whom shall have been residents of California for at least a total of ten years, two of whom shall be physicians who have held the degree of doctor of medicine for not less than ten years.

SEC. 32. All commissioners shall be appointed by the Governor, with the consent of the Senate. The first commissioners shall be appointed within thirty days after the effective date of this act.

SEC. 33. The terms of the first commissioners shall expire: Two on February 28, 1937, and three on February 28, 1939. Upon the expiration of these terms, the term for each commissioner shall be four years. In the event of a vacancy in any term the Governor shall appoint a commissioner for the unexpired portion thereof.

SEC. 34. If there is a quorum, no vacancy shall impair the commission's powers. Three commissioners shall constitute a quorum.

SEC. 36. No commissioner shall hold any position of trust or profit or engage in any business, occupation, or profession the duties or functions of which are inconsistent with or interfere with his duties as such commissioner.

SEC. 37. Each commissioner shall execute an official bond in the sum of twenty-five thousand dollars (\$25,000).

SEC. 38. Each commissioner shall receive an annual salary of eight thousand dollars and his actual and necessary traveling expenses.

SEC. 39. Commissioners shall be liable to impeachment for any misdemeanor in office and shall be tried therefor in the manner prescribed in and subject to the provisions of Article IV, sections 17 and 18, of the Constitution.

SEC. 40. The Attorney General of the State of California shall be the attorney for the commission and he may assign from his staff such assistants or deputies as may be necessary.

SEC. 41. The commission shall appoint a chief medical officer and fix his compensation. He shall be a physician, shall hold the degree of doctor of medicine and shall have been engaged in the practice of medicine or in medical administration for at least ten years during the period of twelve years immediately preceding his appointment, not less than three years of which shall have been in the State of California. Upon making public the reason therefor the commission may remove the chief medical officer from such office. During the time he holds office the chief medical officer shall:

(a) Hold no other position of trust or profit, but shall devote his entire time to the performance of his official duties; and

(b) Be the chief administrative officer under this act with respect to all benefits conferred by this act and have all the duties, powers, and authority which may be delegated to him by the commission to carry out the purposes of this act.

SEC. 42. Subject to civil service laws, the commission may from time to time appoint a general finance officer and such assistants and other employees as may be necessary for the general financial administration of this act and may fix the method and amount of their compensation and assign their duties and require from them security for the faithful performance thereof.

SEC. 43. Subject to civil service laws, the commission may from time to time appoint or employ such assistants and other employees as may be required for the administration of this act and may assign their duties and fix the method and amount of their compensation and require of them security for the faithful performance of their duties.

SEC. 44. The commission may engage the services of and accept the reports and advice of experts concerning technical, scientific, sociological, industrial, and other matters pertaining to the administration of this act.

SEC. 45. The commission shall designate a member to act as chairman. The chairman may from time to time divide the commission into subcommittees of one or more members, for the purpose of conducting any investigation, inquiry, hearing or review which may come under the jurisdiction of the commission, assign the members of the commission thereto, and, in case of a subcommittee of more than one member, designate the chief thereof. A subcommittee shall hear and make a determination upon any proceeding instituted by or before the commission assigned to such subcommittee by the chairman, and shall make its report to the commission. Subcommittees consisting of professional members only, to be known as professional subcommittees, shall be assigned to conduct, hear and determine all investigations, inquiries, hearings or reviews relating to professional matters including matters relating to standards, service and compensation. The report of a subcommittee shall become the final determination of the commission within thirty days after said report is filed with the commission by the subcommittee unless, within such period, the chairman or any member of the commission has directed that such report shall be reviewed by the commission as a whole, provided that no subcommittee shall be assigned, without the unanimous assent of its members, to conduct any such investigation, inquiry, hearing or review, and provided that if such assent is not given, the commission shall sit en banc.

SEC. 50. There is hereby created a Health Insurance Advisory Council, hereinafter referred to as the "council," consisting of ten members, who shall be appointed by, and serve at the pleasure of, the commission.

SEC. 51. The membership of the council shall include at least two representatives from the California Medical Association, and representatives of the most important professions, and of hospitals, employers, employees, and agriculture. Every such representative shall be actively engaged in the business, profession, or pursuit of which he is a representative.

SEC. 52. The council shall consider and shall advise the commission on such matters connected with the financial and medical administration of this act as may be submitted to it by the commission. Upon its own motion it may also submit to the commission such changes in the financial and medical administration of this act as it deems necessary. When directed by the commission to make an investigation in connection with the administration of this act, the council shall have the powers of the head of a department as such powers are specified in section 353 of the Political Code.

SEC. 53. The members of the council shall be paid their actual and necessary traveling and other necessary expenses incurred in connection with any activity under the provisions of this act.

SEC. 54. Five councillors shall constitute a quorum.

SEC. 60. The commission shall procure and have offices in the city of Sacramento and in such other places as it may require in its discretion.

SEC. 61. The commission shall have full power and authority uniformly to administer and enforce the provisions of this act, to make, amend, modify, repeal, and enforce rules and regulations consistent with the provisions of this act for its administration and enforcement, to perform all acts and exercise all powers, whether herein specifically designated, or in addition thereto, which are necessary or convenient to accomplish the purposes of this act, and to delegate to others such powers as may be necessary in administering this act.

SEC. 62. The commission shall promptly promulgate all rules and regulations adopted by it pursuant to this act and all amendments thereto and modifications or repeals thereof. For the purposes of this section a rule or a regulation shall be deemed to be in full force and effect from the time of its promulgation to the time of

(1) Promulgation of an amendment thereto, or

(2) Promulgation of a modification or repeal thereto, or

(3) A judicial declaration by a court of competent jurisdiction to the effect that said rule or regulation was in excess of the authority of the commission, whichever is earlier.

An amendment or modification of a rule or regulation is a rule or regulation for the purposes of this section. No act not otherwise unlawful done by any person in good faith under the apparent authority of any rule or regulation adopted by the commission, while such rule or regulation is in effect, shall give rise to any liability, either civil or criminal, on the part of any person so acting.

SEC. 63. The commission shall have power to regulate and control professional service practice and auxiliary insurance service, to investigate, regulate and control the operations and affairs of all professional service practitioners, auxiliary service associations and health service insurance associations and to prescribe and enforce rates or fees to be charged or paid for all services to be furnished under this act. In prescribing such fees, rates, or charges, the commission shall have regard for the necessity of furnishing proper and adequate benefits to beneficiaries and for providing adequate, but not excessive, compensation therefore to professional service practitioners and auxiliary service associations. The commission may, to accomplish the purposes hereof, prescribe, maintain and enforce reasonable rules and regulations.

SEC. 64. The commission shall have the further power to investigate, regulate and control the operations and affairs of all persons, firms and corporations, including public corporations, offering to furnish or furnishing any service of a kind defined in this act as a benefit, or any other medical, dental, or hospital service, under any form of organization, including, but not restricted to, the forms of organization defined herein as an auxiliary service association or health service insurance association, without regard to the amount of compensation paid to any employee or to the amount of the net income of any person entitled to receive any such benefit thereunder.

SEC. 65. The commission may cooperate with public health officers and agents, both public and private, in the improvement of public health and sanitation and in the promotion of public education on all matters pertaining to health.

SEC. 66. The commission may accept and take and hold in public trust, either by purchase or by donation or gift, testamentary or otherwise, or in any other manner, without restrictions, all real and personal property for the benefit of this health service insurance system. The commission shall be vested with the legal title, as trustee for the public, and with the management and disposition of all of the property acquired by it pursuant to this section.

SEC. 67. The commission shall have power to institute and prosecute actions and proceedings involving any provision of this act or the administration thereof; and the commission may defend any action or proceeding brought against it for any cause whatever.

SEC. 68. The commission shall have the powers of the head of a department as such powers are specified in section 353 of the Political Code.

SEC. 69. In the administration of this act, the commission may hold and conduct hearings on any disputed matter arising under the provisions of this act.

SEC. 71. Claims shall be filed at such place, in such form, within such time and in such manner as the commission shall prescribe. The commission shall have power to determine all controverted claims and all other controversies arising under this act, and shall adopt such reasonable rules and regulations as may be necessary to establish a uniform system therefor throughout the State, and may designate referees to hear and determine, in the first instance, any such controverted claim or other controversy.

SEC. 72. Any person adversely affected by a decision of a referee may, within fourteen days after written notice of such decision, request a rehearing by the referee who made the decision. Thereupon such referee shall conduct such rehearing upon the matter after giving reasonable written notice thereof to all persons affected thereby who appeared at such prior hearing. Such referee shall render a decision on his rehearing within such uniform time as the commission may prescribe and shall give notice thereof to all persons interested who have appeared therein.

All notices required to be given by this act or by any rule or regulation of the commission shall be in writing and may be served personally, or deposited in the United States registered mail addressed to the party to be notified at his last known address.

SEC. 73. Any person adversely affected by a decision upon a rehearing, may within fourteen days after written notice of such decision, request the commission to review such decision by filing notice to that effect with the referee who conducted such rehearing, and by filing a copy of such notice in an office of the commission. Thereupon the commission or any subcommission thereof shall conduct a hearing upon the matter after giving reasonable written notice thereof to all persons affected by the decision to be reviewed who have appeared at either or both of such hearing and rehearing. The commission or any subcommission thereof shall render a decision within thirty days after its hearing is completed, and shall give written notice of its decision to all persons affected thereby who appeared thereat and to all persons who appeared at either or both of such prior hearing and rehearing.

SEC. 74. Any party aggrieved by such action of the commission may make a written demand for a certified transcript of all the papers on file in the commission's office affecting or relating to such action and all the evidence taken on the hearing. Such party shall pay such reasonable fee as the commission may prescribe for

every folio of the transcript and one dollar for certification thereof. Thereupon the commission shall, within thirty days, make and certify such transcript.

SEC. 75. Any party affected by a decision of the commission may apply to any court of competent jurisdiction for a writ of review for the purpose of testing the lawfulness of the original order, rule, regulation or decision on substance implied into and determined. Such review shall not be extended further than to determine whether or not:

1. The commission acted without or in excess of its powers;
2. The order or decision was procured by fraud;
3. The order, decision, rule or regulation was unreasonable;

4. If findings of fact were made, such findings of fact support the order or decision under review.

The findings of the commission on questions of fact shall be conclusive and final and shall not be subject to review. The commission and each party to the proceeding before the commission shall have the right to appear in the review proceeding.

The provisions of the Code of Civil Procedure of this State relating to writs of review shall, so far as applicable and not in conflict with this act, apply to proceedings in the courts under the provisions of this section.

Such writ of review shall be issued if, but only if, applied for within the sixty days next succeeding any one of the following occurrences:

(a) Notice of a denial by the commission of an application for an original hearing;

(b) Notice of a denial by the commission of an application for a review by the commission of a decision made by a referee upon a rehearing;

(c) Notice of a decision by the commission on any matter heard by the commission either originally or upon a review after a hearing or rehearing by a referee.

Deposit in the United States registered mail addressed to the last address of the applicant made known by him to the commission, shall constitute notification of notice within the intent of this section.

SEC. 76. The following decisions are final and not subject to review:

(a) The determination of a referee unless proceedings for rehearing or review thereof are taken as herein provided.

(b) The action of the commission in denying or granting a privilege or a license or making a decision on a claim, complaint or controversy unless proceedings for review thereof is made to a court of competent jurisdiction within the time specified in this act.

SEC. 77. The commission and its delegated representatives shall, in administering any provision of this act or conducting any hearing or investigation hereunder, have power to administer oaths and examine under oath any person or persons, certify to all official acts, take depositions and issue subpoenas for the attendance of witnesses and the production of books, accounts, documents, records or other papers.

SEC. 78. In any hearing in any part of the State, the process of the commission shall extend to all parts of the State and may be served by any person capable of serving civil process, such person to receive such compensation as may be allowed by the commission but not to exceed the fees allowed by law for similar service.

SEC. 79. Each witness who shall appear in response to a subpoena shall receive for his attendance the fees and mileage allowed by law to a witness in a civil action.

SEC. 80. In case of the refusal of any witness to attend or testify or produce any papers as required by such subpoena, the commission may petition the superior court, in and for the county in which the particular matter is pending, for its order requiring the obedience of the witness to the subpoena. The court shall order the witness to appear at the time and place designated in such order, which time shall be not more than ten days from the date of the order, and cause to show cause why he has not obeyed the subpoena, a copy of which order shall be served upon such witness. If it shall appear to the court that such subpoena was regularly issued under this act, the court shall order such witness to obey such subpoena at a time and place to be designated in such order.

SEC. 81. Depositions of witnesses within or without the State may be taken in the manner prescribed by law for like depositions in civil actions in the superior court.

SEC. 82. Any party to a hearing under this act shall have the right to reasonable notice thereof and of a written copy of all charges or other matters of concern to such party which will be presented at such hearing.

SEC. 83. Any party to a hearing under the provisions of this act shall have the right to the attendance of witnesses in his behalf at such hearing or upon deposition upon making request that designated persons be subpoenaed. But the commission may require that any party who requests the issuance of a subpoena for any attending witness shall pay the mileage and witness fees of such witness if it shall be made satisfactorily evident, and the commission finds, that the said party had no reasonable ground for believing that the said witness could give competent, material or relevant evidence substantially tending to establish such party's claim or answer.

SEC. 84. No exceptions need be entered to any ruling made in any hearing under this act.

SEC. 85. Evidence shall be governed by the rules of the commission and shall not be subject to common law or statutory rules of evidence and procedure; but such competent, relevant and material evidence is admissible as will serve to obtain and preserve the substantial rights of the parties.

SEC. 86. The commission shall have power to require a bond in a reasonable amount of any claimant making application for a rehearing before a referee or review before the commission, and may assess costs, including attorney's fees against a claimant whose claim is disallowed upon such rehearing or review, but these powers shall be exercised only in those instances in which the claim is made on trivial grounds, or in which there is satisfactory evidence and the commission finds an intent on the part of the claimant to harass the commission in the discharge of its duties or maliciously to harass an opposing party in interest.

SEC. 87. Attorneys appearing for or on behalf of any beneficiary under the provisions of this act shall receive only such compensation therefor from said party as may be fixed, both as to amount and manner of payment, by the rules of the commission. The charging or receipt of any other amount of compensation by such attorney is unlawful.

SEC. 88. It shall be a misdemeanor to solicit, by agent or otherwise, for the purpose of appearing for or on behalf of any party in any matter instituted by or before the commission or its referees.

SEC. 100. The commission shall prescribe, maintain and enforce reasonable rules and regulations for professional service practice and the obtaining thereof by individuals and health service insurance associations, including, but not restricted to, the ratio of the number of physicians or dentists to the number of members.

SEC. 101. No professional service practitioner shall render any professional services under this act other than personally; and nothing in this act shall be construed to authorize payment of compensation to any physician or dentist for professional services rendered under this act not rendered by him personally; provided, however, that the commission may in its discretion recognize not more than two bona fide professional assistants of any physician or dentist rendering such services under this act, when it is established to the satisfaction of the commission that these assistants are not supplanting the personal services of such physician or dentist.

SEC. 102. The rendering of services under this act is a privilege and any physician or dentist and any regularly established hospital, or laboratory, or any other person or agency able and desiring to render services necessary for the proper furnishing of benefits, shall be entitled to render services in accordance with the provisions of this act; provided, however, that the commission, after notice and a full opportunity to be heard pursuant to the provisions of this act may, upon determining that good and sufficient cause exists, revoke such privilege. The following shall be deemed to be good and sufficient cause for revocation of the privilege of rendering services under this act: fraud, deceit, intent to defraud, gross neglect, habitual intemperance, habitual use of narcotic drugs, rebate of fees or charges that will result in the actual rendering of services at rates below those for fees or charges that may be established by the commission, solicitation of patients, or any violation of the Medical Practice Act or Dental Practice Act of this State; provided, that none of the aforementioned causes shall justify the revocation of such privilege unless done or committed while the physician, dentist, hospital, laboratory or other person or agency was rendering services under the provisions of this act.

SEC. 103. In addition to its own action against a physician or dentist for any of the causes specified as sufficient for the revocation of the privilege of rendering services under this act, the commission shall file a complaint with the State Board of Medical Examiners or the State Board of Dental Examiners, as the case may be, against any physician or dentist found by the commission to be guilty of any of the acts specified in the State Medical Practice Act or State Dental Practice Act as cause for revocation of license.

SEC. 110. Any professional service practitioner proposing to furnish or furnishing any service of a kind defined in this act as a professional benefit to the members of any health service insurance association shall first obtain a license from the commission so to do.

SEC. 111. Any person, firm, or corporation proposing to furnish, or furnishing, any service of a kind defined in this act as an auxiliary benefit to members of any health service insurance association shall first obtain a license from the commission to operate as an auxiliary service association.

SEC. 112. Any group of persons proposing to operate, or operating, in a manner or for a purpose defined in this act as a health service insurance association shall first obtain a license from the commission so to do.

SEC. 113. Any person, firm, association, or corporation which, on the effective date of this act, is furnishing to or obtaining for any person or group of persons any service of a kind defined in this act as a professional or auxiliary benefit is a health service insurance association when the costs of such service or services and the administration thereof are defrayed from funds derived by any one or more of the following means or from any one or more of the following sources:

(a) The issuance of memberships, certificates, contracts, or other evidences of rights or privileges to participate in or use the benefits, services, facilities or activi-

ties of the group or association or of any subsidiary, associated, or affiliated firm, group, association, or corporation.

(b) Donations or contributions from any source for the purpose of obtaining the benefits of professional service practice or auxiliary insurance service.

(c) Appropriations from any fund, except the health service insurance fund of this State or any political subdivision or instrumentality of this State.

(d) Any other form of common or pooled monies, property, assets, or other resources to be used to obtain or furnish any benefit, as defined by this act, or to a person or group of persons.

SEC. 114. Any person, firm, association or corporation desiring to this act to obtain a license must make written application, therefore to the commission, which application shall be verified by or on behalf of the applicant in two sworn oaths, as pleadings are verified in civil actions, and then filed in the office of the commission.

SEC. 115. In such form and in addition to such other information as the commission may require, such application with respect to a professional service practitioner shall specify:

(a) The rate of compensation to be received in return for services;

(b) References to the character, reputation for personal integrity and standing of the applicant;

(c) Information with respect to the means by which applicant intends or proposes the fulfillment of any contract that applicant may undertake to become the provider of professional service practice.

SEC. 116. In such form and in addition to such other information as the commission may require, such application with respect to auxiliary service associations shall specify:

(a) A description of the types and kinds of service to be furnished to those persons entitled to participate in the benefits of auxiliary service practice.

(b) A description of the physical facilities to be used in rendering or furnishing such service;

(c) The names and office and residence addresses of the persons who will conduct the business of the association and a succinct statement of their experience and training;

(d) A statement of the fees, dues, rates or other charges imposed upon members of such association.

SEC. 117. In such form and in addition to such other information as the commission may require, such application with respect to health service insurance associations shall specify:

(a) A description of the types of service to be rendered by those persons entitled to participate in the benefits or activities of such association.

(b) A description of the physical facilities to be used in rendering such service.

(c) The names and office and residence addresses of the persons who will conduct the business of the association and a succinct statement of their experience and training; and the names and office and residence addresses of the persons who will furnish the benefits of professional service practice to the members of such association and the method of compensation by which they propose to be paid therefor; and the means and agencies by which the applicant intends to furnish to its members the benefits of auxiliary insurance service.

(d) The names and office and residence addresses of the persons who will conduct the business of the association, and a succinct statement of their experience and training.

(e) A statement of the fees, dues, rates, or other charges imposed upon members of such association and of the fees, rates or other considerations to be paid for services rendered to the members.

SEC. 118. Upon the filing of an application for any of the licenses hereinafter required, the commission shall examine it and any other papers and documents filed therewith. The commission may also require, at the actual expense reasonably incurred and borne by the applicant, a detailed examination, audit, and investigation of the applicant and its affairs.

SEC. 119. Before issuing a license to an applicant for any of the licenses hereinafter above required, the commission must find that at least the following conditions exist:

(a) That the proposed plan of applicant's operations and activities is fair, just, and equitable.

(b) That applicant is not engaged in, and does not propose to engage in, subordination, directly or through agents, of members, subscribers or beneficiaries.

(c) If the application is for either a license to operate an auxiliary service association or a health service insurance association, that the memberships, certificates, contracts, or other evidences of rights or privileges for participation in, or use of the benefits, services, facilities, or activities of the association, which the applicant proposes to issue, and the method whereby the same are proposed to be issued, conform to the rules and regulations of the commission in regard thereto promulgated pursuant to the provisions of this act, and are not such as will work a fraud or injustice upon any member, intended beneficiary, or other person.

(d) If the application is for a license to operate a health service insurance association, that applicant is able to provide adequate benefits of professional service practice or auxiliary insurance service, or both, as the case may be, and properly

to care for its members according to the standards of service prescribed by the commission.

(e) If the application is for a license to operate a health service insurance association, that applicant has made, and/or proposes to make, all investments of funds derived from members in compliance with the provisions of section 574 of the Civil Code, as therein prescribed for investments by savings and loan corporations.

SEC. 120. When the commission has determined that an applicant for any of the licenses hereinabove required is otherwise entitled to a license, it shall require the applicant to file with it a bond conditioned both: (1) upon the compliance by applicant with the provisions of this act and with the rules and regulations of the commission; and (2) upon the protection of those with whom applicant may have any dealing against fraud or damage by reason of the applicant's activities. The penal sum of such bond shall be such sum as the commission may find to be reasonable but not to exceed twenty-five thousand dollars (\$25,000), and shall be executed by a corporation authorized to become a surety upon bonds or undertakings required or authorized by the laws of this State.

In any action against the applicant covered by the conditions of said bond, the surety thereon may be joined with the applicant, in which case the surety, to the amount of the bond, will be jointly and severally liable with applicant for the payment of any judgment rendered against applicant in such action.

SEC. 121. Before granting any license to any applicant, the commission shall require the applicant to pay to the commission a minimum original fee of:

- (a) Five dollars, for a professional service practitioner's license.
- (b) Twenty dollars, for an auxiliary service association's license.
- (c) Fifty dollars, for a health service insurance association's license.

In addition to such minimum original fees, the commission may charge and collect such fees as may be necessary to defray the necessary expenses incident to supervision, control, and regulation of each of said classes of such licenses respectively.

SEC. 122. When the commission has approved the bond which has been filed by the applicant and when the applicant has paid the prescribed fee therefor, the commission shall issue to the applicant a license. Such license shall remain in force and effect unless suspended or revoked until the thirtieth day of June next following; and thereafter the licensee must renew its license annually subject to the same conditions as applied to its original license, each renewal to expire on the succeeding thirtieth day of June. The commission before renewing a license shall require the licensee to pay the commission a renewal fee. The amount of such renewal fee shall be fixed in the same manner and subject to the same requirements as are herein prescribed for original fees.

SEC. 123. After notice and hearing, the commission may suspend or revoke the license of any licensee for failing to conform to any of the standards prescribed by this act or to any of the rules or regulations of the commission promulgated pursuant to the provisions of this act. Any such hearing shall be subject to all the provisions of this act relating to hearings before the commission and review thereof.

SEC. 124. Every representation by a health service insurance association, with respect to the diagnosis, treatment, or other medical or dental services available to its members, must include a statement containing the name and address of each physician or dentist by whom such diagnosis, treatment or service will be given.

SEC. 130. Benefits shall be available to the extent and under the conditions of this act at a time set by the commission, and not later than December 1, 1936, to an employee and his dependent spouse and minor children. An employee or his dependent spouse or minor child shall not be entitled to benefits under this act unless he or she shall be or become a resident of and physically within this State or unless he or she shall be physically within this State and shall have satisfactorily passed such physical examination as the commission may prescribe, within ten days immediately preceding becoming so entitled. But no constrained inmate of a penal institution or of an institution for the insane and no person committed to an institution for the feeble-minded shall become entitled to receive any benefits provided in this act.

SEC. 131. No benefits shall be paid for by the commission unless:

(a) There shall be paid by or on behalf of the beneficiary to the commission for any one sickness or injury, fifty per cent of the cost of the first professional visit and twenty-five per cent of the maintenance cost of the first day's hospitalization, collection thereof to be made at such time and in such manner as may be prescribed by the commission.

(b) If an employee, he has had not less than ten days of employment within the three months preceding the day on which benefits are claimed.

(c) He be the dependent of an employee, and such employee has had not less than ten days of employment within the three months preceding the day on which benefits are claimed.

SEC. 132. Primary benefits shall include:

Class One: The services of a physician who is a professional service practitioner and who shall be chosen by the patient, who shall give preventive, diagnostic, or therapeutic treatment and care to the patient at the physician's office, the patient's home, a hospital, or elsewhere as the case, in the opinion of the physician, may warrant.

Class Two: The services of laboratories when prescribed by the attending physician.

Class Three: The services of a dentist who is a professional service institution and who shall be chosen by the patient, for the extraction of teeth, and on the prescription of the attending physician, such other therapeutic dental services as may be authorized by the commission.

Class Four: Prenatal and maternity treatment and care at the physician's office, at home, in hospital, or elsewhere as the case, in the opinion of the physician, may warrant.

Class Five: Maintenance and care in hospital and nursing care as may be prescribed by the attending physician.

Class Six: Infants and children up to fourteen years of age shall receive not only sickness and injury benefits, but health supervision and preventive medical care on the commission's plan of prescription.

Class Seven: Essential drugs and medical care.

SEC. 133. The amounts of primary benefits to be furnished to a patient suffering from any one illness or injury shall be limited as follows:

Class One: Twenty-six weeks.

Class Two: On the prescription of the attending physician.

Class Three: On the prescription of the attending physician except for the extraction of teeth.

Class Four: When necessary, maintenance and care in hospital and nursing care limited as in class five hereunder.

Class Five: One hundred and eleven days, of which the last seventy-one days shall be without charge to the patient except for charges separately imposed by this act, and the remaining forty days at a charge to be fixed without limit by fifteen per cent (15%) of the daily maintenance cost of such patient. Payment of benefits that any beneficiary over sixty-five years of age shall receive shall be limited to not exceed ninety days in any consecutive one hundred four weeks, subject to the same provisions for the first twenty-one days and the last sixty-nine days as are above set forth; provided, that any beneficiary not at his expense receive other benefits beyond the limits above specified at the same time maintenance and paid by the commission.

Class Six: For sickness and injury, as above specified; for health supervision and preventive medical care, as the commission may determine.

Class Seven: On the prescription of the attending physician, under medical rules and regulations to be prescribed by the commission.

The foregoing periods and services may be shortened and reduced by the commission by reasonable uniform regulations, if the resources of the fund make such action necessary or advisable in its opinion.

SEC. 134. Whenever the commission finds that the revenues of the fund justify provision of benefits in addition to the primary benefits it may from time to time provide for the furnishing of all or a part of the following additional benefits:

(a) Drugs and medicines other than those included in primary benefits and medical and surgical appliances as may be prescribed by the attending physician.

(b) Nursing service outside of the hospital as may be prescribed by the attending physician.

(c) Institutional care for convalescents.

(d) The commission shall designate types of dental restorations or replacements or other dental services to be allowed and others not to be so allowed. The commission shall, however, permit the beneficiary and his dentist to designate the type of dental restorations or replacements and other dental service or services.

The commission may:

(1) Pay the whole cost of the dental service rendered, or

(2) Such fractional cost thereof as the commission may determine, or

(3) Allow a maximum dental expenditure exclusive of dental extractions for each beneficiary for any given period or periods.

The benefits provided by this section may be referred to as "additional benefits."

SEC. 135. When a person ceases to be an employee, he shall, from the date he ceased to be such employee, nevertheless be considered an employee for an extended period equal to one week for every five weeks during which contributions with respect to such employee have been made; provided, that such extended period shall not become greater than one year. In the event of his death during such extended period, his dependents shall be entitled to all benefits to which they would have been entitled had he remained alive for the entire extended period.

SEC. 136. When an employer establishes to the satisfaction of the commission that its employees have been, and, on the effective date of this act, and at the time of such employer's application for the certificate provided for in this section, are receiving the same or equivalent medical, surgical, dental, hospital and other services, provided for other employees by this act, from its existing hospital department and the personnel thereof, as then organized, conducted and operated, the commission shall issue to said employer a certificate of compliance, and the employees of such employer may continue to receive the said benefits from and as furnished and provided by the hospital department of their said employer in lieu of the benefits furnished under the provisions of this act.

Under such conditions said employer and employees shall be considered as complying with this act; and provided further, that the commission shall have the power, by resolution after a hearing, to determine from time to time whether any such organization, hospital department or corporation and the employees contributing thereto, or the members thereof, are in compliance with this act.

The commission shall, when it issues such certificates of compliance, approve the reasonable sum paid to the hospital departments of such employer for the furnishing of the benefits extended by it to its employees, and arrange for the payment of the remainder of the contributions in respect to the said employees to the commission for the furnishing of the benefits of health service insurance to their spouses and dependent minor children under the provisions of this act; provided further, that if such employer so elects, and meets the standards of the commission, it may be licensed to serve as a health service insurance association to care for the employees and/or their spouses and dependent minor children.

SEC. 137. No similar benefits shall be provided or allowed for any person entitled, for the same physical causes, to medical, dental, hospital, or other treatment or care under any workmen's compensation insurance act or employer's liability act of this State or of the United States of America.

In the event of any doubt as to whether or not any beneficiary would be entitled, for the same physical causes, to a similar benefit from any other source, the benefits provided by this act shall be promptly furnished and the commission shall be reimbursed therefor as provided in this act.

SEC. 138. If any benefit is furnished to any person who, by reason of the same sickness or injury, has a claim for compensation or damages (including costs of or liability for medical care) under any workmen's compensation or insurance act or any employer's liability act of this State, or of the United States of America, or otherwise, against his employer or against any other person, firm, or corporation for causing such sickness or injury and for the damages resulting therefrom, the commission shall, to the extent of the disbursement for furnishing such benefit, have a prior right to be reimbursed from any sum or damages which such person is entitled to receive by way of compensation or damages, by suit, settlement, voluntary payment or judgment, and the commission shall, to such extent, be subrogated to such claim. After having received notice that the commission is entitled to reimbursement and is subrogated as provided in this section, the payment of any sum of money or delivery of any thing of value to such person by way of such compensation or damages without first reimbursing the commission for such disbursement shall render the employer or other person, firm, or corporation making such payment or delivery liable to damages, at the suit of the commission, in such sum as may be necessary to reimburse the commission to the extent of such disbursement.

SEC. 139. If the person furnished such benefit and having such claim for compensation or damages (including costs of or liability for medical care) unreasonably refuses or neglects to commence action or to institute proceedings to enforce and collect such claim, the commission may either:

(a) Recover from the person furnished such benefit such sum as may be necessary to reimburse the commission to the extent of the disbursement for so furnishing the benefit to such person; or

(b) Take such action or institute such proceeding, in the name and on behalf of such person, to recover such claim for compensation or damages (including costs of or liability for medical care) from the one liable to such person therefor, in which case any sum recovered by settlement or judgment as the result of such action or proceeding, after deducting the costs, shall be used first to reimburse the commission to the extent of its disbursement, and any balance thereof remaining shall be paid to such person having such claim.

Nothing in this act shall affect or diminish any physician's, dentist's, nurse's, hospital's, or other agency's claim for the value of services rendered by them, whether or not paid for under this act, in any such action brought to recover such compensation or damages.

SEC. 140. If an employee himself pays for care or treatment when sick or injured because of a dispute over his right to be furnished such care or treatment under this act, he shall be reimbursed therefor by the commission from the fund when it is determined, at a hearing before the commission under its jurisdiction as elsewhere provided in this act, that he should have received such benefit under the provisions of this act.

SEC. 150. The commission shall be authorized to enter into contracts and agreements with persons, firms or corporations to furnish benefits upon the terms and conditions provided in this act. Said agreements shall provide for benefits for such periods of time and contain such other reasonable terms and provisions consistent with this act as the commission shall prescribe.

SEC. 151. The commission shall, by contractual engagements or other undertakings, make all the primary benefits enumerated in this act available to any resident of this State who is neither an employee nor the dependent of an employee within the meaning of this act, subject, however, to all of the following four enumerated conditions:

(a) The net annual income of the resident from all sources together with that of his spouse shall not be in excess of three thousand dollars; and

(b) The resident, or some person or agency as hereinafter described acting on his behalf, shall have paid in advance the premium or premiums prescribed by the commission; and

(c) Within ten days of the time at which he is to become a beneficiary the resident shall either:

(1) Have passed a physical examination prescribed by the commission; or

(2) Have been a beneficiary under the provisions of this act relating to widows and their dependents; or

(3) Have been born in the State of California to parents at least one of whom since the birth of said child has continued to be a beneficiary.

(d) The person is not a constituent inmate of any penal institution or of any institution for the insane and is not one committed to an institution for the feeble-minded.

SEC. 152. Subject to all of the conditions enumerated in this act, the following persons and entities may contract for health service insurance with the commission:

(a) A resident on his behalf, and on behalf of his dependents;

(b) The United States of America or any department, bureau or commission thereof or any foreign State upon behalf of any or all of its officials, employees and agents and their dependents who are residents of this State;

(c) Any political subdivision of this State and any instrumentality of this State on behalf of any of its residents; the rate of whose health or hospital expense is by law;

(d) Any competent person on behalf of any person who is made eligible for the benefits of this act subject to the provisions of this act not relating to conditions precedent to eligibility for the right to contract for insurance.

The commission shall also undertake under equitable conditions and for an equitable contribution from any lawful source or fund to meet the needs of this act available to any class of residents on whose behalf the State of California assumes the burden of providing the benefits enumerated in this act.

SEC. 153. The commission shall be authorized to enter into contractual engagements and other undertakings concerning health service insurance on behalf of the State of California, and any such contract or undertaking shall specify among other things:

(a) The length of time during which such engagements and undertakings shall subsist;

(b) The manner and time of paying premiums and other contributions under such engagements and undertakings;

(c) The amounts of premiums and other contributions to be paid under such engagements and undertakings;

(d) The manner and conditions of payment of such engagements and undertakings; and

(e) Such other conditions as may be reasonably necessary for the equitable administration of such engagements and undertakings.

SEC. 154. In order equitably to distribute the costs of benefits among those who contribute to the fund, whether as employees or otherwise, the commission may from time to time establish and alter systems of premium rates giving effect to differences of costs as between those who are required to be beneficiaries and those who become beneficiaries by contract or other undertakings with the commission pursuant to the provisions of this act. In fixing such premium rates established actuarial principles shall be followed, in determining differences in costs between those required to be beneficiaries and those who become beneficiaries by contract with the commission or by other undertakings, arising because of the following:

(a) Costs of making the physical examinations authorized by or provided in this act;

(b) Costs of administration;

(c) Average morbidity rates;

(d) Average number of dependents; and

(e) Such other differences as are necessary to uniform and equitable distribution of the costs of benefits.

In giving effect to the foregoing subsections of this section, all premiums shall be directly proportional to the average annual net income of the beneficiary and his spouse; provided that the minimum premium shall not be less than the premium determined with respect to an average net income of one thousand dollars a year. Premiums determined under this section shall not depend, in the instance of any particular family, upon the number of persons in a family composed of parents and dependent minor children.

When no general State tax on the annual net income of natural persons is in effect, the annual net income, for the purposes of this act, of a person and his spouse shall be determined with respect to the next preceding completed calendar year and shall be deemed to be the sum of the following enumerated items:

(a) Their total wage earnings, fees, and other emoluments for personal services received during the said calendar year, whether as employees or otherwise; plus

(b) An amount determined as follows:

(1) Their withdrawals in money or the equivalent from asset funds devoted, previously to the said withdrawals, to their principal trade, business, or other gainful occupation; minus

(2) Their investments during the year in money, or the equivalent in their principal trade, business or other gainful occupation, of any funds not devoted, previously to the said principal trade, business or other gainful occupation; and

(c) Plus an amount equal to seven per cent of all their real and personal property not primarily used or held for use either in their principal trade, business, or other gainful occupation or primarily used or held for use in their domestic establishment or for both such classes of use, valued at their reasonable market value as of December 31st of the said calendar year; provided that all choses in action shall be deemed to be property coming within the meaning of this subsection and subject to its provisions.

When the annual net income of natural persons is made the basis of any general State tax, the annual net income of a person and his spouse shall, for the purposes of this act, be determined with respect to the next preceding completed taxable year and shall be deemed to be the sum of the following enumerated items:

- (a) Their net taxable income under the said income tax act; plus
- (b) Their income from all sources, realized in money, that is either:
 - (1) Not taxable by the State; or
 - (2) Taxable by the State but not taxed under the said income tax act.

In no event shall the income of a person and his spouse, if neither is an employee, be deemed, for the purpose of determining any premium for voluntary health service insurance, to be less than one thousand dollars (\$1,000) a year.

The commission shall have power to prescribe the forms requiring the disclosure of all facts material for determining net income, and the manner of reporting thereon, for all determinations of net incomes of persons for the purposes of this act and shall have power to withhold and shall withhold all benefits under this act from all persons who shall fail to present, under oath within a reasonable time after demand by the commissioner, signed statements in writing on the prescribed forms showing that their incomes entitle them to receive the benefits of this act; provided that during such time of withholding of benefits from any such person and his dependents, or any of them, the sums payable by employers with respect to employees under this act, or with respect to any person procuring voluntary health service insurance under this act, shall continue to be payable, but the commission shall hold all sums paid during such time in trust for the person paying said sums pending the establishment of the income status of the person from whom or from whose dependents benefits are being withheld.

The commission, for the purpose of ascertaining the correctness of any verified statement or for the purpose of making an estimate of the net income of any person, shall have power to examine or cause to be examined by any agent or representative designated by it for that purpose, any books, records or memoranda, bearing upon the matters required to be included in the verified statement.

SEC. 153. The commission shall by contractual engagements and other undertakings make available to employees and to other voluntary subscribers thereto any one or more of the additional benefits provided for by this act under the conditions set forth in this act with respect to primary benefits. The commission shall be competent to enter into such undertaking on behalf of the State of California in accordance with the conditions enumerated in this act with respect to contractual agreements and other undertakings relating to primary benefits.

In order equitably to distribute the cost of additional benefits to be made available to those voluntarily subscribing thereto, either on behalf of themselves, or on behalf of themselves and their dependents or on behalf of others, the commission may from time to time establish and alter systems of premium rates giving effect, in accordance with established actuarial principles, to the following variable characteristics:

- (a) Cost of physical examinations;
- (b) Differences of average morbidity rates as among the several items for which additional benefits may be authorized;
- (c) Differences in costs of the several benefit items which may be authorized; and
- (d) Differences in average number of persons per family as between those eligible for primary benefits and those subscribing for additional benefits.

But the premium rates determined for particular benefits or for particular combinations of benefits shall not depend upon the number of persons in a family consisting of parents and dependent minor children. The system of premium rates provided for in this section shall be such that the total cost of additional benefits subscribed to shall be borne by those who pay such premiums.

SEC. 156. The commission shall from time to time make rules for the reduction, postponement, suspension, or termination of the right of a resident and his dependents to receive any or all benefits hereunder because of nonpayment of premiums, for the methods by which unpaid premiums may be paid, and for the reinstatement of the right to receive all or a portion of such benefits by payment of past and present unpaid premiums.

SEC. 157. During the period of a resident's illness entitling her to benefits hereunder, payment by him of premiums for himself and his dependents may be suspended; premiums accruing during such period to be later paid as may reasonably be prescribed by the commission.

SEC. 158. If she engages in no gainful occupation during such period, a resident paying premiums hereunder shall not be entitled to pay any benefits with respect to the period beginning six weeks before childbirth and ending six weeks thereafter.

SEC. 170. There is hereby created the health service insurance fund which shall be administered by the commission.

SEC. 171. The liability of the State of California under any provisions of this act is limited to the resources of the fund and the State shall not be liable under any condition or in any circumstance for any amount which can not be recovered from or paid out of the fund.

SEC. 172. All moneys received by the commission shall be paid over to the State Controller and by him deposited in the State treasury of this State and credited to the "Health service insurance fund" hereinabove created and to the particular account specified by the commission.

Compensation for all benefits, all expenses of administration and all interest which accrue by reason of the provisions of this act shall be paid from the fund.

The Controller shall issue no warrants upon the Treasurer for any disbursement other than in the making of investments of surplus funds and of reserve funds, except upon the order of the commission. The commission shall allocate the fund to the respective fund accounts against which all warrants are to be drawn and shall allocate on each order upon the Controller the account against which the warrant is to be drawn.

SEC. 173. The State Treasurer shall be custodian of the fund and shall make disbursements therefrom only in the manner provided by law. He shall execute an additional official bond in the penal sum of fifty thousand dollars conditioned upon the faithful performance of his duties under this act. He shall deposit such portion of the fund as is not required for immediate use by the commission in the fund for other State funds in his custody. All interest earned thereby shall accrue to the fund and shall be credited to the several fund accounts in proportion to their average daily balances.

SEC. 174. In the manner provided by law, any surplus of moneys in the fund may be invested in securities which are legal investments for the State of California. Said securities may be converted into money. All such surplus or reserves shall remain in the custody of the State Treasurer regardless of whether they be in the form of cash or securities.

SEC. 175. All receipts and disbursements under the voluntary provisions of this act shall be accounted for separately from the receipts and disbursements under the mandatory provisions of this act. All costs of administration referable to the voluntary provisions of this act shall be charged to the expense accounts of voluntary health service insurance and all costs of administration referable to the mandatory provisions of this act shall be charged to the expense accounts of mandatory health service insurance.

All receipts and disbursements occurring by reason of additional benefits under this act shall be accounted for separately from receipts and disbursements occurring by reason of primary benefits under this act. All administrative costs referable to the administration of additional benefits shall be charged to the expense accounts of additional benefits.

All administrative expenses not directly attributable to or referable to any particular class of health service insurance shall be distributed by commission to their average daily balances, among the following classes of accounts:

- (a) Expense accounts for mandatory health service insurance of primary benefits;
- (b) Expense accounts for voluntary health service insurance of primary benefits;
- (c) Expense accounts for additional benefits.

SEC. 176. From and after ninety days after the effective date of this act, every employer other than the State, and other than an employer to whom a certificate of compliance has been issued and is in effect, shall pay to the commission an amount equal to five per cent of the wages paid to his employees, other than casual employees, during any calendar month; provided that, from the amount thus paid, such employer may deduct an amount equal to one-half of one per cent of the wages paid to those of his employees who are entitled to benefits under this act and any workmen's compensation or employer's liability act.

Said amounts, so adjusted by such deductions, shall be paid to the commission not later than the fifteenth day of the calendar month next following the month in which said wages were paid.

It shall be unlawful for any employer subject to this section to deduct from the wage of any employee, with respect to whom any amount is payable under this section, a sum greater than three and one-half per cent of the wage of such employee.

SEC. 177. From and after ninety days after the effective date of this act every employer, other than the State and other than one to whom a certificate of compliance has been issued and is in effect, shall pay to the commission with respect to

each of his casual employees an amount equal to twelve cents per calendar day from and including the day on which the employment is begun to and including the day on which the employment is concluded. Such amounts shall be paid to the commission not later than the fifteenth day of the month next following the month in which the employer pays the wage of such casual employee.

If a casual employee concludes a casual employment and, on the same day, begins one or more other casual employments, only one payment to the commission with respect to that day shall be made; and such payment shall be made by the employer for whom the said employee first worked on that day. The commission may direct that at the conclusion of each casual employment the employer shall give to each casual employee a signed statement in writing on the form prescribed by it, showing the beginning date and the closing date of the employment.

SEC. 178. From and after ninety days after the effective date of this act, every employee of the State, other than a casual employee, whose wage is paid from funds directly controlled by the State shall pay to the commission such sum as will equal three and one-half per cent of his wage. The head of each State office or department shall apply such rate of payment to such employee's wage and shall certify to the State Controller on each and every pay roll the amount to be paid and shall furnish immediately to the commission a copy of each and every such pay roll; and each such amount shall be deducted by the head of each office or department and shall be remitted to the commission, and record thereof shall be made by the commission. Payment of salaries or wages less such payment shall be full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by employees during the period covered by such payment, except their claims to the benefits to which they may be entitled under the provisions of this act.

The provisions of this section shall apply to all casual employees of the State and payments for them to the commission except that, in lieu of three and one-half per cent of the wage, such casual employees shall pay twelve cents for each calendar day of employment from and including the day of beginning of the casual employment to and including the day of concluding such casual employment.

SEC. 179. From and after ninety days after the effective date of this act, there shall be paid into the health service insurance fund by the State from the general fund and from every other fund out of which wages are paid to employees, the following:

One and one-half per cent of all wages paid to employees other than casual employees; provided, that, from the amount thus made payable, there shall be an allowable deduction equal to one-half of one per cent paid to such employees as are entitled to benefits under this act and any workmen's compensation or employer's liability act.

SEC. 180. All the moneys now or hereafter paid into the health service insurance fund are hereby appropriated, to be expended by the commission in accordance with law for the administration of and to carry out the purposes of this act. Such moneys shall be paid into the fund from the following sources and subject to the following restrictions and conditions:

(a) On the date this act takes effect, there shall be transferred to the fund out of the general fund of the State, as a loan, the sum of one hundred thousand dollars (\$100,000). Thereafter, whenever on the last day of any month there is in the health service insurance fund the sum of six hundred thousand dollars (\$600,000) in excess of the probable disbursements from the fund for the next succeeding month, the commission shall thereupon transfer the one hundred thousand dollars (\$100,000), so borrowed, from the health insurance fund to the general fund.

(b) From and after ninety days after the effective date of this act, there shall be paid monthly out of the general fund into the health service insurance fund a sum equal to one and one-half per cent, less allowable deductions of one-half of one per cent, of the total wages paid to said employees, other than casual employees, subject to this act, whose wages are paid from the general fund. The commission shall certify to the State Controller at the end of each month the total amount of wages paid such employees, and the Controller shall thereupon transfer one and one-half per cent, less allowable deductions of one-half of one per cent, of the amount so certified from the general fund of the State to the health service insurance fund.

(c) From and after ninety days after the effective date of this act, in addition to such payments out of the general fund, there shall be paid monthly into the health service insurance fund out of every other fund in the State treasury from which the wages of employees, other than casual employees, subject to this act, are paid, a sum equal to one and one-half per cent, less allowable deductions of one-half of one per cent, of the total wages paid such employees from such fund. The commission shall certify to the State Controller at the end of each month the total amount of wages paid such employees from each such fund, and the Controller shall thereupon transfer one and one-half per cent, less allowable deductions of one-half of one per cent, of the amount so certified from each such fund respectively, to the health service insurance fund.

(d) Such other sources from which moneys are to be paid into the fund pursuant to this act.

SEC. 181. The commission may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate five hundred thousand dollars, said sums so drawn to be used as a revolving fund.

SEC. 182. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the commission or against any officer or agent thereof to prevent or enjoin them from the collection of any payment sought to be collected, but after any such payment made under protest, duly verified and setting forth the grounds of objection to the legality of such payment, the person making such payment may bring an action against the commission in a court of competent jurisdiction in the county of Sacramento for the recovery of the payments so paid under protest. No such action may be instituted more than sixty days after the payment becomes due and payable, and failure to bring suit within said sixty days shall constitute waiver of any and all demands against this State on account of alleged overpayment hereunder. No grounds of illegality of the payment shall be considered by the court other than those set forth in the protest filed at the time of such payment.

If, in any such action, judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on and properly due from the person making such act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of six per cent per annum upon the amount of payment found to have been illegally collected from the date of such payment to the date of allowance of credit on account of such judgment or to a date preceeding the date of the refund warrant by not more than thirty days, such date to be determined by the Controller.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the commission to prevent and restrain hereunder, unless such action is brought by or in the name of an assignee of the person making such payment, or by any person other than the person who has made such payment.

SEC. 190. Every employer shall make and keep open for examination by the commission, such records of or payment of his employees, as shall be required by the commission, of sums paid to the commission by him pursuant to this act, and of such other employment and pay roll data as the commission may reasonably prescribe. Every employer shall make such reports to the commission concerning such records as the commission may prescribe. The records or reports so furnished to the commission and all other records and reports furnished to the commission shall be deemed to be confidential communications within the meaning of the Code of Civil Procedure, section 1881.

SEC. 191. The commission may compile information of the facts furnished by employers to the commission from records kept with respect to employees for the use and information of State departments and of the public, but such reports shall in no event be in such form as to enable such persons other than those charged with the administration of this act to identify therein any employee or any employer.

SEC. 192. Any patient who is falling or suffering in falling the consequences or course of treatment prescribed by the attending physician shall not be entitled to any further benefits for the particular sickness or injury.

SEC. 193. Nothing in this act shall be construed as preventing any physician or any person other than the holder of a valid and unrevoked "physician and surgeon certificate" or license to practice dentistry in the State of California, to practice medicine or dentistry, or to furnish the services of a physician or dentist.

SEC. 194. The commission shall make available, under reasonable rules and regulations, provision for medical or dental consultation at the request of the attending physician or dentist; and if in its own judgment such professional consultation is essential to the most effective application of the benefits provided by this act, it shall order such consultation as it deems necessary and may require compliance by the attending physician or dentist with the recommendations resulting therefrom.

SEC. 195. No act, rule, or regulation of the commission shall abridge, modify, curtail, derogate, prohibit, or in any way interfere with the right of a beneficiary to make a free choice of physicians, dentists, or hospitals entitled under this act to render services. Such choice may be restricted in the case of beneficiaries of an employer holding a certificate of compliance, but otherwise such selection shall not be restricted by the local area or district in which such beneficiary resides or works, being subject only to the consent of the physician, dentist, or hospital to render the necessary service.

SEC. 196. Such free choice may be subjected to inquiry by the commission if there is reason to believe that the services being rendered by such physician, dentist, or hospital are being improperly or negligently furnished or that such selection was entered into with fraudulent intent on the part of either, or both, the patient and physician, dentist, or hospital.

SEC. 197. Unless the physician, dentist, or hospital is paid directly or indirectly from the funds of a health service insurance association or the health service insurance fund or any other fund into which payments or contributions are made for the purpose of receiving, wholly or partially, directly or indirectly, the benefits enumerated in this act, nothing in this act shall apply to advice, diagnosis, treatment, or other service by a physician or dentist or to the furnishing of its facilities by a hospital.

SEC. 198. Every bond required by this act shall be approved by a judge of the superior court.

SEC. 199. The operations of professional service practitioners or auxiliary service association or health service insurance association are not to be deemed to be or construed as insurance business. No acts, statutes, or code provisions of this State relating to insurance shall be applicable to professional service practitioners, auxiliary service associations or health service insurance associations.

SEC. 200. Every payment, premium, contribution or donation made under the provisions of this act or to carry out the purposes thereof, shall be deductible from the amount of any income tax which may become due by reason of any such tax which is levied in this State.

SEC. 201. It shall be the duty of every member of a partnership, firm, or association and of the president, secretary, and general manager of every corporation to cause such partnership, firm, association, or corporation to comply with all provisions of this act.

SEC. 202. It is a misdemeanor to:

(a) Wilfully make any false statement or representation to obtain any benefit or payment, to obtain payment or compensation for services rendered or materials furnished, or to obtain a reduction in the amount of any contribution, payment or premium.

(b) Wilfully fail to make any payment required to be made by this act.

(c) Refuse to allow the commission, or its authorized representatives, to make any inspection necessary to be made for the proper administration of this act.

(d) Hinder the commission, or its authorized representatives, in the administration of this act.

(e) Violate any provision of this act by action or omission.

SEC. 203. Any person or officer responsible for the violation of this act by any firm, partnership, or corporation is guilty of a misdemeanor.

SEC. 204. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 205. All acts and portions of acts in conflict with this act are hereby repealed.

SEC. 206. If in any proceeding or action arising under this act the intent of the Legislature relevant thereto is not fairly and clearly to be inferred from the text of the act, reference shall be made to those portions of the report of the Senate Interim Committee on the high cost of sickness under the captions "Basis" of legislation on health insurance and "Declaration of Public Policy" with respect to legislation on health insurance. The said portions of said report are hereby adopted, subject to the conditions expressed in this section, as declaratory of the intent of the Legislature in enacting this act.

SEC. 207. Nothing in this act shall be construed as affecting any workmen's compensation or employers' liability act of this State."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 4, 6, 7, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit-forming, narcotic and other dangerous drugs and substances.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 229 were read and adopted:

Amendment No. 1.

On page 3, line 42, of the printed bill, as amended, after "other", insert the following: "habitual".

Amendment No. 2.

On page 10, line 28, of the printed bill, as amended, after "the", insert the following: "moral".

Amendment No. 3.

On page 10, line 29, of the printed bill, as amended, strike out "offender", and insert in lieu thereof the following: "purchaser".

Amendment No. 4.

On page 10, lines 38 and 39, of the printed bill, as amended, strike out "in the manner provided for sales of property under execution and sale" and insert in lieu thereof the following: "at public auction by the State Department of Finance, upon publishing notice of such sale at auction in one copy of a newspaper published and circulated in the city, county, or locality where the sale is to take place, or if there is no such newspaper, in the newspaper nearest thereto." The

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 207—An act to amend section 4239 of the Political Code, relating to the compensation of county and township officers in counties of the tenth class.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 207 were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, strike out "section 4239", and insert in lieu thereof the following: "sections 4239, 4239a, 4239b and 4239c, and to repeal sections 4239d, 4239e, 4239f, 4239g, 4239h, 4239i, 4239j, 4239k, 4239l, 4239m, 4239n, 4239o, 4239p, 4239q, 4239r, 4239s, 4239t, 4239u and 4239v."

Amendment No. 2.

On page 1, line 3, of the printed bill, after "4239", insert the following: "(1) In counties of the tenth class, the salaries, fees, mileage and commissions provided shall be in full for all official services performed. No county officer mentioned in this article shall receive from the county any salary, compensation, fees, commission or mileage except as in this article provided. All compensation, commissions, fees, and mileage now or hereafter provided by law to be paid to any county officer mentioned in this article for such official services, except as in this article otherwise provided, shall be paid from the county treasury to the credit of the general fund, unless some other fund is especially designated by law. All compensation, fees, commissions and mileage except as in this article otherwise provided, received by any county officer mentioned in this article, either as such officer or as the agent of the State of California, or of any county thereof, or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is especially designated by law. Until such county officer mentioned in this article shall pay into the county treasury all such compensation, commissions, fees and mileage as is required to be so paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

(2) All the deputies, assistants, employees, emergency help and clerks mentioned in this article shall perform, in addition to the duties herein enumerated, such other duties as their respective principals shall require, and they shall be paid out of the salary fund at the same time and in the same manner as the principals are paid.

(3) The bonds of the auditor, and district attorney, shall be executed with a reliable bond and surety company and the cost of said bond, when duly approved, shall be a charge against the county, and payable out of the general fund.

SEC. 2. Sections 4239a, 4239b and 4239c of the Political Code are hereby repealed.

SEC. 3. Section 4239d of the Political Code is hereby amended to read as follows:

4239d. In counties of the tenth class, the auditor shall receive a salary of three thousand two hundred four dollars (\$3,204) per annum, and is allowed the following deputies and assistants at the salaries indicated:

One chief deputy, two thousand forty dollars (\$2,040) per annum;

One second deputy, two thousand forty dollars (\$2,040) per annum;

One chief accountant, two thousand forty dollars (\$2,040) per annum;

One third deputy, one thousand eight hundred dollars (\$1,800) per annum;

One deputy to be known as redemption clerk, one thousand eight hundred dollars (\$1,800) per annum;

One stenographer, one thousand three hundred fifty dollars (\$1,350) per annum;

Necessary assistants for the purpose of extending taxes and in cases of emergency, not to exceed the sum of four dollars (\$4) per diem each.

The aggregate compensation of said necessary assistants shall not exceed the sum of three thousand dollars (\$3,000) in any one calendar year.

The auditor shall also be allowed the necessary expenses other than attorney's fees incurred in the defense and prosecution of any action brought by or against said officer, for the purpose of testing the validity or constitutionality of any act of the Legislature providing for the payment of county funds or funds held in trust by the county.

SEC. 4. Sections 4239e, 4239f and 4239g of the Political Code are hereby repealed.

SEC. 5. Section 4239h of the Political Code is hereby amended to read as follows:

4239h. In counties of the tenth class the district attorney shall receive a salary of four thousand five hundred dollars (\$4,500) per annum, and shall be allowed, in addition to the salary herein fixed, his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, all of which said charges and expenses incurred by him shall be a legal charge against the county. The district attorney shall not personally engage in private practice during office hours, but this shall not be construed to preclude him from nominal appearances in uncontested civil matters.

The district attorney shall be allowed the following deputies, assistants and employees at the salaries indicated:

One first assistant, two thousand seven hundred sixty dollars (\$2,760) per annum;

One second assistant, two thousand four hundred dollars (\$2,400) per annum;

One third assistant, two thousand two hundred eighty dollars (\$2,280) per annum;

One fourth assistant, two thousand two hundred eighty dollars (\$2,280) per annum;

One shorthand reporter, two thousand two hundred eighty (\$2,280) per annum;

One county detective, who has all the powers of and is a peace officer, and has power of deputization, and who shall perform such duties as may be required of him by the district attorney, one thousand eight hundred dollars (\$1,800) per annum;

One complaint clerk, one thousand eight hundred dollars (\$1,800) per annum;

One secretary, one thousand three hundred fifty dollars (\$1,350) per annum;

Two stenographers, one thousand two hundred dollars (\$1,200) per annum each.

SEC. 6. Sections 4239i, 4239j and 4239k of the Political Code are hereby repealed.

SEC. 7. Section 4239l of the Political Code is hereby amended to read as follows:

4239l. In counties of the tenth class each member of the board of supervisors shall receive a salary of one thousand eight hundred dollars (\$1,800) per annum. Each member shall also receive his necessary expenses when attending to the business of the county other than the meetings of the board, and seven cents per mile each way in traveling to and from his residence to the county seat, but not more than one mileage shall be allowed in any one calendar day for attendance at any regular adjourned or special meeting of the board.

SEC. 8. Sections 4239m, 4239n, 4239o, 4239p, 4239q, 4239r, 4239s, 4239t and 4239w of the Political Code are hereby repealed."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 127—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the State and providing penalties for violation of the provisions hereof," approved May 31, 1921.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 127 were read and adopted:

Amendment No. 1.

On page 2, line 3, of the printed bill, following the word "in", insert the word "wilful".

Amendment No. 2.

On page 2 of the printed bill, strike out lines 37, 38, 39 and 40.

Amendment No. 3.

On page 2, line 41, of the printed bill, within parentheses, strike out the letter "k", and insert in lieu thereof the letter "l".

Amendment No. 4.

On page 3, lines 3 and 4, of the printed bill, strike out the words "or owning or representing a majority of the interests therein".

Amendment No. 5.

On page 3 of the printed bill, strike out lines 31 to 51, inclusive, and on page 4, strike out all of lines 1 to 14, inclusive.

Amendment No. 6.

On page 5, line 37, of the printed bill, strike out the word "shat", and insert in lieu thereof the word "may".

Amendment No. 7.

On page 4, line 15, of the printed bill, strike out the figure "8", and insert in lieu thereof the figure "7".

Amendment No. 8.

On page 4, line 25, of the printed bill, strike out the figure "9", and insert in lieu thereof the figure "8".

Amendment No. 9.

On page 4, line 44, of the printed bill, strike out the figure "10", and insert in lieu thereof the figure "9"; also in line 47, strike out the figure "11", and insert in lieu thereof the figure "10".

Amendment No. 10.

On page 5, line 3, of the printed bill, strike out the figure "12" and insert in lieu thereof the figure "11"; also in line 24, strike out the figure "13", and insert in lieu thereof the figure "12"; also in line 29, strike out the figure "14", and insert in lieu thereof the figure "13"; also in line 32, strike out the figure "15", and insert in lieu thereof the figure "14"; also in line 37, strike out the figure "16", and insert in lieu thereof the figure "15"; also in line 40, strike out the figure "17", and insert in lieu thereof the figure "16"; also in line 45, strike out the figure "18", and insert in lieu thereof the figure "17"; also in line 54, strike out the figure "19", and insert in lieu thereof the figure "18".

Amendment No. 11.

On page 6, line 3, of the printed bill, strike out the figure "20", and insert in lieu thereof the figure "19"; also in line 7, strike out the figure "21", and insert the figure "20"; also in line 22, strike out the figure "22", and insert the figure "21"; also in line 29, strike out the figure "23", and insert in lieu thereof the figure "22"; also in line 35, strike out the figure "24", and insert in lieu thereof the figure "23".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 793—An act to amend section 1094 of the Political Code, relating to elections.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 160—An act to amend sections 1103, 1105, and 1113 of the Political Code, relating to the registration of electors.

Bill read second time, ordered to engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 1721—An act to amend sections 859 and 860 of the Penal Code, relating to the examination of a case before a

magistrate, and to add section 859a of the Penal Code, relating to a plea of guilty to the complaint before a magistrate.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Assembly Bill No. 1721 was read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out "such court", and insert in lieu thereof the following: "the court in which such complaint is on file".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 305—An act to amend section 1357 of the Political Code, relating to absentee voters.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Assembly Bill No. 305 were read and adopted:

Amendment No. 1.

On page 1, lines 4 and 5, of the printed bill, strike out the following: "by reason of physical disability".

Amendment No. 2.

On page 1, line 9, of the printed bill, after "held", insert the following: "by reason of physical disability or for any other reason, found by the officer herein mentioned to exist, and in the judgment of such officer to constitute good cause for delivering to such voter a ballot of his election precinct,".

Amendment No. 3.

On page 1, line 26, of the printed bill, after "appear", insert the following: "that".

Amendment No. 4.

On page 2, line 39, of the printed bill, strike out "mention", and insert in lieu thereof the following: "mentioned".

Bill read second time, ordered to reprint, and re-referred to Committee on Elections.

Assembly Bill No. 45—An act limiting the hours of labor of persons employed as personal or domestic servants and providing penalties for the violation of the provisions of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Assembly Bill No. 45 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "servants", and insert in lieu thereof the following: "workers".

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out "female".

Amendment No. 3.

On page 1, line 2, of the printed bill, as amended, strike out "servant", and insert in lieu thereof the following: "worker".

Amendment No. 4.

On page 1 of the printed bill, as amended, strike out lines 3 to 5, inclusive, and insert in lieu thereof the following: "California more than forty-eight hours during one calendar week, if the worker lives off the premises of the employer. If the worker lives on the".

Amendment No. 5.

On page 1, line 6, of the printed bill, as amended, strike out "she", and insert in lieu thereof the following: "such worker".

Amendment No. 6.

On page 1 of the printed bill, as amended, strike out line 10, and insert in lieu thereof the following: "person to work as a personal or domestic worker more."

Amendment No. 7.

On page 1, line 14, of the printed bill, as amended, strike out "servant", and insert in lieu thereof the following: "worker".

Amendment No. 8.

On page 1, line 19, of the printed bill, as amended, strike out the period and insert in lieu thereof a comma and the following: "or employed as a graduate, undergraduate, or practical nurse solely in care of the sick."

Bill read second time, ordered to reprint, and re-referred to Committee on Labor and Capital.

Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senator Parkman:

SENATE CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add new sections to the School Code to be numbered 6.205 and 6.225, relating to the sale or leasing of school property.

Respectfully submitted.

SENATOR PARKMAN.

Request referred to Committee on Rules.

Also:

By Senator Mixter:

SENATE CHAMBER, SACRAMENTO, April 15, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 25, 27, 28, 29, 30, 31, 33, 34, 35, 36, 36a, 36b, 36c, 36d, 36e, and 36f, to repeal sections 26 and 32, and to add new sections to be numbered 26, 32, 36h, and 36i, to the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights.

Respectfully submitted.

SENATOR MIXTER.

Request referred to Committee on Rules.

Introduction, First Reading and Reference of Bills.

By Senator Slater: Senate Concurrent Resolution No. 27—Relative to reports of the Department Encampment of the Grand Army of the Republic.

Consideration of Senate Concurrent Resolution No. 27.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 27, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 27.

Relative to reports of the Department Encampment of the Grand Army of the Republic.

Resolved, by the Senate of the State of California, the Assembly concurring. That there shall be printed as a public document five hundred copies of the ----- sessions of the Department Encampment of the Grand Army of the Republic for the years 1935-6, together with illustrations, copies of general orders of the department and of the official rolls, two hundred and fifty copies for the use of the Assembly and two hundred and fifty copies for the use of the Senate, payable from legislative printing appropriation.

Resolution read and considered engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 27 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Slater, Snyder, Swing, Wagy, Williams, and Young—29.

NOES—None.

Senate Concurrent Resolution No. 27 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills.

By Senators Crittenden, Biggar, Difani, Fletcher, Garrison, Gordon, Hays, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixter, Perry, Powers, Schottky, Scollan, Seawell, Sharkey, Swing, Tickle, Wagy, and Williams: Senate Joint Resolution No. 14—Relative to memorializing and petitioning the President and the Congress of the United States to include the Central Valley Project in the National program of work-relief.

Consideration of Senate Joint Resolution No. 14.

Senator Crittenden asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 14, without reference to committee for purpose of adoption.

Senate Joint Resolution No. 14.

Relative to memorializing and petitioning the President and the Congress of the United States to include the Central Valley Project in the National Program of Work Relief.

WHEREAS, California has one of the gravest unemployment problems in the United States, due to the fact that the State has become the haven of unemployed from every section of the country; and

WHEREAS, One of the most constructive methods of coping with the unemployment problem is the building of useful and necessary public works which will confer permanent and lasting benefits as well as afford immediate work relief; and

WHEREAS, California is in urgent need of the development, conservation and stabilization of its water resources to prevent the abandonment of thousands of farms and homes, and to avert tremendous financial losses; and

WHEREAS, The State of California has prepared a comprehensive coordinated plan for the progressive economic development of the water resources of the State, carefully formulated over a period of fourteen years, which provides for the control of floods and salinity encroachment, the improvement of navigation, the conservation and stabilization of water supplies for municipal, irrigation, industrial and mining uses, and for the generation of electric power; and

WHEREAS, The Legislature of the State of California in 1933 passed the Central Valley Project Act which was signed by the Governor and was thereafter approved by vote of the people of the State at a special election held on December 19, 1933; and

WHEREAS, The said Central Valley Project Act created the Water Project Authority of the State of California, to execute and administer the Central Valley Project, which project is designated as the first step in the comprehensive plan for the Great Central Valley of California; and

WHEREAS, Said Central Valley Project has been investigated and approved by thirteen agencies of the Federal Government and has been recommended for Federal financing; and

WHEREAS, Said project has further been recommended by the President's Committee on Water Flow and by the National Resources Board as one of the country's foremost projects for a National Program of Public Works; and

WHEREAS, There is now pending before the Federal Emergency Administration of Public Works an application by the Water Project Authority for a grant and loan of funds to construct said project; and

WHEREAS, The House of Representatives has passed H. R. 6732, authorizing the improvement of the Sacramento River in accordance with the plan as set forth in House of Representatives' Document numbered 35, Seventy-third Congress, which recommends a Federal contribution of \$12,000,000 to the cost of the Kennett Dam of the Central Valley Project; and

WHEREAS, The said project will be self-liquidating under Public Works Administration financing, and the cost thereof will be returned with interest to the Federal Government from revenues obtained by the sale of water and power; and

WHEREAS, Said project is ready for immediate construction when funds are made available for such purpose; and

WHEREAS, The consummation of the said project will enable 50,000 American people to sustain themselves by their present means of livelihood and will prevent their being thrown into the ranks of the unemployed, and further will stop the reversion to desert of one-half million acres of highly developed and settled lands valued at \$100,000,000; and

WHEREAS, A greater degree of flood protection in the Sacramento Valley is highly desirable as evidenced by the recent floods on the Sacramento River and its tributaries; and

WHEREAS, The construction of said project will give employment to thousands of workers, now unemployed, not only in California but throughout the Nation, thereby relieving unemployment in many branches of industry, particularly in the heavy manufacturing industries in the East and Middle West; and

WHEREAS, Congress has appropriated \$4,880,000,000 for work relief, with the approval of the President of the United States a large portion of which is intended for projects of the nature of the Central Valley Project; and

WHEREAS, The public interest, welfare, convenience and necessity require immediate provision for adequate financing of said Central Valley Project; now therefore be it

Resolved by the Senate and the Assembly of the State of California, jointly. That the State of California, through its Legislature, recommends the Central Valley Project to the President and to the Congress of the United States as of great and prime importance to the State of California, and respectfully requests that adequate funds be made available from the work relief appropriations for immediate construction of the project, thereby conferring lasting benefits upon the people of the State of California and affording substantial unemployment relief now vitally necessary, all in a manner conforming admirably with the splendid program initiated by the President of the United States to speed National recovery; and be it further

Resolved. That the Governor is requested to transmit copies of this resolution to the President and to the Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representatives of the State of California in the Congress.

Resolution read and considered engrossed.

The question being on the adoption of the resolution

The roll was called, and Senate Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—35.

NOES—None.

Senate Joint Resolution No. 14 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bills Nos. 1054, 961, and 128, heretofore set as a special order for two o'clock and thirty minutes p.m., the same were taken up for consideration.

Senate Bill No. 961—An act to amend sections 5, 7, 23 and 24 of the Direct Primary Law, approved June 16, 1913, relating to the filing of candidacy for partisan offices and the powers of county central committees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 961 refused passage by the following vote:

AYES—Senators Duval, Edwards, Fletcher, Hays, Knowland, McGuinness, Olson, Pierovich, Reindollar, Schottky, Scollan, Wagy, and Young—13.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Garrison, Gordon, Hulse, Jespersen, King, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Perry, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Swing, and Tickle—24.

Senate Bill No. 1054—An act to amend sections 1, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to nonpartisan offices.

Amendments From the Floor.

During third reading of Senate Bill No. 1054, the following amendments, offered by Senator Powers, were read and adopted:

Amendment No. 1.

On page 2, line 23, of the printed bill, insert after "nonpartisan offices," the following: "State officers."

Amendment No. 2.

On page 3, line 43, of the printed bill, strike out "nomna", and insert in lieu thereof the following: "nomina".

Amendment No. 3.

On page 7, between lines 5 and 6, of the printed bill, insert the following:

"The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for party and nonpartisan tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the list of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general State election, the order of precedence shall be as follows, that is to say: In the column to the left, under the heading State shall be printed all the names of candidates for offices in the order of Governor and Lieutenant Governor. Next, under the heading Legislative shall be printed the groups of names for State Senator, if any, for member of Assembly, and for election to the State convention from a "holdover senatorial district" if any. In the second column, under the heading Congressional shall be printed the groups of names for United States Senator in Congress, if any, and for Representative in Congress. Finally, under the heading County Committee shall be printed the names of the candidates for election to membership in the county central committee of the party. In the case of primary elections where State officers are not to be nominated, at the left of the solid black dividing line there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to State, judicial, school, county, and township officers in the following order: Under the heading Judicial shall be printed all the names of candidates for judicial offices, in the order of Chief Justice Supreme Court, Associate Justice Supreme Court, Judge of the District Court of Appeal, judge of the superior court, and justice of the peace. Next, under the heading School shall be printed all the names of candidates for school offices in the order of State Superintendent of Instruction, county superintendent of schools, and school officers, if any. Next, under the heading State shall be printed all the names of candidates for State offices in the order of Secretary of State, Treasurer, Controller, Attorney General, and Members of State Board of Equalization. Next, under the heading County and Township shall be printed groups of candidates for all county and township offices except judicial or school offices."

Amendment No. 4.

In the column to the left of the Official Primary Election Ballot, Republican Party, attached to the printed bill, strike out School, and the rest of printed matter in the column.

Amendment No. 5.

In the third column from left of Official Primary Election Ballot, Republican Party, attached to the printed bill, beginning with and including the word "School", delete the balance of the column and insert the deleted material before "COUNTY AND TOWNSHIP".

Amendment No. 6.

In the column to the left of Official Election Ballot, Nonpartisan Ballot, attached to the printed bill, before the word State, insert the matter under and including the heading SCHOOL, down to COUNTY AND TOWNSHIP, as it appears on the Official Primary Election Ballot.

Amendment No. 7.

On page 14, lines 25 and 26, of the printed bill, strike out "of number of votes, and equal in number to the number".

Further Amendments from the Floor.

During third reading of Senate Bill No. 1054, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 2, line 23, of the printed bill, immediately before "and", insert the following: "the office of Lieutenant Governor, State Senator, members of the Assembly."

Amendment No. 2.

On page 4, line 44, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly, and"

Amendment No. 3.

On page 5, line 10, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly and"

Amendment No. 4.

On page 5, line 16, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly, and".

Amendment No. 5.

On page 6, line 24, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly, and".

Amendment No. 6.

On page 8, line 9, of the printed bill, after "to", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly and"

Amendment No. 7.

On the sample party ballot, facing page 10, of the printed bill, in the first left-hand column under "State", strike out "and matter relating to the office of Lieutenant Governor", and insert all said struck out matter between "State" and the line above Secretary of State in the second column from the right on said ballot.

Amendment No. 8.

On the sample nonpartisan ballot, facing page 10, of the printed bill, in the left-hand column between "State", and the line above Secretary of State, insert the matter struck out of the first left hand column of the official sample party ballot.

Amendment No. 9.

On page 12, line 22, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly, and".

Amendment No. 10.

On page 12, line 42, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly and".

Amendment No. 11.

On page 13, line 20, of the printed bill, after "or", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly or".

Amendment No. 12.

On page 13, line 37, of the printed bill, after "then", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly or".

Amendment No. 13.

On page 13, line 46, of the printed bill, after "of", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly or of".

Amendment No. 14.

On page 16 of the printed bill, strike out line 20.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 128—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of an act entitled the "Direct Primary Law," relating to nonpartisan offices.

Amendments from the Floor.

During third reading of Senate Bill No. 128, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1, line 25, of the printed bill, strike out "offices", and insert in lieu thereof the following: "officers".

Amendment No. 2.

On page 23 of the printed bill, strike out lines 45 and 46.

Further Amendments from the Floor.

During third reading of Senate Bill No. 128, the following amendments, offered by Senator Sharkey, were read:

Amendment No. 1.

On page 2, line 25, of the printed bill, after "include", insert the following: "the office of the Lieutenant Governor."

Amendment No. 2.

On page 4 of the printed bill, strike out line 47, and insert in lieu thereof the following: "said nonpartisan".

Amendment No. 3.

On page 5, lines 12 and 13, of the printed bill, strike out "State legislative, judicial, school, county, and township", and insert in lieu thereof the following: "nonpartisan".

Amendment No. 4.

On page 5, lines 19 and 20, of the printed bill, strike out "State legislative, judicial, school, county, and township", and insert in lieu thereof the following: "nonpartisan".

Amendment No. 5.

On page 6, lines 28 and 29, of the printed bill, strike out "State legislative, judicial, school, county, or township", and insert in lieu thereof the following: "nonpartisan".

Amendment No. 6.

On page 7, line 19, of the printed bill, after "except", insert the following: "the Lieutenant Governorship".

Amendment No. 7.

On page 7, line 36, of the printed bill, after "Under", insert the following: "the heading State shall be printed the groups of names of candidates for Lieutenant Governor. Next under".

Amendment No. 8.

On page 8 of the printed bill, strike out line 16, and "township", in line 17, and insert in lieu thereof the following: "nonpartisan".

Amendment No. 9.

In column 1 of the sample party ballot, strike out the heading "LIEUTENANT GOVERNOR", and the items under it down to the heading "SECRETARY OF STATE", and at the head of column 3 immediately above "JUDICIAL", insert the matter deleted from column 1 under a new heading in capitals "STATE".

Amendment No. 10.

In column 1 of the nonpartisan ballot, at the top of the column under a new heading "STATE", insert a heading "LIEUTENANT GOVERNOR", and copy the items under "Lieutenant Governor", on the party ballot.

Amendment No. 11.

On page 12, line 22, of the printed bill, after "candidates for", insert the following: "Lieutenant Governor".

Amendment No. 12.

On page 12, line 42, of the printed bill, after "candidate for", insert the following: "Lieutenant Governor and for".

Amendment No. 13.

On page 13, lines 29 and 30, of the printed bill, strike out "State legislative, judicial, school, county, township, or municipal", and insert in lieu thereof the following: "nonpartisan".

Amendment No. 14.

On page 13, line 37, of the printed bill, strike out "a", and insert in lieu thereof the following: "the lieutenant governorship".

Amendment No. 15.

On page 13, lines 46 and 47, of the printed bill, strike out "State legislative, judicial, school, county, township, or municipal", and insert in lieu thereof the following: "nonpartisan".

Amendment No. 16.

On page 16 of the printed bill, strike out line 18.

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Young and Schottky on the adoption of the amendments.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Robt. Schottky, Seawell, Senwell, Sharkey, Slater, Snyder, Stow, Swang, Tinkle, Wagy, Williams, and Young—36.

The Secretary announced the absentees:

Time, three o'clock and fifty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Consideration of Daily File.****Third Reading of Senate Bills.**

Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 422 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Robt. Schottky, Seawell, Senwell, Slater, Snyder, Swang, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 422 ordered transmitted to the Assembly.

Senate Bill No. 1014—An act to add section 1412.5 to the Fish and Game Code, relating to the cost of keeping persons imprisoned for violating any provision of said code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1014 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, King, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Seawell, Sharkey, Slater, Snyder, Swang, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 1014 ordered transmitted to the Assembly.

Senate Bill No. 149—An act to amend section 1250 of the Fish and Game Code, relating to fully protected mammals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 149 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Schottky, Scollan, Snyder, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 149 ordered transmitted to the Assembly.

Senate Bill No. 161—An act to amend sections 421 and 811 of the Fish and Game Code, relating to cockle clams.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 161 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 161 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Garrison.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and amendments to Senate Bill No. 128 finally adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Garrison, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Parkman, Pierovich, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Williams—28.

NOES—Senators Denel, Edwards, Gordon, Jespersen, King, Metzger, Olson, Perry, Powers, Schottky, Wagy, and Young—12.

Notice of Motion to Reconsider.

Senator Garrison gave notice that on the next legislative day he would move to reconsider the vote by which amendments from the floor by Senator Sharkey to Senate Bill No. 128 were adopted.

Further Amendment From the Floor.

During third reading of Senate Bill No. 128, the following amendment, offered by Senator Olson, was read and refused adoption:

Amendment No. 1.

After the word "include", insert the words "the office of Governor".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Recess.

At four o'clock and fifteen minutes p.m., the President of the Senate declared a recess of five minutes to permit the introduction of the Honorable John C. Porter to the Senate.

Presentation of the Honorable John C. Porter.

The President of the Senate thereupon presented the Honorable John C. Porter, former Mayor of Los Angeles, to the Senate.

Following the presentation, Mayor Porter addressed the Senate briefly, expressing appreciation for the opportunity of visiting the Senate, and for the privilege of the floor extended at the request of the Honorable George J. Hatfield.

Reconvened.

At four o'clock and twenty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 758—An act to amend an "Act granting certain tide lands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," (Chap. 912 Stats. 1933), to add a new section to be numbered section 4 permitting the temporary use of said lands for exposition purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 758 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Dray, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, King, Knowland, McCormack, McGinness, Metzger, Mixter, Olson, Piorovich, Reindollar, Rich, Schottky, Sharkey, Slater, Snyder, Swing, Tickle, Williams, and Young—39.

NOES—None.

Title read and approved.

Senate Bill No. 758 ordered transmitted to the Assembly.

Senate Bill No. 895—An act to add Chapter 10a, comprising sections 11400 to 11407, to Part 2 of Division 2 of the Insurance Code, relating to life, disability, and life and disability insurance by, and the organization of, firemen's, policemen's or peace officers' benefit and relief associations.

Amendment from the Floor.

During third reading of Senate Bill No. 895, the following amendment, offered by Senator Difani, was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, between lines 18 and 19, insert the following:

"(d) Persons who at the time of becoming members of such association were qualified pursuant to subdivisions (a), (b) or (c) of this section."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 1743—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending section 28a of said act, as amended, and by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: Section 28½, relating to disposal of tax-deeded and tax-delinquent lands; section 65, relating to proceedings in bankruptcy; section 66, relating to contracts with the United States or any agency thereof under an act approved May 5, 1917, as amended, and validating such contracts; section 67, validating bonds of the district; section 68, validating rehabilitation plans; and section 69, incorporating in the district lands which were formerly public lands; and declaring the legislative intent as to unconstitutionality.

Amendment from the Floor.

During third reading of Assembly Bill No. 1743, the following amendment, offered by Senator Difani, was read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, after "amended," insert the following: "relating to redemptions and losses of property."

Bill read, ordered to reprint, and on file for third reading.

Notice of Motion to Amend Standing Rules.

Senator Garrison gave notice that on the next legislative day he would move to amend the Standing Rules of the Senate by adding a new rule to be numbered 51a as follows:

"51a. It shall require 21 affirmative votes to confirm and consent to an appointment by the Governor, and it shall require 21 votes to reconsider such confirmation and consent."

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, April 15, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 404—An act to add a new section to the Political Code, to be numbered 388½, relating to entry of changes and corrections on assessment book and delinquent list:

Also, Assembly Bill No. 484—An act requiring the treasurer of any municipality, county, or city and county to transmit as reports of the taxes and assessments of holders of real property to the assessment district board as provided by the legislative body of said municipality, county, or city and county:

Also, Assembly Bill No. 698—An act to amend section 11 of the Motor Vehicle Tax Act, to require that motor vehicle's license be given for the payment of refunds:

Also, Assembly Bill No. 1548—An act to permit the holders of certificates of purchase of State lands one-half of any penalty which has accrued on account of failure of any such purchaser to pay interest when due, in consideration of the payment by any such purchaser, on or before December 31, 1935, to the State of California, of any sums due the State on account of interest, plus the remaining one-half of any accrued penalties:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee Membership—10. Committee Vote, April 7: Aye—6.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes—has had the same under

consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—15; committee vote: Ayes—8.

DUVAL, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 105—An act to add section 1063 to the Agricultural Code, relating to a tax upon commercial feeding stuffs—has had the same under consideration, and respectfully reports the same back with amendments and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—15; committee vote: Ayes—8.

(Signed out)

CRITTENDEN, Chairman.
McCORMACK
PERRY
SCOTLAND
SLATER
TICKLE
WAGY
YOUNG.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 746—An act to amend sections 658 and 660 of the Civil Code, relating to property in general; defining real property and fixtures thereon, and providing that for the purposes of mortgages, crops, fruits, harvest, emblements, and things attached to or forming a part of land which may be severed therefrom under the terms of a mortgage, shall be deemed personal property;

Also: Senate Bill No. 751—An act to amend section 4200c of the Probate Code, relating to the fees of county recorders;

Also: Senate Bill No. 753—An act to amend section 2440 of the Civil Code, relating to transfers presumed fraudulent, transfers of wines, bulk sales, public auctions and transfers under orders of court;

Also: Senate Bill No. 757—An act to amend section 803 of the Probate Code, relating to the execution of instruments by executors and administrators;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 741—An act to amend sections 2955, 2956, 2957, 2958, 2960, 2962, 2963, 2965 and 2966; and to repeal sections 2959, 2961 and 2964 of the Civil Code; and to add to said code new sections numbered 2959a, 2974, 2975, 2976, 2977, 2978, 2979, 2979a and 2979b, relating to mortgages of personal property, and including provisions for the filing thereof, the continuity of the liens thereof, the securing of additional advances and obligations thereunder, mortgaging of natural increase of live stock and other animate chattels, and of after acquired and consumable property, and providing for the interpretation of laws relating to recording, the record, producing, exhibiting, presenting, executing, acknowledging, proving and certifying thereof and affidavits relating thereto;

Also: Senate Bill No. 742—An act to amend sections 2922, 2933, 2934, 2935, 2938, 2939, 2939a, 2940 and 2941 of the Civil Code, relating to mortgages in general and providing for the filing of mortgages of personal property and crops, and related instruments; eliminating requirements that mortgages of personal property and crops, and related instruments, including powers of attorney to execute the same, be acknowledged and executed with the formalities required in the case of a grant of real property; and prescribing the duty of the mortgagee on satisfaction of such a filed mortgage;

Also: Senate Bill No. 743—An act to amend section 2980 of the Civil Code, and to provide for the filing of conditional sales contracts and leases of live stock, animate chattels, mining equipment and machinery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith;

Also: Senate Bill No. 744—An act to amend sections 1164, 1165, 1169, 1170, 1171 and 1172 of the Civil Code, relating to the recording and filing of transfers and mortgages of, and agreements relating to real and personal property;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1066—An act to amend section 1238 of the Civil Code, relating to homesteads;

Also: Assembly Bill No. 2179—An act to amend sections 2482 and 2484 of the Civil Code, relating to limited partnerships;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 532—An act to amend sections 578, 587, 860, 1201, 1240, 1501, 1515, 1540 and 1630 of the Probate Code and to add new sections thereto to be numbered 588 and 1516, relating to estates of decedents and estates of persons under guardianship—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Adjournment.

On motion of Senator Rich, at four o'clock and twenty-five minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Tuesday, April 16, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, April 16, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—40.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, April 15, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louise

Ganod, Vina Ganod and Dick Ganod, pupils of the Los Gatos High School.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Harry L. Olmstead, Secretary, Chula Vista Chamber of Commerce.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Shirley Rae Maccari of Miss Hamlin's School, San Francisco, and the following members of the Corning High School coryas class: Ivan Koppman, Donald Cass, James Perryman, Deedee Coad, Charles Flanagan, Justin Smith, Roger Kees, Ruth Young, Homer Crooks, Anna Jackson, Enoch Crumpton, June Koush, Arabelle Innes, Mildred Doland, Noble Coryell and Daryl Elliott.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George Shaw of Hollywood.

On request of Senator McCall, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Bart Cavanaugh, Miss Lillian Thomas and Miss Evelyn Thomas, all of Sacramento.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Linden Union High School, Linden, Raymond Miller, Trustee; Mrs. J. H. Burton, Miss Margaret Miller and L. M. Drury, trustees, and the following students: Allan Fairbanks, Earl Waldi, Lisa Martin, Ruth Miller, June Bartlem, Eleanor Pandrango, Amelia Passo, Eida Filippine, Jean Doscher, Jacklyn Burton and Barbara Hawkins.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Albert C. Worden of Healdsburg.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Madelaine Chargin of San Jose.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of the high eighth grade, Stanford Junior High School, Sacramento: Charlotte Evans, Doris Hansen, Eleanor Wear, Phyllis Meacham, Grace Jenkins, Lloyd Faulkner, Charles Hull, Marjorie Harris, Stanton Jameson, Roger Barr, Genevieve Lish and Earl Martin.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Grace Richardson Butterfield, former Grand Matron of the Order of the Eastern Star of California, of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruby G. Huntington, Mrs. Bess D. Robinson and Mrs. Anna Webb of Modesto, and Mr. J. R. Mason of San Francisco.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2383—An act to prohibit and declare void

certain contracts, conditions, agreements and understandings in connection with the sale or contract to sell motor vehicles by manufacturers or wholesale distributors thereof, and prohibiting the giving or payment of any thing or service of value by any manufacturer or wholesale distributor of motor vehicles to any one engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles, and the acceptance or receipt thereof by any such person when competition in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles may be lessened or eliminated, or a monopoly created or tended to be created, and prohibiting from doing business in this State any one engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles who so accepts or receives any thing or service of value from any manufacturer or wholesale distributor of motor vehicles, and prescribing penalties, forfeitures, and recoveries for the violation thereof;

Also: Assembly Bill No. 1650—An act to amend sections 480, 481, 482, 483, 503, 505, 736, 737, 738 and 743 of the Vehicle Code, to repeal sections 502 and 739 of said code and to add sections 500, 501, 502, 506, 739, 743.5 and 743.6 to said code, relating to accidents involving motor vehicles, the duty of drivers of such vehicles to stop, render aid and give certain information, defining the crime of negligent homicide and prescribing penalties therefor, also relating to persons driving motor vehicles while under the influence of liquor or narcotic drugs, to the stealing or unlawful taking of motor vehicles, and the reckless driving of such vehicles, to the taking of persons arrested before magistrates, and the duties of arresting officers in connection with said persons, to the procedure to be followed where the person arrested is either taken before a magistrate or is given a notice to appear in court, to changes of venue in prosecutions for violations of said code, and to the procedure to be followed upon the arrest of all persons violating said code;

Also: Assembly Bill No. 1784—An act to add section 675.5 to the Vehicle Code, relating to glass.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2383 read first time, and referred to Committee on Corporations and Financial Institutions.

Assembly Bills Nos. 1650 and 1784 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 189—An act to add a new section to the School Code to be numbered 4.191, relating to the insuring under the Workmen's Compensation Laws of this State, of persons employed by county superintendents of schools to supervise or to give instruction in the public schools;

Also: Assembly Bill No. 238—An act to add section 791.6 to the Fish and Game Code, relating to crabs;

Also: Assembly Bill No. 366—An act to amend section 4041.11 of the Political Code, relating to powers and duties of boards of supervisors;

Also: Assembly Bill No. 523—An act to add Article XI to Chapter I of Part I of Division II of the School Code, relating to district elections;

Also: Assembly Bill No. 766—An act to add Chapter 9, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 189 read first time, and referred to Committee on Education.

Assembly Bill No. 238 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 366 read first time, and referred to Committee on County Government.

Assembly Bill No. 523 read first time, and referred to Committee on Education.

Assembly Bill No. 766 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 212—An act to establish an Insurance Code, thereby consolidating and revising the law relating to insurance principles, practices and business and matters incidental thereto, and to repeal certain acts and parts of acts specified herein.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk

Senate Bill No. 212 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendment to Senate Concurrent Resolution No. 10—Resolved, by the Senate of the State of California, the Assembly concurring, That the following be, and the same are hereby adopted as the Joint Rules of the Senate and Assembly of the State of California for the fifty-first session of the Legislature, and appointed Assemblymen Lyle, Wallace and Jones, as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk

Appointment of Committee on Free Conference.

The President of the Senate announced the appointment of Senators Rich, Knowland and Tinkle, as a Committee on Free Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Concurrent Resolution No. 10.

Referred to Committee.

The notice to amend the Standing Rules of the Senate, given by Senator Garrison on April 15, 1935, was referred to Committee on Rules on request of Senator Garrison.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 160—An act to amend sections 1103, 1105, and 1113 of the Political Code, relating to the registration of electors.

Also: Senate Bill No. 793—An act to amend section 1094 of the Political Code, relating to elections;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 27—Relative to reports of the Department Encampment of the Grand Army of the Republic;

Also: Senate Joint Resolution No. 14—Relative to memorializing and petitioning the President and the Congress of the United States to include the Central Valley Project in the National program of work-relief;

Also: Senate Concurrent Resolution No. 26—Approving certain amendments to the charter of the city of Porterville, county of Tulare, State of California, voted for and ratified by the qualified electors of the said city of Porterville at a special municipal election held therein for that purpose on the fifth day of February, 1935; And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 96—An act to amend sections 1081, 1082, 1083, 1085, 1087, 1088, 1089, 1090, and 1091 of, and to add sections 1081.1, 1083.1, 1083.3 and

1083.5 to the Agricultural Code, relating to commercial feeding stuffs—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Appointments by the President.

The following communication was received and read:

SACRAMENTO, April 16, 1935.

To the Senate:

I beg to inform you that I have appointed:

	6 Days per Week Per day
Jimmie Killion, Page-----	\$2 50
Stanley Gilliam, Page-----	2 50
Travers Durkee, Page-----	2 50
Robert McPherson, Page-----	2 50
Edwin Rosenthal, Page-----	2 50
Perry Wood, Page-----	2 50

GEORGE J. HATFIELD, President of the Senate.

Appointments Confirmed.

Senator Tickle moved that appointments be confirmed by the Senate. The question being on the confirmation of the appointments.

The roll was called, and the appointments confirmed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Wagy: Senate Concurrent Resolution No. 28—Relative to approving certain amendments to the charter of the city of Bakersfield, county of Kern, State of California, voted for and ratified by the electors of said city of Bakersfield at a special election held therein on the nineteenth day of March, 1935.

Consideration of Senate Concurrent Resolution No. 28.

Senator Wagy asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 28, without reference to committee, for purpose of adoption.

Resolution read and considered engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 28 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Senate Concurrent Resolution No. 28 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Garrison moved to reconsider the vote whereby the amendments by Senator Sharkey to Senate Bill No. 128 were adopted.

Postponement of Reconsideration.

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendments by Senator Sharkey to Senate Bill No. 128 were adopted, was continued until the next legislative day.

Unfinished Business.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 227:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "and"

Amendment No. 2.

On page 1, line 4 of the title of the printed bill, strike out "hereof", and insert in lieu thereof the following "hereof".

Amendment No. 3.

On page 1, line 2, of the printed bill, strike out "the".

Amendment No. 4.

On page 1, line 9, of the printed bill, strike out the comma after "solic".

Senate Bill No. 227—An act prohibiting the use of certain games, except by blind persons, providing protection against accident to such persons, and providing penalties for violation hereof.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 227?

The roll was called, and Assembly amendments to Senate Bill No. 227 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Messers, Metzger, Mixer, Olson, Perry, Powers, Randall, Rasmussen, Sharkey, Slater, Snyder, Stow, Swing, Tule, Wagy, Williams, and Young.

NOES—None.

Senate Bill No. 227 ordered to enrollment.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1070:

Amendment No. 1.

On page 2 of the printed bill, strike out lines 26 and 27, and on line 28, strike out "Sec. 4", and insert in lieu thereof the following: "Sec. 3".

Amendment No. 2.

On page 2, line 43, of the printed bill, strike out "to which this act is an amendment", and insert in lieu thereof the following: "amended by this act".

Senate Bill No. 1070—An act to amend an act entitled "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, by amending sections 1 and 3 of said act and to validate redemptions heretofore made, and declaring the urgency thereof.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1070?

The roll was called, and Assembly amendments to Senate Bill No. 1070 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern,

McGuinness, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.
NOES—None.

Senate Bill No. 1070 ordered to enrollment.

Motion to Reconsider.

Pursuant to his motion to reconsider, given on a previous day, and action on said motion having been deferred until the next legislative day, Senator Snyder moved to reconsider the vote whereby Senate Bill No. 269 was passed.

Previous Question Moved.

Senator Deuel moved the previous question.

The question being put: "Shall the main question be now put?"

Motion carried.

Reconsideration Refused.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion was refused adoption by the following vote:

AYES—Senators Hays, Rich, Seawell, Snyder, and Young—5.
NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Sharkey, Slater, Stow, Swing, Tickle, Wagy, and Williams—34.

Senate Bill No. 269 ordered transmitted to the Assembly.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 289:

Amendment No. 1.

On page 1, line 25, of the printed bill, following the words "such acts", strike out the words "and acts".

Senate Bill No. 289—An act validating the formation and existence of certain harbor districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by such districts and authorizing the levy and collection of taxes sufficient to pay the principal and interest thereof.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 289?

The roll was called, and Assembly amendments to Senate Bill No. 289 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.
NOES—None.

Senate Bill No. 289 ordered to enrollment.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1016:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "districts formed under", and insert after "District", a comma and quotation marks.

Amendment No. 2.

Strike out the last line of the title of the printed bill, and insert in lieu thereof the following: "and the election of its directors."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 19, inclusive, of the printed bill, and insert in lieu thereof the following:

"SECTION 1. The formation, organization, and existence of the Orange County Water District, as established by Chapter 924 of the Statutes of 1922, is hereby confirmed and validated, and the election of the first board of directors of said district is also hereby confirmed and validated, notwithstanding any imperfections in the conduct of said election."

Senate Bill No. 1016—An act validating the formation, organization and existence of the "Orange County Water District," and the election of its directors.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1016?

The roll was called, and Assembly amendments to Senate Bill No. 1016 concurred in by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulst, Jepsen, Keogh, King, Karpovich, McCormack, McGovern, McGuinness, Metzger, Mixer, Oiler, Perry, Powers, Reinollar, Rich, Schottky, Seallan, Seawell, Slater, Snyder, Snow, Swang, Tinkle, Wagg, Williams and Young—36.

NOES—None.

Senate Bill No. 1016 ordered to enrollment.

Consideration of Daily File.**Third Reading of Senate Bills.**

Senate Bill No. 406—An act to amend section 610 of the Fish and Game Code, relating to trout and whitefish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 406 passed by the following vote:

AYES—Senators Bigger, Fletcher, Gordon, Hulst, Jepsen, King, Karpovich, McCormack, McGovern, McGuinness, Metzger, Mixer, Oiler, Perry, Powers, Rich, Schottky, Seallan, Seawell, Swang, Tinkle, and Young—22.

NOES—Senators Deuel, Hays, Powers, Reinollar, Sharkov, Slater, Snyder, Wagg, and Williams—9.

Title read and approved.

Notice of Motion to Reconsider.

Senator Gordon gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 406 was passed.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Parkman to introduce a bill entitled—An act to add new sections to the School Code to be numbered 6,205 and 6,225, relating to the sale or leasing of school property—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.
DIFANI.
KNOWLAND.
SLATER.
TICKLE.

The question being on the adoption of the report.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Douel, Difani, Edwards, Fletcher, Gordon, Hays, McCormack, McGovern, McGuinness, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Tickle, Williams, and Young—20.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Second Reading of Senate Bills.

Senate Bill No. 105—An act to add section 1093 to the Agricultural Code, relating to a tax upon commercial feeding stuffs.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 105 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the words "add section 1093 to", and insert in lieu thereof the words "amend section 1092 of".

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1092 of the Agricultural Code is hereby amended to read as follows:

1092. All moneys received under the provisions of this chapter shall be paid monthly into the State treasury and placed to the credit of the Department of Agriculture fund, and shall be expended only in carrying out the provisions of this chapter."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 741—An act to amend sections 2955, 2956, 2957, 2958, 2960, 2962, 2963, 2965 and 2966: and to repeal sections 2959, 2961 and

2964 of the Civil Code, and to add to said code new sections numbered 2959a, 2974, 2975, 2976, 2977, 2978, 2979, 2979a and 2979b, relating to mortgages of personal property, and including provisions for the filing thereof, the continuity of the liens thereof, the securing of additional advances and obligations thereunder, mortgaging of natural increase of live stock and other animals, chattels, and of after acquired and consumable property, and providing for the interpretation of laws relating to recording, the record producing, exhibiting presenting, executing, acknowledging, proving and certifying thereof and affidavits relating thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 741 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "2958."

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, after "2959", strike out the comma, and insert in lieu thereof the following: "and".

Amendment No. 3.

On page 1, lines 2 and 3 of the title of the printed bill, strike out "and 2964".

Amendment No. 4.

On page 1, line 4 of the title of the printed bill, after "2977", strike out the comma, and insert in lieu thereof the following: "and".

Amendment No. 5.

On page 1, lines 4 and 5 of the title of the printed bill, strike out "2979, 2979a and 2979b,".

Amendment No. 6.

On page 1, line 6 of the title of the printed bill, strike out "the filing thereof."

Amendment No. 7.

On page 1, lines 11, 12, 13 and 14 of the title of the printed bill, strike out "the interpretation of laws relating to recording, the record producing, exhibiting, presenting, executing, acknowledging, proving and certifying thereof and affidavits relating thereto", and insert in lieu thereof the following: "the recording of mortgages and the inclusion of the provisions thereof in other mortgages in reference, and constructive notice of such mortgages by the recording thereof."

Amendment No. 8.

On page 2, line 18, of the printed bill, after the word "value," insert the following: "after a lapse of four years from the last recording or re-recording thereof, and".

Amendment No. 9.

On page 2, line 18, of the printed bill, after the word "unless", insert a semicolon.

Amendment No. 10.

On page 2 of the printed bill, strike out all of lines 24 to 33, inclusive, and insert in lieu thereof the following:

"1. In the case of personal property other than crops it is recorded in the office of the recorder of the county where the mortgagor resides at the time the mortgage is executed, or in case the mortgagor is a nonresident of this State, in the office of the recorder of the county or counties where the property mortgaged is located at the time the mortgage is executed.

"2. In the case of crops it is recorded in the office of the recorder of the county where the land is located upon which such crops are growing or to be grown."

Amendment No. 11.

On page 2 of the printed bill, strike out "Sec. 4", lines 34 to 44, both inclusive.

Amendment No. 12.

On page 2, line 45, of the printed bill, strike out "5", and insert in lieu thereof the following: "4".

Amendment No. 13.

On page 2, lines 47 and 48, of the printed bill, strike out "Mortgages of personal property by corporations or by partnerships, where filed."

Amendment No. 14.

On page 2, line 50, of the printed bill, strike out "filing", and insert in lieu thereof the following: "recording".

Amendment No. 15.

On page 3, line 1, of the printed bill, strike out "6", and insert in lieu thereof the following: "5".

Amendment No. 16.

On page 3, line 3, of the printed bill, strike out "Property in transit, where to be filed."

Amendment No. 17.

On page 3, line 11, of the printed bill, strike out "7", and insert in lieu thereof the following: "6".

Amendment No. 18.

On page 3, line 13, of the printed bill, strike out "File in different places."

Amendment No. 19.

On page 3, line 17, of the printed bill, strike out "filed", and insert in lieu thereof the following: "recorded".

Amendment No. 20.

On page 3, line 18, of the printed bill, strike out "filed", and insert in lieu thereof the following: "recorded".

Amendment No. 21.

On page 3, line 19, of the printed bill, strike out "8", and insert in lieu thereof the following: "7".

Amendment No. 22.

On page 3, line 21, of the printed bill, strike out "Personal property mortgage may be filed."

Amendment No. 23.

On page 3, line 26, of the printed bill, after the word "exclusively", strike out "filed", and insert in lieu thereof the following: "recorded".

Amendment No. 24.

On page 3, line 26, of the printed bill, after the word "when", strike out "filed", and insert in lieu thereof the following: "recorded".

Amendment No. 25.

On page 3, line 28, of the printed bill, make the following addition: "Provided, however, that a mortgage of personal property or crops may be recorded and constructive notice of the same and the contents thereof given in the following manner:

Any person may record in the office of the county recorder of any county fictitious mortgages of personal property or crops. Such mortgages shall have noted upon the face thereof that they are fictitious. The county recorder shall index and record such fictitious mortgages in the same manner as other mortgages of personal property or crops are recorded, and shall note on all indices and records of the same that they are fictitious. Thereafter, any of the provisions of such fictitious recorded mortgage may be included for any and all purposes in any mortgage of personal property or crops by reference therein to any such provisions, without setting the same forth in full. Such reference shall contain a statement of the date such fictitious mortgage was recorded, the county recorder's office wherein it is recorded, and the book or volume and page or pages of the records in the recorder's office wherein and at which any such fictitious mortgage was recorded, and a statement by paragraph numbers or any other method that will definitely identify the same, of the specific provisions of any such fictitious mortgage that are being so adopted and included therein. The recording of any such mortgage of personal property or crops which has included therein any such matters by reference as aforesaid shall operate as constructive notice of the whole thereof including the terms, as a part of the written contents of any such mortgage, of any such provisions so included by reference as though the same were written in full therein. The parties bound or to be bound by provisions so adopted and included by reference shall be bound thereby in the same manner and with like effect for all purposes as though such provisions had been and were set forth in full in writing in any such mortgage."

Amendment No. 26.

On page 3, line 29, of the printed bill, after "Sec.", strike out "9", and insert in lieu thereof the following: "8".

Amendment No. 27.

On page 3, line 43, of the printed bill, strike out "filed", and insert in lieu thereof the following: "recorded".

Amendment No. 28.

On page 4, line 5, of the printed bill, strike out "10", and insert in lieu thereof the following: "9".

Amendment No. 29.

On page 4, line 15, of the printed bill, strike out "11", and insert in lieu thereof the following: "10".

Amendment No. 30.

On page 4, line 47, of the printed bill, strike out "12", and insert in lieu thereof the following: "11".

Amendment No. 31.

On page 5, line 18, of the printed bill, strike out "on", and insert in lieu thereof the following: "or".

Amendment No. 32.

On page 5, line 25, of the printed bill, strike out "13", and insert in lieu thereof the following: "12".

Amendment No. 33.

On page 5, line 38, of the printed bill, strike out "14", and insert in lieu thereof the following: "13".

Amendment No. 34.

On page 6, line 5, of the printed bill, strike out "15", and insert in lieu thereof the following: "14".

Amendment No. 35.

On page 6 of the printed bill, strike out "Sec. 16", and lines 16 to 28, both inclusive.

Amendment No. 36.

On page 6 of the printed bill, strike out "Sec. 17", and lines 29 to 41, both inclusive.

Amendment No. 37.

On page 6 of the printed bill, strike out "Sec. 18", and lines 42 to 52, both inclusive.

Amendment No. 38.

On page 7, line 1, of the printed bill, strike out "19", and insert in lieu thereof the following: "15".

Amendment No. 39.

On page 7, line 1, of the printed bill, after "2959", strike out ",", and insert in lieu thereof the following: "and".

Amendment No. 40.

On page 7, line 1, of the printed bill, strike out "and 2964".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 742—An act to amend Sections 2922, 2933, 2944, 2935, 2938, 2939, 2939½, 2940 and 2941 of the Civil Code, relating to mortgages in general and providing for the filing of mortgages of personal property and crops, and related instruments; eliminating requirements that mortgages of personal property and crops, and related instruments, including powers of attorney to execute the same, be acknowledged and executed with the formalities required in the case of a grant of real property; and prescribing the duty of the mortgagee on satisfaction of such a filed mortgage.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 742 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "2935, 2938,".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "2939½, 2940".

Amendment No. 3.

On page 1, lines 3 and 4 of the title of the printed bill, strike out "providing for the filing of mortgages of personal property and crops, and related instruments,".

Amendment No. 4.

On page 1, lines 9 and 10 of the title of the printed bill, strike out "; and prescribing the duty of the mortgagee on satisfaction of such a filed mortgage".

Amendment No. 5.

On page 2, line 1, of the printed bill, strike out "or filing".

Amendment No. 6.

On page 2, lines 2, 3 and 4, of the printed bill, strike out "of real property, or of a mortgage of personal property or crops recorded prior to the time this amendment becomes effective,".

Amendment No. 7.

On page 2, lines 6, 7, 8, 9 and 10, of the printed bill, strike out "and any assignment or a copy thereof certified to be such by a notary public or other officer authorized to take acknowledgments, or an executed counterpart thereof, of a mortgage hereafter filed of personal property or crops, may be filed,".

Amendment No. 8.

On page 2, line 10, of the printed bill, strike out "any of".

Amendment No. 9.

On page 2, line 10, of the printed bill, strike out "are so", and insert in lieu thereof: "is".

Amendment No. 10.

On page 2, line 11, of the printed bill, strike out ", or filed, as the case may be, shall".

Amendment No. 11.

On page 2, lines 15, 16, 17, 18, 19, 20 and 21, of the printed bill, strike out ", in case it concerns only one or more mortgages or deeds of trust of, liens upon or interests in real property, together with, or in the alternative, one or more mortgages of, liens upon or interests in personal property or crops the instruments or documents evidencing or creating which have been recorded prior to the time this amendment becomes effective,".

Amendment No. 12.

On page 2, lines 21, 22, 23, 24, 25, 26 and 27, of the printed bill, strike out "and, in case it concerns mortgages or deeds of trust of, liens upon or interests in real or personal property or crops, one or more of the instruments or documents evidencing or creating which are filed hereafter, may be filed in the manner provided above for the filing of assignments by either the filing of the original instrument, a certified copy or executed counterpart thereof,".

Amendment No. 13.

On page 2, lines 28 and 29, of the printed bill, strike out ", or filed, as the case may be, shall".

Amendment No. 14.

On page 2, lines 30 and 31, of the printed bill, strike out "Each such filing or recording shall be properly indexed by the recorder."

Amendment No. 15.

On page 2 of the printed bill, strike out lines 32 to 52, both inclusive.

Amendment No. 16.

On page 3 of the printed bill, strike out lines 1 and 2.

Amendment No. 17.

On page 3 of the printed bill, strike out Sec. 4, lines 3 to 15, both inclusive.

Amendment No. 18.

On page 3 of the printed bill, strike out Sec. 5, lines 16 to 39, both inclusive.

Amendment No. 19.

On page 3, line 40, of the printed bill, strike out "6", and insert in lieu thereof the following: "4".

Amendment No. 20.

On page 3, line 42, of the printed bill, strike out "Same."

Amendment No. 21.

On page 3, line 45, of the printed bill, after "certificate", insert the following: "stating that the mortgage has been paid, satisfied, or discharged".

Amendment No. 22.

On page 3, line 46, of the printed bill, after the comma, insert the following: "and, (excepting a certificate of discharge of a mortgage of personal property),".

Amendment No. 23.

On page 3, line 48, of the printed bill, after "transfers", insert the following:

Amendment No. 24.

On page 3, lines 48 and 49, of the printed bill, strike out "stating that the surety gage has been paid, satisfied, or discharged."

Amendment No. 25.

On page 3 of the printed bill, strike out lines 50, 51 and 52.

Amendment No. 26.

On page 4 of the printed bill, strike out lines 1 to 7, both inclusive.

Amendment No. 27.

On page 4 of the printed bill, strike out Sec. 7, (lines 8 to 20, both inclusive).

Amendment No. 28.

On page 4 of the printed bill, strike out Sec. 8, (lines 21 to 33, both inclusive).

Amendment No. 29.

On page 4, line 34, of the printed bill, strike out "(5)" and insert in lieu thereof the following: "5".

Amendment No. 30.

On page 4, lines 41 and 42, of the printed bill, strike up the line as the line now require".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 743—An act to amend section 2080 of the Civil Code and to provide for the filing of conditional sales contracts and leases of live stock, animate chattels, mining equipment and machinery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 743 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "filing", and insert in lieu thereof the following: "recording".

Amendment No. 2.

On page 1, line 9, of the printed bill, strike out "first, but not for recordation", and insert in lieu thereof the following: "recorded".

Amendment No. 3.

On page 2, line 11, of the printed bill, strike out "filed and indexed", and insert in lieu thereof the following: "recorded".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 744—An act to amend sections 1164, 1165, 1169, 1170, 1171 and 1172 of the Civil Code, relating to the recording and filing of transfers and mortgages of, and agreements relating to real and personal property.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 744 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "1164, 1165, 1169," and insert in lieu thereof the following: "1161 and".

Amendment No. 2.

On page 1, lines 1 and 2 of the title of the printed bill, strike out ", 1171 and 1172".

Amendment No. 3.

On page 1, line 2 of the title of the printed bill, strike out "and filing".

Amendment No. 4.

On page 1, line 4 of the title of the printed bill, add at the end thereof the following: ", and assignments, releases, waivers and subordinations thereof."

Amendment No. 5

On page 1, line 1, of the printed bill, strike out "1164", and insert in lieu thereof the following: "1161".

Amendment No. 6.

On page 1 of the printed bill, strike out lines 3 to 8, both inclusive, and insert in lieu thereof the following:

"1161. Before an instrument can be recorded, unless it belongs to the class provided for in either section 1159, 1160, 1202, or 1203, or unless it is a mortgage of personal property or crops or one of the instruments mentioned in sections 2963 and 2980 of the Civil Code, or any assignment or release of any such mortgage or instrument mentioned in said sections 2963 and 2980 or the lien or interest evidenced or created thereby, or any instrument by which or for the benefit of which any such mortgage or instrument mentioned in said sections 2963 and 2980 or the lien or interest evidenced or created thereby is subordinated or waived as to priority, its execution must be acknowledged by the person executing it, or if executed by a corporation, by its president or secretary, or other person executing the same on behalf of the corporation, or proved by a subscribing witness, or as provided in sections 1198 and 1199, and the acknowledgment or proof certified in the manner prescribed by article three of this chapter."

Amendment No. 7.

On page 1, line 9, of the printed bill, strike out "1165", and insert in lieu thereof the following: "1170".

Amendment No. 8.

On page 1 of the printed bill, strike out lines 11, 12, and 13, and insert in lieu thereof the following:

"1170. An instrument is deemed to be recorded when, being duly acknowledged or proved and certified when required by law, it is deposited in the recorder's office, with the proper officer, for record."

Amendment No. 9.

On page 1 of the printed bill, strike out Sec. 3, lines 14 to 23, both inclusive.

Amendment No. 10.

Strike out Sec. 4, beginning on page 1 of the printed bill and concluding on page 2.

Amendment No. 11.

On page 2 of the printed bill, strike out Sec. 5, lines 10 to 18, both inclusive.

Amendment No. 12.

On page 2 of the printed bill, strike out Sec. 6, lines 19 to 23, both inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 746—An act to amend sections 658 and 660 of the Civil Code, relating to property in general; defining real property and fixtures thereto, and providing that for the purposes of mortgaging, crops, fruits, berries, emblements, and things attached to or forming a part of land which may be severed therefrom under the terms of a mortgage, shall be deemed personal property.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 746 were read and adopted:

Amendment No. 1.

On page 1, lines 4, 5 and 6 of the title of the printed bill, after the word "emblements", strike out the following: "and things attached to or forming a part of land which may be severed therefrom under the terms of a mortgage,".

Amendment No. 2.

On page 1, line 17, of the printed bill, strike out the words "two years", and insert in lieu thereof the following: "one year".

Amendment No. 3.

On page 1, lines 18, 19 and 20, of the printed bill, after the word "mortgage", strike out the following: "and things attached to or forming part of the land which may be severed therefrom under the terms of any such mortgage."

Amendment No. 4.

On page 2, line 17, of the printed bill, strike out the following word: "two years", and insert in lieu thereof the following: "one year".

Amendment No. 5.

On page 2, lines 18, 19 and 20, of the printed bill, after the word "mortgage", strike out the following: "and things attached to or forming part of the land which may be severed therefrom under the terms of any such mortgage."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 751—An act to amend section 4300c of the Political Code, relating to the fees of county recorders.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 751 were read and adopted:

Amendment No. 1.

On page 1, line 13, of the printed bill, before the period, insert the following: "; and provided further that the maximum fee for filing for record, recording, indexing and making the necessary entries on any mortgage, contract of conditional sale, lease, bailment or feeder contract of personal property or lease, or any assignment, certificate of release, waiver or subordination thereof or relating to such instrument or the lien or interest evidenced or created thereon, shall be fifty cents."

Amendment No. 2.

On page 2 of the printed bill, strike out lines 31 to 52, both inclusive.

Amendment No. 3.

On page 3 of the printed bill, strike out lines 1 to 21, both inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 753—An act to amend section 3440 of the Civil Code, relating to transfers presumed fraudulent, transfers of wines, bulk sales, public auctions and transfers under orders of court.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 753 were read and adopted:

Amendment No. 1.

On page 2, lines 2 and 3, of the printed bill, strike out "filed, but not for recordation," and insert in lieu thereof the following: "recorded".

Amendment No. 2.

On page 2, line 18, of the printed bill, strike out "file", and insert in lieu thereof the following: "record".

Amendment No. 3.

On page 2, line 31, of the printed bill, strike out "filed", and insert in lieu thereof the following: "recorded".

Amendment No. 4.

On page 2, line 36, of the printed bill, strike out "filing", and insert in lieu thereof the following: "recordation".

Amendment No. 5.

On page 2, line 41, of the printed bill, strike out "filed", and insert in lieu thereof the following: "recorded".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 757—An act to amend section 833 of the Probate Code, relating to the execution of instruments by executors and administrators.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 757 was read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out "asknowledge", and insert in lieu thereof the following: "acknowledge".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Second Reading of Assembly Bills.

Assembly Bill No. 401—An act to add a new section to the Political Code, to be numbered 3881b, relating to entry of changes and corrections on assessment book and delinquent list.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 486—An act requiring the treasurer of any municipality, county, or city and county to maintain a record of the names and addresses of holders of ad valorem special assessment district bonds when so directed by the legislative body of said municipality, county, or city and county.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 698—An act to amend section 11 of the Inheritance Tax Act, to require that county auditor's warrants be drawn for the payment of refunds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1548—An act to remit to holders of certificates of purchase of State lands one-half of any penalty which has accrued on account of failure of any such purchaser to pay interest when due, in consideration of the payment by any such purchaser, on or before December 31, 1935, to the State of California, of any sums due the State on account of interest, plus the remaining one-half of any accrued penalties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 81 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, strike out the words "or any corporation or association or per-", and all of lines 8, 9 and 10, and the words "such purpose," in line 11.

Amendment No. 2.

On page 2, line 2, of the printed bill, strike out the words "and in the event the", and all of lines 3, 4, 5, and 6.

Amendment No. 3.

On page 1, line 11, of the printed bill, strike out the words "or any", and all of lines 11, 12, 13, 14, and the word "read", in line 15.

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 1066.—An act to amend section 1238 of the Civil Code, relating to homesteads.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2179.—An act to amend sections 2482 and 2484 of the Civil Code, relating to limited partnerships.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 532.—An act to amend sections 578, 587, 860, 1201, 1240, 1501, 1515, 1540 and 1630 of the Probate Code and to add new sections thereto to be numbered 588 and 1516, relating to estates of decedents and estates of persons under guardianship.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 532 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, commencing in line 31, strike out the following: "the petitioner shall cause such notice of the application to be published in a newspaper of general circulation in the county", and insert in lieu thereof the following: "the clerk shall cause such notice of the application to be published in a newspaper of general circulation in the county in which the estate is being probated".

Bill read second time, ordered to reprint, and on file for third reading.

Rush Order to Printer.

On motion of Senator Crittenden, the Secretary was directed to issue a rush order for printing Senate Bills Nos. 741, 742, 743, 744, 746, 751, 753 and 757.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and thirty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

The Secretary was directed to call the roll, on the adoption of the report of Committee on Rules, of the Senators who had not answered to their names.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report finally adopted by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Haas, Hulse, Jastrowson, Keough, McCann, McGowan, McGinniss, Metzger, Mixer, Olson, Parkman, Perry, Poyers, Reardon, Rich, Smith, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Sweng, Troke, Wagy, Williams, and Young—36.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Parkman: Senate Bill No. 1083.—An act to add new sections to the School Code to be numbered 6.205 and 6.225, relating to the sale or leasing of school property.

Bill read first time, and referred to Committee on Education.

Third Reading of Assembly Bills.

Assembly Bill No. 220—An act to amend sections 3466 and 4041.14 and to repeal section 3784 of the Political Code, relating to the licensing of businesses by the counties.

Bill read third time.

The question being on the passage of the bill.

The bill was called, and Assembly Bill No. 220 passed by the following vote:

Ayes—Senators Loomis, Dean, Briggs, Wheeler, Carson, Hays, Hulse, Jackson, Knight, Kierstead, Merrill, Morrison, Montgomery, Mueller, Moxley, Parsons, Perry, Peterson, Quinn, Sanderson, Smith, Stephens, Sutherland, Thomas, Torgler, Wilson, Wright, Young, and Ziegler—26.
Nays—None.

Bill read and approved.

Assembly Bill No. 219 returned transmitted to the Assembly.

Assembly Bill No. 247—An act to add a new section to be numbered section 126 to an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, roads, walks, sidewalks, highways, roads, and other public property and rights of way in whole or in part, including property and other possession and right of use has been obtained under the provisions of section 14 of Article 2 of the Constitution within municipalities, or within unincorporated territory and also in townships, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, roads, walks, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of bond hereunder, and providing a method for the payment of such bonds," approved April 1, 1934, relating to assessments and bonds.

Bill read third time.

The question being on the passage of the bill.

The bill was called, and Assembly Bill No. 247 passed by the following vote:

Ayes—Senators Loomis, Dean, Briggs, Dean, Wheeler, Carson, Hays, Hulse, Jackson, Knight, Kierstead, Merrill, Morrison, Montgomery, Mueller, Moxley, Parsons, Perry, Peterson, Quinn, Sanderson, Smith, Stephens, Sutherland, Thomas, Torgler, Wilson, Wright, Young, and Ziegler—26.
Nays—None.

Bill read and approved.

Assembly Bill No. 248 returned transmitted to the Assembly.

Assembly Bill No. 254—An act to confirm, nullify and make void ordinances, resolutions passed by the city council or the people of any incorporated city creating a bond, or any assessment and placing charges on the city to be made under it and any action thereunder.

Bill read third time.

The question being on the passage of the bill.

The bill was called, and Assembly Bill No. 254 passed by the following vote:

Ayes—Senators Loomis, Dean, Briggs, Dean, Wheeler, Carson, Hays, Hulse, Jackson, Knight, Kierstead, Merrill, Morrison, Montgomery, Mueller, Moxley, Parsons, Perry, Peterson, Quinn, Sanderson, Smith, Stephens, Sutherland, Thomas, Torgler, Wilson, Wright, Young, and Ziegler—26.

Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Young—30
NOS—None

Title read and approved.

Assembly Bill No. 2174 ordered transmitted to the Assembly.

Third Reading of Senate Bills.

Senate Bill No. 358—An act to amend sections 1, 3, 4 and 10 of an act entitled, "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with the act," approved April 28, 1933, and to add a new section to said act numbered 9a.

Bill read third time.

Amendment from the Floor.

During third reading of Senate Bill No. 358, the following amendment to the title, offered by Senator Tickle, was read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after the figure "3", strike out the comma, and insert the word "and", and after the figure "4", strike out the following: "and 10".

Consideration of Senate Bill No. 358.

Senator Tickle asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 358, without reference to reprint for purpose of passage.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 358 passed by the following vote:

AYES—Senators Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, Knowland, McCall, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Young—31.
NOS—None.

Title, as amended, read and approved.

Senate Bill No. 358 ordered transmitted to the Assembly.

Senate Bill No. 356—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and to add a new section thereto numbered 9a.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 356 passed by the following vote:

AYES—Senators Crittenden, Difani, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, Knowland, McCall, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Young—30.
NOS—None.

Title read and approved.

Senate Bill No. 356 ordered transmitted to the Assembly.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1064—An act authorizing municipalities to afford special assessment relief by the appropriation of money for the reduction of special assessments and the payments on bonds issued to represent such assessments, and by the payment of any portion of the principal or interest of, or by the purchase or redemption at a discount of, or by the transfer to the interest and sinking fund for the discharge and payment of bonds, the proceeds of which have been used for the acquisition of rights of way or easements for, or for the construction, maintenance, improvement or repair of streets, bridges and culverts within such cities, and providing a method for the making of such appropriations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1064 passed by the following vote:

AYES—Senators Difani, Edwards, Fletcher, Garrison, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Parkman, Powers, Rein-dollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag-y, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1064 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 4—An act to amend sections 2, 3, and 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Senators Crittenden, Dencl, Difani, Duval, Edwards, Garrison, Hays, Hul-se, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Perry, Powers, Reindollar, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wag-y—28.

NOES—None.

Title read and approved.

Senate Bill No. 4 ordered transmitted to the Assembly.

Senate Bill No. 609—An act to amend section 669 of the Penal Code, relating to terms of imprisonment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 609 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Garrison, Hays, Hul-se, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger,

Mixter, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seallan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—30.
 NOES—None.

Title read and approved.

Senate Bill No. 609 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 59.

Senator Schottky moved that Senate Bill No. 59 be re-referred to Committee on Irrigation.

Motion carried, and such was the order.

Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags.

Amendments from the Floor.

During third reading of Senate Bill No. 18, the following amendments, offered by Senator Metzger, were read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, as amended, after "in", insert the following "burlap".

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, strike out "burlap".

Amendment No. 3.

On page 1, line 4, of the printed bill, as amended, strike out "burlap".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 291—An act to add section 311.5 to the Agricultural Code, relating to persons handling meat.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seallan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.
 NOES—None.

Title read and approved.

Senate Bill No. 291 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 160.

Senator Snyder moved that Senate Bill No. 160 be re-referred to Committee on Elections.

Motion carried, and such was the order.

Senate Bill No. 96—An act to amend sections 1081, 1082, 1083, 1085, 1087, 1088, 1089, 1090, 1091 and 1092 of, and to add sections 1081.1, 1083.1, 1083.3 and 1083.5 to the Agricultural Code, relating to commercial feeding stuffs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 96 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hulse, Jespersen, Keough, King, Knowland, McCall, McGovern, McGuinness, Metz-

ger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—33.
 NOES—None.

Title read and approved.

Senate Bill No. 96 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Assembly Bill No. 1990.

Senator Sharkey moved that Assembly Bill No. 1990 be withdrawn from Committee on Finance, and referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 12, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Gordon to introduce a bill entitled—An act to make an appropriation for predatory animal control—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.
 DIFANI.
 SLATER.
 KNOWLAND.
 TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Wagy, Williams, and Young—32.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Gordon: Senate Bill No. 1084—An act to make an appropriation for predatory animal control.

Bill read first time, and referred to Committee on Finance.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Mixter to introduce a bill entitled—An act to amend sections 25, 27, 28, 29, 30, 31, 33, 34, 35, 36, 36a, 36c, 36d, 36e, and 36f, to repeal sections 26 and 32, and to add new sections to be numbered 26, 32, 36h, and 36i, to the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.
 SLATER.
 TICKLE.
 KNOWLAND.
 DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Keough, King, Knowland, McGowaness, Metzger, Mixer, Parkman, Perry, Piarovich, Powers, Rendollar, Rich, Schetzky, Seeliger, Sewell, Sharkey, Slater, Snyder, Stow, Wagy, Williams, and Young—32.

NOES—None.

Introduction, First Reading and Reference of Bills

By Senator Mixer: Senate Bill No. 1085—An act to amend sections 25, 27, 28, 29, 30, 31, 33, 34, 35, 36, 36a, 36b, 36c, 36d, 36e, and 36f, to repeal sections 26 and 32, and to add new sections to be numbered 26, 32, 36h, and 36i, to the "Water Commission Act", approved June 16, 1913, relating to the adjudication of water rights.

Bill read first time, and referred to Committee on Irrigation.

Withdrawal and Re-reference of Assembly Bill No. 1498

Senator Mixer moved that Assembly Bill No. 1498 be withdrawn from Committee on Municipal Corporations, and referred to Committee on County Government.

Motion carried, and such was the order.

Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator Scollan:

SENATE CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, handlers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations thereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to declare the existence of a State and National agricultural emergency.

Respectfully submitted,

SENATOR SCOLLAN

Request referred to Committee on Rules.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Building and Loan Associations.

SENATE CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Assembly Bill No. 1300—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies,

duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations; and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the amendment of section 6.02 of said act as set forth in section 5a of Chapter 431 of the Statutes of 1933; adding to said act new sections to be numbered 6.09 relating to delay in paying after thirty days, 8.10 relating to rate of return on shares and investment certificates, 9.18 relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, 10.03a relating to reserve or surplus accounts, 10.09 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal savings and loan association and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to vote for or approve such conversion, to exchange shares, stock, investment certificates or other rights or claims for shares issued by such Federal savings and loan association, and to continue to hold as a legal investment any shares so received; adding a new article to be numbered XVI to said act relating to the rehabilitation, readjustment, liquidation, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such Article XVI, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article XVI, to exchange shares, stock investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and declaring the urgency of this act and providing that it shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; noes—1; absent—2.

KNOWLAND, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 11, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 470—An act to amend and revise Chapter 9, comprising sections 10810 to 10940, inclusive, of Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 670—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 290: "An act to amend section 12 of an act entitled 'An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof,' as amended, relating to revocation or suspension of licenses, and hold the same under consideration, and respectfully report the same back, and recommends that it do pass.

Committee membership—7, committee vote: Ayes—7, absent—0.

DIFANI, Chairman.

Adjournment.

On motion of Senator Rich, at three o'clock and fifty-five minutes p.m., the President of the Senate declared the Senate adjourned until eleven o'clock a.m., Wednesday, April 17, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Wednesday, April 17, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Donel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCall, McThuma, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pomeroy, Powers, Richmond, Rich, Schottky, Seollan, Sewell, Sharkey, Slater, Snyder, Stow, Swain, Tackle, Wag, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Meats.

Reading of the Journal.

During the reading of the Journal of Tuesday, April 16, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. E. N. Curtis, San Diego.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Roscoe Jones, Jr., Alameda County.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Robert E. Lee, principal; Mrs. Robert Lee, Mrs. E. B. Kemper and Mrs. Glen Shusley, teachers, of the Livingston Elementary School and the following students of the eighth grade: Mabel Almeida, Joe Alvernaz, Geza Balazs, Edward Bettencourt, Ruth Brewer, Frank Cabral, Helen June Cassell, William Caudle, Louise Cisneros, Mary Cox, Mayme Di Bartolo, Zelma Gant, Mary Gonsalves, Mary Jane Hager, Atsuchi

Hamaguchi, Adrian Harris, Jim Herrera, Suzanno Hipolito, Ralph Hirschhorn, Hugo Kaji, Fred Kishi, Margaret Larimer, Joe Law, Mary Jean Lehfelddt, Mary Lema, Leon Light, Nardo Linan, Amelia Lopez, Ralph Love, Ernest Maciel, Leora Martin, Betty McConnell, Fern McDonough, Sabura Minabe, Thomas Mitchell, Eunice Noda, Esther Okuda, Ruth Okuye, Arnold Ohki, Howard Pieton, Marian Scott, George Stewart, Jiro Sumito, Kate Tanji, Richard Thompson, Frances Tsuchiya, Meril Underwood, Ruth Waller, George Yagi, and Aileen Yamoto and Messrs. A. A. Eshelman and William Lehfelddt, bus drivers.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stanley Chisholm of Vallejo.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mary Malon of Riverside, President, United Association of Cosmetology; and Mrs. Hazel C. Jones of Modesto, Vice President, United Association of Cosmetology.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert A. Hill, principal; Isabel Hughes, Myra Hughes, Orpha Atkinson, Cleo Beery and Josephine Overton, teachers of the Empire Union Grammar School, and the following students of the eighth grade: Pauline Adams, Roy Christian, Glen Davisson, Ruth DeSeelhorst, Emily Garvey, Melva Goodman, Lois Gray, Opal Harms, Robert Jamison, Henry Kiyoi, Pearl Kurkjian, Vivian Macedo, Grant Metcalf, Gregory Metcalf, Esther Nelson, Ruth Odell, Betty Ramsey, Keith Scott, Blanche Shively, Pauline Western, Vernon Widiek, Dolores Braden, Wesley Bauche, Jerry Crooks, Pauline Flora, Horace Fritz, Evelyn Garst, Ben Gerran, William Irwin, Peter Miller, Beulah Smitheamp, Roy Ebie, David Smith, Evelyn Everett and Carl Wilmerth, and Messrs. A. J. Frick and J. W. Shirk, bus drivers.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lora F. Moore, teacher of the seventh grade, Granite Grammar School of Folsom, and the following students: Clyde Cain, Bob Crowle, George Manasco, Clarence McKiernan, Frank Price, Danny Russel, John Souza, Clifford Whiteside, James Woods, Idabel Buchanan, Patricia Chaffin, Juanita Fields, Beatrice Morton, Doris White, Jack Castro, Junior Duncan, Charles McKiernan, Bud Needles, James Richmond, Alvin Teeceira, Steve Wales, Duane Williams, Norma Braden, Doris Carter, Barbara Farshon, Margaret Gillander, and Beatrice Ohela.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 26—Approving certain amendments to the charter of the city of Porterville, county of Tulare, State of California, voted for and ratified by the qualified electors of the said city of Porterville at a special municipal election held therein for that purpose on the fifth day of February, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 26 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 542—An act to amend sections 4225 and 4225a of the Political Code, both relating to the powers and duties of county health officers;

Also: Assembly Bill No. 1337—An act to amend section 4309g of the Political Code, relating to witness fees;

Also: Assembly Bill No. 1519—An act to amend section 271 of the Penal Code, relating to desertion of children;

Also: Assembly Bill No. 2172—An act to add section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 542 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 1337, 1519 and 2172 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 12th passed Senate Bill No. 570—An act to repeal an act entitled "An act to create a State Advisory Commission on Indian Affairs, to prescribe its membership and its powers and duties," approved May 26, 1933.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 570 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 154—An act to amend the title and sections 8, 14, 32 and 33 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State;

Also: Assembly Bill No. 155—An act to amend the title and sections 4, 4a, 5, 8, 10, 11, 12, 13, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31 and 35 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State;

Also: Assembly Bill No. 434—An act approving, validating and confirming leases or letting of lands or of any interest therein for airport purposes by governmental agencies of this State;

Also: Assembly Bill No. 509—An act providing for State planning and a State Planning Board, prescribing the powers, duties and jurisdiction thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 154 and 155 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 434 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 509 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 50—Relative to memorializing

the President and the Congress to enact H. R. 5359, which provides for the creation of a National Civil Academy.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 50 referred to Committee on Federal Relations.

Report of Standing Committee.

The following report of standing committee was received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 127—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the State and providing penalties for violation of the provisions hereof," approved May 31, 1921;

Also: Senate Bill No. 207—An act to amend sections 4239, 4239d, 4239h and 4239i, and to repeal sections 4239a, 4239b, 4239c, 4239e, 4239f, 4239g, 4239j, 4239k, 4239m, 4239n, 4239o, 4239p, 4239q, 4239r, 4239s, 4239v and 4239w of the Political Code, relating to the compensation of county and township officers in counties of the tenth class;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 23—An act to amend section 4041.17 of the Political Code, relating to the acquisition of real property by boards of supervisors;

Also: Senate Bill No. 57—An act to amend section 26 of the California Irrigation District Act, approved March 31, 1897, relating to directors of irrigation districts;

Also: Senate Bill No. 129—An act to amend section 1208 of the Political Code, relating to illiterate or helpless voters;

Also: Senate Bill No. 293—An act to amend section 98 of the California Irrigation District Act and to repeal sections 99, 99½, 106, 107 and 108 of said act, all relating to the cancellation and destruction of unissued or unsold bonds and coupons of irrigation districts, and declaring the urgency thereof;

And reports that the same have been correctly enrolled and presented to the Governor on the sixteenth day of April, 1935, at four o'clock and ten minutes p.m.

METZGER, Chairman.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Biggar:

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 781 and to add four new sections, to be numbered 10146 to 10149, inclusive, to Article 3 of Chapter 1 of Part 2 of Division 2, of the Insurance Code, relating to insurance policies.

Respectfully submitted.

SENATOR BIGGAR.

Request referred to Committee on Rules.

Introduction, First Reading and Reference of Bills.

By Senator Slater: Senate Concurrent Resolution No. 29—Relative to reports of the annual convention of the Disabled American Veterans of the World War of the Department of California.

Consideration of Senate Concurrent Resolution No. 29.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 29, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 29.

Relative to reports of the annual convention of the Disabled American Veterans of the World War of the Department of California.

Resolved by the Senate of the State of California, the Assembly thereof concurring. That there shall be printed at a public expense 700 copies of the report of the annual convention of the Disabled American Veterans of the World War of the Department of California for the year 1935-6, together with the minutes and the general orders enacted at such convention and of the official roll, 150 copies for the use of the Senate and 150 copies for the use of the Assembly; the cost of same not to exceed \$600 payable from the legislative printing appropriation.

Resolution read and considered engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 29 adopted by the following vote:

AYES—Senators Bigger, Douel, Duval, Edwards, Fletcher, Garrison, Gordon, Jepsen, Keough, King, McCall, McGovern, McGinness, Morgan, Myers, Parman, Perry, Pierovich, Reindollar, Schottky, Seawell, Slater, Snyder, Stout, Tickle, Wagy, and Young—28.

NOES—None.

Senate Concurrent Resolution No. 29 ordered transmitted to the Assembly.

Postponement of Reconsideration.

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendments offered by Senator Sharkey to Senate Bill No. 128 were adopted, was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Gordon moved to reconsider the vote whereby Senate Bill No. 406 was passed.

Reconsideration Granted.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Bigger, Douel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, McCall, McGinness, Morgan, Myers, Parman, Perry, Pierovich, Reindollar, Schottky, Seawell, Slater, Snyder, Tickle, Wagy, and Young—26.

NOES—None.

Bill ordered on file for third reading.

Third Reading of Senate Bill No. 406.

Senate Bill No. 406—An act to amend section 610 of the Fish and Game Code, relating to trout and whitefish.

Bill read third time.

Amendment from the Floor.

During third reading of Senate Bill No. 406, the following amendment, offered by Senator Gordon, was read and adopted:

Amendment No. 1.

On page 1, line 9, of the printed bill, strike out "No", and insert in lieu thereof the following: "Except in listric 2, no".

Consideration of Senate Bill No. 406.

Senator Scollan asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 406, without reference to reprint, for purpose of passage.

The question being on the passage of the bill, as amended.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Deuel, Duval, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, and Young—30.

The Secretary announced the absentees.

Time, eleven o'clock and twenty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and twenty-seven minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Scollan.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 406 finally passed as amended, by the following vote:

AYES—Senators Biggar, Duval, Fletcher, Garrison, Gordon, Hulse, Keough, King, McColl, McCormack, McGuinness, Metzger, Mixer, Perry, Reindollar, Schottky, Scollan, Seawell, Slater, Stow, Wagy, and Young—22.

NOES—Senators Deuel, Jespersen, Olson, Parkman, Pierovich, Powers, Snyder, and Tickle—8.

Title read and approved.

Senate Bill No. 406 ordered transmitted to the Assembly.

Consideration of Daily File.**Third Reading of Senate Bills.**

Senate Bill No. 1077—An act to amend section 21 of the "California Water Storage District Act," relating to property sold for delinquent assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1077 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, McColl, McCormack, McGuinness, Metzger, Mixer,

Parkman, Perry, Pierovich, Powers, Remdollar, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 1077 ordered transmitted to the Assembly.

Second Reading of Senate Bills.

Senate Bill No. 670—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 670 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "relating to", and insert in lieu thereof the following: "by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new Chapter 8 to Part 2 of Division 2 thereof, comprising sections 10640 to 10680, inclusive, relating to life".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "by mutual benefit life associations".

Amendment No. 3.

On page 1, line 1, of the printed bill, after the period, insert the following: "Chapter 8 of Part 2 of Division 2 of the Insurance Code, comprising sections 10640 to 10780, inclusive, is hereby repealed.

SEC. 2. A new chapter, to be numbered Chapter 8, to be added to Part 2 of Division 2 of the Insurance Code, comprising sections 10640 to 10780, inclusive, and to read as follows:

CHAPTER 8.

Article 1. Life Insurance upon the Mutual Benefit Association Plan.

10640. Every association having the following characteristics or doing business under the following conditions, is a mutual benefit life association subject to the business of life insurance upon the mutual benefit assessment plan, and shall be subject to the provisions of this chapter:

(a) Such association is organized either to insure the life of its members or to provide money benefits payable upon the death of its members.

(b) Such association provides for the payment of sum death benefits and the expenses of the management of the business by assessments, including the annual dues specified in this chapter, levied against the members of such association.

(c) The members' liability to contribute to the payment of losses assessed, or to accrue, is not a fixed sum.

10641. Mutual benefit life associations shall not be governed by the provisions of Chapters 9 or 10 of this part.

Article 2. Special Exemptions.

10650. Except as provided in section 10651, the provisions of this chapter shall not apply to the following associations:

(a) Fraternal benefit societies operating under "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911.

(b) Benefit and relief associations formed by churches, lodges, labor unions, or employees of a common employer, the privileges and regulations for membership in which are confined to the members of such churches, lodges, or labor unions, or to employees of such common employer, or employees or officers of such common employer, or employees of companies or corporations of which a single employer owns at least one-quarter of the issued capital or voting stock.

10651. The provisions of sections 10660 and 10661 and Articles 4 and 13 of Chapter 1 of Part 2 of Division 1 of this code shall apply to associations exempted by the provisions of section 10650.

Article 3. Formation and Organization.

10660. Twenty-five or more persons may incorporate a mutual life association. The articles of incorporation shall contain the statements required by section 595 of the Civil Code, except that they shall provide that

(a) The voting power of the respective members is equal.

(b) The property rights of each member of the association are measured by that proportion of the total of the assets of the association represented by the proportion

of the members' death benefit to the total of such benefits in all policies issued by the association and in force at the time when the determination of rights is made.

(c) If the association ceases to do business, the property rights of the members as to one another are those which exist at the time of such cessation of business.

10661. Any such association incorporated under the provisions of this chapter shall file with the commissioner:

(a) A certified copy of its articles of incorporation.

(b) A copy of its by-laws.

(c) A bond conditioned as provided in this article.

(d) Copies of any contracts or benefit certificates which it proposes to issue.

(e) Copies of applications for membership.

(f) A statement containing the names and addresses of its officers. All of such officers shall be bona fide residents of this State.

(g) A certified copy of any amendment or change in any matter set forth in any of the foregoing documents.

10662. Such association shall furnish a bond to the commissioner in the penal sum of ten thousand dollars in favor of the commissioner as trustee for all persons benefited by its terms. Such bond shall be executed by the association with any sureties thereon approved by the commissioner.

10664. Such bond shall provide that if the association fails, within one year after the issuance of the permit to solicit applications, to qualify as provided by Article 5 of this chapter, each applicant will be repaid the money which he pays to the association under the provisions of that article.

10665. After the documents required by this article are filed with him, the commissioner, at the request of the association, shall issue to it a permit to solicit applications for membership and insurance.

Article 4. Existing Corporations May Continue.

10669. Any domestic corporation now transacting business under the provisions of Chapter IV of Part IV, Title II, Division First of the Civil Code may carry to completion under the terms of that chapter the following contracts:

(a) Contracts existing on the date this section takes effect.

(b) After the lapse of any such existing contract, a contract which constitutes a reinstatement thereof within sixty days after such lapse, even though such lapse and reinstatement occurs after this section takes effect, and notwithstanding any provisions of such reinstatement contract which set forth that such contract shall take effect as a new contract from the date of such reinstatement.

10670. Any such existing association having assets, excluding any right of assessment, which, on the date this section takes effect, are not equal to its outstanding claims and debts, shall show to the satisfaction of the commissioner a continuous improvement in its condition and shall accumulate the benefit fund prescribed by section 10694 by June 30, 1936.

10671. Except as provided by this article, any such existing domestic corporation may continue to exercise all the rights, powers and privileges conferred by Chapter IV, Part IV, Title II, Division First of the Civil Code, by subject to this chapter.

10672. It is the intention of the Legislature, by the enactment of this article, to permit any existing domestic association now engaged in transacting business of life insurance on the mutual benefit assessment plan as defined in this chapter to continue its corporate existence and business under the provisions of this chapter without the necessity of reincorporating or requalifying, except as provided by this article.

Article 5. Commencement of Business.

10680. Any association hereafter organized shall not execute or issue any contract of insurance or benefit certificate until it qualifies by showing the following facts to the satisfaction of the commissioner:

(a) That a minimum of one thousand persons have applied in writing to the association for membership and insurance therein.

(b) That such applicants have each paid an amount of not less than five dollars nor more than ten dollars.

(c) That the association has on deposit in a bank or trust company authorized to do business in this State for the benefit fund an amount equal to the largest benefit contracted to be paid by it to any one person.

10681. Upon such qualification the commissioner shall issue a certificate of authority to the association to transact business under this chapter.

Article 6. Powers and Restrictions.

10690. The affairs of all such associations shall be governed by not less than three nor more than seven directors. Such directors shall be residents of this State and shall be elected from and by the members, present in person or by proxy, at such time and place and for such period not exceeding four years, as is prescribed in the by-laws. Not less than thirty days' notice of every election of directors shall be given by mail to the members. Any director shall be eligible for reelection and, as far as practicable, an equal number shall be elected at such election. Whenever

the directors are elected, a certificate under the seal of the association shall be filed with the commissioner, stating the names of such directors. Vacancies in the board of directors shall be filled as provided in the by-laws.

10694. The association may:

(a) Make such by-laws as are necessary for the government and the transaction of its business, not inconsistent with the provisions of this chapter or the general laws.

(b) Sue and be sued in its own name.

(c) Keep and maintain a benefit fund.

(d) Keep and maintain an expense fund.

10695. The benefit fund of such association shall be used for the payment of claims arising out of contracts of insurance, for benefit certificates issued by it, and taxes applicable thereto. Within ninety days after the association receives the proof of any loss which amounts in amount to the benefit fund of the association, the president shall cause the directors of the association. Thereafter the directors shall levy an assessment against all members for an amount sufficient to pay such loss or all losses of the association accrued at the time and amount in such, and for an amount in excess thereof sufficient to maintain the minimum amount of the benefit fund prescribed in this chapter. Such assessment shall be levied either pro rata against all members of the association, or ratably according to the attained age of such members as provided in section 10696.

10696. In order to provide for the contingency of an unexpected number of deaths, any such association may levy assessments additional to those required by the preceding section, whenever the board of directors, in its discretion, deems such additional assessments to be advisable. All the proceeds of such additional assessments shall be placed entirely in the benefit fund and the benefit fund shall not in any case be permitted to exceed a sum greater than twenty-five thousand dollars.

10697. On and after June 30, 1936, the minimum amount of such benefit fund shall be the amount of the largest benefit certificate outstanding.

10698. Such fund may be held in trust or invested in any manner approved as legal for investment of all assets of domestic insurers by Article 3 of Chapter 2, Part 2, Division 1 of this code.

10699. Whenever the benefit fund of any association falls below the amount required by this chapter and it is not represented within ninety days the association is insolvent and the commissioners shall proceed against such association as provided for in Article 14 of Chapter 1, Part 2, Division 1 of this code.

10700. Every such association shall also, as expense fund out of which all operating expenses other than those chargeable to the benefit fund shall be paid. For the purpose of maintaining such fund the association may charge membership fees and dues to its members. Such dues, exclusive of initial membership fees payable in the first policy year, shall not exceed twenty dollars a year for each one thousand dollars or fraction thereof, of the benefit certificate to be paid.

10701. Whenever any assessment is levied the association shall immediately mail properly addressed notice thereof to each member. Such notice shall set forth the amount and the purpose of the assessment and shall also state the time when the payment of the assessment is to be made. For purposes stated shall not be more than thirty days from the date of such notice.

10702. The assessments authorized to be levied for mortuary purposes pursuant to the provisions of this chapter shall be in proportion to the face amount of the certificate held by each member. If the proceeds of any assessment levied for mortuary purposes under the provisions of this chapter are not sufficient to pay the claims for which such assessment is levied, additional assessments sufficient to meet such claims shall promptly be levied. At the option of the association, the assessments for mortuary purposes provided in this chapter may be graded according to the attained age of the member, in accordance with some accepted experience table of mortality. Every certificate hereafter issued by such association shall fully set forth the method by which it is to be determined the amount of any assessment to be levied against the member. Such association shall not concurrently issue certificates providing for more than one method of assessment.

10703. Those officers of such association who have the custody of its funds shall give bond to the association in the amount of the benefit fund as reported in the annual statement last filed with the commissioner, conditioned upon the faithful performance of their duties and the accounting for the funds delivered into their custody, with every surety thereon approved by the commissioner.

Article 7. Membership.

10710. Every such association shall maintain at least one thousand members in good standing.

10711. If the membership at any time falls below the minimum, the association shall immediately notify the commissioner of that fact. Thereafter, the association shall increase its membership to the required minimum within ninety days unless the commissioner allows additional time. Unless the membership is thus increased, the commissioner shall revoke its certificate of authority.

10712. Upon revocation of its certificate of authority the association shall either liquidate and dissolve under the supervision of the commissioner, or merge or consolidate its business as provided in Article 9 of this chapter.

Article 8. Forms and Amount of Benefit Certificates.

10720. No association subject to the provisions of this chapter may hereafter issue or deliver in this State any policy or benefit certificate for an amount greater than three thousand dollars nor may it so issue or deliver such policy or certificate until after a copy of the form thereof, including the form of application and any rider or endorsement, is filed with and approved by the commissioner.

10721. The commissioner shall approve or disapprove such form within thirty days thereafter; otherwise such form shall be deemed approved. Before disapproving such form he shall notify the association, giving his reasons for disapproval, and shall grant a hearing to the association thereon.

10722. In determining whether or not he will approve a form of certificate, the commissioner shall consider whether or not it takes into consideration the provisions of this chapter and all standard provisions applicable thereto.

10723. Such policy or certificate shall not be issued or delivered unless it contains, in substance, the following provisions:

(a) A provision that the policy or certificate shall be incontestable after it has been in force during the lifetime of the insured member for a period of three years from its date of issue, or from the date of any reinstatement thereof, except for nonpayment of assessments made pursuant to the provisions of this chapter and except for violation of the conditions of the certificate relating to military and naval service in time of war.

(b) A provision that the policy or certificate constitutes the entire contract between the member and the association, but if the association desires to make the application a part of the contract or certificate, it may do so if a copy of such application is endorsed upon or securely attached to the certificate when issued. In such case, the policy or certificate shall contain a provision that it, with the application therefor, shall constitute the entire contract between the member and the association.

10724. No such policy or certificate hereafter issued may contain any provision purporting to provide for the payment of mortuary assessments or premiums in stipulated amounts at specific intervals, but shall clearly state that the member is subject to assessment at any time to cover his proportion of any claims occurring during his membership.

10725. If the commissioner fails to approve or disapproves any such form within thirty days after it is filed with him, his act or decision thereon shall be subject to review, in accordance with the provisions of Chapter I, Part III, Title I of the Code of Civil Procedure. Upon such review the burden of proof shall lie upon the appellant and the court shall receive and consider pertinent evidence, whether oral or documentary concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in failing to approve or in disapproving any such form. No such certificate or form may be issued or delivered pending the final determination of any such review.

Article 9. Merger or Consolidation.

10730. Any such association may merge or consolidate with, or transfer its membership certificates and assets to, any other association operating under the provisions of this chapter.

10731. The agreement of merger, consolidation or transfer shall be submitted to and approved by a two-thirds vote of the members of the ceding association present in person or by proxy at a meeting called to consider that agreement. A written or printed notice of such meeting shall be mailed to each member at least thirty days before the day fixed for the meeting.

10732. Before the merger, consolidation or transfer is effected, the association which proposes to assume the liabilities of the ceding association shall submit to its members the question of merger, consolidation or transfer, as the case may be, and a similar notice shall be given and a similar vote required as in the case of members of the ceding association.

10733. If the vote in the case of both associations is in the affirmative by the required majority, a certified copy of all proceedings relating to the proposed merger, consolidation or transfer, shall be filed with the commissioner. If the commissioner finds that the proceedings have been in accordance with law, he shall approve the agreement.

10734. Upon the approval by the commissioner of such agreement, the consolidated association shall thereupon issue certificates of assumption to each and every member of the ceding association. Such certificates shall be in a form approved by the commissioner.

10735. The approval of the commissioner of the agreement of merger, consolidation or transfer, shall operate to dissolve the ceding association, and all its liability upon its insurance contracts or benefit certificates shall thereupon cease, but its officers may thereafter perform any act necessary to close its affairs. The officers

of the ceding association shall file a certified copy of the agreement and of the approval of the commissioner in the office of the Secretary of State. Such certified copy shall be in lieu of the certificate of dissolution required by the provisions of the general corporation laws.

10736. The consolidated association shall be entitled to all the assets of the ceding association and shall assume all its liabilities. The policies or benefit certificates in force at the date of the merger, consolidation or transfer shall continue in full force and effect in all their provisions, agreements and undertakings, and shall be construed according to the provisions of law under which they were issued.

Article 10. Transformation.

10740. Whenever any domestic association subject to the provisions of this chapter has accumulated a fund of twenty-five thousand dollars or more in excess of all liabilities for claims or expenses incurred and taxes, it may, at its option, elect to transform itself into and to operate as a mutual life and disability insurer on the stipulated premium plan with provision for assessments as defined in Chapter 9 of this part.

10741. Such action shall be taken by resolution adopted by not less than a two-thirds vote of the membership or certificate holders present in person or by proxy at a meeting duly called for that purpose. A written or printed notice of such meeting shall be mailed to each member or certificate holder at least thirty days before the date fixed for the meeting.

10742. A certified copy of all proceedings relative to such action shall be filed with the commissioner and, if he finds that the proceedings were held in accordance with law, the commissioner shall approve the resolution.

10743. Such transformed association shall amend its articles of incorporation and by-laws to conform to the transformation, but shall be a continuation of the original corporation by the same name.

10744. Thereafter the transformed association shall not include in its contracts the provisions required by this chapter, but shall be subject to its subsequent business to the provisions of Chapter 9 or Part 2 of Division 2 of this code. The transformation of such association shall not affect the rights or obligations of the association to its members on any contract theretofore made.

Article 11. Contributions.

10745. Any person may advance any sum of money to any association operating under this chapter for the purpose of organization or to promote or conserve the association's business or to enable it to qualify as a mutual life and disability insurer on the stipulated premium plan with provision for assessments as defined in Chapter 9 of this part, or to comply with the laws of any State. The return of such money, together with such interest thereon as was agreed upon, not exceeding eight per cent per annum, shall be payable only out of surplus remaining after providing for all required reserves, surplus, or retention funds and other liabilities, whether required by the laws of this State or any other State in which the association does business. The obligation to return such money shall not be a liability or claim, whether as to principal or interest, against the association or any of its funds or assets.

10746. Commission or promotion expense shall not be paid in connection with the advance of any such money to the association.

10747. The amount of such advance shall be reported in each annual statement.

10748. When any association authorized under this chapter discontinues business, after the payment of or provision for all claims or liabilities following a determination made by the commissioner, any surplus shall be returned to the person who advanced it. If the money advanced was repaid, then such surplus shall be distributed or disposed of as is determined by the superior court of the county in the State in which such association has its principal place of business.

10749. The advance of any sum of money or contribution for the purposes specified in this article shall be evidenced by contribution certificates in such form as is approved by the commissioner.

The repayment, in whole or in part, of the principal of such contribution or advance shall not be made without prior approval in writing by the commissioner.

Article 12. Association Exceeding Its Powers. Liquidation.

10750. If the commissioner, on investigation, ascertains that any such association has exceeded its powers, has failed to comply with any provision of this chapter or the law under which it was organized, or is conducting its business fraudulently, he shall proceed in accordance with Article 14 of Chapter 1, Division 1, Part 2 of this code. Except as prescribed by this chapter, the commissioner may proceed against an association operating under this chapter upon any other ground specified in that article.

Article 13. Insurance Laws Applicable.

10770. Except as expressly provided to the contrary in this chapter or elsewhere, all insurance or benefit contracts hereafter made, relative to life insurance upon the mutual benefit assessment plan, and any association issuing such contracts within

this State, shall be subject to all laws now in effect or hereafter enacted relating to life insurance.

10771. All agents of such associations in this State shall be subject to the provisions of Article 2 of Chapter 5, Part 2, Division 1 of this code.

Article 14. Penalty.

10880. Any such association or any officer or agent thereof refusing to comply with or violating any provision of this chapter is, except as otherwise provided, guilty of a misdemeanor.

SEC. 2. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 936—An act to repeal section 2610 of the Political Code as added by Chapter 992 of the fiftieth session of the Legislature and to add a new section to the Political Code to be numbered section 2610a, relating to a Board of State Harbor Commissioners for the Bay of San Diego.

Amendment from the Floor.

During third reading of Senate Bill No. 936, the following amendment, offered by Senator Tickle, was read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, after the word "Governor", insert the following: "with advice and consent of the Senate,".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration.

Amendment from the Floor.

During third reading of Senate Bill No. 118, the following amendment, offered by Senator Crittenden, was read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, after the period, insert the following: "This act shall not apply to boats propelled by portable outboard motors."

Bill read second time, ordered to reprint, re-engrossment, and on file for third reading.

Rush Order to Printer.

On motion of Senator Seawell, the Secretary was directed to issue a rush order for printing Senate Bill No. 670.

Special Order.

Senator Garrison moved that Senate Bill No. 127 be made a special order for Thursday, April 18, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried.

Third Reading of Assembly Bills.

Assembly Bill No. 601—An act to amend section 1704 of the Streets and Highways Code, relating to county highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 601 passed by the following vote:

AYES—Senators Crittenden, Donel, Duval, Edwards, Fletcher, Garrison, Gentry, Hays, Hulse, Josperson, Keough, King, Knowland, McCracken, McGowan, McGowaness, Mixer, Perry, Powers, Reindollar, Schortky, Sefton, Sefton, Sharkey, Slater, Snyder, Stow, Swing, and Wagy—29

NOES—None.

Title read and approved.

Assembly Bill No. 601 ordered transmitted to the Assembly.

Assembly Bill No. 658—An act to amend sections 45 and 47 of the California Irrigation District Act and to repeal section 46 of said act, all relating to certificates of sale and redemption therefrom, and the issuance of deeds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 658 passed by the following vote:

AYES—Senators Crittenden, Donel, Duval, Edwards, Fletcher, Garrison, Gentry, Hays, Josperson, King, Knowland, McCracken, McGowan, McGowaness, Mixer, Perry, Powers, Reindollar, Schortky, Sefton, Sefton, Sharkey, Slater, Snyder, Stow, Swing, and Wagy—27

NOES—None.

Title read and approved.

Assembly Bill No. 658 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended Senate Joint Resolution No. 14—Relative to memorializing and petitioning the President and the Congress of the United States to include the Central Valley Project in the National program of work relief—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. CHINIMUS, Chief Clerk.
By FRED J. DUNSON, Assistant Clerk.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Joint Resolution No. 14.

Amendment No. 1.

On page 3, line 2, of the printed resolution, strike out the word "revenue", and insert in lieu thereof the word "provision".

The question being: Shall the Senate concur in Assembly amendment to Senate Joint Resolution No. 14?

The roll was called, and Assembly amendment to Senate Joint Resolution No. 14 concurred in by the following vote:

AYES—Senators Crittenden, Donel, Duval, Edwards, Fletcher, Garrison, Gentry, Hays, Hulse, Keough, King, Knowland, McCracken, McGowan, McGowaness, Mixer, Perry, Powers, Reindollar, Schortky, Sefton, Sefton, Sharkey, Slater, Snyder, Stow, Swing, and Wagy—26.

NOES—None.

Senate Joint Resolution No. 14 ordered to enrollment.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1721—An act to amend sections 859 and 860 of the Penal Code, relating to the examination of a case before a magistrate, and to add section 859a of the Penal Code, relating to a plea of guilty to the complaint before a magistrate.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1721 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McCormack, McGovern, McGuinness, Mixter, Perry, Powers, Reindollar, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1721 ordered transmitted to the Assembly.

Second Reading of Senate Bills—(Resumed).

Senate Bill No. 470—An act to amend and revise Chapter 9, comprising sections 10810 to 10940, inclusive, of Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 470 were read and adopted:

Amendment No. 1.

On page 11 of the printed bill, as amended, between lines 23 and 24, insert the following:

"SECTION 1. Chapter 9 of Part 2 of Division 2 of the Insurance Code is hereby repealed.

SEC. 2. A new chapter is hereby added to Part 2 of Division 2 of the Insurance Code, to be numbered Chapter 9, to comprise sections 10810 to 10940, inclusive, and to read as follows:"

Amendment No. 2.

On page 12, line 6, of the printed bill, as amended, strike out the semicolon, and insert in lieu thereof a period.

Amendment No. 3.

On page 12, line 7, of the printed bill, as amended, strike out "Provided that section", and insert in lieu thereof the following: "Section".

Amendment No. 4.

On page 12, line 9, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "exempted by subdivisions (a) or (b) of this section."

Amendment No. 5.

On page 12, line 19, of the printed bill, as amended, after "corporation", insert the following: "not operating on the lodge plan".

Amendment No. 6.

On page 12, line 20, of the printed bill, as amended, strike out "; provided this", and insert in lieu thereof a period and the following: "This".

Amendment No. 7.

On page 12, lines 21 and 22, of the printed bill, as amended, strike out "; and provided, further, that applicants", and insert in lieu thereof a period and the following: "Applicants".

Amendment No. 8.

On page 12, line 26, of the printed bill, as amended, strike out "Insurance Commissioner. No name shall", and insert in lieu thereof the following: "Commissioner. A name shall not".

Amendment No. 9.

On page 12 of the printed bill, as amended, strike out lines 37 and 38, and insert in lieu thereof the following:

"Article 4. Existing Corporations May Continue. Time for Beginning Business by New Corporation."

Amendment No. 10.

On page 13, line 1, of the printed bill, as amended, strike out "No", and insert in lieu thereof the following: "A".

Amendment No. 11.

On page 13, line 2, of the printed bill, as amended after "shall", insert the following: "not".

Amendment No. 12.

On page 13, line 3, of the printed bill, as amended, strike out "thereof", and insert in lieu thereof the following: "thereof".

Amendment No. 13.

On page 13, line 9, of the printed bill, strike out "not", and insert in lieu thereof the following: "neither".

Amendment No. 14.

On page 13, line 10, of the printed bill, strike out "at", also strike out lines 11 to 24, inclusive, and insert in lieu thereof the following: "all the following conditions are complied with:

(a) At least one thousand persons have subscribed in writing agreements to each to be insured therein for a death benefit or not less than one thousand dollars if life insurance, or for a disability benefit of not less than five dollars per week if disability insurance.

(b) Each such subscriber has paid one full stipulated premium or assessment of not less than five dollars, to be held in trust for the beneficiaries, and which has been deposited as provided in section 10901 of this code, and such deposited fund is at least equal to the largest benefit provided in any contract of insurance applied for.

(c) The insurer has deposited twenty-five thousand dollars with the commissioner.

(d) The commissioner certifies that the insurer has complied with the provisions of law and is authorized to transact business.

10831. The commissioner may require of the applicants for such policy.

Amendment No. 15.

On page 13, line 27, of the printed bill, as amended, strike out "shall appear", and insert in lieu thereof the following: "appears".

Amendment No. 16.

On page 13, line 30, of the printed bill, as amended, strike out "no authorization shall", and insert in lieu thereof the following: "an authorization shall not

Amendment No. 17.

On page 13, line 41, of the printed bill, as amended, strike out "unauthorized", and insert in lieu thereof the following: "admitted".

Amendment No. 18.

On page 13, line 42, of the printed bill, as amended, strike out "in this State".

Amendment No. 19.

On page 13, line 46, of the printed bill, as amended, strike out ", of which a", and insert in lieu thereof a period and the following: "A".

Amendment No. 20.

On page 13, line 47, of the printed bill, as amended, after "notice", insert the following: "of such meeting".

Amendment No. 21.

On page 14, line 3, of the printed bill, as amended, strike out "same", and insert in lieu thereof the following: "contract".

Amendment No. 22.

On page 14, line 7, of the printed bill, as amended, strike out "may", and insert in lieu thereof the following: "will".

Amendment No. 23.

On page 14, line 9, of the printed bill, as amended, strike out "shall include", and insert in lieu thereof the following: "includes".

Amendment No. 24.

On page 14, line 34, of the printed bill, as amended, strike out "licensed", and insert in lieu thereof the following: "admitted".

Amendment No. 25.

On page 14, line 35, of the printed bill, as amended, strike out "in this State".

Amendment No. 26.

On page 14, line 40, of the printed bill, as amended, strike out "provided," and insert in lieu thereof the following: "except".

Amendment No. 27.

On page 14, lines 41 and 42, of the printed bill, as amended, strike out the semi-colon; also strike out "provided, further, that", and insert in lieu thereof the following: "and".

Amendment No. 28.

On page 14, line 45, of the printed bill, as amended, strike out "shall operate to dissolve", and insert in lieu thereof the following: "of all of its business shall be cause for dissolving".

Amendment No. 29.

On page 15, line 4, of the printed bill, as amended, strike out "pro-"; also strike out lines 5 to 9, inclusive, and insert in lieu thereof the following: "specify:

(a) The amount of money which it promises to pay upon the contingency insured against.

(b) The number of days after satisfactory proof of the happening of such contingency and of the liability of the insurer when such payment will be made.

Upon the occurrence of such contingency and the elapse of the specified number of days after proof, the beneficiary".

Amendment No. 30.

On page 15 of the printed bill, as amended, strike out line 14, and in lieu thereof insert the following: "within a reasonable time after it became due and after proper".

Amendment No. 31.

On page 15, line 17, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 32.

On page 15, line 18, of the printed bill, as amended, before "of", insert the following: "or contract".

Amendment No. 33.

On page 15, line 22, of the printed bill, as amended, strike out "No", and insert in lieu thereof the following: "An".

Amendment No. 34.

On page 15, line 23, of the printed bill, as amended, strike out "issue or", and insert in lieu thereof the following: "neither issue nor".

Amendment No. 35.

On page 15, line 25, of the printed bill, as amended, strike out the comma, and insert in lieu thereof the following: "and".

Amendment No. 36.

On page 15 of the printed bill, as amended, strike out line 28, and insert in lieu thereof the following: "after. Otherwise such form shall be deemed approved."

Amendment No. 37.

On page 15, line 29, of the printed bill, as amended, strike out "vided, however, that before", and insert in lieu thereof a period and the following: "Before".

Amendment No. 38.

On page 15 of the printed bill, as amended, strike out line 31, and insert in lieu thereof the following: "to the insurer thereon.
10861. In considering whether a form of".

Amendment No. 39.

On page 15, lines 34 and 35, of the printed bill, as amended, strike out "nor shall such policy", and insert in lieu thereof the following: "and such policy shall not".

Amendment No. 40.

On page 16, line 41, of the printed bill, as amended, strike out "10861", and insert in lieu thereof the following: "10862".

Amendment No. 41.

On page 16, line 52, of the printed bill, as amended, strike out "No such policy or form may be", and insert in lieu thereof the following: "Such policy or form shall not be".

Amendment No. 42.

On page 17 of the printed bill, as amended, strike out lines 2 and 3 and insert in lieu thereof the following: "such review."

Amendment No. 43.

On page 17, line 8, of the printed bill, as amended, strike "inserted" and insert a comma.

Amendment No. 44.

On page 17, line 9, of the printed bill, as amended, strike out "shall be" and insert in lieu thereof the following: "and."

Amendment No. 45.

On page 17, line 12, of the printed bill, as amended, strike out the following: "also strike out 'provided the' and insert 'and the' and the following: 'The'."

Amendment No. 46.

On page 17, line 14, of the printed bill, as amended, strike out the comma.

Amendment No. 47.

On page 17, line 19, of the printed bill, as amended, strike out "may", and insert in lieu thereof the following: "may".

Amendment No. 48.

On page 18, line 2, of the printed bill, as amended, strike out "shall be" and insert in lieu thereof the following: "equals".

Amendment No. 49.

On page 18, line 3, of the printed bill, as amended, strike out the following: "also strike out 'and on such contract no liability shall' and insert in lieu thereof a period and the following: 'On such contract no liability shall'."

Amendment No. 50.

On page 18, line 6, of the printed bill, as amended, strike out the following: "also strike out 'provided, however, no', and insert in lieu thereof a period and the following: 'No'."

Amendment No. 51.

On page 18, line 7, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 52.

On page 18 of the printed bill, as amended, strike out lines 23 to 29, inclusive, and insert in lieu thereof the following:

"10880 If a domestic insurance contract is the contract of the company is possessed of admitted assets in excess of all liabilities, and such excess is equal to the minimum paid-in capital required by sections 10946 and 10947 of this code to transact the classes of insurance which it proposes to transact, such contract may, at its option, without reimbursement, enter its capital as a national agent domestic insurer.

Such action shall be by resolution adopted".

Amendment No. 53.

On page 18, line 32, of the printed bill, as amended, strike out the comma, also strike out "of which a written or printed notice", and insert in lieu thereof a period and the following: "A written or printed notice of such meeting".

Amendment No. 54.

On page 19, line 8, of the printed bill, as amended, strike out the semicolon; also strike out "and the", and insert in lieu thereof a period and the following: "The".

Amendment No. 55.

On page 19, line 11, of the printed bill, as amended, strike out "inserted", and insert in lieu thereof the following: "the".

Amendment No. 56.

On page 19, line 12, of the printed bill, as amended, after "required", insert the following: "surplus".

Amendment No. 57.

On page 19, line 14, of the printed bill, as amended, strike out the comma, also strike out "and the", and insert in lieu thereof a period and the following: "The".

Amendment No. 58.

On page 19, line 16, of the printed bill, as amended, strike out "No commission", and insert in lieu thereof the following: "Commission".

Amendment No. 59.

On page 19, line 17, of the printed bill, as amended, after "shall", insert the following: "not".

Amendment No. 60.

On page 19, line 18, of the printed bill, as amended, strike out the comma; also strike out "and the", and insert in lieu thereof a period and the following: "The".

Amendment No. 61.

On page 19, line 22, of the printed bill, as amended, strike out "Insurance".

Amendment No. 62.

On page 19, line 32, of the printed bill, as amended, strike out "No", and insert in lieu thereof the following: "The".

Amendment No. 63.

On page 19, line 33, of the printed bill, as amended, strike out "be made without the", and insert in lieu thereof the following: "not be made without the prior".

Amendment No. 64.

On page 19, line 34, of the printed bill, as amended, strike out "being first had or obtained".

Amendment No. 64-a.

On page 19, line 42, of the printed bill, as amended, strike out "and such", and insert in lieu thereof a period and the following: "Such".

Amendment No. 65.

On page 19, line 47, of the printed bill, as amended, strike out "No holder of", and insert in lieu thereof the following: "The holder of a".

Amendment No. 66.

On page 19, line 48, of the printed bill, as amended, after "shall", insert the following: "not".

Amendment No. 67.

On page 19, line 50, of the printed bill, as amended, strike out "and no", and insert in lieu thereof a period and the following: "The".

Amendment No. 68.

On page 19, line 51, of the printed bill, as amended, after "shall", insert the following: "not".

Amendment No. 69.

On page 20, line 17, of the printed bill, as amended, strike out "shall appear" and insert in lieu thereof the following: "appears".

Amendment No. 70.

On page 20, line 18, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "such insurer".

Amendment No. 71.

On page 20 of the printed bill, as amended, strike out line 20, and insert in lieu thereof the following: "code. The provisions of this section shall not pre-".

Amendment No. 72.

On page 20 of the printed bill, as amended, strike out lines 23 to 30, inclusive, and insert in lieu thereof the following:

"10896. If an undisputed claim arising out of the death or disability of a policyholder is not paid within sixty days after the filing, pursuant to the policy, of satisfactory proof of such death or disability, and available assets of the insurer are not sufficient to pay the claim, then unless the insurer levies an assessment or otherwise obtains funds to provide for the payment, the commissioner may revoke its certificate of authority."

Amendment No. 73.

On page 20, line 36, of the printed bill, as amended, after "capital", insert a period.

Amendment No. 74.

On page 20 of the printed bill, as amended, strike out line 37, and insert in lieu thereof the following: "Of such securities an amount not less in value than".

Amendment No. 75.

On page 21 of the printed bill, as amended, strike out lines 2 to 22, inclusive, and insert in lieu thereof the following: "assessment plan, as a condition precedent to admission, shall deposit the following with the commissioner:

(a) A certified copy of its charter or articles of incorporation or association.

(b) A statement, made on oath by its president and secretary in the form required by the commissioner, of its business for the preceding year.

(c) A designation of an agent in this State together with an agreement or stipulation, as provided by sections 1600 to 1604, inclusive, of this code.

(d) A certificate, made on oath by its president and secretary, showing that it is paying, and for the twelve months then last preceding has paid, the maximum amount named in its policies or certificates in full.

(e) A certificate from the proper authority of its home State, showing that corporations of this State engaged according to this statute in insurance on the stipulated premium or assessment plan are legally entitled to do business in such State.

(f) A copy of its policy and application, showing that benefits are provided for by stipulated premiums or assessments upon policyholders.

(g) Evidence satisfactory to the commission that it has accumulated and maintains a deposit and reserves equal in amount to that required by this chapter, and that such accumulation is permitted by the law of its incorporation, at least in case for the benefit of policyholders only, and is not being threatened.

10921. The commissioner shall"

Amendment No. 76.

On page 21, line 27, of the printed bill, as amended, strike out the comma, and insert in lieu thereof a period.

Amendment No. 77.

On page 21, line 28, of the printed bill, as amended, strike out "and insert in lieu thereof the following: "Such certificate"

Amendment No. 78.

On page 21, line 29, of the printed bill, as amended, strike out the comma, also strike out "and such", and insert in lieu thereof a period and the following "Such".

Amendment No. 79.

On page 21, line 36, of the printed bill, as amended, strike out the comma, also strike out "and no new", and insert in lieu thereof a period and the following "Thereafter new business shall not be done by such insurer or its agents in this State."

Amendment No. 80.

On page 22, line 20, of the printed bill, as amended, strike out "neglecting", and insert in lieu thereof the following: "refusing".

Amendment No. 81.

On page 22 of the printed bill, as amended, strike out line 21, and insert in lieu thereof the following "chapter is, except as otherwise provided, hereby"

Amendment No. 82.

On page 22 of the printed bill, as amended, strike out lines 23 and 24.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills

Assembly Bill No. 1300. An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by

other persons and corporations; and to repeal Title XVI of Part IV of Division First of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the amendment of section 6.02 of said act as set forth in section 5a of Chapter 431 of the Statutes of 1933; adding to said act new sections to be numbered 6.09 relating to delay in paying after thirty days, 8.10 relating to rate of return on shares and investment certificates, 9.18 relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, 10.03a relating to reserve or surplus accounts, 10.09 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal savings and loan association and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to vote for or approve such conversion, to exchange shares, stock, investment certificates or other rights or claims for shares issued by such Federal savings and loan association, and to continue to hold as a legal investment any shares so received; adding a new article to be numbered XVI to said act relating to the rehabilitation, readjustment, liquidation, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such Article XVI, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article XVI, to exchange shares, stock investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and declaring the urgency of this act and providing that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Loan Associations, the following amendments to Assembly Bill No. 1300 were read and adopted:

Amendment No. 1.

On page 2, line 12 of the title of the printed bill, strike out "after thirty days".

Amendment No. 2.

On page 2, line 28 of the title of the printed bill, strike out "liquidation,".

Amendment No. 3.

On page 7 of the printed bill, strike out all of lines 37 to 42, and insert in lieu thereof the following:

"SEC. 3. The amendment to section 6.02 of the act cited in the title hereof, set forth in and provided by section 5a of Chapter 431 of the Statutes of 1933 approved

May 16, 1933, shall take effect, as to each association in bill act 1011, the time when such particular association shall cease to operate under section 6.02 of said act as amended by this act, by petition of petitioner of the following associations shall occur first in the case of such particular association: (1) an action of the commissioner to such association to discontinue paying dividends pursuant to the provisions of said section 6.02 as amended by this act; (2) the filing of such petition to apply for or to obtain a permit following such association to resume after September 1, 1935 under the provisions of said section 6.02 as amended by this act; or (3) the expiration or termination of the emergency period defined in said section 6.02 of said act as amended by this act. If any association which shall have ceased to operate under section 6.02 of said act or be deemed by the act, such association obtain a permit or permits from the commissioner according to its petition under the provisions of said section 6.02 as amended by this act, then, throughout the period or periods during which such permit or permits shall be in effect and while during such period or periods, the provision of section 6.02 as amended by this act shall be applicable to such association or any of the provisions of said section 6.02 as amended by said Chapter 431 of the Statutes of 1933.

Amendment No. 4.

On page 17, line 4, of the printed bill, strike out "Liquidation."

Amendment No. 5.

On page 17, line 34, of the printed bill, strike out "Liquidation."

Amendment No. 6.

On page 17, line 39, of the printed bill, strike out "or liquidation".

Amendment No. 7.

On page 18, line 13, of the printed bill, strike out the following: "194. be the holders of", all of lines 14 and 15, and in line 16 the following: "ificates", and insert in lieu thereof the following: "194. may be required, subject to the approval of the commissioner, by the holders of twenty per cent of the aggregate outstanding free shares and investment certificates of said association or associations."

Amendment No. 8.

On page 20, line 52, of the printed bill, strike out the following: "first, secured creditors; second, unsecured creditors; third, stockholders; and fourth, general creditors; and insert in lieu thereof the following: "first, secured creditors; second, investment certificate holders and investment certificates, without preference of one over the other, except and to the extent that the court shall deem such preference fair and equitable in view of all the facts and circumstances; third, stockholders; and fourth, stockholders, provided, however, that preference may be given to any such plan for the payment in full of all taxes, assessments, interest, dividends, repairs and other operating expenses, and for the payment of obligations in connection with such plan as approved by the commissioner and planned by the court."

Amendment No. 9.

On pages 23 and 24 of the printed bill, strike out all of lines 51 and 52 on page 23, and all of lines 1 to 19 on page 24, and insert in lieu thereof the following:

"Sec. 16.11. Inspection of Association Records. Any investor or creditors holding two per cent or more in value of the aggregate outstanding free shares and investment certificates of an association may, by a verified petition, with the approval of the county wherein such association has an office, praying for an order directing such association to permit him or his agent to inspect the books of account, the files and the minutes of proceedings of the stockholders and of the directors of such association and to make lists and extracts therefrom, and directing such association to deliver to the commissioner a list showing the names and addresses of the stockholders, shareholders and certificate holders of such association.

Upon the filing of said petition the court may set aside for hearing, which hearing shall be held only after five days' written notice to the commissioner and to said association. The court, after said hearing, and upon being satisfied that the purpose of the petitioner or petitioners is to obtain and use such information solely in connection with the formulation, proposal and submission of a plan and that such an order is necessary and proper in the premises, may grant said order upon such terms and conditions as it may deem proper. The court shall set forth in any such order, limitations and restrictions upon the use of the information acquired pursuant thereto, and may prescribe that any violation of such limitations or restrictions shall be adjudged to have been committed in contempt of court and punished accordingly.

If such order shall direct the association to furnish the commissioner a list showing the names and addresses of the stockholders, shareholders and certificate holders of such association, the commissioner shall forward by mail to the investors of such association shown on such list any communications relative to such plan presented to him for such forwarding by such petitioner or petitioners, together with any comments of the commissioner with respect thereto, provided such petitioner or peti-

tioners pay all mail and clerical expense in connection therewith. The commissioner shall be under no liability, either civil or criminal, for forwarding any communications presented to him as aforesaid."

Amendment No. 10.

On page 24 of the printed bill, strike out all of lines 21 to 38, and insert in lieu thereof the following:

"Sec. 6.09. Delay in Paying. Irrespective of any other provision of law in this act or elsewhere, whenever an association, not exempted from the application of this section, shall have been an association on notice for a period of one year, the commissioner may in his discretion forthwith or at any time thereafter, so long as such association remains an association on notice, take possession of the property, business and assets of such association and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him, or until such association shall have been reorganized as elsewhere in this act provided, or until such association may otherwise be allowed to resume business upon such conditions as may be approved by the commissioner. The right of the commissioner to take possession under this section is not exclusive, but is additional to his right to take possession under each and every other provision of this act. This section shall be in effect only during the emergency period, which term is hereby defined to mean the period commencing with the effective date of this section 6.09, and ending February 1, 1937, and this section shall not be applicable to an association in any one or more of the following classes: (a) an association which is an "insured institution" as defined in Title IV of the National Housing Act; (b) an association not issuing either stock or investment certificates, the by-laws of which expressly provide that section 6.08 of this act shall be applicable to such association; or (c) an association which has not, since March 10, 1933, by reason of the authority granted the commissioner by section 8.09 of this act, reduced its interest on investment certificates or its dividends on shares below the rate of four per cent per year."

Amendment No. 11.

On page 24 of the printed bill, between lines 38 and 39, insert the following at the end of section 14:

"Sec. 15. Section 15.16 of the act cited in the title hereof, as amended, is hereby amended to read as follows:

Sec. 15.16 State Supervision and Control. Borrowers' mutual building and loan associations as in this article defined, doing business in this State, shall be under the supervision and control of the Building and Loan Commissioner. Each of the following sections of this act, and every section of each of the following articles of this act is hereby incorporated into and made a part of this article: Sections 1.01, 2.02, 2.04, 2.05, 2.06, 2.09, 6.07, 8.08, 8.09, 8.10, 9.17, 9.18, 10.02, 10.03a, 10.04, 10.05, 10.06, 10.08, 10.09, 12.11; and articles eleven, twelve, thirteen, fourteen and sixteen.

Amendment No. 12.

On page 24, line 39, of the printed bill, change the numeral "15", to "16".

Amendment No. 13.

On page 25, line 11, of the printed bill, change the numeral "16", to "17".

Amendment No. 14.

On page 25, line 17, of the printed bill, change the numeral "17", to "18".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 990—An act to amend section 13 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," as amended, relating to revocation or suspension of licenses.

Bill read second time, and ordered on file for third reading.

Withdrawal and Re-reference of Assembly Bill No. 621.

Senator Deuel moved that Assembly Bill No. 621 be withdrawn from Committee on Universities and Teachers Colleges, and referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

Motion to Amend Standing Rules

Senator Garrison moved to amend the Standing Rules of the Senate by adding a new rule to be numbered 51a as follows:

"51a. It shall require 21 affirmative votes to control and require to be agreed upon by the Governor, and it shall require 21 votes to reconsider any action taken and consent."

Standing Rules Amended

The question being on the adoption of the motion:

The roll was called, and the motion adopted by the following vote:

AYES—Senators BIGGAR, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Huber, Jorgensen, Knecht, King, McCall, McConomy, McConomy, McConomy, Parkman, Perry, Pritchard, Pritchard, Randall, Searles, Searles, Sharkey, Slater, Snyder, Stow, T. L. and Young—29.

NOES—Senators Knowlton, Mitter, Root, Schaefer, and Wagon—5.

Reference of Senate Constitutional Amendment No. 1 and Senate Bill No. 793

Senator Sharkey moved that Senate Constitutional Amendment No. 1 and Senate Bill No. 793 be referred to Committee on Elections.

Motion carried, and such was the order.

Reports of Standing Committees

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, and 198 of the Streets and Highways Code, relating to the allocation and appropriation of State highway funds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—17; committee vote: Ayes—15; absent—2.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 45—An act to amend section 602 of the Streets and Highways Code, establishing a secondary State highway, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—17; committee vote: Ayes—15; absent—2.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 824—An act to amend sections 40418 and 40419 of the Political Code, relating to jurisdiction and powers of boards of supervisors—

Also: Senate Bill No. 825—An act to amend the code and Section 1 of an act entitled "An act to enable counties to purchase, lease, donate, hold, improve and maintain land for the uses and purposes of public parks and boulevards," approved May 31, 1920, relating to public boulevards;

Also: Senate Bill No. 826—An act to amend sections 2694, 2695, and 2696 of the Political Code, relating to the Department of Public Works;

Also: Senate Bill No. 827—An act to amend section 2620 of the Political Code, relating to the width of highways;

Also: Senate Bill No. 830—An act to amend sections 13 and 13a of the Motor Vehicle Fuel License Tax Act, relating to the disposition of funds received under said act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—15; absent—2.

EDWARDS, Chairman.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 2387—An act to amend section 1 of an act entitled "An

act granting certain tidelands and submerged lands of the State of California to the city of Long Beach upon certain trusts and conditions," approved April 28, 1925, relating to the use of such tidelands and submerged lands;

Also: Assembly Bill No. 65—An act granting certain tide and submerged lands of the State of California to the city of San Buenaventura, upon certain trusts and conditions;

Also: Assembly Bill No. 731—An act to amend section 10 of an act entitled "An act providing for the formation, government and operation of harbor districts, the calling and conducting of elections in such districts of harbor commissioners, defining their powers and duties, and providing for the issuance and disposal of bonds of such harbor districts, and providing for the assessment, levy and collection of taxes for the payment of such bonds and for the ordinary annual expenses of such harbor districts," approved June 10, 1931, relating to the government of such districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

PARKMAN, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 843—An act to repeal section 73a of the California Irrigation District Act, relating to the procedure by which property owners may be relieved from obligations of the district—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

MIXTER, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653 and 655 thereof, relating to fish;

Also: Senate Bill No. 642—An act to add section 21.4 to the Fish and Game Code, relating to damages for destruction of fish and game;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—16; committee vote: Ayes—12; absent—4.

MCCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 412—An act to repeal sections 1270, 1271, 1271.5 and 1272 of the Fish and Game Code, and to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—16; committee vote: Ayes—12; absent—4.

MCCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 34—An act to add section 903 to the Fish and Game Code, relating to nets—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—16; committee vote: Ayes—12; absent—4.

MCCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 1080—An act to add section 798.7 to the Fish and Game Code, relating to abalone—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—16; committee vote: Ayes—12; absent—4.

MCCOLL, Chairman.

On Hospitals and Asylums.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Assembly Bill No. 550—An act to amend section 2337 of the Political

Code, relating to institutions, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

SLATER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Senate Bill No. 114, An act to provide for increase of prison hospitalization facilities, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

SLATER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Senate Bill No. 111, An act to amend the hospital law, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to the Committee on Finance.

Committee membership—7; committee vote: Ayes—7.

SLATER, Chairman.

On Governmental Efficiency.

Assembly Bill No. 504, introduced April 17, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 504, An act to amend sections 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Also: Senate Bill No. 421. An act to provide for the sale and management of certain waste and abandoned lands owned and claimed by the State of California.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 421, An act to provide for the sale and management of certain waste and abandoned lands owned and claimed by the State of California, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 585, An act to amend sections 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 788, An act to amend section 10 of the Penal Code, relative to the thirty-day work on public works whether the work is done under contract or otherwise, providing penalties for violation of its provisions and directing the warden thereon, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; noes—2; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1990—An act to repeal section 677a of the Political Code and to add section 677.5 thereto, relating to budgets of State departments and other State agencies—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes 9; absent—2.

HAYS, Chairman.

Adjournment.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared the Senate adjourned, until eleven o'clock a.m., Thursday, April 18, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, April 18, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, April 17, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Tickle was, on motion of Senator Pierovich, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Stow, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Father Patrick of the Old Mission at Santa Barbara.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mark Eglin of Ukiah.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Shelly Higgins of San Diego.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. E. Pogue of Lemon Cove.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. **Wm. C. Board and Bobby Board of Los Gatos.**

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to **A. H. Steward and Kenneth Steward of Big Pine.**

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. M. Backley, principal, Miss E. M. Hook, teacher, and the following pupils of the Hamilton Union High School: Harold Beck, Roy Boone, Thomas Cornelius, Wayne Cornelius, Hazel Day, Edna Mae Ferry, Henry Gottschalk, Grace Hayman, Bob Johnson, Robert Lagerberg, Arnold Mace, Russell Maxfield, Louise Schmidt, Eddie Seyon, Virgil Smith, Ruth Sullivan, Gordon Weems, Wilkie Porter, Lorna Bender, Marguerite Combs, Barbara Duncan, Robert Edwards, Catherine Fisk, Virginia Gann, Edith Huffman, Dewey Huffman, James Mason, Velma Pascoe, Mary Quinn, Alvinso Rose, Glen Schindert, Ethelyn Stuart, George Summers, John Seimens, Gloria Warren, Della Winters, Leon Winters, Mark Winters, Wilma Wilson, August Winter, Arthur Thompson, Ray Galen and Marguerite Gordon.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Phyllis Morteret, student at the Westlake Junior High School of Oakland.

On request of Senator Citterton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Maude Eccleston and Mrs. Velma McCormack of Stockton.

On request of Senator Critchden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clarence Duffenderfer, scoutmaster, H. L. Turpin, member Knights of Round Table, and the following Stockton Scouts: Art Iwata, senior patrol leader; Sam Ruykun, scout, Frank Silva, Frank Gattuso, Yitok Yonemura, Sernio Pasco, Gilbert Atee, Louis Turner, Joe Sanchez and Frank Ponso.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Andrew J. Gallagher, supervisor of San Francisco, and James B. Dwyer of Rochester, New York.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Walter M. Smith of Exeter.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Warren Houlihan of Cathay Valley and Frank V. Smith of Moreed.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. G. E. Wade, county clerk of Alameda County.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Minnie Douglas, Mrs. Grace Price, and Mr. and Mrs. Sidney Davidson, all of Newport Beach, California.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank W. Hogan,

registrar of San Jose, the Cupertino Union School June graduating class under the direction of D. J. Sedgwick, principal, and Gladys Jasper, class teacher, as follows: Dan Bielovich, Ruth Bishop, Paul Blanco, Thelma Breeding, Irene Cano, Frances Chivaro, Bob Danielson, Pete Gachina, Welco Gasich, Jack Gordon, Don Hartman, Fern Jensen, Amy Jugum, Norman Keesling, Helen Kifer, Dolores Krieg, Joseph Lepetich, Doris Lopez, Dragutine Lopin, Ronald Maas, Dorothy McArthur, Evelyn Mello, Clara Micca, Robert Mogg, Anna Jane Nelson, Yoshio Ozawa, John Petric, Wilma Jean Pickings, Elinor Rich, Jack Sarrazin, Frank Solis, Nevada Ogar, Barbara Vortman, Harry Whiteman, Floyd Ziegler, Betty Davis and Ester Nitske, and Gladys Jasper, teacher, Teresa Zarevich, teacher, and Ivan Zarevich, Mrs. D. J. Sedgwick, Darrell S. Sedgwick and Carolin L. Sedgwick.

On motion of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Enterprise School, Florin, California, H. E. Winterstein, teacher, and the following seventh and eighth grade students: Marion Lavond, Matsuye Nakao, Shizuko Hiraga, Lena Mallegni, Isano Mukai, Clifford Schultze, Walter Schultze, Harry Hirakawa, Jack Taniguchi, Opal Whipple, Joe Nakao, Frank Asada, Helen Tomono, Masumi Mitsuyoshi, Tom Ito, Albert Mallegni, Hisashi Kawaniski, Takashi Senda, Eleanor Roemer, Akira Sasaki, Irene Gianotti, Masumi Tamura, Yasuko Hamataka, Katie Hamataka, Anton Pavich and Takeko Yabumoto.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Colonel B. C. Allen Durechie, Karl Brueck, and Supervisor Steineyal, county supervisor of San Joaquin County.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Warren K. Hilliard and Mr. Everett N. Spafford, agriculture instructors of the Modesto High School, and the following agriculture students: Warren Dow, Arlo Hilkey, Ralph Hanchett, Max Norton, Clyde Perdue, Albert Rudel, Jack Jamison, Low Lambert, Elton Brown, Jack Kiyoi, Vernon Lambert, Charles Harding, Sidney Webb, Albert Share, Russell Johnson, Warren Rinehart, Harold Yamasaki, Uriel Todd, George Kiyoi, Tom Dunagan and Wendell Page.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 17, 1935.

*To the Honorable Members of the Senate,
State of California,
Sacramento, California.*

GREETINGS: After careful study, and having weighed arguments presented both by its opponents and its proponents, I am returning herewith, without my approval, Senate Bill No. 24.

The reasons for withholding my signature from this measure—the so-called Train Limit Bill—are herein set forth and are based on my conception not only of the best interests of the railroad employees and of the railroads themselves, but of the people of California as a whole.

The chief and compelling objection to Senate Bill No. 24 is found in the fact that it seeks to establish within the borders of California by State law certain practices and regulations which can be effectively and equitably set up only by Federal statutes which shall be applicable not in one or two, but in all of the 48 States.

This single and basic factor outweighs all other considerations and is sufficient, standing alone, to indicate the desirability of an executive veto of the bill.

Conditions sought to be adjusted by the bill are not peculiar to California and are common generally in other sections of the country.

It is obvious that the relief asked by the sponsor of the bill should be sought from the National Congress, which can obtain from the Interstate Commerce Commission all information and facts essential to the drafting of such legislation as may prove desirable and workable.

Both the Interstate Commerce Commission, which has wide powers extending throughout the Nation, and the California Railroad Commission possess complete authority to investigate every aspect of this matter and to make suitable recommendations based on such investigation.

Legislation solely affecting railroad operation in this State, and seeking to establish here operative conditions not required or existing elsewhere in the Nation, would accomplish relatively little in the way of benefits for the great body of railroad employees.

On the other hand, such legislation, by imposing unusual and additional costs for the transportation of California products to the Middle West and the East, would represent a very definite menace to the economic well-being of agriculture and industry of the State's industries.

Particularly is this true with respect to the effects of such legislation on the agricultural population of California. The production of fruits and vegetables in this State would bear a disproportionate share of the extra costs involved in the application of this measure.

Such additional employment of railroad personnel as might be incident to the enactment of the bill would be more than offset by the seasonal unemployment of producers and shippers.

Until uniform practices and regulations shall be fixed by Federal action, such additional costs would represent actual discrimination against California markets and industries.

This danger is recognized by individuals, groups and agencies which represent practically all of the productive population of California.

Objections to the bill as submitted to me by this representative element of our citizenry are not prompted by self-interest, as I have been fortunate in being favorable to the opponents and proponents of Senate Bill No. 24.

Public opposition to the bill includes representatives such as the California Farm Bureau, the State Chamber of Commerce, the citrus growers, dairymen, fruit growers, vegetable growers, dairymen and egg producers, the marine industry, the Pacific Coast Transportation Advisory Board representing practically every branch of industry and husbandry in this State, and various other groups which are deeply and concerned in the economic security and advancement of California.

Without going into the merits of the contention that this measure is proposed primarily as an effective means for adding to the safety features of railroad operation, I desire to draw your attention to the fact that interested experts disagree on this point and that only by competent investigation can the truth be determined.

Having debated the general provisions of this bill, the members of the Senate and Assembly are acquainted with the principal supporting arguments made both for and against its enactment. I will not recite them here.

It is proper, however, that you should know that I have become convinced that this proposed law involves certain probable conflicts with the provisions of the Federal Constitution, indicating the likelihood of annulment of the proposed law in the event of a review by the Supreme Court of the United States.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

Motion by Senator Seawell.

On motion of Senator Seawell, the message from the Governor was placed on file as unfinished business.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 756—An act to amend section 865 of the Fish and Game Code, relating to nets, and declaring the urgency thereof.

Also: Assembly Bill No. 1204—An act to amend sections 2, 4 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating

to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities; and declaring the measure an urgency measure within the meaning of section 1 of Article IV of the Constitution and providing accordingly for the act to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 756 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1204 read first time, and referred to Committee on Corporations and Financial Institutions.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 49—Relative to memorializing the United States Forest Service to undertake the laying out of ski trails in the snow region of the National forests between Placerville and Auburn highways.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 49 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 18a providing for the issuance of bonds by the county of Los Angeles in an amount not to exceed \$5,000,000 for the purpose of providing a fund to be used and disbursed for the Pacific Exposition to be held in California;

Also: Assembly Constitutional Amendment No. 77—A resolution to propose to the people of the State of California an amendment to section 14 of Article I of the Constitution of said State, relating to the rights of private property;

Also: Assembly Constitutional Amendment No. 78—A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XVI thereof a new section to be numbered 10, validating the act of the Legislature of the State of California providing for the issuance of bonds to the amount of \$10,000,000 for the purpose of providing funds to be used and disbursed for the purpose of the Pacific Exposition and San Francisco Bay Exposition to be held in California.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendments Nos. 33, 77 and 78 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 25—Relative to the appointment of a joint legislative committee to study pending revenue and taxation measures.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 25 ordered to enrollment.

Appointment of Senate Members of Joint Committee on Revenue and Taxation Program.

Pursuant to the provisions of Senate Concurrent Resolution No. 25, the President of the Senate announced the appointment of the following Senators as members of the joint legislative committee to consider a revenue and taxation program: Senators Duval, Swing, Knowland, Stow, Jespersen, Scollan, and Rich.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 18—An act relating to the measurement of flax, grain and wool sold in bags.

Also: Senate Bill No. 128—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of an act entitled the Direct Primary Law, relating to registration matters.

Also: Senate Bill No. 1954—An act to amend sections 1, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to registration matters. And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1—An act to amend section 6 of an act entitled "An act to provide for the formation, organization and government of non-commercial districts for the purpose of protecting the land therein from damage from adverse action from the waters of any navigable stream, watercourse, riparian or creek, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, maintaining and maintaining such improvements," approved March 15, 1907.

Also: Senate Bill No. 176—An act to validate bonds of school districts, high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same.

Also: Senate Bill No. 177—An act to create and validate the bondholders of school districts, high school districts and junior college districts of every kind and class and declaring the urgency thereof.

Also: Senate Bill No. 178—An act to legalize refunding bonds heretofore issued and sold, or to be issued and sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such refunding bonds.

Also: Senate Bill No. 179—An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class.

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1935, at twelve o'clock and twenty minutes past.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 195—An act to validate bonds, including providing for the collection of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 196—An act to validate the organization and existence of acquisition and improvement districts and declaring the urgency thereof.

Also: Senate Bill No. 197—An act to legalize bonds heretofore issued and sold or to be issued and sold by bridge and highway districts.

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1935, at twelve o'clock and twenty minutes past.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 180—An act to legalize refunding bonds heretofore issued or sold or to be issued and sold by municipalities, and providing for a levy of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 181—An act to legalize bonds heretofore issued and sold or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds.

Also: Senate Bill No. 190—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold by any water conservation district and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

Also: Senate Bill No. 191—An act to validate the organization and existence of water conservation districts;

Also: Senate Bill No. 193—An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 194—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any acquisition and improvement district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof, and declaring the urgency thereof.

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1935, at twelve o'clock and twenty minutes p.m.

METZGER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 895—An act to add Chapter 10a, comprising sections 11400 to 11407, to Part 2 of Division 2 of the Insurance Code, relating to life, disability, and life and disability insurance by, and the organization of, firemen's, policemen's or peace officers' benefit and relief associations—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 58—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof, relating to the preparation and adoption of charters by cities and counties—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—5; absent—4.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment of Article IV of the Constitution of the State, by adding section 31c thereto, relating to relief to assessment districts—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—5; absent—4.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section 18 of Article XI thereof, relating to the incurring of indebtedness by political subdivisions—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—5; absent—4.

SNYDER, Chairman.

Report of Standing Committee.

The following report of standing committee was received and read:

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 15, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 784—An act to amend section 372 of the Vehicle Code by adding subdivision (cc) thereto, providing for additional registration fee for diesel propelled motor vehicles—has had the same under consideration, and respectfully reports the same back, and recommends that the bill be re-referred to Committee on Revenue and Taxation.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

Reference of Senate Bill No. 784.

Senate Committee on Motor Vehicles requested that Senate Bill No. 784 be referred to Committee on Revenue and Taxation.

Request granted, and such was the order.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, APRIL 17, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Scollan to introduce a bill entitled: "An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to provide for the assurance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to declare the existence of a State and National agricultural emergency; and to declare the same under consideration, and respectfully reports the same here and recommends that said request be granted.

Committee membership: 5; committee vote: Ayes 4; nays 1.

RICH, Chairman.
DELANI
KNOWLAND
SLATER

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Helise, King, McCall, McCormack, McGowan, Montgomery, Mixter, Olson, Parkman, Pease, Pomeroy, Reichelder, Rife, Schaefer, Seavey, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young. (14)
NOES—None.

Introduction, First Reading and Reference of Bills

By Senator Scollan: Senate Bill No. 1086. An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to provide for the assurance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to declare the existence of a State and National agricultural emergency.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Rush Order to Printer.

On motion of Senator Scollan, the Secretary was directed to issue a rush order for printing Senate Bill No. 1086.

Resolution.

The following resolution was offered:

By Senators Slater and Scollan:

WHEREAS, The practice among Christians of setting apart the hours from twelve to three on Good Friday for devotion having obtained so largely in California, that it would seem but right not only to favor such hallowed practice, but also to give opportunity to all who desire to recall during these hours the mystery which Christians celebrate: be it

Resolved, That it is the sense of the Senate of the State of California, that adjournment be taken at twelve m. to three p.m. on Friday, April 19, 1935, to enable all who wish to participate in the exercises which mark these hours so notable in the world's history.

Resolution read, and on motion of Senator Slater, adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, six days per week, and the Controller is hereby directed to draw his warrants in favor of the said person for the said amount, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i>
Helen Russel, Stenographer-----	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Wagy, and Young—36.

NOES—None.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be and the same are hereby removed from the list of Senate employees and their names are hereby stricken from the pay roll to take effect at the conclusion of business of this legislative day, April 18, 1935:

	<i>Per day</i>
Jimmie Killion, Page-----	\$2 50
Stanley Gilliam, Page-----	2 50
Travers Durkee, Page-----	2 50
Robert McPherson, Page-----	2 50
Edwin Rosenthal, Page-----	2 50
Perry Wood, Page-----	2 50
Andrew Schottky, Page-----	2 50

Resolution read, and on motion of Senator Powers, adopted.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$350 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

KING, Chairman.
POWERS.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beggart, Cretchen, Daniel, Deane, Daniel Edwards, Fancher, Garrison, Hays, Hulse, Keough, King, Knowland, McCall, McCormack, McGinniss, Metzger, Meyer, Phillips, Phipps, Pritchard, Pritchard, Ross, Schottky, Seelman, Searcy, Shapley, Smith, Swain, Swain, Swain, Swain, and Young—35.

NOES—None.

Postponement of Reconsideration.

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendments offered by Senator Sharkey to Senate Bill No. 128 were adopted, was postponed until the next legislative day.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 127, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Consideration Postponed.

On request of Senator McGinniss, consideration was deferred until Monday, April 22, 1935.

Special Order Reset.

Senator Garrison moved that Senate Bill No. 127 be made a special order for Monday, April 22, 1935, at eleven o'clock and thirty minutes a.m.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 112—An act to amend sections 2, 13 and 17 of the Orange County Water District Act approved June 14, 1934 relating to powers and duties of the board of directors, the establishment of an office therefor and declaring and limiting their powers as to the district budget and the levy of assessments.

Bill read third time.

Amendment from the Floor.

During third reading of Senate Bill No. 112, the following amendment, offered by Senator Swing, was read:

Amendment No. 1.

On page 3, line 22 of the printed bill as amended April 11, 1935, before the period after the word "purposes," insert: "and no person, firm or corporation shall be deemed to have such or be considered as interfering or obstructing said district or its board of directors to enter in or upon the Mojave River or any of its tributaries for any of the purposes mentioned in this act or to appropriate, take, condemn or otherwise acquire any of the water on the right to the use of any of the water of the said Mojave River or any of its tributaries."

Amendment Withdrawn.

On request of Senator Edwards, the amendment offered from the floor by Senator Swing was withdrawn by the proposer, with the understanding that the amendment would be offered for consideration when and if Senate Bill No. 112 was taken up by the Assembly.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 112 passed by the following vote:

AYES—Senators Beggart, Cretchen, Daniel, Deane, Daniel Edwards, Fancher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCall, McCormack,

McGovern, McGuinness, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—33.
 Noes—None.

Title read and approved.

Senate Bill No. 112 ordered transmitted to the Assembly.

Senate Bill No. 121—An act to amend section 861 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of sixth class.

Amendment from the Floor.

During third reading of Senate Bill No. 121, the following amendment, offered by Senator Fletcher, was read and adopted:

Amendment No. 1.

On page 2, line 30, of the printed bill, as amended, after the period add the following:

"Provided, that if any such utility is already in operation in such city of the sixth class, and operating under the jurisdiction of the State Railroad Commission, such city shall not acquire, construct or maintain any such utility without first securing a certificate of public convenience and necessity from the State Railroad Commission."

Amendments from the Floor.

During third reading of Senate Bill No. 121, the following amendments, offered by Senator Difani, were read:

Amendment No. 1.

On page 2, line 17, of the printed bill, as amended, strike out "bus lines."

Amendment No. 2.

On page 2, line 30, of the printed bill, as amended, after the period add the following:

"Provided, that if any such utility is already in operation in such city of the sixth class, and operating under the jurisdiction of the State Railroad Commission, such city shall not acquire, construct or maintain any such utility without first securing a certificate of public convenience and necessity from the State Railroad Commission. Before commencing operation of any ferry service, the board of trustees of any city of the sixth class must first acquire any existing ferry service then being operated."

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, McGovern and Seollan on the adoption of amendments to Senate Bill No. 121, offered by Senator Difani.

The roll was called, and amendments adopted by the following vote:

Ayes—Senators Denel, Difani, Duval, Edwards, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGuinness, Mixer, Olson, Parkman, Powers, Reindollar, Seawell, Snyder, Stow, Swing, Williams, and Young—22.

Noes—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Jespersen, King, McGovern, Perry, Pierovich, Rich, Schottky, Seollan, Slater, and Wagy—15.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which the amendments to Senate Bill No. 121, offered by Senator Difani, were adopted.

Bill ordered held on file.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.
 Secretary Joseph A. Beek at the desk.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Deuel:

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 870 of the Agricultural Code, relating to the sanitation of canned foods.

Respectfully submitted.

SENATOR DEUEL.

Request referred to Committee on Rules.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for the remainder of this legislative day.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 824—An act to amend sections 40418 and 40419 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 825—An act to amend the title and section 1 of an act entitled "An act to enable counties to purchase, lease, detain, hold, improve and maintain land for the uses and purposes of public parks and boulevards," approved May 31, 1929, relating to public boulevards.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 826—An act to amend sections 863a, 863b and 863c of the Political Code, relating to the Department of Public Works.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 827—An act to amend section 2620 of the Political Code, relating to the width of highways.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 830—An act to amend sections 13 and 13a of the Motor Vehicle Fuel License Tax Act, relating to the disposition of funds received under said act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, and 198 of the Streets and Highways Code, relating to the allocation and expenditure of State highway funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 561 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out the title of the bill, and insert in lieu thereof the following:

"An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to, the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor."

Amendment No. 2.

On page 5 of the printed bill, as amended, strike out lines 45 to 51, inclusive, and strike out all of pages 6 and 7, and insert in lieu thereof the following:

"SECTION 1. Section 194 of the Streets and Highways Code is amended to read as follows:

194. The commission shall allocate annually, and the department shall expend or cause to be expended within the cities of this State, from the State highway fund, an amount equal to the net revenue derived from one-quarter cent per gallon of tax on motor vehicle fuel.

Such expenditures shall be made within each city in the proportion that the total population of such city bears to the total population of all cities in this State. For the purpose of this section the population in each city is that determined by the last preceding Federal census. In the case of a city incorporated subsequent to the last census, or in the case of unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three.

SEC. 2. Section 195 of the Streets and Highways Code is amended to read as follows:

195. Except as provided in section 200, all moneys allocated under the provisions of section 194 shall be expended for the acquisition of real property or interests therein for, or the construction, maintenance, or improvement of streets of major importance within such city, other than State highways, as are agreed upon by the department and the legislative body of the city.

Such expenditures shall be limited to that portion of the street available for use by vehicular traffic except that such funds may be expended for pedestrian underpasses or pedestrian overhead crossings and the installation and maintenance of traffic control devices, but such funds shall not be expended for street lighting, or for the construction or maintenance of sidewalks, or, except as hereinbefore expressly authorized, for the construction or maintenance of any structure or facility in, over, or under the street which is not of direct and primary service in providing a way for vehicular traffic. Sidewalks may be constructed with such funds to replace those removed or damaged by construction or improvement of the street.

SEC. 3. Section 196 of the Streets and Highways Code is amended to read as follows:

196. Any expenditure of money from the State highway fund, as provided in section 194, shall be delegated by the department to the governing body of such city if the department is satisfied that such city is equipped to conduct the particular work to be delegated in an efficient and economic manner and if the city has set up by ordinance a "Special gas tax street improvement fund."

No moneys shall be expended by the city from such fund except for items specified in the budget and approved by the department as required in this article.

In making any such delegated expenditure a city shall follow the law governing it in regard to the doing of the particular type of work in cases which are not exclusively municipal affairs.

No State officer or employee shall be liable for anything done, or omitted to be done, by any city in the performance of any delegated work.

SEC. 4. Section 197 of the Streets and Highways Code is amended to read as follows:

197. It shall be the duty of the legislative body of each city, on or before the first day of June of each year, to prepare and to submit to the department a budget on such basis as the department may specify, showing the estimated expenditure of such funds recommended to be made during the ensuing fiscal year.

The department may refuse to approve any such budget or any item thereof if in the opinion of the department the work proposed to be done or the expenditures proposed to be made, as outlined therein, do not comply with the requirements of this article as to the purposes for which such funds may be expended. The department may also refuse to approve any such budget or any item thereof if in the opinion of the department the proposed expenditure or expenditures are excessive for the work to be done, or if in the opinion of the department adequate provision has not been made in such budget to serve traffic on streets on which any previous expenditure of funds allocated under section 194 has been made, other than such expenditures previously made for maintenance.

SEC. 5. Section 198 of the Streets and Highways Code is amended to read as follows:

198. The department shall pay quarterly, as monies are received in the State highway fund, to each city to which any expenditure has been delegated, that proportion of its pro rata share which has been delegated, subject to different methods of payment as agreed upon between the city and the department. All payments received by a city shall be deposited in its "Special gas tax street improvement fund."

In the event that any sums are taken or borrowed from the State highway fund, or from the motor vehicle fuel fund, to augment the State general fund, or to give any appropriations made from the State general fund, the department is authorized to reduce the amounts expended in such proportion to the reduction in the State highway fund, such reduction to be made apportioned to the State highway fund is reimbursed from the State general fund.

SEC. 6. A new section is added to the Streets and Highways Code, to be numbered 199, and to read as follows:

199. Before expending any such funds for construction, or improvement of any street except for preliminary engineering, the city shall furnish to the department for approval such surveys, plans, specifications, and estimates of cost, together as the department may require. When the department has approved the plans, specifications, and estimates, the city may proceed to advertise for bids. The terms of payment of the department must be secured before any contract may be awarded for an amount in excess of the estimates of cost, or to other than the low bidder on the grounds that the low bidder is not responsible, or refuses to furnish cash for labor by day's labor.

The written consent of the department must be obtained before the amount of any item specified in the budget for construction or improvement of real property is exceeded.

SEC. 7. A new section is added to the Streets and Highways Code, to be numbered 200, and to read as follows:

200. To permit the accomplishment of a major project in its entirety, the governing body of a city may authorize the expenditure of money received over a period of years from the State highway fund. The legislative body of a city may include in its budget and the department may approve projects for the expenditure of any money accruing to the city under the provisions of this article upon any State or county highway or other major traffic artery, including those owned by the owner of such city.

SEC. 8. A new section is added to the Streets and Highways Code, to be numbered 201, and to read as follows:

201. Each city to which any expenditure or expenditure has been delegated shall file with the department annually at such time as the department may designate a report showing all expenditures made for maintenance in such fund as the department may require.

Within sixty days after the completion by any city of a delegated project for the acquisition of real property for, or for the construction or improvement of any street, such city shall file with the department a final report in respect thereto, in such detail as the department may require.

SEC. 9. A new section is added to the Streets and Highways Code, to be numbered 202, and to read as follows:

202. Any city may contract with the department for the performance by the department of any or all street work in such city and for such purpose may deliver to the department, for deposit in the State treasury, and monies available for expenditure by such city for street purposes.

Any city may with the approval of the department contract with the owner within which such city is located, for the performance by such owner of maintenance projects within such city, which projects have been approved by the department.

SEC. 10. A new section is added to the Streets and Highways Code, to be numbered 203, and to read as follows:

203. The commission shall allocate and the department shall expend, or cause to be expended, from the moneys required to be allocated by section 188, an amount not less than the net revenue derived from one-quarter-cent per gallon tax on motor vehicle fuel, on State highways within cities.

Any expenditure of moneys allocated under this section may be delegated by the department to the city, in the discretion of the department, and on such terms as may be agreed upon by the department and the city.

The provisions of this section guarantee and require the expenditure of not less than the amount specified herein but shall not be deemed to prevent the expenditure by the department of a larger amount on the State highways within the cities in this State. The expenditures required by this section shall be made for the acquisition of real property, or interests therein, for, or the construction, improvement, or maintenance of State highways within cities.

SEC. 11. A new section is added to the Streets and Highways Code, to be numbered 204, and to read as follows:

204. The department shall exercise the same powers and duties with respect to State highways within cities as with respect to other State highways.

SEC. 12. Section 188 of the Streets and Highways Code is amended to read as follows:

188. Subject to the provisions hereinafter contained in this article, all money in the State highway fund not expended for general administration purposes or for maintenance or for the purpose specified in section 194, shall be allocated and expended as follows:

(a) One-half such money shall be allocated to and expended upon primary State highways. The annual expenditures thereof shall be made within each county group enumerated in section 187 in amounts which shall bear the same proportion to the total amount available for primary State highways during the current year as the number of miles of primary State highways within each such group bears to the total number of miles of primary State highways in the State.

(b) The remaining one-half shall be allocated to and expended upon the secondary State highways. One-half of such expenditures shall be made in each county group enumerated in section 187. Not more than four per cent of the money allocated to the secondary State highways in a particular group may be used as State aid to joint highway districts within such group in accordance with the laws pertaining to the financing of highways within joint highway districts."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653 and 655 thereof, relating to fish.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 436 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, at the end of line 8, insert the following: "In District 2½ not more than six salmon may be possessed by any person during one day."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 642—An act to add section 21.4 to the Fish and Game Code, relating to damages for destruction of fish and game.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 642 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, after line 16, add the following: "The provisions of this section shall not apply to persons engaged in agricultural pest control."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 34—An act to add section 903 to the Fish and Game Code, relating to nets.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 95—An act to add section 602 to the Streets and Highways Code, establishing a secondary State highway.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 95 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "sections 602", and insert in lieu thereof the following: "sections 602, 602.5, 602.6 and 602.7."

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "a secondary State highway" and insert in lieu thereof the following: "additional secondary State highways."

Amendment No. 3.

On page 1 of the printed bill, after line 5, insert the following:

"SEC. 2. Section 602.5 is hereby added to the Streets and Highways Code to read as follows:

602.5. There is hereby added to the State highway system a new route or portion of route from Jumpers Saram Boulevard extension near Colton to Lee Allen along the most feasible route between the Skyline Boulevard and El Camino Road.

SEC. 3. Section 602.6 is hereby added to the Streets and Highways Code to read as follows:

602.6. There are hereby added to the State highway system the following new routes or portions of routes:

From Zaca Station on Route 2 through Capitola Caliente and Pineda Canyon to Sisquoc, thence through Tepeguiser and Buckhorn Canyon to the highway maintenance yard at the place where the Cuyama Road crosses the Buckhorn Creek.

Santa Rosa Road from its intersection with the San Julian road, at a point about three miles southeast of Lompoc, and continuing as an unimproved driveway along the south bank of the Santa Ynez River to its intersection with Route 2 at the Eduardo de la Cuesta Rancho.

The Painted Cave Road extending from the present San Marcos Road to the El Camino Cielo.

From the San Marcos Road along the Santa Ynez River to Paradise Camp.

The Kinevan Road near the summit of San Marcos Pass.

SEC. 4. Section 602.7 is hereby added to the Streets and Highways Code to read as follows:

602.7. There are hereby added to the State highway system the following new routes or portions of routes:

Casitas Pass Road, from State highway opposite Carpinteria High School and intersecting Foothill Road.

Franklin Canon Road, from State highway at Linden Avenue, Carpinteria, and intersecting Foothill Road.

Santa Monica Road, from State highway at Old Town, Carpinteria, and intersecting Foothill Road.

Cuyavos Lane, from State highway opposite Sandyland, Carpinteria, and intersecting Foothill Road.

Nidever Road, from State highway by Fleischmann Polo Field and intersecting Foothill Road.

Toro Canon Road, from State highway at Toro Canon and intersecting Foothill Road.

Schedfield Drive, from State highway just west of Oregon Hill and intersecting East Valley Road.

San Asidro Road, from State highway at Encinitas Lane, Montecito, and intersecting East Valley Road.

Olive Mill Road, from State highway at Montecito Inn and intersecting Hot Springs and East Valley Roads.

Middle Road, from State highway opposite Dutch Inn and intersecting Hot Springs and East Valley Roads.

Hot Springs Avenue, from State highway at east city limits of Santa Barbara and intersecting East Valley Road."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 332 -An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commis-

sioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923, relating to the doing of public work by day's labor or force account.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 332 was read and adopted:

Amendment No. 1.

On page 3, line 11, of the printed bill, after the word "work", insert the words "except construction work within State prison."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Assistant Secretary Carl A. Shipkey at the Desk.

Senate Bill No. 423—An act to provide for the sale and conveyance of certain swamp and overflowed, salt marsh and tidelands lying in the county of Contra Costa, State of California.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 423 was read and adopted:

Amendment No. 1.

On page 1, line 9, of the printed bill, insert the following after Parcel 1:

"Beginning at a point, from which a granite monument marked S. P. 621 on the north line of San Pablo Rancho as established in Decree of Partition dated September 1, 1893, bears as follows: S.50°-40'W., 1909.56 feet to a point; thence S.50°-39'W., 63.81 feet to a point on the north line of the said San Pablo Rancho; thence N.58°-48'W., 1199.88 feet; from said point of beginning running thence N.50°-40'E., 847.65 feet to a station on low tide line of San Pablo Bay; thence running westerly along said low tide line of San Pablo Bay as follows: N.67°-30'W., 2015.79 feet to station; thence N.68°-45'W., 1155.00 feet to station; thence N.72°-00'W., 409.20 feet to station, and thence S.80°-45'W., 673.20 feet to station; thence, leaving said low tide line and running south, 514.85 feet to station; thence N.56°-30'E., 435.98 feet to station; thence S.64°-20'E., 375.55 feet to station; thence N.77°-20'E., 510.61 feet to station; thence S.66°-45'E., 367.74 feet to station; thence S.7°-35'E., 653.23 feet to station; thence S.34°-36'E., 345.23 feet to station; thence S.73°-00'E., 414.18 feet to station; thence S.84°-00'E., 679.55 feet to station; thence S.71°-10'E., 469.63 feet to the point of beginning. Containing an area of 57.915 acres.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 566—An act to provide means for making applicable to judges of the superior courts the provisions of section 26 of Article VI of the Constitution of this State, relating to the method of selecting judges.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 566 were read and adopted:

Amendment No. 1.

On page 2, line 14, of the printed bill, strike out "regular".

Amendment No. 2.

On page 2, line 15, of the printed bill, strike out "after the date of such certificate".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 534—An act relating to persons in private psychiatric institutions.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Hospitals and Asylums the following amendments to Senate Bill No. 534 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out "shall be admitted" and insert in lieu thereof as comma and the following: "except one who voluntarily desires and seeks admission as a patient, shall be committed or taken by one person or persons".

Amendment No. 2.

On page 1, line 5, of the printed bill, after "cians", insert a comma and the following: "neither of whom shall be connected with any private psychiatric institution."

Amendment No. 3.

On page 1, line 8, of the printed bill, strike out "an" and insert in lieu thereof the following: "a private".

Amendment No. 4.

On page 1, line 10, of the printed bill, after "communicating" insert the following: "in writing".

Amendment No. 5.

On page 1 of the printed bill, immediately following line 11, insert the following: "Irrespective of any other provisions of law this act constitutes and creates a law relative to correspondence of persons in private psychiatric institutions."

Amendment No. 6.

On page 1, line 13, of the printed bill, strike out "any person until he has been informed of"; also strike out lines 14 to 17, inclusive, and insert in lieu thereof the following: "a patient in a private institution, hospital, or sanatorium, for the care or treatment of the mentally ill subject, but said patient is without personal or represented by an attorney. The judge of the superior court before the said proceedings are to be heard must appoint two disinterested disinterested who are not connected with any private psychiatric institution to make a personal examination of the said patient and to testify before the judge as to the results of such examination."

Bill read second time, ordered to reprint, and referred to Committee on Hospitals and Asylums.

Senate Bill No. 111—An act making an appropriation for major construction and equipment at Napa State Hospital.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Hospitals and Asylums, the following amendments to Senate Bill No. 111 were read and adopted:

Amendment No. 1.

On page 1, lines 1 and 2, of the printed bill, strike out "one million five hundred and ninety seven thousand"; and insert in lieu thereof the following: "seven hundred fifty thousand".

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 6 to 10, inclusive, and insert in lieu thereof the following:

"Three hundred twenty-five thousand dollars for constructing and equipping a women's dormitory; three hundred twenty-five thousand dollars for constructing

and estimating a boat's depreciation, one hundred thousand dollars for the repairing and replacing of present insured boats."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 1080.—An act to add section 798.7 to the Fish and Game Code, relating to abalones.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 1080 was read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, strike out the period, and insert in lieu thereof the following: "... except that any person conducting a market or restaurant where abalones are sold to the public may possess any number of lawfully taken abalones."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 2387.—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Long Beach upon certain trusts and conditions," approved April 28, 1925, relating to the use of such tidelands and submerged lands.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 65.—An act granting certain tide and submerged lands of the State of California to the city of San Buenaventura, upon certain trusts and conditions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 731.—An act to amend section 10 of an act entitled "An act providing for the formation, government and operation of harbor districts, the calling and conducting of elections in such districts of harbor commissioners, defining their powers and duties, and providing for the issuance and disposal of bonds of such harbor districts, and providing for the assessment, levy and collection of taxes for the payment of such bonds and for the ordinary annual expenses of such harbor districts," approved June 10, 1931, relating to the government of such districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 442.—An act to repeal sections 1270, 1271, 1271.5 and 1272 of the Fish and Game Code, and to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Assembly Bill No. 442 was read and adopted:

Amendment No. 1.

On page 1, line 10, of the printed bill, strike out the number "15", after the word "August", and insert in lieu thereof the following number: "1".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 843—An act to repeal section 71a of the California Irrigation District Act, relating to the procedure by which property owners may be relieved from obligations of the district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 585—An act to amend sections 8, 10, 42, 47, 75 and 108 of an act entitled "An act to provide for the creation, establishment and adjustment with other such systems, of a retirement system for employees of the State of California and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Employees, the following amendments to Assembly Bill No. 585 were read and adopted:

Amendment No. 1.

On page 2, line 2, of the printed bill, as amended, after "Board", insert a comma.

Amendment No. 2.

On page 2, line 30, of the printed bill, as amended, strike out "an" and insert in lieu thereof the following: "in".

Amendment No. 3.

On page 2, line 42, of the printed bill, as amended, after "retirement" insert a comma.

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 788—An act to amend section 6536.1 of the Penal Code, relative to the thirty hour week on public works whether the work is done under contract or otherwise, providing penalties for violation of its provisions and declaring the urgency thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Emergency, the following amendments to Assembly Bill No. 788 were read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, strike out the word "emergency".

Amendment No. 2.

On page 1, line 12, of the printed bill, as amended, strike out the word "emergency".

Amendment No. 3.

On page 3, lines 32 and 33, of the printed bill, as amended, strike out the following: "With the exception of the operation of their irrigation or drainage systems, all", and insert in lieu thereof the following: "All construction".

Amendment No. 4.

On page 3, line 40, of the printed bill, as amended, before the word "except", add the following: "also any construction or repair work done under contract and paid for in whole or in part out of public funds".

Amendment No. 5.

On page 3, line 43, of the printed bill, as amended, after the word "section", add the following: "provided, however, that nothing in this section shall apply to the operating of the irrigation or drainage system of any irrigation or reclamation district or the operating of a publicly owned public utility".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1990—An act to repeal section 677a of the Political Code and to add section 677.5 thereto, relating to budgets of State departments and other State agencies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 550—An act to amend section 2337 of the Political Code, relating to institutions.

Bill read second time, and ordered on file for third reading.

Special Order.

Senator Duval moved that Assembly Bill No. 1300 be made a special order for Monday, April 22, 1935, at two o'clock and thirty minutes p m. Motion carried.

Withdrawal and Re-Reference of Assembly Bill No. 174.

Senator Jespersen moved that Assembly Bill No. 174 be withdrawn from Committee on Education, and referred to Committee on Universities and Teachers Colleges.

Motion carried, and such was the order.

Notice of Motion to Reconsider.

Senator Fletcher gave notice that on the next legislative day he would move to reconsider the vote by which his amendment to Senate Bill No. 121 was adopted.

Third Reading of Assembly Bills.

Assembly Bill No. 486—An act requiring the treasurer of any municipality, county, or city and county to maintain a record of the names and addresses of holders of ad valorem special assessment district bonds when so directed by the legislative body of said municipality, county, or city and county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 486 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deed, Difani, Edwards, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Parkman, Perry, Powers, Rich, Schottky, Scoilan, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Young 31.

NOES—None.

Title read and approved.

Assembly Bill No. 486 ordered transmitted to the Assembly.

Assembly Bill No. 1548—An act to remit to holders of certificates of purchase of State lands one-half of any penalty which has accrued on account of failure of any such purchaser to pay interest when due, in consideration of the payment by any such purchaser, on or before December 31, 1935, to the State of California, of any sums due the State on account of interest, plus the remaining one-half of any accrued penalties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1548 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern,

McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Seelien, Senwell, Slater, Snyder, Stow, Swing, Wagv, and Young—31.
 NOES—None.

Title read and approved.

Assembly Bill No. 1548 ordered transmitted to the Assembly.

Assembly Bill No. 1743—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1924, as amended, by amending section 280 of said act, as amended, relating to redemptions and leasing of property, and by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: Section 284a, relating to disposal of tax deeded and tax delinquent lands; section 65, relating to proceedings in bankruptcy; section 66, relating to contracts with the United States or any agency thereof under an act approved May 5, 1917, as amended, and validating such contracts; section 67, validating bonds of the district; section 68, validating rehabilitation plans; and section 69, incorporating in the district lands which were formerly public lands; and declaring the legislative intent as to uncessibility.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1743 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Halse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Seelien, Slater, Snyder, Stow, Swing, Wagv, and Young—30.
 NOES—None.

Title read and approved.

Assembly Bill No. 1743 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 589—An act to add section 2540a to Civil Code, relating to contract of minors for life, health and accident insurance and annuity contracts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 589 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Halse, Halse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Powers, Rich, Schotky, Seelien, Senwell, Slater, Snyder, Stow, Swing, Wagv, Williams, and Young—28.
 NOES—Senators Gordon, Jespersen, McColl, and Olson—4.

Title read and approved.

Senate Bill No. 589 ordered transmitted to the Assembly.

Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 18 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger,

Mixer, Olson, Parkman, Perry, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Wagy, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 18 ordered transmitted to the Assembly.

Senate Bill No. 1054—An act to amend sections 1, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to nonpartisan offices.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Powers moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Williams—35.

The Secretary announced the absentees.

Time, three o'clock and twenty minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Deuel to introduce a bill entitled—An act to amend section 870 of the Agricultural Code, relating to the standardization of canned foods—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.
DIFANI.
SLATER.
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—33.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Deuel: Senate Bill No. 1087—An act to amend section 870 of the Agricultural Code, relating to the standardization of canned foods.

Senate Bill No. 1087 read first time, and referred to Committee on Agriculture and Live Stock.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the resolutions reported thereon were ordered on file.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, APRIL 18, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 12—Relative to memorializing the President and the Congress of the United States to enact H. R. 4688 which proposes to aid in the rehabilitation of employable blind persons in the United States and urging the Committee on Labor of the House of Representatives to expedite consideration favorable to said bill—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3, absent—2.

WAGY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 49—Relative to memorializing the United States Forest Service to undertake the laying out of ski trails in the snow region of the National forests between Placerville and Auburn highways has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3, absent—2.

WAGY, Chairman.

Consideration of Assembly Joint Resolution No. 49.

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 49, for purpose of adoption.

Assembly Joint Resolution No. 49.

Relative to memorializing the United States Forest Service to undertake the laying out of ski trails in the snow region of the National forests between Placerville and Auburn highways.

WHEREAS, Winter sport activities have been rapidly developing in the higher mountain regions of California, thereby contributing to both the recreational and economic development of this State; and

WHEREAS, The construction of a system of ski trails and ski huts is necessary to the adequate development of winter sports, and to secure access to the higher mountain regions in winter; and

WHEREAS, Such a trail system would facilitate the making of snow surveys for the purpose of determining the probable seasonal run-off, a determination which is vital to the irrigation and power interests of this State; and

WHEREAS, A summit trail and connecting laterals have been scouted and cabin locations selected by various interested organizations in that portion of the Sierra Nevada Mountains lying between the Placerville Highway and the Auburn Highway; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly. That the United States Forest Service be and it is hereby urged and requested to undertake the laying out of a program for the construction of a system of ski trails in the snow regions of the National forests, and that during the summer of 1935 such ski trail and hut system be actually constructed, at least in the area between the Placerville and Auburn highways, such system to consist of a crest trail together with connecting trails to each skiing center in the area involved, each trail to be adequately marked, signed, cleared and equipped with necessary shelter huts; and be it further

Resolved, That His Excellency, the Governor of the State of California, be requested to forward a copy of this resolution to the United States Regional Forester for the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 49 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, and Young—31.

NOES—None.

Assembly Joint Resolution No. 49 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Powers.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 1054 finally refused passage by the following vote:

AYES—Senators Biggar, Deuel, Garrison, Gordon, Jespersen, Keough, McGovern, McGuinness, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Swing, and Williams—16.

NOES—Senators Crittenden, Difani, Duval, Edwards, Fletcher, Hays, Hulse, King, Knowland, McColl, McCormack, Metzger, Mixer, Olson, Parkman, Powers, Rich, Slater, Snyder, Stow, Waggy, and Young—22.

Notice of Motion to Reconsider.

Senator Powers gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1054 was refused passage.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 895—An act to add Chapter 10a, comprising sections 11400 to 11407, to Part 2 of Division 2 of the Insurance Code, relating to life, disability, and life and disability insurance by, and the organization of, firemen's, policemen's or peace officers' benefit and relief associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 895 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 895 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Senate Bill No. 687.

Senator Olson moved that Senate Bill No. 687 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Public Utilities.

Motion carried, and such was the order.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 597—An act to amend section 5 of an act to amend section 10 to an act entitled "An act to regulate the practice of architecture," approved March 23, 1904, as amended.

Also: Senate Bill No. 857—An act to regulate the practice of engineering, the registering and licensing of persons engaged in such practice and to ensure the better education and to promote competency and skill among steam engineers in the State of California.

Also: Senate Bill No. 427—An act to hold in contempt any officer or personnel of section 10 of Article XVI of the Constitution, relating to relief from hardship and destitution due to and caused by unemployment and to provide for and adding to the expenditure of moneys, and to amend by adding section 10 to the purpose of providing subsistence time for persons entitled to such under the provisions of said section, authorizing the expenditure of moneys for such purpose and providing the powers and duties of the Relief Administrator and the Relief Commission and repealing provisions of the Unemployment Relief Fund Act of 1931 as read in herewith declaring the urgency thereof and providing that it shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 454—An act to provide for the establishment and administration of a system of State health service insurance, including the establishing of a Health Service Insurance Commission, and providing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereon, the prescribing of methods and conditions under which professional or other services shall be rendered, the regulation of certain persons, firms, associations and corporations, the making of an appropriation, the enforcement of the provisions herein provided for the violation of the provisions hereof, and repealing acts in conflict herewith, but has the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

DIFANI, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 15, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 5—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax.

Also: Senate Bill No. 122—An act to amend sections 156, 159 and 160 of the Vehicle Code, relating to registration of state-owned vehicles;

Also: Senate Bill No. 420—An act to amend section 44 of the Vehicle Code, relating to emergency vehicles;

Also: Senate Bill No. 789—An act to amend the Vehicle Code by amending sections 113, 114, 115, 121, 123, 124, 135, 451, and 680, relating to vehicles.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1652—An act to amend the Vehicle Code by amending sections 195, 196, 197, 198, and 380, relating to vehicles;

Also: Assembly Bill No. 1653—An act to amend the Vehicle Code by amending sections 320 and 488, relating to vehicles and records to be kept by the Department of Motor Vehicles;

Also: Assembly Bill No. 1655—An act to amend the Vehicle Code by amending section 134; by adding sections 131, 136, and 681, relating to vehicles; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 1678—An act to add a new section to the Penal Code to be numbered 969, relating to the amendment of a complaint to charge prior convictions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 1131—An act to amend sections 682, 806, 811, 827, 849, 877, and 878 of the Penal Code, relating to proceedings before the committing magistrate, and to add a new section to the Penal Code numbered 87a, relating to the commitment by the magistrate on plea of guilty—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 1680—An act to amend sections 1235 and 1238 of the Penal Code, relating to appeals in criminal cases:

Also: Assembly Bill No. 1723—An act to amend sections 888 and 959 of the Penal Code, relating to indictments;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 1133—An act to amend sections 800 and 802 of the Penal Code, relating to limitation of criminal actions—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 933—An act to amend sections 213, 288, 473, 489 and 1203 and to repeal section 19a thereof and to add a new section to be numbered 19a thereto, all relating to punishment for criminals—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 4, 6, 7, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit-forming, narcotic and other dangerous drugs and substances—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 1978—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 646—An act to create for the State of California a Tax Commission, providing for the employment by said commission of a secretary, auditor and other employees, authorizing said commission to set their compensation, fix and the duties of said commission, its officers and employees, and empowering said commission to levy, collect and distribute all of the taxes for the State of California, the political subdivision thereof, all municipalities and cities, villages and towns, and making an appropriation for the purpose of carrying out the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 64—An act to amend section 8818 of the Political Code, relating to segregation of property on the assessment rolls, that had the same under consideration, and respectfully reports the same back, and recommends that it be passed.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 418—An act to add a new section to the Political Code, to be numbered 3663c, relating to the assessment of duties by the State Board of Equalization in assessments made by said board, that had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be passed as amended.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes—has had the same under consideration, and respectfully reports the same back, and recommends that it be passed.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 788—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, to provide for the distribution of the revenues therefrom, to make an appropriation for the administration thereof, and to provide that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Assembly Bill No. 259—An act to add a new section to the Civil Code, to be numbered 453.14, relating to mortgage insurance companies, declaring the urgency thereof and providing that this act shall take effect immediately:

Also: Assembly Bill No. 258—An act to amend sections 453.2, 453.3, 453.5, 453.6, and 453.12 of the Civil Code, all relating to mortgage insurance companies:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

SCHOTTKY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Assembly Bill No. 488—An act to add a new section to the Insurance Code of the State of California to be numbered 12629, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts; providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

SCHOTTKY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Assembly Bill No. 260—An act to amend sections 12422, 12423, 12427, 12442, 12484, 12486, 12488 and 12543 of the Insurance Code and to add a new section to said code to be numbered 12490, all relating to mortgage insurers;

Also: Assembly Bill No. 489—An act to add a new section to the Civil Code of the State of California, to be numbered section 453.15, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts; providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

SCHOTTKY, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 511—An act to provide for the incorporation and organization and management of rapid transit districts and to provide for the construction by said districts of works and the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, and for the levying of taxes and the collection of charges and tolls by said districts and for the annexation of additional territory thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 231—An act to amend section 10 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes; to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of

property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment district; and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on bonded property; and to provide that a minority protest shall be a bar to any proceeding," approved June 8, 1931, relating to limitations on assessments, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1161—An act to amend section 718a of the City Code empowering municipalities to lease property, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 738—An act to amend sections 852 and to add section 852b to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1886, relating to some of the sixth class and the officers thereof, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—10; absent—1.

McGOVERN, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1641—An act to amend section 46 of the Workmen's Compensation, Insurance and Safety Act, approved May 26, 1913, relating to insurance coverage of one State and certain political subdivisions, public corporations and quasi public corporations, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 875—An act to amend sections 9, 23 and 24 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to industrial accidents, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

WILLIAMS, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 218—An act directing the Department of Public Works to lay out and construct as a part of the State highway system a trestle and bridge from the city of Needles easterly over and across the Colorado River and restoring the same to be a public highway and a part of the State highway system, requiring the maintenance thereof and prescribing the manner in which the cost of such construction and maintenance shall be paid—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—9.

(Signed out).

EDWARDS, Chairman.
DIFANI.
JESPersen.
METZGER.
SCHOTTKY.
SEAWELL.
SLATER.
SNYDER.
SWING.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 252—An act to amend section 2924 of the Civil Code, relating to mortgages—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—10; noes—2; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 378—An act to amend section 274 of the Penal Code, relating to the crime of abortion—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—8; noes—4; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 879—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 818—An act to amend section 580b of the Code of Civil Procedure, relating to deficiency judgments;

Also: Senate Bill No. 361—An act to add a new section to the Code of Civil Procedure, to be numbered 675b, relating to the discharge of a bankrupt from judgment;

Also: Senate Bill No. 365—An act to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924 of the Civil Code, relating to recording of notice of default and to giving notice of sale under deeds of trust and mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924b of the Civil Code, relating to giving of notice of recording of notice of default and of time and place of sale under deeds of trust or mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924c of the Civil Code, relating to reinstatement of loans when due date of principal sum has been accelerated; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580b of the Code of Civil Procedure, prohibiting deficiency judgments on purchase money mortgages and deeds of trust; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580c of the Code of Civil Procedure, limiting the trustee's or attorney's fees which a mortgagor or trustor may be required to pay; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 725a of the Code of Civil Procedure, permitting the beneficiary or trustee named in a deed of trust to bring suit to foreclose the same in the manner of a mortgage; and to amend section 2924d of the Civil Code, relating to mortgages and deeds of trust, all relating to the hypothecation of real property and to obligations secured thereby;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 253—An act to amend section 726 of the Code of Civil Procedure, relating to deficiency judgments—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and without further recommendation as to the final disposition of the bill.

Committee membership—14; committee vote: Ayes—8; noes—5; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2306—An act to amend sections 630 and 631 of the Probate Code, relating to estates under \$5,000—has had the same under consideration, and respectfully

reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—13, absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 138. An act relating to the regulation of land, rights of way, easements and rights in land by the State or any department, agency or official thereof or by any city, city and county, or county, and to the procedure therefore, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—9, absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Constitutional Amendment No. 10. A resolution to propose to the people of the State of California, an amendment to the Constitution of our State by amending section 1a of Article VI, relating to the Judicial Constitution, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—9, absent—2.

SWING, Chairman.

Approval of Journals.

The Senate Journals of Monday, April 8, 1935; Tuesday, April 9, 1935; Wednesday, April 10, 1935; Thursday, April 11, 1935, and Friday, April 12, 1935, were, on motion of Senator Schottky, approved as corrected by the Journal Clerk and Minute Clerk.

Adjournment.

On motion of Senator Mixer, at four o'clock and twenty minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, April 12, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Friday, April 12, 1935.

The Senate met at ten o'clock a.m.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deane, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McGinness, Mixer, Olson, Parkman, Perry, Rich, Schottky, Seelham, Shockey, Slater, Snow, Swing, Tinkle, Wazy, and Young—28.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Thursday, April 12, 1935, the further reading was dispensed with, on motion of Senator Slater.

Also Assembly Bill No. 618—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof, to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon, to provide penalties for the violation of the provisions of this act.

ARTHUR A. GHINIMUS, Chief Clerk
By FRED J. THOMAS, Assistant Clerk.

Assembly Bill No. 58 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 182 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 618 read first time, and referred to Committee on Judiciary.

Also

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 22—Relative to Pacific Exposition.

Also Assembly Joint Resolution No. 23—Relative to the Pacific Exposition.

Also Assembly Joint Resolution No. 51—Relative to memorializing the President and the Congress to enact legislation (H. R. 2772) declaring Independence Day a holiday for all officers and employees of the United States whose headquarters are in California.

ARTHUR A. GHINIMUS, Chief Clerk
By FRED J. THOMAS, Assistant Clerk.

Assembly Joint Resolutions Nos. 22, 23, and 51 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to section 7 of Article XI of the Constitution of the State of California, relating to local government.

ARTHUR A. GHINIMUS, Chief Clerk
By FRED J. THOMAS, Assistant Clerk.

Assembly Constitutional Amendment No. 3 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1059—An act to add section 49000 to the Political Code, relating to tenure of certain public officers, declaring the emergency thereof and providing that this act shall take effect immediately.

ARTHUR A. GHINIMUS, Chief Clerk
By FRED J. THOMAS, Assistant Clerk.

Senate Bill No. 1059 ordered to enrollment.

Withdrawal From Committee of Senate Bill No. 1075.

Senator Stow moved that Senate Bill No. 1075 be withdrawn from Committee on Finance for purpose of passage.

Motion carried and such was the order.

Report of Standing Committee.

The following report of standing committee was received, read, and the amendment reported therein was ordered on file:

On Elections.

SENATE CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article II

thereof a new section to be numbered section 7, relating to the registration of voters—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—11; committee vote: Ayes—8; absent—3.

POWERS, Chairman.

Postponement of Reconsideration.

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendments offered by Senator Sharkey to Senate Bill No. 128 were adopted, was continued until the next legislative day.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby the amendments offered by Senator Difani to Senate Bill No. 121 were adopted, was continued until the next legislative day.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby the amendments offered by Senator Fletcher to Senate Bill No. 121 was adopted, was continued until the next legislative day.

Motion to Reconsider.

Pursuant to the notice given on a previous day, Senator McColl moved to reconsider the vote whereby Senate Bill No. 1054 was refused passage.

Postponement of Reconsideration.

On motion of Senator McColl, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1054 was refused passage was continued until the next legislative day.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 454—An act to provide for the establishment and administration of a system of State health service insurance, including the establishing of a Health Service Insurance Commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereto, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendment to Senate Bill No. 454 was read and adopted:

Amendment No. 1.

Immediately after section 203 of the printed bill, add the following section:
"Sec. 203a. Anything in this act contained to the contrary notwithstanding, any employee who adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization, and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion shall be exempt from the provisions of this act upon filing with his employer an affidavit

stating such adherence and claiming such exemption, and his employer shall also be exempt from the provisions of this act with respect to that employee."

Bill read second time, ordered to reprint, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 507. An act to amend section 5 of and to add section 10 to, an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 507 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out the title, and insert in lieu thereof the following:

"An act to amend sections 5 and 9 of, to add sections 1a, 1b and 10 to, and to amend and renumber section 1 to be section 1a of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended."

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out all of lines 1 to 19, inclusive, and also all of pages 2, 3, 4 and 5, and insert in lieu thereof the following: "A new section to be numbered 1a is hereby added to the act to read as follows:

SEC. 1a. This act may be known and cited as the State Architectural Practice Act.

A new section to be numbered 1b is hereby added to said act to read as follows:

SEC. 1b. Definitions: As used in and for the purpose of this act, including titles or words and phrases shall have the meanings or include the definition imparted to them, and certain provisions shall be construed as set out in this section, unless it shall be apparent from their context that they have a different meaning.

(a) Words used in the singular include the plural and the plural the singular, and words used in the present tense include the future tense and words in the future tense include the present tense.

(b) Words used in the masculine gender include the feminine.

(c) The word "person" shall mean a natural person.

(d) The term "political subdivision" shall include cities and counties and counties.

(e) The term "State board" means the California State Board of Architectural Examiners as by this act created and established.

(f) The term "district board" means a division of the California State Board of Architectural Examiners as determined and established by the provisions of this act.

(g) The term "building law" shall mean any legislative act, law, code, ordinance or other statute of this State, or of any political subdivision thereof, now existing or hereafter to be enacted, which regulates or governs the location, arrangement, construction, erection, alteration or completion of buildings, or which requires that a permit be first obtained before commencing or proceeding to construct, erect or alter buildings; or which requires that a certificate of final completion be issued or a permit be first obtained before occupying such buildings.

(h) The term "building department" shall mean any officer, inspector, board of public works, board of building and safety commissioners, housing commission, department or other lawful official or agency of this State, or of any political subdivision thereof, now or hereafter charged with the enforcement of building laws or empowered to grant permits to construct, erect or alter buildings or to issue permits of occupancy or certificates of final completion.

(i) The term "building" when used in an objective sense, shall mean any fixed, frames and homogeneous structure, erected upon or in any soil not a public thoroughfare, the bulk of which is above ground and designed for permanent use in its fixed position; provided the construction or arrangement of such structure is regulated or governed by, or a permit to construct, erect, alter, or occupy is required by any building law; and further provided, that it is intended primarily that such structure be ordinarily occupied by man for worship, shelter, business or pleasure.

Said term "building" shall include, subject to the foregoing provisos and conditions, any addition, annex or extension to an existing building; or any alteration or remodeling of an existing building which involves any rearrangement or change to its component parts.

(j) The term "instruments of service," shall mean such drawings, plans, elevations, sections, details, specifications, calculations or other information in whole or in part and in such detail and completeness as are by any building law or building department required to be submitted with or to be filed with or to accompany an application in order to obtain from a building department, a permit to construct, or erect or alter a building.

(k) The term "architecture," when used in an active sense, shall mean the art and science of designing and constructing buildings, in which art and science, certain functions of the architect, are hereinbelow described:

The designing of buildings and the manifestation thereof in the instruments of service are the principal functions of the architect:

The construction of buildings is a general province in which the function of the architect is the interpretation of instruments of service, the directive-supervision of construction and the general inspection of executed work.

(l) The phrase "to practice architecture" or "the practice of architecture" shall mean the preparation or furnishing, for or to others, of "instruments of service" or the directive-supervision of construction of building;.

(m) The word "architect," as used in this act, means a person who holds a certificate to practice architecture in the State of California, under authority of this act.

Section 1 of said act is hereby renumbered and amended to read as follows:

SEC. 1c. In order to safeguard life, health, property and public welfare, and in order to carry out the provisions of this act the Governor of the State shall appoint ten persons to constitute a board, which shall be known as California State Board of Architectural Examiners. Five members of said board shall be residents of the northern district of California, and shall constitute the Northern District Board, for the examination of applicants for certificates to practice architecture in the State of California and for the performance of such other duties as may be provided for in this act. The other five members of said State board shall be appointed from the southern district of California, and shall constitute the Southern District Board for the examination of applicants for certificates to practice architecture in this State and for the performance of such other duties as may be provided for in this act. The northern district shall consist of all that portion of the State north of the northerly lines of the counties of San Luis Obispo, Kern and San Bernardino; and the southern district shall consist of all that portion of the State south of the northerly lines of the said three counties.

Said California State Board of Architectural Examiners shall be appointed as follows: Five members shall be selected from the membership of the northern California chapter or chapters of the American Institute of Architects or other similar association of architects. Five members shall be selected from the membership of the southern California chapter or chapters of the American Institute of Architects or other similar association of architects. All appointees shall be members in good standing, of their respective organizations. The membership of the California State Board of Architectural Examiners shall be composed as herein set forth. Except as herein provided, the term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: Two members, September 15, 1931; three members, January 15, 1932; three members, January 15, 1933, two members, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

The members of the board shall serve without compensation. All expenses incurred by the board shall be paid out of the funds collected as hereinafter provided.

Section 5 of said act is hereby amended to read as follows:

SEC. 5. It shall be unlawful, and it shall be a misdemeanor, punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, to practice architecture in this State without a certificate, as herein provided, or for any person not an architect, or firm or corporation to advertise or put out any sign or card or any other device which might indicate to the public or to any person that he is an architect or that he is qualified to engage in the practice of architecture, or that he is practicing architecture, or for any architect to affix his name to any instruments of service, which have not been prepared by him and in the office of said architect or under his immediate responsible direction, or to permit his name to be used for the purpose of assisting others not architects to comply with the provisions of this act, or to sign structural drawings or calculations not prepared in his office or under his direct supervision, not bearing the signature of the actual maker thereof.

Nothing in this act shall apply to any person who is registered as or who holds a valid unrevoked certificate or license to practice as, and practice under the title "civil engineer", under authority of a law of this State governing or regulating the practice of civil engineering, in so far as such a person prepares or furnishes, for or to others, instruments of service for buildings which are incidental to some other "study or activity" of "civil engineering," as such term "civil engineering" is defined in an act regulating the practice of "civil engineering," nor to a person certificated to use the title "structural engineer" who practices as such under authority of a law of this State governing or regulating the practice of civil engineering. Chapter 801, Statutes of 1923, as amended in Statutes of 1931, Chapters 254, 844 and 891, and Statutes of 1933, Chapters 877 and 878, further, this act shall not apply to any person, firm or corporation furnishing plans, drawings, specifications, instruments of service or other data for labor and materials to be furnished by such person, firm or corporation, either alone or with subcontractors, for store fronts, interior alterations or additions, fixtures, cabinet work, furniture, or other appliances or equipment, or for any work necessary to provide for their installation, or for any alterations or additions to any building necessary to or attendant upon the installation of such store fronts, interior alterations or additions, fixtures, cabinet work, furniture, appliances or equipment; nor shall this act be deemed to prevent any such person, firm or corporation from advertising or putting out any sign or card or other device which might indicate to the public that such person, firm or corporation is qualified to furnish such plans, drawings, specifications, instruments of service or data; provided, however, any such person, firm or corporation exempted under the aforementioned provisions of this act do not use the title "architect" or appellation which connotes a modification or variation to be interpreted or otherwise the word "architect" on any instruments of service, sign, card or other device; and nothing in this act shall prevent an architect from forming a partnership with persons who are not architects, provided that the same person shall appear as the architect on all instruments of service and that no one other than the other members of such partnership be designated as architect, and nothing in this act shall prevent a person who is engaged in the practice of architecture within the State of California from preparing plans and specifications for a proposed building or other structure within this State; provided, that he shall present satisfactory evidence to the board of the district in which the structure is to be erected that he is competent to practice architecture, and such board has issued to such person temporary certificate for the stipulated sum and such person has paid to said board a fee of twenty-five dollars therefor.

Section 9 of this act is hereby amended to read as follows:

SEC. 9. If any section, subsection, sentence, clause or phrase in this act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

A new section, to be known as section 10, is hereby added to this act, to read as follows:

SEC. 10. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Bill read second time, ordered to reprint, and referred to Committee on Governmental Efficiency.

Senate Bill No. 857. An act to safeguard life and property to regulate the practice of steam engineering, the registering and licensing of persons engaged in such practice and to insure the better education and to promote competency and skill among steam engineers in the State of California.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 857 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, insert after "property", the following: ", to register, license, and regulate stationary and hoisting engineers."

Amendment No. 2.

On page 1, line 5 of the title of the printed bill, strike out "steam".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 10 to 25, inclusive, and insert in lieu thereof the following:

"SEC. 2. It shall be unlawful for any person to operate a hoisting engine operated by air, gas, electricity, or oil, or any product thereof, of over five horsepower, when used in lowering or hoisting men, except in operating elevators in buildings, or to operate any air compressor the tank for which exceeds sixty cubic feet operated by any power, unless such person holds a license as herein provided; except that, in emergencies, an unlicensed person may operate such engines and machinery. Such unlicensed person may be any person over the age of eighteen years who is competent to run such engines and machinery; but no such engine or machinery shall be operated by an unlicensed person more than a total of fifteen days in any calendar year. In every case where an unlicensed person operates any such engine or machinery in an emergency, such operator or the person by whom he is employed for such purpose shall immediately notify the commissioner or one of its deputies or assistants, and it is hereby made the duty of both the operator and his employer so to do."

Amendment No. 4.

On page 2 of the printed bill, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"SEC. 3. The Industrial Accident Commission shall carry out the purpose and enforce the provisions of this act and, in so doing and subject to the civil service laws, may appoint such deputies or assistants as may be necessary."

Amendment No. 5.

On page 2, line 6, of the printed bill, strike out "3", and insert in lieu thereof the following: "4".

Amendment No. 6.

On page 2 of the printed bill, strike out lines 9 to 27, inclusive, and insert in lieu thereof the following:

"Sec. 5. The commission shall adopt".

Amendment No. 7.

On page 2, line 31, of the printed bill, strike out "examiners", and insert in lieu thereof the following: "commission".

Amendment No. 8.

On page 2, line 35, of the printed bill, strike out "examiners", and insert in lieu thereof the following: "commission".

Amendment No. 9.

On page 2, line 39, of the printed bill, strike out "Each examiner", and insert in lieu thereof the following: "The commission".

Amendment No. 10.

On page 2, line 40, of the printed bill, strike out "him", and insert in lieu thereof the following: "it".

Amendment No. 11.

On page 2, line 41, of the printed bill, strike out "clerk", and insert in lieu thereof the following: "commission".

Amendment No. 12.

On page 2, line 43, of the printed bill, after "steam", insert the following: ", stationary, or hoisting".

Amendment No. 13.

On page 2, line 47, of the printed bill, after "steam", insert the following: ", stationary, or hoisting".

Amendment No. 14.

On page 2, line 48, of the printed bill, after "steam", insert the following: ", stationary, or hoisting".

Amendment No. 15.

On page 3, line 1, of the printed bill, strike out "examiners", and insert in lieu thereof the following: "commission and its deputies or assistants".

Amendment No. 16.

On page 3, line 5, of the printed bill, strike out "examiners", and insert in lieu thereof the following: "commission".

Amendment No. 17.

On page 3, line 7, of the printed bill, after "boilers", insert the following: "or stationary or hoisting engine".

Amendment No. 18.

On page 3, line 11, of the printed bill, strike out "any one of", and all of line 12, and insert in lieu thereof the following: "the commission".

Amendment No. 19.

On page 3, line 16, of the printed bill, strike out "examiners", and insert in lieu thereof the following: "commission".

Amendment No. 20.

On page 3, line 19, of the printed bill, strike out "Said examiners", and insert in lieu thereof the following: "The commission".

Amendment No. 21.

On page 3, line 23, of the printed bill, strike out "profession of steam engineering", and insert in lieu thereof the following: "occupation of a steam stationery, or hoisting engineer".

Amendment No. 22.

On page 3, lines 25 and 26, of the printed bill, strike out "examiners", and insert in lieu thereof the following: "commission".

Amendment No. 23.

On page 3, line 28, of the printed bill, strike out "Said examiners", and insert in lieu thereof the following: "The commission".

Amendment No. 24.

On page 3, lines 30 and 31, of the printed bill, strike out "bearing the seal and signature of the chief and examiner who examines the applicant", and insert in lieu thereof the following: "properly authenticated by the commission".

Amendment No. 25.

On page 3, line 34, of the printed bill, after "engine room", insert the following: "or at such other place".

Amendment No. 26.

On page 3, line 36, of the printed bill, strike out "clerk", and insert in lieu thereof the following: "commission".

Amendment No. 27.

On page 3, line 40, of the printed bill, strike out "two dollars", and insert in lieu thereof the following: "one dollar".

Amendment No. 28.

On page 3, line 44, of the printed bill, after "and", insert the following: "If the holder of a license fails to pay such one dollar renewal fee within thirty days after the expiration of his license, such license can be renewed upon payment of five dollars under the same conditions that it could have been renewed otherwise, provided, however, that any engineer whose license expired while he was in the military or naval service of the United States shall be entitled to renew his license by the payment of one dollar within sixty days after his discharge from such service."

Amendment No. 29.

On page 3 of the printed bill, between lines 44 and 45, insert the following:

"Each applicant for a hoisting engineer's license must file with his application a certificate from a physician, holding an unrevoked physician and surgeon certificate entitling him to practice medicine and surgery in this State, as to the condition of the applicant's heart, sight, and hearing."

Amendment No. 30.

On page 3, line 45, of the printed bill, strike out "Said examiners", and insert in lieu thereof the following: "The commission".

Amendment No. 31.

On page 3, line 50, of the printed bill, after "steam", insert the following: ", stationary, or hoisting".

Amendment No. 32.

On page 3, line 51, of the printed bill, strike out "examiners", and insert in lieu thereof the following: "commission".

Amendment No. 33.

On page 4, line 2, of the printed bill, after "steam", insert the following: ", stationary or hoisting".

Amendment No. 34.

On page 4, line 4, of the printed bill, strike out "said examiners", and insert in lieu thereof the following: "commission".

Amendment No. 35.

On page 4, line 5, of the printed bill, insert after "steam", the following: ", stationary, or hoisting".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 327—An act to aid in carrying into effect the provisions of section 10 of Article XVI of the Constitution, relating to relief from hardship and destitution due to and caused by unemployment, and to provide for and relating to the expenditure of moneys, authorized by said section 10, for the purpose of providing subsistence farms for persons entitled to relief under the provisions of said section, authorizing the expenditure of moneys for such purpose and prescribing the powers and duties of the Relief Administrator and the Relief Commission and repealing provisions of the Unemployment Relief Bond Act of 1933 in conflict herewith, declaring the urgency thereof and providing that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 327 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after the word "act", strike out the balance of said line 1, and all of line 2 down to and including the comma after the word "Constitution".

Amendment No. 2.

On page 1, line 4 of the title of the printed bill, after the word "and", strike out the balance of line 4, all of lines 5, 6, 7 and 8, and insert in lieu thereof the following: "providing for and relating to industrial and social rehabilitation of persons suffering and in distress from unemployment through and by means of cooperative organizations and associations".

Amendment No. 3.

On page 1, line 10 of the title of the printed bill, strike out the letters "pro-", and all of lines 11, 12 and 13 of the title, and insert in lieu thereof the following: "all laws in conflict herewith."

Amendment No. 4.

On page 1, line 5, of the printed bill, strike out the word "farms."

Amendment No. 5.

On page 1, line 6, of the printed bill, after the word "families", strike out the period, and all the balance of said line 6, and all of lines 7 to 16, inclusive, and insert in lieu thereof the following: "through and by means of cooperative organizations and associations, and to provide for the industrial and social rehabilitation of its industrially displaced inhabitants and impoverished farmers by encouraging the sound development of producer and consumer cooperative organizations supervised managed, directed and controlled by the members thereof, in order that they may become self-supporting and independent of public or private aid. In administering this policy, the emergency distress feature of the problem must be the first concern, to the end that eligible persons be provided with the necessities of life pending the establishment of the rehabilitation program, but this emergency relief shall be gradually withdrawn when rehabilitation by cooperative self-help shall become available under the provisions of this act."

Amendment No. 6.

Strike out all of page 2 of the printed bill, all of page 3, and all of page 4, and insert in lieu thereof the following:

Sec. 2. The provisions of this act shall be administered so as to conform to the policies set forth in section 1 hereof and so that Federal and State assistance to self-help cooperatives may be coordinated and the maximum benefits of Federal aid obtained. In addition to other powers and duties prescribed by law, the administrator shall have power and he is authorized:

(a) To cause exchange depots to be established wherever necessary throughout the State of California, wherein commodities and articles produced by cooperative groups operating under the provisions of this act may be disposed of or exchanged, and to provide methods which shall facilitate such exchange or disposal.

(b) To encourage by education the formation of self-help producer and consumer cooperatives; to assist them by educational methods to correlate their functions; to encourage in the interest of production efficiency the reorganization

of present self help groups along occupational lines, to stimulate their growth and extend their efforts in such diversified channels as will promote and encourage the production, consumption and exchange of the widest practical range of necessary commodities.

(c) To purchase, lease or otherwise acquire in the name of the State of California land, factories, plants, machinery, facilities, tools, equipment and materials necessary or proper in carrying out the intent and spirit of this act, and for no other purpose.

(d) To lend or grant funds for the purchase, lease or acquisition of land, factories, plants, machinery, equipment, tools, facilities and materials and for nonpersonal items of administrative expense, or to lend or grant the use of funds and working capital goods purchased, leased or acquired as herein provided, or grant title thereto to eligible cooperatives, to require that funds or property purchased with State grants be held by the cooperatives to the use and benefit of the State of California Administrator, to set standards of maximum production costs and minimum production volume for each enterprise loaned or grant or loan and to assist cooperatives to attain such standards; to revoke grants in whole or in part, and repossess property and goods to which title is held by the State of California in event of failure to carry out the conditions of such grant or loan or failure to meet the standards established for cooperative enterprise. Whenever possible, aid to cooperatives shall be extended in the form of loans including in goods or services as the administrator shall prescribe, such goods and services to be valued at current prices in commercial markets; to require the accounting according to prescribed form for the use of funds and property loaned or granted while title to such funds or property remains in the State of California in that such funds or property are held to the use and benefit of the State as a conservator whose duty would be to protect such property and goods against loss when in his opinion such protection is necessary to the preservation of the public funds or capital made available to a cooperative enterprise.

(e) To purchase, acquire and provide farms and farms of land suitable for cooperative farming purposes together with water and water rights for use hereon, to subdivide the same into such acreage as shall be necessary to permit fit and fit persons entitled to relief under this act, to provide sufficient and necessary farming tools, machinery, seed, live stock, fowls and other equipment and things necessary to properly equip such farms for use and to carry out the intent and purposes of this act and to do such other things proper or convenient to attain the purposes therewith with the relief contemplated in this act and equipment, tools and equipment for the use and occupation of such farms and farms and conditions under which families occupying such farms may acquire title thereto.

(f) To provide technical personnel to aid, assist and supervise cooperative activities hereunder.

(g) To purchase or otherwise acquire consumable commodities for the purpose of advancing subsistence capital to eligible cooperatives to the extent it deems necessary.

(h) The administrator may sell or distribute goods donated in support of loans to State, county, municipal or other government units or tax-supported institutions and agencies, but not in competition with established business, and such units, institutions and agencies are hereby authorized to purchase or receive grants of such goods; or he may distribute such goods to unemployed or indigent persons.

(i) To make all necessary rules and regulations under which cooperative activities hereunder shall be governed, managed and controlled, and such rules and regulations as shall be necessary to properly govern and control grants and loans made hereunder.

(j) To appoint necessary subordinates and to fix their compensation.

(k) To do any and all other acts and things necessary, convenient or proper to carry out the purposes and intent or spirit of this act and in furthering the policy of rehabilitation herein set forth.

SEC. 3. The administrator and the State Relief Commission shall and they are authorized to set apart for carrying out the purposes of this act and for doing the things herein provided such part and portion of the monies under their control or their control now or that may hereafter be provided and/or appropriated either by the State or Federal Government for the relief of hardship and destitution caused by unemployment as said administrator shall deem necessary and proper for carrying out the intent and purposes of this act and doing the things herein provided for; and said administrator is authorized and empowered to expend such money so set aside as authorized in and by this act.

SEC. 4. The administrator shall not cause cooperative activities to compete with private industries nor shall he permit such competition except only in so far as it shall be necessary to relieve hardship and destitution caused by unemployment, and to obtain the safety and happiness of persons employed under the provisions of this act. The administrator shall direct cooperative activities toward the production of commodities for consumption within cooperative groups and for direct exchange and not for sale in a competitive market.

SEC. 5. The following qualifications are necessary to enable any organization to apply for aid under this act:

(a) It shall be incorporated under the nonprofit corporation laws of the State of California; provided, however, that the administrator may make exceptions, in his discretion, in case of nonprofit voluntary unincorporated associations.

(b) Its membership shall be made up of persons, a substantial proportion of whom have been on relief, eligible to relief, or prospectively eligible if it were not for their membership in the organization.

(c) Its articles of incorporation and by-laws shall contain such other provisions as, in the opinion of the State Relief Administrator, are necessary or advisable to insure the cooperative character of the organization.

(d) In the case of a producer cooperative, the experience and skills of its members shall be appropriate to the projected enterprise.

SEC. 6. Members in good standing of each cooperative group which shall have been certified by the administrator as a self-help cooperative eligible to loan or grant under the provisions of this act and subject to his supervision and control, shall not be classified as paupers or indigents and shall not be subject to the requirements and provisions of the act to provide for relief and aid of indigents approved June 5, 1933, Statutes 1933, page 2005.

SEC. 7. No persons employed under the provisions of this act shall be included in the State Civil Service or be subject to the Civil Service Laws of this State, but shall be exempt therefrom.

SEC. 8. Title to all property purchased or acquired by the administrator under the provisions of this act shall be in the State of California but may be sold, disposed of, bartered or exchanged under the direction of the administrator or may be otherwise disposed of as in this act provided.

SEC. 9. This act shall be known as the Self-help Cooperative Rehabilitation Act and may be cited as such.

SEC. 10. Whenever the word "administrator" is used herein it shall refer to and mean the State Relief Administrator and State Emergency Relief Administrator wherever those words are used in the Constitution or any statute.

SEC. 11. If any section, subsection, clause or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 12. The provisions of this act and the power and authority herein conferred upon the administrator and or the State Relief Commission shall terminate and end on the first day of September, 1937, unless the provisions hereof and such power and authority are extended by an act of the Legislature adopted prior to such date.

SEC. 13. Any act, statute or law of this State, in conflict with the above provisions, is to the extent of such conflict hereby repealed.

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 5—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Senate Bill No. 5 was read and adopted:

Amendment No. 1.

On page 1, line 13, of the printed bill, strike out the words, "for his neighbors".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 122—An act to amend sections 156, 159, and 160 of the Vehicle Code, relating to registration of state-owned vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 122 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out the words "State-owned".

Amendment No. 2.

On page 1, line 18, of the printed bill, strike out the words "of California", and insert in lieu thereof the following: "county, city and county, city or political subdivision of the State."

Amendment No. 3.

On page 2, line 1, of the printed bill, strike out the word "need", and insert in lieu thereof the word "shall".

Amendment No. 4.

On page 2, line 5, of the printed bill, strike out the words "Certificates of registration", and insert in lieu thereof the following: "Registration cards".

Amendment No. 5.

On page 2, line 6, of the printed bill, strike out the words "of California and", and insert in lieu thereof the following: "county, city and county, city or political subdivision of the State shall."

Amendment No. 6.

On page 2, lines 13 and 14, of the printed bill, strike out the words "State-owned vehicles", and insert in lieu thereof the following: "vehicles owned by the State or any county, city and county, city or political subdivision of the State."

Amendment No. 7.

On page 2 of the printed bill, strike out lines 19 to 27, inclusive, and insert in lieu thereof the following: "No application for renewal of a vehicle registration shall be made by the State, county, city and county, city or political subdivision of the State so long as the ownership of the vehicle is the State, county, city and county, city or political subdivision of the State previous to renewal. And upon any change in such ownership the vehicle shall be re-registered in accordance with the provisions of this code relating to an original registration."

Amendment No. 8.

On page 2 of the printed bill, after line 27, add the following:

"SEC. 4. The provisions of this act shall go into effect on or after December 31, 1935."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 420—An act to amend section 44 of the Vehicle Code, relating to emergency vehicles.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Senate Bill No. 420 was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, after the word "traffic", insert the words "or radio".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 789—An act to amend the Vehicle Code by amending sections 113, 114, 115, 121, 123, 124, 135, 451, and 680, relating to vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 789 were read and adopted:

Amendment No. 1.

On page 3 of the printed bill, as amended March 15, 1935, strike out all of lines 23 to 52, both inclusive.

Amendment No. 2.

On page 4, line 1, of the printed bill, as amended March 15, 1935, strike out the figure "8", and insert in lieu thereof the figure "7".

Amendment No. 3.

On page 4, line 7, of the printed bill, as amended March 15, 1935, strike out the figure "9", and insert in lieu thereof the figure "8".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 933—An act to amend sections 213, 288, 473, 489 and 1203 and to repeal section 19a thereof and to add a new section to be numbered 19a thereto, all relating to punishment for criminals.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 933 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "213, 288," and also strike out in the same line "489 and 1203 and to", and in the same line, after the number "473", strike out the comma, and insert in lieu thereof the following: "of the Penal Code,".

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 2 of the title, and also the following words in line 3: "numbered 19a thereto, all".

Amendment No. 3.

On page 1, line 4 of the title of the printed bill, strike out "criminals", and insert in lieu thereof "forgery".

Amendment No. 4.

On page 1 of the printed bill, strike out all of lines 1 to 26, inclusive; also on page 2, strike out all of lines 1 to 29, inclusive, and insert in lieu thereof the following paragraph:

"SECTION 1. Section 473 of the Penal Code is hereby amended to read as follows:".

Amendment No. 5.

On page 2 of the printed bill, strike out all of lines 34 to 52, inclusive; also strike out all of pages 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the printed bill.

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 4, 6, 7, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit-forming, narcotic and other dangerous drugs and substances.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 229 were read and adopted:

Amendment No. 1.

On page 5 of the printed bill, as amended, strike out lines 31 and 32, and insert in lieu thereof the following: "fornia, or of any other State, and such previous conviction of a felony is charged".

Amendment No. 2.

On page 5 of the printed bill, as amended, strike out lines 51 and 52, and insert in lieu thereof the following: "States or of the State of California, or of any other State, and such previous con-".

Amendment No. 3.

On page 8, line 46, of the printed bill, as amended after "said", insert the following: "automobile or other".

Amendment No. 4.

On page 8, line 51, of the printed bill, as amended, after "the", insert the following: "automobile or other".

Amendment No. 5.

On page 9, line 1, of the printed bill, as amended after "said", insert the following: "automobile or other".

Amendment No. 6.

On page 9, line 4, of the printed bill, as amended, strike out the comma at the end of the line, and insert in lieu thereof the following: "or other vehicle as of the date of seizure,".

Amendment No. 7.

On page 9, line 6, of the printed bill, as amended, strike out "offender", and insert in lieu thereof the following: "purchaser".

Amendment No. 8.

On page 9, line 7, of the printed bill, as amended after "said", insert the following: "automobile or other".

Amendment No. 9.

On page 9, line 8, of the printed bill, as amended after "said", insert the following: "automobile or other".

Amendment No. 10.

On page 9 of the printed bill, as amended, strike out lines 12 and 14, and insert in lieu thereof the following: "to take place. The remainder of the proceeds of such".

Amendment No. 11.

On page 9 of the printed bill, as amended between lines 16 and 17, insert the following:

"In any case the State Department of Finance shall have the right, within thirty days after judgment, to pay the balance due to such bank, fiduciary or innocent purchaser, lien holder, mortgagee or vendor and to purchase the vehicle for the State."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 783. An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, to provide for the disposition of the revenues therefrom, to make an appropriation for the administration hereof, and to provide that this act shall take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Senate Bill No. 783 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended in Senate March 22, 1935, strike out lines 1 to 14, both inclusive, and strike out all the remainder of said bill, and insert in lieu thereof the following:

"SECTION 1. For the purposes of this act and unless otherwise required by the context:

- (a) The word "board" means State Board of Equalization.
- (b) The word "taxpayer" includes any individual or fiduciary subject to the tax imposed by this act.
- (c) The word "fiduciary" means guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, estate or trust.
- (d) The word "person" includes individuals, fiduciaries, partnerships and corporations.
- (e) The word "corporation" includes joint stock companies or associations and insurance companies.
- (f) The words "taxable year" mean the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this act. "Taxable year" includes, in the case of a return made for a frac-

tional part of a year under the provisions of this act or under regulations prescribed by the board, the period for which such return is made.

(g) The words "fiscal year" mean an accounting period of twelve months ending on the last day of any month other than December.

(h) The words "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act.

(i) The word "resident" includes every natural person domiciled in the State of California and every other natural person who maintains a permanent place of abode within this State or spends in the aggregate more than seven months of the taxable year within this State. The word "nonresident" includes every natural person other than a resident.

(j) The words "foreign country" mean any jurisdiction other than one embraced within the United States. The words "United States" when used in a geographical sense, include the States, the Territories of Alaska and Hawaii, the District of Columbia and the possessions of the United States.

(k) The words "trade or business" includes the performance of the functions of a public office.

(l) The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this act, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(m) The term "personal holding company" means any corporation (other than a corporation exempt from taxation under section 101 of the Federal Revenue Act of 1934, and other than a bank or trust company incorporated under the laws of the United States or of any State or Territory, a substantial part of whose business is the receipt of deposits, and other than a life insurance company or surety company) if—(1) at least eighty per centum of its gross income for the taxable year is derived from royalties, dividends, interest, annuities, and (except in the case of regular dealers in stock of securities) gains from the sale of stock or securities, and (2) at any time during the last half of the taxable year more than fifty per centum in value of its outstanding stock is owned, directly or indirectly, by or for not more than five individuals. For the purpose of determining the ownership of stock in a personal holding company—(3) stock owned, directly or indirectly, by a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries; (4) an individual shall be considered as owning, to the exclusion of any other individual, the stock owned, directly or indirectly, by his family, and this rule shall be applied in such manner as to produce the smallest possible number of individuals owning, directly or indirectly, more than fifty per centum in value of the outstanding stock; and (5) the family of an individual shall include only his brothers and sisters (whether by the whole or half blood) spouse, ancestors, and lineal descendants.

SEC. 2. There shall be levied, collected and paid for each taxable year upon all the net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State, a normal tax of one and one-third per centum of the amount of the net income in excess of credits against net income provided in section 14.

SEC. 3. (a) As used in this section the term "surtax net income" means the amount of the net income in excess of credits against net income provided in section 14.

(b) There shall be levied, collected, and paid for each taxable year upon all the surtax net income of every resident of this State and upon the surtax net income of every nonresident which is derived from sources within this State a surtax as follows:

Upon a surtax net income of four thousand dollars there shall be no surtax; upon surtax net incomes in excess of four thousand dollars and not in excess of six thousand dollars, one and thirty-three hundredths per centum of such excess.

Twenty-six dollars and sixty-seven cents upon surtax net incomes of six thousand dollars; and upon surtax net incomes in excess of six thousand dollars and not in excess of eight thousand dollars, one and sixty-seven hundredths per centum in addition of such excess.

Sixty dollars upon surtax net incomes of eight thousand dollars; and upon surtax net incomes in excess of eight thousand dollars and not in excess of ten thousand dollars, two per centum in addition of such excess.

One hundred dollars upon surtax net incomes of ten thousand dollars; and upon surtax net incomes in excess of ten thousand dollars and not in excess of twelve thousand dollars, two and thirty-three hundredths per centum in addition of such excess.

One hundred forty-six dollars and sixty-seven cents upon surtax net incomes of twelve thousand dollars; and upon surtax net incomes in excess of twelve thousand dollars and not in excess of fourteen thousand dollars, two and sixty-seven hundredths per centum in addition of such excess.

Two hundred dollars upon surtax net incomes of fourteen thousand dollars; and upon surtax net incomes in excess of fourteen thousand dollars and not in excess of sixteen thousand dollars, three per centum in addition of such excess.

Two hundred sixty dollars upon surtax net incomes of sixteen thousand dollars; and upon surtax net incomes in excess of sixteen thousand dollars and not in excess of eighteen thousand dollars, three and sixty-seven hundredths per centum in addition of such excess.

Three hundred thirty-three dollars and thirty-three cents upon surtax net incomes of eighteen thousand dollars; and upon surtax net incomes in excess of eighteen thousand dollars and not in excess of twenty thousand dollars, four and thirty-three hundredths per centum in addition of such excess.

Four hundred twenty dollars upon surtax net incomes of twenty thousand dollars; and upon surtax net incomes in excess of twenty thousand dollars and not in excess of twenty-two thousand dollars, five per centum in addition of such excess.

Five hundred twenty dollars upon surtax net incomes of twenty-two thousand dollars; and upon surtax net incomes in excess of twenty-two thousand dollars and not in excess of twenty-six thousand dollars, five and sixty-seven hundredths per centum in addition of such excess.

Seven hundred forty-six dollars and sixty-seven cents upon surtax net incomes of twenty-six thousand dollars; and upon surtax net incomes in excess of twenty-six thousand dollars and not in excess of thirty-two thousand dollars, six and thirty-three hundredths per centum in addition of such excess.

One thousand, one hundred twenty-six dollars and sixty-seven cents upon surtax net incomes of thirty-two thousand dollars; and upon surtax net incomes in excess of thirty-two thousand dollars and not in excess of thirty-eight thousand dollars, seven per centum in addition of such excess.

One thousand, five hundred forty-six dollars and sixty-seven cents upon surtax net incomes of thirty-eight thousand dollars; and upon surtax net incomes in excess of thirty-eight thousand dollars and not in excess of forty-four thousand dollars, eight per centum in addition of such excess.

Two thousand, twenty-six dollars and sixty-seven cents upon surtax net incomes of forty-four thousand dollars; and upon surtax net incomes in excess of forty-four thousand dollars and not in excess of fifty thousand dollars, nine per centum in addition of such excess.

Two thousand, five hundred sixty-six dollars and sixty-seven cents upon surtax net incomes of fifty thousand dollars; and upon surtax net incomes in excess of fifty thousand dollars and not in excess of fifty-six thousand dollars, ten per centum in addition of such excess.

Three thousand, one hundred sixty-six dollars and sixty-seven cents upon surtax net incomes of fifty-six thousand dollars; and upon surtax net incomes in excess of fifty-six thousand dollars and not in excess of sixty-two thousand dollars, eleven per centum in addition of such excess.

Three thousand, eight hundred twenty-six dollars and sixty-seven cents upon surtax net incomes of sixty-two thousand dollars; and upon surtax net incomes in excess of sixty-two thousand dollars and not in excess of sixty-eight thousand dollars, twelve per centum in addition of such excess.

Four thousand, five hundred forty-six dollars and sixty-seven cents upon surtax net incomes of sixty-eight thousand dollars; and upon surtax net incomes in excess of sixty-eight thousand dollars and not in excess of seventy-four thousand dollars, thirteen per centum in addition of such excess.

Five thousand, three hundred twenty-six dollars and sixty-seven cents upon surtax net incomes of seventy-four thousand dollars; and upon surtax net incomes in excess of seventy-four thousand dollars and not in excess of eighty thousand dollars, fourteen per centum in addition of such excess.

Six thousand, one hundred sixty-six dollars and sixty-seven cents upon surtax net incomes of eighty thousand dollars; and upon surtax net incomes in excess of eighty thousand dollars and not in excess of ninety thousand dollars, fifteen per centum in addition of such excess.

Seven thousand, six hundred sixty-six dollars and sixty-seven cents upon surtax net incomes of ninety thousand dollars; and upon surtax net incomes in excess of ninety thousand dollars and not in excess of one hundred thousand dollars, sixteen and sixty-seven hundredths per centum in addition of such excess.

Nine thousand, three hundred thirty-three dollars and thirty-three cents upon surtax net incomes of one hundred thousand dollars; and upon surtax net incomes in excess of one hundred thousand dollars and not in excess of one hundred fifty thousand dollars, seventeen and thirty-three hundredths per centum in addition of such excess.

Eighteen thousand dollars upon surtax net incomes of one hundred fifty thousand dollars; and upon surtax net incomes in excess of one hundred fifty thousand dollars and not in excess of two hundred thousand dollars, seventeen and sixty-seven hundredths per centum in addition of such excess.

Twenty-six thousand, eight hundred thirty-three dollars and thirty-three cents upon surtax net incomes of two hundred thousand dollars; and upon surtax net incomes in excess of two hundred thousand dollars and not in excess of three hundred thousand dollars, eighteen per centum in addition of such excess.

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For the purpose of this study, the following definitions were used: *active* refers to the presence of at least one active (non-zero) element; *inactive* refers to the absence of active elements; *inactive elements* refer to elements of a matrix that are zero; *active elements* refer to elements of a matrix that are non-zero; *active elements* refer to elements of a matrix that are non-zero; *active elements* refer to elements of a matrix that are non-zero.

Since these elements are limited to only 100,000, any series of more than 100,000 per centages of first-kind-of-these elements, each one selected with frequency of $\frac{1}{100,000}$ of first-kind-of-these elements, will be a series of first-kind-of-these elements, and a series of per centages of first-kind-of-these elements.

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These findings suggest that the use of a single, standardized, self-report measure of social support may not be sufficient to capture the complexity of social support in the context of HIV risk reduction. Future research should explore the use of multiple measures of social support, including both self-report and observational measures, to better understand the role of social support in HIV risk reduction.

THE FOLLOWING TABLES SHOW THE PERCENTAGE OF THE TOTAL SALES OF THE COMPANY FOR THE YEAR ENDED 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 26

Step 9. The words "and normal" mean the gross weight compared under 500 tons (1 to 11) tonnes or, at least not less the minimum provided by section 12 of the Act.

[illegible]

(b) The value added taxes shall not be included in gross income and shall be exempt from taxation under this act.

(4) Amounts received under a life insurance contract paid by reason of the death of the insured whether in a single sum or otherwise, and if such amounts are paid to the insured under an agreement to pay interest thereon, the interest payments shall not be included in gross income.

[illegible]

(3) The value of property acquired by gift by most devise of inheritance (but the income from such property shall be deemed as gross income).

(4) Amounts received through payment on behalf of insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received without by such an agreement on account of such injuries or sickness.

(5) The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation:

(16) Income which does not constitute a fixed or determinate right under the Constitution or laws of the United States of America or under the Constitution of this State.

only the gross income from sources within this State. Gross income from sources within and without this State shall be allocated and apportioned under rules and regulations to be prescribed by the board.

SEC. 6. Whenever in the opinion of the board the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the board may prescribe as conforming to

nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income.

SEC. 7. The gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the adjusted basis provided in subsection (b) of section 9 for determining gain, and the loss shall be the excess of the adjusted basis provided in such subsection determining loss over the amount realized.

The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received.

In the case of a sale or exchange, the extent to which the gain or loss determined under this subsection shall be recognized for the purposes of this act, shall be determined under the provisions of section 8.

Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received.

SEC. 8. Upon the sale or exchange of property, the entire amount of the gain or loss, determined under section 7, shall be recognized, except that—

(a) No gain or loss shall be recognized if property held for productive use in trade or business or for investment just preceding such sale in trade or other property held primarily for sale, nor stock, bond, note, share in stock, certificate of trust or beneficial interest, or other security or evidence of indebtedness or interest is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

(b) No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

(c) No gain or loss shall be recognized if stock or securities in a corporation are exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

(d) No gain or loss shall be recognized if a corporation or a party to a reorganization exchanges property in pursuance of the plan of reorganization, solely for stock or securities in another corporation or party to the reorganization.

(e) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation, but in the case of an exchange by two or more persons this subsection shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

(f) If an exchange would be within the purview of subsections (a), (b), (c), (d), or (e) of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain or loss, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(g) If a distribution made in pursuance of a plan of reorganization is within the provision of subsection (f) of this section but has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under subsection (f) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under subsection (f) shall be taxed as a gain from the exchange of property.

(h) If an exchange would be within the provisions of subsections (a), (b), (c), (d), or (e) of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subsections to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

(i) If property (as a result of its destruction by fire or its theft or seizure, or an exercise of the power of possession or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the board, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition or control of a corporation owning such other property, or in the establishment of a replacement fund, no gain or loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized, but in an amount not in excess of the money which is not so expended.

(j) As used in this section and in section 9 of this act, the term "reorganization" means (1) a statutory merger or consolidation, or (2) the acquisition by one corporation in exchange solely for all or a part of its voting stock, of at least

eighty per centum of the voting stock and at least eighty per centum of the total number of shares of all other classes of stock of another corporation; or of substantially all the properties of another corporation, or (3) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred, or (4) a recapitalization, or (5) a mere change in identity, form, or place of organization, however effected.

The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

(k) As used in this section the term "control" means the ownership of at least eighty per centum of the voting stock and at least eighty per centum of the total number of shares of all other classes of stock of the corporation.

(l) In determining the extent to which gain shall be recognized in the case of any of the exchanges (made after the date of the enactment of this act) described in subsections (c), (d), or (e) of this section or described in so much of subsection (f) of this section as refers to subsection (c) or (e) of this section, a foreign corporation shall not be considered as a corporation unless prior to such exchange it has been established to the satisfaction of the board that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of income taxes imposed by the State of California.

Sec. 9. (a) The basis of property shall be the cost of such property except that—

(1) If the property should have been included in the last inventory, the basis shall be the last inventory value thereof.

(2) If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift, except that for the purpose of determining loss the basis shall be the basis so determined or the fair market value of the property at the time of the gift, whichever is lower. If the facts necessary to determine the basis in the hands of the donor or the last preceding owner are unknown to the donee, the board shall if possible obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the board finds it impossible to obtain such facts, the basis in the hands of such donor or last preceding owner shall be the fair market value of such property as found by the board as of the date or approximate date at which, according to the best information that the board is able to obtain, such property was acquired by such donor or last preceding owner.

(3) If the property was acquired after December 31, 1920, by a transfer in trust (other than by transfer in trust by a bequest or devise) the basis shall be the same as it would be in the hands of the grantor, increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made.

(4) If the property was acquired by gift or transfer in trust on or before December 31, 1920, the basis shall be the fair market value of such property at the time of such acquisition.

(5) If the property was acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent, the basis shall be the fair market value of such property at the time of such acquisition. In the case of property transferred in trust to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust, the basis of such property in the hands of the persons entitled under the terms of the trust instrument to the property after the grantor's death shall, after such death, be the same as if the trust instrument had been a will executed on the day of the grantor's death. For the purpose of this subdivision property passing without full and adequate consideration under a general power of appointment exercised by will shall be deemed to be property passing from the individual exercising such power by bequest or devise.

(6) If the property was acquired after February 28, 1913, upon an exchange described in subsections (a) to (h), inclusive, of section 8 of this act, the basis shall be the same as in the case of property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by subsections (a) to (e), inclusive, of section 8 of this act to be received without the recognition of gain or loss, and in part of other property, the basis provided in this subdivision shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. This subdivision shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it.

(7) If the property was acquired after December 31, 1917, by a corporation in connection with a reorganization, and immediately after the transfer it is inherited or control in such property of fifty per centum or more is retained in the same persons or any of them, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made. This subsection shall not apply if the property is sold, exchanged, or given or conveyed in a reorganization to a party to the reorganization, unless required by the amount of stock or securities of the transferee as the consideration in which, or in part, for the transfer.

(8) If the property was acquired after December 31, 1919, by a corporation (A) by the issuance of its stock or securities in connection with a transaction described in subsection (c) of section 8 of this act (including when some share part of the consideration for the transfer of such property in the reorganization was property or money, in addition to such stock or securities), or (B) in 1919 or acquired or got a contribution to capital after the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made.

(9) If the property was acquired after February 28, 1913, as the result of a compulsory or involuntary conversion described in subsection (11) of section 8 of this act, the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made.

(10) If the property consists of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under section 11 of this act) of the loss from the sale or other disposition of substantially identical stock or securities, then the basis shall be the basis of the stock or securities so sold or disposed of, increased or decreased, as the case may be, by the difference, if any, between the price at which the property was acquired and the price at which such substantially identical stock or securities were sold or otherwise disposed of.

(11) If the property was acquired after February 28, 1913, by a partnership, and the basis is not otherwise determined under any of the subdivisions (1) to (10), inclusive, of this subsection, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made. If the property was distributed in kind by a partnership to any partner, the basis of such property in the hands of the partner shall be such part of the basis in the hands of the partnership as would be properly allocable to such property.

(12) In the case of property acquired before March 1, 1913, if the basis otherwise determined under this subsection, adjusted (for the period prior to March 1, 1913) as provided in subsection (b) of this section, is less than the fair market value of the property as of March 1, 1913, then the basis for determining gain shall be such fair market value. In determining the fair market value of stock in a corporation as of March 1, 1913, due regard shall be given to the fair market value of the assets of the corporation as of that date.

(b) The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis determined under subsection (a) of this section, adjusted as hereinafter provided:

(1) Proper adjustment in respect of the property shall in all cases be made—

(A) For expenditures, receipts, losses, or other items, properly chargeable to capital account, including taxes and other carrying charges on investment and unproductive real property, but no such adjustment shall be made for taxes or other carrying charges for which deductions have been taken by the taxpayer in determining net income for the taxable year or prior taxable years;

(B) In respect of any period since February 28, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent allowed (but not less than the amount allowable) under this act. Where for any taxable year prior to the taxable year 1932 the depletion allowance was based on discovery value or a percentage of income, then the adjustment for depletion for such year shall be based on the depletion which would have been allowable for such year if computed without reference to discovery value or a percentage of income;

(C) In respect of any period prior to March 1, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent allowed;

(D) In the case of stock (to the extent not provided for in the foregoing paragraphs) for the amount of distributions previously made where under the law applicable to the year in which the distribution was made, either were

tax-free or were applicable in calculation of basis (not including distributions made by a corporation which was treated as a personal service corporation under the provisions of the Federal Revenue Act of 1918 or 1921, out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Federal Revenue Act of 1918 or 1921).

(2) The term "substituted basis" as used in this subsection means a basis determined under any provision of subsection (a) of this section, providing that the basis shall be determined—

(A) By reference to the basis in the hands of a transferor, donor, or grantor, or

(B) By reference to other property held at any time by the person for whom the basis is to be determined.

Wherever it appears that the basis of property in the hands of the taxpayer is a substituted basis, then the computations provided in subsection (1) of this subsection shall be made after first making in respect of such substituted basis proper adjustments of a similar nature, in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of substituted bases.

SEC. 10. (a) Only the following percentages of the gain or loss recognized upon the sale or exchange of a capital asset shall be taken into account in computing net income:

One hundred per centum if the capital asset has been held for not more than one year;

Eighty per centum if the capital asset has been held for more than one year but not for more than two years;

Sixty per centum if the capital asset has been held for more than two years but not for more than five years;

Forty per centum if the capital asset has been held for more than five years but not for more than ten years;

Thirty per centum if the capital asset has been held for more than ten years.

(b) For the purposes of this act "capital assets" means property held by the taxpayer (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

(c) For the purpose of subsection (a)—

(1) In determining the period for which the taxpayer has held property received on an exchange there shall be included the period for which he held the property exchanged, if under the provisions of section 9 of this act, the property received has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as the property exchanged.

(2) In determining the period for which the taxpayer has held property however acquired there shall be included the period for which such property was held by any other person, if under the provisions of section 9 of this act, such property has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as it will have in the hands of such other person.

(3) In determining the period for which the taxpayer has held stock or securities received upon a distribution where no gain was recognized to the distributee under the provisions of section 112(a) of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932, there shall be included the period for which he held the stock or securities in the distributing corporation prior to the receipt of the stock or securities upon such distribution.

(4) In determining the period for which the taxpayer has held stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under section 11 of this act or section 118 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932, relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, there shall be included the period for which he held the stock or securities the loss from the sale or other disposition of which was not deductible.

(d) Gains from sales or exchanges of capital assets shall be allowed only to the extent of two thousand dollars plus the gains from such sales or exchanges.

(e) For the purpose of this act—

(1) Gains or losses from short sales of property shall be considered as gains or losses from sales or exchanges of capital assets; and

(2) Gains or losses attributable to the failure to exercise privileges or options to buy or sell property shall be considered as gains or losses from sales or exchanges of capital assets held for one year or less.

(f) For the purpose of this act, amounts received by the holder upon the retirement of bonds, debentures, notes, or certificates or other evidences of indebtedness issued by any corporation (including those issued by a government or political subdivision thereof) with interest coupons or in registered form, shall be considered as amounts received in exchange therefor.

SEC. 11. In the case of any loss sustained by an owner sustained from any cause or other disposition of shares of stock in a corporation where it appears that within a period beginning thirty days before the date of such loss or destruction and ending thirty days after such date, the corporation has acquired the proceeds or the net exchange upon which the entire amount of such loss has been compensated by such corporation, then no deduction for the loss shall be allowed under subsection (2) of subsection (d) of section 12.

If the amount of such loss sustained by an owner is ascertained by the taxpayer in option to acquire it, then the amount of such loss sustained shall be determined as follows: If the particular shares of stock or securities are sold from the sale or other disposition of which a loss is sustained, shall be determined under the regulations prescribed by the board.

If the amount of stock or securities acquired by an owner is ascertained by option to acquire it, then the amount of such loss sustained shall be determined as follows: If the contract or option to acquire such stock or securities is the result of a loss, the loss shall be determined under rules and regulations prescribed by the board.

SEC. 12. In computing net income there shall be included as deductions:

(a) All the ordinary and necessary expenses incurred in business during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business, and interest on notes, bonds, and other securities required to be carried in connection with the carrying on of a business. For purposes of the trade or business of carrying on mining the treatment for and value of a mining taking title of or which he has acquired.

(b) All interest paid or accrued during the taxable year on indebtedness, except on indebtedness secured or guaranteed in part by a bond or mortgage. The amount hereof which is wholly exempt from the taxes imposed by this law.

(c) Taxes or license paid or incurred during the taxable year which have been paid to the State or to the city, and other local taxes not so levied by or levied by income or profits tax or special license tax, and taxes levied by the authority of (1) the Government of the United States and foreign countries, (2) the State, Territory, county, city and county, and (3) the authority of such taxing subdivision of any State or Territory, and other taxes, duties, interest charges and benefits of a kind tending to increase the cost of the property possessed, but this shall not exclude the allowance of a deduction of a stockholder's stock if he received special benefits as is properly allowable to the holder of a share of stock.

(d) Loss sustained during the taxable year and not compensated for by insurance or otherwise;

(1) If incurred in trade or business; or

(2) If incurred in any transaction entered into for profit, though not connected with the trade or business; or

(3) Of property not connected with the trade or business, if the loss arises from fires, storms, shipwreck, or other casualty or from theft.

(e) Losses from wasting transactions shall be allowed only to the extent of the gains from such transactions.

(f) The basis for determining the amount of deduction for losses sustained shall be allowed under subsection (d); shall be the adjusted basis provided in subsection (b) of section 9 for determining the loss from the sale or other disposition of property.

(g) For disallowance of loss deduction in the case of sale of stock in a corporation where within thirty days before or after the date of the sale the corporation has received substantially identical property, see section 11.

(h) Losses from sales or exchanges of personal assets shall be allowed only to the extent provided in subsection (d) of section 11.

(i) Debt's ascertained to be worthless and charged off within the taxable year (or in the discretion of the board a reasonable addition to a reserve for bad debts) and when ascertained that a debt is worthless, or, in part, the board may give such debt, in an amount not in excess of the part charged off within the taxable year, as a deduction.

(j) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for depreciation. If the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the sole owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

(k) In the case of mines, oil and gas wells, other natural resources, and similar a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases

to be made under rules and regulations to be prescribed by the board. In any case in which it is ascertained as a result of operations or of development work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate (but not the basis for depletion) shall be revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases the deductions shall be equitably apportioned between the lessor and the lessee. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. The percentage of depletion allowable under this subsection shall be computed in accordance with the provisions of paragraphs (B) and (C) of subdivision (2) of subsection (L) of this section.

(1) The basis upon which depletion, exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be as follows:

(1) The basis upon which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in subsection (b) of section 9 for the purpose of determining the gain upon the sale or other disposition of such property.

(2) The basis upon which depletion is to be allowed in respect of any property shall be the adjusted basis provided in subsection (b) of section 9 for the purpose of determining the gain upon the sale or other disposition of such property, except as provided in paragraphs (A), (B), and (C) of this subdivision.

(A) In the case of mines (other than metal, coal or sulphur mines) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within thirty days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost. The depletion allowance under subsection (k) of this section based on discovery value provided in this paragraph shall not exceed fifty per centum of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance under subsection (k) of this section be less than it would be if computed without reference to discovery value. Discoveries shall include minerals in commercial quantities contained within a vein or deposit discovered in an existing mine or mining tract by the taxpayer after February 28, 1913, if the vein or deposit thus discovered was not merely the uninterrupted extension of a continuing commercial vein or deposit already known to exist, and if the discovered minerals are of sufficient value and quantity that they could be separately mined and marketed at a profit.

(B) In the case of oil and gas wells the allowance for depletion under subsection (k) of this section shall be twenty-seven and one-half per centum of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed fifty per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance under subsection (k) of this section be less than it would be if computed without reference to this paragraph.

(C) The allowance for depletion under subsection (k) of this section shall be, in the case of coal mines, five per centum, in the case of metal mines, fifteen per centum, and, in the case of sulphur mines or deposits, twenty-three per centum of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed fifty per centum of the net income of the taxpayer (computed without allowance for depletion) from the property. A taxpayer making his first return under this act in respect of a property shall state whether he elects to have the depletion allowance for such property for the taxable year for which the return is made computed with or without regard to percentage depletion, and the depletion allowance in respect of such property for such year shall be computed according to the election thus made. If the taxpayer fails to make such statement in the return, the depletion allowance for such property for such year shall be computed without reference to percentage depletion. The method, determined as above, of computing the depletion allowance shall be applied in the case of the property for all taxable years in which it is in the hands of such taxpayer, or of any other person if the basis of the property (for determining gain) in his hands is, under section 9 of this act, determined by reference to the basis in the hands of such taxpayer, either directly or through one or more substituted bases, as defined in that section.

(m) In the case of an individual, contributions or gifts made within the taxable year to or for the use of:

(1) The United States, any State, Territory or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) A corporation, or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private inalienable or hereditary individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation;

(3) The special fund for vocational rehabilitation authorized by section 12 of the World War Veterans' Act, 1924;

(4) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private inalienable or hereditary individual;

(5) A fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

The deductions under this subsection shall be allowed to an amount which in all the above cases combined does not exceed fifteen per centum of the taxpayer's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowed as deductions only if verified under rules and regulations prescribed by the board. In the case of an individual if in the taxable year and in each of the ten preceding taxable years the amount of the contributions or gifts described in this subsection plus the amount of income tax paid or taxes paid in the taxes paid during such year in respect of preceding taxable years, exceeds ninety per centum of the taxpayer's net income for each such year, as computed without the benefit of this subsection then the fifteen per centum limit imposed herein shall not be applicable.

In the case of a taxpayer other than a resident the deductions under this subsection shall be allowed only as to contributions or gifts made to corporations or associations incorporated by or organized under the laws of this State or to the vocational rehabilitation fund above mentioned or to the State or any political subdivision thereof for exclusively public purposes.

(n) An employer establishing or maintaining a pension trust to pay, or for the payment of reasonable pensions to his employees, for such trust is exempt from tax under section 24 relating to trusts created for the exclusive benefit of employees shall be allowed as a deduction (in addition to the contributions to such trust during the taxable year to cover the pension liability accruing during the year, allowed as a deduction under subsection (a) of this section) a reasonable amount transferred or paid into such trust during the taxable year in excess of such contributions, but only if such amount (1) has not theretofore been allowed as a deduction, and (2) is apportioned in equal parts over a period of two consecutive years beginning with the year in which the transfer or payment is made.

(o) In the case of a taxpayer other than a resident the deductions allowed by this section shall unless otherwise provided in this section be allowed only if and to the extent that they are connected with the income arising from sources within this State and taxable under this act to a permanent taxpayer, and the proper apportionment and allocation of the deductions with respect to sources of income within the without the State shall be determined under rules and regulations to be prescribed by the board.

SEC. 13. (a) In computing net income no deduction shall in any case be allowed in respect of—

(1) Personal, living, or family expenses;

(2) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate;

(3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made;

(4) Premiums paid on any life insurance policy covering the life of any officer of employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy;

(5) Any amount otherwise allowable as a deduction which is allowable to one or more classes of income other than interest (whether or not any amount of income of that class or classes is received or accrued) wholly exempt from the taxes imposed by this act; or

(6) Loss from sales or exchanges of property, directly or indirectly, (A) between members of a family, or (B) except in the case of distributions in liquidation, between an individual and a corporation in which such individual owns, directly or indirectly, more than fifty per centum in value of the outstanding stock. For the purpose of this paragraph—(C) an individual shall be considered as owning the

stock owned, directly or indirectly, by his family; and (D) the family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(b) Amounts paid under the laws of any State, Territory, District of Columbia, possession of the United States, or foreign country as income to the holder of a life or terminable interest acquired by gift, bequest, or inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time, nor by any deduction allowed by this act (except the deductions provided for in subsections (j) and (k) of section 12 for the purpose of computing the net income of an estate or trust but not allowed under the laws of such State, Territory, District of Columbia, possession of the United States, or foreign country for the purpose of computing the income to which such holder is entitled.

(c) The obligor of a covenant bond shall not be allowed a deduction for the payment of the tax imposed by this act, or any other tax paid pursuant to the tax-free covenant clause, nor shall such tax be included in the gross income of the obligee.

SEC. 14. (a) There shall be allowed for the purpose of the normal tax, but not for the surtax, the following credits against the net income:

(1) Ten per centum of the amount of the earned net income, but not in excess of ten per centum of the amount of net income.

(2) For the purposes of this section—

(A) "Earned income" means wages, salaries, professional fees, and other amounts received as compensation for personal services actually rendered, but does not include any amount not included in gross income, nor that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income producing factors, a reasonable allowance as compensation for the personal services actually rendered by the taxpayer, not in excess of twenty per centum of his share of the net profits of such trade or business, shall be considered as earned income.

(B) "Earned income deductions" means such deductions as are allowed by section 12 for the purpose of computing net income, and are properly allocable to or chargeable against earned income.

(C) "Earned net income" means the excess of the amount of the earned income over the sum of the earned income deductions. If the taxpayer's net income is not more than three thousand dollars, his entire net income shall be considered to be earned net income, and if his net income is more than three thousand dollars, his earned net income shall not be considered to be less than three thousand dollars. In no case shall the earned net income be considered to be more than fourteen thousand dollars.

(b) There shall be allowed for the purposes of the normal tax and the surtax the following credits against net income:

(1) In the case of a single person, a personal exemption of one thousand dollars; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of twenty-five hundred dollars.

A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be twenty-five hundred dollars. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

(2) Four hundred dollars for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

(3) If the status of the taxpayer, in so far as it effects the personal exemption or credit for dependents, changes during the taxable year, the personal exemption and credit shall be apportioned, under rules and regulations prescribed by the board, in accordance with the number of months before and after such change. For the purpose of such apportionment a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month.

SEC. 15. The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the board does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in section 1 or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

SEC. 16. The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer, unless the methods of accounting permitted under section 15 of this act, or any amendments are to be properly accounted for in a different period. In the case of the death of the taxpayer there shall be included in computing net income for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly included in respect of some period or periods.

SEC. 17. The deductions and credits permitted for income tax shall be taken for the taxable year in which "paid or accrued or paid or accrued" depending upon the method of accounting upon the basis of which the net income is computed, unless in order clearly to reflect the income the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer there shall be allowed as deductions and credits for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly allowable in respect of such period or periods.

SEC. 18. (a) Under regulations prescribed by the board a person who regularly sells or otherwise disposes of personal property in the United States shall include as income therefrom in any taxable year that property in the United States actually received in that year when the gross proceeds realized or to be realized when payment is completed, bears to the total contract price.

(b) In the case of a person who regularly sells or otherwise disposes of personal property (other than property of a kind which would generally be included in the inventory of the taxpayer if on hand at the close of the taxable year) in a taxable year, including one thousand dollars or less of the sale price of such property in each taxable year, either case the initial payments do not exceed twenty per centum of the selling price, the income may, under regulations prescribed by the board be accounted on the basis and in the manner provided for in this section. As used in this section, the term "initial payment" means the payments received on time or deferred other than evidence of indebtedness of the purchaser during the taxable period in which the sale or other disposition is made.

(c) If a taxpayer entitled to the benefits of subsection (b) of this section failed for any taxable year to report his net income on the annual return, then, when computing his income for the year of inclusion on the subsequent year, income actually received during any such year on installment sale or other disposition of property made in any prior year shall not be excluded.

(d) If an installment obligation is satisfied at other than the regular intervals prescribed, transmitted, sold or otherwise disposed of, or if the obligation is the result of the difference between the basis of the obligation and a sale or exchange of the property at other than face value, a sale or exchange, the amount realized on the sale or exchange of the obligation, transmitted, sold or otherwise disposed of, shall be included in the gross income of the taxpayer for the taxable year in which the obligation is satisfied or disposed of. Any gain or loss on a sale or exchange of the obligation shall be measured by the difference between the fair market value of the obligation at the time of the sale or exchange and the amount realized on the sale or exchange of the property in which the obligation was included. The basis of the obligation shall be the value of the property at the time of the obligation over an amount equal to the amount actually received by the taxpayer when the obligation was satisfied or disposed of. This section shall not apply to the transmission at death of installment obligations if there is no such transmission at such time as it may be required by law to be transmitted, or such transmission with such benefits as it may deem necessary, in order to carry out the intent of the law, in the case of receiving any payment on such obligations, of the estate of the decedent or such person as would be receivable as income by the decedent or such person at such time as such payment.

SEC. 19. In any case of two or more organizations, trades or businesses (whether or not incorporated, whether or not organized in this State, and whether or not affiliated) owned or controlled directly or indirectly by the same person, no board is authorized to distribute, apportion, or allocate gross income or deductions to one or among such organizations, trades or businesses, if such distribution, apportionment or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any such organizations, trades or businesses.

SEC. 20. If a taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the board, be computed for the purpose of such return accounting period subject to the provisions of section 21 of this act.

SEC. 21. (a) If a taxpayer, with the approval of the board, changes the basis of computing net income from fiscal year to calendar year or from calendar year to fiscal year, a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December 31st. If the change is from calendar year to the fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the fiscal year. If the change is from one fiscal year to another fiscal year, a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year.

(b) Where a separate return is made under subsection (a) of this section on account of a change in the accounting period, and in all other cases where separate

return is required or permitted, by regulations prescribed by the board, to be made for a fractional part of a year, then the income shall be computed on the basis of the period for which separate return is made.

(c) If a separate return is made under subsection (a) of this section, on account of a change in the accounting period, the net income, computed on the basis of the period for which separate return is made, shall be placed on an annual basis by multiplying the amount thereof by twelve and dividing by the number of months included in the period for which the separate return is made. The tax shall be such part of the tax computed on such annual basis as the number of months in such period is of twelve months.

(d) The board shall by regulations prescribe the method of applying the provisions of subsections (b) and (c) of this section (relating to computing income on the basis of a short period and placing such income on an annual basis) to cases where the taxpayer makes a separate return under subsection (a) of this section on account of a change in the accounting period, and it appears that for the period for which the return is so made he has received earned income.

(e) In the case of a return made for a fractional part of a year, except a return made under subsection (a) of this section, on account of a change in the accounting period, the personal exemption and the credit for dependents shall be reduced respectively to amounts which bear the same ratio to the full credits provided as the number of months in the period for which return is made bears to twelve months.

SEC. 22. (a) The taxes imposed by this act shall apply to the income of estates or of any kind of property held in trust (other than by so called business or Massachusetts trusts) including—

(1) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

(b) The tax shall be computed upon the net income of the estate or trust, and shall be paid by the fiduciary except as provided in sections 27 and 28 of this act.

For the purposes of this section the word "settlor" shall mean and include every creator of a trust and every decedent and where in this section the settlor is spoken of as a resident or a nonresident the same shall be taken to include a decedent who upon his or her death is a resident or a nonresident as the case may be.

(c) The taxable income of the estate or trust shall include the following:

(1) The income from real property and tangible personal property located and from business transacted in this State.

(2) The income from intangible property with a situs in this State.

(3) The income from real property and tangible personal property located outside this State and the income from intangible property with a situs outside this State in the following cases:

(A) Where the beneficiary and the fiduciary and the settlor are all residents of this State.

(B) Where the beneficiary and the fiduciary are residents of this State regardless of the residence of the settlor.

(C) Where the beneficiary and the settlor are residents of this State regardless of the residence of the fiduciary.

(D) Where the beneficiary is a resident of this State regardless of the residence of the fiduciary and the settlor.

(E) Where the fiduciary is a resident of this State regardless of the residence of the beneficiary and the settlor.

(F) Where the settlor is a resident of this State regardless of the residence of the beneficiary and the fiduciary.

(G) Where the fiduciary and the settlor are residents of this State regardless of the residence of the beneficiary.

Where the taxability of income under this section depends on the residence of the fiduciary and there are two or more fiduciaries for the estate or trust, the income taxable under this section shall be apportioned according to the number of fiduciaries resident in this State, such apportionment being determined according to rules and regulations prescribed by the board.

Where the taxability of income under this section depends on the residence of the beneficiary and there are two or more beneficiaries for the estate or trust, the income taxable under this section shall be apportioned according to the number of beneficiaries resident in this State, such apportionment being determined according to rules and regulations prescribed by the board.

SEC. 23. The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual taxpayer except that—

(a) There shall be allowed as a deduction (in lieu of the deductions authorized by subsection (m) of section 12 of this act) any part of the gross income, without limita-

tion, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes specified in the manner specified in subsection (m) of section 12, or is to be used exclusively for religious, charitable, literary, scientific, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery *not for profit*.

(b) There shall be allowed as an additional deduction in computing the net income of the estate or trust, the amount of income of the estate or trust for the taxable year which is distributed currently by the fiduciary to the beneficiaries, and the amount of income collected by a guardian of an infant which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be computed in computing the net income of the beneficiaries as beneficiaries *not for profit*. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under subsection (c) of this section in the same or any succeeding taxable year. In the case of the income of a beneficiary not a resident derived through such an estate or trust, such income shall be taxable only to the extent provided in subsection (f) of section 5 of this act.

(c) In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of income of the estate or trust for the taxable year, which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary. In such cases the income of any legatee, heir, or beneficiary not a resident shall be taxable only to the extent provided in subsection (f) of section 5 of this act.

SEC. 24. For the purpose of the normal tax and the surtax the estate or trust shall be allowed the same personal exemptions as are allowed to a single person under subdivision (1) of subsection (b) of section 14 of this act.

SEC. 25. Where the taxable year of a beneficiary is different from that of the estate or trust, the amount which he is supposed under section 12, in computing his net income shall be based upon the income of the estate or trust for any taxable year of the estate or trust ending within his taxable year.

SEC. 26. A trust created by or under a will or a part of a trust income, premium, or profit-sharing plan for the exclusive benefit of some or all of the employees in which contributions are made by such employer or employers, or beneficiaries, but the receiving of distributing to such employees (the employee and a group of his kind) shall be the trust in accordance with such plan, shall not be taxable under section 22 of this act, but the amount actually distributed or made available to any distribution shall be taxable to him in the year in which it is distributed or made available to the extent that it exceeds the amounts paid in by him.

SEC. 27. Where at any time the power to vest in the grantor title to any part of the corpus of the trust is vested—

(a) In the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom, or

(b) In any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom, then the income of such part of the trust shall be included in computing the net income of the grantor.

SEC. 28. (a) Where any part of the income of a trust—

(1) Is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, held or accumulated for future distribution to the grantor; or

(2) May, in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income, be distributed to the grantor; or

(3) Is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in subsection (m) of section 12, relating to the standard deduction *not for profit* deduction); then such part of the income of the trust shall be included in computing the net income of the grantor.

(b) As used in this section, the term "in the discretion of the grantor" means "in the discretion of the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the part of the income in question".

SEC. 29. Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity and there shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year. The net income of the partnership shall be computed in the same manner and on the same basis as in the case of an individual.

SEC. 30. The partner shall for the purpose of the normal tax, be allowed as a credit against his net income, the credits allowed under section 14 of this act.

In the case of the members of a partnership the proper part of each share of the net income which consists of earned income shall be determined under rules and regulations prescribed by the board and shall be separately shown in the return of the partnership.

SEC. 31. Every partnership shall make a return for each taxable year stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

If the taxable year of a partner is different from that of the partnership, the distributive share of the net income of the partner for his taxable year shall be based upon the net income of the partnership for any taxable year of the partnership (whether beginning on, before, or after January 1, 1934) ending within the taxable year of the partner.

SEC. 32. Every person taxable under this act, having a net income during the taxable year of one thousand dollars or over, if single, or if married and not living with husband or wife, or having a net income for the taxable year of two thousand five hundred dollars or over, if married and living with husband or wife; or having a gross income during the taxable year of five thousand dollars or over, regardless of the amount of his net income; shall make a return under oath, stating specifically the items of his gross income and the deductions and exemptions allowed by this act.

If a husband and wife living together have an aggregate net income for the taxable year of two thousand five hundred dollars or over or an aggregate gross income of five thousand dollars or over, each shall make such a return unless the income of each is included in a single joint return in which case the tax shall be computed on the aggregate income.

SEC. 33. If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

SEC. 34. (a) Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for and of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed by this act:

(1) Every individual having a net income for the taxable year of one thousand dollars or over, if single, or if married and not living with husband or wife;

(2) Every individual having a net income for the taxable year of two thousand five hundred dollars or over if married and living with husband or wife;

(3) Every individual having a gross income for the taxable year of five thousand dollars or over, regardless of the amount of his net income;

(4) Every estate or trust the net income of which for the taxable year is one thousand dollars or over;

(5) Every estate or trust the gross income of which for the taxable year is five thousand dollars or over, regardless of the amount of the net income.

(b) Under such regulations as the board may prescribe a return made by one of two or more joint fiduciaries and filed in the office of the board shall be sufficient compliance with the above requirement. Such fiduciary shall make oath (1) that he has sufficient knowledge of the affairs of the individual estate or trust for which the return is made, to enable him to make the return, and (2) that the return is, to the best of his knowledge and belief, true and correct.

(c) Any fiduciary required to make a return under this act shall be subject to all the provisions of law which apply to individuals.

SEC. 35. Every individual, partnership, corporation, joint stock company or association or insurance company, being a resident or having a place of business in this State, in whatever capacity acting, including lessees or mortgagors or real or personal property fiduciaries, employers and all officers and employees of the State or of any political subdivision of the State, having the control, receipt, custody, disposal or payment of interest (other than interest coupons payable to bearer), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable annual or periodical gains, profits and income, amounting to one thousand dollars or over, paid or payable during any year to any taxpayer, shall make complete return thereof under oath, to the board, under such regulations and in such form and manner and to such extent as may be prescribed by it.

The board whenever it deems it necessary to insure compliance with the provisions of this act, may under rules and regulations prescribed by it, require any individual, partnership, corporation, joint stock company or association or insurance company, including lessees or mortgagors and employees of the State or of any political subdivision of the State having control, receipt, custody, disposal or payment of interest (other than interest coupons payable to bearer), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable annual or periodical gains, profits and income paid or payable to

any taxpayer, to deduct and withhold the tax due from such taxpayer and make return thereof and pay the tax to the board.

SEC. 36. Returns shall be in such form as the board may from time to time prescribe and shall be filed with the board at its main office or at any branch office which it may establish, by each person taxable hereunder, within ten days after the fifteen days after the close of his taxable year. In case of sickness, absence or other disability, or whenever in the judgment and opinion of the board any other further time not exceeding thirty days is fitting persons, persons shall be allowed to file the return the ability to be furnished by the taxpayer or by the person in the office that the statements contained therein are true. The board shall cause to be prepared blank forms for the said returns and shall cause them to be distributed throughout the State and to be furnished upon application. Taxpayers are hereby notified that the form shall not relieve any taxpayer from the obligation of making any return herein required.

SEC. 37. If the board shall find that returns filed by any taxpayer have failed to file a return, or to include in a return filed, either intentionally or through error, items of taxable income, it shall require from such taxpayer a return of a supplementary return, under oath, in such form as it shall prescribe, of all the items of income which the taxpayer received during the time for which the return is made, whether or not taxable under the provisions of this act. If from a supplementary return, or otherwise, the board find that any items of income are omitted, such items shall have been omitted from the original return. It shall require the items so omitted to be disclosed to it, under oath of the taxpayer, and to be added to the original return. Such supplementary return and the correction of the original return shall not relieve the taxpayer from any of the penalties to which he may be liable under any provision of this act.

SEC. 38. One-half the amount of the tax disclosed by the return shall be due and payable on or before the fifteenth day of the third month following the close of the taxable year, and the balance of the tax shall be due and payable on or before the fifteenth day of the ninth month following the close of the taxable year.

If the board shall allow or estimate any sum for doing any return hereunder, there shall be a continuous accrual of interest from the payment of the first monthly installment of the amount of tax disclosed by such return, but there shall be added to and remitted with such tax interest thereon at the rate of one-half of one per cent per month or each fraction of a month from and after the date when the tax would otherwise have been due and payable.

The tax may be paid with qualified check payable to the State Treasury, during such time and under such regulations as the board shall prescribe, but if a check so received is not paid by the bank on which it is drawn, the taxpayer by whom such check is rendered shall remain liable for the payment of the tax and for all legal penalties, the same as if such check had not been received.

SEC. 39. If any taxpayer fails to pay the tax disclosed by his return on or before the due date thereof there shall be added thereto a penalty of five per cent of the unpaid tax plus interest at the rate of one per cent per month, or fraction of a month, from the due date thereof until the date of payment.

SEC. 40. If any taxpayer fails to file a return of income within the time required by this act, but files a return of income and pays the tax due as disclosed by the return within sixty days after the due date of the return, there shall be added to the tax a penalty of five per cent thereof, plus interest at the rate of one per cent per month, or fraction of a month, from the due date thereof until the date of payment.

If any taxpayer fails to file a return of income within sixty days after the due date of the return, the board, regardless of whether or not the taxpayer thereafter files a return, shall make an estimate based upon any information in its possession of the amount of income of the taxpayer and shall assess the tax thereon adding thereto a penalty of twenty-five per cent thereof. The tax so assessed shall bear interest at the rate of one per cent per month, or fraction of a month, from the due date of the return until the date of payment.

SEC. 41. If the board is not satisfied with the return and payment of tax made by any taxpayer, it shall make an additional assessment of tax due from such taxpayer based upon the facts contained in the return or upon any information in its possession. If the return is made in good faith and the understatement of the tax is not due to any fault of the taxpayer, there shall be no penalty added because of such understatement. If the understatement is due to negligence on the part of the taxpayer, but without intent to defraud, there shall be added to the amount of the deficiency a penalty of five per cent thereof. If the understatement is fraudulent, with intent to evade the tax, there shall be added to the amount of the deficiency a penalty of fifty per cent thereof. Any assessment made under the provisions of this section on account of the understatement of tax in any return shall bear interest at the rate of one per cent per month, or fraction of a month, from the due date of the return until the date of payment.

SEC. 42. The board shall not be precluded from assessing taxes due from any taxpayer for any period by reason of any previous assessment against the taxpayer for the same period.

SEC. 43. Notice of any assessment made by the board shall be mailed to the taxpayer at his address as the same appears in the records of the board. Within sixty days after mailing of such notice the taxpayer may file with the board a written protest against the assessment made by the board specifying therein the grounds upon which the protest is based. If no such protest is so filed the amount of the assessment shall be final upon the expiration of said sixty day period. If a protest is so filed it shall be the duty of the board to reconsider the assessment and if the taxpayer has so requested in his protest to grant said taxpayer an oral hearing. The board's action upon the protest shall be final thirty days from the date of mailing notice of such action to the taxpayer.

If any assessment made by the board plus interest and penalties thereon is not paid when the same become final, there shall be added thereto a penalty of five per cent of the amount of the assessment.

SEC. 44. Notice of assessments made on account of the understatement of tax in any return, except where the return is fraudulent, must be mailed to the taxpayer within three years after the return was filed and no deficiency shall be assessed or collected with respect to the year for which such return was filed unless such notice is mailed within such period.

SEC. 45. If the board finds that a taxpayer designs quickly to depart from this State or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the board shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing the return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section the finding of the board, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of the taxpayer's design.

SEC. 46. If the board determines that any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or computed, the board shall certify to the State Board of Control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid, and if approved by that board the same shall be credited on any taxes then due from the taxpayer under this act and the balance shall be refunded to the taxpayer, but no such credit or refund shall be allowed after three years from the date of overpayment.

Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of six per centum per annum as follows: (1) In the case of credit, from the date of overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this act; (2) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the board.

Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the rate of six per centum per annum from the date the refund was made or the credit allowed, in an action brought by the board in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, and such actions shall be tried in the county of Sacramento unless the court with the consent of the Attorney General orders a change of place of trial. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for.

SEC. 47. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin under this act the collection of any tax sought to be collected; but after payment of any such tax under protest, duly verified and setting forth the grounds of objection to the legality of such tax, the taxpayer paying such tax may bring an action against the State Treasurer in a court of competent jurisdiction in the county of Sacramento for the recovery of tax so paid under protest. No such action may be instituted more than ninety days after the tax becomes due and payable, and failure to bring suit within said ninety days shall constitute waiver of any and all demands against this State on account of alleged overpayment of taxes hereunder. No grounds of illegality of the tax shall be considered by the court other than those set forth in the protest filed at the time of the payment of the tax.

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any taxes due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such

judgment, interest shall be allowed at the rate of six per cent per annum upon the amount of tax found to have been illegally collected from the date of payment of such tax to the date of affirmation of such judgment or such judgment is to a date preceding the date of the related warrant by not more than thirty days; such date to be determined by the board.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the State Treasurer to recover any tax paid. However, when such action is brought by or in the name of an innocent or the innocent party and then:

SEC. 48. Upon notice to the board that any delinquent is suing in a delinquent capacity, such delinquent shall assume the proper, proper, interest, and penalties of the taxpayer in respect of any tax imposed by this act, payment on other same conditions provided and given that the tax shall be collected from the estate of the taxpayer; until notice is given that the delinquent capacity has terminated.

Notice under this section shall be given in accordance with rules and regulations prescribed by the board. No total payment of a delinquent shall be allowed by any court unless such payment shows and the court finds that all taxes imposed by the provisions of this act upon such delinquent which have become payable have been paid, and that all taxes which have been imposed but are unpaid by such person or other wise. The certificate of the board and the record on the amount of the tax thereon certified shall be conclusive as to the payment of the tax, in the entire of said certificate.

For the purpose of facilitating the settlement and distribution of estates held by fiduciaries, the board, with the approval of the Attorney General, may on behalf of the State agree upon the amount of taxes at any time due or to become due from such fiduciaries under the provisions of this act, and payment in accordance with such agreement shall be full satisfaction of the claim for unpaid taxes.

SEC. 49. If any tax disclosed by a return is not paid when due or if any tax assessed by the board is not paid when the same becomes due the board may bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California to collect the amount delinquent, together with interest and penalties, and such action shall be brought in the county of Sacramento unless the court, with the consent of the Attorney General, orders a change of place of trial. Such action must be brought within three years after the due date of the tax disclosed by the return or within three years after the judgment became final, as the case may be. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure, relating to manner of summons, pleadings, process, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued and no bond or affidavit previous to the issuing of such attachment is required. In such action a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency and of compliance by the board with all the provisions of this act in relation to the computation and levy of the tax.

SEC. 50. The board, whenever it deems it necessary to insure compliance with the provisions of this act, may require any person liable to pay tax imposed hereunder to deposit with it such security as the board may determine. The same may be sold by the board at public sale if it becomes necessary so to do in order to recover any tax, interest or penalty due. Notice of such sale may be served upon the person who deposited such securities personally or by mail if the same service shall be made in the manner prescribed in section 1011 of the Code of Civil Procedure and addressed to the person at his address as the same appears in the records of the board. Upon any such sale, the surplus, if any, above the amounts due under this act shall be returned to the person who deposited the security.

SEC. 51. In any case in which any tax, interest or penalty imposed under this act is not paid when due the board may file in the office of the county clerk of Sacramento County, or any other county, a certificate specifying the amount of the tax, interest and penalty due, the name and last known address of the taxpayer liable for the same, that the board has complied with all the provisions of this act in relation to the computation and levy of the tax and a request that judgment be entered against the taxpayer in the amount of the tax, interest and penalty set forth in the certificate. The county clerk immediately upon the filing of such certificate shall enter a judgment for the people of the State of California against the taxpayer in the amount of the tax, interest and penalty set forth in the certificate. The judgment may be filed by the county clerk in a loose-leaf book entitled "Special Judgments for State Personal Income Tax."

An abstract of such judgment or a copy thereof may be recorded with the county recorder of any county and from the time of such recording, the amount of the taxes, interest and penalty therein set forth shall constitute a lien upon all the real property of the taxpayer in such county, owned by him or which he may afterwards and before the lien expires acquire, which lien shall have the force, effect and priority of a judgment lien. Execution shall issue upon such a judgment upon request of the board in the manner as execution may issue upon other judgments and sales shall be held under such execution as prescribed in the Code of Civil Procedure. In

all proceedings under this section the board shall be authorized to act on behalf of the people of the State of California.

In the event that any taxpayer is delinquent in the payment of the tax herein provided for the board may give notice of the amount of such delinquency by registered mail to all persons having in their possession, or under their control, any credits or other personal property belonging to such taxpayer, or owing any debts to such taxpayer at the time of receipt by them of such notice and thereafter any person so notified shall neither transfer nor make any other disposition of such credits, other personal property, or debts until the board shall have consented to a transfer or disposition, or until twenty days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the board of any and all such credits, other personal property or debts, in their possession, under their control or owing by them, as the case may be.

At any time within three years after any taxpayer is delinquent in the payment of the tax herein provided for, the board may proceed forthwith to collect the tax due from the taxpayer in the following manner: The board shall seize any property, real or personal, of the taxpayer and thereafter sell at public auction such property so seized, or a sufficient portion thereof, to pay the tax due hereunder, together with any interest or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof, shall be given to such delinquent taxpayer in writing at least ten days before the date set for such sale by enclosing such notice in an envelope addressed to such taxpayer at his last known residence or place of business in this State, if any, and depositing the same in the United States mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, that if there be no newspaper of general circulation in such county or city and county, then by the posting of such notice in three public places in such county or city and county ten days prior to the date set for such sale. The said notice shall contain a description of the property to be sold, together with a statement of the amount of the taxes, interest, penalties and costs, the name of the taxpayer, and the further statement that unless such taxes, interest and penalties and costs are paid on or before the time fixed in said notice for such sale, said property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

At any such sale, the property shall be sold by the board in accordance with law and said notice, and the board shall deliver to the purchaser a bill of sale for the personal property, and a deed for any real property so sold, and such bill of sale or deed shall vest the interest or title of the taxpayer in the purchaser. The unsold portion of any property so seized may be left at the place of sale at the risk of the taxpayer. If upon any such sale, the moneys so received shall exceed the amount of all taxes, interest, penalties and costs due the State from such taxpayer, any such excess shall be returned to the taxpayer, and his receipt therefor obtained, provided, however, that if any person having an interest or lien upon the property has filed with the board prior to any such sale notice of such interest or lien the board shall withhold any such excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If, for any reason, the receipt of such taxpayer shall not be available, the board shall deposit such excess moneys with the State Treasurer, as trustee for such owner, subject to the order of such taxpayer, his heirs, successors or assigns.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the board or Attorney General shall be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

SEC. 52. Any person or any officer or employee of any corporation, or member or employee of any partnership, who, with intent to evade any requirement of this act or any lawful requirement of the board thereunder shall fail to pay any tax or to make, sign or verify any return or to supply any information required by or under the provisions of this act, or who, with like intent, shall make, render, sign, or verify any false or fraudulent information, shall be guilty of a misdemeanor, and shall for each such offense be punished by a fine of not less than five hundred dollars and not more than five thousand dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SEC. 53. The certificate of the board to the effect that a tax has not been paid, that a return has not been filed or that information has not been supplied, as required by or under the provisions of this act, shall be prima facie evidence that such tax has not been paid, that such return has not been filed or that such information has not been supplied.

SEC. 54. The board for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income of any taxpayer, shall have power to examine or cause to be examined by any agent or representative designated by it for that purpose, any books, papers, records or

memoranda, bearing upon the matters required to be included in the returns, and may require the attendance of the taxpayers if of the latter concerning knowledge in the processes, and may take testimony and produce great material for its information, with power to administer oaths to such persons as may be required.

SEC. 55. It shall be unlawful for any member of the board or the State Controller or any person serving an administrative duty under this act to divulge any information concerning the financial affairs of persons receiving benefits therefrom; provided, however, that the Governor may authorize constitution of any committee or other State officers, in which case the information obtained shall not be made public; provided, further, that such returns may be examined, with the consent of the Governor, by any officers or members of the Board of Finance, or by a reciprocal arrangement of course.

Any violation of the provisions of this section shall be a misdemeanor, and may be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SEC. 56. The board is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to promulgate rules and orders, rules and regulations relating to the administration and enforcement of the provisions of this act and to employ such accountants, auditors, stenographers, messengers and clerks as may be determined to be necessary by the Finance Administration of this act.

SEC. 57. All moneys and remittances received or to be received by payment of the provisions of this act shall be transmitted only to the State Treasurer, and copies of the schedules covering such transmittals shall be furnished at the same time to the State Controller.

All moneys and remittances so received and so transmitted shall be deposited, after clearance of remittances, in the State treasury and continue in the "Income Tax fund," which fund is hereby created.

For expenditure by the board in carrying out the provisions of this act there is hereby appropriated a sum of money equal to one hundred thousand dollars and three per cent, or so much thereof as may be required, of the State income fund in the income tax fund; and one per cent, of the State income fund, and moneys in the general fund not otherwise appropriated, the remainder of the moneys hereby appropriated being payable out of the income tax fund; provided, that out of said three per cent of said State income fund in the income tax fund on or before June 30, 1937, the sum of one hundred thousand dollars shall be returned into the general fund. The expenditure by the Controller in carrying out the provisions of this act shall be made hereunder out of the income tax fund the sum of twenty thousand dollars or so much thereof as may be necessary, and for expenditure by the State Treasury in carrying out the provisions of this act there is hereby appropriated out of the income tax fund the sum of ten thousand dollars or so much thereof as may be necessary. The balance of the moneys in the income tax fund shall, upon order of the State Controller, be drawn therefrom for the purpose of making refunds hereunder to be transmitted to the general fund of the State.

SEC. 58. Any violation of the provisions of this act shall be a misdemeanor, and unless another punishment is specifically provided for, shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

SEC. 59. The taxes imposed by this act shall apply to the net income of persons taxable hereunder received or accrued on and after January 1, 1935.

SEC. 60. For the purpose of this act a personal holding company whether or not organized under the laws of this State shall not be considered as a distinct entity separate and distinct from the shareholders therein. Any such company having more than one shareholder shall be deemed a partnership.

SEC. 61. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act be held by reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be deemed unconstitutional.

SEC. 62. This act shall be known as the "Personal Income Tax Act of 1935."

SEC. 63. This act, inasmuch as it provides for a tax levy for the fiscal year of the expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 1078—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Senate Bill No. 1078 was read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, strike out "or", and insert in lieu thereof the following: "of".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 418—An act to add a new section to the Political Code to be numbered 3663e, relating to the correction of errors by the State Board of Equalization in assessments made by said board.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 418 were read and adopted:

Amendment No. 1.

On page 2, line 2, of the printed bill, strike out the word "prescribed", and in lieu thereof insert the following: "preserved".

Amendment No. 2.

On page 2 of the printed bill, add the following:

"In the event of the failure or neglect of any person, partnership, joint stock association, company, corporation, or other taxpayer, whose property is required to be assessed by the State Board of Equalization, to return to said board for taxation any property between the first Monday of March and the first Monday of April of any year, such property, when discovered by the board to have escaped taxation for such year, if such property is in the ownership or under the control of the same company or other taxpayer who owned or controlled it on the first Monday of March, shall be assessed, and the said board shall transmit a statement of such assessment to the auditor or other chief accounting officer of the county, city and county, city or town in which the property is located with respect to which the assessment is made, and he shall enter such assessment on the assessment book or roll of said county, city and county, city or town, and the statement of assessment shall be filed by said auditor or other chief accounting officer and preserved by him as a public record, and he shall make the proper changes or credits in his account with the tax collector. If personal property is discovered and assessed after the first day of December, a penalty equal to ten per cent of the tax shall attach to the tax so levied. The same procedure for notifying the auditor or other chief accounting officer of the county, city and county, city or town in which the personal property is located shall be followed by the board as prescribed above for other property.

The authority granted to the State Board of Equalization to assess property which has escaped taxation and to enter the same upon the assessment or tax roll of the year for which said property should have been assessed or taxed, shall be limited to a period of not more than two years from the date upon which the lien for taxes of such were attached, and the authority to seize and sell said property for the nonpayment of such taxes shall be extended for a like period of time. Property taxable under the provisions of section 3627a of the Political Code of the State of California is not subject to the provisions of this section."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 64—An act to amend section 3818 of the Political Code, relating to segregation of property on the assessment rolls.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 218—An act directing the Department of Public Works to lay out and construct as a part of the State highway system a road and bridge from the city of Needles easterly over and across the Colorado River and declaring the same to be a public highway and a part of the State highway system, requiring the maintenance thereof and prescribing the manner in which the cost of such construction and maintenance shall be paid.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 218 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike the word "act", insert all the rest of the title, and insert in lieu thereof the following: "Establishing and authorizing an additional secondary State highway from the city of Needles, Arizona, to the Arizona-California State line, including a bridge over the Colorado River, providing for the construction, maintenance and ownership of such bridge, acting by the States of California and Arizona, and amending the Streets and Highways Code in conformance therewith."

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out the words: "The Department of Public Works of the State", and strike out lines 2 to 12, inclusive, and insert in lieu thereof the following: "Section 358 of the Streets and Highways Code is amended to read as follows:

358. Route 58 is from Route 2 near Santa Margarita to the Arizona State line near Topock, Arizona, via Bakewell, Mojave, Beaman, and Needles, together with an extension from a point on such Route 58 near Needles, southwesterly by the most direct and practicable route to the Arizona-California line at the Colorado River, including a bridge over and across said river, to be constructed, owned, operated, and maintained jointly with the State of Arizona."

Amendment No. 3.

On page 2 of the printed bill, strike out that portion of line 1 following the words "Sec. 2", and strike out lines 2 to 15, inclusive, and insert in lieu thereof the following: "The Department of Public Works is directed to consider the extension referred to in section 1 hereof when the State of Arizona has made primary the completing a highway permanent in character either as a part of the Federal aid system in Arizona, or as a construction between said bridge and a highway which is a part of the Federal aid system in Arizona, and when a contract has been executed by properly authorized officers of the State of Arizona, on behalf of said State, and by the Director of Public Works, on behalf of this State, making adequate provision for the construction, maintenance and ownership of such joint bridge. The Director of Public Works is authorized to negotiate and execute such a contract on behalf of this State, provided that each State shall bear one-half of the cost of construction and maintenance of such bridge."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 511—An act to provide for the incorporation and organization and management of rapid transit districts and to provide for the construction by said districts of works and the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, and for the levying of taxes and the collection of charges and tolls by said districts and for the annexation of additional territory thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 511 were read and adopted:

Amendment No. 1.

On page 8 of the printed bill, strike out lines 30 to 43, inclusive, and insert in lieu thereof the following:

"5. To acquire or contract to acquire, to construct under contract, or by its own employees, rapid transportation facilities and systems, railroads, interurban lines, or any other form of rapid transit transportation or transportation systems, together with the rights of way, road beds, tunnels, subways, viaducts, and all other forms of property necessary or proper for the construction, operation, maintenance, or supervision of its facilities, and to construct, maintain and operate any of the foregoing classes of property, and all machinery, equipment, or other property useful or necessary to construct, maintain, operate, or otherwise make use of rapid transportation systems for the benefit of the district, and to complete, add to, repair, or otherwise improve any of such property acquired by it as herein authorized: provided, that unless consent thereto be first had and obtained, no rapid transit district shall have power to acquire or interfere with the use, management, control, or operation of any publicly owned toll bridge, street railroad, or any other facility for rapid transit owned or hereafter owned, used or operated by any public agency, corporation or authority, owning or hereafter acquiring same under and by virtue of any law of this State or municipal charter now in force or which may be in force at such time."

Amendment No. 2.

On page 8 of the printed bill, strike out lines 44 to 46, inclusive, and insert in lieu thereof the following:

"6. To acquire by purchase, gift, condemnation, or lease from any person, firm, or private corporation, and to acquire by lease of or from the United States, this State, or any private or public."

Amendment No. 3.

On page 9, line 8, of the printed bill, strike out the word "whether", and all of lines 9, 10 and 11, and "owned", in line 12, and insert in lieu thereof the following: "except that such district can not exercise the right of eminent domain against any public agency, corporation or authority owning or hereafter acquiring property used by it in the discharge of its public functions."

Amendment No. 4.

On page 9, line 42, of the printed bill, after the word "contracts", substitute a semicolon for the period following the word "contracts", and insert the following: "but no such transportation district may use facilities constructed by any other public agency, corporation, county, city, city and county, or authority without entering into a contract, agreement or other arrangement with such public agency, corporation or authority whereby the latter shall contract, agree or arrange with such rapid transit district allowing and permitting the use of its facilities or property by such rapid transit district, and upon such terms as may be agreed in such contract, agreement or arrangement."

Amendment No. 5.

On page 9 of the printed bill, strike out line 43, and insert in lieu thereof the following:

SEC. 11. The exercise of the powers of such districts in connection with the construction, maintenance or operation of any facilities of the district in, upon, or over any toll highway crossing or toll bridge and the approaches thereto, acquired or constructed by the California Toll Bridge Authority, shall be made only after the consent and approval of the California Toll Bridge Authority and the State Department of Public Works has been obtained, and then only upon such terms and conditions as may be imposed by the California Toll Bridge Authority and the State Department of Public Works. The use of State highways by such districts for any purpose other than the use thereof for the traffic of motor vehicles shall be made only after the consent and approval of the State Department of Public Works has been obtained, and then only upon such terms and conditions as may be imposed by said department. The powers of such districts shall, except as:

Amendment No. 6.

On page 10, line 52, of the printed bill, strike out the word "each", and insert in lieu thereof the word "the"; in said line 52, between the words "year", and "determine", insert the following: "next following the said incorporation and organization".

Amendment No. 7.

On page 11, line 3, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "five"; and in line 4, between the words "valuation", and "when", insert the following: "and shall be restricted to one year solely".

Amendment No. 8.

On page 13, line 26, of the printed bill, strike out the words "The right of way is hereby given, dedicated," and all of lines 27, 28, 29, 30 and 31, and insert in lieu thereof the following:

"Whenever the board of directors desires to locate or construct works of the district along any bridge, street, avenue or highway which is under the jurisdiction,

management and control of any other district, public or municipal corporation, or the State of California, the right so to do must be first obtained from such district, public or municipal corporation, or State, and such works shall be constructed only in such manner as may be agreed upon between the board of directors and such other district or public or municipal corporation, or State."

Amendment No. 9.

On page 18 of the printed bill, strike out lines 24 to 28, inclusive; strike out lines 20 to 28, inclusive, and in lieu thereof insert the following:

"Sec. 24. In case any rapid transit district is incorporated under this act in any territory in which there has already been formed any municipal utility district, public utility district, bridge and highway district, or other public corporation, having any of the powers which are herein conferred upon a rapid transit district, none of the territory of such municipal utility district, public utility district, or bridge and highway district shall be deemed or shall therefore be held to be severed or in any way taken from such municipal utility district, public utility district, or bridge and highway district, and nothing in this act contained shall ever be deemed to impair the powers of any municipal utility district, public utility district, bridge and highway district, or any municipal corporation existing in whole or in part within the boundaries of such rapid transit district, and shall any rapid transit district acquire by reason of its incorporation or organization any of the powers of any of such districts, or such public or municipal corporations, existing within the boundaries of such newly organized rapid transit district."

Amendment No. 10.

On page 6, line 32, of the printed bill, strike out the period following the words "five hundred thousand", and in lieu thereof insert the following: ". and provided further, that in the event two or more counties, each having a population of five hundred thousand or more, shall join said district as herein provided, then, in that event, said board of directors shall be appointed according to the foregoing laws with respect to population as herein set forth without regard to and obviating the provision that in any county or city and county having a population of more than five hundred thousand the number of directors appointed shall be equal to the total number of directors appointed from all of the counties or other and counties within the district having a population of less than five hundred thousand."

Amendment No. 11.

On page 1, line 13, of the printed bill, after the word "district", strike out all of line 13 beginning with word "or", and strike out all of 14 and 15, and part of line 16 up to and including word "initiative", and insert in lieu thereof the following: "which said ordinance shall also provide for calling an election without delay for the submission of the proposition to the qualified electors thereof at a special election, as provided for the calling of special elections upon the laws pertaining thereto, to be held in conformity therewith, for the purpose of determining, by a majority vote of the electors voting thereat, whether the proposed district shall be created and established. All expenses of said election shall be borne by said respective counties in which such elections are held. The proposition to be submitted at such election shall be entitled upon the ballot as follows, to wit: 'Do you favor organizing a rapid transit district under the provisions of the Rapid Transit District Act of 1935?'." Provision shall be made on said ballot for each elector to vote "yes" or "no" on said issue.

Instead of said ordinance, a petition may be presented to the board of supervisors of a county, or city and county, signed by qualified electors thereof equal in number to at least ten per cent of the total vote cast at the last general State election within the said county. Said petition shall contain substantially the same declarations and statements required to be contained in the said ordinance, and said electors declare that, in the opinion of the petitioners public interest or necessity demands the creation and maintenance of a metropolitan rapid transit district. Such petition may be on separate papers, but each paper shall contain the initials of the party who circulated it, certifying that each name signed thereon is a true signature of the person whose name it purports to be. The clerk of the board of supervisors of said county shall compare the signatures with the affidavits of registration and certify to the sufficiency or insufficiency of such petition.

Upon receipt of a sufficient petition as aforesaid, said board of supervisors shall call an election in the same manner as heretofore provided for the submission of said ordinance, for the purpose of determining by a majority vote of said electors, whether the proposed rapid transit district shall be created and established. Such elections shall be held not less than sixty days and not more than ninety days from the receipt of such petition."

Amendment No. 12.

On page 1, line 13, of the printed bill, strike out the word "or", and capitalize the first letter of the word following.

Amendment No. 13.

On page 1, line 19, of the printed bill, strike out the words "In such ordinance", and strike out lines 20 to 22, inclusive.

Amendment No. 14.

On page 2 of the printed bill, strike out lines 1 to 5, inclusive.

Amendment No. 15.

On page 2 of the printed bill, strike out lines 20 to 32, inclusive.

Amendment No. 16.

On page 2, line 33, of the printed bill, strike out "petition", and substitute in lieu thereof "ordinance."

Amendment No. 17.

On page 2, line 35, of the printed bill, strike out from "as", to "ordinance" in line 36.

Amendment No. 18.

On page 2, line 47, of the printed bill, strike out from "attached", to and including "of the said ordinance", in line 48.

Amendment No. 19.

On page 3, line 5, of the printed bill, strike out from "The said", to and including the petition in line 37.

Amendment No. 20.

On page 3, line 37, of the printed bill, strike out the word "an", and insert in lieu thereof the following: "any aforesaid."

Amendment No. 21.

On page 3, line 38, of the printed bill, strike out "in the place of said petition."

Amendment No. 22.

On page 3, line 44, of the printed bill, strike out "petition", and in lieu thereof insert "election."

Amendment No. 23.

On page 3, line 49, of the printed bill, strike out "respecting the examination", and strike out lines 50 to 52, inclusive.

Amendment No. 24.

On page 4, line 1, of the printed bill, strike out "the result of such examination to the Secretary of State."

Amendment No. 25.

On page 4, line 2, of the printed bill, strike out "of said petitions or".

Amendment No. 26.

On page 4, line 10, of the printed bill, strike out "from", and in lieu thereof insert "in", and strike out "petitions", and in lieu thereof insert "elections."

Amendment No. 27.

On page 4, line 11, of the printed bill, strike out "presented", and insert in lieu thereof "held."

Amendment No. 28.

On page 4, line 14, of the printed bill, strike out from "names attached", to and including "nor the", in line 15.

Amendment No. 29.

On page 4, line 16, of the printed bill, between the comma and "but", insert "need not be published therewith."

Amendment No. 30.

On page 4, line 17, of the printed bill, strike out from "signed by", to and including "it, and", in line 18.

Amendment No. 31.

On page 4 of the printed bill, strike out from and including "At any time", in line 20, to and including line 23 on page 5.

Amendment No. 32.

On page 5 of the printed bill, strike out line 24, and insert in lieu thereof "Upon receipt of said duly verified certificates of election, the Secretary of State shall".

Amendment No. 33.

On page 5, line 52, of the printed bill, strike out from and including "in the", to and including "superior court", in line 1, page 6.

Amendment No. 34.

On page 6, line 8, of the printed bill, strike out "southwest politicians", and insert in lieu thereof "certificates of election."

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 738—An act to amend section 852 and to add section 852e to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class and the officers thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 738 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of line 1 of the title after "second", and insert in lieu thereof the following: "sections 851 and 852 of the act."

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "852", and insert in lieu thereof the following: "851".

Amendment No. 3.

On page 1 of the printed bill, strike out all of lines 3 to 25, inclusive, and insert in lieu thereof the following:

"Sec. 851. The government of such city shall be vested in:

1. A city council composed of five members,

2. A city clerk

3. A city treasurer,

4. A city marshal who may be known as the chief of police,

5. A city judge.

6. Such subordinate officers or employees as are hereinafter provided for.

SEC. 852. The members of the city council, the city clerk and the city treasurer shall be elected by the qualified electors of such city at a general municipal election. Such a general municipal election shall be held therein on the second Monday in April in each even-numbered year. Members of the city council and the city clerk and the city treasurer shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and every third year members are elected and qualified. The respective terms of the members of the first city council elected under the provisions of this section shall be determined as follows: The two members elected by the highest number of votes shall hold office for four years; and the three members elected by the lowest number of votes shall hold office for two years. In the event that two or more members should be chosen by the same number of votes, the respective terms of each shall be decided by lot.

The city council shall appoint the city marshal and the city judge; it may also in its discretion appoint a city attorney, a superintendent of streets, a civil engineer, a court clerk, and such other subordinate officers or employees as in its judgment may be deemed necessary; provided, that at a general city election the city council may submit to the electors for their approval or disapproval an ordinance defining the powers and duties of a city marshal and fixing his compensation and providing that he shall be elected by the electors of the city at the general municipal elections in the same manner and for the same term as members of the city council. The compensation of all appointive officers and employees may be fixed from time to time by the city council by resolution or ordinance, and said officers and employees shall hold office during the pleasure of said city council."

Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 1 to 6, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 138—An act relating to the acquisition of land, rights of way, easements and rights in land by the State or any depart-

ment, agency or official thereof or by any city, city and county, or county and to the procedure therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 252—An act to amend section 2924 of the Civil Code, relating to mortgages.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 378—An act to amend section 274 of the Penal Code, relating to the crime of abortion.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 818—An act to amend section 580b of the Code of Civil Procedure, relating to deficiency judgments.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 361—An act to add a new section to the Code of Civil Procedure, to be numbered 675b, relating to the discharge of a bankrupt from judgment.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 365—An act to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924 of the Civil Code, relating to recording of notice of default and to giving notice of sale under deeds of trust and mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924b of the Civil Code, relating to giving of notice of recording of notice of default and of time and place of sale under deeds of trust or mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924c of the Civil Code, relating to reinstatement of loans when due date of principal sum has been accelerated; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580b of the Code of Civil Procedure, prohibiting deficiency judgments on purchase money mortgages and deeds of trust; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580c of the Code of Civil Procedure, limiting the trustee's or attorney's fees which a mortgagor or trustor may be required to pay; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 725a of the Code of Civil Procedure, permitting the beneficiary or trustee named in a deed of trust to bring suit to foreclose the same in the manner of a mortgage; and to amend section 2924½ of the Civil Code, relating to mortgages and deeds of trust, all relating to the hypothecation of real property and to obligations secured thereby.

Bill read second time, ordered to engrossment, and on file for third reading.

Re-reference of Senate Bill No. 646.

Senator Duval moved that Senate Bill No. 646 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

Senate Bill No. 253—An act to amend section 726 of the Code of Civil Procedure, relating to deficiency judgments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 253 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after "page", insert the words "or trust deed".

Amendment No. 2.

On page 2, line 20, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "one".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 1652—An act to amend the Vehicle Code by amending sections 195, 196, 197, 198, and 280 relating to vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1653—An act to amend the Vehicle Code by amending sections 320 and 488, relating to vehicles and records to be kept by the Department of Motor Vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1655—An act to amend the Vehicle Code by amending section 134, by adding sections 131, 136, and 681, relating to vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1678—An act to add a new section to the Penal Code to be numbered 9694, relating to the amendment of a complaint to charge prior convictions.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Assembly Bill No. 1678 was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, strike out "shall", and insert in lieu thereof "may".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1131—An act to amend sections 682, 806, 811, 827, 849, 877, and 878 of the Penal Code, relating to proceedings before the committing magistrate, and to add a new section to the Penal Code numbered 87a, relating to the commitment by the magistrate on plea of guilty.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Assembly Bill No. 1131 was read and adopted:

Amendment No. 1.

On page 1, line 10, of the printed bill, after the word "in", insert "municipal."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1680—An act to amend sections 1235 and 1238 of the Penal Code, relating to appeals in criminal cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1723—An act to amend sections 888 and 959 of the Penal Code, relating to indictments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1133—An act to amend sections 800 and 802 of the Penal Code, relating to limitation of criminal actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 259—An act to add a new section to the Civil Code, to be numbered 453.14, relating to mortgage insurance companies; declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 258—An act to amend sections 453.2, 453.3, 453.5, 453.6, and 453.12 of the Civil Code, all relating to mortgage insurance companies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 488—An act to add a new section to the Insurance Code of the State of California to be numbered 12629, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts; providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Corporations and Financial Institutions, the following amendments to Assembly Bill No. 488 were read and adopted:

Amendment No. 1.

On page 3, line 8, of the printed bill, after "court", insert the following: "to be necessary or advantageous".

Amendment No. 2.

On page 3, line 9, of the printed bill, insert a period after "provided", and strike out of said line 9, "to be necessary or", and strike out all of lines 10, 11, and 12.

Amendment No. 3.

On page 3, lines 23 and 24, of the printed bill, strike out "in respect to all or any part of the business, properties or assets of such company".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 260—An act to amend sections 12422, 12423, 12427, 12442, 12484, 12486, 12488 and 12441 of the Insurance Code and to add a new section to said code to be numbered 12430, all relating to mortgage insurers.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Corporations and Financial Institutions, the following amendment to Assembly Bill No. 260 was read and adopted:

Amendment No. 1.

On page 2, line 27, of the printed bill, after "right of", strike out "way" and insert in lieu thereof the following: "wall".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 489—An act to add a new section to the Civil Code of the State of California, to be numbered section 45315, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts; providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Corporation and Financial Institutions, the following amendments to Assembly Bill No. 489 were read and adopted:

Amendment No. 1.

On page 2, line 29, of the printed bill, after "court", insert the following: "to be necessary or advantageous".

Amendment No. 2.

On page 2, line 30, of the printed bill, insert a period after "provided", and strike out "to be necessary or", in said line 30, and strike out all of lines 31, 32, and 33.

Amendment No. 3.

On page 2, lines 44 and 45, of the printed bill, strike out "in respect to all or any part of the business, property or assets of such company".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1641—An act to amend section 46 of the Workmen's Compensation Insurance and Safety Act, approved May 26, 1913, relating to insurance carriage of the State and certain political subdivisions, public corporations and quasi public corporations.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 1641 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 1 and 2 of the title, and insert in lieu thereof the following: "An act to amend section 11870 of the Insurance Code, relating".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out "insurance carriage of the State", and insert in lieu thereof the following: "workmen's compensation insurance of the State and its agencies".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following: "Section 1. Section 11870 of the Insurance Code is hereby".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 4 and 5, and insert in lieu thereof the following:

"11870. The State, any agency, department, division, commission, board, bureau, officer or other authority thereof, and each county, city and county, city, school district, irrigation district, any other district established by law, or other public corporation or quasi public".

Amendment No. 5.

On page 1, lines 6 and 7, of the printed bill, strike out "not including, however, any public utility corporation", and insert in lieu thereof the following: ", excluding any public utility operated by a private corporation".

Amendment No. 6.

On page 1 of the printed bill, strike out line 9, and insert in lieu thereof the following: "with any other insurer unless such fund refuses".

Amendment No. 7.

On page 1, line 10, of the printed bill, strike out the comma, also strike out lines 11 to 17, inclusive, and insert in lieu thereof a period and the following: "Where the State or any agency, department, division, commission, board, bureau, officer or authority thereof is the insured, the premium for such insurance shall be a proper charge against any moneys appropriated for the support of or expenditure by the insured, except that in the case of an insured supported by or authorized to expend moneys appropriated out of more than one fund, the insured, with the approval of the Director of Finance, may determine the proportion of such premium to be paid out of each fund. In such case the insured, with the approval of the Director of Finance, may pay the entire premium out of any of such funds and thereafter the funds used for payment shall be reimbursed in proper proportion out of such other funds. In case a county, city and county, city, school district, irrigation district, or other district established by law, or other public corporation or quasi public corporation within the State is the insured, the premium therefor shall be a proper charge against the general fund of such insured."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 875—An act to amend sections 9, 23 and 24 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to industrial accidents.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 875 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out all of line 51 after "week", and all of line 52, and insert in lieu thereof the following: "provided, however, if, at the time of injury, the employee receives wages of seven dollars and fifty cents or less per week, then the employee shall receive the full amount of actual wage per week."

Amendment No. 2.

On page 3 of the printed bill, as amended, strike out lines 1 to 4, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Assembly Bill No. 1161—An act to amend section 718e of the Civil Code, empowering municipalities to lease property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 231—An act to amend section 10 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes, to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments, to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding," approved June 8, 1931, relating to limitations on assessments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2306—An act to amend sections 630 and 631 of the Probate Code, relating to estates under \$5,000.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2306 were read and adopted:

Amendment No. 1.

On page 1, in the title of the printed bill, as amended on April 5th, strike out the word "five", before the word "thousand", and insert in lieu thereof the following: "one".

Amendment No. 2.

On page 1, line 14, of the printed bill, as amended on April 5th, insert a comma after the word "probate".

Amendment No. 3.

On page 1, line 24, of the printed bill, as amended on April 5th, insert a comma after the word "decedent".

Amendment No. 4.

On page 2, line 2, of the printed bill, as amended on April 5th, insert a comma after the word "employer".

Amendment No. 5.

On page 2, line 6, of the printed bill, as amended on April 5th, insert a comma after the word "employer".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 879—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 879 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 3 to 5, inclusive, and insert in lieu thereof the following:

"SEC. 597. Trial of Special Defenses. When the answer pleads that the action is barred by the statute of limitations, or by a prior judgment, or that another action is pending upon the same cause of action, or sets up any other defense not involving the merits of the plaintiff's cause of action but constituting a bar or ground of abatement to the prosecution thereof, the court may, upon the motion of either party, proceed to the trial of such special defense or defenses before the trial of any other issue in the case, and if the decision of the court, or the verdict of the jury, upon any special defense so tried (other than the defense of another action pending) is in favor of the defendant pleading the same, judgment for such defendant shall thereupon be entered and no trial of other issues in the action shall be had unless such judgment shall be reversed on appeal or otherwise set aside or vacated; and where the defense of another action pending is sustained (and no other special defense is sustained) an interlocutory judgment shall be entered in favor of the defendant pleading the same to the effect that no trial of other issues shall be had until the final determination of such other action, and the plaintiff may appeal from such interlocutory judgment in the same manner and within the same time as is now or may be hereafter provided by law for appeals from judgments. If the decision of the court, or the verdict of the jury, upon the special defense or defenses so tried shall be in favor of the plaintiff, trial of the other issues shall thereafter be had upon the motion of either party, and judgment shall be entered thereon in the same manner and with the same effect as if all the issues in the case had been tried at one time. In such event any and all decisions or verdicts upon such special defense or defenses, and all rulings on the trial thereof shall be deemed excepted to and may be renewed on motion for a new trial or upon appeal from such judgment."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Third Reading of Assembly Bills.

Assembly Bill No. 731—An act to amend section 10 of an act entitled "An act providing for the formation, government and operation of harbor districts, the calling and conducting of elections in such districts of harbor commissioners, defining their powers and duties, and providing for the issuance and disposal of bonds of such harbor districts, and providing for the assessment, levy and collection of taxes for the payment of such bonds and for the ordinary annual expenses of such harbor districts," approved June 10, 1931, relating to the government of such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 731 passed by the following vote:

AYES—Senators Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter,

Olsen, Parkman, Peery, Petrovich, Powers, Rich, Schaefer, Seaton, Senter, Shepherd, Shaw, Wagy, and Young. 29.

Notes.—None.

Title read and approved.

Assembly Bill No. 731 ordered transmitted to the Assembly.

Assembly Bill No. 585—An act to amend sections 8, 10, 42, 47, 75 and 108 of an act entitled "An act to provide for the creation, establishment and adjustment with other such systems of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to the State Employees' Retirement System.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 585 passed by the following vote:

AYES.—Senators: Crocker, Deane, Duffell, Edwards, Fletcher, Gifford, Gordon, Hay, Johnson, Kierstead, McCut, McCune, McQuinn, Metzger, Meyer, Olsen, Parkman, Peery, Petrovich, Powers, Rich, Schaefer, Seaton, Senter, Shepherd, Shaw, Tickle, Wagy, and Young. 50.

NOES.—None.

Title read and approved.

Assembly Bill No. 585 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, APRIL 19, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 118. An act relating to the registration of voters and requiring a tax clearance as the prerequisite for registration.

Also, Senate Bill No. 406—An act to amend section 610 of the Fish and Game Code, relating to trout and whitefish.

Also, Senate Bill No. 936—An act to repeal section 2610 of the Political Code as added by Chapter 992 of the thirtieth session of the Legislature and to add a new section to the Political Code to be numbered section 2610a, relating to a Board of State Harbor Commissioners for the Bay of San Francisco. And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 28—Approving certain amendments to the charter of the city of Bakersfield, county of Kern, State of California, voted for and ratified by the electors of said city of Bakersfield at a special election held thereon on the nineteenth day of March, 1935.

Also: Senate Concurrent Resolution No. 29—Relative to reports of the annual convention of the Disabled American Veterans of the World War of the Department of California.

Also: Senate Joint Resolution No. 12—Relative to memorializing the President and the Congress of the United States to enact H. R. 4688 which proposes to aid in the rehabilitation of employable blind persons in the United States and urging the Committee on Labor of the House of Representatives to expedite consideration favorable to said bill.

Also: Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section 18 of Article XI thereof, relating to the incurring of indebtedness by political subdivisions.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 34—An act to add section 903 to the Fish and Game Code, relating to nets;

Also: Senate Bill No. 824—An act to amend sections 4041.8 and 4041.18 of the Political Code, relating to jurisdiction and powers of boards of supervisors;

Also: Senate Bill No. 825—An act to amend the title and section 1 of an act entitled "An act to enable counties to purchase, lease, obtain, hold, improve and maintain land for the uses and purposes of public parks and boulevards," approved May 31, 1929, relating to public boulevards;

Also: Senate Bill No. 826—An act to amend sections 363a, 363s and 363bb of the Political Code, relating to the Department of Public Works;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Third Reading of Senate Bills.

Senate Bill No. 936—An act to repeal section 2610 of the Political Code as added by Chapter 992 of the fiftieth session of the Legislature and to add a new section to the Political Code to be numbered section 2610a, relating to a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 936 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Waggy, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 936 ordered transmitted to the Assembly.

Withdrawal from Committee of Senate Bill No. 919.

Senator Duval moved that Senate Bill No. 919 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried and such was the order.

Second Reading of Senate Bill No. 919.

Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately.

Consideration of Committee Amendments.

Pursuant to the withdrawal of Senate Bill No. 919 from Committee on Revenue and Taxation, the following committee amendments to Senate Bill No. 919 were read and adopted:

Amendment No. 1.

On page 2, line 25, of the printed bill, as amended, strike out the period, and add the following: "but shall not include sake known as Japanese rice wine."

Amendment No. 2.

On page 2, line 29, of the printed bill, as amended, strike out the word "Wines", and insert in lieu thereof, the word "Wine".

Amendment No. 3.

On page 2, line 31, of the printed bill, as amended, after the word "natural", insert the words "or added".

Amendment No. 4.

On page 3, line 1, of the printed bill, as amended, strike out "Providing," and insert in lieu thereof "; provided".

Amendment No. 5.

On page 3 of the printed bill, as amended, strike out lines 13 to 22, both inclusive, and insert in lieu thereof the following:

"(1) 'Sell' or 'sale' and the phrase 'to sell' means and includes any of the following: to exchange, barter, traffic in; to solicit or receive an order for; to keep or expose for sale; to serve for a consideration with or without room; to traffic in or deliver for value or in any way other than gratuitously; to possess with intent to sell. The transfer of title to alcoholic beverages accompanied by a transfer of possession of such beverages shall not be deemed a sale of such beverages.

(m) 'Public bar' means any bar, counter or other structure over which beverages of an alcoholic content in excess of three and two-tenths per cent by weight are sold or served by the drink to the public for consumption on the premises, provided, however, that counters or other structures used for the sale, service and consumption of meals, and not as a subterfuge for a public bar, shall not be deemed to be a public bar within the meaning of this act. 'Public barroom' or 'public saloon' means any room to which the public has access in which is maintained a 'public bar'."

Amendment No. 6.

On page 3 of the printed bill, as amended, strike out all of that portion of line 40 following the word "beverages", and strike out all of line 41, and all of line 42 except the period.

Amendment No. 7.

On page 3 of the printed bill, as amended, strike out lines 45 to 51, both inclusive, and insert in lieu thereof the following:

"(u) 'Retailer's on-sale license' means and includes on-sale beer licenses, on-sale beer and wine licenses, and on-sale distilled spirits licenses.

Amendment No. 8.

On page 4 of the printed bill, as amended, strike out lines 1 to 6, both inclusive.

Amendment No. 9.

On page 4, line 12, of the printed bill, as amended, after the numeral "3.", insert the words "On and after July 1, 1935,".

Amendment No. 10.

On page 4, line 14, of the printed bill, as amended, after the word "wholesaler," insert the word "or".

Amendment No. 11.

On page 4, line 15, of the printed bill, as amended, strike out "and/".

Amendment No. 12.

On page 4, line 18, of the printed bill, as amended, strike out the words "and any", and insert in lieu thereof the following: "or pursuant to the provisions of the State Liquor Control Act, Chapter 638, Statutes of 1933. Any"

Amendment No. 13.

On page 4, line 19, of the printed bill, as amended, strike out "disdemeanor", and insert in lieu thereof the word "misdemeanor".

Amendment No. 14.

On page 4 of the printed bill, as amended, between lines 19 and 20, insert the following:

"Sec. 4. On and after July 1, 1935, every still located within the limits of this State must be registered with the board. Every person owning or possessing a still who fails to register the same as herein required or who fails to obtain a license issued pursuant to the provisions of this act authorizing the ownership and possession of such still shall be guilty of a felony.

The board may seize and summarily destroy any still which is not registered or for which a license has not been obtained as required by this act."

Amendment No. 15.

On page 4, line 20, of the printed bill, as amended, strike out the numeral "4", and insert in lieu thereof the numeral "5".

Amendment No. 16.

On page 4, line 21, of the printed bill, as amended, strike out the comma and insert in lieu thereof a colon, and strike out lines 22 to 26, both inclusive.

Amendment No. 16-A.

On page 4 of the printed bill, as amended, strike out lines 28 to 31, inclusive, and insert in lieu thereof the following:

"2. Wine manufacturer's license, one thousand gallons or less per year-----	\$5.00 per year
Over one thousand gallons to two thousand five hundred gallons per year-----	10.00 per year
Over two thousand five hundred gallons to five thousand gallons per year-----	20.00 per year
Over five thousand gallons to twenty thousand gallons per year-----	40.00 per year"

Amendment No. 17.

On page 4 of the printed bill, as amended, between lines 40 and 41, insert the following:

"3. Distilled spirits manufacturer's license-----	250.00 per year"
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Amendment No. 18.

On page 4, line 41, of the printed bill, as amended, strike out "3. Distiller's registration", and insert in lieu thereof "4. Still license".

Amendment No. 19.

On page 4, line 43, of the printed bill, as amended, strike out the numeral "4", and insert in lieu thereof the numeral "5".

Amendment No. 20.

On page 4 of the printed bill, as amended, between lines 43 and 44, insert the following:

"6. Fruit brandy manufacturer's license-----	150.00 per year".
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Amendment No. 21.

On page 4, line 44, of the printed bill, as amended, strike out the numeral "5", and insert in lieu thereof the numeral "7".

Amendment No. 22.

On page 4, line 46, of the printed bill, as amended, strike out the numeral "6", and insert in lieu thereof the numeral "8".

Amendment No. 23.

On page 4, line 47, of the printed bill, as amended, strike out the numeral "7", and insert in lieu thereof the numeral "9".

Amendment No. 24.

On page 4, line 48, of the printed bill, as amended, strike out the numeral "8", and insert in lieu thereof the numeral "10".

Amendment No. 25.

On page 4, line 50, of the printed bill, as amended, strike out the numeral "9", and insert in lieu thereof the numeral "11".

Amendment No. 26.

On page 4, line 51, of the printed bill, as amended, strike out the numeral "10", and insert in lieu thereof the numeral "12".

Amendment No. 27.

On page 4, line 52, of the printed bill, as amended, strike out the numeral "11", and insert in lieu thereof the numeral "13".

Amendment No. 28.

On page 5, line 1, of the printed bill, as amended, strike out the numeral "12", and insert in lieu thereof the numeral "14".

Amendment No. 29.

On page 5 of the printed bill, as amended, strike out lines 3 to 12, both inclusive, and insert in lieu thereof the following:

"15. Retail package off-sale distilled spirits license for the first ten thousand dollars retail sales per year, and for each ten thousand dollars retail sales or fraction thereof over ten thousand dollars per year-----	100.00 per year".
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Amendment No. 30.

On page 5, line 13, of the printed bill, as amended, strike out the numeral "14", and insert in lieu thereof numeral "16".

Amendment No. 31.

On page 5, line 14, of the printed bill, as amended, strike out the numeral "15", and insert in lieu thereof the numeral "17".

Amendment No. 32.

On page 5 of the printed bill, as amended, strike out lines 15 to 26, both inclusive, and insert in lieu thereof the following:

18. On sale beer and wine license	\$75 per year
19. On sale beer and wine license for trains (per train)-----	15 per year
20. On sale beer and wine license for boat (per boat)	50 per year
21. On sale distilled spirits license	As set by the board.

The fees specified above shall be reduced to only five per cent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date on which the application for the license is filed with the board.

Where the fee for any license is graduated according to the amount of alcoholic beverages manufactured or sold under the license, and the license is applied for after the beginning of the year, the amount of alcoholic beverage manufactured or sold manufactured or sold under the license shall be reduced one-fourth for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date on which the application for the license is filed with the board."

Amendment No. 33.

On page 5, line 27, of the printed bill, as amended, strike out numeral "5", and insert in lieu thereof numeral "6".

Amendment No. 34.

On page 5 of the printed bill, as amended, between lines 41 and 42 insert the following:

"(b) A still license authorizes the person to whom issued to own or possess the number of stills indicated in the license upon the premises for which issued."

Amendment No. 35.

On page 5, line 42, of the printed bill, as amended, strike out the letter "b", and insert the letter "c".

Amendment No. 36.

On page 5, line 47, of the printed bill, as amended, strike out the letter "c", and insert in lieu thereof the letter "d".

Amendment No. 37.

On page 5, line 50, of the printed bill, as amended, strike out the letter "d", and insert in lieu thereof the letter "e".

Amendment No. 38.

On page 5, line 51, of the printed bill, as amended, after the word "including", insert the words "of the".

Amendment No. 39.

On page 6 of the printed bill, as amended, strike out lines 1 to 52, both inclusive, and insert in lieu thereof the following:

"(f) Any wholesaler's license authorizes the sale of the alcoholic beverage specified in the license only to persons holding licenses issued by the board authorizing the sale of such alcoholic beverage.

(g) An off-sale beer and wine license authorizes the sale, to consumer only and not for resale, of beer in packages and in quantities of thirty-two gallons or less, and the sale of wine in packages and in quantities of fifty-two gallons or less, for consumption off the premises where sold.

(h) An off-sale distilled spirits license authorizes the sale, to consumer only and not for resale, of distilled spirits in quantities of less than two gallons per sale and in packages of one gallon or less for consumption off the premises where sold.

(i) An industrial alcohol dealer's license authorizes the sale of undenatured ethyl alcohol or other distilled spirits in packages of more than one gallon for use in the trades, professions or industries.

(j) Any on-sale license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises where sold. An on-sale beer and wine license also authorizes the expense, with respect to the particular beverage or beverages mentioned in such license, of the rights and privileges granted by an off-sale beer and wine license. On trains and boats, under such licenses, alcoholic beverages may be sold only to passengers or employees."

Amendment No. 40.

On page 7 of the printed bill, as amended, strike out lines 1 to 30, both inclusive.

Amendment No. 41.

On page 7, line 31, of the printed bill, as amended, strike out the numeral "6" and insert in lieu thereof the numeral "7".

Amendment No. 42.

On page 7, line 32, of the printed bill, as amended, after the word "and," insert the following: "except in the case of licenses authorizing the sale of alcoholic beverages on trains or boats."

Amendment No. 43.

On page 7, line 35, of the printed bill, as amended, strike out the comma, and insert in lieu thereof a period.

Amendment No. 44.

On page 7 of the printed bill, as amended, strike out lines 36 to 39, both inclusive, and insert in lieu thereof the following:

"Licenses for trains and boats shall be based on the average number in actual operation, during the license year, of each class of operating units, viz. trains and boats upon which the license privileges are exercised, such average number to be determined as the board may prescribe."

Amendment No. 45.

On page 7, line 40, of the printed bill, as amended, strike out "SEC. 7."

Amendment No. 46.

On page 7, line 42, of the printed bill, as amended, strike out the word "but", and insert in lieu thereof the word "and".

Amendment No. 47.

On page 7, line 45, of the printed bill, as amended, strike out "Sec. 7a."

Amendment No. 48.

On page 7 of the printed bill, as amended, strike out lines 48 to 52, both inclusive, and insert in lieu thereof the following:

"Sec. 8. All retailer's on-sale licenses shall be issued on a calendar year basis and shall automatically expire at midnight on the first day of December of the year for which issued. All other licenses issued under this act shall be issued on the basis of a fiscal year commencing July 1st and ending June 30th, and shall automatically expire at midnight on the last day of June of the year for which issued."

All licenses issued under the provisions of the State Liquor Control Act, Chapter 658, Statutes of 1933, which authorize the sale of liquor specified in the licenses for consumption on the premises shall automatically expire at midnight on December 31, 1935.

All other licenses issued under said act and all licenses issued under the provisions of Chapter 178, Statutes of 1933, shall automatically expire at midnight on June 30, 1935. One-half the annual fee for any license so expiring at midnight on June 30, 1935, shall be allowed as a credit against the fee for any comparable license issued under this act during 1935."

Amendment No. 49.

On page 8 of the printed bill, as amended, strike out lines 1 to 19, both inclusive.

Amendment No. 50.

On page 8, line 39, of the printed bill, as amended, after the word "parties", add a comma.

Amendment No. 51.

On page 8, line 50, of the printed bill, as amended, strike out the word "license", and insert in lieu thereof the word "control".

Amendment No. 52.

On page 8, line 51, of the printed bill, as amended, strike out the words "retailer's on-sale", and insert in lieu thereof the words "on-sale distilled spirits".

Amendment No. 53.

On page 9, line 2, of the printed bill, as amended, after the word "no", insert the word "such".

Amendment No. 54.

On page 9, line 25, of the printed bill, as amended, after the word "by", insert the following: "Chapter 734, Statutes of 1917, the same being".

Amendment No. 55.

On page 9 of the printed bill, as amended, between lines 36 and 37, insert the following:

"Sec. 17. No license shall be issued to any applicant for any premises situated more than one mile outside the limits of an incorporated city or town and within four miles of any camp or establishment of men, maintaining twenty-five or more engaged upon or in connection with the construction, repair or operation of any work, improvement or utility of a public or quasi public character, provided, however, that nothing in this section shall be deemed to apply to the renewal of any licenses for any premises which have been established and licensed under this act or

under the State Liquor Control Act, Chapter 678, Session of 1933, at least six months prior to the establishment of such camp or establishment of such.

Sec. 18. Retailer's "On-sale beer and wine licenses" or "On-sale distilled spirits licenses" shall be issued only to bona fide hotels, restaurants, cafes, cabarets, rail-road dining or club cars, passenger ships or other public meeting places or bona fide clubs after such clubs have been lawfully operated for not less than one year.

Retailer's "On-sale beer" licenses may be issued for any premises mentioned in the next preceding paragraph, and also for any other premises.

Sec. 19. Fruit brandy manufacturer's licenses shall be issued only to persons holding a wine manufacturer's license.

Sec. 20. Industrial alcohol licenses shall be issued only to persons to whom used for premises, for which either a distilled spirits manufacturer's, importer's or wholesaler's license has been issued.

Amendment No. 56.

On page 9, line 37, of the printed bill, as amended, strike out the numeral "37" and insert in lieu thereof the numeral "21".

Amendment No. 57.

On page 9, lines 39 and 40, of the printed bill, as amended, strike out the words "with the time and place of hearing such application."

Amendment No. 58.

On page 9 of the printed bill, as amended, strike out all of that portion of line 41 following the words "prior to the".

Amendment No. 59.

On page 9, line 44, of the printed bill, as amended, strike out the word "license" and insert in lieu thereof the word "licenses".

Amendment No. 60.

On page 9, line 51, of the printed bill, as amended, strike out the numeral "18" and insert in lieu thereof the numeral "22".

Amendment No. 61.

On page 10, line 14, of the printed bill, as amended, strike out the numeral "4" and insert in lieu thereof the numeral "5".

Amendment No. 62.

On page 10 of the printed bill, as amended, strike out lines 23 to 40, both inclusive, and insert in lieu thereof, the following:

"Sec. 23. An excise tax is hereby imposed upon all beer and wine sold by a manufacturer or importer on or after July 1, 1935, at the following rates:

(a) On all beer, sixty-two cents per every barrel containing not more than thirty-one gallons, and at a proportionate rate for any other quantity;

(b) On all wine, two cents per wine gallon and at a proportionate rate for any other quantity;

(c) On champagne, or sparkling wine, whether naturally or artificially carbonated, three cents per pint or fraction thereof.

Beer and wine consumed by employees of manufacturers or importers upon the premises of such manufacturers and importers shall be exempt from tax under such rules and regulations as the board may prescribe."

Amendment No. 63.

On page 10 of the printed bill, as amended, strike out line 41, and in line 42, strike out "lected from the manufacturer or importer."

Amendment No. 64.

On page 10, line 43, of the printed bill, as amended, strike out the words "alcoholic beverages", and insert in lieu thereof the words "beer and wine".

Amendment No. 65.

On page 10, line 44, of the printed bill, as amended, strike out the word "distilled."

Amendment No. 66.

On page 11 of the printed bill, as amended, strike out lines 1 to 3, both inclusive, and insert in lieu thereof the following:

"Sec. 24. An excise tax is hereby imposed upon all distilled spirits sold in this State on and after July 1, 1935, at the following rates:"

Amendment No. 67.

On page 11 of the printed bill, as amended, strike out lines 18 to 32, both inclusive.

Amendment No. 68.

On page 12 of the printed bill, as amended, strike out lines 1 to 7, both inclusive.

Amendment No. 69.

On page 12, line 8, of the printed bill, as amended, strike out the numeral "21", and insert the numeral "25".

Amendment No. 70.

On page 12, line 30, of the printed bill, as amended, strike out the numeral "22", and insert the numeral "26".

Amendment No. 71.

On page 12, lines 32 and 33, of the printed bill, as amended, strike out the words "the month immediately following the effective date of this act.", and insert in lieu thereof "August, 1935".

Amendment No. 72.

On page 12, lines 48 and 49, of the printed bill, as amended, strike out the words "the month immediately following the effective date of this act.", and insert in lieu thereof "August, 1935".

Amendment No. 73.

On page 13, line 1, of the printed bill, as amended, after the word "manufacturer", insert the words "and importer".

Amendment No. 74.

On page 13, lines 5 and 6, of the printed bill, as amended, strike out the words "commencing with the end of the month which immediately follows the effective date of this act.", and insert in lieu thereof "for the month ending July 31, 1935".

Amendment No. 75.

On page 13, line 13, of the printed bill, as amended, strike out the numeral "23", and insert in lieu thereof the numeral "27".

Amendment No. 76.

On page 13, line 26, of the printed bill, as amended, after the word "manufacturers", insert the following: "or importers under this act as it may deem necessary to correct the errors disclosed by its examination of the records of said manufacturers or importers".

Amendment No. 77.

On page 13, line 28, of the printed bill, as amended, strike out the numeral "24", and insert in lieu thereof the numeral "28".

Amendment No. 78.

On page 13 of the printed bill, as amended, strike out lines 41 to 44, both inclusive.

Amendment No. 79.

On page 13, line 45, of the printed bill, as amended, strike out the numeral "26", and insert in lieu thereof the numeral "29".

Amendment No. 80.

On page 13, line 46, of the printed bill, as amended, after the word "beverages", insert the word "are".

Amendment No. 81.

On page 13, line 52, of the printed bill, as amended, strike out the numeral "22", and insert in lieu thereof the numeral "26".

Amendment No. 82.

On page 14, lines 3 and 4, of the printed bill, as amended, strike out the words "the purpose for which the alcoholic beverage is to be used".

Amendment No. 83.

On page 14 of the printed bill, as amended, strike out lines 11 to 18, both inclusive.

Amendment No. 84.

On page 14, line 19, of the printed bill, as amended, strike out the numeral "27", and insert in lieu thereof the numeral "30".

Amendment No. 85.

On page 14, line 24, of the printed bill, as amended, strike out the numeral "20", and insert in lieu thereof the numeral "23".

Amendment No. 86.

On page 14, line 25, of the printed bill, as amended, after the word "manufacturer", insert the words "and importer".

Amendment No. 87.

On page 14, line 33, of the printed bill, as amended, after the word "manufacturer", insert the words "and importer".

Amendment No. 88.

On page 14, line 49, of the printed bill, as amended, strike out the numeral "28", and insert in lieu thereof the numeral "31".

Amendment No. 89.

On page 15, line 11, of the printed bill, as amended, after "factorer", insert the words "or importer".

Amendment No. 90.

On page 15, line 11, of the printed bill, as amended, after "manufacturer", insert the words "or importer".

Amendment No. 91.

On page 15, line 50, of the printed bill, as amended, after "factorer", insert the words "or importer".

Amendment No. 92.

On page 16, line 40, of the printed bill, as amended, strike out the numeral "22", and insert in lieu thereof the numeral "26".

Amendment No. 93.

On page 17, line 1, of the printed bill, as amended, strike out the numeral "29", and insert in lieu thereof the numeral "32".

Amendment No. 94.

On page 17 of the printed bill, as amended strike out lines 26 to 51, both inclusive, and insert in lieu thereof the following:

SEC. 33. The tax imposed by section 24 of this act upon the sale of distilled spirits shall be collected by means of attaching to each package containing such distilled spirits a stamp or stamps of a denomination equivalent to the amount of excise tax imposed upon the sale of the contents of such package. Such stamps shall be attached immediately after the delivery of distilled spirits to premises for which an on or off sale distilled spirits license is issued under this act or for which an on or off sale license for liquor other than beer or wine is issued under the State Liquor Control Act.

Such stamps shall be sold only by the board or its duly authorized agents and shall be sold only to persons holding valid on or off sale distilled spirits licenses issued under this act and to persons holding valid on or off sale licenses for liquor other than beer and wine issued under the State Liquor Control Act.

Such stamps shall be of such size, type, and character as the board shall determine.

SEC. 34. It shall be unlawful for any person holding an on or off sale distilled spirits license issued under this act, or an on or off sale license for liquor other than beer or wine issued under the State Liquor Control Act to have upon the premises for which any such license is issued or to sell at such premises, any distilled spirits unless the stamps required by this act to be attached to the containers of such distilled spirits are so attached to said containers.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 35. It shall be unlawful for any person other than the board or its duly authorized agents to sell or give away any stamps issued by the board pursuant to the provisions of this act unless such stamps are attached to packages of distilled spirits as herein required. Any person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 36. Every person who makes, sells, or uses any false or counterfeit stamp, or permit, or die for printing or making stamps or permits which is in imitation of or purports to be a lawful stamp, permit or die of the kind before mentioned in this act, or who procures the same to be done, and every person who shall remove or cause to be removed, from any package of distilled spirits any stamp denoting the tax thereon, with intent to reuse such stamp, or who with intent to defraud the State, knowingly uses, or permits to be used any stamp removed from another package, or receives, buys, sells, gives away, or has in his possession, any stamp so removed, or makes any fraudulent use of any stamp for distilled spirits, shall be guilty of a felony and shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than three years in the State prison.

SEC. 37. All moneys collected by the board as license fees and under the excise tax provisions of this act shall be deposited in the State treasury to the credit of the alcohol beverage control fund, which fund is hereby created. There is hereby appropriated from said fund:

1. Six hundred thousand dollars for expenditures by the board in carrying out the provisions of this act for collecting the excise taxes levied by this act;

2. Twelve thousand dollars, or so much thereof as may be necessary, for expenditure by the Controller in carrying out the provisions of this act requiring the collection of excise taxes;

3. Sixty thousand dollars per biennium to be used by the State Department of Public Health for enforcement work directed toward preventing the manufacture, sale or transportation of adulterated, misbranded or mislabeled alcoholic beverages;

4. One million four hundred thousand dollars to pay the salaries and expenses of auditors, inspectors and clerks employed by the board and to defray the necessary expenses arising by reason of the administration and enforcement of the provisions of this act;

5. Fifty per cent of all moneys collected yearly from license fees, to be paid to the counties, cities and counties, and cities of this State in the proportion that the amount of the fees collected in the particular county, city and county, or city bears to the total amount so collected throughout the State, and the State Controller shall, on or before March 31st of the year following that in which such moneys were collected, draw his warrants upon said fund in favor of the treasurer of each county, city and county, and city for the amount to which each is entitled hereunder;

6. Such amount as is necessary for the allowance of the refunds provided for in this act;

7. Any remaining balance to be transferred to the general fund on the order of the Controller approved by the board.

The moneys to be used by the State Department of Public Health for enforcement work shall be expended as provided in "An act preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded food, liquor and drugs, and making an appropriation," approved March 11, 1907. The Director of Public Health shall communicate to the State Board of Equalization any findings which indicate that such act has been violated by any holder of a license under this act."

Amendment No. 95.

On page 18 of the printed bill, as amended, strike out lines 1 to 17, both inclusive.

Amendment No. 96.

On page 18, line 18, of the printed bill, as amended, strike out the numeral "33", and insert in lieu thereof the numeral "38".

Amendment No. 97.

On page 18 of the printed bill, as amended, strike out lines 31 to 35, both inclusive, and in lieu thereof insert the following:

"The board and investigators and auditors employed by it for the enforcement of this act shall at all times have the right to visit and inspect any portion of any premises for which licenses are issued under this act or under the State Liquor Control Act."

Amendment No. 98.

On page 18, line 36, of the printed bill, as amended, strike out the numeral "35", and insert in lieu thereof the numeral "39".

Amendment No. 99.

On page 18, line 49, of the printed bill, as amended, strike out "SEC. 36".

Amendment No. 100.

On page 19, line 13, of the printed bill, as amended, strike out the numeral "37", and insert in lieu thereof the numeral "40".

Amendment No. 101.

On page 19 of the printed bill, as amended, strike out lines 34 to 52, both inclusive.

Amendment No. 102.

On page 20 of the printed bill, as amended, strike out lines 1 to 6, both inclusive, and strike out lines 9 to 14, both inclusive.

Amendment No. 103.

On page 21, line 15, of the printed bill, as amended, strike out the numeral "38", and insert in lieu thereof the numeral "41".

Amendment No. 104.

On page 20, line 28, of the printed bill, as amended, strike out "SEC. 39."

Amendment No. 105.

On page 20, line 36, of the printed bill, as amended, strike out "SEC. 40."

Amendment No. 106.

On page 21, line 4, of the printed bill, as amended, strike out "SEC. 41."

Amendment No. 107.

On page 23 of the printed bill, as amended, strike out lines 7 to 24, both inclusive, and insert in lieu thereof the following:

"SEC. 49. Common or private carriers shall transport alcoholic beverages into the State only when such alcoholic beverages are to be consigned to a licensed importer. The carrier must obtain the receipt of such importer for the alcoholic beverage so transported and delivered and if the consignee refuses to give a receipt and show his importer's license to the carrier, the carrier shall be relieved of all responsibility for delivering said alcoholic beverages. Where the consignee is not a licensed importer the carrier shall immediately notify the board at Sacramento, giving full details as to the character of shipment, point of origin, destination, and address of the consignor and consignee and within ten days such alcoholic beverage shall be summarily forfeited to the State of California and shall be turned over to the board for sale at public auction.

Every person violating the provisions of this section shall be guilty of a misdemeanor.

Amendment No. 108.

On page 23 of the printed bill, as amended, strike out all of the portion of line 30 following the word "board," and strike out lines 31 to 38, both inclusive, and insert in lieu thereof the following:

"SEC. 51. It shall be unlawful for any licensee to have upon any premises for which licenses have been issued to such licensee any alcoholic beverages other than the alcoholic beverages which such licensee is authorized to sell at such premises under the license or licenses issued therefor.

It shall be presumed that all alcoholic beverages found or located upon premises for which licenses have been issued belong to the person or persons to whom such licenses were issued.

Every person violating the provisions of this section shall be guilty of a misdemeanor. The board or its representatives may enter upon and summarily destroy or may seize and sell at public auction any alcoholic beverages found upon any premises in violation of this section.

SEC. 52. Every person who sells, serves or otherwise dispenses of any alcoholic beverage, except beer which may be so sold, served or dispensed of, or at any public bar or in any public barroom for consumption on the premises shall be guilty of a misdemeanor.

Amendment No. 109.

On page 24, line 19, of the printed bill, as amended, strike out the second line, and add the following: ", provided that this section shall apply only to manufacturers, bottlers, importers or wholesalers of products of the brewing industry";.

Amendment No. 110.

On page 24, lines 21 and 22, of the printed bill, as amended, strike out the words "paintings or signs; other than interior signs mentioned in section 55 herein."

Amendment No. 111.

On page 24, line 29, of the printed bill, as amended, strike out the word "signs."

Amendment No. 112.

On page 24 of the printed bill, as amended, strike out lines 42 to 50, both inclusive, and insert in lieu thereof the following:

"SEC. 55. There shall not be displayed on the windows of, or on, or in front of premises for which any "on sale" license has been issued any sign or other advertisement stating or implying that a saloon, bar, cocktail bar or lounge is operated or maintained upon the premises or that alcoholic beverages are sold upon the premises in any manner or fashion in violation of the law or the rules and regulations of the board; provided that this regulation shall not prohibit "on sale" licensees from displaying signs reading "Beer", "Wine", "Liquor", and similar signs."

Amendment No. 113.

On page 25 of the printed bill, as amended, strike out lines 1 to 5, both inclusive.

Amendment No. 114.

On page 25, line 6, of the printed bill, as amended, strike out "SEC. 55a."

Amendment No. 115.

On page 25 of the printed bill, as amended, strike out all of that portion of line 10 following the word "street", and strike out lines 11 to 24, both inclusive, and insert in lieu thereof the following:

". A manufacturer, distributor or wholesaler of alcoholic beverages may furnish to retail dispensers signs which are not prohibited from being displayed by the provisions of this section."

Amendment No. 116.

On page 26, line 3, of the printed bill, as amended, strike out the words "wholesaler or retailer licensee", and insert in lieu thereof the word "person".

Amendment No. 117.

On page 26, line 7, of the printed bill, as amended, after the word "pasteurized", insert the words "or sterilized".

Amendment No. 118.

On page 26 of the printed bill, as amended, strike out lines 39 to 43, both inclusive.

Amendment No. 119.

On page 26, line 44, of the printed bill, as amended, strike out "60a", and insert in lieu thereof "60".

Amendment No. 120.

On page 27 of the printed bill, as amended, strike out lines 14 to 19, both inclusive.

Amendment No. 121.

On page 27, line 20, of the printed bill, as amended, strike out "64", and insert in lieu thereof "63".

Amendment No. 122.

On page 27, line 25, of the printed bill, as amended, strike out "65", and insert in lieu thereof "64".

Amendment No. 123.

On page 27, line 34, of the printed bill, as amended, strike out "66", and insert in lieu thereof "65".

Amendment No. 124.

On page 27, line 40, of the printed bill, as amended, strike out "67", and insert in lieu thereof "66".

Amendment No. 125.

On page 27, line 47, of the printed bill, as amended, after "Sec.", insert "67".

Amendment No. 126.

On page 28 of the printed bill, as amended, between lines 15 and 16, insert the following:

"Sec. 68. The State Liquor Control Act, Chapter 658, Statutes of 1933, and Chapter 178, Statutes of 1933, shall remain in effect until July 1, 1935, after which date said acts shall no longer be of any force and effect; provided that any taxes imposed pursuant to Chapter 178, Statutes of 1933, prior to said date shall remain fully collectible."

Amendment No. 127.

On page 28, line 16, of the printed bill, as amended, before the words "The following acts", insert "Sec. 69."

Amendment No. 128.

On page 28, line 32, of the printed bill, as amended, strike out "1933 -----658 1697".

Amendment No. 129.

On page 28 of the printed bill, as amended, strike out lines 35 to 37, both inclusive, and insert in lieu thereof the following: "63b 397b 680".

Amendment No. 130.

On page 28 of the printed bill, as amended, strike out line 40.

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 118. An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator McCormack gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 118 was passed.

Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 5, 6, 7 and 9a of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended.

Amendments from the Floor.

During third reading of Senate Bill No. 596, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "4, 5, 6, 7," and insert in lieu thereof the following: "3, 4, 5, 6."

Amendment No. 2.

On page 1, line 8 of the title of the printed bill, as amended, strike out the period at the end of the line, and insert in lieu thereof a comma and the following "relating to contractors."

Amendment No. 3.

On page 3, line 7, of the printed bill, as amended, strike out "Contracting Business Defined."

Amendment No. 4.

On page 3, line 20, of the printed bill, as amended, strike out "and/or", and insert in lieu thereof the following: "or."

Amendment No. 5.

On page 8, line 44, of the printed bill, as amended, strike out "caused", and insert in lieu thereof the following: "cause".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Elections.

SENATE CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 793—An act to amend section 1094 of the Political Code relating to elections, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

POWERS, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 485—An act to amend sections 12350, 12352, 12353, 12355, 12356, and 12357 of the Insurance Code, relating to title insurers.

Also: Senate Bill No. 475—An act to amend sections 970, 972 and 974 of the Insurance Code, relating to security for the payment of taxes and other obligations of insurers.

Also: Senate Bill No. 722—An act to add a new section to the Insurance Code, to be numbered 10436, relating to loans on life policies.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

WILLIAMS, Chairman.

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 606—An act to amend section 26 of the Public Utilities Act, relating to foreign corporations which may transact public utility business—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

BIGGAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporation, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act;

Also: Senate Bill No. 446—An act relating to contracts between companies and public agencies for the delivery or sale of water or electrical energy by the former to the latter and providing for the enforcement of the provisions of the act;

Also: Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 194, relating to wharfingers;

Has had the same under consideration, and respectfully reports the same back with amendments and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11; committee vote: Ayes—6; absent—5.

BIGGAR, Chairman.

On Military Affairs.

SENATE CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Senate Bill No. 100—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith; to make an appropriation, and to provide for the repayment thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

McGUINNESS, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 974—An act to amend section 794 of the Agricultural Code, relating to cherries;

Also: Assembly Bill No. 361—An act to amend the division heading of Division V of the Agricultural Code, relating to standardization;

Also: Assembly Bill No. 462—An act to amend section 809 of the Agricultural Code, relating to walnuts;

Also: Assembly Bill No. 1381—An act to amend section 790 and to add section 813.5 to the Agricultural Code, relating to celery;

Also: Assembly Bill No. 364—An act to amend section 1036 of the Agricultural Code, relating to fertilizing materials;

Also: Assembly Bill No. 491—An act to amend section 651 of the Agricultural Code, relating to dairy statistics;

Also: Assembly Bill No. 492—An act to amend section 631 of the Agricultural Code, relating to examination of milk and dairy products;

Also: Assembly Bill No. 493—An act to amend sections 491 and 493 of the Agricultural Code, relating to milk inspection;

Also: Assembly Bill No. 494—An act to amend section 476 of the Agricultural Code, relating to fat or oil in dairy products;

Also: Assembly Bill No. 367—An act to amend section 104 of the Agricultural Code, relating to quarantine;

Also: Assembly Bill No. 498—An act to amend section 453 of the Agricultural Code, relating to milk inspection;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—8; absent—7.

CRITTENDEN, Chairman.

On Mines and Mining.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Senate Bill No. 81—An act to add a new section to be numbered section 86, to be act entitled "An act establishing a State Mining Bureau, creating therein a State Mineralogist, fixing his salary and prescribing his powers and duties, providing for the employment of officers and employees of said bureau, creating in one class of persons in charge of mines, mining operations and operations in and over lands owned, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the purposes of this act and repealing an act entitled 'An act to provide for the maintenance, improvement and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall manage the business, management and control of said State Mining Bureau, and to provide for the investigation, mining and improvement of a State Mineralogist, who shall possess the duties of the same under the direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplementary thereto or in conflict herewith," approved June 19, 1914, relating to mining on State property—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 7; committee vote: Ayes—6; absent—1.

PIEROVICH, Chairman.

Also:

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Assembly Bill No. 441—An act to amend the provisions of sections 1 and 2 of "An act to require security for the payment of wages of persons employed in mining," approved April 25, 1933 (Stats. 1933, Chap. 167), relating to security for the payment of wages in the mining industry and providing conditions for forfeiture of the provisions thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 7; committee vote: Ayes—6; absent—1.

PIEROVICH, Chairman.

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 2034—An act to amend sections 1 and 2 and the title of an act entitled "An act prohibiting the employers of labor from receiving consideration in the purchase of things of value, and providing a penalty for the violation of the provisions hereof," approved April 25, 1917 (Stats. 1917, Chap. 141), relating to receiving employees and applicants for employment to perform any portion of their, the purchase of any thing of value, and relative to the penalty therefor—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that the bill do pass as amended.

Committee membership: 9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 608—An act limiting the hours of labor of domestic employees and providing a penalty for its violation—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Concurrent Resolution No. 17—Relative to the further increase of machine work while laborers and their families are in distress—has had the same under consideration, and respectfully reports the same back and recommends that it do adopted.

Committee membership: 9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 2035—An act to add a new section to the Civil Code, to be num-

bered section 2005, relative to the basis of figuring wages for a portion of a month and a portion of a week—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

Adjournment.

On motion of Senator Mixer, at eleven o'clock and fifteen minutes a.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock a.m., Monday, April 22, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, April 22, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, April 19, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Sharkey was, on motion of Senator Mixer, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. N. W. Mixer and Robert Mixer of Exeter.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Dorothy Gill of Redding.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Warren G. Barr of Los Angeles.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. A. H. Murray and Barclay Murray of Merced.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 252—An act to amend section 2924 of the Civil Code, relating to mortgages;

Also: Senate Bill No. 361—An act to add a new section to the Code of Civil Procedure, to be numbered 675b, relating to the discharge of a bankrupt from judgment;

Also: Senate Bill No. 818—An act to amend section 580b of the Code of Civil Procedure, relating to deficiency judgments;

Also: Senate Bill No. 827—An act to amend section 2620 of the Political Code, relating to the width of highways;

Also: Senate Bill No. 830—An act to amend sections 13 and 13a of the Motor Vehicle Fuel License Tax Act, relating to the disposition of funds received under said act;

And reports that the same have been correctly engrossed.

MINTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 1. A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article II thereof a new section to be numbered section 7, relating to the registration of voters.

Also: Senate Bill No. 365—An act to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924 of the Civil Code, relating to recording of notice of default and to giving notice of sale under deeds of trust and mortgages with power of sale, and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924b of the Civil Code, relating to giving of notice of recording of notice of default and of time and place of sale under deeds of trust or mortgages with power of sale, and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924 of the Civil Code, relating to reinstatement of loans when due sum of principal sum has been accelerated, and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580b of the Code of Civil Procedure, prohibiting deficiency judgments on purchase money mortgages and deeds of trust, and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580c of the Code of Civil Procedure, limiting the trustees or attorney's fees which a mortgagor or trustor may be required to pay, and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 725a of the Code of Civil Procedure, permitting the beneficiary or trustee named in a deed of trust to bring suit to foreclose the same in the manner of a mortgage, and to amend section 2924 of the Civil Code, relating to mortgages and deeds of trust, all relating to the hypothecation of real property and to obligations secured thereby;

Also: Senate Bill No. 64—An act to amend section 3818 of the Political Code, relating to segregation of property on the assessment rolls;

Also: Senate Bill No. 138—An act relating to the acquisition of land, rights of way, easements and rights in land by the State or any department, agency or official thereof or by any city, city and county, or county and to the procedure therefor.

And reports that the same have been correctly engrossed.

MINTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 475—An act to amend sections 970, 972 and 974 of the Insurance Code, relating to security for the payment of taxes and other obligations of insurers;

Also: Senate Bill No. 485—An act to amend sections 12350, 12352, 12353, 12355, 12356, and 12357 of the Insurance Code, relating to fire insurers;

Also: Senate Bill No. 606—An act to amend section 26 of the Public Utilities Act, relating to foreign corporations which may transact public utility business;

Also: Senate Bill No. 722—An act to add a new section to the Insurance Code, to be numbered 10436, relating to loans on life policies;

Also: Senate Bill No. 789—An act to amend the Vehicle Code by amending sections 113, 114, 115, 121, 123, 124, 135, 451, and 680, relating to vehicles;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 596—An act to amend sections 1, 2, 3, 3½, 4, 5, 6 and 9a of an act entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended, relating to contractors—and reports that the same has been correctly re-re-engrossed.

METZGER, Chairman.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Edwards:

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend Section 50 of the "State Housing Act," approved June 15, 1923, relating to the character and construction of fire escapes.

Respectfully submitted.

SENATOR EDWARDS.

Request referred to Committee on Rules.

Communication.

The following communication was received, and ordered printed in the Journal:

CALIFORNIA REAL ESTATE ASSOCIATION,
SAN FRANCISCO, CALIFORNIA, April 19, 1935.

The Senate of the State of California.

Attention: Lieutenant Governor George J. Hatfield,
Sacramento, California.

GENTLEMEN: We believe that a large majority of the people of California stand with Governor Frank F. Merriam in his determination to balance California's State budget on a "pay-as-you-go" basis. We believe that the members of your honorable body are in accord upon the principle of a balanced budget in order to preserve California as a solvent State. However, a balanced budget requires new sources of revenue because of the readjustment under the Riley-Stewart plan for the relief of real estate. The past few weeks have shown that the differences of opinion upon where these new revenues must be obtained are effectively blocking all efforts to promote a tax program. It is therefore obvious that in order to balance the budget legislators must provide taxes that the burden may be equitably distributed over all those with the ability to pay. By this means only can the State of California continue to be solvent and receive revenues which will provide for the operation of the State government services, and for subventions to counties for services which they are now rendering, because the State government is in large measure a tax collecting agency for the counties.

The California Real Estate Association therefore urges the legislative bodies of this State and the members thereof, individually and collectively, together with all business interests whose representatives are in Sacramento with legislative counsel, to cooperate in balancing the State budget. We must remember that the entire State must cheerfully enter upon the business of balancing this budget in support of good government.

This communication is written in the belief that a serious emergency exists and we earnestly trust that your honorable body will put revenue legislation ahead of all matters to the end that our State and county services may be kept solvent.

Respectfully submitted.

CALIFORNIA REAL ESTATE ASSOCIATION.

CHARLES W. BROCK, President.
GLENN D. WILLAMAN, Secretary.

Postponement of Reconsideration.

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendments offered by Sen-

ator Sharkey to Senate Bill No. 128 were adopted, was continued until the next legislative day.

Motion to Reconsider.

Pursuant to the motion given on a previous day, said motion having been deferred until the next legislative day, Senator Powers moved to reconsider the vote whereby Senate Bill No. 1054 was refused passage.

The question being on the adoption of the motion to reconsider.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Powers moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Duffie, Edwards, Florence, Gordon, Hays, Jesperson, Keough, King, Knowland, McColl, McGowan, McGowan-Meyer, Parkman, Perry, Pirovich, Powers, Randall, Rich, Schottky, Seaman, Slater, Swales, Tinkle, and Wagy—27.

The Secretary announced the absentees.

Time, ten o'clock and forty-five minutes a.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 793—An act to amend section 1094 of the Political Code, relating to elections.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 485—An act to amend sections 12350, 12352, 12353, 12355, 12356, and 12357 of the Insurance Code, relating to title insurers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 475—An act to amend sections 970, 972 and 974 of the Insurance Code, relating to security for the payment of taxes and other obligations of insurers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 722—An act to add a new section to the Insurance Code, to be numbered 10436, relating to loans on life policies.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 606—An act to amend section 26 of the Public Utilities Act, relating to foreign corporations which may transact public utility business.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 109—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith; to make an appropriation, and to provide for the repayment thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Military Affairs, the following amendments to Senate Bill No. 109 were read and adopted:

Amendment No. 1.

On page 1, lines 22 and 23, of the printed bill, strike out "the chairman and".

Amendment No. 2.

On page 1, line 23, of the printed bill, strike out "vary".

Amendment No. 3.

On page 2 of the printed bill, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following: "four-year terms, except three commissioners from each district who shall serve for two years. Thereafter, such commissioners, or their successors, shall be appointed for terms of four years. The term of the".

Amendment No. 4.

On page 2, line 7, of the printed bill, strike out "appointed commissioners and", and insert in lieu thereof the following: "an appointed commissioner or".

Amendment No. 5.

On page 2, line 10, of the printed bill, after "but", insert the following: ", when funds are obtained from any source other than from appropriations of State money,".

Amendment No. 6.

On page 2, line 11, of the printed bill, strike out ", shall be reimbursed", and insert in lieu thereof the following: "and authorized agents of the commission, shall be reimbursed from such funds".

Amendment No. 7.

On page 2, line 13, of the printed bill, strike out "as commissioner".

Amendment No. 8.

On page 2, between lines 42 and 43, of the printed bill, insert the following: "The Commemoration Commission is hereby authorized to sponsor and supervise the organization and operation of self-help artists' cooperative aid projects to be financed through the State Emergency Relief Administration, or other State or Federal relief agency."

Amendment No. 9.

On page 3, line 5, of the printed bill, insert a comma after "insignias".

Amendment No. 10.

On page 3, line 44, of the printed bill, strike out "this", and insert the following: "the commemoration".

Amendment No. 11.

On page 3, line 48, of the printed bill, insert after "contact officer", the following: "of the Commemoration Commission".

Amendment No. 12.

On page 3, line 49, of the printed bill, insert after "officer", the following: "of the Commemoration Commission".

Amendment No. 13.

On page 4 of the printed bill, strike out lines 23 to 32, inclusive.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of

the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 355 were read and adopted:

Amendment No. 1.

Strike out section 1 of the printed bill, and substitute in lieu thereof the following:

"SECTION 1. For the purpose of correlating and regulating the rates charged for the transportation of property by the various transportation agencies in the State subject to the jurisdiction of the Railroad Commission of the State of California, and for the purpose of creating a special fund to administer and enforce the laws conferring upon the Railroad Commission of the State of California jurisdiction to regulate and rates of transportation agencies carrying property for compensation and to administer and enforce the 'Highway Carrier Act,' every railroad, interurban, common carrier, freight forwarder, and every person or corporation operating vessels, or other terms are defined in the Public Utilities Act of the State of California, and every person or corporation owning or operating motor vehicles in the transportation of property for hire upon the public highway under the jurisdiction of the Railroad Commission of the State of California, shall between the first and fifteenth days of October, 1935, and thereafter between the first and fifteenth days of January, April, July and October of each year, file with the Railroad Commission a statement showing the gross operating revenue derived by such person or corporation from the transportation of property for the preceding three calendar months, and shall at the time of filing such report pay to the said Railroad Commission of the State of California a fee of one-fourth of one per cent of the amount of such gross operating revenue. The term 'gross operating revenue' as used herein shall include all revenue derived from the transportation of property having origin and destination within the State of California, including the transportation of interstate or foreign commerce by rail or highway between ports in the State of California and inland points in the State of California, but shall not include revenue derived by ferries from the transportation of vehicles."

Amendment No. 2.

Strike out section 2 of the printed bill, and insert in lieu thereof the following:

"SEC. 2. All fees charged and collected under this act shall be deposited at least once a month in the State treasury to the credit of the Railroad Commission transportation rate fund, which special fund is hereby created, and shall be so apportioned of the current appropriation by the Legislature for the support of the Railroad Commission of the State of California and shall be expended by the Railroad Commission for the purpose of administering and enforcing the 'Highway Carrier Act,' and also for the purpose of administering and enforcing those provisions of the Public Utilities Act and other acts of the State of California conferring upon the Railroad Commission jurisdiction over the rates, charges and assessments, and the rules, regulations and practices relating thereto, of carriers of property for compensation."

Amendment No. 3.

Strike out section 3 of the printed bill, and insert in lieu thereof the following:

"SEC. 3. If any transportation agency referred to herein shall be so delinquent in the payment of the fees prescribed for a period of thirty (30) days or more, the Railroad Commission of the State of California is hereby authorized to institute suit in its own name or in the name of the people of the State of California in any superior court of the State of California, for the collection of such delinquent fees together with a penalty of twenty-five per cent for such delinquency."

Amendment No. 4.

Strike out section 4 of the printed bill, and insert in lieu thereof the following:

"SEC. 4. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, except as hereinafter specifically provided, irrespective of the fact that one or more sections, sentences, clauses or parts shall be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Utilities.

Senate Bill No. 446—An act relating to contracts between companies and public agencies for the delivery or sale of water or electrical energy by the former to the latter and providing for the enforcement of the provisions of the act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 446 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after "water", insert the following: ", gas".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out "and", and insert in lieu thereof a semicolon.

Amendment No. 3.

On page 1 of the printed bill, strike out line 4 of the title, and insert in lieu thereof the following: "regulation, supervision and licensing of such companies, and providing for the enforcement of this act and penalties for the violation thereof."

Amendment No. 4.

On page 1 of the printed bill, strike out all of lines 11 to 26, inclusive.

Amendment No. 5.

On page 2 of the printed bill, strike out all of lines 1 to 30, inclusive, and insert in lieu thereof the following: "Section 1. 'Company' does not include a public utility as defined in the Public Utilities Act approved April 23, 1915, as amended."

SEC. 2. No company shall consummate the execution of a contract with a public agency for the delivery or sale of water, gas or electrical energy, which was entered over a period in excess of five years, unless such company shall have first applied for and secured from the commissioner a license authorizing it to execute and deliver each such contract. Such application shall be in writing, shall be verified as provided in the Code of Civil Procedure for the verification of pleadings, and shall be filed in the office of the commissioner. In such application the company shall set forth an itemized account of its financial statement, the amount and character of its assets and liabilities, a copy of the proposed contract, a detailed statement of the proposed plan of operation under the contract, and such additional information as the commissioner may require with a view to determining the feasibility of the project and the ability of the company to perform fully its obligations thereunder, and also the obligations incident to its general operations.

SEC. 3. Upon the filing of such application, it shall be the duty of the commissioner to examine it and the other papers and documents filed therewith, and he may, if he deems it necessary, cause or have made a detailed examination, audit, and investigation of the company and its affairs. If he finds that the company's proposed plan of operation is feasible, that it intends to fairly and honestly transact its business, that it and its officers have a good business reputation, and that it has sufficient financial responsibility to carry out its obligations under the contract and those incident to its general operations, the commissioner shall issue to the company a license authorizing it to consummate the execution of the proposed contract. Otherwise, he shall deny the application and notify the company in writing of his decision.

SEC. 4. The commissioner is authorized to cooperate with and receive the cooperation and assistance of the Railroad Commission, the Division of Water Resources or of any other department or agency of the State to assist and aid the commissioner in carrying out the purposes of this act, and to make any examinations, audits and investigations authorized under the provisions of this act which may be ordered by the commissioner.

SEC. 5. For filing such application, the company shall pay and the commissioner shall charge and collect a fee of one hundred dollars.

SEC. 6. All papers, documents, records, and other instruments in writing filed with the commissioner under this act, shall be open to public inspection; provided that if, in his judgment, the public welfare or the welfare of the company or the public agency demands that any portion of such information be not made public, he may, in his discretion, withhold such information from public inspection for such time as in his judgment is necessary.

SEC. 7. Every decision or other official act of the commissioner shall be subject to review in accordance with the provisions of Chapter I, Title I of Part III of the Code of Civil Procedure. Upon such review the burden of proof shall be upon the appellant, and the court may receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there

has been an abuse of discretion on the part of the commissioner in rendering such decision or performing such official act.

SEC. 8. Every contract of the character referred to in section 2 of this act that is executed and delivered by any company not holding a license from the commissioner at the time shall be void, and such company shall be guilty of a public offense and shall be punished by a fine not exceeding ten thousand dollars, and every officer of such company who knowingly authorizes, directs or aids in or who actually executes and delivers such contract is guilty of a public offense and shall be punished by imprisonment in the State prison for a period not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 9. In connection with any investigation conducted hereunder, the commissioner or any of his assistants and deputies shall have the right to inspect books and records, and shall have power to administer oaths, certify to official acts, receive subpoenas for the attendance of witnesses, and for the production of papers, books, accounts, documents and testimony in any part of the State and exercise all of the powers conferred upon the commissioner by section 23 of the Corporate Securities Act and all of the provisions of said section 23 in so far as they are applicable are incorporated herein with the same force and effect as if herein set forth at length. The actual expense of any examination, audit and investigation made pursuant to the provisions of section 3 of this act shall be paid by the company.

SEC. 10. Every officer, agent or employee of any company and every other person who, in any application to the commissioner, or in any proceeding before him, or in any examination, audit or investigation made by him, or his authority, knowingly makes any false statement or representation, or who, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning such company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs or concerning its proposed plan of operation, or who, in any respect, wilfully violates or fails to comply with any of the provisions of this act, or who, in any other respect, wilfully violates or fails, omits, or neglects to obey, observe, or comply with any decision, demand, or requirement or any part or provision thereof of the commissioner under the provisions of this act, or who with one or more other persons conspires to violate any of the provisions of this act, is guilty of a public offense and shall be punished by imprisonment in the State prison for a period not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 11. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Utilities.

Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 19½, relating to wharfingers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 447 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after "wharfinger", insert the following "operating as a public utility under tariffs on file with the commission."

Amendment No. 2.

On page 1, line 4, of the printed bill, strike out "of property".

Amendment No. 3.

On page 1, line 6, of the printed bill, strike out "in which such wharfinger may have any interest"; also strike out lines 7 to 19, inclusive, and insert in lieu thereof the following: "(other than timber and the manufactured products thereof; or petroleum and the manufactured products thereof, or grain and the manufactured products thereof) manufactured, mined, made, or produced by, or under the authority of, or owned in whole or in part by such wharfinger, or by any person directly or indirectly controlling, managing, or operating such wharfinger, or in which such wharfinger, or any person with which it may be affiliated, may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for the use of such wharfinger in the conduct of its public utility business; provided, however, that the Railroad Commission may, after formal hearing, upon its own motion, upon complaint, or upon petition, permit the performance of such

service by any wharfinger, for such time and under such terms and conditions as may be determined to be in the public interest, when it is made to appear that such service is in the interest of the public, and is of advantage to the convenience of the people, and to the natural flow of commerce, and that the service will not be so used as to compel additional transportation service or costs, and that said service will not result in any unfair competition or unfair trade practice, or in any undue advantage to such wharfinger, or in any disadvantage to any other wharfinger, and is a desirable operation on account of the distance or inaccessibility of other wharves or ports."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Utilities.

Senate Bill No. 1075—An act authorizing the Director of Natural Resources to acquire and lease land for development for State forestry purposes, to manage and develop such land and dispose of the products thereof, and to sell, exchange or lease lands under his jurisdiction when required by good management and providing for the disposition of revenue therefrom.

Amendment from the Floor.

During second reading of Senate Bill No. 1075, the following amendment, offered by Senator Fletcher, was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, strike out lines 14 to 21, inclusive, and insert in lieu thereof the following:

"Sec. 5. Subject to the approval of the Director of Finance, the Director of Natural Resources shall have power and authority to sell, exchange or lease, lands under the administration of the Department of Natural Resources when it appears to be to the best interests of the State. The Director of Natural Resources is hereby empowered to execute any and all instruments in the name of and upon behalf of the State of California necessary to effectuate the purposes of this act."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State mining bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Mines and Mining, the following amendments to Senate Bill No. 81 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 4, and insert in lieu thereof the following: "and through the Division of Mines, with the approval of the Controller, lease property needed to the State for transportation of taxes."

Amendment No. 2.

On page 1, line 5, of the printed bill, as amended, strike out "by the State, or itself", and insert in lieu thereof the following: "and may."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 974—An act to amend section 794 of the Agricultural Code, relating to cherries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 361—An act to amend the division heading of Division V of the Agricultural Code, relating to standardization.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 462—An act to amend section 809 of the Agricultural Code, relating to walnuts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1381—An act to amend section 790 and to add section 813.5 to the Agricultural Code, relating to celery.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 364—An act to amend section 1036 of the Agricultural Code, relating to fertilizing materials.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 491—An act to amend section 651 of the Agricultural Code, relating to dairy statistics.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 492—An act to amend section 631 of the Agricultural Code, relating to examination of milk and dairy products.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 493—An act to amend sections 491 and 493 of the Agricultural Code, relating to milk inspection.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 494—An act to amend section 476 of the Agricultural Code, relating to fat or oil in dairy products.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 367—An act to amend section 104 of the Agricultural Code, relating to quarantine.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 498—An act to amend section 453 of the Agricultural Code, relating to milk inspection.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 441—An act to amend the title, sections 1 and 2 of "An act to require security for the payment of wages of persons engaged in the mining industry," approved April 25, 1933 (Stats. 1933, Chap. 161), relative to security for the payment of wages in the mining industry and providing penalties for violation of the provisions thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2034—An act to amend sections 1 and 2 and the title of an act entitled "An act prohibiting employers of labor from coercing employees in the purchase of things of value, and prescribing a penalty for the violation of the provisions hereof," approved April 26, 1917 (Stats. 1917, Chap. 141), relative to requiring employees and applicants for employment to patronize any person or firm in the purchase of any thing of value, and relative to the penalty therefor.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Labor and Capital, the following amendment to Assembly Bill No. 2034 was read and adopted:

Amendment No. 1.

On page 2, line 1, of the printed bill, as amended, strike out the words "Sec. 2," and insert in lieu thereof the following: "Sec. 3."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 608—An act limiting the hours of labor of domestic employees and providing a penalty for its violation.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Assembly Bill No. 608 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, as amended, after the word "domestic", insert the words "worker or personal".

Amendment No. 2.

On page 1, line 2, of the printed bill, as amended, after the word "California", insert a comma and the words "except in case of emergency,".

Amendment No. 3.

On page 1, line 5, of the printed bill, as amended, after the period, insert the following: "Such domestic worker or personal servant may elect either to be absent from employment one whole day or two half days in any one week".

Amendment No. 4.

On page 1, line 6, of the printed bill, as amended, after the word "domestic", insert the following words: "worker or personal".

Amendment No. 5.

On page 1, line 7, of the printed bill, as amended, after the word "California", insert a comma and the following: "except in case of emergency,".

Amendment No. 6.

On page 1, line 10, of the printed bill, as amended, after the period, insert the following: "Such domestic worker or personal servant may elect either to be absent from employment one whole day or two half days in any one week."

Amendment No. 7.

On page 1, line 17, of the printed bill, as amended, after the word "domestic", insert the words "worker or personal".

Amendment No. 8.

On page 1, line 18, of the printed bill, as amended, after the word "act", insert a comma and the following: "except in case of emergency,".

Amendment No. 9.

On page 1, line 22, of the printed bill, as amended, after the word "domestic", insert the words "worker or personal".

Amendment No. 10.

On page 1, line 24, of the printed bill, as amended, after the word "week", and the comma, insert the following: "except in case of emergency."

Amendment No. 11.

On page 2, line 8, of the printed bill, as amended, after the word "registered", insert a comma and the following: "graduate or undergraduate", and after the words "practical nurses", insert quotation marks and the words: "or attendants".

Amendment No. 12.

On page 2, line 10, of the printed bill, as amended, strike out the word "society" and insert in lieu thereof the word "infirmary", and strike out the period, and insert in lieu thereof a comma and the following: "or to persons employed exclusively in the cure or management of children."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2035—An act to add a new section to the Civil Code, to be numbered section 2005, relative to the basis of figuring wages for a portion of a month and a portion of a week.

Bill read second time, and ordered on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 824—An act to amend sections 4041 8 and 4041 18 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 824 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Slater, Snyder, Swing, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 824 ordered transmitted to the Assembly.

Senate Bill No. 825—An act to amend the title and section 1 of an act entitled "An act to enable counties to purchase, lease, obtain, hold, improve and maintain land for the uses and purposes of public parks and boulevards," approved May 31, 1929, relating to public boulevards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 825 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 825 ordered transmitted to the Assembly.

Senate Bill No. 826—An act to amend sections 363a, 363s and 363bb of the Political Code, relating to the Department of Public Works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 826 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duell, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Slater, Snyder, Swing, Tickle, Waggy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 826 ordered transmitted to the Assembly.

Senate Bill No. 827—An act to amend section 2620 of the Political Code, relating to the width of highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 827 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duell, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Waggy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 827 ordered transmitted to the Assembly.

Senate Bill No. 34—An act to add section 903 to the Fish and Game Code, relating to nets.

Amendment from the Floor.

During third reading of Senate Bill No. 34, the following amendment, offered by Senator Snyder, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 3, and insert in lieu thereof the following: "903. In districts fifteen and seventeen trammel nets may be used between April 1st and September 30th."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Constitutional Amendment No. 15.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section 18 of Article XI thereof, relating to the incurring of indebtedness by political subdivisions.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its fifty-first regular session, commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending section 18 of Article XI thereof, to read as follows:

Sec. 18. No county, city, town, township, board of education or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, at which not less than fifty-five per cent of the qualified registered electors participate, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed 40 years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring

any indebtedness or liability be submitted at the same election and not less than 55 per cent of the qualified registered voters participate in said election, the same cast for and against such proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted; provided, further, that the City and County of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of 5 per cent per annum, for materials furnished to and work done for said city and county during the fourth year, fifth year, sixth year, seventh year, eighth year, ninth year, tenth year, eleventh year, twelfth year, thirteenth year, fourteenth year, fifteenth year, sixteenth year, seventeenth year, eighteenth year, nineteenth year, twentieth year, twenty-first year, twenty-second year, twenty-third, twenty-fourth and fiftieth fiscal years, and for unpaid claims, including the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of \$500,000 and that no statute of limitations shall apply in any manner to these claims; and provided, further, that the city of Vallejo, of Solano County, may pay its existing indebtedness incurred for the construction of its waterworks, whenever two-thirds of the electors thereof, voting at an election held for that purpose, shall so decide, and that no statute of limitations shall apply in any manner; provided, further, that the city of Vallejo shall pay all of its indebtedness incurred during the years 1914, 1915 and 1916 in excess of the income and revenue for said years, the amount to be paid in full of said indebtedness not to exceed in the aggregate the sum of \$800,000, whenever two-thirds of the voters thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions herebefore recited, shall be void. The City and County of San Francisco, the city of San Jose, and the town of Santa Clara may make provision for a sinking fund to pay the principal of any indebtedness incurred, or to be hereafter incurred by it, at any time or at a time after the incurring of such indebtedness, if at any time a portion of the principal of the time of maturity of such indebtedness, which shall not exceed 75 per cent from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void; and provided, further, that the county of Alameda may, upon the assent of two-thirds of the qualified electors thereof voting at an election, to be held for that purpose, incur a bonded indebtedness of not to exceed \$1,000,000, and the legislative authority of said county of Alameda shall cause such bonds to be issued and grant and turn over to the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California, March 22, 1916, the proceeds of said bonds for stock in said company or under such other terms and conditions as said legislative authority may determine; the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the City and County of San Francisco to celebrate the completion of the Panama Canal; said bonds, so issued, to be of such form and to be negotiable, registered and converted in such manner and amounts, and at such times not later than ten years from the date of their issue as the legislative authority of said county of Alameda shall determine; the interest on said bonds not to exceed 5 per centum per annum, and said bonds to be exempt from all taxes for State, county and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately upon such times or contingencies as said legislative body may determine to the treasurer of said Panama-Pacific International Exposition Company, upon demands of said treasurer of said exposition company, without the necessity of the approval of such demands by votes other than said legislative authority of Alameda County. The same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of said exposition company; and the legislative authority of said county of Alameda is hereby authorized and directed to levy a special tax on all taxable property in said county and to pay before the issue of said bonds to raise an amount to pay the interest on said bonds as the same become due, and to create a sinking fund to pay the principal thereof when the same shall become due.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 15 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difanci, Edwards, Fletcher, Gordon, Hays, Kough, King, McColl, McCormack, McGinness, Metzger, Moxon, Parkinson, Perry, Pierovich, Powers, Reinhold, Rich, Schwab, Seaman, Sewell, Slater, Snyder, Stow, Swing, Tickle, Wagdy, Williams, and Young. 32

NOES—Senators Garrison, Hulse, Jepsen, Knowland, McGovern, and Olson. 6

Senate Constitutional Amendment No. 15 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and twenty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Powers.

The Secretary was directed to call the roll, on the adoption of the motion to reconsider Senate Bill No. 1054, of the Senators who had not answered to their names.

Reconsideration Granted.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Garrison, Gordon, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, and Williams—26.

NOES—Senators Deuel, Edwards, Fletcher, Hays, King, Knowland, Metzger, Mixer, Olson, Rich, Snyder, and Wagy—12.

Senate Bill No. 1054 ordered on file for third reading.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator McCormack moved to reconsider the vote whereby Senate Bill No. 118 was passed.

Reconsideration Granted.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Senate Bill No. 118 ordered on file for third reading.

Assistant Secretary Carl A. Shipkey at the Desk.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 127, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 127—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the State and providing penalties for violation of the provisions hereof," approved May 31, 1921.

Bill read third time.

Amendments from the Floor.

During third reading of Senate Bill No. 127, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 11 and 12 and insert in lieu thereof the following: "for Company, includes corporations, companies, contractors,".

Amendment No. 2.

On page 2, line 42, of the printed bill, as amended, after "contractor", insert the following: ", social".

Amendment No. 3.

On page 2, line 44, of the printed bill, as amended, after "contributions", insert the following: "or expenditure".

Amendment No. 4.

On page 2, line 46, of the printed bill, as amended, after "prizes", insert the following: ", prizes".

Amendment No. 5.

On page 2, line 46, of the printed bill, as amended, after "party", insert the following: ", party, gathering".

Amendment No. 6.

On page 2, line 47, of the printed bill, as amended, strike out the period, and insert a comma and the following: ", and no candidate shall solicit any such contribution or expenditure in response to such solicitation."

Amendment No. 7.

On page 2, line 51, of the printed bill, as amended, strike out "member", and insert in lieu thereof the following: "member".

Amendment No. 8.

On page 3 of the printed bill, as amended, between lines 39 and 41, insert the following:

"(m) Radio broadcasting and other incidental necessary campaign expenses"

Amendment No. 9.

On page 4, lines 25 and 26, of the printed bill, as amended, strike out the comma, and strike out "within five days after qualifying as a candidate for any office."

Amendment No. 10.

On page 4, line 48, of the printed bill, as amended, after "he shall", insert the following: "either to the candidate himself or".

Amendment No. 11.

On page 5 of the printed bill, as amended, strike out line 2, and insert in lieu thereof the following:

"SEC. 11. Every committee and every candidate shall file two statements of their respective".

Amendment No. 12.

On page 5, line 12, of the printed bill, as amended, after "and", insert the following: "in excess".

Amendment No. 13.

On page 5, line 13, of the printed bill, as amended, strike out "or more".

Bill read, ordered to reprint, re-engrossment and on file for third reading.

Rush Order to Printer.

On motion of Senator Garrison, the Secretary was directed to issue a rush order for printing Senate Bill No. 127.

Special Order.

Senator Garrison moved that Senate Bill No. 127 be made a special order for Tuesday, April 23, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried, and such was the order.

Third Reading of Senate Bills—(Resumed).

Senate Joint Resolution No. 12.

Relative to memorializing the President and the Congress of the United States to enact H. R. 4688 which proposes to aid in the rehabilitation of employable blind persons in the United States and urging the Committee on Labor of the House of Representatives to expedite consideration favorable to said bill.

WHEREAS, During recent times there has been a great deal of public interest and discussion on the part of social and welfare organizations and individuals of the

necessity to enact immediate legislation for the purpose of rehabilitating employable blind persons in the United States; and

WHEREAS, The problem of the blind and the training thereof for fitness to find lucrative employment in the trades and professions has long challenged resourcefulness of agencies engaged in bettering the conditions of the blind; and

WHEREAS, On January 24, 1935, there was introduced in the House of Representatives by Jennings Randolph of West Virginia a bill known as H. R. 4688 which has as its purpose "to rehabilitate employable blind persons in the United States by permitting them to operate news stands in the Federal buildings, to find other suitable stand locations and to make a National survey of industries wherein blind persons can be employed, and to train, place and advise blind persons in such job"; and

WHEREAS, There is now no form of employment as suitable and as satisfactory for blind persons which enables such persons to approach a normal economic status as the operation of news stands in Federal buildings; and

WHEREAS, Federal and State agencies are now assisting which are capable of administering this humanitarian project; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That the President and Congress of the United States are respectfully urged to enact legislation proposed by H. R. 4688, and that the Committee on Labor of the House of Representatives is also urged to expedite consideration favorable to said bill; and be it further

Resolved. That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to the chairman of the Committee on Labor of the House of Representatives, and to each member of the Committee on Labor of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 12 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, Waggy, Williams, and Young—35.

NOES—None.

Senate Joint Resolution No. 12 ordered transmitted to the Assembly.

Senate Bill No. 64—An act to amend section 3818 of the Political Code, relating to segregation of property on the assessment rolls.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Waggy, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 64 ordered transmitted to the Assembly.

Senate Bill No. 361—An act to add a new section to the Code of Civil Procedure, to be numbered 675b, relating to the discharge of a bankrupt from judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 361 passed by the following vote:

AYES: Senators Biggar, Crittenden, Deuel, Difant, Duval, Fletcher, Garrison, Hays, Hulse, Jorgensen, Keough, King, Knowland, McCall, McCracken, McGuire, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Prosser, Ransdorfer, Schottky, Scollan, Seawell, Slater, Snyder, Snow, Swang, Tuckie, and Williams—44.
 NOES: None.

Title read and approved.

Senate Bill No. 361 ordered transmitted to the Assembly.

Reference of Senate Bill No. 371.

Senator Deuel moved that Senate Bill No. 371 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

Motion to Reconsider.

Pursuant to his motion given on the previous legislative day, consideration of which was deferred, Senator Olson moved to reconsider the vote whereby Senator Difant's amendment to Senate Bill No. 121 was adopted.

The question being on the motion to reconsider the vote whereby Senator Difant's amendment to Senate Bill No. 121 was adopted.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jorgensen, Keough, King, Knowland, McCracken, McGuire, Metzger, Mixter, Olson, Parkman, Perry, Prosser, Ransdorfer, Rusk, Schottky, Scollan, Seawell, Slater, Snyder, Snow, Swang, Tuckie, Wagy, Williams, and Young—36.

The Secretary announced the absentees.

Time, twelve o'clock and twenty-five minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 5—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax:

Also: Senate Bill No. 122—An act to amend sections 156, 159, and 160 of the Vehicle Code, relating to registration of vehicles;

Also: Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 4, 6, 7, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the

sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit-forming, narcotic and other dangerous drugs and substances;

Also: Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923, relating to the doing of public work by day's labor or force account;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 418—An act to add a new section to the Political Code to be numbered 3663c, relating to the correction of errors by the State Board of Equalization in assessments made by said board;

Also: Senate Bill No. 420—An act to amend section 44 of the Vehicle Code, relating to emergency vehicles;

Also: Senate Bill No. 423—An act to provide for the sale and conveyance of certain swamp and overflowed, salt marsh and tidelands lying in the county of Contra Costa, State of California;

Also: Senate Bill No. 470—An act to amend and revise Chapter 9, comprising sections 10810 to 10940, inclusive, of Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment;

Also: Senate Bill No. 566—An act to provide means for making applicable to judges of the superior courts the provisions of section 26 of Article VI of the Constitution of this State, relating to the method of selecting judges;

Also: Senate Bill No. 1080—An act to add section 798.7 to the Fish and Game Code, relating to abalones;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 189—An act to validate the organization and existence of municipal water districts;

Also: Senate Bill No. 198—An act to validate the organization and existence of county water districts;

Also: Senate Bill No. 199—An act confirming and validating the formation or organization and existence of irrigation districts, and declaring the urgency thereof;

Also: Senate Bill No. 200—An act to legalize bonds heretofore issued and sold or to be issued and sold by port districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such port districts voting upon the question of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 201—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 202—An act to legalize revenue bonds heretofore issued or sold or to be issued and sold by port districts, and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 1046—An act validating the formation, organization and existence of the "Orange County Water District," and the election of its directors;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1935, at eleven o'clock and forty-five minutes a.m.
METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 282—An act to amend section 16424 of the Weights and Measures Act, relating to sellers of weights and measures in counties of the twenty-fourth class;

Also: Senate Bill No. 230—An act to add sections 762, 763 and 764 to, and to repeal sections 789, 790 and 791 of, the Probate Code, relating to sales of property;

Also: Senate Bill No. 377—An act to validate the organization and existence of regional park districts;

Also: Senate Bill No. 450—An act to amend section 4030 of the Political Code, relating to vacancies in county boards of supervisors;

Also: Senate Bill No. 519—An act to repeal: An act to regulate the business of selling live stock at public auction and requiring live stock auctioneers to obtain a license and to execute a bond to the State of California, and providing penalties for violation of this act, and repealing acts in conflict herewith, approved June 1, 1921;

Also: Senate Bill No. 227—An act prohibiting the use of certain games except by blind persons, providing protection against accidents to such persons, and providing penalties for violation hereof;

Also: Senate Bill No. 280—An act validating the formation and existence of certain harbor districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by such districts and authorizing the levy and collection of taxes sufficient to pay the principal and interest thereof. And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1935, at eleven o'clock and forty-five minutes a.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 182—An act to legalize bonds heretofore issued and sold, or to be issued or sold, by counties or cities and counties where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such counties or cities and counties voting upon the proposition of incurring such indebtedness, and providing for a levy of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 183—An act to validate bonds of flood control districts, including refunding bonds, and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 184—An act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof, within municipal corporations;

Also: Senate Bill No. 185—An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same;

Also: Senate Bill No. 186—An act to validate bonds, including refunding bonds, of sanitary districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest of such bonds;

Also: Senate Bill No. 188—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any municipal water district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1935, at eleven o'clock and forty-five minutes a.m.

METZGER, Chairman.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 566—An act to provide means for making applicable to judges of the superior courts the provisions of section 26 of Article VI of the Constitution of this State, relating to the method of selecting judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 566 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGinn-

ness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 566 ordered transmitted to the Assembly.

Senate Bill No. 1080—An act to add section 798.7 to the Fish and Game Code, relating to abalones.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1080 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 1080 ordered transmitted to the Assembly.

Senate Bill No. 122—An act to amend sections 156, 159, and 160 of the Vehicle Code, relating to registration of state-owned vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 122 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 122 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and fifty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Garrison.

The Secretary was directed to call the roll, on adoption of the motion to reconsider Senator Difani's amendment to Senate Bill No. 121, of the Senators who had not answered to their names.

Reconsideration Granted.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Jespersen, King, McColl, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, and Wagy—21.

NOES—Senators Deuel, Difani, Duval, Edwards, Hays, Hulse, Keough, Knowland, McCormack, Mixter, Parkman, Reindollar, Snyder, Stow, Swing, Tickle, Williams, and Young—18.

Further Consideration Deferred.

On motion of Senator Fletcher, further reconsideration was deferred until after the consideration of the special order set for two o'clock and thirty minutes p.m.

Recess.

On motion of Senator Rich, at one o'clock p.m., the President of the Senate declared recess until two o'clock and thirty minutes p.m.

Reconvened.

At two o'clock and thirty minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Reindollar:

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT. In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 19x23 of the Juvenile Court Law, relating to the production officer.

Respectfully submitted,

SENATOR REINDOLLAR

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Oil Industries.

SENATE CHAMBER, SACRAMENTO, April 17, 1935.

MR. PRESIDENT. Your Committee on Oil Industries, to which was referred the following Senate resolution offered by Senator Dwyer:

Resolution.

WHEREAS, It has been ascertained and is common knowledge that one of the largest and most valuable oil and gas pools in the State of California occupies the rangelands belonging to the State in the vicinity of Huntington Beach, in Orange County; and

WHEREAS, It is commonly reported and claimed that a corporation known as The Standard Oil Company of California has taken many millions of barrels of oil and many billions of cubic feet of gas from said pool, aggregating in value many millions of dollars belonging to the State of California, without any legal right thereto and without payment to the State therefor; and

WHEREAS, It is reported that the Director of Finance and the Chief of the Division of State Lands in the Department of Finance in the State are negotiating a settlement of the State's claim against said corporation in the premises for a comparatively few thousand dollars, as a full settlement and discharge of said claim; and

WHEREAS, There are a number of bills now pending in the Legislature relating directly or indirectly to this great oil and gas resource of the State, in the consideration of which the Legislature should have before it all of the facts relating to the State's interest therein and its right to the oil and gas, and the proceeds thereof, taken from said resource by said corporation and any and all other corporations and individuals, and full information in regard to any pending proceedings and proposed settlements with reference thereto; now, therefore, be it

Resolved by the Senate of the State of California. That a special committee of five (5) Senators be appointed by the President of the Senate to make a full and complete investigation of all operations and proceedings, past and present, of The Standard Oil Company of California and any and all other persons, firms, associations or corporations in connection with the abstraction of oil and gas from rangelands belonging to the State and all actions of the Department of Finance and of the Attorney General with respect thereto, and all and singular the facts, information and data as to the amount of oil and gas, if any, taken from rangelands belonging to the State in the vicinity of the city of Huntington Beach, county of Orange, State of California, and the market value of such oil and gas as of the time of its production, and of any and all proceedings taken in respect thereto by the Department of Finance and the Attorney General, and the circumstances, terms and conditions of

any proposed settlement by the Department of Finance, or any division thereof, of the claims of the State of California with reference thereto, and into such additional facts and circumstances as said committee may deem proper to enable the Legislature to fully protect the rights of the State in the premises and in the oil and gas underlying tidelands and other lands belonging to the State; and be it further

Resolved, That said special committee is hereby authorized to hold public meetings at any place in the State of California; and be it further

Resolved, That said special committee in making said investigation is hereby authorized and empowered to require the production of books, agreements, documents and papers of every kind and description; to issue subpoenas to compel the attendance of witnesses and the production of testimony, and to do any and all things necessary to make a full and complete investigation of the matters herein mentioned. Each member of said special committee is hereby authorized to administer oaths, and all of the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code, relative to the attendance and assembly of witnesses before the Legislature and committees thereof, shall apply to said special committee. Said committee is authorized to sit during the present session of the Legislature and during any recess or adjournment thereof, and to report back to the Senate with recommendations during the present or any future session of the Legislature; and be it further

Resolved, That the sum of twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary for the purpose of defraying the expenses of the committee and the cost of this investigation, is hereby made available and appropriated out of the contingent fund of the Senate, and the State Controller is authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of the committee, and the State Treasurer is hereby authorized and directed to pay the same.

Has had the same under consideration and respectfully reports the same back with amendments, and recommends that the amendments be adopted, but makes no further recommendation as to final disposition of the resolution.

Committee membership—9; committee vote: Ayes—8; absent—1.

STOW, Chairman.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate resolution offered by Senator Olson were read and adopted:

Amendment No. 1.

Strike out all of the second paragraph of the printed bill, and insert the following:

"WHEREAS, It is commonly reported and claimed that many millions of barrels of oil and many billions of cubic feet of gas have been taken from said pool, aggregating in value many millions of dollars belonging to the State of California; and",

Amendment No. 2.

Strike out all of the third paragraph of the printed bill, and insert the following:

"WHEREAS, It is reported that the Director of Finance and the Chief of the Division of State Lands in the Department of Finance in the State are negotiating a settlement of the State's claim in the premises; and".

Amendment No. 3.

Strike out all of the fourth paragraph of the printed bill and insert the following:

"WHEREAS, There are a number of bills now pending in the Legislature relating directly or indirectly to this great oil and gas resource of the State, in the consideration of which the Legislature should have before it all of the facts relating to the State's interest therein and its right to the oil and gas, and the proceeds thereof, and full information in regard to any pending proceedings and proposed settlements with reference thereto; now, therefore, be it".

Amendment No. 4.

Strike out all of paragraph five of the printed bill, and insert the following:

"*Resolved by the Senate of the State of California*, That a special committee of five (5) Senators be appointed by the President of the Senate to make a full and complete investigation of all operations and proceedings, past and present, of any and all persons, firms, associations or corporations in connection with the abstraction of oil and gas from tidelands belonging to the State and all actions of the Department of Finance and of the Attorney General with respect thereto, and all and singular the facts, information and data as to the amount of oil and gas, if any, taken from tidelands belonging to the State in the vicinity of the city of Huntington Beach, county of Orange, State of California, and the market value of such oil and gas as of the time of its production, and of any and all proceedings taken in

respect thereto by the Department of Finance and the Attorney General, and the circumstances, terms and conditions of any proposed settlement by the Department of Finance, or any division thereof, of the claims of the State of California with reference thereto, and into such additional facts and circumstances as said committee may deem proper to enable the Legislature to fully protect the rights of the State in the premises and in the oil and gas underlying tidelands and other lands belonging to the State; and be it further".

Motion to Suspend Rule No. 15.

Senator Olson moved to suspend Rule 15 of the Standing Rules of the Senate to allow consideration of his resolution without reference to Committee on Contingent Expenses.

The question being on the adoption of the motion to suspend the rules.

The roll was called, with the following result:

AYES—Senators Bigger, Crittenbush, Deane, DeLeon, Dorrel, Edwards, Florida, Garrison, Gordon, Hayes, Hulse, Jaspersen, Keough, Kunkin, McCall, McCann, McGovern, Metzger, Mixer, Olson, Poretsky, Renshaw, Rich, Semetky, Seidler, Sewell, Slater, Snyder, Swing, Wagy, Williams, and Young—32

NOES—Senators King, Powers, and Stewart—3

Rules Suspended.

Whereupon the President declared the provisions of Rule 15 of the Standing Rules of the Senate suspended for the purpose of considering, at this time, the resolution offered by Senator Olson.

Consideration of Resolution.

Senator Olson asked for, and was granted, unanimous consent for the consideration of his resolution as amended, without reference to print, for purpose of adoption.

Resolution.

By Senator Olson (as amended):

WHEREAS, It has been ascertained and is common knowledge that one of the largest and most valuable oil and gas pools in the State of California is on the tidelands belonging to the State in the vicinity of Huntington Beach, in Orange County; and

WHEREAS, It is commonly reported and claimed that many millions of barrels of oil and many billions of cubic feet of gas have been taken from said pool, aggregating in value many millions of dollars, belonging to the State of California; and

WHEREAS, It is reported that the Director of Finance and the Chief of the Division of State Lands in the Department of Finance and the State are negotiating a settlement of the State's claim in the premises; and

WHEREAS, There are a number of bills now pending in the Legislature relating directly or indirectly to this great oil and gas resource of the State in the consideration of which the Legislature should have before it all of the facts relating to the State's interest therein and its right to the oil and gas, and the proceeds thereof, and full information in regard to any pending proceedings and proposed settlements with reference thereto; now, therefore, be it

Resolved by the Senate of the State of California, That a special committee of five (5) Senators be appointed by the President of the Senate to make a full and complete investigation of all operations and proceedings, past and present, of any and all persons, firms, associations or corporations in connection with the absorption of oil and gas from tidelands belonging to the State and all actions of the Department of Finance and of the Attorney General with respect thereto, and all and singular the facts, information and data as to the amount of oil and gas, if any, taken from tidelands belonging to the State in the vicinity of the city of Huntington Beach, county of Orange, State of California, and the market value of such oil and gas as of the time of its production, and of any and all proceedings taken in respect thereto by the Department of Finance and the Attorney General, and the circumstances, terms and conditions of any proposed settlement by the Department of Finance, or any division thereof, of the claims of the State of California with reference thereto, and into such additional facts and circumstances as said committee may deem proper to enable the Legislature to fully protect the rights of the State in the premises and in the oil and gas underlying tidelands and other lands belonging to the State; and be it further

Resolved, That said special committee is hereby authorized to hold public meetings at any place in the State of California; and be it further

Resolved, That said special committee in making said investigation is hereby authorized and empowered to require the production of books, agreements, documents and papers of every kind and description; to issue subpoenas to compel the attendance of witnesses and the production of testimony, and to do any and all things necessary to make a full and complete investigation of the matters herein mentioned. Each member of said special committee is hereby authorized to administer oaths, and all of the provisions of Article VIII of Chapter II, Title I, Part III of the Political Code, relative to the attendance and assembly of witnesses before the Legislature and committees thereof, shall apply to said special committee. Said committee is authorized to sit during the present session of the Legislature and during any recess or adjournment thereof, and to report back to the Senate with recommendations during the present or any future session of the Legislature; and be it further

Resolved, That the sum of twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary for the purpose of defraying the expenses of the committee and the cost of this investigation, is hereby made available and appropriated out of the contingent fund of the Senate, and the State Controller is authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of the committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and on motion of Senator Olson, adopted.

Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Olson, chairman; Stow, Hays, Wagy and Edwards.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 1300, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Assembly Bill No. 1300—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the amendment of section 6.02 of said act as set forth

in section 5a of Chapter 431 of the Statutes of 1933; adding to said act new sections to be numbered 6.09 relating to delay in paying after thirty days, 8.10 relating to rate of return on shares and investment certificates, 9.18 relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, 10.01a relating to reserve or surplus accounts, 10.09 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal savings and loan association and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to vote for or approve such conversion, to exchange shares, stock, investment certificates or other rights or claims for shares issued by such Federal savings and loan association, and to continue to hold as a legal investment any shares so received; adding a new article to be numbered XVI to said act relating to the rehabilitation, readjustment, liquidation, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such Article XVI, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article XVI, to exchange shares, stock investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received, and declaring the urgency of this act and providing that it shall take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 1300, the following amendments, offered by Senator Duval, were read and adopted:

Amendment No. 1.

On page 14, line 37, of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

Amendment No. 2.

On page 18, line 49, of the printed bill, strike out the following: "and is feasible.", and insert in lieu thereof the following: "and is feasible, unless the commissioner is satisfied that the plan is fair and equitable and does not discriminate in favor of any class of investors, creditors or other persons affected thereby, and is feasible."

Further Amendment from the Floor.

During third reading of Assembly Bill No. 1300, the following amendment, offered by Senator Duval, was read and adopted:

Amendment No. 1.

On page 2, line 13 of the title of the printed bill, as amended, after "loans", insert a comma and the following: "15.16 relating to borrowers' mutual building and loan associations".

Further Amendments from the Floor.

During third reading of Assembly Bill No. 1300, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 2, line 16 of the title of the printed bill, as amended, after the words "said act new sections to be numbered", insert the following: "6.02a relating to withdrawals".

Amendment No. 2.

On page 3 of the printed bill, as amended, strike out all of line 6, and the following words in line 7: "provided in this section 4.01."

Amendment No. 3.

On page 3, line 16, of the printed bill, as amended, after the semicolon, strike out the words "and provided further, that with the prior consent", and strike out all of lines 17 to 23, both inclusive, and strike out the following words in line 34: "diminution in value of its assets".

Amendment No. 4.

On page 4, line 14, of the printed bill, as amended, strike out the word "reasonable", and following the word "reserves", insert the word "sufficient".

Amendment No. 5.

On page 4, lines 16 and 17, of the printed bill, as amended, strike out the words "or to furnish or equip its properties and".

Amendment No. 6.

On page 4, line 22, of the printed bill, as amended, strike out the words "agents, salesmen and other", and insert in lieu thereof the word "and".

Amendment No. 7.

On page 4, line 23, of the printed bill, as amended, strike out the words "usual and ordinary", and insert in lieu thereof the word "necessary".

Amendment No. 8.

On page 4, line 27, of the printed bill, as amended, after the word "stockholders", insert the following: "or shareholders whose participation in profits is not limited to six per cent per annum or less".

Amendment No. 9.

On page 4, lines 28 and 29, of the printed bill, as amended, strike out the words "except loans or investments pursuant to its obligations incurred before it became an association on notice, and".

Amendment No. 10.

On page 5 of the printed bill, as amended, strike out all of lines 7 to 18, both inclusive.

Amendment No. 11.

On page 5, line 26, of the printed bill, as amended, after the word "then", strike out all of the rest of the line; and strike out all of lines 27, 28, 29 and 30, and the words "payment of withdrawals", and the bracket and the word "and" in line 31; also, in line 31, strike out the words "the remainder", and insert in lieu thereof the words "free money".

Amendment No. 12.

On page 5, line 32, of the printed bill, as amended, strike out the word "withdrawals", and the period, and the words "The commissioner is", and strike out all of lines 33 to 42, both inclusive.

Amendment No. 13.

On page 5, line 49, of the printed bill, as amended, after the word "shares", insert the words "which are not entitled to dividends in excess of six per cent per annum".

Amendment No. 14.

On page 6, line 1, of the printed bill, as amended, at the beginning of the line, insert the words and figures: "Sec. 6.02a".

Amendment No. 14-a.

On pages 7 and 8 of the printed bill, as amended, strike out all of lines 49, 50, 51 and 52 on page 7, and all of lines 1 to 22, both inclusive, on page 8, and insert in lieu thereof the following:

"SEC. 3. The amendment to section 6.02 of the act cited in the title hereof, set forth in and provided by section 5a of Chapter 431 of the Statutes of 1933, approved May 16, 1933, shall not take effect until the expiration or termination of the emergency period defined in section 6.02a of this act."

Amendment No. 15.

On page 8, line 26, of the printed bill, as amended, strike out the words "Any association may at", and strike out all of lines 27 to 52, both inclusive, and on page 9, strike out all of lines 1 to 15, both inclusive, and commence the word "subject", at the beginning of line 16, with a capital letter.

Amendment No. 16.

On page 9, line 46, of the printed bill, as amended, strike out the words "but shall not apply to any", and strike out all of lines 47, 48, 49, 50 and 51, and insert in lieu thereof the following: "No investment certificates or shares shall be sold to or

purchased by the association by which the same was issued at a price or consideration greater than the price or consideration paid or given therefore by the seller and adjustments for accrued interest and accrued dividends, nor until the seller shall have made and filed with the commissioner an affidavit stating the time and place of purchase, the party from whom the purchase was made and the price or consideration actually paid, therefore, by the seller."

Amendment No. 17.

On page 10, line 1, of the printed bill, as amended, strike out lines 1 and 2.

Amendment No. 18.

On page 10, line 17, of the printed bill, as amended, after the word "that", insert the following: "No dividends shall be paid or declared on stock either before or after such period until the full amount of unpaid interest provided for in investment certificates or certificates evidencing shares or in any agreement or certificate, shall have been paid"; and strike out all of the rest of line 17, and all of lines 18 to 32, both inclusive.

Amendment No. 19.

On page 11 of the printed bill, as amended, strike out all of lines 1 to 18, both inclusive.

Amendment No. 20.

On page 11 of the printed bill, as amended, strike out all of lines 37 to 52, both inclusive.

Amendment No. 21.

On page 12 of the printed bill, as amended, strike out lines 1, 2 and 3.

Amendment No. 22.

On page 12, line 11, of the printed bill, as amended, after the word "shares", insert the words "and interest on investment certificates".

Amendment No. 23.

On page 12, line 14, of the printed bill, as amended, after the word "shares", insert the words "and the payment of all interest accumulated on investment certificates".

Amendment No. 24.

On page 12, line 13, of the printed bill, as amended, after the word "after", insert the following: "the payment of interest on investment certificates and".

Amendment No. 25.

On page 12, line 20, of the printed bill, as amended, after the word and figures "Sec. 8.10", strike out all of the rest of line 20 and strike out all of lines 21 to 50, both inclusive, and insert in lieu thereof the following: "No association, which has not converted itself into a Federal loan and savings association as provided for in section 12.41, shall issue any new or additional shares or investment certificates".

Amendment No. 26.

On page 13 of the printed bill, as amended, strike out all of lines 1 to 6, both inclusive.

Amendment No. 27.

On page 15, line 18, of the printed bill, as amended, strike out the words "and no provision of this act prescribing or".

Amendment No. 28.

On page 15, line 19, of the printed bill, as amended, strike out the words "limiting interest rates upon loans or advances of credit".

Amendment No. 29.

On page 15 of the printed bill, as amended, strike out all of lines 24 to 45, both inclusive.

Amendment No. 30.

On page 15, line 49, of the printed bill, as amended, after the word "may", insert the following: "and shall, upon the written request of any investor or investors of one thousand dollars, or more".

Amendment No. 31.

On page 18, line 12, of the printed bill, as amended, after the word "reorganization", and the comma, insert the word "liquidation".

Amendment No. 32.

On page 18, line 17, of the printed bill, as amended, at the beginning of the line, insert the words "or liquidation".

Amendment No. 33.

On page 18, line 45, of the printed bill, as amended, after the figure 3 in brackets, strike out the rest of the line, and all of lines 46, 47 and the words

"ates of such association or associations." on line 48 and insert the following: "by the holders of twenty per cent in amount of the outstanding shares or by the holders of twenty per cent in amount of the outstanding investment certificates."

Amendment No. 34.

On page 18, line 29, of the printed bill, as amended, strike out the words "another corporation or two or", and strike out all of lines 30 and 31, and strike out the words "tions or", at the beginning of line 32; and strike out the bracket at the end of the word "tions", in line 33.

Amendment No. 35.

On page 18, line 49, of the printed bill, as amended, after the words "approved by the", strike out the word "com", and the hyphen, and the words "and is feasible", and insert in lieu thereof the following: "commissioner unless such plan is fair and equitable and does not discriminate in favor of any class of investors, creditors or other persons affected thereby".

Amendment No. 36.

On page 25, line 9, of the printed bill, as amended, after the word "records", and the period, strike out the rest of the line, and strike out lines 10 to 46, both inclusive, and insert the following: "Any investment certificate holder or share holder shall have the right to inspect the stock records, the register of certificate holders, the books of account, files and minutes of proceedings of the stockholders and directors of such association and to make lists and extracts therefrom and upon a petition to the court for an order directing an association to permit such inspection, and the court, upon being satisfied (upon sworn testimony or affidavit and upon such notice to any such association as the court may direct) that the purpose of the petitioner is reasonably related to his interest in such association, shall make an order permitting such inspection upon such terms and conditions as the court may deem proper under the circumstances, and if the court deems it necessary for the protection of all interests in the association it may place in such order, limitations and restrictions upon the use of the information required by the inspection order, and any violation of such limitation or restriction, may, in the discretion of the court, be adjudged to have been committed in contempt of court and punished accordingly."

Amendment No. 37.

On page 26 of the printed bill, as amended, strike out all of lines 15 to 44, both inclusive, and insert in lieu thereof the following:

"Sec. 6.09. Delay in Paying After Thirty Days. Irrespective of any other provision of law in this act or elsewhere, whenever an association shall have been on notice or on a pro rata basis for a period of thirty days, the commissioner may in his discretion forthwith or at any time thereafter take possession of the property, business and assets of such association and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him, or until such association shall have been reorganized as elsewhere in this act provided, or until such association may otherwise be allowed to resume business upon such conditions as may be approved by the commissioner. The right of the commissioner to take possession under this section is not exclusive, but is additional to his right to take possession under each and every other provision of this act. This section shall be in effect only during the emergency period, which term is hereby defined to mean the period commencing with the effective date of this section 6.09, and ending February 1, 1937."

Amendment No. 38.

On page 26 of the printed bill, as amended, strike out lines 45 to 52, both inclusive.

Amendment No. 39.

On page 27 of the printed bill, as amended, strike out lines 1 to 4, both inclusive, and renumber the following sections of the act.

On motion of Senator Olson, his amendments to Assembly Bill No. 1300 were ordered printed in the Journal before being considered by the Senate.

Bill read, ordered to reprint, and on file for third reading.

Rush Order to Printer.

On motion of Senator Duval, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1300.

Special Order.

Senator Duval moved that Assembly Bill No. 1490 be made a special order for Tuesday, April 23, 1935, at two o'clock and thirty minutes p.m.

Motion carried, and such was the order.

Motion to Reconsider.**Reconsideration Granted.**

Pursuant to the motion given on a previous legislative day, said motion having been deferred, Senator Fletcher moved to reconsider the vote whereby his amendments to Senate Bill No. 121 were adopted.

Motion carried.

Re-reference of Senate Bill No. 121.

Senator Denel moved that Senate Bill No. 121 be referred to Committee on Municipal Corporations.

Motion carried, and such was the order.

Assistant Secretary Carl A. Shipkey at the Desk.**Consideration of Daily File.****Third Reading of Assembly Bills.**

Assembly Bill No. 1652—An act to amend the Vehicle Code by amending sections 195, 196, 197, 198, and 280, relating to vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1652 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, DeFani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, Knowland, McCormack, McGovern, McGinness, Metzger, Olson, Pennington, Perry, Pienovich, Reindollar, Rich, Schmitke, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1652 ordered transmitted to the Assembly.

Assembly Bill No. 1653—An act to amend the Vehicle Code by amending sections 320 and 488, relating to vehicles and records to be kept by the Department of Motor Vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1653 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, DeFani, Edwards, Fletcher, Gordon, Hays, Hulse, King, Knowland, McCormack, McGovern, McGinness, Metzger, Pennington, Perry, Pienovich, Reindollar, Rich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1653 ordered transmitted to the Assembly.

Assembly Bill No. 1655—An act to amend the Vehicle Code by amending section 134; by adding sections 131, 136, and 681, relating to vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1655 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Pierovich, Powers, Reindollar, Rich, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1655 ordered transmitted to the Assembly.

Assembly Bill No. 2387—An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Long Beach upon certain trusts and conditions," approved April 28, 1925, relating to the use of such tidelands and submerged lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2387 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Knowland, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schotky, Seollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2387 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills.

By Senator Olson: Senate Joint Resolution No. 15—Relative to the use by the President of the United States of unemployment relief funds in aid of producer and consumer cooperative organizations.

Consideration of Senate Joint Resolution No. 15.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 15, without reference to committee.

Resolution ordered to print, and on file.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Biggar to introduce a bill entitled:

An act to amend section 781, and to add four new sections, to be numbered 10146 to 10149, inclusive, to Article 3 of Chapter 1 of Part 2 of Division 2, of the Insurance Code, relating to insurance policies, has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.
KNOWLAND.
TICKLE.
SLATER.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, DeFaria, Dryal, Fletcher, Garrison, Gordon, Hays, King, Knobloch, McColl, McCrumb, McGowan, McGowan, Metzger, Olson, Perry, Pierovich, Powers, Reardon, Rich, Schaffay, Seelye, Sewell, Slater, Snyder, Stow, Swing, Tickle, Wags, Williams and Young—35.
NOES—None.

Introduction, First Reading and Reference of Bills—(Resumed).

By Senator Biggar, Senate Bill No. 1088—An act to amend section 781, and to add four new sections, to be numbered 10146 to 10149, inclusive, to Article 3 of Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to insurance policies.

Bill read first time, and referred to Committee on Insurance.

By Senator Garrison, Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California, an amendment of Article IV of the Constitution of the State by adding section 14a thereto, relating to confirmations of Governor's appointments.

Senate Constitutional Amendment No. 23 referred to Committee on Constitutional Amendments.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 4, 6, 7, 10e, 11 and 15 of, and to add sections 115, 116 and 18 to, "An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances and prevailing penalties for the violation thereof," approved May 4, 1929, relating to habit forming, narcotic and other dangerous drugs and substances.

Amendments from the Floor.

During third reading of Senate Bill No. 229, the following amendments, offered by Senator Young, were read and adopted:

Amendment No. 1.

On page 8, line 49, of the printed bill, as amended, strike out " provided, however, that", and insert in lieu thereof a period and the following "However".

Amendment No. 2.

On page 9, line 4, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "; but no person claiming a lien pursuant to Chapter 1 of Division VIII of the Vehicle Code need prove that his right, title, or interest was created after any investigation of the moral responsibility, character and reputation of the owner, purchaser, or person in possession of the vehicle when it was brought to the claimant."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes.

Amendment from the Floor.

During third reading of Assembly Bill No. 81, the following amendment, offered by Senator Seollan, was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after the comma after "State", insert the following: "or any employee of the United States Government, who shall buy any motor vehicle fuel and use the same exclusively in the transportation of rural free delivery mail".

Further Amendment from the Floor.

During third reading of Assembly Bill No. 81, the following amendment, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after "State," insert the following: "or any employee of the United States Government, who shall buy any motor vehicle fuel and use the same exclusively in the transportation of rural free delivery mail or special delivery mail, or both,".

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 5—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax.

Amendment from the Floor.

During third reading of Senate Bill No. 5, the following amendment, offered by Senator Duval, was read and adopted:

Amendment No. 1.

Strike out the lines 12 to 14, inclusive, and insert in lieu thereof the following: "Excludes any person engaged in husbandry who occasionally transports property for neighboring farmers, compensation for which is in exchange for like services, labor or other services or things of value other than money or where the compensation received is in the form of money, the amount of which for any one haul is not in excess of one hundred dollars."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 614—An act to amend section 1680 of the Streets and Highways Code, relating to extending county aid to cities;

Also: Assembly Bill No. 1055—An act to amend section 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies;

Also: Assembly Bill No. 1150—An act to amend section 4 of an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor,";

Also: Assembly Bill No. 1205—An act to add a new part to Division II of the School Code to be known as Part VI, relating to the formation, government, support, control, functions, maintenance, and administration of unified school districts created from elementary and high school districts, and of elementary, high school and junior college districts having coterminous boundaries and governing boards of identical personnel.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 614 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1055 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1150 read first time, and referred to Committee on Elections.

Assembly Bill No. 1205 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1213—An act to amend section 106 of an act entitled "An act to regulate the practice of optometry, to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Also: Assembly Bill No. 1702—An act to amend section 788 of the Agricultural Code, relating to contractors.

Also: Assembly Bill No. 1755—An act to amend sections 1468, 1467, 1468 and 1469 of the Penal Code, and to repeal sections 1468 and 1470 of the Penal Code, all relating to appeals to the superior court in criminal cases.

Also: Assembly Bill No. 1756—An act to add four new sections, to be numbered 1000a and 1000b to Chapter 114 of Title XIV of Part IV of the Code of Civil Procedure, relating to admissions.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DRECH, Assistant Clerk.

Assembly Bill No. 1213 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1702 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bills Nos. 1755 and 1756 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 28—Approving certain amendments to the charter of the city of Bakersfield, county of Kern, State of California, voted for and ratified by the electors of said city of Bakersfield at a special election held therein on the twentieth day of March, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DRECH, Assistant Clerk.

Senate Concurrent Resolution No. 28 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 18, 1935, concurred in Senate amendments to Assembly Bill No. 1220—An act to amend sections 5466 and 4941 1/2 and to repeal section 4384 of the Political Code, relating to the licensing of businesses by the counties.

Also: Assembly Bill No. 242—An act to add a new section to be numbered section 28a to an act entitled "An act to provide for water in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the use thereof, and providing a method for the payment of such bonds," approved April 7, 1911, relating to assessments and bonds.

Also: Assembly Bill No. 1064—An act authorizing municipalities to afford special assessment relief by the appropriation of money for the reduction of special assessments and the payments on bonds issued to represent such assessments, and by the payment of any portion of the principal or interest of, or by the purchase or redemption at a discount of, or by the transfer to the interest and sinking fund for the discharge and payment of bonds, the proceeds of which have been used for the acquisition of rights of way or easements for, or for the construction, maintenance, improvement or repair of streets, bridges and culverts within such cities, and providing a method for the making of such appropriations.

Also: Assembly Bill No. 1721—An act to amend sections 859 and 860 of the Penal Code, relating to the examination of a case before a magistrate, and to add section 859a of the Penal Code, relating to a plea of guilty to the complaint before a magistrate.

Also: Assembly Bill No. 2174—An act to confirm, ratify and make valid ordinances heretofore passed by the city council or the people of any incorporated

city creating a civil service commission and placing employees of the city under control of said civil service commission.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 31—Relative to approving an amendment to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the thirtieth of March, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 31.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 31, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 31—Approving an amendment to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the thirtieth day of March, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 31 adopted by the following vote:

AYES—Senators Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, King, Knowland, McColl, McGuinness, Metzger, Mixter, Olson, Perry, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Young—25.

NOES—None.

Assembly Concurrent Resolution No. 31 ordered transmitted to the Assembly.

Notice of Motion to Reconsider.

Senator Hays gave notice that on the next legislative day he would move to reconsider the vote by which the amendments offered by Senators Scollan and Knowland to Assembly Bill No. 81 were adopted.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Education.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 1083—An act to add new sections to the School Code to be numbered 6.205 and 6.225, relating to the sale or leasing of school property:

Also: Assembly Bill No. 765—An act to amend section 3.172 of the School Code, relating to beginning classes of elementary schools;

Also: Assembly Bill No. 851—An act to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, relating to sinking funds in school districts for the replacement, reconstruction or alteration of buildings;

Also: Assembly Bill No. 928—An act to amend sections 4.280b and 4.281b of the School Code, relating to revolving funds of school districts for warehouse stock;

Also: Assembly Bill No. 1880—An act to amend sections 5.930 and 5.931 of the School Code, both relating to balances due deceased recipients of annuities from the public school teachers' retirement salary fund;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 231—An act to amend section 3.3 of the School Code, relating to separate schools for children of aliens.

Also: Senate Bill No. 569—An act to amend section 2.802 of the School Code, relating to judgments against school districts.

Also: Senate Bill No. 663—An act to add a new section to the School Code to be numbered 1.91, relating to the transportation of pupils in school buses and other motor vehicles.

Also: Assembly Bill No. 314—An act to amend sections 2.203 and 2.204 of the School Code, relating to the formation of joint elementary school districts.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—10, absent—5.

JESTERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 57—An act to repeal sections 2.879 and 2.880 of the School Code and to add thereto sections 2.879 and 2.880, relating to charter school trustees.

Also: Assembly Bill No. 189—An act to add a new section to the School Code to be numbered 4.191, relating to the training under the minimum requirements laws of this State of persons employed by county superintendents of schools to supervise or to give instruction in the public schools.

Also: Assembly Bill No. 295—An act to amend section 2.213 of the School Code, relating to teachers' attendance reports.

Also: Assembly Bill No. 298—An act to amend section 4.708, relating to reports of attendance in joint elementary school districts.

Also: Assembly Bill No. 414—An act to amend section 2.123 of the School Code, relating to the providing of instruction and transportation by transit arrangements of schools for elementary pupils.

Also: Assembly Bill No. 736—An act to amend section 2.481 of the School Code, relating to the transfer of an elementary school district from one high school district to another.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—10, absent—5.

JESTERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 232—An act to amend section 2.193 of the School Code, relating to the qualifications of county, city and district superintendents of schools, and deputy and assistant county, city and district superintendents of schools.

Also: Assembly Bill No. 930—An act to amend section 4.269 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

Also: Assembly Bill No. 1343—An act to repeal sections 2.21, 3.174, 3.301, 3.302, 3.303, 3.308, 3.309, 3.415 and 3.416 of the School Code, to add to Part I of Division II of the said code a new chapter to be known as Chapter VIII, and to add to said code a new section to be numbered 3.306, all relating to the attendance of pupils upon the public schools.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—10, absent—5.

JESTERSEN, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 550—An act to provide for the cooperation of State, towns and agencies, and stockmen's associations with the Federal Government in relation to grazing lands, and for the disposition of money received from the Federal Government in relation thereto.

Also: Senate Bill No. 546—An act to amend sections 1104, 1108, 1143, 1144, 1146 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products, and to make an appropriation.

Also: Assembly Bill No. 363—An act to amend section 1072 of the Agricultural Code, relating to economic poisons.

Also: Assembly Bill No. 463—An act to amend section 805 of the Agricultural Code, relating to persimmons;

Also: Assembly Bill No. 1244—An act to amend section 792 of the Agricultural Code, relating to avocados;

Also: Assembly Bill No. 368—An act to amend section 34 of the Agricultural Code, relating to cooperative agreements for the purpose of enforcing provisions relating to standardization;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—8; absent 7.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 105—An act to amend section 1092 of the Agricultural Code, relating to a tax upon commercial feeding stuffs;

Also: Senate Bill No. 445—An act making an appropriation to be expended in carrying out the provisions of the Bovine Tuberculosis Law;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass, and that they be referred to the Committee on Finance.

Committee membership—15; committee vote: Ayes—8; absent—7.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products;

Also: Senate Bill No. 1007—An act to amend the Agricultural Code, by adding thereto four sections to be numbered 996, 997, 998 and 999, relating to the control of Capri fig trees and the elimination of endosepsis and authorizing the director to accept donations for the enforcement of the provisions of said sections;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—15; committee vote: Ayes—8; absent—7.

CRITTENDEN, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, April 19, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 297—An act to add a new section to an act entitled, An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act, approved June 16, 1913, as amended;

Also: Senate Bill No. 1067—An act to amend sections 5 and 24 of Chapter 690, Statutes of 1913, entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

POWERS, Chairman.

On Unemployment.

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Senate Bill No. 12—An act to amend sections 2, 3, 6, 10, 14, 15 and 21 and to repeal sections 5, 9, and 18½ of the Old Age Security Act of the State of California,

relating to aid to the aged, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—11; committee vote: Ayes—6

(Signed out)

SEAWELL, Chairman.
GARRISON
JENSENSEN.
KLOUGH
REINHOLLAR
WAGY

Special Order.

Senator Williams moved that Assembly Bill No. 990 be made a special order for Tuesday, April 23, 1935, following the special order previously set for two o'clock and thirty minutes p.m.

Motion carried.

Adjournment.

On motion of Senator Rich, at four o'clock and twenty-five minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Tuesday, April 23, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Tuesday, April 23, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Kough, Knowland, McCell, McCormack, McGowan, Mulligan, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reinhold, Ross, Sharkey, Seelman, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, April 22, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for this day.

Senator Jespersen was, on motion of Senator Gordon, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Hon. George J. Hatfield, President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. P. Stanton and Victor J. Canepa, former supervisors of San Francisco County.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. Abram Lee Van Meter of Stockton, Mrs. George E. McLeod of Stockton, and Mrs. Florence Gilbert of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Katherine Hansen, teacher of Monte Vista School, Turlock, and the following eighth grade pupils: Adeline Suetta, John Macelo, Will Lopes, Joe Gomes, Thurmon Owen and Monte Hansen.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marie C. Jacobs of Sonora.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to teachers and pupils of the Woods School, Woodbridge: Mrs. Mabel Richie, teacher, and the following pupils of the seventh grade: Laura Savio, Ross May, Bernice Jacinto, Jane Englehorn, Patty Hanson, Irene Manna, Mary Bigotta, Elsie McQueen, Elvera Giorgi, Marie Wagenman, Matsuto Mikami, Oliver Lee and Lois Williams, and Mrs. Erma B. Reese, teacher, and the following pupils of the eighth grade: Geraldine Lange, Tamujo Fujinaka, Esther Batch, Lena Giorgi, Bonnie Welsh, Enid Welsh, Mary McMahon, Misao Ashima, Andrew Papageorge, Harold Lange, Vernon Koenig, Francis Bender and Frank Jacinto.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joe Michell, principal of the Williams Union Grammar School, and the following pupils: Grover Gillett, Glen Manor, Edward West, Jack Turnley, Garnet Vann, Page Commons, Clifford Wakefield, Lloyd Landrus, Billy Thomas, True Thompson, Carol Higgins, Alice Bradshaw, Norma Chatfield, Alice Clayton, Frances Dutil, Julia Egbert, Marjorie Hildreth, Mary Merithew, Mildred Nordyke, Norma Rice, Shirley Silva, Marie Hunt, and P. G. Northey.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2205—An act to add section 599.5 to the Vehicle Code, relating to unlawful displays on vehicles;

Also: Assembly Bill No. 2299—An act to add section 428.5 to the Vehicle Code, relating to the sale of vehicles by a lienholder;

Also: Assembly Bill No. 2302—An act to amend section 439 of the Vehicle Code, relating to reports of vehicles known to have been unlawfully stored.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 2205, 2299 and 2302 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1487—An act to establish the line of ordinary high tide in and for a part of Newport Bay in the city of Newport Beach, Orange County, California, and to establish and declare that the land adjacent to said line was upland on and prior to May 25, 1919, and was not tidelands or submerged lands on said date, but was situated above the line of mean high tide of the Pacific Ocean on said date;

Also: Assembly Bill No. 1760—An act to amend sections 146 and 216 of the Vehicle Code, relating to the registration of vehicles of nonresidents.

Also: Assembly Bill No. 1883—An act to amend section 472a of the Political Code, relating to the defense of State officers and employees;

Also: Assembly Bill No. 1896—An act to add a new section to the Political Code, to be numbered section 1143, relating to boards of election.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1487 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 1760 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1883 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1896 read first time, and referred to Committee on Elections.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 697—An act to amend section 422 of the Probate Code, relating to the right of certain persons to appointment as administrators;

Also: Assembly Bill No. 1056—An act to amend section 200 of the Code of Civil Procedure, relating to exemptions from jury duty.

Also: Assembly Bill No. 1129—An act amending section 3897 of the Political Code, relating to the procedure for the sale of property decedent to the State in payment of delinquent taxes, if not otherwise disposed of under section 3897a or section 3897b of the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1141—An act to add section 11a to and to amend section 23 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts; their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 697 and 1056 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1129 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1141 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 400—An act to amend section 4293 of the Political Code, relating to the disposition of county and township officers' fee records;

Also: Assembly Bill No. 457—An act to amend sections 10 and 17 of, and to add sections 3a, 5a, 18a and 21a to, the Improvement Act of 1911, relating to an alternative procedure for the doing of work under said act by receiving contributions of labor, materials or equipment from the United States Government or other governmental agencies, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 485—An act to add section 3900a to the Political Code, relating to taxation, including motor vehicle fuel license tax delinquencies, penalties and costs, payment thereof in installments and declaring the urgency thereof, to take effect immediately;

Also: Assembly Bill No. 490—An act to amend section 1357 of the Political Code, relating to absent voters.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 400 read first time, and referred to Committee on County Government.

Assembly Bill No. 457 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 485 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 490 read first time, and referred to Committee on Elections.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 59—An act to add section 5.5 to an act entitled "An act to provide for the formation, powers, government, operation, and dissolution of garbage disposal districts to facilitate the disposal of garbage and other refuse matter, and annexation thereto, and to provide for the assessment, levy, collection and disbursement of taxes therein," approved April 20, 1927, relating to contracts for collection and disposal of garbage;

Also: Assembly Bill No. 141—An act to add section 411.5 to the Vehicle Code, relating to suspension and revocation of licenses;

Also: Assembly Bill No. 239—An act to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately;

Also: Assembly Bill No. 286—An act to amend section 10 of an act entitled, "An act to provide for and regulate municipal elections in the cities of the fifth and sixth class," approved May 27, 1919, relating to registrations.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 59 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 141 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 239 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 286 read first time, and referred to Committee on Elections.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 32—Relative to approving amendments to the charter of the city of Pasadena.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 32.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 32, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 32—Relative to approving amendments to the charter of the city of Pasadena.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 32 adopted by the following vote:

AYES—Senators Biggar, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry,

Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Waggy, and Young—26.
 NOES—None.

Assembly Concurrent Resolution No. 32 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 8b authorizing the city of Los Angeles to amend its charter in certain particulars.

ARTHUR A. OHNIMUS, Chief Clerk.
 By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendment No. 32 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 12—Relative to the issuance of a proclamation by the Governor declaring the second week of October of each year as "Old Glory Week."

ARTHUR A. OHNIMUS, Chief Clerk.
 By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 12 referred to Committee on Military Affairs.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 127—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the State and providing penalties for violation of the provisions hereof," approved May 31, 1921—and reports that the same has been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 15—Relative to the use by the President of the United States of unemployment relief funds in aid of producer and consumer cooperative organizations;

Also: Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the

board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau," approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property;

Also: Senate Bill No. 1075—An act authorizing the Director of Natural Resources to acquire and lease land for development for State forestry purposes, to manage and develop such land and dispose of the products thereof, and to sell, exchange or lease lands under his jurisdiction when required by good management and providing for the disposition of revenue therefrom;

Also: Senate Bill No. 1083—An act to add new sections to the School Code to be numbered 6.205 and 6.225, relating to the sale or leasing of school property; And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 253—An act to amend section 726 of the Code of Civil Procedure, relating to deficiency judgments—and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 14—Relative to memorializing and petitioning the President and the Congress of the United States to include the Central Valley Project in the National program of work-relief.

Also: Senate Concurrent Resolution No. 25—Relative to the appointment of a joint legislative committee to study pending revenue and taxation measures;

Also: Senate Concurrent Resolution No. 26—Approving certain amendments to the charter of the city of Porterville, county of Tulare, State of California, voted for and ratified by the qualified electors of the said city of Porterville at a special municipal election held therein for that purpose on the fifth day of February, 1935;

Also: Senate Bill No. 570—An act to repeal an act entitled "An act to create a State Advisory Commission on Indian Affairs, to prescribe its membership and its powers and duties," approved May 26, 1933;

Also: Senate Bill No. 1059—An act to add section 4030a to the Political Code, relating to tenure of certain public officers, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 1070—An act to amend an act entitled "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, by amending sections 1 and 3 of said act and adding a new section to be numbered 4 and to validate redemptions heretofore made, and declaring the urgency thereof;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-third day of April, 1935, at ten o'clock and fifteen minutes a.m.

METZGER, Chairman.

Recess.

At eleven o'clock and five minutes a.m., the President of the Senate declared recess until eleven o'clock and ten minutes a.m., for the purpose of listening to remarks offered by Hon. James N. Gillett, former Governor of the State of California.

Hon. James N. Gillett, former Governor of the State of California, was introduced to the Senate by Hon. George J. Hatfield, President of the Senate.

Reconvened.

At eleven o'clock and fifteen minutes a.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Introduction, First Reading and Reference of Bills.

By Senator Seawell: Senate Concurrent Resolution No. 30—Relative to approving the charter of the city of Roseville

Consideration of Senate Concurrent Resolution No. 30.

Senator Seawell asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 30, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 30—Relative to approving the charter of the city of Roseville.

Resolution read and considered engrossed.

The question being on the adoption of the resolution

The roll was called, and Senate Concurrent Resolution No. 30 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McGuinness, Metzger, Meyer, Olson, Parsonson, Perry, Pierovich, Powers, Rondollar, Rush, Schottky, Seidlitz, Seawell, Slater, Snyder, Swing, Tickle, Williams, and Young—29

NOES—None.

Senate Concurrent Resolution No. 30 ordered transmitted to the Assembly.

Postponement of Reconsideration.

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendments offered by Senator Sharkey to Senate Bill No. 128 were adopted, was continued until the next legislative day.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 550—An act to provide for the cooperation of State officers and agencies, and stockmen's associations with the Federal Government in relation to grazing lands, and for the disposition of money received from the Federal Government in relation thereto

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Senate Bill No. 550 was read and adopted:

Amendment No. 1.

On page 2, line 9, of the printed bill, strike out the word "predators", and insert in lieu thereof the word "predators".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 546—An act to amend sections 1104, 1108, 1143, 1144, 1146 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products, and to make an appropriation.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 546 were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, after the word "products", strike out the comma, and the words "and to make an appropriation".

Amendment No. 2.

On page 3 of the printed bill, strike out lines 12 to 18, inclusive.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Senate Bill No. 498 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 10 to 27, inclusive, and strike out all of pages 2 to 11, inclusive, and insert in lieu thereof the following:

"705. The production, transportation, processing, distribution and sale of fluid milk and of fluid cream and the dissemination of accurate, scientific information as to the importance of milk and other dairy products in the maintenance of a high level of public health, is hereby declared to be a business affected with a public interest. The provisions of this chapter are enacted in the exercise of police powers of this State for the purpose of protecting the health and welfare of the people of this State.

706. The purpose of this chapter is to enable the dairy industry with the aid of the State to correct existing evils, develop and maintain satisfactory marketing conditions, and bring about a reasonable amount of stability and prosperity in the production and marketing of fluid milk and fluid cream and provide means for carrying on essential educational activities. It is the intent of the Legislature that the powers herein conferred shall be liberally construed. Nothing in this chapter shall be construed as permitting or authorizing the development of conditions of monopoly in the production or distribution of fluid milk or fluid cream. In the establishment and amendment of the minimum prices, terms and conditions under which fluid milk and fluid cream shall be purchased from producers, and under which distributors and retail stores shall sell and distribute the same, such prices, terms and conditions shall be those which will, in the several localities and markets of the State and under the varying conditions of production and distribution insure an adequate and continuous supply of pure fresh wholesome fluid milk and fluid cream to consumers thereof at fair and reasonable prices.

707. The director shall enforce the provisions of this chapter and any production and marketing plan or marketing agreement initiated pursuant to the provisions of this chapter, and for that purpose may make such rules and regulations as he deems necessary.

708. As used in this chapter:

(a) "Board" means any local control board created as herein authorized.

(b) "Fluid milk" includes any milk meeting the health requirements of the place where sold, which has been produced for human consumption as market milk, and any such milk until sold as market cream, or sold to be used in the manufacture of any dairy product.

(c) "Fluid cream" includes any cream produced from milk which meets the health requirements of the place where sold, which has been produced for human consumption as market cream, and which also meets the health requirements for market cream for human consumption of the place where sold and any such cream until sold to be used in the manufacture of any dairy product.

(d) "Dairy products" includes any product manufactured from milk or any derivative or product of milk.

(e) "Producer" means any person who operates a dairy herd or herds for the purpose of producing milk to be sold as fluid milk or fluid cream.

(f) "Distributor" means any person, other than a retail store, irrespective of whether he is also a producer who acquires and sells fluid milk or fluid cream at wholesale or retail.

(g) "Retail store" means any person or persons owning or operating a retail grocery store, restaurant, confectionery or other similar business where fluid milk or fluid cream in original packages or containers are sold at retail to the general public.

(h) "Marketing area" is any area within this State declared to be such in the manner described in this chapter.

(i) "Production and marketing plan" means any plan providing for the control of marketing, processing, distribution, or sale of fluid milk or fluid cream within an area, which is formulated as prescribed in this chapter.

(j) "Marketing agreement" means any marketing agreement formulated under the provisions of this chapter.

(k) "Consumer" means any person who buys milk, cream or dairy products for consumption by himself or his household.

709. The director shall have and may exercise all the powers conferred by section 353 of the Political Code upon the head of a department of the State, in relation to hearings and investigations under this chapter.

710. A full and accurate record of business or acts performed or of testimony taken by the director in pursuance of the provisions of this chapter shall be kept and placed on file in the office of the director.

711. Any order of the director hereunder substantially affecting the rights of any interested party may be reviewed by any court of competent jurisdiction. Any such action must be commenced within thirty days after the effective date of the order complained of or within thirty days after the injurious effect complained of becomes reasonably apparent.

712. The director may bring an action to enjoin the violation or the threatened violation of any provision of this chapter or of any order made pursuant to this chapter in the superior court in the county in which such violation occurs or is about to occur. There may be enjoined in one proceeding any number of defendants alleged to be violating the same provisions or orders, although their properties, interests, residence, or place of business, may be in several counties and the violations separate and distinct. Any proceeding brought hereunder shall be governed in all other respects by the provisions of Chapter III of Title VII, of Part II of the Code of Civil Procedure.

713. The director may confer, enter into agreements, or otherwise arrange with the constituted authorities of this State, other States, or the Agricultural Adjustment Administration, or other agencies of the United States with respect to plans relating to the production, processing, manufacture, distribution and sale of fluid milk and fluid cream within this State or as between this State and other States or the United States, and may exercise his powers hereunder to effectuate and enforce such plans.

714. All moneys received by the director hereunder shall be paid monthly into the State treasury to the credit of the "Department of Agriculture fund" and shall be used only for carrying out the provisions of this chapter.

Article 2. Control of Fluid Milk.

715. Sixty-five per cent or more of the producers who are producing fluid milk commercially for sale within any marketing area, and who produce not less than sixty-five per cent of the total volume of fluid milk produced commercially for such marketing area, may make application to the director for the appointment of a local control board, for the purpose of formulating and administering a production and marketing plan for marketing fluid milk. The percentage of volume shall be determined on the basis of the quantity of fluid milk produced or by the number of pounds of milk fat produced, at the option of the applicants. A nonprofit cooperative association of producers may make application on behalf of its members. Each member of such cooperative association shall be counted as an individual in determining the total number of producers included in such production and marketing plan. The application shall state the boundaries of the marketing area sought to be established, and such other information as may be necessary under the provisions of this chapter and as the director may prescribe.

Accompanying each application shall be sufficient funds to reimburse the director for such expenses as he may incur in carrying out necessary preliminary investigations.

716. Upon the receipt of such application, the director shall determine whether the area sought to be established as a marketing area is such that conditions of production, distribution and sale are reasonably uniform and susceptible to the application of the production and marketing plan. If the director determines that the boundary of the marketing area described in the application should be changed or other modifications made, said application may be amended to incorporate such changes as are deemed necessary by the director.

717. If and when the director determines that the application is properly made, and that the area involved is such that a production and marketing plan is feasible, he shall within forty-five days after the date of receiving such application call a meeting of the producers supplying fluid milk to the marketing area at which meeting such producers shall nominate in a manner prescribed by the director, candidates for a local control board. The director shall appoint a local control board which shall consist of seven members whose major interests in the dairy industry is the production of fluid milk for said marketing area; provided that in such cases in which the director is of the opinion that seven members will not give adequate representation to all factors in the marketing area the board may be increased to not more than thirteen members of like qualifications.

The terms of members of the board shall be two years but the term of three members of the first board shall expire at the end of the first year. Board members

shall hold office until the election and qualification of their successors. The members of their first meeting shall determine by lot the relative order in which their terms expire. Vacancies shall be filled by appointment by the director for the unexpired term. The members of the board shall receive no compensation for their services but shall be allowed their necessary traveling and other expenses incurred in the performance of their official duties.

718. The board shall formulate a production and marketing plan. No distributor shall purchase milk from producers who do not comply with all the provisions of this chapter and such plan. Such plan shall be subject to such terms and conditions, not in conflict with existing acts, and regulations pursuant thereto, as may eliminate unfair practices or charges that prevent or tend to prevent the effectuation of the declared policy of the restoration of normal economic conditions within the fluid milk industry.

Subject to the approval of the director, the board may establish the minimum price to be paid producers and the minimum prices below which fluid milk shall not be sold at processing or distributing plants and minimum prices to retail stores below which milk can not be sold to consumers within the marketing area. In establishing the prices to be paid producers, due consideration shall be given to the economic relationship of butter and other dairy products to the price of fluid milk. In establishing all prices the board shall ascertain, as far as feasible, what prices for fluid milk in the marketing area involved will best protect the dairy industry and insure consumers a sufficient quantity of pure and wholesome milk in the public interest.

719. Any production and marketing plan shall include standards of fair trade practices. In such standards of fair trade practices the following practices shall be prohibited and are hereby declared unlawful:

(a) The payment or allowance of rebates, refunds, commissions or unearned discounts to any customer, whether in the form of money or otherwise.

(b) The giving away of milk or dairy products for the purpose of securing business, except to bona fide charities.

(c) The extension to certain purchasers of special prices or privileges not extended to all purchasers on like terms and conditions.

(d) Any false or misleading advertising, as defined in section 654a of the Penal Code.

(e) Any discrimination between wholesale customers or between consumers as to prices at which fluid milk or fluid cream are sold.

(f) The sale, offer to sell, or giving away of any article at less than the prevailing market price thereof.

The plan may provide means for educational and sales stimulation programs, provided that such educational activities or programs are not unfairly detrimental to other products; and may contain such other provisions as may be necessary to effectuate the provisions of this chapter.

720. Upon its formulation, the plan shall be submitted to the director for his approval. If he finds that the plan is in conformity with the provisions of this chapter and will reasonably effectuate the purposes thereof, he shall declare the plan in effect without unnecessary delay.

Such plan when established may be amended by the board from time to time, but no such amendment shall take effect until approved by the director.

The board may do all things that are necessary for the purposes of carrying out the provisions of the plan. The director may order the board to desist from any course of conduct which is not in accordance with the provisions and purposes of this chapter.

721. The board may assess fees to be paid equally by producers and distributors of fluid milk in the marketing area.

From such assessments there shall be paid to the director such sum, not to exceed one mill per pound of milk fat as may be necessary to defray the expenses incurred by the director in carrying out the provisions of this article. The balance of such fees shall be retained by the board to be used by it to carry out the provisions of the plan.

722. Any person aggrieved by any order or regulation made effective by a board may appeal to the director. Upon such appeal, the director shall make an order granting the redress sought, either in whole or in part or denying the appeal. A failure on the part of the director to grant the redress sought within thirty days shall be deemed a denial of the appeal.

Any plan formulated under the provisions of this chapter, and all orders and regulations respecting the same shall be annulled by the director upon application of fifty-one per cent or more of such persons and volume as could have initiated such plan.

Article 3. Control of Fluid Cream.

723. The production and marketing of fluid cream may be subject to a marketing agreement as provided in this article. In the absence of such agreement, fluid cream may be controlled under a production and marketing plan for fluid milk.

724. In order to carry out the policy of this chapter, the director is empowered to enter into marketing agreements with producers, associations of producers or distributors of fluid cream for any marketing area.

725. Sixty five per cent or more of the persons engaged in, and who represent sixty-five per cent of the volume of production and distribution of fluid cream for any marketing area, may make application to formulate a marketing agreement.

If the director determines that the application is properly made and that the area involved is such that a control plan is feasible, the director shall authorize such applicants to formulate a marketing agreement upon prepayment to him by applicants of preliminary expenses of the director.

726. Such marketing agreement shall contain such provisions as may be necessary to carry out the policy of this chapter and may include provisions:

1. For the appointment of local control boards with such powers as are specified in this agreement.

2. For the raising of funds, derived equitably from all producers and distributors participating in any marketing agreement, for the purpose specified in the marketing agreement, including means for educational and sales stimulation activities but in no case shall any assessment levied against any person exceed two mills per pound milk fat handled by him. From such assessments, there shall be paid to the director such sum, not to exceed one mill per pound milk fat as shall be necessary to defray the expenses incurred by the director in carrying out the provisions of this article. The balance of such fees, shall be retained by the local control board to be used by it to carry out the marketing agreement.

3. For the establishment of minimum wholesale selling prices and wholesale delivered prices for fluid cream in the area below which fluid cream shall not be sold.

4. For the establishment of a Code of Fair Practices.

5. Method by which agreement may be amended.

727. Upon the signing of such marketing agreement it shall be forwarded to the director. Upon receipt of such agreement, the director shall determine if the agreement has been properly signed and is in accordance with the provision and purposes of this chapter. If he determines that it is in such accordance, the director shall make an order establishing a marketing agreement in the area affected, whereupon such an agreement shall become effective. If the director determines that the agreement is not in such accordance, he shall resort to without prejudice to the formulation of a new agreement. Such agreement, when effective, may be amended in such manner as may be provided in such marketing agreement. After taking effect, the provisions of such agreement shall establish the standard of conduct for all persons engaged in any occupation or business regulated by such agreement.

Article 4. Licenses

728. After thirty days after the effective date of such marketing agreement or production and marketing plan, no person shall act as a distributor in the area affected without first having obtained a license from the director. The application shall state the name and address of the applicant and such other information as the director may require and be accompanied by an annual fee of three dollars.

A "producer" who supplies milk only to distributors for processing or distribution, and a retail store as defined in this chapter, shall not be classed as a distributor and is not required to obtain a license.

729. The violation of any provisions of this chapter, or of any provision of any production and marketing plan or marketing agreement formulated under the provisions of this chapter, is a misdemeanor.

730. Every distributor or manufacturer of milk, or cream or dairy products in an area affected by a production and marketing plan or a marketing agreement who buys milk or cream from producers shall keep the following records:

(a) A record of all milk or cream received, detailed as to location, names and addresses of suppliers, prices paid, and deductions or charges made, and the use to which such milk or cream was put.

(b) A record of the quantity of each kind of milk or cream manufactured and the quantity and price of milk or cream sold.

(c) A record of the wastage or loss of milk or cream.

(d) A record of the items of handling expenses.

(e) Such other records as the director may deem necessary for the proper enforcement of this chapter.

731. All such distributors shall keep a full and complete record of all milk or cream, classified as to kind and grade, showing where sold, and the amount received therefor.

732. All such distributors or manufacturers shall make and file with the director at least once each month such reports as the director may require to enable him to enforce the provisions of this chapter.

733. Any record or report made to the director pursuant to the provisions of this article shall be confidential and shall not be divulged except when necessary for the proper determination of any court proceedings or hearing before the director.

734. The director, or his authorized agents, shall at all times during regular business hours, have access to all records pertaining to receipts and sales of fluid

milk of distributors within any marketing area and in addition shall have access to all milk plants, warehouses or other buildings in which fluid milk is processed or handled.

Such information so obtained shall be kept confidential except in any judicial proceeding or hearing before the director.

735. Any person who violates any provision of a production and marketing plan or marketing agreement shall be liable civilly in the sum of five hundred dollars for each and every violation to be recovered by the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State treasury to the credit of the Department of Agriculture fund.

736. The director may revoke the license of any distributor who has been convicted of a misdemeanor under this chapter or against whom a judgment has been rendered in any court of competent jurisdiction under this chapter.

SEC. 2. If any provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to any other person or circumstance, shall not be affected.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1007—An act to amend the Agricultural Code, by adding thereto four sections to be numbered 996, 997, 998 and 999, relating to the control of Capri fig trees and the elimination of endosepsis and authorizing the director to accept donations for the enforcement of the provisions of said sections.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 1007 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended in Senate April 10, 1935, after the word "amend", add the words "section 994 of and to add sections 995, 996, 997 and 998 to".

Amendment No. 2.

On page 1, in the title of the printed bill, as amended in Senate April 10, 1935, strike out all of lines 2, 3, 4, 5 and 6 thereof, and insert in lieu thereof the following: "relating to Capri figs and their diseases, the elimination of fig endosepsis, and authorizing boards of supervisors to accept donations".

Amendment No. 3.

On page 1 of the printed bill, as amended in Senate April 10, 1935, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 994 of the Agricultural Code is hereby amended to read as follows:

994. The commissioner shall be the enforcing officer of the provisions of this chapter. All enforcing officers under this chapter may enter any place where Capri figs are produced, packed, stored, shipped, delivered for shipment, or sold, and inspect the same, and seize and hold for evidence any Capri figs packed, shipped, delivered for shipment, or sold in violation of any of the provisions of this chapter, and prosecute actions for violation of the provisions hereof.

SEC. 2. A new section is hereby added to the Agricultural Code to be numbered 995 and to read as follows:"

Amendment No. 4.

On page 1 of the printed bill, as amended in Senate April 10, 1935, strike out all of lines 15 to 18, inclusive, and insert in lieu thereof the following: "nuisance. The commissioner shall notify the owner of such tree or trees to graft or destroy the same within a time specified in the notice, and upon failure of the owner so to do within the time specified in the notice, shall cause the".

Amendment No. 5.

On page 2 of the printed bill, as amended in Senate April 10, 1935, strike out all of lines 1 and 2, and insert in lieu thereof the following: "manner and at the expense of the owner. Instructions for application of methods best designed to accomplish the purposes of the notice by the owner may be furnished to such owners at the time of serving the notice."

Amendment No. 6.

On page 2 of the printed bill, as amended in Senate April 10, 1935, strike out "2", and insert in lieu thereof "3".

Amendment No. 7.

On page 2, line 6, of the printed bill, as amended in Senate April 10, 1935, strike out the words "profichi or".

Amendment No. 8.

On page 2, line 7, of the printed bill, as amended in Senate April 10, 1935, strike out the word "crops", and insert in lieu thereof the word "crop".

Amendment No. 9.

On page 2, line 16, of the printed bill, as amended in Senate April 10, 1935, after the period, insert the following: "Every lot of profichi crop figs determined by the commissioner to be infected with endosepsis shall be subject to summary destruction."

Amendment No. 10.

On page 2 of the printed bill, as amended in Senate April 10, 1935, strike out all of lines 19 to 24, inclusive.

Amendment No. 11.

On page 2, line 26, of the printed bill, as amended in Senate April 10, 1935, strike out "998", and insert in lieu thereof "997".

Amendment No. 12.

On page 2, line 27, of the printed bill, as amended in Senate April 10, 1935, strike out "998", and insert in lieu thereof "997".

Amendment No. 13.

On page 2 of the printed bill, as amended in Senate April 10, 1935, strike out all of lines 28 and 29, and insert in lieu thereof the following: "the enforcement of the provisions of this chapter is guilty of a misdemeanor."

Amendment No. 14.

On page 2, line 31, of the printed bill, as amended in Senate April 10, 1935, strike out "999", and insert in lieu thereof "998".

Amendment No. 15.

On page 2 of the printed bill, as amended in Senate April 10, 1935, strike out all of lines 32 to 34, inclusive, and insert in lieu thereof the following:

"998. The board of supervisors of any county may receive and accept on behalf of the county, contributions or donations of money from individuals, firms, corporations, associations, depart-".

Amendment No. 16.

On page 2 of the printed bill, as amended in Senate April 10, 1935, strike out all of lines 37 to 40, inclusive, and insert in lieu thereof the following: "visions of this chapter. All money so received shall be credited to the budget of the commissioner and shall be expended solely for such enforcement."

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 297—An act to add a new section to an act entitled, "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 297 were read and adopted:

Amendment No. 1.

On page 1, line 13 of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "relating to persons seeking nomination."

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 2 to 5, inclusive, and insert in lieu thereof the following: "the time he files his declaration of candidacy shall have been duly registered according to law, and has not changed his registered party affiliation".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1067—An act to amend sections 5 and 24 of Chapter 690, Statutes of 1913, entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 1067 were read and adopted:

Amendment No. 1.

On page 13, line 4, of the printed bill, as amended, strike out "third Wednesday", and insert in lieu thereof the following: "second Saturday".

Amendment No. 2.

On page 13, line 22, of the printed bill, as amended, strike out "third Wednesday", and insert in lieu thereof the following: "second Saturday".

Amendment No. 3.

On page 13, line 38, of the printed bill, as amended, strike out "second Saturday fol-", and insert in lieu thereof the following: "third Friday in September".

Amendment No. 4.

On page 13, line 39, of the printed bill, as amended, strike out "lowing the meeting of the State convention".

Amendment No. 5.

On page 14, line 13, of the printed bill, as amended, strike out "third Wednesday", and insert in lieu thereof the following: "second Saturday".

Amendment No. 6.

On page 15, line 5, of the printed bill, as amended, strike out "thirty-six", and insert in lieu thereof the following: "six".

Amendment No. 7.

On page 15, line 8, of the printed bill, as amended, strike out "thirty-six", and insert in lieu thereof the following: "six".

Amendment No. 8.

On page 15 of the printed bill, as amended, strike out lines 10 to 18, inclusive, and insert in lieu thereof the following: "inspection. Any member of the State central committee may attend the meeting thereof either in person or by proxy. Every proxy must be filed in the office of the secre-".

Amendment No. 9.

On page 15 of the printed bill, as amended, strike out lines 22 to 25, inclusive, and insert in lieu thereof the following: "ized to administer oaths and shall be in substantially the following form:".

Amendment No. 10.

On page 16, line 15, of the printed bill, as amended, strike out "second Saturday", and insert in lieu thereof the following: "third Friday in September".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1083—An act to add new sections to the School Code to be numbered 6,205 and 6,225, relating to the sale or leasing of school property.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 231—An act to amend section 43 of the School Code, relating to separate schools for children of aliens.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 231 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the word "section", and insert in lieu thereof the word "sections".

Amendment No. 2.

On page 1, line 1 of the title of the printed bill, after the number "43" insert the following: "and 3,170".

Amendment No. 3.

On page 1, in the title of the printed bill, strike out all of line 2 and insert in lieu thereof the following: "attendance upon the public schools of Indian children, and children of Chinese, Japanese or Mongolian parentage."

Amendment No. 4.

On page 1, line 6, of the printed bill, after the word "and", insert the words "children of".

Amendment No. 5.

On page 1, line 8, of the printed bill, after said line 8, insert the following: "Sec. 2. Section 3,170 of the School Code is hereby amended to read as follows: 3,170. The day elementary school of each school district of California shall be open for the admission of all children between six and twenty-one years of age residing within the boundaries of the district."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 12—An act to amend sections 2, 3, 6, 10, 14, 15 and 21 and to repeal sections 5, 9, and 18½ of the Old Age Security Act of the State of California, relating to aid to the aged.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Universities and Teachers Colleges, the following amendments to Senate Bill No. 12 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "6.", and insert in lieu thereof the following: "4, 6, 7.",

Amendment No. 2.

On page 1, line 7, of the printed bill, after the semicolon, insert the following: "provided, that if, when and during such time as funds are provided or made available by the United States Government for such aid in this State this requirement is reduced to citizenship of the United States without limitation as to time:".

Amendment No. 3.

On page 1, line 14, of the printed bill, after the semicolon, insert the following: "provided, that if, when and during such time as funds are provided or made available by the United States Government for such aid in this State, such person need

only have resided in this State five years within the ten years immediately preceding the date of such application;".

Amendment No. 4.

On page 1, line 17, of the printed bill, after the semicolon, insert the following: "any person otherwise qualified who has resided in the State for the required period and who has no county residence may file his application in the county or city and county in which he resides and aid, if granted to him, shall be paid entirely by the State;".

Amendment No. 5.

On page 1, line 27, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "except as provided in section 7 of this act."

Amendment No. 6.

On page 2, line 6, of the printed bill, after "case," insert the following: "in an amount sufficient to provide a reasonable subsistence compatible with decency and health;".

Amendment No. 7.

On page 2 of the printed bill, between lines 11 and 12, insert the following:

"SEC. 3. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 4. If the person receiving aid is found incapable of taking care of himself or his money, the board of supervisors, with the approval of the Department of Social Welfare, may divert the payments of aid to any responsible person for his benefit."

Amendment No. 8.

On page 2, line 12, of the printed bill, strike out the numeral "3", and insert in lieu thereof the following: "4".

Amendment No. 9.

On page 2 of the printed bill, between lines 40 and 41, insert the following:

"SEC. 5. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 7. The board of supervisors of the county shall, under rules of the State Department of Social Welfare, require as a condition to granting assistance in any case that the applicant execute and deliver an agreement to reimburse the State, county or city and county for all aid received by him hereunder, the agreement to be acknowledged by him in the manner required for the acknowledgment, for the purpose of recordation, of an instrument affecting the title to real property. In such agreement the applicant shall assign as collateral security for such aid such part of his personal property as the board of supervisors shall require. At any time the board of supervisors may cause to be executed and filed in the office of the county recorder of any county in the State a certificate in the form to be prescribed by the State Department of Social Welfare, showing the amount of aid paid to such person. From and after the filing of any such certificate, all aid theretofore and thereafter granted to such person hereunder shall be a lien upon all right, title or interest of such person in any real property situated in the county in which the certificate is filed, and is constructive notice of such lien to all persons. During the occupancy of real property by such person, or by his surviving spouse if the latter was not more than fifteen years his junior or not less than forty-five years of age at the time of his death, such a lien thereon shall not be foreclosed. All moneys recovered upon the enforcement or foreclosure of any such lien shall be paid into the State and county treasuries in proportion to the respective contributions by the State and the county."

Amendment No. 10.

On page 2, line 41, of the printed bill, strike out the numeral "4", and insert in lieu thereof the following: "6".

Amendment No. 11.

On page 3, line 12, of the printed bill, strike out the numeral "5", and insert in lieu thereof the following: "7".

Amendment No. 12.

On page 3, line 51, of the printed bill, strike out the numeral "6", and insert in lieu thereof the following: "8".

Amendment No. 13.

On page 4, line 17, of the printed bill, after "to", insert the following: "one-half of".

Amendment No. 14.

On page 4, line 20, of the printed bill, strike out the period, and insert in lieu thereof a semicolon and the following: "provided, that if, when and during such time as funds are provided or made available by the United States Government for aid to the aged in this State, the State shall reimburse each county or city and

county for three-fourths of the total amount of payments made by such county or city and county".

Amendment No. 15.

On page 4, line 21, of the printed bill, strike out the numeral "7", and insert in lieu thereof the following "9".

Amendment No. 16.

On page 4, line 27, of the printed bill, strike out "six hundred", and insert in lieu thereof the following "four hundred fifty".

Amendment No. 17.

On page 4 of the printed bill, strike out lines 32 to 34, inclusive.

Amendment No. 18.

On page 4, line 35, of the printed bill, strike out the numeral "8", and insert in lieu thereof the following "10".

Bill read second time, ordered to reprint, and re-referred to Committee on Universities and Teachers Colleges.

Senate Bill No. 569—An act to amend section 2802 of the School Code, relating to judgments against school districts.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Senate Bill No. 569 was read and adopted:

Amendment No. 1.

On page 1, line 20, of the printed bill as amended in Senate March 25, 1935, after the word "thereon", add a comma and the following "not a rate not exceeding four per cent per annum".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 663—An act to add a new section to the School Code to be numbered 191, relating to the transportation of pupils in school buses and other motor vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 663 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out the following "transportation of pupils in", and insert in lieu thereof the following "construction, design, operation, and color of".

Amendment No. 2.

On page 1, in the title of the printed bill, strike out all of line 3, and insert in lieu thereof a period.

Amendment No. 3.

On page 1, line 4, of the printed bill, strike out the words "rules and".

Amendment No. 4.

On page 1, line 5, of the printed bill, after the comma, insert the word "design".

Amendment No. 5.

On page 1, line 5, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "but no regulation relating to the construction, design or color of school buses shall apply to buses purchased prior to the effective date of this section, except that any school bus purchased or repainted after the effective date of this section shall be painted to conform to all the regulations relating to the color of school buses."

Amendment No. 6.

On page 1, line 6, of the printed bill, strike out the words "Department of Motor Vehicles", and insert in lieu thereof the following: "Chief of the California Highway Patrol".

Amendment No. 7.

On page 1, line 7, of the printed bill, strike out the following: "the Department of Motor Vehicles through".

Amendment No. 8.

On page 1, line 9, of the printed bill, strike out the word "prevent", and insert in lieu thereof the following: "issue an order prohibiting".

Amendment No. 9.

On page 1, line 11, of the printed bill, strike out the word "prevent", and insert in lieu thereof the following: "issue an order prohibiting".

Amendment No. 10.

On page 1, line 12, of the printed bill, strike out the following: "or motor vehicle".

Amendment No. 11.

On page 1, line 12, of the printed bill, beginning in line 12, strike out the following: "common", and insert in lieu thereof the word "a".

Amendment No. 12.

On page 1, line 15, of the printed bill, strike out the words "rules and".

Amendment No. 13.

On page 1, line 22, of the printed bill, strike out the comma, and insert in lieu thereof a semicolon.

Amendment No. 14.

On page 1, line 22, of the printed bill, after the word "and", insert the word "excepting".

Amendment No. 15.

On page 1 of the printed bill, beginning in line 23, strike out the comma and the following: "unless used exclusively for the transportation of public school pupils", and insert in lieu thereof the following: "and meeting all requirements of the State Railroad Commission".

Amendment No. 16.

On page 1, line 28, of the printed bill, after said line 28, insert the following: "any officer, agent or employee of a school district, or any other person, operating, or permitting or directing the operation of, a school bus, the operation of which is in violation of any order of the California Highway Patrol, shall be guilty of a misdemeanor."

Amendment No. 17.

On page 1, line 10, of the printed bill, strike out the words "rules and".

Bill read second time, ordered to reprint, engrossment, and on file for third reading

Second Reading of Assembly Bills.

Assembly Bill No. 363—An act to amend section 1072 of the Agricultural Code, relating to economic poisons.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 363 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the word "section", and insert in lieu thereof the words "sections 1011, 1012 and".

Amendment No. 2.

Immediately following the enacting clause, add the following:
"SECTION 1. Section 1011 of the Agricultural Code is hereby amended to read as follows:

1011. It is unlawful to pack, ship, store, deliver for shipment, or sell any fresh or dried fruits or vegetables carrying spray residue or other added deleterious ingredients in excess of the quantity prescribed under the laws of the United States, or in excess of 0.010 grain fluorine, 0.010 grain arsenic trioxide, or 0.018 grain lead per pound of fruit or vegetable.

SEC. 2. Section 1012 of the Agricultural Code is hereby amended to read as follows:

1012. The director may:

(a) Enter every place within the State where fresh or dried fruits or vegetables are produced, packed, stored, shipped, transported, delivered for shipment, or sold and inspect all fresh or dried fruits or vegetables found therein or in transit.

(b) Seize and quarantine any or all lots of fresh or dried fruits or vegetables which carry or are likely to carry spray residue or other added deleterious ingredients pending examination and chemical analysis and final disposition.

(c) When any lot of fresh or dried fruits or vegetables has been found to carry spray residue in excess of the quantity prescribed by the laws of the United States the director may permit the lot to be cleaned or reconditioned and release such lot after such treatment if the same is found to comply with the provisions of this article.

(d) The director shall make rules and regulations to carry out the provisions of this article."

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out "section 1", and insert in lieu thereof "Sec. 3."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 463—An act to amend section 805 of the Agricultural Code, relating to persimmons.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Assembly Bill No. 463 was read and adopted:

Amendment No. 1.

On page 1, line 17, of the printed bill, strike out "the entire" and insert in lieu thereof the following "ninety per cent of the."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1244—An act to amend section 792 of the Agricultural Code, relating to avocados.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Assembly Bill No. 1244 was read and adopted:

Amendment No. 1.

On page 1, line 23, of the printed bill, as amended in Assembly March 18, 1935, strike out the word "avacado", and insert in lieu thereof the word "avocado."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 368—An act to amend section 34 of the Agricultural Code, relating to cooperative agreements for the purpose of enforcing provisions relating to standardization.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 368 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended in Assembly March 14, 1935, after the word "of", insert the following: ", and to add section 34.5 to."

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, as amended in Assembly March 14, 1935, strike out the period, and insert in lieu thereof the following: "and collaborative services."

Amendment No. 3.

On page 1 of the printed bill, as amended in Assembly March 14, 1935, after line 10, add the following:

"Sec. 2. Section 34.5 is hereby added to the Agricultural Code to read as follows: 34.5. The director may also arrange for the services of individuals employed by the United States, the State, or a county on a collaborative basis and allow them a

reasonable fee and necessary expenses incurred when serving the department in a collaborative capacity."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 765—An act to amend section 3.172 of the School Code, relating to beginning classes of elementary schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 851—An act to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, relating to sinking funds in school districts for the replacement, reconstruction or alteration of buildings.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 928—An act to amend sections 4.280b and 4.281b of the School Code, relating to revolving funds of school districts for warehouse stock.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1880—An act to amend sections 5.930 and 5.931 of the School Code, both relating to balances due deceased recipients of annuities from the public school teachers' retirement salary fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 314—An act to amend sections 2.203 and 2.204 of the School Code, relating to the formation of joint elementary school districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 314 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out the comma, and insert in lieu thereof the following: "and to add a new section to said code to be numbered 2.314, all".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, strike out the word "joint".

Amendment No. 3.

On page 1, line 22, of the printed bill, as amended, after said line 22, insert the following:

"SEC. 3. A new section is hereby added to the School Code to be numbered 2.314, and to read as follows:

2.314. A new elementary school district may be formed in whole or in part from territory lying within a union or joint union elementary school district. Territory lying within a union or joint union elementary school district when formed in whole or in part into a new elementary school district shall thereupon cease to be a part of such union or joint union elementary school district."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 57—An act to repeal sections 2.879 and 2.880 of the School Code and to add thereto sections 2.879 and 2.880, relating to election of school trustees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 189—An act to add a new section to the School Code to be numbered 4.191, relating to the insuring under the workmen's compensation laws of this State, of persons employed by county

superintendents of schools to supervise or to give instruction in the public schools.

Bill read second time, and ordered on file for third reading

Assembly Bill No. 295—An act to amend section 2 251 of the School Code, relating to teachers' attendance reports

Bill read second time, and ordered on file for third reading

Assembly Bill No. 298—An act to repeal section 4 768, relating to reports of attendance in joint elementary school districts

Bill read second time, and ordered on file for third reading

Assembly Bill No. 414—An act to amend section 2 123 of the School Code, relating to the providing of instruction and transportation by county superintendents of schools for elementary pupils

Bill read second time, and ordered on file for third reading

Assembly Bill No. 736—An act to amend section 2 481 of the School Code, relating to the transfer of an elementary school district from one high school district to another.

Bill read second time, and ordered on file for third reading

Assembly Bill No. 232—An act to amend section 2 93 of the School Code, relating to the qualifications of county, city and district superintendents of schools and deputy and assistant county, city and district superintendents of schools.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 232 were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, as amended, strike out the following: "county superintendent."

Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, strike out the words "an administration", and insert in lieu thereof the word "any".

Amendment No. 3.

On page 1, line 10, of the printed bill, as amended, after the period, insert the following: "Except as herein provided, no person shall be eligible to hold a position as county superintendent of schools or deputy county superintendent of schools unless he is the holder of a valid teacher's certificate, provided, however, that the provisions of this section shall not apply to any county superintendent of schools in office at the time this act takes effect."

Amendment No. 4.

On page 1, line 10, of the printed bill, as amended, strike out the word "Persons", and insert in lieu thereof the words "A person".

Amendment No. 5.

On page 1, line 13, of the printed bill, as amended, strike out the words "or credential".

Amendment No. 6.

On page 1, line 13, of the printed bill, as amended, after the period, insert the following: "A deputy county superintendent of schools not required by the provisions of this section to hold a certificate may, notwithstanding anything in this section to the contrary, perform such duties not of a clerical nature as the county superintendent of schools may delegate to him, when the county superintendent of schools is unable by reason of physical incapacity to perform the duties of his office and no deputy county superintendent of schools of the county possesses the certificate referred to in this section."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 930—An act to amend section 4.360 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Assembly Bill No. 930 was read and adopted:

Amendment No. 1.

On page 1, line 15, of the printed bill, after the word "district.", insert the following:

"The budget shall show the estimated cash balances on hand for the school district according to the records of the county auditor (exclusive of receipts from bond sales and gifts or donations by reason of such bond sales), and appropriations from the State school fund, the State high school fund, the State junior college fund, the State vocational education fund and the State general fund according to the demand upon the State Controller made by the Superintendent of Public Instruction. The budget shall also show other known income and estimates of income not definitely known. Said budget shall be submitted on the form prescribed by the Superintendent of Public Instruction."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1343—An act to repeal sections 2.21, 3.174, 3.301, 3.302, 3.306, 3.308, 3.309, 3.415 and 3.416 of the School Code, to amend section 3.304 of said code, to add to Part I of Division III of the said code a new chapter to be known as Chapter VIII, and to add to said code a new section to be numbered 3.306, all relating to the attendance of pupils upon the public schools.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 1343 were read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, strike out the word "section", and insert in lieu thereof the word "sections".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, as amended, after the number "3.304", insert the following: "and 3.305".

Amendment No. 3.

On page 1, line 2, of the printed bill, as amended, after the number "3.416", insert the following: "of the School Code".

Amendment No. 4.

On page 1, line 10, of the printed bill, as amended, after the word "district", insert the following: "of the same type or class".

Amendment No. 5.

On page 2, line 22, of the printed bill, as amended, after the word "pupils", insert a comma and the following: "excepting pupils attending in the seventh and eighth grades of a junior high school".

Amendment No. 6.

On page 2, line 29, of the printed bill, as amended, strike out the word "pupils", and insert in lieu thereof the following: "a pupil".

Amendment No. 7.

On page 2, line 29, of the printed bill, as amended, strike out the comma and the following: "3.304".

Amendment No. 8.

On page 2, line 32, of the printed bill, as amended, strike out the following: "or such amounts", and insert in lieu thereof the following: "having jurisdiction over the elementary district in which the pupil resides, or, if such board and county superintendent of schools fail to agree, such tuition".

Amendment No. 9.

On page 2 of the printed bill, as amended, beginning in line 34, strike out the comma, and the following: "as provided in section 3304 of this code."

Amendment No. 10.

On page 2, line 36, of the printed bill as amended, after the word "find", insert the following: "of the county the county superintendent of schools of which has jurisdiction over the elementary school district in which the pupil resides".

Amendment No. 11.

On page 2, line 39, of the printed bill as amended, after the word "person", insert the following: "residing in a county in which a high school is situated but".

Amendment No. 12.

On page 2, line 39, of the printed bill, as amended, after the word "district", insert the word "and".

Amendment No. 13.

On page 2, line 41, of the printed bill, as amended, after the comma, insert the following: "or desiring to attend a high school situated outside of the county in which he resides and located in a high school district organized prior to the county in which he resides but under the jurisdiction of the county superintendent of schools of another county,".

Amendment No. 14.

On page 2 of the printed bill, as amended, beginning in line 42, strike out the following: "only upon such terms as may be agreed", and strike out all of lines 43 to 47, inclusive, and insert in lieu thereof a period.

Amendment No. 15.

On page 2 of the printed bill, as amended, beginning in line 51, strike out the following: "district situated entirely outside the county in which such person or persons reside", and insert in lieu thereof the following: "outside the provisions of this section".

Amendment No. 16.

On page 3 of the printed bill, as amended, after line 15, insert the following:

"SEC. 5. Section 3305 of the School Code is hereby amended to read as follows: 3305. Any person who is, under the provisions of this article, eligible to attend high school and who resides in a county in which no high school is maintained, may attend any high school of the State."

Bill read second time, ordered to reprint, and on file for third reading.

Unfinished Business.**Consideration of Assembly Amendments.**

The Senate took up for consideration Assembly amendments to Senate Bill No. 107:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "and", insert the following: "to add sections 76, 77, 78 and 79 to the Streets and Highways Code."

Amendment No. 2.

On page 1 of the printed bill, strike out line 1, and in line 2, strike out "Highway", and insert in lieu thereof the following:

"SECTION 1. Section 76 is hereby added to the Streets and Highways Code, to read as follows:

76. There is hereby delegated to the".

Amendment No. 3.

On page 1, line 8, of the printed bill, strike out "roads or bridge", and insert in lieu thereof the following: "highways or a district bridge or State bridge".

Amendment No. 4.

On page 1 of the printed bill, strike out line 11, and insert in lieu thereof the following:

"SEC. 2. Section 77 is hereby added to the Streets and Highways Code, to read as follows:

77. Whenever the commission"

Amendment No. 5.

On page 1, line 13, of the printed bill, strike out "roads", and insert in lieu thereof the following: "highways".

Amendment No. 6.

On page 2, line 9, of the printed bill, strike out "roads", and insert in lieu thereof the following: "highways".

Amendment No. 7.

On page 2, line 10, of the printed bill, strike out "roads", and insert in lieu thereof the following: "highways".

Amendment No. 8.

On page 2, line 19, of the printed bill, strike out "roads", and insert in lieu thereof the following: "highways".

Amendment No. 9.

On page 2, line 24, of the printed bill, strike out "roads", and insert in lieu thereof the following: "highways".

Amendment No. 10.

On page 2, line 29, of the printed bill, after "3.", insert the following:

"Section 78 is hereby added to the Streets and Highways Code, to read as follows:
78."

Amendment No. 11.

On page 2, line 30, of the printed bill, strike out "Highway".

Amendment No. 12.

On page 2 of the printed bill, strike out line 33, and insert in lieu thereof the following: "the State highway system".

Amendment No. 13.

On page 2 of the printed bill, strike out line 33, and insert in lieu thereof the following:

"Sec. 4. Section 79 is hereby added to the Streets and Highways Code, to read as follows:

79. This delegation of power to the".

Senate Bill No. 107—An act to add sections 76, 77, 78 and 79 to the Streets and Highways Code, delegating to the California Highway Commission power and authority during times when the Legislature of the State of California is not in session to accept on behalf of the State of California grants of rights of way for State roads through military reservations from the Government of the United States made by the Secretary of War to the State of California or any political subdivision thereof, and declaring the effect of such acceptance.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 107?

The roll was called, and Assembly amendments to Senate Bill No. 107 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Slater, Snyder, Swing, Tickle, Williams, and Young—27.

NOES—None.

Senate Bill No. 107 ordered to enrollment.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Hays moved to reconsider the vote whereby amendments to Assembly Bill No. 81 were adopted.

Reconsideration Granted.

Motion carried, and such was the order.

Assembly Bill No. 81 ordered on file for third reading.

Assistant Secretary Carl A. Shipkey at the Desk.

Third Reading of Senate Bills.

Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration.

Amendment from the Floor.

During third reading of Senate Bill No. 118, the following amendment, offered by Senator McCormack, was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill as amended after motions insert a comma and the following: "or to boats less than twenty feet in length equipped with stationary motors".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 127, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 127—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the State and providing penalties for violation of the provisions hereof," approved May 31, 1921.

Bill read third time.

Amendments from the Floor.

During third reading of Senate Bill No. 127, the following amendments, offered by Senator Schotky, were read and refused adoption:

Amendment No. 1.

On page 2, line 41, of the printed bill, after the period, strike out all of the remainder of line 41.

Amendment No. 2.

On page 2 of the printed bill, strike out all of lines 42, 43, 44, 45, 46, 47, and 48.

Amendment No. 3.

On page 2, line 49, of the printed bill, strike out "tion", at beginning of sentence.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, Knowland, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Remondollar, Rich, Schotky, Seablan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

The Secretary announced the absentees.

Time, twelve o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923, relating to the doing of public work by day's labor or force account.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 332 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 332 ordered transmitted to the Assembly.

Senate Bill No. 418—An act to add a new section to the Political Code to be numbered 3663c, relating to the correction of errors by the State Board of Equalization in assessments made by said board.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 418 passed by the following vote:

AYES—Senators Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, McColl, McCormack, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Waggy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 418 ordered transmitted to the Assembly.

Senate Bill No. 818—An act to amend section 580b of the Code of Civil Procedure, relating to deficiency judgments.

Amendment from the Floor.

During third reading of Senate Bill No. 818, the following amendment, offered by Senator Rich, was read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, after the word "sale", insert the following "of real property".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and twenty five minutes p.m., further proceedings under call of the Senate were dispensed with, on motion of Senator Garrison.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 127 finally passed by the following vote:

AYES—Senators Baggar, Crittenden, Deuel, Fletcher, Garrison, Gresham, Keweenaw, King, Knowland, McColl, McGowan, McGowan, Metzger, Olson, Perry, Plummer, Powers, Seaman, Snowball, Sawyer, and Williams—24.

NOES—Senators Ditani, Deuel, Edwards, Hartz, Hulse, McCormack, Miller, Parkman, Reindollar, Rich, Schottky, Slater, Snyder, Snow, Tucke, Wagt, and Young—17.

Title read and approved.

Senate Bill No. 127 ordered transmitted to the Assembly.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Resolution.

The following resolution was offered:

By Committee on Engrossment, Enrollment and Printing.

WHEREAS, William Brown Ide, one of the most distinguished of California's pioneers, who was the President of the California Republic, has gone down in history practically unknown, unheralded and unsung in so far as the great mass of Californians is concerned; and

WHEREAS, It is fit and proper that the State of California should give some recognition to this pioneer; and

WHEREAS, One George Kirov has prepared a brief statement of the life and achievements of William Brown Ide and has presented same to the Senate of the State of California; now, therefore, be it

Resolved, That the Secretary of the Senate be and he is hereby directed to order printed sufficient of these statements to supply the members of the Legislature, as well as copies for the State Library and one for each public library in the State, the cost thereof to be charged to legislative printing.

D. JACK METZGER.

Chairman of Printing.

DAN E. WILLIAMS.

MCCORMACK.

FRANK W. MIXTER.

JOHN B. McCOLL.

Resolution read, and on motion of Senator Metzger adopted.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Reindollar to introduce a bill entitled—An act to amend section 19A23 of the Juvenile Court Law, relating to the probation officer—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

RICH, Chairman.
DIFANI.
TICKLE.
SLATER.
KNOWLAND.

The question being on the adoption of the report.
The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Stow moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Deuel, Edwards, Fletcher, Gordon, Hays, McGovern, McGuinness, Olson, Powers, Rich, Schottky, Seollan, Stow, Tickle, and Wagy—15.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Withdrawal from Committee of Assembly Joint Resolution No. 51.

Senator McGovern moved that Assembly Joint Resolution No. 51 be withdrawn from Committee on Federal Relations for purpose of adoption.

Motion carried and such was the order.

Consideration of Assembly Joint Resolution No. 51.

Relative to memorializing the President and the Congress to enact legislation (H. R. 2772) declaring Admission Day a holiday for all officers and employees of the United States whose headquarters are in California.

WHEREAS, The ninth day of September is the day when all persons residing in California celebrate the admission of the "Golden State" into the Union; and

WHEREAS, This day of celebration is one of great sentiment to the people of the State of California; and

WHEREAS, The ninth day of September of each year is an official holiday for all public employees of the State of California and political subdivisions thereof; and

WHEREAS, Many organizations, together with the Native Sons of the Golden West, have sponsored the plan to allow officers and employees of the United States whose headquarters are in California to celebrate and honor the Admission Day of California; and

WHEREAS, On January 3, 1935, there was introduced by Mr. Englebright, of California, a bill known as H. R. 2772, which proposes to declare the ninth day of September of each year, which is the date California was admitted to the Union, a legal holiday for all officers and employees of the United States whose headquarters are in the State of California; now, therefore, be it

Resolved, That the Assembly and the Senate of the State of California, jointly, Respectfully urge the President and the Congress of the United States to enact

H. R. 2772, which proposes to provide a legal holiday for Federal employees; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, and to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 51 adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Hulse, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Powers, Rensdollar, Rich, Schotky, Scollan, Seawell, Snyder, Stow, Tickle, and Wagy—24.

NOES—Senator Gordon—1.

Assembly Joint Resolution No. 51 ordered transmitted to the Assembly.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented.

By Senator Parkman:

SENATE CHAMBER, SACRAMENTO, April 10, 1935.

MR. PRESIDENT. In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add a new section to be numbered 8.5 to an act entitled "An act for the formation, management and dissolution of certain fire protection districts composed of lands within one or more counties and associations in such districts, to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expense thereof," approved June 12, 1931, relating to the incurring of a bonded indebtedness and sale and payment thereof.

Respectfully submitted.

SENATOR PARKMAN.

Request referred to Committee on Rules.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 974—An act to amend section 794 of the Agricultural Code, relating to cherries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 974 passed by the following vote:

AYES—Senators Crittenden, Deuel, Edwards, Fletcher, Gordon, Hays, Hulse, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Powers, Rensdollar, Rich, Schotky, Scollan, Seawell, Snyder, Stow, Swing, Tickle, Wagy, and Williams—26.

NOES—None.

Title read and approved.

Assembly Bill No. 974 ordered transmitted to the Assembly.

Assembly Bill No. 462—An act to amend section 809 of the Agricultural Code, relating to walnuts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 462 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness,

Metzger, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 462 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

The Secretary was directed to call the roll, on adoption of report, of the Senators who had not answered to their names.

The roll was called, in accordance with the provisions of section 2 of Article IV of the Constitution, and the report of the Committee on Rules adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Reindollar: Senate Bill No. 1089—An act to amend section 19x23 of the Juvenile Court Law, relating to probation officer.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 1300, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Assembly Bill No. 1300—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division First of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals,

6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the amendment of section 6.02 of said act as set forth in section 5a of Chapter 431 of the Statutes of 1933, adding to said act new sections to be numbered 6.09 relating to delay in paying after thirty days, 8.10 relating to rate of return on shares and investment certificates, 9.18 relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, 10.03a relating to reserve or surplus accounts, 10.09 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal savings and loan association and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to vote for or approve such conversion, to exchange shares, stock, investment certificates or other rights or claims for shares issued by such Federal savings and loan association, and to continue to hold as a legal investment any shares so received, adding a new article to be numbered XVI to said act relating to the rehabilitation, readjustment, liquidation, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such Article XVI, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article XVI, to exchange shares, stock investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received, and declaring the urgency of this act and providing that it shall take effect immediately.

Consideration of Assembly Bill No. 1300 Deferred.

Further consideration of Assembly Bill No. 1300 was deferred until the next legislative day.

Assembly Bill No. 1300 ordered on unfinished business file.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Powers:

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to provide for the relief of cities, cities and counties, and assessment districts from obligations evidenced by outstanding and unpaid bonds.

Respectfully submitted.

SENATOR POWERS.

Request referred to Committee on Rules.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Agriculture and Livestock.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 90—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 430 to 433, inclusive, relating to ownership or control of stockyards by packers—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—9; noes—3; absent—3.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 918—An act to amend sections 798 and 830 of the Agricultural Code, relating to dates—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 1087—An act to amend section 870 of the Agricultural Code, relating to the standardization of canned foods;

Also: Assembly Bill No. 58—An act to add a new section to the Agricultural Code, to be numbered 318, relating to meat inspection, declaring the urgency hereof, to take effect immediately;

Also: Assembly Bill No. 514—An act to repeal section 3385 of the Political Code, relating to licensing of animals kept for propagation;

Also: Assembly Bill No. 766—An act to add Chapter 9, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products;

Also: Assembly Bill No. 923—An act to amend section 1283 of the Agricultural Code, relating to deciduous fruit dealers;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12; absent—3.

CRITTENDEN, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 454—An act to provide for the establishment and administration of a system of State health service insurance, including the establishing of a Health Service Insurance Commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereto, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

DIFANI, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 583—An act to amend section 1144 of the Probate Code, relating to the disposition of the property of the estate of any decedent of the value of \$200 or less;

Also: Assembly Bill No. 579—An act to amend section 1153 of the Probate Code, relating to publication of reports of the finances of the estates of decedents by the public administrator;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—10; absent—4.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 432—An act to amend section 859 of the Civil Code, relating to trusts.

Also, Senate Bill No. 393—An act to amend section 692 of the Code of Civil Procedure, relating to giving notice of sales under execution.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—10; absent—4

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934 relating to the business of running auction any pledges of personal property known as pawnbroking, and providing penalties for the violation hereof;

Also: Senate Bill No. 315—An act relating to contracts by the Department of Finance, concerning the waters of Rector Creek;

Also: Senate Bill No. 374—An act to amend "An act to define collection agencies, to provide for the regulation, bonding, supervision and licensing thereof," to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—14; committee vote: Ayes—10; absent—4.

SWING, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 614—An act to amend section 644 of the Penal Code, relating to habitual criminals—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; noes—1.

REINDOLLAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 618—An act to amend subsection 1, section 1203, of the Penal Code, relating to probation and probation officers—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7

REINDOLLAR, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—15; committee vote: Ayes—12; absent—3.

CRITTENDEN, Chairman.

Adjournment.

On motion of Senator Rich, at four o'clock p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Wednesday, April 24, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, April 24, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Douel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, April 23, 1935, the further reading was dispensed with, on motion of Senator Crittenden.

Leave of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Moto of Yolo County, who raised the champion beef steer competing with all western States in 4-H Club work, and also won the championship with lambs in 1934 with same competition.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Mamina of San Jose.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mary Schwab of San Francisco.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ben Fentern of Stevenson, Merced County, Mrs. J. M. McLees, Mrs. Fay Batten, Mrs. M. J. Ledford of Los Palos.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leroy Nichols, superintendent of schools; Evan Barst, teacher of Lodi Union High School, Lodi, California, and Nathaniel Morton, Jane Keller, Jane Hargis, Lewis Bridge, Roland Thumlert, Sylvester Burgstohler, Barbara Collins, Dorothy Robinson, Kenneth Hunting, James Posey, Edwin Gholy, Elizabeth La Valley, Virginia Allington, Rose Melcher, Anne Melcher, Gerald Smart, Edna Schmidt, Dorothy Shipman, Dorothy Godfrey, Luella Engel, Kathryn Hoffman, Lupe Rivern, Cynthia Zimbelmann, Mary Winsor, Peggy Cellini, Virgil Swett, John Young, Shirley Mudge, Jules Perrin, Gertrude Scott, Edna Koeneke, Elizabeth Lind, Esther Bischel, Mary Pfieffe, Marie Rush, Margaret Featherston,

Eleanor Comartin, Anne Tanereto, Grace Baldwin, Patricia Mason, Carolyn Neer, Adolph Lerya, Corrine McCullum, Mary Engelhorne, Charlotte Dugdale, Marjorie Field, Bernice Hieb, Alda Pfeifle, Walter Hamen, Erwin Erickson, Edna Kirchhof, Virginia Polenski, Nerene Weis, Vera Neolarth, George Kuehl, Marshall Damon, Glendé Tare, Ole Mettler, Vernon Fande, Ernest Troutner, Stanley Bartels, Gordon Gray, Herschel Mason, Del Minton, Jim Board, Robert Thumert, Belfard Weiderich, Ervin Pokert, Masao Matsumoto, George Takenchi, Leonard Frey, Wesley Dunton, Clarence Macdonald, Bill Jones, Bill Hunter, Jim Bainbridge, Dale Rathbun, Delford Suman, and Marvin Klemm, pupils.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2265—An act to add section 699.5 to the Fish and Game Code, relating to salmon.

Also: Assembly Bill No. 2404—An act to add section 2181a to the Political Code, relating to moneys of insane or feeble-minded persons committed to State hospitals and homes for feeble-minded.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2265 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2404 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1656—An act to amend the Vehicle Code by adding thereto section 416, relating to vehicles.

Also: Assembly Bill No. 1658—An act to amend sections 468, 474, 515, 516, 713 and 714 of, and to add a new section to be numbered 693 to the Vehicle Code, relating to highways, bridges and structures thereon, and the regulation of speeds and weight of vehicles.

Also: Assembly Bill No. 1837—An act to amend sections 269 and 271 of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters.

Also: Assembly Bill No. 2232—An act to amend section 4295 of the Political Code, relating to official without fees.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 1656 and 1658 read first time, and referred to Committee on Motor Vehicles.

Assembly Bills Nos. 1837 and 2232 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1360—An act to add sections 54a and 54b to the Civil Code, relating to the right of privacy of persons, and to provide a method by which such right of privacy may be enforced.

Also: Assembly Bill No. 1377—An act to provide for the custody and disposition of money and other property belonging to inmates of county institutions.

Also: Assembly Bill No. 1546—An act to add section 4 to an act entitled "An act limiting the liability of supervisors, city trustees, city councils, boards of education and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in certain instances and providing for the payment of costs of actions in certain instances," approved June 13, 1923, relating to the liability of counties, municipalities and school districts.

Also: Assembly Bill No. 1554—An act to amend sections 1, 2, 3, 4, 6, 7, 8 and 14 of "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to the composition of the retirement board; time of meeting; manner of transacting business; the duties of said board and time for annual report; computation of time for retirement privilege; interest rate on contributions and deposits; time for payments; refund of sums in excess of sum necessary for prior service credit, and revising the arrangement of certain portions of said act.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1360 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 1377, 1546 and 1554 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 975—An act to amend section 804 of the Agricultural Code, relating to pears;

Also: Assembly Bill No. 976—An act to amend section 806 of the Agricultural Code, relating to plums and fresh prunes;

Also: Assembly Bill No. 1201—An act to add section 2391 to the School Code, relating to severance of joint schools;

Also: Assembly Bill No. 1332—An act to add section 2306a to the Civil Code, relating to breach of contract to deliver a quitclaim deed.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 975 and 976 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1201 read first time, and referred to Committee on Education.

Assembly Bill No. 1332 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 863—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 of an act entitled "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of employees," approved February 6, 1889 (Stats. 1889, Chap. 5), as amended, relative to the sanitation, lighting and ventilation of factories, workshops and other places of employment, providing for the enforcement thereof by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for the violation thereof;

Also: Assembly Bill No. 827—An act to validate the organization and bonds of municipal improvement districts formed under the Municipal Improvement District Act of 1927 and providing for the levy of special assessment taxes to pay said bonds;

Also: Assembly Bill No. 972—An act to amend section 791 of the Agricultural Code, relating to apricots;

Also: Assembly Bill No. 973—An act to amend section 803 of the Agricultural Code, relating to peaches.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 863 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 827 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 972 and 973 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 624—An act to amend section 61 of the Bank Act, making flood control bonds legal for savings bank investments.

Also: Assembly Bill No. 655—An act to amend section 154 of the California Irrigation District Act, relating to the duties and powers of boards of directors and providing for the use of water for any beneficial purposes.

Also: Assembly Bill No. 730—An act to amend section 1 of an act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for night holiday and overtime work on public works," providing for the enforcement of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the retention of such records by the proper public authority, providing for a fine of one hundred dollars, or portion thereof, any worker is paid less than the said rate and for a suspension to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931 (Stats. 1931, Chap. 397), relative to the definition of public contract work and payment at the prevailing rate thereof.

Also: Assembly Bill No. 764—An act to amend section 818 and to repeal sections 819 and 820 of the Penal Code, relating to the offense of a wife.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 624 read first time, and referred to Committee on Banks and Banking.

Assembly Bill No. 655 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 730 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 764 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 64—An act to amend sections 1296 and 1297 of the Code of Civil Procedure, relating to preferred claims for work or personal services.

Also: Assembly Bill No. 206—An act to amend section 1 of Chapter 229 of the Statutes of 1933, entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the transportation of certain words and phrases used in said act.

Also: Assembly Bill No. 322—An act to amend "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, by adding section 2a thereto, relating to free employment bureaus.

Also: Assembly Bill No. 336—An act to amend sections 396, 396a, 399, 530, 540, 542, 581, 594, 618, 629, 650, 659a, 667, 689, 953a, 978, 980, 982, 983a, 988a, 988b, 988c, 988d, 989, 990, 1005 and 1010 of the Code of Civil Procedure, and to add section 655 thereto, all relating to civil actions.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 64 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 206 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 322 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 336 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 386—An act to amend section 472a of the Code of Civil Procedure, relating to demurrers;

Also: Assembly Bill No. 387—An act to amend sections 1031 and 1032 of the Code of Civil Procedure, relating to costs;

Also: Assembly Bill No. 495—An act to amend sections 460, 504, 585, and 621 of the Agricultural Code, relating to dairy products;

Also: Assembly Bill No. 568—An act to amend section 4305 of the Political Code, relating to the salary fund of counties.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 386 and 387 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 495 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 568 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 33—Relative to approving five certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of April, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 33.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 33, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 33—Relative to approving five certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special election held therein on the fifth day of April, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 33 adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jaspersen, Keough, King, McGovern, Metzger, Mixter, Olson, Reindollar, Rich, Schottky, Scollan, Seawell, Snyder, Swing, Tickle, Waggy, and Williams—25.
 NOES—None.

Assembly Concurrent Resolution No. 33 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Edwards to introduce a bill entitled "An act to amend section 50 of the 'State Housing Act,' approved June 15, 1923, relating to the character and con-

struction of fire escapes—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote—Ayes—5.

(Signed out)

RICH, Chairman
DELANI
KNOWLAND
SLATER
TUCKER

The question being on the adoption of the report

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Donel, Duval, Edwards, Fletcher, Gordon, Haas, Hume, Jespersen, Koonigh, King, McCall, McCracken, McQuinn, McQuinn, Morgan, Mixer, Reinhold, Rich, Schottky, Seaman, Senway, Slater, Slaughter, Swagg, Tuck and Wagys—27.

Proceedings Under Call of the Senate.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 28—Approving certain amendments to the charter of the city of Bakersfield, county of Kern, State of California, voted for and ratified by the electors of said city of Bakersfield at a special election held therein on the nineteenth day of March, 1935, and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fourth day of April, 1935, at two o'clock and fifty minutes p.m.

METZGER, Chairman.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 5—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax:

Also: Senate Bill No. 34—An act to add section 903 to the Fish and Game Code, relating to nets;

Also: Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 4, 6, 7, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit-forming, narcotic and other dangerous drugs and substances;

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 109—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith; to make an appropriation, and to provide for the repayment thereof—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 818—An act to amend section 580b of the Code of Civil Procedure, relating to deficiency judgments—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 550—An act to provide for the cooperation of State officers and agencies, and stockmen's associations with the Federal Government in relation to grazing lands, and for the disposition of money received from the Federal Government in relation thereto;

Also: Senate Bill No. 569—An act to amend section 2.802 of the School Code, relating to judgments against school districts;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 90—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 430 to 433, inclusive, relating to ownership or control of stockyards by packers;

Also: Senate Bill No. 393—An act to amend section 692 of the Code of Civil Procedure, relating to giving notice of sales under execution;

Also: Senate Bill No. 432—An act to amend section 859 of the Civil Code, relating to trusts;

Also: Senate Bill No. 614—An act to amend section 644 of the Penal Code, relating to habitual criminals;

Also: Senate Bill No. 618—An act to amend subsection 1, section 1203, of the Penal Code, relating to probation and probation officers;

Also: Senate Bill No. 1087—An act to amend section 870 of the Agricultural Code, relating to the standardization of canned foods;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 90—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 430 to 433, inclusive, relating to ownership or control of stockyards by packers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1087—An act to amend section 870 of the Agricultural Code, relating to the standardization of canned foods.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 454—An act to provide for the establishment and administration of a system of State health service insurance, including the establishing of a health service insurance commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereto, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 454 were read and adopted:

Amendment No. 1.

On page 3, line 9, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "; and also excluding any person who adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization who, in accordance with its creed, tenets, or religious dogmas, depends for healing upon prayer in the practice of religion, and who stands in with any commission and with his employer in ethically setting such conscience and dependence; and that he will claim no benefit of any kind under the provisions of this act."

Each of the provisions herein relating to exclusions from the meaning of "employee" is hereby declared to be separable, and distinct from all other portions or provisions of this section or of this act. If any such provision be, for any reason, declared invalid, the remainder of this act shall remain in full force and effect and shall be as completely operative as though such provision had not been included herein; and the Legislature hereby declares that no such provision was a consideration or inducement for the enactment of any other or any portion of this act but that it would have passed this act, and every portion thereof, irrespective of the presence or absence in the act of any such provision, declared unconstitutional".

Amendment No. 2.

On page 31 of the printed bill, as amended, strike out lines 39 to 47, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 432—An act to amend section 859 of the Civil Code, relating to trusts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 393—An act to amend section 692 of the Code of Civil Procedure, relating to giving notice of sales under execution.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of loaning money on pledges of personal property known as pawnbroking, and providing penalties for the violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 875 were read and adopted:

Amendment No. 1.

On page 4, line 22, of the printed bill, as amended, strike out "338, 339, 340, 341, 342 and 343", and insert in lieu thereof the following: "340 and 341".

Amendment No. 2.

On page 4, line 32, of the printed bill, as amended, strike out "Title XXIII of the Civil Code," and insert in lieu thereof the following: "Chapter 4 of Division VI of the Agricultural Code".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 315—An act relating to contracts by the Department of Finance, concerning the waters of Reector Creek.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 315 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "contracts", and insert in lieu thereof the following: "a contract".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "That certain agreement made and entered into", and strike out all of lines 2 to 9, inclusive, and insert in lieu thereof the following:

"The Director of Finance is hereby directed to enter into the following contract for and in the name of the people of the State of California:

THIS AGREEMENT, Made and entered into, in triplicate, on the twentieth day of March, 1935, by and between the Department of Finance and the State of California, hereinafter called the first party, and Peter Jaeger, a resident of the county of Napa, State of California, hereinafter called the second party,

Witnesseth: that

WHEREAS, Certain differences have arisen between the parties hereto respecting the flow of the waters in Rector Creek, Napa County, California, and percolations therefrom, and particularly concerning waters of said creek flowing through the lands of the State of California and or the lands of the second party; and

WHEREAS, The second party claims a riparian right and interest in and to the flow of the waters of the said Rector Creek and or a right as an overlying owner entitled to replenishment of water supply by percolation therefrom;

Now, therefore, for and in consideration of the mutual covenants and agreements herein expressed, and of the foregoing recitals, and of the premises, it is hereby agreed by and between the parties hereto as follows:

1. First party agrees to give and deliver to second party, free of charge, from first party's water pipe on Silverado Trail, Napa County, California, at a point nearest to the residence of second party, one thousand (1000) gallons of water per day, in perpetuity, said covenant to run with the lands of the party of the second part and against the lands of the first party, that is, the lands of the first party to be the servient tenant, and the lands of the second party the dominant tenant, from and after this date, under such restrictions as to the taking of such water as the first party may see fit, that is to say; first party may require second party to install a meter, or other device for the measuring of water, adequate for the purpose of ascertaining or insuring that second party shall take and receive said amount of water daily and no more.

2. Second party agrees to connect, at his own expense, with first party's said pipe line on said Silverado Trail, and to install, at his own expense, such meter or other device, as above specified, as shall be approved by first party.

3. Second party promises and agrees that he will and shall receive and accept the said one thousand (1000) gallons of water per day in lieu and instead of any and all rights which he may have as a riparian owner on said Rector Creek, and or as an overlying owner entitled to replenishment of water supply by percolation therefrom, or otherwise.

4. It is understood and agreed by and between the parties hereto that the first party may erect any dam or dams, as are, in its judgment, necessary for the storage of the water of Rector Creek, or at any point on Rector Creek or otherwise, divert any or all of the flow of said Rector Creek.

5. It is expressly understood and agreed that this agreement is a full and final settlement of all differences between the parties hereto."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 374—An act to amend "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 374 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "amend", insert the following: "section 13 of, and to add new sections to be numbered 9a, 9b, 9c, 9d and 9e to an act entitled".

Amendment No. 2.

On page 1, line 1, of the printed bill, after "Section 1", insert the following: "Section 9a is hereby added to the act cited in the title hereof, to read as follows:

Sec. 9a. All contracts or agreements entered into by and between a licensee and his customers shall be clear and unambiguous with reference to any of the following matters:

(1) The fees and commissions to be charged for collection or enforcement services shall, in no event, exceed a total of fifty per cent of the money collected on such claim. The words "fees" or "commissions", as used herein shall include all disbursements, listing, tracing or locating fees, and all other fees not herein specifically mentioned.

(2) The total fees or commissions to be charged for the collection of claims or accounts which require legal proceedings where the licensee defrays the necessary costs and disbursements thereof, and where the customer advances such costs and disbursements. And a statement to the effect that such costs and disbursements shall be repaid to the party advancing the same, out of the first collections made upon such claim or account.

Sec. 2. Section 9b is hereby added to said act, to read as follows:

Sec. 9b. No licensee shall settle any claim or account for less than two percent thereof, except with the consent of the customer from whom such claim or account has been received.

Sec. 3. Section 9c is hereby added to said act, to read as follows:

Sec. 9c. Each licensee shall render an accounting to each customer for whose account or on whose behalf such licensee shall have collected or received money during the preceding thirty days, showing all moneys collected and received and all fees or commissions chargeable against the same.

Sec. 4. Section 9d is hereby added to said act, to read as follows:

Sec. 9d. Unless within six months after the receipt of each claim or account for collection the licensee or the customer shall have indicated or accepted a compromise thereon, received an acknowledgment or a promise to pay the same, or had commenced legal proceedings thereon, or has reappointed such claim or account to another and out-of-town collection agency or attorney for collection, then such licensee shall, on request of the customer from whom such claim or account shall have been received, return such claim or account together with all moneys or notes which may have been received from the customer relating thereto without charge.

Sec. 5. Section 9e is hereby added to said act, to read as follows:

Sec. 9e. Upon the failure to renew a license as herein provided, or upon the revocation or suspension of a license as in this act provided, the customers of such licensee shall forthwith be entitled to a return of all claims or accounts previously placed with or assigned to such licensee for collection, and the licensee shall be required to return and reassign all such claims or accounts to the customer from whom the same shall have been received, unless the written consent of such customer is first obtained for a different disposition thereof.

Sec. 6. Section 13 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 13. In addition to any other penalty, any person, firm, corporation or voluntary association, or any officer or director of any such corporation or association carrying on the business specified in this act without first having obtained from the Secretary of State a license therefor, as herein provided, or who shall carry on such business after the revocation or expiration of any license so obtained, shall be guilty of a misdemeanor and punishable by a fine not exceeding two hundred dollars or by imprisonment not exceeding six months or by both fine and imprisonment.

It shall be the duty of the prosecuting officer of any city, city or county, or county to prosecute all violations of the provisions of this act concerning writing his counter. Upon the filing of a certified copy of the record of conviction hereunder of any licensee of fraud, embezzlement or any act involving moral turpitude, the Secretary of State shall revoke the license of said licensee."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 614—An act to amend section 644 of the Penal Code, relating to habitual criminals.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 618—An act to amend subsection 1, section 1203, of the Penal Code, relating to probation and probation officers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 527 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, strike out lines 23 to 32, inclusive.

Amendment No. 2.

On page 2, line 33, of the printed bill, strike out "319.6", and insert in lieu thereof the following: "319.5".

Amendment No. 3.

On page 2, line 39, of the printed bill, strike out "319.7", and insert in lieu thereof the following: "319.6".

Amendment No. 4.

On page 2, line 47, of the printed bill, strike out "319.8", and insert in lieu thereof the following: "319.7".

Amendment No. 5.

On page 2, line 49, of the printed bill, strike out "five", and insert in lieu thereof the following: "thirty".

Amendment No. 6.

On page 2, line 51, of the printed bill, strike out "319.9", and insert in lieu thereof the following: "319.8".

Amendment No. 7.

On page 3, line 4, of the printed bill, strike out "319.10", and insert in lieu thereof the following: "319.9".

Amendment No. 8.

On page 3, line 8, of the printed bill, strike out "319.11", and insert in lieu thereof the following: "319.10".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Second Reading of Assembly Bills.

Assembly Bill No. 918—An act to amend sections 798 and 830 of the Agricultural Code, relating to dates.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 918 were read and adopted:

Amendment No. 1.

On page 1, line 16, of the printed bill, as amended in Assembly March 18, 1935, after the word "packer", insert the following: "or distributor".

Amendment No. 2.

On page 1, line 18, of the printed bill, as amended in Assembly March 18, 1935, strike out the comma after the word "packer", and insert in lieu thereof the following: "or distributor".

Amendment No. 3.

On page 2, line 20, of the printed bill, as amended in Assembly March 18, 1935, after the word "resale", insert the following: "or for live stock feeding purposes".

Amendment No. 4.

On page 2 of the printed bill, as amended in Assembly March 18, 1935, strike out all of line 23, and insert in lieu thereof the following: "reconditioning are

commodities exempt from the requirements of the specific commodity standards prescribed by this chapter."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 583—An act to amend section 1144 of the Probate Code, relating to the disposition of the property of the estate of any decedent of the value of \$200 or less.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 579—An act to amend section 1153 of the Probate Code, relating to publication of reports of the finances of the estates of decedents by the public administrator.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 58—An act to add a new section to the Agricultural Code, to be numbered 318, relating to meat inspection, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 514—An act to repeal section 3385 of the Political Code, relating to licensing of animals kept for propagation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 766—An act to add Chapter 9, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 923—An act to amend section 1283 of the Agricultural Code, relating to deciduous fruit dealers.

Bill read second time, and ordered on file for third reading.

Message From the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE, SACRAMENTO.

Honorable Members of the Senate,

State of California, Sacramento, California.

In this way may I cordially invite the Senators and their wives to a legislative dinner at the Elks Club, Sacramento, Tuesday evening, seven o'clock, April 30, 1935. Hon. Joseph Nolan, Sergeant-at-Arms of the Senate, will call upon each Senator for his acceptance.

Informal.

Cordially yours,

FRANK F. MERRIAM, Governor of California.

April 23, 1935.

The Secretary of the Senate was instructed to acknowledge receipt of the invitation and acceptance thereof.

Motion.

Senator Olson moved, seconded by Senator Slater, that the floor of the Senate, in reference to Rule 69 of the Standing Rules of the Senate, shall include the space inside and outside of the railing.

Substitute Motion.

Senator Seawell moved, as a substitute motion, that no person be permitted inside the railing except upon invitation by card from any Senator.

The question being on adoption of the substitute motion.

The roll was called, and the substitute motion adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Snyder, Stow, Swing, Tickle, Wagy, and Williams—30.

NOES—Senators Deuel, Jespersen, McGovern, Mixter, Olson, Schottky, and Slater—7.

Motion.

Senator Deuel moved that during the consideration of the daily file no dictation be permitted on the floor of the Senate.

Ayes and Noes Demanded.

A roll call was demanded by Senators Reindollar, Seawell and Metzger, on the adoption of the motion offered by Senator Deuel.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Deuel, Garrison, Hays, McGuinness, Olson, Slater, Stow, and Tickle—8.

NOES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Snyder, Swing, Wagy, Williams, and Young—30.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and forty-five minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

The Secretary was directed to call the roll, on adoption of report, of the Senators who had not answered to their names.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report of Committee on Rules adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Edwards: Senate Bill No. 1090—An act to amend section 50 of the "State Housing Act," approved June 15, 1923, relating to the character and construction of fire escapes.

Bill read first time, and referred to Committee on Building and Construction.

Resolution.

The following resolution was offered:

By Senator Rich:

WHEREAS, The approach of adjournment of the Legislature sine die requires the time of the Legislature be conserved to the utmost; therefore, be it

Resolved, That from and after this date, speeches on the floor of the Senate be limited to ten minutes in length for opening speeches and five minutes for all other speeches. Extensions of time beyond said periods may be granted only by unanimous consent.

Resolution read, and on motion of Senator Rich, adopted.

Consideration of Senate Joint Resolution No. 16.

Senator Crittenden asked for, and was granted unanimous consent for the consideration of Senate Joint Resolution No. 16, without reference to committee for purpose of adoption.

Senate Joint Resolution No. 16—Relative to Federal legislation granting subsidy or assistance to the American Merchant Marine.

Resolution ordered to print, and on the unfinished business file.

President Pro Tempore in the Chair.

At eleven o'clock and fifty seven minutes a.m., Hon. W. P. Rich, President pro tempore of the Senate, in the chair.

Leave of Absence.

Senator Difani was, on motion of Senator Powers, granted leave of absence for the remainder of this legislative day.

Consideration of Assembly Bill No. 1300.

Deferred consideration of Assembly Bill No. 1300 was resumed.

Assembly Bill No. 1300—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the amendment of section 6.02 of said act as set forth in section 5a of Chapter 431 of the Statutes of 1933; adding to said act new sections to be numbered 6.09 relating to delay in paying after thirty days, 8.10 relating to rate of return on shares and investment certificates, 9.18 relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing

Act, 10.03a relating to reserve or surplus accounts, 10.09 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal savings and loan association and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to vote for or approve such conversion, to exchange shares, stock, investment certificates or other rights or claims for shares issued by such Federal savings and loan association, and to continue to hold as a legal investment any shares so received; adding a new article to be numbered XVI to said act relating to the rehabilitation, readjustment, liquidation, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such Article XVI, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article XVI, to exchange shares, stock investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and declaring the urgency of this act and providing that it shall take effect immediately.

Consideration of Assembly Bill No. 1300 continued.

Recess.

On motion of Senator Swing, at twelve o'clock and twenty-five minutes p.m., the President pro tempore of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.
Secretary Joseph A. Beek at the desk.

Postponement of Reconsideration.

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendments offered by Senator Sharkey to Senate Bill No. 128 were adopted, was continued until the next legislative day.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Parkman to introduce a bill entitled—"An act to add a new section to be numbered 8.5 to an act entitled "An act for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to the incurring of a bonded

indebtedness and the sale and payment thereof—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted (Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman
DEPANI
SLATER,
TICKLE,
KNOWLAND.

The question being on the adoption of the report.
The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Mixer moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, and Young—26.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 364—An act to amend section 1036 of the Agricultural Code, relating to fertilizing materials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 364 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixer, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Wag, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 364 ordered transmitted to the Assembly.

Assembly Bill No. 361—An act to amend the division heading of Division V of the Agricultural Code, relating to standardization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 361 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern,

McGuinness, Mixter, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 361 ordered transmitted to the Assembly.

Assembly Bill No. 367—An act to amend section 104 of the Agricultural Code, relating to quarantine.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 367 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 367 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and fifteen minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Mixter.

The Secretary was directed to call the roll, on adoption of report, of the Senators who had not answered to their names.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report of Committee on Rules finally adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Parkman: Senate Bill No. 1091—An act to add a new section to be numbered 8.5 to an act entitled "An act for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to the incurring of a bonded indebtedness and the sale and payment thereof.

Bill read first time, and referred to Committee on County Government.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Powers to introduce a bill entitled—An act to provide for the relief of cities, cities and counties, and assessment districts from obligations evidenced by

outstanding and unpaid bonds—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership: 5; committee vote: Ayes: 5.

RICH, Chairman.
DEAN,
KNOWLAND,
SLATER,
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Baggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGinness, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Slater, Snyder, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Bills

By Senator Powers: Senate Bill No. 1092—An act to provide for the relief of cities, cities and counties, and assessment districts from obligations evidenced by outstanding and unpaid bonds.

Bill read first time, and referred to Committee on Judiciary.

Assistant Secretary Carl A. Shipkey at the Desk.

Consideration of Assembly Bill No. 1300—(Resumed).

Senator Olson asked for, and was granted, the privilege of proposing his amendments and voting on same in the order of presentation, without regard to numbers:

Amendment No. 25.

On page 12, line 20, of the printed bill, as amended, after the word and figures "Sec. 8.10", strike out all of the rest of line 20 and strike out all of lines 21 to 52, both inclusive, and insert in lieu thereof the following: "No association, which has not converted itself into a Federal loan and savings association, as provided for in section 12.11, shall issue any new or additional shares or investment certificates".

Amendment No. 26.

On page 13 of the printed bill, as amended, strike out all of lines 1 to 6, both inclusive.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Seollan, and Perry, on the adoption of Amendments Nos. 25 and 26.

The roll was called, and Amendments Nos. 25 and 26 refused adoption by the following vote:

AYES—Senators Garrison, Jespersen, Olson, Perry, and Seollan—5.

NOES—Senators Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGinness, Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—29.

Amendment No. 16.

On page 9, line 46, of the printed bill, as amended, strike out the words "but shall not apply to any", and strike out all of lines 47, 48, 49, 50 and 51, and insert in lieu thereof the following: "No investment certificates or shares shall be sold to or purchased by the association by which the same was issued at a price or consideration greater than the price or consideration paid or given therefor by the seller and adjustments for accrued interest and accrued dividends, nor until the seller shall have made and filed with the commissioner an affidavit stating the time and place of purchase, the party from whom the purchase was made and the price or consideration actually paid, therefore, by the seller."

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Seollan, and Jespersen, on the adoption of Amendment No. 16.

The roll was called, and Amendment No. 16 refused adoption by the following vote:

AYES—Senators Garrison, Jespersen, Olson, Perry, and Scollan—5

NOES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—29.

Amendment No. 36.

On page 25, line 9, of the printed bill, as amended, after the word "records", and the period, strike out the rest of the line, and strike out lines 10 to 46, both inclusive, and insert the following: "Any investment certificate holder or shareholder shall have the right to inspect the stock records, the register of certificate holders, the books of account, files and minutes of proceedings of the stockholders and directors of such association and to make lists and extracts therefrom and upon a petition to the court for an order directing an association to permit such inspection, and the court, upon being satisfied (upon sworn testimony or affidavit and upon such notice to any such association as the court may direct) that the purpose of the petitioner is reasonably related to his interest in such association, shall make an order permitting such inspection upon such terms and conditions as the court may deem proper under the circumstances, and if the court deems it necessary for the protection of all interests in the association it may place in such order, limitations and restrictions upon the use of the information required by the inspection order, and any violation of such limitation or restriction, may, in the discretion of the court, be adjudged to have been committed in contempt of court and punished accordingly."

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Scollan, and Jespersen, on the adoption of Amendment No. 36.

The roll was called, and Amendment No. 36 refused adoption by the following vote:

AYES—Senators Fletcher, Garrison, Gordon, Jespersen, King, McGovern, Olson, Perry, Powers, Reindollar, and Scollan—11.

NOES—Senators Crittenden, Deuel, Duval, Edwards, Hays, Hulse, Keough, Knowland, McCormack, McGuinness, Mixer, Parkman, Pierovich, Rich, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—23.

Amendment No. 18.

On page 10, line 17, of the printed bill, as amended, after the word "that", insert the following: "No dividends shall be paid or declared on stock either before or after such period until the full amount of unpaid interest provided for in investment certificates or certificates evidencing shares or in any agreement or elsewhere, shall have been paid"; and strike out all of the rest of line 17, and all of lines 18 to 52, both inclusive.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Scollan, and Jespersen, on the adoption of Amendment No. 18.

The roll was called, and Amendment No. 18 refused adoption by the following vote:

AYES—Senators Crittenden, Garrison, Gordon, Jespersen, King, Olson, Perry, and Scollan—8.

NOES—Senators Deuel, Duval, Edwards, Hays, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—24.

Amendment No. 2.

On page 3 of the printed bill, as amended, strike out all of line 6, and the following words in line 7: "provided in this section 4.01".

Amendment No. 3.

On page 3, line 16, of the printed bill, as amended, after the semicolon, strike out the words "and provided further, that with the prior consent", and strike out all of lines 17 to 33, both inclusive, and strike out the following words in line 34: "diminution in value of its assets".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Seollan, and Jespersen, on the adoption of Amendments Nos. 2 and 3.

The roll was called, and Amendments Nos. 2 and 3 refused adoption by the following vote:

AYES—Senators Garrison, Jespersen, Olson, Perry, and Seollan—5.

NOES—Senators Crittenden, Denel, Duval, Edwards, Gordon, Hays, Holse, Keough, King, Knowland, McCormack, McGovern, McGinness, Mytzer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—28.

Amendment No. 33

On page 18, line 45, of the printed bill, as amended, after the figure 3 in brackets, strike out the rest of the line, and add at lines 46, 47 and 48, the words "rates of such association or associations"; on line 48, and insert the following: "by the holders of twenty per cent in amount of the outstanding investment certificates."

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Seollan and Jespersen, on the adoption of Amendment No. 33.

The roll was called, and Amendment No. 33 refused adoption by the following vote:

AYES—Senators Crittenden, Fletcher, Garrison, Gordon, Jespersen, King, Olson, Perry, and Seollan—9.

NOES—Senators Denel, Duval, Edwards, Hays, Holse, Keough, Knowland, McCormack, McGovern, McGinness, Mytzer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—25.

Amendment No. 34.

On page 18, line 29, of the printed bill, as amended, strike out the words "another corporation or two or", and strike out all of lines 30 and 31, and insert out the words "trons or", at the beginning of line 32, and strike out the bracket at the end of the word "trons" in line 33.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Seollan and Jespersen, on the adoption of Amendment No. 34.

The roll was called, and Amendment No. 34 refused adoption by the following vote:

AYES—Senators Garrison, Jespersen, King, Olson, Perry, and Seollan—6.

NOES—Senators Crittenden, Denel, Duval, Edwards, Gordon, Hays, Holse, Keough, Knowland, McCormack, McGovern, McGinness, Mytzer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—27.

Amendment No. 35.

On page 15, line 49, of the printed bill, as amended, after the word "may", insert the following: "and shall, upon the written request of any investor or investors of one thousand dollars, or more".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Seollan and Jespersen, on the adoption of Amendment No. 35.

The roll was called, and Amendment No. 35 refused adoption by the following vote:

AYES—Senators Fletcher, Garrison, Jespersen, McColl, Olson, and Perry—6.

NOES—Senators Crittenden, Denel, Duval, Edwards, Gordon, Hays, Holse, Keough, King, Knowland, McCormack, McGovern, McGinness, Mytzer, Parkman, Pierovich, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, and Young—26.

Amendment No. 40.

On page 7, line 19, of the printed bill, as amended, strike out "1937", and insert in lieu thereof "1936".

Amendment No. 41.

On page 12, line 6, of the printed bill, as amended, strike out "1937", and insert in lieu thereof "1936".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Scollan and Jespersen, on the adoption of Amendments Nos. 40 and 41.

The roll was called, and Amendments Nos. 40 and 41 refused adoption by the following vote:

AYES—Senators Fletcher, Garrison, Gordon, Hays, Jespersen, McColl, Metzger, Olson, and Scollan—9

NOES—Senators Crittenden, Deuel, Duval, Edwards, Hulse, Keough, King, Knowland, McCormack, McGovern, McGinness, Mixer, Parkman, Petrovich, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Wagy, and Young—23.

Amendment No. 1.

On page 2, line 16 of the title of the printed bill, as amended, after the words "said act new sections to be numbered", insert the following: "6.02a relating to withdrawals".

Amendment No. 4.

On page 4, line 14, of the printed bill, as amended, strike out the word "reasonable", and following the word "reserves", insert the word "sufficient".

Amendment No. 5.

On page 4, lines 16 and 17, of the printed bill, as amended, strike out the words "or to furnish or equip its properties and".

Amendment No. 6.

On page 4, line 22, of the printed bill, as amended, strike out the words "agents, salesmen and other", and insert in lieu thereof the word "and".

Amendment No. 7.

On page 4, line 23, of the printed bill, as amended, strike out the words "usual and ordinary", and insert in lieu thereof the word "necessary".

Amendment No. 8.

On page 4, line 27, of the printed bill, as amended, after the word "stockholders", insert the following: "or shareholders whose participation in profits is not limited to six per cent per annum or less".

Amendment No. 9.

On page 4, lines 28 and 29, of the printed bill, as amended, strike out the words "except loans or investments pursuant to its obligations incurred before it became an association on notice, and".

Amendment No. 10.

On page 5 of the printed bill, as amended, strike out all of lines 7 to 18, both inclusive.

Amendment No. 11.

On page 5, line 26, of the printed bill, as amended, after the word "then", strike out all of the rest of the line; and strike out all of lines 27, 28, 29 and 30, and the words "payment of withdrawals", and the bracket and the word "and" in line 31; also, in line 31, strike out the words "the remainder", and insert in lieu thereof the words "free money".

Amendment No. 12.

On page 5, line 32, of the printed bill, as amended, strike out the word "withdrawals", and the period, and the words "The commissioner is", and strike out all of lines 33 to 42, both inclusive.

Amendment No. 13.

On page 5, line 49, of the printed bill, as amended, after the word "shares", insert the words "which are not entitled to dividends in excess of six per cent per annum".

Amendment No. 14.

On page 6, line 1, of the printed bill, as amended, at the beginning of the line, insert the words and figures: "Sec. 6.02a"

Amendment No. 14-a.

On pages 7 and 8 of the printed bill, as amended, strike out all of lines 49, 50, 51 and 52 on page 7, and all of lines 1 to 22, both inclusive, on page 8, and insert in lieu thereof the following:

"Sec. 3. The amendment to section 6.02 of the act cited in the title hereof, set forth in and provided by section 5a of Chapter 431 of the Statutes of 1933, approved

May 16, 1933, shall not take effect until the expiration or termination of the emergency period defined in section 6.02a of this act."

Amendment No. 15.

On page 8, line 26, of the printed bill, as amended, strike out the words "Any association may at", and strike out all of lines 27 to 52, both inclusive, and on page 9, strike out all of lines 1 to 15, both inclusive, and commence the word "subject" at the beginning of line 16, with a capital letter.

Amendment No. 17.

On page 10, line 1, of the printed bill, as amended, strike out lines 1 and 2.

Amendment No. 19.

On page 11 of the printed bill, as amended, strike out all of lines 1 to 18, both inclusive.

Amendment No. 20.

On page 11 of the printed bill, as amended, strike out all of lines 37 to 52, both inclusive.

Amendment No. 21.

On page 12 of the printed bill, as amended, strike out lines 1, 2 and 3.

Amendment No. 22.

On page 12, line 11, of the printed bill, as amended, after the word "shares", insert the words "and interest on investment certificates".

Amendment No. 23.

On page 12, line 14, of the printed bill, as amended, after the word "shares", insert the words "and the payment of all interest accumulated on investment certificates".

Amendment No. 24.

On page 12, line 13, of the printed bill, as amended, after the word "after", insert the following: "the payment of interest on investment certificates paid".

Amendment No. 27.

On page 15, line 18, of the printed bill, as amended, strike out the words "and no provision of this act prescribing or".

Amendment No. 28.

On page 15, line 19, of the printed bill, as amended, strike out the words "fixing interest rates upon loans or advances of credit".

Amendment No. 29.

On page 15 of the printed bill, as amended, strike out all of lines 24 to 45, both inclusive.

Amendment No. 31.

On page 18, line 12, of the printed bill, as amended, after the word "reorganization", and the comma, insert the word "liquidation".

Amendment No. 32.

On page 18, line 17, of the printed bill, as amended, at the beginning of the line, insert the words "or liquidation".

Amendment No. 35.

On page 18, line 49, of the printed bill, as amended, after the words "approved by the", strike out the word "vote", and the hyphen, and the words "and is feasible", and insert in lieu thereof the following: "commissioner deems such plan is fair and equitable and does not discriminate in favor of any class of investors, creditors or other persons affected thereby".

Amendment No. 37.

On page 26 of the printed bill, as amended, strike out all of lines 15 to 44, both inclusive, and insert in lieu thereof the following:

"Sec. 6.09. Delay in Paying After Thirty Days. Irrespective of any other provision of law in this act or elsewhere, whenever an association shall have been on notice or on a pro rata basis for a period of thirty days, the commissioner may in his discretion forthwith or at any time thereafter take possession of the property, business and assets of such association and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him, or until such association shall have been reorganized as elsewhere in this act provided, or until such association may otherwise be allowed to resume business upon such conditions as may be approved by the commissioner. The right of the commissioner to take possession under this section is not exclusive, but is additional to his right to take possession under each and every other provision of this act. This section shall be in effect only during the emergency period, which term is hereby defined to mean the period commencing with the effective date of this section 6.09, and ending February 1, 1937."

Amendment No. 38.

On page 26 of the printed bill, as amended, strike out lines 45 to 52, both inclusive.

Amendment No. 39.

On page 27 of the printed bill, as amended, strike out lines 1 to 4, both inclusive, and renumber the following sections of the act.

The foregoing amendments were read and refused adoption.

Urgency Clause.

SEC. 18. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity: By reason of the long-continued and still existing depression, many building and loan associations have suffered heavy losses both in income and in net worth and are unable to carry on their normal business, thereby causing severe hardship to hundreds of thousands of investors and home owners and increasing public unemployment and distress. The provisions of this act will enable building and loan associations to obtain insurance from the Federal Savings and Loan Insurance Corporation, to make insured loans pursuant to the National Housing Act, to convert into Federal savings and loan associations and otherwise to rehabilitate the business of building and loan associations. The provisions of this act are necessary not only to accomplish the foregoing, but also to enable many building and loan associations to continue in business during the period required for such rehabilitation and to create proper safeguards for the protection of the public during such period. In the absence of this act much forced liquidation would occur immediately which would demoralize the real estate market, cause tremendous losses to borrowers, investors and the public generally, as well as large increases in tax delinquencies and danger to the financial stability of banks and insurance companies. It is therefore essential to the immediate preservation of the public peace, health and safety that each and every part of this act be enacted and be immediately effective.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Williams, and Young—33.

NOES—Senator Olson—1.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1300 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Williams, and Young—33.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1300 ordered transmitted to the Assembly.

President of the Senate in the Chair.

At three o'clock and fifteen minutes p.m., Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 990, heretofore set as a special order, the same was taken up for consideration.

Assembly Bill No. 990. An act to amend section 13 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," as amended, relating to revocation or suspension of licenses.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 990, the following amendment, offered by Senator Tickle, was read:

Amendment No. 1.

Add a section to be known as section 2 to the printed bill to read as follows:

"SEC. 2. That section 14 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 14. Proceedings to revoke licenses. The proceedings to revoke or suspend any license under the first subdivision of section 13 must be taken by the board on the receipt of a certified copy of the record of suspension.

The proceedings to revoke or suspend any license upon the second subdivision of section 13 must be taken by the board on the receipt of a certified copy of the judgment roll and reporter's transcript if any.

The proceedings to revoke or suspend any license under the third subdivision of section 13, must be taken upon the testimony of witnesses. All testimony must be in writing, verified by some party familiar with the facts therein stated, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation, the board shall, if it deems the charges sufficient, make an order setting the same for hearing, at a specified time and place, and the secretary shall cause a copy of the order and of the accusation to be served upon the accused at least ten days before the day appointed in the order for said hearing. The accused must appear at the time appointed in the order and answer the charges and make his defense to the charges, unless for sufficient cause the board adjourns another day for that purpose. If he does not appear the board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges, or upon the hearing thereof, the board shall find them to be guilty if true, it may proceed to a judgment revoking his license or suspending it. The board and the accused may, before the hearing of evidence, and the board may have power to administer oaths, take the deposition of witnesses in the manner provided by law in civil cases, and to compel them to attend before it by subpoena, by subpoena issued over the signature of the secretary and the seal of the board and in the name of the people of the State of California. The board shall have power in proper cases to authorize the payment of fees and traveling expenses of necessary witnesses required to appear before the board and report thereon. In any proceedings properly before it. Upon the revocation of any license, the fact shall be noted upon the records of the Board of Dental Examiners and the license shall be marked as canceled, upon the date of its revocation. Written notice of such suspension or revocation shall be mailed by the secretary of the board to the county clerk of each county in which such license is then registered. In case of the revocation of a license by the said board, the accused upon license shall have been revoked by the said board shall have the right to appeal from said revocation within thirty (30) days of the cancellation of said license. Such appeal shall be to the superior court in and for the county in which the licensee resides. In case a person desire to take such appeal, he shall serve or cause to be served upon the secretary of said board a written notice of such appeal, which shall contain a statement of the grounds of such appeal, and shall file in the office of the secretary of the board, an appeal bond with good and sufficient surety to be approved by said secretary, to the State of California, conditioned for the speedy prosecution of such appeal and the payment of such costs as may be charged against him upon such appeal. Said secretary, within ten (10) days after the service of said notice of appeal, and the filing and approval of said bond, shall transmit to the clerk of the superior court to which said appeal is taken, a certified copy under the seal of said Board of Dental Examiners on which the revocation was based, the grounds for appeal, together with the notice and undertaking on appeal. The clerk of such court shall thereupon docket such appeal cases and they shall be tried in all respects as ordinary civil actions and like proceedings shall be had thereon. Upon such appeal said cause shall be tried de novo. Either party may appeal from the judgment of this superior court to the District Court of Appeal in the manner as civil actions may be appealed thereon. The judgment shall be stayed from the date of the approval of said bond until final determination of said appeal."

Motion to Table.

Senator Parkman moved that the amendment, offered by Senator Tickle to Assembly Bill No. 990, be tabled.

Motion carried, and such was the order.

Amendment from the Floor.

During third reading of Assembly Bill No. 990, the following amendment, offered by Senator Knowland, was read:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out all of lines 16, 17 and 18, and insert in lieu thereof the following: "fixed prices for professional service; employ-".

Ayes and Noes Demanded.

A roll call was demanded by Senators Knowland, Jespersen, and Denel, on the adoption of amendment from the floor to Assembly Bill No. 990 by Senator Knowland.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Knowland moved a call of the Senate.

Motion refused adoption.

The roll was called, and the amendment, offered by Senator Knowland refused adoption by the following vote:

AYES—Senators Denel, Hays, Jespersen, Knowland, McColl, Rich, Schottky, Slater, Tickle, and Wagy—10.

NOES—Senators Crittenden, Duval, Edwards, Fletcher, Garrison, Keough, King, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Scollan, Seawell, Snyder, Stow, Williams, and Young—22.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 990 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 990 ordered transmitted to the Assembly.

Third Reading of Senate Bills.

Senate Bill No. 470—An act to amend and revise Chapter 9, comprising sections 10810 to 10940, inclusive, of Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment.

Amendments from the Floor.

During third reading of Senate Bill No. 470, the following amendments, offered by Senator McColl, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend and revise", and insert in lieu thereof the following: "repeal Chapter 9 of Part 2 of Division 2 of the Insurance Code, and to add a new".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended immediately before "Part", strike out "of", and insert in lieu thereof the following: "to"

Bill read, ordered to reprint, engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed)

Assembly Bill No. 57.—An act to repeal sections 2 879 and 2 880 of the School Code and to add thereto sections 2 879 and 2 880, relating to election of school trustees

Amendments from the Floor.

During third reading of Assembly Bill No. 57, the following amendments, offered by Senator Mixer, were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, after the word "schools", insert the following word: "substantially"

Amendment No. 2.

On page 1, line 20, of the printed bill, strike out the word "expenses" and insert in lieu thereof the word "cost"

Amendment No. 3.

On page 1, line 21, of the printed bill, after the word "various", insert the words "elementary school".

Amendment No. 4.

On page 1 of the printed bill, strike out all of lines 22 to 24, both inclusive, and insert the following: "Trusts under jurisdiction of the county superintendent of schools for election of members of governing boards thereof shall be paid by the county superintendent of schools from the unapportioned county elementary school fund. The cost of printing and distributing of the ballots in the various high school and junior college districts under the jurisdiction of the county superintendent of schools shall be paid by the county superintendent of schools from the county unapportioned high school fund."

Bill read, ordered to reprint, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Tickle:

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 398 to the Political Code, relating to the Lieutenant Governor.

Respectfully submitted.

SENATOR TICKLE.

Request referred to Committee on Rules

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Assembly Bill No. 1204.—An act to amend sections 2, 4 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the pro-

vention of fraud in the sale of securities; and declaring the measure an urgency measure within the meaning of section 1 of Article IV of the Constitution and providing accordingly for the act to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

SCHOTTKY, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 22, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1650—An act to amend sections 480, 481, 482, 483, 503, 505, 736, 737, 738 and 743 of the Vehicle Code, to repeal sections 502 and 739 of said code and to add sections 500, 501, 502, 506, 739, 743.5 and 743.6 to said code, relating to accidents involving motor vehicles, the duty of drivers of such vehicles to stop, render aid and give certain information, defining the crime of negligent homicide and prescribing penalties therefor, also relating to persons driving motor vehicles while under the influence of liquor or narcotic drugs, to the stealing or unlawful taking of motor vehicles, and the reckless driving of such vehicles, to the taking of persons arrested before magistrates, and the duties of arresting officers in connection with said persons, to the procedure to be followed where the person arrested is either taken before a magistrate or is given a notice to appear in court, to changes of venue in prosecutions for violations of said code, and to the procedure to be followed upon the arrest of all persons violating said code;

Also: Assembly Bill No. 1784—An act to add section 675.5 to the Vehicle Code, relating to glass;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 828—An act to amend section 2737 of the Political Code, relating to bridges and highways—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—15; absent—2.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 410—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401 Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10 Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 2, 9, 11, 14, 16, 20 and 22, and by adding thereto new sections numbered 4, 5, 5, 8, 8, 9, 9, 12, 13, 16 and 16, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto; and providing that this act become effective immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—15; absent—2.

EDWARDS, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 515—An act to provide for the formation, government and operation of agricultural districts as public corporations; to enumerate and regulate the exercise of the powers thereof; to authorize and provide for the incurring and payment of indebtedness, the issuance of bonds, and the levy and collection of taxes by such districts for the payment of the principal and interest on such bonds; to limit the period of time for commencing actions to contest the validity of such bonds; and to declare the urgency thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 156—An act to amend section 10413 of the Political Code of the State of California, relating to leasing and subleasing of veterans' buildings, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

On Banking.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Banking to which was referred Assembly Bill No. 1203—An act to add two sections to the Bank Act numbered 67.1 and 80.1, relating to loans of the character prescribed by section 136 of the Federal Reserve Act or by section 5d of the Reconstruction Finance Corporation Act, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

Also:

MR. PRESIDENT: Your Committee on Banking to which was referred Assembly Bill No. 341—An act to amend sections 21.1, 53, 54, 60, 64, 195, 196, 197, and 139 of the Bank Act, and to add two new sections therein to be numbered 146 and 51.1—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

TICKLE, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 756—An act to amend section 825 of the Fish and Game Code, relating to nets, and declaring the agency thereof, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—16; committee vote: Ayes—16.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 1763—An act to amend sections 699, 702, 703, 709, 711 and 712 of the Fish and Game Code, relating to black bass, crappie, yellow bass and sun fish, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—16; committee vote: Ayes—16.

McCOLL, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 801—An act to amend section 5 of an act entitled "An act creating an advisory pardon board, defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

(Signed out)

YOUNG, Chairman.
CRITTENDEN.
DEUEL.
KEOUGH.
PIEROVICH.

On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 724—An act to add a new section to the Political Code of the State of California to be numbered 3476b, relating to assessments of reclamation districts and providing for crediting payments made under

invalid calls of installment of assessments upon subsequent calls of installment of assessments—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

MCCORMACK, Chairman.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 6—An act relating to and providing for flood control on San Dieguito River and for the prevention of floods and conserving of the waters of said river, making an appropriation therefor—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to the Committee on Finance.

Committee membership—5.

(Signed out)

MCCORMACK, Chairman.

CRITTENDEN.

GARRISON.

KING.

SCHOTTKY.

Senate Bill No. 6 ordered referred to Committee on Finance.

Adjournment.

On motion of Senator Rich, at four o'clock and five minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, April 25, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, April 25, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Schottky, Slater, Snyder, Stow, Tickle, Williams, and Young—27.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, April 24, 1935, the further reading was dispensed with, on motion of Senator Crittenden.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Crittenden, granted leave of absence for this day.

Senator Difani was, on motion of Senator Powers, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Yolo Saunders and Mrs. Rosalie Hooper of Woodland.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. R. W. Cronin, electrical engineer, Modesto Irrigation District, and Mr. Milton Kadd, director Modesto Irrigation District.

On request of Senator Schotiky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. R. A. Wilson of Los Banos.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Julia C. Nolan and Mrs. Dennis V. Jordan of San Francisco.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Love Blake and Mrs. Bertha Volland of Shawano, Wisconsin, and Mrs. Fernie McManns of Dixon.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. William Graybeil, Maud B. Graybeil, Mrs. Eugene Spear, and Rosa M. Richards of Turlock.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Michael H. Autonacu of San Jose.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Gladys Noce, Grand President of Native Daughters of the Golden West, Mrs. James G. Leitch, general chairman, grand parlor, and Mrs. Genevieve Didion, sub-chairman, grand parlor, all of Sutter Creek.

On request of Senator Rensdollar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Neil M. Cummins, principal; Wayne Simpson, vice principal and the following eighth grade pupils of Corte Madera Larkspur grammar school: Bob Vannoy, Bob Longley, Harold Olson, Eugene Byrnes, Jack Baglietto, Bob Mahood, Bud Richardson, David McDougall, Jack Menke, George Heierle, Norma Abbott, Dorothy Glenn, Sophie Gorter, Barbara Hislop, Gladys Durkee, Pat Cunningham, Avis Barker, Bramble Gorter, Juanita White, Katherine Gardiner, Beverley Muller, Ruth Schneider, Maxine Geoll, Fay Holden, Al Fleming, Kieth Monaghan, and Bill Weaver; and Mrs. A. Monaghan, Mrs. Vannoy and Mrs. Cummins, parents.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. E. Culver of Auburn.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Albert Sherman Hoyt of South Pasadena.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. M. Haley and C. E. Haley of San Francisco.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. L. Sutton of Sacramento.

Message from the Governor.

The following message from the Governor was received and read :

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 24, 1935.

*Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that I am this day appointing, with the advice and consent of the Senate, Mr. Arthur J. Brown of San Bernardino, as a member of the State Personnel Board, in harmony with the Initiative Constitutional Amendment recently adopted by the people of the State of California.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Message referred to Committee on Rules.

Messages from the Assembly.

The following messages from the Assembly were received and read :

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 121—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment one of rehabilitation by cooperative self-help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; declaring this act an emergency measure; providing for its constitutional construction; repealing conflicting laws;

Also: Assembly Bill No. 248—An act to amend sections 3051, 3051a and 3052 of the Civil Code, relating to liens on aircraft and other personal property;

Also: Assembly Bill No. 428—An act to add sections 1611 to 1617, inclusive, to the Political Code, relating to the State Board of Recreational Harbor Commissioners for Mission Bay, and to repeal certain acts in conflict herewith;

Also: Assembly Bill No. 567—An act to amend sections 3817f and 3817g of the Political Code, relating to amount to be credited, on redemption of property from sale for delinquent taxes, for prior payments on account.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 121 read first time, and referred to Committee on Unemployment.

Assembly Bill No. 248 read first time, and referred to Committee on Aviation and Aircraft.

Assembly Bill No. 428 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 567 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 710—An act to establish a Military Code, thereby revising and consolidating the law relating to the armed forces and militia of the State and relating to military and veterans' affairs, aid and welfare, institutions, and buildings and to repeal certain acts and parts of acts therein specified;

Also: Assembly Bill No. 1263—An act to add a new section to the Political Code of the State of California, to be numbered 4041.27, authorizing boards of supervisors to provide for the creation and operation of a system of insurance and pensions for the benefit of physicians, nurses and other persons employed in county institutions and in county health departments, to procure group insurance for the benefit of such employees, and to provide for the payment of premiums therefor;

Also: Assembly Bill No. 1704—An act making an appropriation to meet a deficiency in the appropriation for support of the Bureau of Criminal Identification and Investigation, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1751—An act to amend section 4.923 of the School Code, relating to computation of pupils' attendance;

Also: Assembly Bill No. 2300—An act to amend section 507 of the Vehicle Code, relating to the theft and unlawful taking of a motor vehicle.

ARTHUR A. CHINIMUS, Chief Clerk.
By FRANK J. DUNN, Assistant Clerk.

Assembly Bill No. 710 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 1263 read first time, and referred to Committee on County Government.

Assembly Bill No. 1704 read first time, and referred to Committee on Finance.

Assembly Bill No. 1751 read first time, and referred to Committee on Education.

Assembly Bill No. 2300 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 24, relating to passing of the Department Encompiement of the Grand Army of the Republic.

ARTHUR A. CHINIMUS, Chief Clerk.
By FRANK J. DUNN, Assistant Clerk.

Assembly Concurrent Resolution No. 24 referred to Committee on Military Affairs.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 231—An act to amend sections 414 and 5410 of the School Code, relating to attendance upon the public schools of Indian children, and children of Chinese, Japanese or Mongolian parentage.

Also: Senate Bill No. 546—An act to amend sections 1104, 1108, 1143, 1144, 1146 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products.

Also: Senate Bill No. 663—An act to add a new section to the School Code to be numbered 1391, relating to the construction, design, operation, and color of school buses;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 297—An act to add a new section to an act entitled, An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the Direct Primary Law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act, approved June 16, 1913, as amended, relating to persons seeking nomination—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration—and reports that the same has been correctly re-re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1067—An act to amend sections 5 and 24 of Chapter 690, Statutes of 1913, entitled "An act to provide for and regulate primary elections, and providing for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State Central Committees and county central committees—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 156—An act to amend section 4041f of the Political Code of the State of California, relating to leasing and subleasing of veterans' buildings;

Also: Senate Bill No. 828—An act to amend section 2737 of the Political Code, relating to bridges and highways;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Postponement of Reconsideration.

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendments offered by Senator Sharkey to Senate Bill No. 128 were adopted, was continued until the next legislative day.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 828—An act to amend section 2737 of the Political Code, relating to bridges and highways.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 410—An act to amend Chapter 763 Statutes of 1929, approved June 10, 1929, as amended by Chapter 401 Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10 Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 2, 6½, 9, 11, 14, 16, 20 and 22½, and by adding thereto new sections numbered 4½, 5½, 5¾, 8½, 8¾, 9½, 9¾, 12½, 13¾, 16½ and 16¾, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto; and providing that this act become effective immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 410 were read and adopted:

Amendment No. 1.

On page 5, line 41, of the printed bill, as amended, strike out the words "able or necessary", and insert in lieu thereof the following: "able, necessary or convenient".

Amendment No. 2.

On page 6, line 41, of the printed bill, as amended, strike out the words "or necessary", and insert in lieu thereof the following: "necessary or convenient."

Amendment No. 3.

On page 9 of the printed bill, as amended, strike out that portion of line 20 following the period after the word "thereon", and strike out lines 21, 22 and 23 and insert in lieu thereof the following: "No part of such transportation facilities shall be constructed or operated by the Toll Bridge Authority or by any person, firm, association, or corporation, public or private, within any county, city, county and county, unless and until the route thereof within such county, city, or city and county shall have been approved by the board of supervisors, city council or other legislative body thereof, anything in this act to the contrary notwithstanding."

Amendment No. 4.

On page 12, line 2, of the printed bill, as amended, strike out the words "and it", and insert in lieu thereof the following: "except such real estate, personal property, franchises, rights, privileges, or easements, actually used by or necessary for the operation of a common carrier by railroad other than those used primarily by such railroad for the transportation of persons or property by interstate urban operation to and from an area within fifty miles from either end of such toll bridge or bridges. And except for such prior railroad use, it".

Amendment No. 5.

On page 18, line 8, of the printed bill, as amended, following the words "Sec. 163", insert the following: "Every contract or permit under the California Toll Bridge Authority enters into with or grants to any person or firm, or group of persons, or private, public or municipal corporation, or any district or political subdivision, for the transportation of persons or property by such person or firm, or group of persons, or private, public or municipal corporation, or district or political subdivision over any toll bridge or bridges, or other toll highway crossing, or over the additional or coordinating transportation facilities of any toll bridge or bridges, or other toll highway crossing, shall contain a provision that no privilege or contract rights acquired by such person, firm, group of persons, private, public or municipal corporation, district or political subdivision, with regard to the transport of persons or property over any such toll bridge or with regard to additional or coordinating transportation facilities, as defined by section 54 of this act, shall be an element of value in any subsequent contribution proceeding against any such person, firm, group of persons, private, public or municipal corporation, district or political subdivision. No privilege, permit or contract right acquired by any such person, firm, group of persons, private, public or municipal corporation, district or political subdivision, with regard to the transport of persons or property over any such toll bridge or bridges or other toll highway crossing or with regard to use of or passage over any additional or coordinating transportation facilities as defined by section 54 of this act, shall constitute an element of value in any contribution proceeding."

Amendment No. 6.

On page 19, line 18, of the printed bill, as amended, strike out the word "and", and insert in lieu thereof "or".

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 515—An act to provide for the formation, government and operation of agricultural districts as public corporations; to enumerate and regulate the exercise of the powers thereof; to authorize and provide for the incurring and payment of indebtedness, the issuance of bonds, and the levy and collection of taxes by such districts for the payment of the principal and interest on such bonds; to limit the period of time for commencing actions to contest the validity of such bonds; and to declare the urgency thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 515 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "provide for the formation, government and opera-", and strike out all of lines 2 to 9, inclusive.

of the title of the printed bill, and insert in lieu thereof the following: "add sections 95, 95.1, 95.2, 95.3, 95.4, 95.5, 95.6, 95.7 and 95.8 to the Agricultural Code, relating to agricultural district bonds."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 19, inclusive, and strike out all of pages 2, 3, 4 and lines 1 to 50, inclusive, on page 5 of the printed bill, and insert in lieu thereof the following:

"SECTION 1. Section 95 is hereby added to the Agricultural Code to read as follows:

95. An agricultural district may incur indebtedness, and as evidence thereof may issue bonds."

Amendment No. 3.

On page 5, line 52, of the printed bill, strike out "(1)".

Amendment No. 4.

On page 6 of the printed bill, strike out lines 8 to 14, inclusive, and insert in lieu thereof the following: "upon authorization thereof by the qualified electors residing in the agricultural district. Fifty or more persons, free".

Amendment No. 5.

On page 6 of the printed bill, strike out lines 28 to 33, inclusive, and insert in lieu thereof the following: "bonds to be issued.

SEC. 2. Section 95.1 is hereby added to the Agricultural Code to read as follows: 95.1. The board of directors of the".

Amendment No. 6.

On page 7 of the printed bill, strike out line 16, and insert in lieu thereof the following:

"SEC. 3. Section 95.2 is hereby added to the Agricultural Code to read as follows:

95.2. Said bonds may be sold by the".

Amendment No. 8.

On page 7 of the printed bill, strike out line 23, and insert in lieu thereof the following:

"SEC. 4. Section 95.3 is hereby added to the Agricultural Code to read as follows:

95.3. The income".

Amendment No. 9.

On page 8 of the printed bill, strike out line 4, and insert in lieu thereof the following:

"SEC. 5. Section 95.4 is hereby added to the Agricultural Code to read as follows:

95.4. The district shall have".

Amendment No. 10.

On page 8 of the printed bill, strike out line 9, and insert in lieu thereof the following:

"SEC. 6. Section 95.5 is hereby added to the Agricultural Code to read as follows:

95.5. Whenever the revenues of the agri-".

Amendment No. 11.

On page 8, line 10, of the printed bill, after "interest", strike out "and/".

Amendment No. 12.

On page 8, line 12, of the printed bill, after "principal", strike out "and/".

Amendment No. 13.

On page 8 of the printed bill, strike out lines 27 and 28, and insert in lieu thereof the following: "supervisors of the respective counties. Thereupon the boards of supervisors may levy".

Amendment No. 14.

On page 8 of the printed bill, strike out line 40, and insert in lieu thereof the following:

"SEC. 7. Section 95.6 is hereby added to the Agricultural Code to read as follows:

95.6. Any bonds which".

Amendment No. 15.

On page 8 of the printed bill, strike out line 50, and insert in lieu thereof the following:

"SEC. 8. Section 95.7 is hereby added to the Agricultural Code to read as follows:
95.7. All improvements"

Amendment No. 16.

On page 9, line 2, of the printed bill, strike out " , the", and insert in lieu thereof a period and the following: "The".

Amendment No. 17.

On page 9, line 9, of the printed bill, strike out "/or".

Amendment No. 18.

On page 9 of the printed bill, strike out line 28, and insert in lieu thereof the following:

"SEC. 9. Section 95.8 is hereby added to the Agricultural Code to read as follows:
95.8. The provisions of sections 95 to 95.8".

Amendment No. 19.

On page 9, line 35, of the printed bill strike out "This act", and insert in lieu thereof the following: "Sections 95 to 95.8 inclusive"

Amendment No. 20.

On page 9, line 48, of the printed bill, strike out "(90)".

Amendment No. 21.

On page 9 of the printed bill, strike out all of lines 51 and 52.

Amendment No. 22.

On page 10 of the printed bill, strike out lines 1 to 7, inclusive, and insert in lieu thereof the following: "Sec. 10. This act is hereby declared to be an".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 156—An act to amend section 4041f of the Political Code of the State of California, relating to leasing and subleasing of veterans' buildings.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 801—An act to amend section 3 of an act entitled "An act creating an advisory pardon board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 801 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section", and insert in lieu thereof the following: "sections 2 and".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "3", and insert in lieu thereof the following: "2".

Amendment No. 3.

On page 1 of the printed bill, between lines 2 and 3, insert the following:

"Sec. 2. The board shall have power to appoint a secretary, who shall hold office during its pleasure and who shall receive a salary to be fixed by the chairman of the board with the approval of the Director of Finance. The secretary shall keep a record, in which shall be entered all applications referred to the board, the name of each applicant, the date and place of his conviction, his sentence, his offense, and such other data as the board may direct, and a memorandum of the action taken

by the board on each application. The secretary shall perform also such other duties as the board may require of him. The members of said board shall not receive any salary or compensation, but they and the secretary shall each be allowed all actual and necessary expenses incurred while traveling on the business of the board.

SEC. 2. Section 3 of said act is hereby amended to read as follows:"

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Second Reading of Assembly Bills.

Assembly Bill No. 1204—An act to amend sections 2, 4 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,' " approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities; and declaring the measure an urgency measure within the meaning of section 1 of Article IV of the Constitution and providing accordingly for the act to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1650—An act to amend sections 480, 481, 482, 483, 503, 505, 736, 737, 738 and 743 of the Vehicle Code, to repeal sections 502 and 739 of said code and to add sections 500, 501, 502, 506, 739, 743.5 and 743.6 to said code, relating to accidents involving motor vehicles, the duty of drivers of such vehicles to stop, render aid and give certain information, defining the crime of negligent homicide and prescribing penalties therefor, also relating to persons driving motor vehicles while under the influence of liquor or narcotic drugs, to the stealing or unlawful taking of motor vehicles, and the reckless driving of such vehicles, to the taking of persons arrested before magistrates, and the duties of arresting officers in connection with said persons, to the procedure to be followed where the person arrested is either taken before a magistrate or is given a notice to appear in court, to changes of venue in prosecutions for violations of said code, and to the procedure to be followed upon the arrest of all persons violating said code.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 1650 was read and adopted:

Amendment No. 1.

On page 3, line 28, of the printed bill, as amended, strike out the word "conviction", and insert in lieu thereof the following: "conviction".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1784—An act to add section 675.5 to the Vehicle Code, relating to glass.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 1784 were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out the entire first appearing and "except as hereinafter otherwise provided."

Amendment No. 2.

On page 1, line 11, of the printed bill, strike out "act", and insert in lieu thereof the following: "code".

Amendment No. 3.

On page 1 of the printed bill, strike out all of lines 17 to 22, inclusive, and on page 2, strike out all of lines 1 to 4, inclusive.

Amendment No. 4.

On page 2, line 5, of the printed bill, strike out "(4)", and insert in lieu thereof the following: "(3)".

Amendment No. 5.

On page 2, line 11, of the printed bill, strike out "(5)", and insert in lieu thereof the following: "(4)".

Amendment No. 6.

On page 2, line 11, of the printed bill, strike out "applications", and insert in lieu thereof the following: "application".

Amendment No. 7.

On page 2, line 13, of the printed bill, strike out "transfer", and insert in lieu thereof the following: "transferer".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 724—An act to add a new section to the Political Code of the State of California to be numbered 3476b, relating to assessments of reclamation districts and providing for crediting payments made under invalid calls of installment of assessments upon subsequent calls of installment of assessments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendments to Assembly Bill No. 724 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "3476b", and insert in lieu thereof the following: "3466b".

Amendment No. 2.

On page 1, line 5 of the title of the printed bill, strike out the period, and insert in lieu thereof the following: "and empowering courts to cancel and annul all proceedings had in the matter of sales made under said invalid calls."

Amendment No. 3.

On page 1, line 2, of the printed bill, strike out "3476b", and insert in lieu thereof the following: "3466b".

Amendment No. 4.

On page 1, line 3, of the printed bill, strike out "3476b", and insert in lieu thereof the following: "3466b".

Amendment No. 5.

On page 1, line 23, of the printed bill, strike out the period, and insert in lieu thereof the following: "and in the event that any tract of land within a reclamation district has been heretofore, or may hereafter be sold by the trustees of said district or by the county treasurer for nonpayment of any such call or calls of any installment or installments of any such assessment on said land in said district, and any of said call or calls have been or shall hereafter be so mingled mixed as aforesaid, then the said court shall also have power to set aside and cancel any and all proceedings or acts taken or had in the matter of any such sale and to cancel and declare null and void any certificate or certificates of such sale and any deed or deeds made in pursuance of any such sale."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1203—An act to add two sections to the Bank Act numbered 67.1 and 80.1, relating to loans of the character prescribed

by section 13b of the Federal Reserve Act or by section 5d of the Reconstruction Finance Corporation Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 341—An act to amend sections 21.1, 53, 54, 63, 64, 105, 133, 135d and 139 of the Bank Act, and to add two new sections thereto to be numbered 16d and 51.1.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Banking, the following amendments to Assembly Bill No. 341 were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out the word "devise", and insert in lieu thereof the word "device".

Amendment No. 2.

On page 6, line 1, of the printed bill, following the word "Banks", insert the following: "and the stated capital of any bank retiring any of its preferred stock, whether out of capital, surplus, undivided profits or earnings, shall be reduced, without action on the part of the stockholders, in the amount represented by the aggregate of the preferred stock so retired".

Amendment No. 3.

On page 6, line 3, of the printed bill, strike out the word "association", and insert in lieu thereof the word "bank".

Amendment No. 4.

On page 6, line 5, of the printed bill, strike out the word "association", and insert in lieu thereof the word "bank".

Amendment No. 5.

On page 8, line 3, of the printed bill, following the numerals "51", insert the following: "or in section 93".

Amendment No. 6.

On page 8, line 1, of the printed bill, preceding the word "When", insert the following: "Sec. 51.1."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 756—An act to amend section 865 of the Fish and Game Code, relating to nets, and declaring the urgency hereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1763—An act to amend sections 669, 702, 703, 709, 711 and 712 of the Fish and Game Code, relating to black bass, crappie, calico bass and sun fish.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Assembly Bill No. 1763 were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out "May 29", and insert in lieu thereof the following: "May 1".

Amendment No. 2.

On page 1, line 18, of the printed bill, strike out "May 29", and insert in lieu thereof the following: "May 1".

Bill read second time, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 420—An act to amend section 44 of the Vehicle Code, relating to emergency vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 420 passed by the following vote:

AYES—Senators Crittenden, David, Edwards, Fletcher, Gordon, Hays, Holme, Jørgensen, Keough, King, Knowland, McCall, McCracken, McGovern, McGuinness, Mixer, Olson, Perry, Powers, Rensselaer, Rich, Schatzky, Slater, Stow, Swing, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 420 ordered transmitted to the Assembly.

Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 4, 6, 7, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit forming, narcotic and other dangerous drugs and substances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 229 passed by the following vote:

AYES—Senators Crittenden, David, David, Edwards, Fletcher, Gordon, Hays, Jørgensen, Keough, King, Knowland, McCall, McCracken, McGovern, McGuinness, Mixer, Olson, Perry, Powers, Rensselaer, Rich, Schatzky, Seawall, Slater, Stow, Swing, Tickle, Wagy, and Young—39.

NOES—None.

Title read and approved.

Senate Bill No. 229 ordered transmitted to the Assembly.

Senate Bill No. 818—An act to amend section 580b of the Code of Civil Procedure, relating to deficiency judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 818 passed by the following vote:

AYES—Senators Ruggar, Crittenden, David, Edwards, Fletcher, Garrison, Gordon, Jørgensen, Keough, King, Knowland, McCall, McCracken, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Rensselaer, Rich, Schatzky, Seawall, Slater, Stow, Tickle, Wagy, and Williams—30.

NOES—Senators Hays and Snyder—2.

Title read and approved.

Senate Bill No. 818 ordered transmitted to the Assembly.

Unfinished Business.

Senate Joint Resolution No. 16.

Relative to Federal legislation granting subsidy or assistance to the American Merchant Marine.

WHEREAS, It is deemed desirable by the government of the United States to give consideration to the development of the American Merchant Marine through assistance by the government in the matter of sale of vessels constructed by the government in the matter of subsidies, mail contracts, or otherwise; and

WHEREAS, Steamships operating over the various trade routes of the world are grouped into conferences or associations granting to the shipping industry a certain amount of self-government and coordination in the matter of rates and services; and

WHEREAS, Under Federal laws enacted by the Congress, these conferences or groups are relieved of the Sherman Act preventing combinations in the restraint of trade; and

WHEREAS, These conferences in the majority of cases having a preponderance of foreign ownership through their policies and rules have seen fit to prevent their members from serving certain American ports; and

WHEREAS, It is believed to be a sound policy for the government of the United States to require that all vessels receiving assistance from it through the medium of subsidy, ship purchase, or otherwise, should partake in a free and unrestricted flow of traffic through all ports of the United States which have been improved by the use of Federal funds; now, therefore, be it

Resolved by the Legislature of the State of California, That the Congress of the United States in connection with any legislation granting subsidy or assistance to the American Merchant Marine, be requested to incorporate therein the provision that no steamship line operating vessels belonging to the United States or purchased or being purchased from the United States or any agency thereof; or any steamship company receiving from the United States or any agency thereof any subsidy or payment through contract for the carrying of mails, or otherwise, shall belong to any conference or association relieved of the Sherman Act which either through official acts or policies prevents or attempts to prevent either directly or indirectly the serving of any port within the continental limits of the United States located on any improvement project designed for the accommodation of ocean going vessels, authorized by the Congress or through it by any other agency of the Federal Government; and be it further

Resolved, That a copy of this joint resolution be transmitted to the President and to the Vice President of the United States and to each member of the Senate and of the House of Representatives of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 16 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, McCall, McCormack, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Seawell, Slater, Snyder, Wagy, and Young—27.

NOES—None.

Senate Joint Resolution No. 16 ordered transmitted to the Assembly.

Explanation of Vote.

Senator Olson asked for, and was granted, unanimous consent to have the following explanation of his vote on Senate Joint Resolution No. 16 printed in the Journal:

"In voting for this resolution I wish to state that I am opposed to any implied sanction that might be inferred from it of the policy of granting governmental subsidies to privately owned vessels."

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1083—An act to add new sections to the School Code to be numbered 6205 and 6225, relating to the sale or leasing of school property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1083 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Hays, King, McCall, McCormack, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Seawell, Slater, Snyder, Wagy, and Young—25.

NOES—None.

Title read and approved.

Senate Bill No. 1083 ordered transmitted to the Assembly.

Senate Bill No. 830—An act to amend sections 13 and 13a of the Motor Vehicle Fuel License Tax Act, relating to the disposition of funds received under said act.

Bill read third time.

**Case of Urgency.
Recommendation of the Governor.**

In accordance with Section 24 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 830:

STATE OF CALIFORNIA, Governor's Office
SACRAMENTO, April 24, 1935

*To the Honorable Members of the Senate, State of California,
Sacramento, California.*

GREETINGS: Senate Bill No. 830—An act to amend sections 13 and 14 of the Motor Vehicle Fuel License Tax Act, adding to the disposition of funds received under said act.

In my opinion said Senate Bill No. 830 constitutes such a bill within the meaning of that term as used in section 24, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Edwards moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Rigger, Crittenden, Donald, Edwards, Fletcher, Garrison, Gordon, Hays, King, McCormack, Metzger, Mixon, Parkman, Perry, Powers, Randall, Schottky, Snyder, Wagy, Williams, and Young—25.

The Secretary announced the absentees.

Time, eleven o'clock and fifty-eight minutes a.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1087—An act to amend section 870 of the Agricultural Code, relating to the standardization of canned foods.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1087 passed by the following vote:

AYES—Senators Rigger, Crittenden, Donald, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, McCall, McCormack, McQuinness, Metzger, Mixon, Olson, Parkman, Perry, Porovich, Powers, Randall, Schottky, Seftell, Snyder, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 1087 ordered transmitted to the Assembly.

Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration.

Amendments From the Floor.

During third reading of Senate Bill No. 118, the following amendments, offered by Senator Reindollar, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 9 and 10, and insert in lieu thereof the following:

"The term "assessor" means the county assessor of the county in which the vessel is subject to assessment."

Amendment No. 2.

On page 1, line 17, of the printed bill, as amended, strike out "commission", and insert in lieu thereof the following: "assessor".

Amendment No. 3.

On page 1, lines 20 and 21, of the printed bill, as amended, strike out "commission. The commission", and insert in lieu thereof the following: "assessor. The assessor".

Amendment No. 4.

On page 2, line 3, of the printed bill, as amended, strike out "commission", and insert in lieu thereof the following: "assessor".

Amendment No. 5.

On page 2, line 6, of the printed bill, as amended, strike out "commission.", and insert in lieu thereof the following: "assessor."

Amendment No. 5-a.

On page 2, line 9, of the printed bill, as amended, strike out "commission", and insert in lieu thereof the following: "assessor".

Amendment No. 5-b.

On page 2 of the printed bill, as amended, strike out lines 15 to 18, inclusive.

Amendment No. 6.

On page 2, line 19, of the printed bill, as amended, strike out "6.", and insert in lieu thereof the following: "5."

Amendment No. 7.

On page 2, line 20, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "nor".

Amendment No. 8.

On page 2, line 29, of the printed bill, as amended, strike out "7.", and insert in lieu thereof the following: "6."

Amendment No. 9.

On page 2, line 34, of the printed bill, as amended, strike out "Sec. 8. The commission", and insert in lieu thereof the following:
"Sec. 7. The assessor".

Amendment No. 10.

On page 2 of the printed bill, as amended, strike out lines 37 to 39, inclusive.

Amendment No. 11.

On page 2, line 40, of the printed bill, as amended, strike out "10.", and insert in lieu thereof the following: "8."

Amendment No. 12.

On page 2, line 43, of the printed bill, as amended, strike out "11.", and insert in lieu thereof the following: "9."

Bill read, ordered to reprint, and re-engrossment, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and six minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Edwards.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 830 finally passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, McColl, McCormack, McGuinness, Metzger, Miller, Olson, Parkman, Perry, Perovich, Powers, Rensdell, Schottky, Seaton, Senter, Senter, Wagy, Williams, and Young—28.
 NOES—None.

Title read and approved.

Senate Bill No. 830 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 614—An act to amend section 644 of the Penal Code relating to habitual criminals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 614 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, McColl, McCormack, McGuinness, Metzger, Miller, Parkman, Perry, Perovich, Rensdell, Schottky, Senter, Seaton, Senter, Wagy, and Young—24.
 NOES—Senator Olson—1.

Senate Bill No. 614 ordered transmitted to the Assembly.

Title read and approved.

Senate Bill No. 618—An act to amend subsection 1, section 1203, of the Penal Code, relating to probation and probation officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 618 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, McColl, McCormack, McGuinness, Metzger, Miller, Parkman, Perry, Perovich, Powers, Rensdell, Schottky, Senter, Seaton, Senter, Wagy, Williams, and Young—26.
 NOES—Senator Olson—1.

Title read and approved.

Senate Bill No. 618 ordered transmitted to the Assembly.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Silsby at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engraving, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined Senate Bill No. 107—An act to add sections 76, 77, 78 and 79 to the Streets and Highways Code, delegating to the California Highway Commission power and authority during times when the Legislature of the State of California is not in session to accept on behalf of the State of California grants of rights of way for

State roads through military reservations from the government of the United States made by the Secretary of War to the State of California or any political subdivision thereof, and declaring the effect of such acceptance, and reports that the same has been correctly enrolled and presented to the Governor on the twenty-fifth day of April, 1935, at two o'clock p.m.

METZGER, Chairman.

Introduction, First Reading and Reference of Bills.

By Senator Swing: Senate Concurrent Resolution No. 31—Relative to the approval of amendments to the charter of the city of San Bernardino.

Consideration of Senate Concurrent Resolution No. 31.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 31, without reference to committee or print, for purpose of adoption.

Senate Concurrent Resolution No. 31—Relative to the approval of amendments to the charter of the city of San Bernardino.

Resolution read and considered engrossed.

The question being on the adoption of the resolution.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Donel, Edwards, Fletcher, Garrison, Gordon, Hays, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Seollan, Seawell, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—29.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, man-

agement and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties at his office under the control, direction and supervision of the board of trustees of the State Mining Bureau," approved March 23, 1933, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 10, 1934, relating to mining on State property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 81 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donald, Edwards, Fletcher, Garrison, Hays, Jespersen, King, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Reinollar, Powers, Reindollar, Schottky, Swain, Slater, Snyder, Stone, Swing, Tickle, Wager, Williams, and Young—41.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Seawell gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 81 was passed.

Notice of Motion to Reconsider.

Senator Rich gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 818 was passed.

Third Reading of Senate Bills--(Resumed).

Senate Bill No. 254—An act to amend section 126 of the Code of Civil Procedure, relating to deficiency judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 254 refused passage by the following vote:

AYES—Senators Bigger, Crittenden, Fletcher, Garrison, Jespersen, King, McCormack, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Scollan, Slater, Swing, and Williams—18.

NOES—Senators Donald, Edwards, Hays, Hulso, Knudsen, McCormack, Parkman, Reinollar, Rich, Schottky, Snyder, Swain, Tickle, Wager, and Young—25.

Notice of Motion to Reconsider.

Senator Seawell gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 254 was refused passage.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The Secretary was directed to call the roll, on adoption of the resolution, of the Senators who had not answered to their names.

The roll was called, and Senate Concurrent Resolution No. 31 finally adopted by the following vote:

AYES—Senators Bigger, Crittenden, Donald, Edwards, Fletcher, Garrison, Gordon, Hays, Hulso, Jespersen, King, Knudsen, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reinollar, Rich, Schottky,

Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Senate Concurrent Resolution No. 31 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following message from the Governor:

(Seal)

Frank F. Merriam, Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 24, 1935.

Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: I am pleased to inform you that I am this day appointing, with the advice and consent of the Senate, Mr. Arthur J. Brown of San Bernardino, as a member of the State Personnel Board, in harmony with the Initiative Constitutional Amendment recently adopted by the people of the State of California.

Very sincerely yours,

(Signed)

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment be confirmed.

Committee membership—5; committee vote: Ayes—4; absent—1.

(Signed out)

RICH, Chairman.
SLATER.
TICKLE.
KNOWLAND.

Consideration of Appointment by the Governor.

Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

Substitute Motion to Defer Consideration.

Senator Jespersen moved that the consideration of the appointment by the Governor be continued until the next legislative day.

Motion refused adoption.

Appointment Confirmed.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. Arthur J. Brown as a member of the State Personnel Board?

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. Arthur J. Brown as a member of the State Personnel Board.

Withdrawal and Re-reference of Senate Bill No. 75.

Senator Jespersen moved that Senate Bill No. 75 be withdrawn from Committee on Education, and referred to Committee on Finance.

Motion carried, and such was the order.

Introduction, First Reading and Reference of Bills

By Senator Rich: Senate Concurrent Resolution No. 32—Relative to adjournment sine die.

Consideration of Senate Concurrent Resolution No. 32

Senator Rich asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 32, without reference to committee or print, for purpose of adoption.

Consideration Postponed.

On motion of Senator Rich, the consideration of Senate Concurrent Resolution No. 32 was deferred until the next legislative day.

Third Reading of Assembly Bills.

Assembly Bill No. 1381—An act to amend section 790 and to add section 813.5 to the Agricultural Code, relating to celery.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1381 passed by the following vote:

AYES—Senators Crittenden, Deed, Edwards, Fletcher, Garrison, Gordon, Hulse, Hulso, Jaspersen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pirovich, Powers, Reindollar, Schotky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1381 ordered transmitted to the Assembly.

Assembly Bill No. 491—An act to amend section 651 of the Agricultural Code, relating to dairy statistics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 491 passed by the following vote:

AYES—Senators Crittenden, Edwards, Fletcher, Garrison, Gordon, Hulse, Jaspersen, King, McCall, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pirovich, Powers, Reindollar, Rich, Schotky, Scollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 491 ordered transmitted to the Assembly.

Assembly Bill No. 492—An act to amend section 631 of the Agricultural Code, relating to examination of milk and dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 492 passed by the following vote:

AYES—Senators Crittenden, Edwards, Fletcher, Garrison, Gordon, Hulse, Jaspersen, King, Knowland, McCall, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pirovich, Powers, Reindollar, Rich, Schotky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 492 ordered transmitted to the Assembly.

Assembly Bill No. 493—An act to amend sections 491 and 493 of the Agricultural Code, relating to milk inspection.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 493 passed by the following vote:

AYES—Senators Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—31.

NOES—None.

Title read and approved.

Assembly Bill No. 493 ordered transmitted to the Assembly.

Assembly Bill No. 494—An act to amend section 476 of the Agricultural Code, relating to fat or oil in dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 494 passed by the following vote:

AYES—Senators Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 494 ordered transmitted to the Assembly.

Assembly Bill No. 498—An act to amend section 453 of the Agricultural Code, relating to milk inspection.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 498 passed by the following vote:

AYES—Senators Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 498 ordered transmitted to the Assembly.

Assembly Bill No. 441—An act to amend the title, sections 1 and 2 of "An act to require security for the payment of wages of persons engaged in the mining industry," approved April 25, 1933 (Stats. 1933, Chap. 161), relative to security for the payment of wages in the mining industry and providing penalties for violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 441 passed by the following vote:

AYES—Senators Crittenden, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman,

Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 441 ordered transmitted to the Assembly.

Assembly Bill No. 608—An act limiting the hours of labor of domestic employees and providing a penalty for its violation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 608 refused passage by the following vote:

AYES—Senators Fletcher, Jørgensen, King, McGovern, Olson, Peters, and Scollan—7.

NOES—Senators Bigger, Crittenden, Dwyal, Edwards, Gordon, Hays, Hulse, Knowland, McColl, McCormack, McGinness, Minger, Mixer, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Young—25.

Assembly Bill No. 1131—An act to amend sections 682, 806, 811, 817, 849, 877, and 878 of the Penal Code, relating to proceedings before the committing magistrate, and to add a new section to the Penal Code numbered 87a, relating to the commitment by the magistrate on plea of guilty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1131 passed by the following vote:

AYES—Senators Bigger, Edwards, Fletcher, Gordon, Hays, Hulse, Jørgensen, King, Knowland, McColl, McGovern, McGinness, Mixer, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1131 ordered transmitted to the Assembly.

Assembly Bill No. 1680—An act to amend sections 1235 and 1238 of the Penal Code, relating to appeals in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1680 passed by the following vote:

AYES—Senators Bigger, Edwards, Fletcher, Gordon, Hays, Hulse, Jørgensen, King, Knowland, McColl, McGovern, McGinness, Mixer, Olson, Parkman, Pierovich, Powers, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1680 ordered transmitted to the Assembly.

Assembly Bill No. 1723—An act to amend sections 888 and 959 of the Penal Code, relating to indictments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1723 passed by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1723 ordered transmitted to the Assembly.

Assembly Bill No. 1133—An act to amend sections 800 and 802 of the Penal Code, relating to limitation of criminal actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1133 passed by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Parkman, Pierovich, Rich, Schottky, Seollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1133 ordered transmitted to the Assembly.

Assembly Bill No. 1678—An act to add a new section to the Penal Code to be numbered 969½, relating to the amendment of a complaint to charge prior convictions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1678 passed by the following vote:

AYES—Senators Biggar, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1678 ordered transmitted to the Assembly.

Assembly Bill No. 1641—An act to amend section 46 of the Workmen's Compensation Insurance and Safety Act, approved May 26, 1913, relating to insurance carriage of the State and certain political subdivisions, public corporations and quasi public corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1641 passed by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1641 ordered transmitted to the Assembly.

Assembly Bill No. 1161—An act to amend section 718c of the Civil Code, empowering municipalities to lease property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1161 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McGinness, McGinness, Metzger, Myer, Parkman, Pierovich, Rich, Seawell, Slater, Snyder, Snow, Swing, Tickle, Wag, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1161 ordered transmitted to the Assembly.

Assembly Bill No. 231—An act to amend section 10 of an act entitled "An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes, to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited property, and to provide that a majority protest shall be a bar to any proceeding," approved June 8, 1931, relating to limitations on assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 231 passed by the following vote:

AYES—Senators Bigger, Deuel, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, King, Knowland, McGinness, Metzger, Myer, Olson, Parkman, Pierovich, Rich, Seallan, Slater, Snyder, Snow, Swing, Tickle, and Williams—24.

NOES—None.

Title read and approved.

Assembly Bill No. 231 ordered transmitted to the Assembly.

Assembly Bill No. 1232—An act to amend section 573 of the Probate Code of the State of California, relating to actions which may be maintained against executors and administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1232 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, King, Knowland, McColl, McGinness, Metzger, Myer, Olson, Pierovich, Powers, Rich, Seallan, Seawell, Slater, Snyder, Snow, Swing, Tickle, Wag, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1232 ordered transmitted to the Assembly.

Assembly Bill No. 65—An act granting certain tide and submerged lands of the State of California to the city of San Buenaventura, upon certain trusts and conditions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 65 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 65 was passed.

Leave of Absence.

Senator Keough was, on motion of Senator Garrison, granted leave of absence for the remainder of this legislative day.

Assembly Bill No. 1990—An act to repeal section 677a to the Political Code and to add section 677.5 thereto, relating to budgets of State departments and other State agencies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1990 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Hays, Hulse, King, Knowland, McColl, McGovern, Metzger, Mixer, Olson, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 1990 ordered transmitted to the Assembly.

Assembly Bill No. 2179—An act to amend sections 2482 and 2484 of the Civil Code, relating to limited partnerships.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2179 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Fletcher, Garrison, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGovern, Metzger, Mixer, Olson, Powers, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 2179 ordered transmitted to the Assembly.

Assembly Bill No. 557—An act to add a new section to the Civil Code to be numbered 2770 relating to life, health and accident insurance policies.

Amendments from the Floor.

During third reading of Assembly Bill No. 557, the following amendments, offered by Senator Swing, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "Civil", and insert in lieu thereof the following: "Insurance".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "2770", and insert in lieu thereof the following: "10113".

Amendment No. 3.

On page 1, line 2 of the title of the printed bill, strike out "health and accident", and insert in lieu thereof the following: "and disability".

Amendment No. 4.

On page 1, line 1, of the printed bill, strike out "and", and insert in lieu thereof the following: "Insurance".

Amendment No. 5.

On page 1, line 2, of the printed bill, strike out "2770", and insert in lieu thereof the following: "10113".

Amendment No. 6.

On page 1 of the printed bill, strike out line 3, and insert in lieu thereof the following: "10113. Every policy of life, disability, or life and disability insurance."

Amendment No. 7.

On page 1, line 5, of the printed bill, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 558—An act to amend section 2760 of the Civil Code, relating to life and disability insurance.

Amendments from the Floor.

During third reading of Assembly Bill No. 558, the following amendments, offered by Senator Swing, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "2760 of the Civil", and insert in lieu thereof the following: "10111 of the Insurance".

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out "2760 of the Civil", and insert in lieu thereof the following: "10111 of the Insurance".

Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, strike out "2760" and insert in lieu thereof the following: "10111".

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 5—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax.

Amendments from the Floor.

During third reading of Senate Bill No. 5, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after the figure "1", add "and 2".

Amendment No. 2.

On page 2 of the printed bill, after line 18, add the following: "Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 2. Each operator of a motor vehicle within this State who transports or desires to transport for compensation or hire persons or property upon or over any public highway within this State shall make application to the State Board of Equalization, on such forms as said board may prescribe, for a license to operate motor vehicles for the transportation of persons or property for hire or compensation over public highways in this State.

All applications for licenses must be accompanied by a fee of three dollars for each motor vehicle used to produce gross receipts from operation taxable hereunder. Upon the receipt of the application of any such operator, accompanied by such fee, the State Board of Equalization shall issue to such applicant a license to transport for compensation or hire persons or property upon or over any public highway within this State; provided that no license issued in pursuance of this act shall be construed to authorize the operation of any vehicle over or upon the public highways of this State contrary to the laws now or hereafter in effect regulating the operation of motor vehicles. No license issued hereunder shall be assignable by operation of law or otherwise.

All licenses issued under the provisions of this act shall expire on the thirty-first day of December next succeeding the date upon which they are issued. Licenses issued hereunder must be renewed annually upon application made to the State Board of Equalization on such forms as it may prescribe. All applications for renewal of licenses must be filed not later than the thirty-first day of December next preceding the year for which the renewal is sought; otherwise, a penalty of twenty-five per cent must be paid for delinquency."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Corrected Journal Approved.

On motion of Senator Duval, the Senate Journal of March 29, 1935, was approved as corrected by the Minute Clerk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 154—An act to amend the title and sections 8, 14, 32 and 33 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State;

Also: Assembly Bill No. 155—An act to amend the title and sections 4, 4a, 5, 8, 10, 11, 12, 13, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31 and 35 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 647—An act relating to the payment of certain special assessments and providing relief for owners of property subject thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1034—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817c3 and 3817j2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 1064—An act to add a new section to the transferred section 6 to the "Motor Vehicle Fuel License Tax Act," approved May 30, 1924, as amended, relating to additional tax—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to the committee.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 4856—An act to add section 6000 to the Finance Code, relating to taxation, including motor vehicle fuel license tax, determining question and costs, payment thereof in installments and underlaying the impact thereof to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it be passed.

Committee membership—13; committee vote: Ayes—6; absent—4.

DUVAL, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 1089—An act to amend section 5000 of the Juvenile Court Law, relating to the probation officer—has had the same under consideration, and respectfully reports the same back, and recommends that it be passed.

Committee membership—7; committee vote: Ayes—7.

REINHOLLAR, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California, by amendment of Article IV of the Constitution of the State by adding section 143 therein, relating to reappointments of Governor's appointments—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—5; absent—4.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to section 7 of Article XI of the Constitution of the State of California, relating to land preservation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that same be adopted as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

SNYDER, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 670—An act to amend the Insurance Code by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new Chapter 8 to Part 2 of Division 2, thereof, comprising sections 10840 to 10880, inclusive, relating to life insurance, principles, practice and business, and matters incidental thereto by mutual benefit life associations—has had the same under consideration, and respectfully reports the same back with amendments and recommends that the amendments be adopted, and that bill do pass as amended.

Committee membership—11; committee vote: Ayes—6; noes—1; absent—4.

WILLIAMS, Chairman.

Recess.

On motion of Senator Rich, at four o'clock and five minutes p.m., the President of the Senate declared recess until eight o'clock p.m.

Reconvened.

At eight o'clock p.m., the Senate reconvened.
Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Leave of Absence.

Senator Garrison was, on motion of Senator Rich, granted leave of absence for the remainder of this legislative day.

Call of the Senate.

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Deuel, Duval, Edwards, Gordon, McCormack, Metzger, Mixer, Rich, Schottky, Slater, Swing, and Waggy—13.

The Secretary announced the absentees.

Time, eight o'clock and three minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 535—An act to amend the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, and by adding three new sections to said act to be numbered sections 3a, 3b, and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, county and other local governmental agency or political subdivision, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and/or acquisition of public utilities and extensions and additions to public utilities for the production, purchase, sale and distribution of products, commodities, energy and/or services of such public utilities, providing for the payment of such bonds and the interest thereon—has had

the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 511—An act to provide for the incorporation and organization and management of rapid transit districts and to provide for the construction by said districts of works and the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, and for the levying of taxes and the collection of charges and tolls by said districts and for the annexation of additional territory thereunto, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—2.

McGOVERN, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 749—An act to amend section 408 of the Political Code, relating to the duties of the Secretary of State;

Also: Senate Bill No. 750—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State;

Also: Senate Bill No. 751—An act to amend section 4300a of the Political Code, relating to the fees of county registrars.

Also: Senate Bill No. 815—An act relating to a contract by the Department of Finance, concerning the waters of Roeder Creek.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—9; absent—5.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 741—An act to amend sections 2955, 2956, 2957, 2960, 2962, 2963, 2965, and 2966, and to repeal sections 2959 and 2961 of the Civil Code, and to add to said code new sections numbered 2959a, 2971, 2975, 2976, 2977 and 2978, relating to mortgages of personal property, and amending provisions for the continuity of the liens thereof, the securing of additional advances and obligations thereunder, mortgaging of natural increase of live stock and other animals, and of after acquired and consumable property, and providing for the recording of financing mortgages and the inclusion of the provisions thereof in other mortgages by reference, and constructive notice of such mortgages by the recording thereof.

Also: Senate Bill No. 742—An act to amend sections 2922, 2923, 2924, 2929, and 2941 of the Civil Code, relating to mortgages in general and amending provisions that mortgages of personal property and crops and related instruments, including powers of attorney to execute the same, be acknowledged and excepted with the formalities required in the case of a grant of real property.

Also: Senate Bill No. 743—An act to amend section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animate chattels, moving equipment and machinery, and fixtures or fixtures agreements relating to live stock and other animate chattels, and preserving rights and remedies in connection therewith.

Also: Senate Bill No. 748—An act to amend sections 4130, 4131, 4131a, 4132, 4136, 4137, 4138 and 4140 of the Political Code, relating to county procurers, their duties and functions, and requirements relating thereto, and penalty for neglect thereof or for misconduct;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—9; absent—5.

SWING, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 23, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 267—An act to amend section 721 of and to add sections 722a and 975 to the Fish and Game Code, relating to commercial catfishing in District 2;

Also: Senate Bill No. 421—An act to amend sections 782 and 786 of the Fish and Game Code, relating to lobsters;

Also: Senate Bill No. 435—An act to amend section 613 of the Fish and Game Code, relating to trout;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—16; committee vote: Ayes—16.

McCOLL, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 471—An act to amend the Insurance Code by adding thereto a new chapter, to Part 2 of Division 2 of said code and to be numbered Chapter 13, relating to medical and hospital service insurers—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that bill do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

WILLIAMS, Chairman.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 765—An act to amend section 3.172 of the School Code, relating to beginning classes of elementary schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 765 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Knowland, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seollan, Slater, Swing, Tickle, Wagy, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 765 ordered transmitted to the Assembly.

Assembly Bill No. 57—An act to repeal sections 2.879 and 2.880 of the School Code and to add thereto sections 2.879 and 2.880, relating to election of school trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 57 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Knowland, McCormack, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seollan, Slater, Swing, Tickle, Wagy, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 57 ordered transmitted to the Assembly.

Assembly Bill No. 295—An act to amend section 2.251 of the School Code, relating to teachers' attendance reports.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 295 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Knowland, McCormack, McGinness, Metzger, Mixer,

Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seelien, Sewell, Slater, Stow, Swag Tickle, Wagy, and Young—28.

Notes—None.

Title read and approved.

Assembly Bill No. 295 ordered transmitted to the Assembly.

Assembly Bill No. 414—An act to amend section 2124 of the School Code, relating to the providing of instruction and transportation by county superintendents of schools for elementary pupils.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 414 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, Fletcher, Gorman, Hays, Hulse, Jepsen, Knowland, McCormick, McGinniss, Menger, Miller, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seelien, Sewell, Slater, Stow, Swag Tickle, Wagy, and Young—27.

Notes—None.

Title read and approved.

Assembly Bill No. 414 ordered transmitted to the Assembly.

Assembly Bill No. 851—An act to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, relating to sinking funds in school districts for the replacement, reconstruction or alteration of buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 851 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, Fletcher, Gorman, Hays, Hulse, Jepsen, Knowland, McCormick, McGinniss, Menger, Miller, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seelien, Sewell, Slater, Stow, Swag Tickle, and Wagy—27.

Notes—None.

Title read and approved.

Assembly Bill No. 851 ordered transmitted to the Assembly.

Assembly Bill No. 928—An act to amend sections 4280b and 4281b of the School Code, relating to revolving funds of school districts for warehouse stock.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 928 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, Fletcher, Gorman, Hays, Hulse, Jepsen, Knowland, McCormick, McGinniss, Menger, Miller, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Slater, Stow, Swag Tickle, and Wagy—27.

Notes—Senator Sewell—1.

Title read and approved.

Assembly Bill No. 928 ordered transmitted to the Assembly.

Assembly Bill No. 1880—An act to amend sections 5.930 and 5.931 of the School Code, both relating to balances due deceased recipients of annuities from the public school teachers' retirement salary fund.

Amendments from the Floor.

During third reading of Assembly Bill No. 1880, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, following line 25, insert the following: "Sec. 2. Section 5.931 of the School Code is hereby amended to read as follows:".

Amendment No. 2.

On page 2, line 18, of the printed bill, strike out the comma and the following: "and that".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 314—An act to amend sections 2.203 and 2.204 of the School Code, relating to the formation of joint elementary school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 314 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, and Wagye—27.

NOES—None.

Title read and approved.

Assembly Bill No. 314 ordered transmitted to the Assembly.

Assembly Bill No. 736—An act to amend section 2.481 of the School Code, relating to the transfer of an elementary school district from one high school district to another.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 736 passed by the following vote:

AYES—Senators, Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, and Wagye—28.

NOES—None.

Title read and approved.

Assembly Bill No. 736 ordered transmitted to the Assembly.

Assembly Bill No. 930—An act to amend section 4.360 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This measure is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and as such shall take effect immediately.

The reasons constituting such necessity are as follows:

Under School Code section 4.360 as the same now exists, school districts are unable to provide during one school year funds with which claims against the district may be paid during the first months of the succeeding school year when the income of the district is, by reason of nonpayment during July and August of State apportionments of school funds and by reason of the fact that school district taxes levied for any school year are not payable until December of that year, insufficient to pay such claims. Consequently, registered warrants paying 6 per cent interest annually must be issued by the district in payment of such claims. The

payment of interest on such registered mortgages costs the taxpayers of school districts thousands of dollars annually. These monies will permit school districts to pay from the necessity of paying interest on such registered mortgages, and if it takes effect immediately, this school will become delinquent in the school year 1935-1936, otherwise the mortgage will not become delinquent until the school year 1937-1938, for the reason that the budgets of school districts for the school year 1935-1936, which, if this measure is enacted, will permit such savings to become delinquent in the school year 1936-1937 must be prepared for at before July 1, 1935.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Coltrander, Daniel, Daniel, Edwards, Fletcher, Gordon, Hays, Hulce, Jepsersen, Knowland, McColl, McGinnis, McGinnis, Melinger, Mixer, Olson, Parkman, Perry, Pienovich, Remick, Rick, Schatzky, Seaman, Sewell, Slater, Stow, Swing, Tickle, and Wagoner—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 930 passed by the following vote:

AYES—Senators Bigger, Coltrander, Daniel, Daniel, Edwards, Fletcher, Gordon, Hays, Hulce, Jepsersen, Knowland, McColl, McGinnis, McGinnis, Melinger, Mixer, Olson, Parkman, Perry, Pienovich, Remick, Rick, Schatzky, Seaman, Sewell, Slater, Stow, Swing, Tickle, and Wagoner—30.

NOES—None.

Title read and approved.

Assembly Bill No. 930 ordered transmitted to the Assembly.

Assembly Bill No. 514—An act to repeal section 7183 of the Political Code, relating to licensing of animals kept for propagation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 514 passed by the following vote:

AYES—Senators Bigger, Coltrander, Daniel, Daniel, Edwards, Fletcher, Gordon, Hays, Hulce, Jepsersen, Knowland, McColl, McGinnis, McGinnis, Melinger, Mixer, Olson, Parkman, Perry, Pienovich, Remick, Rick, Schatzky, Seaman, Sewell, Slater, Stow, Swing, Tickle, and Wagoner—30.

NOES—None.

Title read and approved.

Assembly Bill No. 514 ordered transmitted to the Assembly.

Assembly Bill No. 583—An act to amend section 1144 of the Probate Code, relating to the disposition of the property of the estate of any decedent of the value of two hundred dollars or less.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 583 passed by the following vote:

AYES—Senators Bigger, Coltrander, Daniel, Edwards, Fletcher, Gordon, Hays, Hulce, Jepsersen, McColl, McGinnis, McGinnis, Melinger, Mixer, Olson, Parkman, Perry, Pienovich, Remick, Rick, Schatzky, Seaman, Sewell, Slater, Stow, Swing, and Wagoner—27.

NOES—None.

Title read and approved.

Assembly Bill No. 583 ordered transmitted to the Assembly.

Assembly Bill No. 579—An act to amend section 1153 of the Probate Code, relating to publication of reports of the finances of the estates of decedents by the public administrator.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 579 passed by the following vote:

AYES—Senators Bagger, Critchenden, Donald, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, Knudsen, McCall, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pirovich, Rasmussen, Rick, Schottky, Seaman, Senter, Stow, Swing, and Waggy—26.

NOES—None.

Title read and approved.

Assembly Bill No. 579 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Assembly Bill No. 706—An act to add Chapter 9, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 706 passed by the following vote:

AYES—Senators Bagger, Critchenden, Donald, Edwards, Fletcher, Gordon, Hays, Hulse, Knudsen, McCall, McCormack, McGuinness, Mixer, Olson, Parkman, Perry, Pirovich, Rick, Schottky, Seaman, Senter, Stow, Swing, and Waggy—23.

NOES—None.

Title read and approved.

Assembly Bill No. 706 ordered transmitted to the Assembly.

Assembly Bill No. 363—An act to amend section 1072 of the Agricultural Code, relating to economic poisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 363 passed by the following vote:

AYES—Senators Bagger, Critchenden, Donald, Edwards, Fletcher, Gordon, Hays, Hulse, Knudsen, McCall, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Pirovich, Rick, Schottky, Seaman, Senter, Stow, Swing, Tackle, and Waggy—26.

NOES—None.

Title read and approved.

Assembly Bill No. 363 ordered transmitted to the Assembly.

Assembly Bill No. 463—An act to amend section 805 of the Agricultural Code, relating to persimmons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 463 passed by the following vote:

AYES—Senators Bagger, Critchenden, Donald, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, Knudsen, McCall, McCormack, McGuinness, Metzger, Mixer,

Olson, Parkman, Perry, Pirovich, Rich, Schottky, Seadlan, Seawell, Slater, Stow, Swing, Tickle, and Wagy—28.

NOES—None.

Title read and approved.

Assembly Bill No. 463 ordered transmitted to the Assembly.

Assembly Bill No. 1244—An act to amend section 792 of the Agricultural Code, relating to avocados.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1244 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Knowland, McCall, McCormack, McGuinness, Mixer, Olson, Parkman, Perry, Pirovich, Rich, Seadlan, Seawell, Slater, Stow, Swing, Tickle, and Wagy—25.

NOES—None.

Title read and approved.

Assembly Bill No. 1244 ordered transmitted to the Assembly.

Assembly Bill No. 268—An act to amend section 54 of the Agricultural Code, relating to cooperative agreements for the purpose of enforcing provisions relating to standardization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 268 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, Knowland, McCall, McCormack, Mixer, Myler, Olson, Parkman, Perry, Pirovich, Roundell, Rich, Schottky, Seawell, Slater, Stow, Swing, Tickle, and Wagy—28.

NOES—None.

Title read and approved.

Assembly Bill No. 368 ordered transmitted to the Assembly.

Assembly Bill No. 1533—An act to amend section 871 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1933, relating to the assessment, levy and collection of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1533 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, Knowland, McCall, McCormack, McGuinness, Mixer, Olson, Parkman, Perry, Pirovich, Roundell, Rich, Schottky, Seadlan, Seawell, Slater, Swing, Tickle, and Wagy—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1533 ordered transmitted to the Assembly.

Assembly Bill No. 1066—An act to amend section 1235 of the Civil Code, relating to homesteads.

Bill read third time.

Point of Order.

Senator Rich raised the point of order that Assembly Bill No. 1066 was not printed according to the rules.

Decision on Point of Order.

The President announced his decision and declared the point of order well taken.

Bill ordered reprinted and on file for third reading.

Assembly Bill No. 550—An act to amend section 2337 of the Political Code, relating to institutions.

Amendment from the Floor.

During third reading of Assembly Bill No. 550, the following amendment, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "the care of children".

Bill read, ordered to reprint, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

Assembly Bill No. 2034—An act to amend sections 1 and 2 and the title of an act entitled "An act prohibiting employers of labor from coercing employees in the purchase of things of value, and prescribing a penalty for the violation of the provisions hereof," approved April 26, 1917 (Stats. 1917, Chap. 141), relative to requiring employees and applicants for employment to patronize any person or firm in the purchase of anything of value, and relative to the penalty therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2034 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hays, Hulse, Jaspersen, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Swing, Tickle, and Waggy—27.

NOES—None.

Title read and approved.

Assembly Bill No. 2034 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, April 18, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred the following Senate resolution by Senators Hays, Waggy, Mixter, Schottky, Pierovich, Rich, Williams, Garrison, Deuel, McColl, Seawell, Powers, and Scollan:

WHEREAS, The Congress of the United States has recently enacted a measure wherein \$4,800,000,000 are appropriated for relief and unemployment to be expended on useful and permanent projects; and

WHEREAS, There is in the process of development in California a high mountain scenic highway known as The Sierra Way which will, upon its completion, connect all of the National parks in California and the majority of the National forests in northern and central California, Burney Falls State

Park, Lake Tahoe recreational region, and many other points of scenic and recreational value in the high Sierra Mountains; and

WHEREAS, The Sierra Way, upon its completion will greatly facilitate travel into and through the National parks and National forests and other high mountain scenic areas, and is of great value as a permanent and secure connection in the highway transportation system in the State of California; and

WHEREAS, The sum of \$15,500,000 will construct the reconstructed portions of this route and reconstruct those sections of the route constructed to a low standard; and

WHEREAS, The expenditure of this sum on road work offers a larger percentage of labor, both directly and indirectly, and is as a result highly desirable from an unemployment relief viewpoint; and

WHEREAS, Said project lies entirely within the lateral boundary of National forests and National parks and is therefore primarily a Federal undertaking; and

WHEREAS, A formal application has been made by subdivision of this State that said project be put upon the United States public works program; now, therefore, be it

Resolved, by the Senate, That the State Department of Public Works file an application with the appropriate Federal authority, requesting the sum of \$15,500,000 complete The Sierra Way; and, be it further

Resolved, That the Senate of the State of California most respectfully urges and petitions the Federal authority charged with the allocation of those funds to give every consideration to this project with a view of allocating funds necessary to complete The Sierra Way; and, be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the authority designated by the President as responsible for allocation to projects, and to the members of the Senate and House of Representatives, of the Congress of the United States, from the State of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership: 5. Committee vote: Ayes: 3. Absent: 2.

WAGY, Chairman.

Resolution.

By Senators Hays, Wagy, Mixer, Schottky, Pomeroy, Rich, Williams, Garrison, Denel, McColl, Seawell, Powers, and Seafan:

WHEREAS, The Congress of the United States has recently enacted a measure wherein \$4,800,000,000 are appropriated for relief and unemployment to be expended on useful and permanent projects; and

WHEREAS, There is in the process of development in California a high mountain scenic highway known as The Sierra Way which will upon its completion connect all of the National parks in California and the majority of the National forests in northern and central California, Burney Falls State Park, Lake Tahoe recreational region, and many other points of scenic and recreational value in the high Sierra Mountains; and

WHEREAS, The Sierra Way, upon its completion will greatly facilitate travel into and through the National parks and National forests and other high mountain scenic areas, and is of great value as a permanent and secure connection in the highway transportation system in the State of California; and

WHEREAS, The sum of \$15,500,000 will construct the reconstructed portions of this route and reconstruct those sections of the route constructed to a low standard; and

WHEREAS, The expenditure of this sum on road work offers a larger percentage of labor, both directly and indirectly, and is as a result highly desirable from an unemployment relief viewpoint; and

WHEREAS, Said project lies entirely within the lateral boundary of National forests and National parks and is therefore primarily a Federal undertaking; and

WHEREAS, A formal application has been made by subdivision of this State that said project be put upon the United States public works program; now, therefore, be it

Resolved, by the Senate, That the State Department of Public Works file an application with the appropriate Federal authority, requesting the sum of \$15,500,000 complete The Sierra Way; and, be it further

Resolved, That the Senate of the State of California most respectfully urges and petitions the Federal authority charged with the allocation of those funds to give every consideration to this project with a view of allocating funds necessary to complete The Sierra Way; and, be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the authority designated by the President as responsible for allocation to projects, and to the members of the Senate and House of Representatives, of the Congress of the United States, from the State of California.

Resolution read, and on motion of Senator Hays adopted.

Reference of Senate Joint Resolution No. 15.

Senator Rich moved that Senate Joint Resolution No. 15 be referred to Committee on Federal Relations.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Scollan, and Reindollar on the adoption of the motion to refer to committee.

The roll was called, and motion adopted by the following vote:

AYES—Senators Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Knowland, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Rich, Schottky, Seawell, Swing, Tickle, and Wagy—20.

NOES—Senators Biggar, Crittenden, Jespersen, McColl, Olson, Pierovich, Reindollar, Scollan, and Slater—9.

Resolution ordered referred to Committee on Federal Relations.

Approval of Journals.

The Senate Journals of Monday, April 15, 1935; Tuesday, April 16, 1935; Wednesday, April 17, 1935; Thursday, April 18, 1935, and Friday, April 19, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Adjournment.

On motion of Senator Rich, at nine o'clock and thirty-five minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Friday, April 26, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, April 26, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Thursday, April 25, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for this day.

Senator Keough was, on motion of Senator Garrison, granted leave of absence for this day.

Senator Duval was, on motion of Senator Edwards, granted leave of absence for this day.

Senator McGovern was, on motion of Senator Swing, granted leave of absence for this day.

Senator Snyder was, on motion of Senator Wagg, granted leave of absence for this day.

Senator King was, on motion of Senator Rahn, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Miles Bradley of Morgan Hill, and Father Keenan of Hollister.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Leroy Matlamiek of Visalia, Assistant District Attorney, Tulare County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Fred Bartlett of San Francisco.

As a guest of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William H. Jordan, brother of Frank C. Jordan, Secretary of State.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Pearl Sifford, sponsor, and the following members of Home Scholarship Society, Stockton High School, Shizu Abe, Lucs Archibald, Betty Barth, Marie Bunt, Aileen Brokaw, Helen Caulkins, Sally Chindrichs, Dorothy Comer, Betty Dixon, Ruth Ellis, Nickolina Krovitch, Floyd Foppiano, Margaret Gallagher, Erma Gavaglio, Beatrice Grondone, Irene Heinebach, Ann Hodgkins, Hilliard Katz, LeRoy Lewis, Eleanor McCloud, Wilma Patterson, Phyllis Piraino, Wilma Post, James Powell, Rose Lee Rowe, David Smith, Jean Strong, Jean Swenson, Warren Van Vlear, Virginia Williams, Virginia Wirth, Irving Witt, Jimmie Wong and Alfred Zuckerman.

As a guest of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to His Excellency F. H. Cooney, Governor of the State of Montana.

As a guest of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis F. Erb, former Minute Clerk of the Assembly.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Minerva Stephens of Riverside.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 53—Relative to memorializing the

President and Congress to enact S. 1952, which proposes to protect the unclassified postal employees people, extending to them a civil service status:

Also: Assembly Joint Resolution No. 54—Relative to memorializing the Congress of the United States urging it to use or cause the adoption of safety slogans for various postal districts in cancelling postage stamps so that each time uncanceled mail was handled the person handling it would have before him a reminder that the misuse of the highways, or violation of safety laws may cause a loss of life, injury of person, or loss of money.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolutions Nos. 53 and 54 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 16—Relative to Federal legislation granting subsidy or assistance to the American Merchant Marine.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 16 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 694—An act to add section 690.5 to the Code of Civil Procedure, relating to exemption from attachment, garnishment, and execution of moneys paid to persons receiving relief, and declaring the urgency hereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 694 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 31—Relative to approval of amendments to the charter of the city of San Bernardino.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 31 ordered to enrollment.

Recess.

At ten o'clock and forty minutes a.m., the President of the Senate declared recess until ten o'clock and forty-five minutes a.m., for the purpose of listening to remarks offered by His Excellency, F. H. Cooney, Governor of the State of Montana.

His Excellency, F. H. Cooney, Governor of the State of Montana, was introduced to members of the Senate by Hon. George J. Hatfield, President of the Senate.

Reconvened.

At ten o'clock and forty-five minutes a.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$300 in favor of the Secretary of

the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Dene, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, Knowland, McColl, McCormack, McHughness, Minton, Parsons, Perry, Petrovich, Powers, Reinhardt, Rich, Schottky, Seaden, Sewall, Slater, Strong, Tickle, Wray, and Young—28.

NOES—None.

Withdrawal and Re-reference of Senate Bill No. 12.

Senator Swing moved that Senate Bill No. 12 be withdrawn from Committee on Unemployment, and referred to Committee on Finance.

Motion carried, and such was the order.

Report of Standing Committee.

The following report of standing committee was received and read:

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporation, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the supervision of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and be referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—10, Absent—1.

BIGGAR, Chairman.

Senate Bill No. 355 ordered referred to Committee on Finance.

Recess.

At ten o'clock and fifty minutes a.m., the President of the Senate declared recess until ten o'clock and fifty-five minutes a.m., for the purpose of listening to remarks offered by Hon. William H. Jordan, former member, and Speaker of the Assembly of the twenty-seventh session, 1887, the oldest living ex-Speaker. Mr. Jordan is also a brother to Hon. Frank C. Jordan, Secretary of State of California.

Hon. William H. Jordan was introduced to the members of the Senate by Hon. George J. Hatfield, President of the Senate.

Reconvened.

At ten o'clock and fifty-five minutes a.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 52—Relative to the regulation of the production of crude petroleum.

ARTHUR A. OHNIMUS, Chief Clerk.
By **FRED J. DESCH, Assistant Clerk.**

Consideration of Assembly Joint Resolution No. 52.

Senator Wagy asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 52, without reference to committee for purpose of adoption.

Assembly Joint Resolution No. 52.

Relative to Regulation of the Production of Crude Petroleum.

WHEREAS, The past history of the sovereign State of California is replete with illustrations of its earnest endeavor to jealously guard the States' rights prerogatives granted under the Constitution of the United States; and

WHEREAS, There is continuing evidence of a desire on the part of some officials in Washington to compel a surrender of these rights in whole or in part; and

WHEREAS, The oil and gas conservation statutes of this State have been rigidly enforced to prevent physical waste in the production of crude petroleum or natural gas, and to protect the underlying strata that hold these natural resource reserves; and

WHEREAS, There is now pending before the Congress of the United States a bill, generally known as the "Thomas Bill," which has for its purpose the attempted regulation of the production of crude petroleum with the several oil-producing States; and

WHEREAS, The objective of the main portion of this bill is contrary to the principles of our dual form of government in that it provides for an attempted invasion of the sovereign powers of California, and would permit Federal encroachment upon the exclusive power of this State to control the production of its natural resources; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly. That Senators and Representatives in Congress from this State, be urged to use their utmost endeavor to defeat the passage of this proposed measure and other measures of a similar nature; and be it further

Resolved, That the Governor of the State of California be requested to transmit a copy of this resolution to the members of the California delegation in Congress, to the presiding officers of the Senate and House of Representatives, and to the chairman of the Committee on Mines and Mining of the United States Senate, and to the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 52 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Assembly Joint Resolution No. 52 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Garrison moved to reconsider the vote whereby amendments to Senate Bill No. 128, offered by Senator Sharkey, were adopted.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Knowland and Mixer, on the adoption of the motion to reconsider the vote whereby amendments to Senate Bill No. 128, offered by Senator Sharkey, were adopted.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bigger, Critchfield, David, Duffell, Evans, Frazier, Gardner, Gordon, Hays, Jorgensen, King, Kinsland, Marshall, McManus, Mendenhall, Meyer, Olson, Parkman, Perry, Peterson, Powers, Rasmussen, Hays, Swenson, Swenson, Slater, Shaw, Swing, Telle, Wagon, Williams and Young.

The Secretary announced the absentees.

Time, eleven o'clock and five minutes P. M.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Rich moved to reconsider the vote whereby Senate Bill No. 818 was passed.

Postponement of Reconsideration.

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 818 was passed, was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Seywell moved to reconsider the vote whereby Senate Bill No. 81 was passed. The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and the motion to reconsider the vote whereby Senate Bill No. 81 was passed was adopted by the following vote:

Ayes—Senators Bigger, Critchfield, David, Duffell, Edwards, Frazier, Gardner, Gordon, Hays, Jorgensen, King, Kinsland, Marshall, McManus, Mendenhall, Meyer, Olson, Parkman, Perry, Peterson, Powers, Rasmussen, Hays, Swenson, Swenson, Slater, Shaw, Swing, Telle, Wagon, Williams and Young—40.
Nays—None.

Senate Bill No. 81 ordered on file for third reading.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 65 was passed.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 65 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Seywell moved to reconsider the vote whereby Senate Bill No. 253 was passed.

Postponement of Reconsideration.

On motion of Senator Seywell, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 253 was passed was continued until the next legislative day.

Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 647—An act relating to the payment of certain special assessments and providing relief for owners of property subject thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 647 were read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, after "city", insert the following: ", county or city and county".

Amendment No. 2.

On page 1, line 3, of the printed bill, after "are", insert the following: "heretofore or hereafter".

Amendment No. 3.

On page 1, lines 4 and 5, of the printed bill, strike out "and the whole thereof are payable prior to the construction of making of the improvements".

Amendment No. 3-a.

On page 1, lines 6 and 7, of the printed bill, strike out "payment", and insert in lieu thereof the following: "assessment".

Amendment No. 4.

On page 1 of the printed bill, strike out all of line 10 after the comma, and all of lines 11 and 12, and line 13 to and including the period, and insert in lieu thereof the following: "the city, county or city and county incurring the proceeding shall either (a) borrow sufficient money to take over all unpaid assessments, or the appropriate from the general fund or from any fund or funds available for the purposes for which the assessments were originally levied sufficient money to pay all unpaid assessments; and may secure its indebtedness by an assignment of the lien of the assessment, and shall on payment be subrogated to the lien."

Amendment No. 5.

On page 1, line 18, of the printed bill, strike out "shall collect such assessments", and insert in lieu thereof the following: ", county or city and county shall collect the amount of such assessments and interest thereon".

Amendment No. 6.

On page 1, line 19, of the printed bill, strike out "its indebtedness", and insert in lieu thereof the following: "any indebtedness incurred pursuant to this act".

Amendment No. 7.

On page 1, line 22, of the printed bill, after "city", insert the following: ", county or city and county".

Amendment No. 8.

On page 1, line 26, of the printed bill, strike out "the indebtedness of the city", and insert in lieu thereof the following: "any indebtedness of the city, county or city and county".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 1064—An act to add a new section to be numbered section 3a to the "Motor Vehicle Fuel License Tax Act," approved May 30, 1923, as amended, relating to additional tax.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 1064 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, strike out "One-half", and insert in lieu thereof the following: "All".

Amendment No. 2.

On page 1, line 9, of the printed bill, strike out "city and county", and insert in lieu thereof the following: "cities and counties".

Amendment No. 3.

On page 1, line 11, of the printed bill, strike out "city and county", and insert in lieu thereof the following: "cities and counties".

Amendment No. 4.

On page 1, line 14, of the printed bill, strike out "city and county", and insert in lieu thereof the following: "cities and counties".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 1089—An act to amend section 19x23 of the Juvenile Court Law, relating to the probation officer.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 670—An act to amend the Insurance Code by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new Chapter 8 to Part 2 of Division 2, thereof, comprising sections 10840 to 10880, inclusive, relating to life insurance principles, practice and business, and matters incidental thereto by mutual benefit life associations.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 670 were read and adopted:

Amendment No. 1.

On page 1, line 5 of the title of the printed bill, as amended, after the words following "inclusive", insert the following: "and by repealing section 1700 thereof, all".

Amendment No. 2.

On page 1, lines 19 and 20 of the printed bill, as amended, strike out "either to insure the lives of its members or"

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out line 23, and insert in lieu thereof the following: "benefits".

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following: "by assessments."

(c) Such association provides for the expense of management of the business by collecting membership fees and the annual dues specified in this chapter."

Amendment No. 5.

On page 2, line 3, of the printed bill, as amended, strike out "(c) The members'", and insert in lieu thereof the following: "(d) The member's".

Amendment No. 6.

On page 2, line 4, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "but is dependent on the amount needed to pay such losses in full as they arise during his membership. Such liability does not cease upon lapsation of such membership."

Amendment No. 7.

On page 2, line 13, of the printed bill, as amended, after the comma, insert quotation marks.

Amendment No. 8.

On page 2, line 14, of the printed bill, as amended, after "1911", insert a comma and the following: "or Chapter 10 of this part".

Amendment No. 9.

On page 2, line 22, of the printed bill, as amended, after "stock", insert a comma and the following: "or to those who were such corporate officers or employees at the time of becoming members of such association."

Amendment No. 10.

On page 2 of the printed bill, as amended, strike out line 28, and insert in lieu thereof the following: "Article 3. Qualification."

Amendment No. 11.

On page 2 of the printed bill, as amended, strike out line 30; also in line 31, strike out "mutual life association.", and insert in lieu thereof the following: "10660."

Amendment No. 12.

On page 2, line 44, of the printed bill, as amended, strike out "incorporated", and insert in lieu thereof the following: "operating".

Amendment No. 13.

On page 2 of the printed bill, as amended, strike out line 48.

Amendment No. 14.

On page 2, line 49, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof the following: "(c)".

Amendment No. 15.

On page 2, line 51, of the printed bill, as amended, strike out "(e)", and insert in lieu thereof the following: "(d)".

Amendment No. 16.

On page 3, line 1, of the printed bill, as amended, strike out "(f)", and insert in lieu thereof the following: "(e)".

Amendment No. 17.

On page 3, line 4, of the printed bill, as amended, strike out "(g)", and insert in lieu thereof the following: "(f)".

Amendment No. 17-a.

On page 3 of the printed bill, as amended, strike out line 10, and insert in lieu thereof the following: "an admitted surety insurer, approved by the commissioner, as surety thereon."

Amendment No. 18.

On page 3 of the printed bill, as amended, between lines 19 and 20, insert the following:

"10666. On and after January 1, 1936, no association may be organized or admitted to operate under this chapter, except as provided in Article 4 of this chapter."

Amendment No. 19.

On page 3, line 25, of the printed bill, as amended, after "code", insert the following: "shall be subject to the provisions of this chapter, but".

Amendment No. 20.

On page 3, line 26, of the printed bill, as amended, strike out "that chapter", and insert in lieu thereof the following: "said chapter of the Civil Code".

Amendment No. 21.

On page 3 of the printed bill, as amended, strike out lines 41 to 45, inclusive.

Amendment No. 22.

On page 3, line 46, of the printed bill, as amended, strike out "10672", and insert in lieu thereof the following: "10671".

Amendment No. 23.

On page 3, line 49, of the printed bill, as amended, strike out "as defined in this chapter".

Amendment No. 24.

On page 4, line 7, of the printed bill, as amended, strike out "contract of insurance or".

Amendment No. 25.

On page 4, line 10, of the printed bill, as amended, after "thousand", insert the following: "eligible".

Amendment No. 26.

On page 4, line 44, of the printed bill, as amended, strike out "Keep", and insert in lieu thereof the following: "Establish".

Amendment No. 27.

On page 4, line 45, of the printed bill, as amended, strike out "Keep", and insert in lieu thereof the following: "Establish".

Amendment No. 28.

On page 4 of the printed bill, as amended, between lines 45 and 46, insert the following:

"(c) Establish and maintain a trust fund in which shall be placed all advance assessments paid by members and such payments shall be credited to the member's account."

Amendment No. 29.

On page 4, line 46, of the printed bill, as amended, strike out "may be used", and insert in lieu thereof the following: "shall be used exclusively".

Amendment No. 30.

On page 4, line 48, of the printed bill, as amended, strike out the comma.

Amendment No. 31.

On page 4, line 49, of the printed bill, as amended, strike out "seventy", and insert in lieu thereof the following: "sixty".

Amendment No. 32.

On page 4 of the printed bill, as amended, strike out line 50, and insert in lieu thereof the following: "any loss, it shall either approve or reject the claim. Upon approval of any claim which exceeds in amount the benefit fund of the".

Amendment No. 33.

On page 4, line 52, of the printed bill, as amended, strike out "an assessment", and insert in lieu thereof the following: "assessments".

Amendment No. 34.

On page 5, line 1, of the printed bill, as amended, after "members", insert a comma and the following: "pursuant to the provisions of their certificate".

Amendment No. 35.

On page 5, line 2, of the printed bill, as amended, strike out "percent", and insert in lieu thereof the following: "due".

Amendment No. 36.

On page 5 of the printed bill, as amended, strike out lines 5 to 8, inclusive, and insert in lieu thereof the following: "section by this chapter. All payments received pursuant to such levy, regardless of legislation, shall be placed in the benefit fund."

When suit is brought against such association on any account due, the assessment shall thereupon likewise be levied against all members, pursuant to the provisions of their certificates, for an amount which will produce at least fifty per cent of the amount of benefits stated on the face of the certificate on which suit was brought. The proceeds of such levy shall be placed in the trust fund prescribed by section 10691 and held thereon until final determination of the suit. After such final determination, the amount of such proceeds shall be withdrawn from the trust fund and placed in the benefit fund prescribed by this chapter.

Amendment No. 37.

On page 5, line 37, of the printed bill, as amended, strike out "twelve", and insert in lieu thereof the following: "six".

Amendment No. 38.

On page 5, line 44, of the printed bill, as amended, after "be", insert the following: "less than ten nor".

Amendment No. 39.

On page 5, line 45, of the printed bill, as amended, after the period, insert the following: "Unless the payment is made on or before the time so stated, the association shall send to the member a final notice requiring the payment of the assessment together with a penalty of twenty per cent of the amount of such assessment on or before the tenth day following the time so stated in the first notice. Such notice shall be transmitted by registered mail, return receipt demanded. Unless a payment on behalf of the member equal in amount to the assessment together with the penalty is received by the association on or before the tenth day so specified, the certificate of the member shall lapse."

Amendment No. 40.

On page 5 of the printed bill, as amended, strike out line 48, and in line 49, strike out "each member", and insert in lieu thereof the following: "as provided on the respective certificates held by the members".

Amendment No. 41.

On page 5, line 51, of the printed bill, as amended, strike out "assessment is", and insert in lieu thereof the following: "assessments are".

Amendment No. 42.

On page 6 of the printed bill, as amended, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following: "shall promptly be levied.

10700. The assessments for mortuary purposes provided in this chapter shall be established in accordance with one of the following methods:

(a) In proportion to face amount of the certificate held by each member.

(b) In accordance with some accepted experience table of mortality:

(1) According to age at issue of the certificate;

(2) According to attained age at date of assessment. Every certificate hereafter issued by such associa-".

Amendment No. 43.

On page 6, line 10, of the printed bill, as amended, strike out "10700", and insert in lieu thereof the following: "10701".

Amendment No. 44.

On page 6, line 11, of the printed bill, as amended, strike out "to the association in the", and insert in lieu thereof a comma and the following: "with an admitted surety insurer, approved by the commissioner, as surety thereon. Such bond shall be in the".

Amendment No. 44-a.

On page 6, lines 11 and 12, of the printed bill, as amended, after "amended", strike out "the amount of the benefit fund", and insert in lieu thereof the following: "an amount at least equal to the sum of the benefit fund together with the trust fund".

Amendment No. 45.

On page 6, line 15, of the printed bill, as amended, strike out the comma, and "with every surety", and strike out line 16, and insert in lieu thereof a period and the following: "The form of every surety bond shall be approved by the commissioner before acceptance by him".

Amendment No. 46.

On page 6, line 24, of the printed bill, as amended, strike out "Thereafter, the", and insert in lieu thereof: "The".

Amendment No. 47.

On page 6, line 25, of the printed bill, as amended, after "days", insert the following: "from and after the date the membership of the association falls below the minimum".

Amendment No. 48.

On page 6, lines 37 and 38, of the printed bill, as amended, strike out "policy or".

Amendment No. 49.

On page 6, line 39, of the printed bill, as amended, strike out "policy or".

Amendment No. 50.

On page 6 of the printed bill, as amended, between lines 47 and 48, insert the following:

"10722. Every such certificate shall provide for payment by the insured thereunder of membership fees, dues and assessments. The certificates may provide for the payment of assessments at a fixed rate pursuant to levy by the association after a death, or for the payment of such assessments at a fixed rate at periodic intervals in advance of deaths. The certificates may provide for the payment of fractional parts of membership fees or dues at periodic intervals.

No such benefit certificate hereafter issued may contain any provision purporting to limit the number of mortuary assessments which may be levied in accordance with this chapter. No such benefit certificate hereafter issued may call for or designate any payments by members, except membership fees, dues or assessments. Any provision in a certificate limiting another provision shall be printed with the same prominence as the provision which it limits."

Amendment No. 51.

On page 6 of the printed bill, as amended, strike out line 48, and insert in lieu thereof the following: "10723. In determining whether or not he will approve any such".

Amendment No. 52.

On page 6, line 49, of the printed bill, as amended, strike out "of certificate".

Amendment No. 53.

On page 6 of the printed bill, as amended, after line 51, add the following:

"10724. The provisions of such form shall be clearly and unambiguously stated. The form shall not contain any provision with respect to surrender values, except that it may provide that if the member has paid advance assessments which have been placed in the trust fund and credited to the member's account, the unused portion of such advance assessment will be refunded on termination of his membership."

Amendment No. 54.

On page 7, line 1, of the printed bill, as amended, strike out "10723. Such policy or", and insert in lieu thereof the following: "10725. Such".

Amendment No. 55.

On page 7, line 4, of the printed bill, as amended, strike out "policy or".

Amendment No. 55-a.

On page 7, line 12, of the printed bill, as amended, strike out "policy or".

Amendment No. 56.

On page 7 of the printed bill, as amended, strike out line 21 and insert in lieu thereof the following: "167.0. Any scientific apparatus owned."

Amendment No. 57.

On page 7, line 22, of the printed bill, as amended, strike out "members", and insert in lieu thereof the following: "communities."

Amendment No. 58.

On page 7, line 23 of the printed bill, as amended, strike out "or persons".

Amendment No. 59.

On page 7 of the printed bill, as amended, strike out line 24 and insert in lieu thereof the following: "at specific intervals not more than 24 days, at the prominent place that used to hold the benches to be sold under the benches, that the member".

Amendment No. 60.

On page 7 of the printed bill, as amended, strike out lines 26 and 27, insert the following:

"167.7. Every contract or agreement intended to get transaction involving under this chapter shall be entered in a public account."

Amendment No. 61.

On page 7, line 27, of the printed bill, as amended, strike out "167.7", and insert in lieu thereof the following: "here".

Amendment No. 62.

On page 9, line 10, of the printed bill, as amended, strike out "and", insert a comma and the following: "or by any other means directed to the community."

Amendment No. 63.

On page 9 of the printed bill, as amended, strike out line 20 and insert in lieu thereof the following: "concerning the community."

Amendment No. 64.

On page 10, line 22, of the printed bill, as amended, strike out "or" insert the following: "or inconsistent with the record."

Amendment No. 65.

On page 10 of the printed bill, as amended, between lines 26 and 27, insert the following:

"Sec. 2. Section 1700 of the Insurance Code is hereby repealed."

Amendment No. 66.

On page 10, line 37, of the printed bill, as amended, strike out "2", and insert in lieu thereof the following: "3".

Bill read second time, ordered to REPEAL, engrossment, and on file for third reading.

Senate Bill No. 741—An act to amend sections 2955, 2956, 2957, 2960, 2962, 2963, 2965 and 2966, and to repeal sections 2959 and 2961 of the Civil Code; and to add to said code new sections numbered 2959, 2974, 2975, 2976, 2977 and 2978, relating to mortgages of personal property, and including provisions for the continuity of the loans thereon, the securing of additional advances and obligations thereunder, mortgaging of natural increase of live stock and other animals, chattels, and of after acquired and consumable property, and providing for the recording of fictitious mortgages and the inclusion of the provisions thereof in other mortgages by reference, and constructive notice of such mortgages by the recording thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 741 were read and adopted:

Amendment No. 1.

On page 2, line 8, of the printed bill, as amended, after the word "property", strike out the word "may", and insert in lieu thereof the following: "or crops shall be clearly entitled on the face thereof, apart from and preceding all other

terms of the mortgage, to be a mortgage of crops and chattels, or either, and such mortgage may otherwise".

Amendment No. 2.

On page 2 of the printed bill, as amended, between lines 40 and 41, insert the following:

"1. It is acknowledged, or proved and certified, in like manner as grants of real property;"

Amendment No. 3.

On page 2, line 41, of the printed amended bill, strike out "1. In the case", and insert in lieu thereof the following: "2. The mortgage, if".

Amendment No. 4.

On page 2, line 41, of the printed bill, as amended, after the word "of", insert the following: "animate".

Amendment No. 5.

On page 2, line 41, of the printed bill, as amended, strike out the word "it", and insert in lieu thereof the following: "growing or to be grown".

Amendment No. 6.

On page 2, line 45, of the printed bill, as amended, strike out "or counties".

Amendment No. 7.

On page 2, line 46, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: ";

Amendment No. 8.

On page 2, line 47, of the printed bill, as amended, strike out "2. In the case", and insert in lieu thereof the following: "3. The mortgage, if".

Amendment No. 9.

On page 2, line 47, of the printed bill, as amended, strike out the word "it", and insert in lieu thereof the following: "growing or to be grown".

Amendment No. 10.

On page 2, line 49, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: ";

Amendment No. 11.

On page 2 of the printed bill, as amended, between lines 49 and 50, insert the following:

"4. The mortgage, if of personal property other than crops growing or to be grown or animate personal property, is recorded in the office of the recorder of the county where the mortgage resides at the time the mortgage is executed, and also in the county where the property mortgaged is located, at the time the mortgage is executed, and to which such property is thereafter removed; and

5. Each such mortgage is clearly and fully on the face thereof, apart from and preceding all other terms of the mortgage, to be a mortgage of crops and chattels, or either."

Amendment No. 12.

On page 3 of the printed bill, as amended, strike out section 5, lines 20 to 27, both inclusive.

Amendment No. 13.

On page 3 of the printed bill, as amended, strike out section 6, lines 28 to 35, both inclusive.

Amendment No. 14.

On page 3, line 36, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "5".

Amendment No. 15.

On page 3, line 40, of the printed bill, as amended, after the word "be", insert the following: "acknowledged or proved and certified, and".

Amendment No. 16.

On page 3, line 48, of the printed bill, as amended, after the period, insert the following: "Such fictitious mortgages need not be acknowledged, or proved or certified, to be recorded or entitled to record."

Amendment No. 17.

On page 4, line 1, of the printed bill, as amended, before the word "such", insert the following: "any".

Amendment No. 18.

On page 4, line 5, of the printed bill, as amended, after the word "full", insert the following: ", provided, such fictitious mortgage is of record in the county in

which the mortgage adopting or including by reference any of the provisions thereof is recorded."

Amendment No. 19.

On page 4, line 5, of the printed bill, as amended, after the word "statement", insert the following: ", as to each county in which the mortgage mentioning such reference is recorded."

Amendment No. 20.

On page 4, line 14, of the printed bill, as amended, strike out "holders", and insert in lieu thereof the following: "persons".

Amendment No. 21.

On page 4, line 24, of the printed bill, as amended, strike out "S", and insert in lieu thereof the following: "6".

Amendment No. 22.

On page 4, lines 26 and 27, of the printed bill, as amended, strike out "Mortgages of personal property other than motor vehicles etc. (effect of removal)".

Amendment No. 23.

On page 4, line 28, of the printed bill, as amended, strike out "by a person born of this State".

Amendment No. 24.

On page 4, line 28, of the printed bill, as amended, after the word "they", insert the following: "immovable personal property mortgaged by a resident of this State, and".

Amendment No. 25.

On page 4, line 37, of the printed bill, as amended, strike out "in the manner permitted by law".

Amendment No. 26.

On page 4, line 41, of the printed bill, as amended, strike out "9", and insert in lieu thereof the following: "7".

Amendment No. 27.

On page 4, line 45, of the printed bill, as amended, after the word "property", insert the following: ", save in the case of immovable chattels mortgaged by a resident of this State,".

Amendment No. 28.

On page 4, line 49, of the printed bill, as amended, strike out "10", and insert in lieu thereof the following: "8".

Amendment No. 29.

On page 5, line 3, of the printed bill, as amended, after the word "assigns" insert the following: "at the option of either".

Amendment No. 30.

On page 5, line 6, of the printed bill, as amended, after the word "period", insert the following: "or periods".

Amendment No. 31.

On page 5, lines 7 and 8, of the printed bill, as amended, strike out "or for other particular purposes,".

Amendment No. 32.

On page 5, line 11, of the printed bill, as amended, strike out "limitations provided in", and insert in lieu thereof the following: "provisions of".

Amendment No. 33.

On page 5, line 11, of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections".

Amendment No. 34.

On page 5, line 11, of the printed bill, as amended, after "2011", insert the following: ", 2068, 2069".

Amendment No. 35.

On page 5, line 12, of the printed bill, as amended, strike out the word "section".

Amendment No. 36.

On page 5 of the printed bill, as amended, in lines 23, 24, 25, 26, 27, and 28, strike out ", and all creditors, encumbrancers and purchasers of the mortgagor, mortgagors or any of them of any such mortgaged property, shall be bound thereby and held to have notice of the continuation of the mortgage lien, provided such mortgage has been executed and filed or recorded as required by law, or such parties have actual notice thereof," and insert in lieu thereof the following: "by the mortgagor, mortgagors, or any of them. Each such mortgage shall contain a statement that it is given for such purpose. All such mortgages shall be discharged on demand of the

mortgagor, in conformity with the provisions of section 2941 of the Civil Code, whenever no sums are owing to the mortgagee, or assigns, thereunder."

Amendment No. 37.

On page 5, line 29, of the printed bill, as amended, strike out "11", and insert in lieu thereof the following: "9".

Amendment No. 38.

On page 5, line 41, of the printed bill, as amended, after the word "mortgage", insert the following: "(subject to the provisions of sections 2911, 2941, 2968, 2969 and 2972 of the Civil Code)".

Amendment No. 39.

On page 6, line 8, of the printed bill, as amended, strike out "12", and insert in lieu thereof the following: "10".

Amendment No. 40.

On page 6, line 21, of the printed bill, as amended, strike out "13", and insert in lieu thereof the following: "11".

Amendment No. 41.

On page 6, line 40, of the printed bill, as amended, strike out "14", and insert in lieu thereof the following: "12".

Amendment No. 42.

On page 7, line 36, of the printed bill, as amended, strike out "15", and insert in lieu thereof the following: "13".

Amendment No. 43.

On page 7, line 36, of the printed bill, as amended, strike out the word "Sections", and insert in lieu thereof the following: "Section".

Amendment No. 44.

On page 7, line 36, of the printed bill, as amended, strike out "and 2961".

Amendment No. 45.

On page 7, line 37, of the printed bill, as amended, strike out "are", and insert in lieu thereof the following: "is".

Amendment No. 46.

On page 1, line 1 of the title of the printed bill, as amended, strike out "2960, 2962".

Amendment No. 47.

On page 1, line 2 of the title of the printed bill, as amended, strike out "sections" and insert in lieu thereof the following: "section".

Amendment No. 48.

On page 1, lines 2 and 3 of the title of the printed bill, as amended, strike out "and 2961".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 742—An act to amend sections 2922, 2933, 2934, 2939, and 2941 of the Civil Code, relating to mortgages in general and eliminating requirements that mortgages of personal property and crops, and related instruments, including powers of attorney to execute the same, be acknowledged and executed with the formalities required in the case of a grant of real property.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 742 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out section 1, lines 1 to 8, both inclusive.

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out section 2, lines 9 to 16, both inclusive.

Amendment No. 3.

On page 1, line 17, of the printed bill, as amended, strike out "3", and insert in lieu thereof the following: "1".

Amendment No. 4.

On page 2, line 8, of the printed bill, as amended, after the word "owner", insert the following: "is".

Amendment No. 5.

On page 2, line 9, of the printed bill, as amended, strike out "operate", and insert in lieu thereof the following: "operates".

Amendment No. 6.

On page 2, line 12, of the printed bill, as amended, strike out "or personal".

Amendment No. 7.

On page 2, line 12, of the printed bill, as amended, after the word "property", insert the following: ", or by which any mortgage of, lien upon or interest in personal property is document evidencing or creating which is required or permitted by law to be recorded)."

Amendment No. 8.

On page 2, line 13, of the printed bill, as amended, after the word "priority", strike out the comma.

Amendment No. 9.

On page 2, line 13, of the printed bill, as amended, after the word "may", strike out the comma.

Amendment No. 10.

On page 2, line 26, of the printed bill, as amended, strike out "any of".

Amendment No. 11.

On page 2, line 26, of the printed bill, as amended, strike out "are to", and insert in lieu thereof the following: "is".

Amendment No. 12.

On page 2, line 27, of the printed bill, as amended, strike out "operate", and insert in lieu thereof the following: "operates".

Amendment No. 13.

On page 3 of the printed bill, as amended, strike out section 4, [lines 38 to 48, both inclusive.

Amendment No. 14.

On page 4 of the printed bill, as amended, strike out section 5, [lines 53 to 59, both inclusive.

Amendment No. 15.

On page 1, line 1 of the title of the printed bill, as amended, strike out "sections", and insert in lieu thereof the following: "section".

Amendment No. 16.

On page 1, line 1 of the title of the printed bill, as amended, strike out "2922, 2933,".

Amendment No. 17.

On page 1, line 1 of the title of the printed bill, as amended, strike out "2, 2939,".

Amendment No. 18.

On page 1, line 2 of the title of the printed bill, as amended, strike out "and 2941".

Amendment No. 19.

On page 1, line 3 of the title of the printed bill, as amended, after the word "and", insert the following: "providing for the recording of certain subordination agreements and waivers relating to mortgages of, liens upon and interests in personal property."

Amendment No. 20.

On page 1, lines 5, 6, 7, 8, and 9 of the title of the printed bill, as amended, strike out "eliminating requirements that mortgages of personal property and crops, and related instruments, including powers of attorney to execute the same, be acknowledged and executed with the formalities required in the case of a grant of real property";.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 743—An act to amend section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and

leases of live stock, animate chattels, mining equipment and machinery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 743 were read and adopted.

Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, strike out "or lease".

Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, after the word "be", insert the following: "acknowledged, or proved and certified, and must be".

Amendment No. 3.

On page 1, line 17, of the printed bill, as amended, after the word "feeder", insert the following: "and a contract of conditional sale of equipment and machinery used or to be used for mining purposes shall also be recorded in every case in the county where the property is situated".

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 3 to 12, inclusive, and insert in lieu thereof the following:

"A conditional sales contract, lease or bailment or feeder agreement covering live stock or other animate chattels shall also be void as to the lien or interest of the seller, lessor, bailor or owner against bona fide purchasers, encumbrancers, and those having no actual knowledge of the contract, lease, feeder or bailment agreement who become creditors of the buyer, the party feeding, the lessee or the bailee, while the property is in the possession of any of the last mentioned parties after a lapse of four years from the last recording or re-recording thereof.

Sections 2959a and 2965 of the Civil Code are hereby made applicable to the instruments required to be recorded by this section in the same manner as to mortgages of personal property."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 748—An act to amend sections 4130, 4131, 4131a, 4132, 4136, 4137, 4138 and 4140 of the Political Code, relating to county recorders, their duties and functions, and requirements relating thereto, and penalty for neglect thereof or for misconduct.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 748 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "4131, 4131a, 4132 4136, 4137,".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "4138".

Amendment No. 3.

On page 1, line 3 of the title of the printed bill, strike out "and functions, and requirements".

Amendment No. 4.

On page 1, line 4 of the title of the printed bill, strike out "relating thereto,".

Amendment No. 5.

On page 1, line 4, of the printed bill, strike out "indices and files".

Amendment No. 6.

On page 1 of the printed bill, strike out lines 22 to 24, both inclusive.

Amendment No. 7.

On page 2 of the printed bill, strike out lines 1 to 51, both inclusive.

Amendment No. 8.

On page 3 of the printed bill, strike out lines 1 to 52, both inclusive.

Amendment No. 9.

On page 4 of the printed bill, strike out lines 1 to 52, both inclusive.

Amendment No. 10.

On page 5 of the printed bill, strike out lines 1 to 52, both inclusive.

Amendment No. 11.

On page 6 of the printed bill, strike out lines 1 to 52, both inclusive.

Amendment No. 12.

On page 7 of the printed bill, strike out lines 1 to 52, both inclusive.

Amendment No. 13.

On page 8 of the printed bill, strike out lines 1 to 52, both inclusive.

Amendment No. 14.

On page 9 of the printed bill, strike out lines 1 to 48, both inclusive.

Amendment No. 15.

On page 9, line 49, of the printed bill, strike out "S" and insert in lieu thereof the following: "2"

Amendment No. 16.

On page 10, lines 4, 5 and 6 of the printed bill, strike out all indices and insert in lieu thereof the following: ":",

Amendment No. 17.

On page 10, line 7, of the printed bill, strike out "or 60"

Amendment No. 18.

On page 10, line 8, of the printed bill, strike out "document,".

Amendment No. 19.

On page 10, line 10, of the printed bill, strike out "or files".

Amendment No. 20.

On page 10, line 10, of the printed bill, strike out "document,".

Amendment No. 21.

On page 10, line 12, of the printed bill, strike out ", or by law,".

Amendment No. 22.

On page 10, line 14, of the printed bill, strike out "law", and insert in lieu thereof the following: "this article".

Amendment No. 23.

On page 10, line 16, of the printed bill, strike out ", or any filed".

Amendment No. 24.

On page 10, line 17, of the printed bill, strike out "instrument, paper, document or notice,".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 749—An act to amend section 408 of the Political Code, relating to the duties of the Secretary of State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 750—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 751—An act to amend section 4300c of the Political Code, relating to the fees of county recorders.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 315—An act relating to a contract by the Department of Finance, concerning the waters of Rector Creek.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 511—An act to provide for the incorporation and organization and management of rapid transit districts and to provide for the construction by said districts of works and the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, and for the levying of taxes and the collection of charges and tolls by said districts and for the annexation of additional territory thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 511 were read and adopted:

Amendment No. 1.

On page 2, line 1, of the printed bill, strike out the word "majority", and in lieu thereof insert the words "two-thirds".

Amendment No. 2.

On page 2, line 29, of the printed bill, strike out the word "majority", and in lieu thereof insert the words "two-thirds".

Amendment No. 3.

On page 2, line 33, of the printed bill, strike out the period, and insert the following: "provided, however, that if any State or county election is to be held within one hundred eighty days after the receipt of such petition, then the board of supervisors of such county shall provide that the election for the purpose of creating said district shall be held on the same day as such State or county election, and may be consolidated therewith."

Amendment No. 4.

On page 3, line 41, of the printed bill, strike out the word "in", and strike out lines 42 to 52, inclusive.

Amendment No. 5.

On page 4 strike out lines 1 to 23, inclusive, of the printed bill, and the words "electors signing the petition", in line 24.

Amendment No. 7.

On page 4, line 36, of the printed bill, insert a period after the word "clerk", and strike out lines 41 to 52, inclusive.

Amendment No. 8.

On page 5 of the printed bill, strike out lines 1 to 7, inclusive.

Amendment No. 9.

On page 6 of the printed bill, strike out lines 21 to 41, inclusive.

Amendment No. 10.

On page 7 of the printed bill, between lines 2 and 3, insert the following: "Sec. 3. If the proposal for the formation of a district fails within a county or portion thereof to receive the requisite number of votes for the formation of such a district, then no election shall be held for the same purpose in such county or portion thereof for a period of one hundred eighty days after such election."

Amendment No. 11.

On page 7, line 26, of the printed bill, strike out the word "foregoing", and insert in lieu thereof the word "following".

Amendment No. 12.

On page 7, line 27, of the printed bill, strike out the words "herein set forth", and in lieu thereof insert "follows: one director for each one hundred fifty thousand of population or fraction thereof in such county or part thereof".

Amendment No. 13.

On page 7, line 33, of the printed bill, after the period following the word "thousand", insert "For the purposes of this section, the population of any county

or city and county shall be determined by the last preceding census taken under authority of the Congress of the United States."

Amendment No. 14.

On page 8, line 40, of the printed bill, strike out the word "majority", and insert in lieu thereof the words "two-thirds"; and after the word "vote", insert the following: "of the board".

Amendment No. 15.

On page 8, line 46, of the printed bill, after the word "determine", add the following: "by a two-thirds vote of the board".

Amendment No. 16.

On page 8, line 47, of the printed bill, after the word "board", insert the following: "subject to removal by the board by the same vote necessary to employ such persons."

Amendment No. 17.

On page 8, line 48, of the printed bill, after the word "and", insert the words "Such rules and regulations adopted by a two-thirds vote of".

Amendment No. 18.

On page 8, line 51, of the printed bill, after the word "shall", strike out the comma, and in lieu thereof insert a period, and strike out the words "and shall fix their compensation", and in line 52 strike out "either".

Amendment No. 19.

On page 9, line 7, of the printed bill, after the word "directors", insert the following: "shall by a two-thirds vote of the board fix the salaries or compensation of all employees."

Amendment No. 20.

On page 9, line 9, of the printed bill, after the word "manager", strike out the comma, and insert in lieu thereof a period, and strike out the words "and shall fix their salaries", and all of line 10 up to the word "such".

Amendment No. 21.

On page 9, line 11, of the printed bill, strike out the period after the word "board", and insert the following: ", subject to removal by the board by the same vote necessary to employ such persons."

Amendment No. 22.

On page 11, line 1, of the printed bill, after the word "fixed", insert the following: "subject to the limitations set forth in section 14 hereof."

Amendment No. 23.

On page 13, line 5, of the printed bill, between the word already stricken "such", and the word "year", strike out the word "the", and again insert the word "such", and strike out the words "next following the said incorporation and", and in line 9 strike out the word "organization".

Amendment No. 24.

On page 13, line 49, of the printed bill, after the word "resolution", insert the following: "adopted by a two-thirds vote of the board".

Amendment No. 25.

On page 16, line 3, of the printed bill, after the word "fix", insert the following: "by a vote of two-thirds of the board".

Amendment No. 26.

On page 16, line 9, of the printed bill, after the word "pay", insert the following: "the operating expenses of the district, provide for repairs and depreciation of works, owned or operated by it, pay".

Amendment No. 27.

On page 19, line 29, of the printed bill, after the word "it", strike out the period, and insert the following: "by a two-thirds vote of the board of directors".

Amendment No. 28.

On page 19, line 43, of the printed bill, after the word "State", insert a period and strike out the words "by the county clerk of such", and strike out lines 44 to 45, and in line 46, the words "formation of the district".

Amendment No. 29.

On page 19, line 50, of the printed bill, after the word "district", strike out the words "and upon petition presented in the manner", and all of lines 51 and 52, and on page 20, all of lines 1 to 5, inclusive, and the word "annexations" in line 6, and in lieu thereof insert the following: "which said ordinances shall be approved

Amendment No. 4.

On page 2, line 49, of the printed bill, after "California," insert the following: "(Northwest drainage and storage basin)."

Amendment No. 5.

On page 2, line 52, of the printed bill, after "sandy loam," insert the following: "(in the city of Los Angeles)."

Amendment No. 6.

On page 4, line 34, of the printed bill, after "persons," insert the following: ", having experience and knowledge of flood control and water conservation."

Amendment No. 7.

On page 5, line 8, of the printed bill, strike out "and," and insert in lieu thereof the following: "the general".

Amendment No. 8.

On page 5 of the printed bill, strike out line 14 to 14, inclusive.

Amendment No. 9.

On page 5, line 35, of the printed bill, after "election," insert the following: "following the primary election".

Amendment No. 10.

On page 5, line 40, of the printed bill, after "A," insert the following: "primary and".

Amendment No. 11.

On page 7, line 47, of the printed bill, strike out "in general," and insert in lieu thereof the following: "the primary".

Amendment No. 12.

On page 8, line 16, of the printed bill, after "could," insert the following: "primary".

Amendment No. 13.

On page 9, line 12, of the printed bill, strike out "and," and insert in lieu thereof the following: "every".

Amendment No. 14.

On page 9 of the printed bill, strike out lines 15 to 18, inclusive, and insert in lieu thereof the following:

"Any member or members of the board of directors such, for failure of duty, incompetence or other cause, be recalled according to law."

In all respects, all district elections provided for by this act shall be held and conducted in accordance with the general election laws of the State."

Amendment No. 15.

On page 9, line 20, of the printed bill, strike out "and they".

Amendment No. 16.

On page 9 of the printed bill, strike out lines 30 to 32, inclusive, and insert in lieu thereof the following: "and each district shall fix a weekly fund for the amount of twenty-five thousand dollars for the better maintenance of its levees in the district. The directors shall, without delay, send any request for the transfer of one of such directors as president and vice president, or one board, such directors to hold office as president and vice president during the absence of said appointed board, and by the".

Amendment No. 17.

On page 9, line 44, of the printed bill, strike out "month," and insert in lieu thereof the following: "week".

Amendment No. 18.

On page 11, line 17, of the printed bill, after "controller", insert the following: "(chief accountant)".

Amendment No. 19.

On page 11, line 37, of the printed bill, after "controller", insert the following: "(chief accountant)".

Amendment No. 20.

On page 13 of the printed bill, strike out lines 34 to 51, inclusive, and insert in lieu thereof the following:

"6. To purchase and handle all matters relative to the securing of rights of way and spreading grounds, either as a board or individual members thereof.

7. To make a personal and detailed examination, in company with the chief engineer, of each storage dam in the district during the months of April and September of each year and place on public file a report of the condition of such dams and the necessity of repairs thereto; and, in the same months and in company with the chief engineer, to examine the condition of all river levees and the condition of

all bridges spanning river channels, particularly as to the possible effect thereof of large floods, and file their report upon the same for public inspection.

8. To make weekly inspection of every piece of work under construction in the district and every place in the district where district funds are being expended, and to prepare and file in a systematic form in the office of the directors memoranda of such inspections, naming each job and the observation or conclusion of the progress or manner of handling the work of each job, such memoranda to be open at all times to the public.

9. To meet at least once in each week as a board for the approval of the purchase of all materials and supplies; consideration thereof to be based, first, as to their necessity; second, as to their prices; and third, as to their quality.

10. To file a complete general report on June 30th and December 31st of each year, for public inspection, of the progress of and expenditures upon the various works of the district during the preceding half year, and, in the same report, to state the proposed works and expenditures for the following half year and the total amount of the unappropriated flood control funds on hand at the date of each report.

11. To meet formally twice each month, as a board, for the examination and approval of: (1) all bills and claims against the district; and (2) all pay rolls of persons employed. In approving the pay rolls, consideration shall be given to the kind of service rendered by each employee and the rate of compensation therefor. All claims allowed for payment by the board shall have upon them the board's formal indorsement before they are sent to the county auditor and treasurer of the district for payment; and a complete copy of the monthly pay roll shall be kept in a conspicuous place in the office of the directors and shall be available at all times to the public.

12. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

13. To carry out the purposes of this act, the board of directors shall have and maintain its office either with or adjacent to the engineering department of the district. The directors shall devote all of their time during the business hours of each day to the work and business of the district. The salary of each of said directors is hereby fixed at four thousand two hundred dollars per year, and each director shall also be paid, in addition thereto, his actual expenses necessarily incurred during each month in the performance of services for said district upon demand therefor being duly presented and audited as a demand against the district in accordance with this act."

Amendment No. 21.

On page 15 of the printed bill, strike out lines 9 and 10, and insert in lieu thereof the following: "to examine all claims to be paid by the treasurer of said district and all warrants delivered to him by the clerk of said dis-".

Amendment No. 22.

On page 15, line 22, of the printed bill, strike out "the same have been correctly kept", and insert in lieu thereof the following: "their books agree in the amount".

Amendment No. 23.

On page 20, line 21, of the printed bill, strike out "five", and insert in lieu thereof the following: "six".

Amendment No. 24.

On page 23, line 1, of the printed bill, after "resolution", insert the following: "a budget of".

Amendment No. 25.

On page 23, line 27, of the printed bill, after "year.", insert the following: "adopt a budget and".

Bill read second time, ordered to reprint, and re-referred to Committee on Municipal Corporations.

Senate Bill No. 471—An act to amend the Insurance Code by adding thereto a new chapter, to Part 2 of Division 2 of said code and to be numbered Chapter 13, relating to medical and hospital service insurers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 471 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "amend", insert the following: "section 100 of".

Amendment No. 2.

On page 1, line 1 of the title of the proposed bill, strike out "for adding thereto", and insert in lieu thereof a comma and the following: "to add sections thereto, and to add".

Amendment No. 3.

On page 1, line 2 of the title of the proposed bill, strike out the comma.

Amendment No. 4.

On page 1, line 2 of the title of the proposed bill, strike out "and", and insert in lieu thereof a comma.

Amendment No. 5.

On page 1, line 3 of the title of the proposed bill, after the comma, insert the following: "comprising sections 11526 to 11545, inclusive, all".

Amendment No. 6.

On page 1 of the printed bill, strike out lines 1 to 25, inclusive, and insert in lieu thereof the following:

SECTION 1. Section 11 of the Insurance Code is hereby amended to read as follows:

100. Insurance in this State is divided into the following classes:

- (1) Life
- (2) Fire
- (3) Marine
- (4) Title
- (5) Surety
- (6) Disability
- (6a) Medical and hospital service
- (7) Plate glass
- (8) Jewelry
- (9) Workmen's compensation
- (10) Common carrier liability
- (11) Boiler and machinery
- (12) Burglary
- (13) Credit
- (14) Sprinkler
- (15) Tonn and vehicle
- (16) Automobile
- (17) Mortgage
- (18) Aircraft
- (19) Land value
- (20) Miscellaneous

SEC. 2. A new section is hereby added to the Insurance Code to be numbered 100a and to read as follows:

100a. Medical and hospital service, as defined in the Insurance Code, is a part of insurance, for the furnishing or procuring of hospital, convalescent, nursing or related professional services permitted by law and rendered to persons in general, injury or dismemberment or the prevention thereof. Such services include the furnishing of professional services of physicians, surgeons, dentists, or midwives, nurses, dentists and any other form of scientific medical treatment for diagnosis of sickness or injury, with or without hospital service.

SEC. 3. A new chapter is hereby added to Part 2 of Division 2 of the Insurance Code, to be numbered Chapter 13 and to read as follows:

Chapter 13. Medical and Hospital Service Insurance.

Article 1. Scope of Chapter.

11526. The provisions of this chapter shall not apply to or affect medical and hospital service furnished or procured by:

- (a) Insurers admitted to transact life or disability insurance.
- (b) Employers, whether directly or by means of workmen's compensation insurance, to their employees in full or partial compensation with workmen's compensation laws.
- (c) Employers to their employees and members of employees' families in conformity with existing plans in actual operation, in case of sickness or accident, whether or not arising out of or in the course of employment.
- (d) Nonprofit hospitals, hospital associations, or hospital departments any of which are chiefly maintained by dues or contributions from employees of a business employer or of a group of affiliated employers; the services of such are restricted to such employees, their dependents and members of their families and persons furnished in or by reason of the operations of the employer or group of employers.
- (e) Institutions of learning to their students, officers, and employees.
- (f) Charitable and religious organizations not operated for profit and which have furnished or procured medical or hospital services for at least fifteen years before this chapter takes effect.

- (g) Organizations maintaining homes for the aged, blind, deaf, or dumb, whether or not operated for profit, to their inmates.
- (h) Orphanages to the inmates or wards thereof.
- (i) Labor unions to their members and to families of their members.

Article 2. Capital Requirements.

11530. An insurer shall not transact medical and hospital insurance in this State unless its paid-in capital is equal to the following amounts, dependent upon the number of persons insured by it:

<i>Persons insured</i>	<i>Paid-in capital</i>
2,500 or less -----	\$15,000
2,501 to 3,500 inclusive -----	\$17,500
3,501 to 4,500 inclusive -----	\$20,000
4,501 to 5,500 inclusive -----	\$22,500
5,501 and above -----	\$25,000

11531. A medical and hospital service insurer shall not transact any other class of insurance.

11532. In determining at any time the paid-in capital of a medical and hospital service insurer, the unexpired portion of all premiums, dues, or other payments received and to be received on insurance then in force shall be deemed a liability.

Article 3. Policies and Premiums.

11534. A medical and hospital service insurer shall not be limited to any fixed or".

Amendment No. 7.

On page 2, line 1, of the printed bill, strike out "or agreement".

Amendment No. 8.

On page 2, lines 2 and 3, of the printed bill, strike out ", and said", and insert in lieu thereof a period and the following: "The".

Amendment No. 9.

On page 2, line 5, of the printed bill, strike out "Sec. 3. No policy shall", and insert in lieu thereof the following: "11535. No policy may".

Amendment No. 10.

On page 2, line 6, of the printed bill, strike out "said insurer shall at that time have", and insert in lieu thereof the following: "the insurer at that time has".

Amendment No. 11.

On page 2 of the printed bill, strike out lines 9 to 11, inclusive, and insert in lieu thereof the following: "as other insurers are permitted to invest their assets other than those in excess of their paid in capital."

Article 4. Certificate of Authority and General Regulations."

Amendment No. 12.

On page 2 of the printed bill, strike out line 12, and insert in lieu thereof the following:

"11536. Every insurer operating pursuant to this chapter shall be subject to".

Amendment No. 13.

On page 2, lines 13 and 14, of the printed bill, strike out "insurance carriers", and insert in lieu thereof the following: "insurers".

Amendment No. 14.

On page 2, line 15, of the printed bill, strike out "act", and insert in lieu thereof the following: "chapter".

Amendment No. 15.

On page 2 of the printed bill, strike out line 16, and insert in lieu thereof the following:

"11537. Any insurer operating under this chapter may".

Amendment No. 16.

On page 2, line 17, of the printed bill, strike out "shall", and strike out line 18, and insert in lieu thereof the following: "is necessary for the transaction of such insurance."

Amendment No. 17.

On page 2 of the printed bill, strike out lines 19 to 22, inclusive, and in line 23, strike out "him and", and insert in lieu thereof the following:

"11538. The application for a certificate of authority to transact medical and hospital service insurance shall be made in writing to the commissioner in such manner as he requires. Such application".

Amendment No. 18.

On page 2, line 24, of the printed bill, strike out "does or expects to do," and insert in lieu thereof the following: "does or expects to do."

Amendment No. 19.

On page 2, line 27, of the printed bill, strike out "See 7. No insurer doing a", and insert in lieu thereof the following:
"11539. An insurer transacting:

Amendment No. 20.

On page 2, line 28, of the printed bill, strike out "business under," and insert in lieu thereof the following: "shall not".

Amendment No. 21.

On page 2 of the printed bill, strike out lines 31 to 45 inclusive, and in line 46 immediately before "repeal," strike out "to," and insert in lieu thereof the following:
"11540. The commissioner may

Amendment No. 22.

On page 2 of the printed bill, strike out lines 47 and 48, and insert in lieu thereof the following: "hospital service insurance in this State of any income failing to comply with the requirements of this code or any other law relating to insurance."

Amendment No. 23.

On page 2 of the printed bill, strike out lines 49 to 52, inclusive, and on page 3, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following:

"11541. An insurer subject to the provisions of this chapter shall neither issue nor deliver in this State any contract of medical and hospital service insurance until a copy of the form thereof, containing the form of application and any rules or endorsement, has been filed with and approved by the commissioner. The commissioner shall approve or disapprove such form within thirty days after such filing. Otherwise, such form shall be deemed approved. Before transacting such form he shall notify the insurer of his reasons therefor and grant a hearing to the insurer thereon.

11542. Every such insurer shall file with the commissioner complete schedules of its premiums, rates and discounts.

11543. If the commissioner fails to approve within thirty days any such form or disapproves the same, his act or decision thereon shall be subject to review by procedure with the provisions of Chapter 4, Title 1, Part III of the Code of Civil Procedure. Upon such review the burden of proof shall be upon the applicant and the court shall review and decide the petition, evidence, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in failing to approve or in disapproving any such form. Such policy or form shall not be issued or delivered pending the final determination of any such review.

Article 5. Services of Services.

11544. An insurer operating under this chapter may provide services under its insurance contracts only through regularly licensed hospitals, institutions or agencies when such hospitals, institutions or agencies are required to be licensed by the State or any political subdivisions thereof. When the insured is entitled to personal service, such service may be provided only through a person regularly licensed to render such service if the licensing thereof is required by the State or any political subdivisions thereof. Professional services of physicians, surgeons, and specialists rendered hereunder shall be rendered only by persons of continuous holding a degree of M.D. and a perpetual license to practice medicine and surgery in this State. Professional services of dentists rendered hereunder shall be rendered only by doctors of dental surgery holding an unrevoked license to practice dentistry in this State and a degree either of D.D.S. or D.M.D. Professional services of osteopaths rendered hereunder shall be rendered only by osteopaths holding an unrevoked license to practice osteopathy in this State and a degree of D.O.

11545. This chapter shall not authorize any cooperation to write medical and hospital service insurance. This chapter shall not authorize any person to write medical and hospital service insurance including the professional services of physicians, surgeons, or specialists, unless such person, at the time of writing such insurance, holds an unrevoked license to practice medicine in this State, and also holds the degree of M.D. This chapter shall not authorize any person to write medical and hospital service insurance including the professional services of dentists or services appertaining to dentistry unless such person holds an unrevoked license to practice dentistry in this State and also holds the degree either of D.D.S. or D.M.D. This chapter shall not authorize any person to write medical and hospital service insurance including the professional services of osteopaths unless such person

holds an unrevoked license to practice osteopathy in this State and also holds the degree of D.O."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 267.—An act to amend section 721 of and to add sections 722a and 975 to the Fish and Game Code, relating to commercial catfishing in district 2.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 267 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of the title of the act, and insert in lieu thereof the following: "An act to amend section 722 and to add sections 722.5 and 975 to the Fish and Game Code, relating to commercial catfishing."

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out the number "721", and insert in lieu thereof: "722".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 3 to 11, inclusive, and insert in lieu thereof the following:

"722. Catfish may not be sold between May 1st and August 31st, except that catfish taken in Clear Lake may not be sold at any time.

Sec. 2. Section 722.5 is hereby added to the Fish and Game Code to read as follows:

722.5. In District 2 the bag limit on catfish is fifty pounds in the round or twenty five pounds dressed fish per day per person, and not more than one bag limit may be possessed by any one person in any one calendar day."

Amendment No. 4.

On page 1, line 13, of the printed bill, after the word "in", strike out "District 2", and insert in lieu thereof the following: "Clear Lake".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 421—An act to amend sections 782 and 786 of the Fish and Game Code, relating to lobsters.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 421 were read and adopted:

Amendment No. 1.

On page 1, lines 3 and 4, of the printed bill, strike out "November 1 and March 31", and insert in lieu thereof the following: "October 15 and March 15".

Amendment No. 2.

On page 1, line 13, of the printed bill, after the period, insert the following: "The cost of inspection and marking, under the regulations of the commission, shall be paid by the importer of the lobsters."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 435—An act to amend section 613 of the Fish and Game Code, relating to trout.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 435 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section", and insert in lieu thereof the following: "sections 611.6 and".

Amendment No. 2.

On page 1, line 3, of the printed bill, strike out "and".

Amendment No. 3.

On page 1, line 4, of the printed bill, insert "steelhead", insert the following "and in the Trinity and Klamath River Drainage".

Amendment No. 4.

On page 1 of the printed bill, after line 7, add the following:

"Sec. 2. Section 6116 of the Fish and Game Code, as hereby amended, to read as follows:

6116. In that portion of the Sacramento River, including its tributaries for a distance of five miles upstream from their mouth, in District 1 lying between the Vina Ferry near the town of Vina, in Tehama County, and the junction of Middle Creek and the Sacramento River, in Shasta County, steelhead trout may be taken between May 1st and December 31st. The bag limit is five per day, irrespective of size, between November 1st and December 31st.

Bill read second time, ordered to report engrossment, and on file for third reading.

Second Reading of Assembly Bills

Assembly Bill No. 1034. An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817e1 and 3817e2 to the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption, for tax sales and declaring the urgency thereof, to take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1034 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "3817b."

Amendment No. 2.

On page 1, line 2 of the title, the printed bill, as amended, strike out "3817e3 and 3817e2", and insert in lieu thereof the following: "3817e1 and 3817e2."

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"Section 1. A new section to be added to the Political Code to be numbered 3817e3 and to read as follows:

3817e3. The word "taxes" wherever used in this section."

Amendment No. 4.

On page 1, line 7, of the printed bill, as amended, strike out "September", and insert in lieu thereof the following: "July".

Amendment No. 5.

On page 1, line 11, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1936".

Amendment No. 6.

On page 2 of the printed bill, as amended, strike out lines 2 to 5, inclusive, and insert in lieu thereof the following: "commutation."

Amendment No. 7.

On page 2, line 8, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1936".

Amendment No. 8.

On page 2, line 12, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1936".

Amendment No. 9.

On page 2, line 14, of the printed bill, as amended, strike out "1934-1935".

Amendment No. 10.

On page 2, line 15, of the printed bill, as amended, strike out "or 1936-1937".

Amendment No. 11.

On page 2, line 25, of the printed bill, as amended, strike out "September", and insert in lieu thereof the following: "July".

Amendment No. 12.

On page 2, line 28, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1936".

Amendment No. 13.

On page 2 of the printed bill, as amended, strike out lines 38 to 40, inclusive, and insert in lieu thereof the following: "section 3897 of this code."

Amendment No. 14.

On page 2, line 42, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1936".

Amendment No. 15.

On page 2, line 44, of the printed bill, as amended, strike out "3817b", and insert in lieu thereof the following: "3817b3".

Amendment No. 16.

On page 2, line 45, of the printed bill, as amended, strike out "July, 1934", and insert in lieu thereof the following: "and after July 1, 1934".

Amendment No. 17.

On page 2, lines 46 and 47, of the printed bill, as amended, strike out "(except that interest upon taxes for the fiscal year 1934-1935 shall be computed from July 1, 1935)".

Amendment No. 18.

On page 2, line 48, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1936".

Amendment No. 19.

On page 2, line 50, of the printed bill, as amended, strike out "and 1936-1937".

Amendment No. 20.

On page 2, line 52, of the printed bill, as amended, strike out "1935", and insert in lieu thereof the following: "1937".

Amendment No. 21.

On page 3 of the printed bill, as amended, strike out lines 6 and 7, and insert in lieu thereof the following: "treasurer, in each succeeding fiscal year but not later than April 20th, until said amount has been paid, of".

Amendment No. 22.

On page 3, of the printed bill, strike out line 12, and insert in lieu thereof the following: "April 20th in each of said succeeding fiscal years of".

Amendment No. 23.

On page 3, line 14, of the printed bill, as amended, after "costs", insert the following: "due".

Amendment No. 24.

On page 3, line 32, of the printed bill, as amended, strike out "1946", and insert in lieu thereof the following: "1945".

Amendment No. 25.

On page 3, line 37, of the printed bill, as amended, strike out "1946", and insert in lieu thereof the following: "1945".

Amendment No. 26.

On page 3, line 39, of the printed bill, as amended, strike out "3817", and insert in lieu thereof the following: "3817b3".

Amendment No. 27.

On page 4, line 7, of the printed bill, as amended, strike out the comma after "1935", and insert in lieu thereof the following: "or".

Amendment No. 28.

On page 4, line 8, of the printed bill, as amended, strike out "or 1937,".

Amendment No. 29.

On page 4, line 12, of the printed bill, as amended, after "erty", insert the following: ", except property sold to the State for delinquent taxes in the year 1925, or at any time prior to 1925,".

Amendment No. 30.

On page 4, line 14, of the printed bill, as amended, strike out "1935", insert "that the", and insert in lieu thereof the following: "1937. Proviso added as the State for delinquency taxes in the year 1935 or prior to 1936, and added to the State pursuant to section 4785 of this Code, shall be subject to the prior the provisions of section 3897 of this Code." "

Amendment No. 31.

On page 4, line 22, of the printed bill, as amended, strike out "1936 and 1937", and insert in lieu thereof the following: "and 1938".

Amendment No. 32.

On page 4, line 26, of the printed bill, as amended, strike out "1936 and 1937", and insert in lieu thereof the following: "and 1938".

Amendment No. 33.

On page 5 of the printed bill, as amended, strike out line 31 and insert in lieu thereof the following: "with the provisions of article 3811, as amended, as before April 20, 1935, elected so".

Amendment No. 34.

On page 5, line 31, of the printed bill, as amended, strike out "3811(a)".

Amendment No. 35.

On page 5, line 38, of the printed bill, as amended, strike out "3811(a)" at 3811(c)".

Amendment No. 36.

On page 5 of the printed bill, as amended, strike out line 31, and insert in lieu thereof the following: "with the provisions of article 3811, as amended, as before April 20, 1935, elected so".

Amendment No. 37.

On page 6, line 7, of the printed bill, as amended, strike out "3811(a)".

Amendment No. 38.

On page 6, line 8, of the printed bill, as amended, strike "3811(a)", insert the following: "or 3811(c)".

Amendment No. 39.

On page 6, line 10, of the printed bill, as amended, strike out "1935", and insert in lieu thereof the following: "1945".

Amendment No. 40.

On page 6, line 12, of the printed bill, as amended, strike out "3811(a)" at "3811(c)" and insert in lieu thereof the following: "3811(a)" at "3811(c)".

Amendment No. 41.

On page 6, line 21, of the printed bill, as amended, strike "3811(c)", insert the following: "3811(a)".

Amendment No. 42.

On page 6 of the printed bill, as amended, strike out lines 27 to 32, inclusive, and all of pages 7 and 8, and lines 1 to 20, inclusive, on page 9.

Amendment No. 43.

On page 9, line 20, of the printed bill, as amended, strike out "8", and insert in lieu thereof the following: "7".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 485—An act to add section 3900a to the Political Code, relating to taxation, including motor vehicle and license tax delinquency penalties and costs, payment thereof in installments and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 454—An act to amend the title and sections 8, 14, 32 and 33 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchisees, other than insurance companies and their franchisees, specified in section 14 of Article XIII of the Constitution of this State.

Bill read second time, and ordered on file for third reading.

The roll was called, and Senate Bill No. 1067 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, DeWitt, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, King, Kneeland, McColl, McCormack, McGinness, Menger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reasollar, Rich, Schottky, Seallan, Senwell, Slater, Swine, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 1067 ordered transmitted to the Assembly.

Senate Bill No. 231—An act to amend sections 33 and 3170 of the School Code, relating to attendance upon the public schools of Indian children, and children of Chinese, Japanese or Mongolian parentage.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 231 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, DeWitt, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, King, Kneeland, McColl, McCormack, McGinness, Menger, Mixer, Olson, Parkman, Pierovich, Powers, Reasollar, Rich, Schottky, Seallan, Slater, Swine, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 231 ordered transmitted to the Assembly.

Special Order.

Senator Olson moved that Senate Bill No. 252 be made a special order for Monday, April 29, 1935, at eleven o'clock and thirty minutes a.m. Motion carried and such was the order.

Third Reading of Senate Bills—(Resumed).

Senate Concurrent Resolution No. 17.

Relative to the further increase of machine work while laborers and their families are in distress.

WHEREAS, The President of the United States, Franklin D. Roosevelt, has, since the first day of his inauguration into office, recognized the stark necessity of providing employment for the desperate, sick, and starving millions of workers and their dependents; and

WHEREAS, In 1933, under Title II of the National Industrial Recovery Act, the said President of the United States caused Congress to require that in all contracts, financed wholly or in part by Federal funds, a clause must be inserted providing that, whenever practicable, hand labor must be substituted for machine work upon a short-work-week basis; and

WHEREAS, The aforementioned contracts involve the expenditure of billions of dollars in the State of California and throughout the rest of the Nation; and

WHEREAS, The California Highway Commission has generally followed the same course in regard to substituting hand labor for machine work; and

WHEREAS, At a special session of the California Legislature, the Governor of California, Frank F. Merriam, requested that a \$24,000,000 bond issue for the relief of unemployment be submitted to the electorate of California, and such bond issue was in fact submitted to such electorate and was decisively approved thereby at the election held in this State in November, 1934; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereto concurring, That, while they firmly believe in constant perfection and introduction of machines to alleviate the drudgery of human existence and thereby make for cultural and physical advancement of our citizenship, nevertheless they realize that it is cruel, ironical, and illogical to vote millions of dollars for the relief of unemployment and then, under the idea of economy, adopt measures which will place workers upon the already staggering charity of relief rolls; and be it further

Resolved, That they do not approve any measure or act proposing additional machines or the introduction of additional machinery into departments of the State government, by any departmental order, until such time as the Nation and the State have had opportunity to return its desperately distressed citizens into pro-

ductive employment whereby they can earn a remuneration commensurate with a decent standard of American living.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 17 refused adoption by the following vote:

AYES—Senators Garrison, Jespersen, Scollan, and Swing—4.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Hulise, Knowland, McColl, McCormack, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Tickle, Waggy, and Williams—26.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and fifty-five minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Garrison.

The Secretary was directed to call the roll, on the motion to reconsider the vote whereby amendments were adopted to Senate Bill No. 128, of the Senators who had not answered to their names.

Reconsideration Granted.

The roll was called, and the motion finally adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Jespersen, King, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Swing, Tickle, Waggy, and Williams—30.

NOES—Senators Hays, Hulise, Knowland, Stow, and Young—5.

Senate Bill No. 128 ordered on file for third reading.

Resolution.

The following resolution was offered:

By Senator Powers:

WHEREAS, Tragic error resulted in the untimely execution of Rush Griffin pending his appeal from a judgment of the superior court, and human life is too sacred to be forfeited because of error or omission on the part of any person; now, therefore, be it

Resolved by the Senate of the State of California, That a Committee of Three members be appointed by the President of the Senate to investigate all of the facts and circumstances attendant upon said execution and to exhaustively consider all applicable provisions of law and such changes therein as will assuredly prevent the occurrence of any such event hereafter; and be it further

Resolved, That the committee is authorized to do any and all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of documents, reports, and papers of every kind, to issue subpoenas to compel the attendance of witnesses and to procure testimony. Each member of the committee is hereby authorized to administer oaths and all the provisions of Article VIII of Chapter VIII, Title I, Part III of the Political Code relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the committee created by this resolution, and it shall be the duty of all officers of the State or of any county, city, city and county or other political subdivision of the State to furnish such information and reports as shall be requested by the committee; and be it further

Resolved, That the committee is authorized to conduct such investigation immediately upon its appointment and to report back to this Senate at this session and at the fifty-second session of the Legislature all facts discovered or findings made in the course of such investigation, together with its recommendations in respect thereto; and be it further

Resolved, That the sum of \$250 or so much thereof as may be necessary is hereby appropriated out of the contingent fund of the Senate for the purpose of defraying the expenses of the committee and of said investigation, said sum to be paid from said contingent fund and the State Controller is hereby authorized and directed to

draw his warrant or warrants in favor of the person or persons entitled thereto for such compensation as may be ordered by law from time to time by the chairman of the committee, and the State Treasurer is hereby authorized and directed to pay the same.

Consideration of Resolution Offered by Senator Powers

Senator Powers asked for, and was granted, unanimous consent for the consideration of his resolution without reference to committee for purpose of adoption.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baggett, Critchfield, Donald, Egan, Fletcher, Garrison, Goshorn, Hulke, Jasperen, Knowland, McCall, McCarroll, McManis, Merritt, Miller, Olson, Parkman, Perry, Powers, R. Powers, Runkles, Ryle, Seabright, Seaton, Senwell, Slater, Swing, Tuckie, Wagy, and Williams—20.

NOES—None.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Powers, chairman, Dignan and Knowland.

Reports of Standing Committee.

The following reports of standing committees were received and read, and the bills reported thereon were ordered on file.

On Engraving, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined Senate Concurrent Resolution No. 12—A resolution to propose to the people of the State of California an amendment of Article IV of the Constitution of the State by adding section 14, therein, relating to distribution of Governor's appointments—and reports that the same has been correctly engraved.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined Senate Bill No. 479—An act to amend Chapter 2 of Part 2 of Division 2 of the Insurance Code, and to add a new Chapter 9, containing sections 1001 to 10940, inclusive, to Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and casualty business in the State of California, and with provision for assessments and reports that the same has been correctly engraved.

METZGER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined Senate Concurrent Resolution No. 20—Resolving to approve the charter of the city of Roseville—and reports that the same has been correctly engraved.

METZGER, Chairman.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engraving, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 25, 1935.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined Senate Bill No. 212—An act to establish an Insurance Code, thereby consolidating and revising the law, relating to insurance, premiums, policies and business and matters incidental thereto, and to repeal certain acts and parts of acts specified herein—and reports that the same has been correctly engraved, and presented to the Governor on the twenty sixth day of April, 1935, at eleven o'clock and ten minutes a.m.

WILLIAMS, Vice Chairman.

President Pro Tempore in the Chair.

At twelve o'clock and fifteen minutes p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.

Message from the Assembly.

The following message from the Assembly was received and read :

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 35—Relative to the death of the mother of Assemblyman Augustus F. Hawkins.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 35.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 35, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 35.

Relative to the death of the mother of Assemblyman Augustus F. Hawkins.

WHEREAS, The members of the Assembly and the Senate of the State of California have learned with profound sorrow of the passing of the mother of one of our most beloved members, Assemblyman Hawkins; and

WHEREAS, We know that the death of this loving individual has brought sorrow to Mr. Hawkins and the immediate members of his family; and

WHEREAS, It is God's wisdom that she be taken from this earth, and be given her just reward in the life beyond for the many kind deeds she has rendered to humanity during her lifetime; and

WHEREAS, Her loss will not only be a loss to the immediate members of her family but a loss to those who knew her while she was living; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate concurring. That when the Legislature adjourns this day, it do so out of respect to the memory of the late Mrs. Hawkins; and be it further

Resolved, That the Chief Clerk be and is hereby instructed to have prepared a suitable memorial resolution properly engrossed and mailed to the family of the deceased.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 35 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pirovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Swing, Tickle, Waggy, and Williams—31.

NOES—None.

Assembly Concurrent Resolution No. 35 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 109—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith; to make an appropriation, and to provide for the repayment thereof.

Amendment from the Floor.

During third reading of Senate Bill No. 109, the following amendment, offered by Senator Difani, was read and adopted:

Amendment No. 1.

On page 1, line 5 of the title of the printed bill, as amended, strike out the word "colon" and the following "to make an appropriation, and to", and on line 6 of the title, strike out "provide for the repayment thereof".

Bill read, ordered to reprint, reengrossment, and on file for third reading.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Tickle to introduce a bill entitled "An act to add section 328 to the Political Code, relating to the Lieutenant Governor," has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership: 5, committee vote: Ayes—5

RIICH, Chairman.
DIPANI,
KNOWLAND,
TICKLE,
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Bigger, Crittendon, Dodd, Doherty, Edwards, Fletcher, Gorman, Gordon, Hays, Hulce, Jepsen, Knowland, McCall, McCannick, McConnors, Metzger, Mixer, Olson, Perry, Pomeroy, Powers, Rich, Schirky, Smith, Sorenson, Slater, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Introduction, First Reading and Reference of Bills

By Senator Tickle. Senate Bill No. 1093.—An act to add section 328 to the Political Code, relating to the Lieutenant Governor.

Bill read first time, and referred to Committee on Governmental Efficiency.

Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senator Williams:

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to repeal sections 10650 to 10671, inclusive, 10691 to 10713, inclusive, 10770 and 10780, of the Insurance Code, and to add sections 10650, 10670, and 10671 thereto, and to make certain other provisions, all relative to mutual benefit associations.

Respectfully submitted,

SENATOR WILLIAMS.

Request referred to Committee on Rules.

Also:

By Senator Reindollar:

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 19a to the Public Utilities Act, relating to charges for heat, light, or power by a public utility.

Respectfully submitted,

SENATOR REINDOLLAR.

Request referred to Committee on Rules.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 146—An act relating to contracts between companies and public agencies for the delivery or sale of water, gas or electrical energy by the former to the latter; providing for the regulation, supervision and licensing of such companies; and providing for the enforcement of this act and penalties for the violation thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

BIGGAR, Chairman.

On Universities and Teachers Colleges.

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Senate Bill No. 442—An act to amend section 652 of the Civil Code and to add four new sections thereto to be numbered sections 652.1, 652.2, 652.3 and 652.4, all relating to the consolidation and government of colleges and institutions of higher education—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

DEUEL, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 491—An act to amend section 3 of, and to add section 11.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions and the limitation of actions;

Also: Senate Bill No. 492—An act to add sections 9.4 and 9.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to liability;

Also: Senate Bill No. 943—An act to amend the title and sections of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, relating to workmen's compensation;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—6; noes—2; absent—3.

WILLIAMS, Chairman.

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Joint Resolution No. 8—Relative to hours of employment of persons on interstate carriers—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—7; absent—2.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 505—An act to amend section 535 of the Political Code, relating to purchase of machinery or equipment for the State Printing Plant—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 367—An act to amend section 1 of "An act regulating the hours of labor of the operators of certain motor vehicles," approved June 10, 1933, relating to operators of vehicles—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

OLSON, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 325—An act to amend sections 4260 of the Political Code, relating to compensation of county and township officers in counties of the third class.

Also: Senate Bill No. 325—An act to amend sections 4260, 4261, 4262, and 4263 of, and to repeal sections 4264 and 4265 of, the Political Code, relating to said district taxes and the expenses from county general funds of income tax and district purposes by the board of supervisors.

Also: Senate Bill No. 326—An act to amend section 4214 of the Political Code, relating to the presentation, submission and adoption of county road district and special district budgets and to the use of their said accounting limitations on county expenditures, by defining the amount of their said budgets for county affairs.

Also: Assembly Bill No. 366—An act to amend section 4041.11 of the Political Code, relating to powers and duties of boards of supervisors.

Also: Assembly Bill No. 376—An act to add a new section to the Political Code, to be numbered 1376, providing the subject in which counties shall pay the State for expense of license and taxation.

Also: Assembly Bill No. 386—An act to amend section 1305 of the Political Code, relating to the salary fund of counties.

Also: Assembly Bill No. 419—An act to provide for the custody and disposing of money and other property belonging to counties of counties (continued).

Also: Assembly Bill No. 461—An act to provide for the operation of bonds and interest contracts issued for bond of county and the redemption and payment thereof in the case of such redemption being made for full term.

Also: Assembly Bill No. 497—An act to amend section 8 of the act entitled "An act to allow unincorporated towns and villages to accept and maintain a fire department and to assess and collect taxes thereon for such fire department and to create a board of fire department," approved March 4, 1931, as amended, relating to the conduct of elections;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes 8; absent: 1.

HILL, Chairman.

Report of Standing Committee.

The following report of standing committee was received and read:

On County Government.

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1546—An act to amend sections 4 through 6, inclusive—An act limiting the liability of supervisors, city trustees, city council, boards of supervisors and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in certain matters, and providing for the payment of costs of actions in certain instances, approved June 11, 1933, relating to the liability of counties, municipalities and school districts—has had the same under consideration, and respectfully reports the same back, and recommends that the bill be re-referred to the Committee on Judiciary.

Committee membership: 9; committee vote: Ayes 6; absent: 3.

HULSE, Chairman.

Assembly Bill No. 1546 ordered re-referred to Committee on Judiciary.

Adjournment.

On motion of Senator Garrison, at twelve o'clock and thirty minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, April 29, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Monday, April 29, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, April 26, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

As the guest of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. LeRoy Wright, former State Senator.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Doris Miller of Oakland and Mr. William Hunter of Sacramento.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. H. W. Jacobs of Santa Rosa.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. C. Nunnally, Vice President, Fifth District, California State Federation of Labor.

On request of Hon. George J. Hatfield, President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Norman C. Bailey, President of the State Bar Association.

On request of Hon. George J. Hatfield, President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Edward Christian, former State Senator, and now chairman of the State Personnel Board.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Raymond Haight of Los Angeles.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Edith Iversen of Paso Robles.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Crawford, Prof. Charles Wenigar, Miss B. Crane, Miss G. Rathmann, Miss V. Thompson, Mr. and Mrs. G. Scheppeler, Mr. M. Fenter, Mr. C. Nagele, Mr. W. Rathburn, Mr. L. Grounds, Mr. R. Darnell and Mr. M. Walter.

Communication.

The following communication, offered by Senator McGovern, was received, read, and ordered printed in the Journal:

WHEREAS, It is rumored that the Senate Revenue and Taxation Committee has indicated that it may attempt to raise the present existing State excise tax of two (2) cents per gallon upon beer sold in the State of California; and

WHEREAS, It is the belief of the undersigned that an increase in such tax will increase the cost of beer to the consumer or result in a smaller glass of beer for the same money now charged and will also result in a smaller consumption of beer to the loss and detriment of the farmer grower of hops and barley as well as to labor in loss of employment; now, therefore,

We, the undersigned, do hereby oppose any increase in the present existing excise tax of two (2) cents per gallon upon beer as presently collected by the State of California and do particularly request that the present existing tax be not raised.

BREWERS AND MALTSERS UNION No. 7.

Emil Merr, Secretary.

BEER DRIVERS AND STABLEMEN'S UNION No. 227.

Marion Christen, Secretary.

BOTTLERS LOCAL UNION No. 293.

Wm. H. Ahern, Secretary.

WESTERN FEDERATION OF BUTCHERS OF CALIFORNIA.

M. L. Maybell, President.

MACHINISTS UNION No. 68.

F. W. Howard, Financial Secretary.

UNITED GARMENT WORKERS No. 131.

Nellie Casey, Business Representative.

PAINTERS UNION 19.

W. J. Gilday, Financial Secretary.

LAUNDRY WORKERS INTERNATIONAL UNION No. 26.

L. Palacios, President.

BOILER MAKERS UNION No. 4.

John N. Ruedi, Secretary.

UNION LABEL SECTION OF SAN FRANCISCO.

Thomas A. Rotell, Secretary.

AMERICAN FEDERATION OF LABOR.

METAL TRADES DEPARTMENT.

A. F. Wynd, Secretary.

UNITED LABORERS No. 261.

H. F. McCormick, Secretary.

BAKERS UNION, Local 24.

Thos. Lundquist, Secretary.

BUILDING MATERIALS No. 216.

J. G. Geshart, Secretary.

PATTERN MAKERS ASSOCIATION

OF SAN FRANCISCO, CALIFORNIA.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 36—An act to amend the Agricultural Code by adding to Division VI thereof a new chapter to be numbered 8 and to include sections 1299 to 1300.6 inclusive, defining and pertaining to processors of farm products and the licensing thereof.

Also: Assembly Bill No. 610—An act amending section 1463 of the Penal Code, relating to the disposition of fines collected in municipal courts.

Also: Assembly Bill No. 662—An act to provide for the refunding of bonds issued under the "Improvement Bond Act of 1915" and for the levy of reassessments and the extension of liens of assessments and the collection and enforcement of such assessment and reassessments and the payment of said bonds.

Also: Assembly Bill No. 668—An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 36 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 610 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 662 and 668 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2294—An act to repeal sections 327, 330, 331, 332, 333, 334 and 335 of the Fish and Game Code, relating to game refuges;

Also: Assembly Bill No. 2399—An act to amend section 1514 of the Civil Code, relating to rights of parties to contract in the event of prevention of performance thereof by a cause other than an act of a party.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2294 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2399 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1657—An act to amend the Vehicle Code by amending sections 253, 257, 267, 268, 269, 270, 272, 273, 314, 315, 316, and 338; by repealing sections 350, 351, 352, 353, and 354; by adding sections 254, 271.5, 350, 351, 352, 353, and 354, relating to vehicles;

Also: Assembly Bill No. 1752—An act to amend sections 5500, of the School Code, relating to teachers' tenure;

Also: Assembly Bill No. 1919—An act to amend sections 3 and 6 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions and presumptions in respect to injuries to employees;

Also: Assembly Bill No. 2139—An act to amend section 281 of the Code of Civil Procedure, relating to attorneys and counsellors at law.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1657 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1752 read first time, and referred to Committee on Education.

Assembly Bill No. 1919 read first time, and referred to Committee on Insurance.

Assembly Bill No. 2139 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1486—An act authorizing suit against the State of California to quiet title against it to certain real property in the city of Newport Beach, California;

Also: Assembly Bill No. 2048—An act to amend the title and sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911 (Stats. 1911, Chap. 92), as amended, providing that evidences of indebtedness for wages must be payable upon demand and providing penalties for violation of the provisions thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1486 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2048 read first time, and referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1122—An act to amend the provisions of an act of the Congress of the United States approved June 6, 1906, entitled "An act to provide for the establishment of a National Establishment System and for increasing with the States in the protection of such systems and for other purposes."

Also, Assembly Bill No. 1985—An act to amend section 788 of the Fish and Game Code, relating to the catch season of Chinook.

Also, Assembly Bill No. 1987—An act to amend section 790 of the Fish and Game Code, relating to the preservation of crabs and crab meat.

Also, Assembly Bill No. 1444—An act providing for the grant of hunting Quota to the United States of America for the season of a Northern waterfowl migration.

ARTHUR A. CHINIMUS, Chief Clerk.

By Louis J. Tinsley, Assistant Clerk.

Assembly Bill No. 1122 read first time, and referred to Committee on Unemployment.

Assembly Bills Nos. 1286 and 1287 read first time and referred to Committee on Fish and Game.

Assembly Bill No. 1444 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 700—An act to amend sections 1018 of the Code of Civil Procedure, relating to the giving of bonds on writs of habeas corpus or writs of mandamus by the State or counties or officers thereof.

Also, Assembly Bill No. 790—An act to amend sections 662, 665, 676 and 697 of the Fish and Game Code, relating to salmon.

Also, Assembly Bill No. 877—An act to amend section 662 of the Code of Civil Procedure, relating to motions for new trials.

Also, Assembly Bill No. 897—An act to amend section 487 of the Agricultural Code, relating to grandfathered stock.

ARTHUR A. CHINIMUS, Chief Clerk.

By Louis J. Tinsley, Assistant Clerk.

Assembly Bill No. 720 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 790 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 877 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 897 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 666—An act to amend the title and section 15 and to add section 33 to an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments and reassessments for the payment of such refunding bonds, to authorize the issue of such assessments, reassessments, to provide for the proceedings to test the validity of such refunding and reassessment, and to provide for the completion of public funds to assist in such refunding," approved June 5, 1933, relating to the refunding of bonds payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands;

Also, Assembly Bill No. 666—An act to amend an act originally entitled "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, and the title of which was amended by act approved May 26, 1933, to read as follows: "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities

of the first class to refund indebtedness thereof, or of any department, board or agency thereof, and to issue bonds therefor and to provide for the payment of the same," by amending sections 1, 2, and 3 thereof, relating to refunding bonds and to the use of Federal courts in municipal bankruptcy or refunding proceedings;

Also: Assembly Bill No. 667—An act to provide for the refunding of bonds issued under an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of such improvements," approved April 20, 1915, and bonds issued under the Municipal Improvement District Act of 1927, and providing procedure therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 663, 665 and 667 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 291—An act to add a new chapter to Title XIV of Part IV of Division Third of the Civil Code to be known as Chapter III-A thereof, in relation to trust receipts and pledges of personal property unaccompanied by possession in the pledges and to make uniform the law relating thereto and to amend section 2988 of the Civil Code, relative to the lien of the pledgee;

Also: Assembly Bill No. 496—An act to amend section 692 of the Agricultural Code, relating to places where milk or milk products are handled or kept for sale;

Also: Assembly Bill No. 576—An act to repeal section 924 of the Political Code;

Also: Assembly Bill No. 603—An act to amend section 4223 of the Political Code, relating to admission to county hospitals.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 291 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 496 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 576 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 603 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 55—Relative to memorializing Congress to erect a memorial to Mrs. A. Sherman Hoyt.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 55 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 43—A resolution to propose to the people of the State of California, an amendment to Article XIII of the Constitution of the State, by amending section 7 thereof, relating to the payment of taxes in installments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendment No. 43 referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 30 Relative to approving the charter of the city of Roseville.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 30 ordered to enrollment.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 8 Relative to grants of employment of persons on interstate carriers.

Also: Senate Bill No. 415—An act relating to a contract by the Department of Finance, concerning the waters of Hooper Canal.

Also: Senate Bill No. 749—An act to amend section 408 of the Political Code, relating to the duties of the Secretary of State.

Also: Senate Bill No. 750—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State.

Also: Senate Bill No. 751—An act to amend section 4300c of the Political Code, relating to the fees of county coroners.

Also: Senate Bill No. 1089—An act to amend section 19023 of the Juvenile Court Law, relating to the probation officer.

Also: Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, county and other local governmental agency or political subdivision, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and/or acquisition of public utilities and extensions and additions to public utilities for the production, purchase, sale and distribution of products, commodities, energy and/or services of such public utilities, providing for the payment of such bonds and the interest thereon.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 32 Relative to fishery and game law.

Also: Senate Bill No. 267—An act to amend section 722 and to add sections 722.5 and 975 to the Fish and Game Code, relating to commercial fishing.

Also: Senate Bill No. 421—An act to amend sections 782 and 786 of the Fish and Game Code, relating to lobsters.

Also: Senate Bill No. 435—An act to amend sections 6116 and 613 of the Fish and Game Code, relating to trout.

Also: Senate Bill No. 471—An act to amend section 100 of the Insurance Code, to add section 100a thereto, and to add a new chapter to Part 2 of Division 2 of said code, to be numbered Chapter 13, comprising sections 11526 to 11545, inclusive, all relating to medical and hospital service insurers.

Also: Senate Bill No. 743—An act to amend section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animate chattels, mining equipment and machinery, and business or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 511—An act to provide for the incorporation and organization and management of rapid transit districts and to provide for the construction by said districts of works and the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, and for the levying of taxes and the collection of charges and tolls by said districts and for the annexation of additional territory thereto—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 5—An act to amend section 1 and 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax;

Also: Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration;

Also: Senate Bill No. 109—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith;

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Introduction, First Reading and Reference of Bills.

By Senator Slater: Senate Joint Resolution No. 17—Relative to memorializing the President and the Congress of the United States to enact S. B. 626 and H. R. 6909, which bills are proposed to aid the position of hop growers.

Consideration of Senate Joint Resolution No. 17.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 17, without reference to committee for purpose of adoption.

Senate Joint Resolution No. 17.

Relative to memorializing the President and the Congress of the United States to enact S. B. 626 and H. R. 6909, which bills are proposed to aid the position of hop growers.

WHEREAS, The State of California has over 8000 acres now planted to hops which produced in the year 1934 approximately 61,414 bales of hops or in the excess of 12,282,500 pounds of hops and expended in excess of \$1,500,000 for labor; and

WHEREAS, The hop industry is now demoralized by low prices far below the cost of production and the hop growers of the States of Oregon, Washington and California have asked that hops be made a basic commodity under the Agricultural Adjustment Act; and

WHEREAS, Senate Bill No. 626 and House Bill No. 6909 were introduced at this session of Congress and said bills if passed will greatly improve the position of hop growers; and

WHEREAS, The hop industry is in great need of protection at this time; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That the President and Congress of the United States are hereby respectfully urged to enact the legislation proposed by S. B. 626 and H. R. 6909 as speedily as possible; and be it further

Resolved. That the Secretary of the Senate of the State of California send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members from California be urged to support such legislation.

Resolution read and considered engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 17 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Senate Joint Resolution No. 17 ordered transmitted to the Assembly.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:
By Senator Scollan.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 544 to the Palomares Code, and to amend sections 778, 779, and 782 thereof, relating to the publication of certain laws and court decisions.

Respectfully submitted.

SENATOR SCOLLAN

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Reindollar to introduce a bill entitled: An act to add section 544 to the Public Utilities Act, relating to charges for heat, light, or power by a public utility—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5

(Signed out)

RICH, Chairman.
DEANE
KNOWLAND
SLATER
TICKLER

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Critchfield, Deane, Deane, Duran, Edwards, Fletcher, Hays, Hulse, Jepsen, Keough, King, Knowland, McCut, McQuinn, Montgomery, Metzger, Mixter, Olson, Parkman, Peery, Pineschke, Pineschke, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swang, Tinkle, Wagon, and Young—35.

NOES—None.

Introduction, First Reading and Reference of Bills

By Senator Reindollar: Senate Bill No. 1094—An act to add section 19a to the Public Utilities Act, relating to charges for heat, light, or power by a public utility.

Bill read first time, and referred to Committee on Public Utilities.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Williams to introduce a bill entitled: An act to repeal sections 10650 to 10671, inclusive, 10691 to 10713, inclusive, 10770 and 10780 of the Insurance Code, and to add sections 10650, 10670, and 10671 thereto, and to make certain other provisions, all relating to mutual benefit associations—has had the same under

consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
DIFANI.
KNOWLAND.
SLATER.
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McColi, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Williams: Senate Bill No. 1095—An act to repeal sections 10650 to 10671, inclusive, 10691 to 10713, inclusive, 10770 and 10780, of the Insurance Code, and to add sections 10650, 10670, and 10671 thereto, and to make certain other provisions, all relating to mutual benefit associations.

Bill read first time, and referred to Committee on Insurance.

Assistant Secretary Carl A. Shipkey at the Desk.

Unfinished Business.

Senate Concurrent Resolution No. 32.

Relative to adjournment sine die.

Resolved by the Senate of the State of California, the Assembly thereof concurring. That notice is hereby given that the fifty-first session of the Legislature of the State of California, intends to adjourn sine die at four o'clock p.m. May 16, 1935. The fifty-first session shall adjourn sine die at four o'clock p.m. May 19, 1935, unless it shall have adjourned prior to such time.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 32 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—Senator Olson—1.

Senate Concurrent Resolution No. 32 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 252, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 252—An act to amend section 2924 of the Civil Code, relating to mortgages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 252 refused passage by the following vote:

AYES—Senators Bigger, Cottenston, Fletcher, Garrison, Johnson, Keough, King, McColl, McGovern, McGuinness, O'Connell, Pierovich, Powers, Schottky, Scales, and Swing—16.

NOES—Senators Deneil, Difuria, Donald, Edwards, Hays, Hays, Knowland, McCormack, Metzger, Mixer, Parkman, Perry, Rensselaer, Rich, Sullivan, Swarth, Taylor, Stow, Tickle, Wagy, Williams, and Young—22.

Postponement of Reconsideration.

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 818 was passed was continued until the next legislative day.

Recess.

At twelve o'clock and ten minutes p. m., the President of the Senate declared recess until twelve o'clock and twenty minutes p. m., for the purpose of listening to remarks offered by Abe Bender, representing the Young Democrats of Sacramento County, and by Kenneth Moseley, representing the Junior Republicans of Sacramento County. The topic of both speakers was National Youth Week.

The speakers were introduced to the members of the Senate by Hon. George J. Hatfield, President of the Senate.

Reconvened.

At twelve o'clock and twenty minutes p. m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Motion to Reconsider.

Pursuant to the motion given on a previous day, consideration of which was deferred until the next legislative day, Senator King moved to consider the motion to reconsider the vote whereby Senate Bill No. 253 was refused passage.

Reconsideration Granted.

The question being on the adoption of the motion to reconsider the vote whereby Senate Bill No. 253 was refused passage.

The roll was called, and the motion to reconsider was adopted by the following vote:

AYES—Senators Bigger, Cottenston, Difuria, Fletcher, Garrison, Johnson, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixer, O'Connell, Parkman, Perry, Pierovich, Powers, Rensselaer, Schottky, Scales, Swarth, Taylor, Stow, Swing, Tickle, and Williams—28.

NOES—Senators Deneil, Edwards, Hays, McCormack, Mixer, Rich, and Young—7.

Consideration of Senate Bill No. 253.

Senator King asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 253, for purpose of passage.

Senate Bill No. 253.—An act to amend section 726 of the Code of Civil Procedure, relating to deficiency judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator King moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—37.

The Secretary announced the absentees.

Time, twelve o'clock and thirty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Motion to Reconsider.

Pursuant to his motion, given on a previous day, consideration of which was deferred until the next legislative day, Senator Olson moved to consider the motion to reconsider the vote whereby Assembly Bill No. 65 was passed.

Reconsideration Refused.

The question being on the adoption of the motion to reconsider the vote whereby Assembly Bill No. 65 was passed.

The roll was called, and the motion to reconsider was refused adoption by the following vote:

AYES—Senators Difani, Garrison, Keough, Knowland, McColl, McGuinness, Metzger, Olson, Powers, Schottky, and Slater—11.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, King, McCormack, McGovern, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Snyder, Stow, Swing, Tickle, Williams, and Young—27.

Title read and approved.

Assembly Bill No. 65 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At one o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator King.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 253 was refused passage by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Jespersen, Keough, King, McColl, McGovern, McGuinness, Olson, Perry, Pierovich, Powers, Scollan, Seawell, Slater, Swing, and Williams—19.

NOES—Senators Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Knowland, McCormack, Metzger, Mixer, Parkman, Reindollar, Rich, Schottky, Snyder, Stow, Tickle and Young—19.

Recess.

On motion of Senator Rich, at one o'clock and fifteen minutes p.m., the President of the Senate declared recess until two o'clock and thirty minutes p.m.

Reconvened.

At two o'clock and thirty minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was assigned a request by Senator Scollan to introduce a bill entitled "An act to add sections 544 to the Political Code, and to amend sections 778, 779, and 782 thereof, relating to the jurisdiction of certain laws and court proceedings, has had the same under consideration, and respectfully reports the same, fully and recommend that same be passed as granted.

Committee membership—5; committee vote, Ayes—5.

(Signed out)

RICH, Chairman.
SLATER,
TUCKER,
KNOWLAND,
DIFANI.

The question being on the adoption of the report.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Donel, Difani, Edwards, Garrison, Graham, Ingram, McColl, McCormack, McGuinness, Metzger, Myler, Olson, Parkman, Peterson, Richardson, Schottky, Scollan, Seawell, Slater, Snyder, Tickle, Williams, and Young—24.

The Secretary announced the absentees.

Time, two o'clock and thirty-five minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Consideration of Daily File.****Second Reading of Senate Bills.**

Senate Bill No. 446—An act relating to contracts between companies and public agencies for the delivery or sale of water, gas or electrical energy by the former to the latter; providing for the regulation, supervision and licensing of such companies; and providing for the enforcement of this act and penalties for the violation thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 325—An act to amend sections 2653, 2654, 2655, and 2712 of, and to repeal sections 2651 and 2652 of, the Political Code, relating to road district taxes and the expenditure from county general funds of moneys for road district purposes by the board of supervisors.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 326—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county road district and special district budgets and to the levy of taxes and prescribing limitations on county expenditures; declaring the urgency of this act, to go into immediate effect.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 69—An act to amend section 4260 of the Political Code, relating to compensation of county and township officers in counties of the thirty-first class.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 491—An act to amend section 3 of, and to add section 11.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions and the limitations of actions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 492—An act to add sections 9.4 and 9.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to liability.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 943—An act to amend the title and sections of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, relating to workmen's compensation.

Bill read second time.

Re-reference of Senate Bill No. 943.

Senator Olson moved that Senate Bill No. 943 be re-referred to Committee on Insurance.

Motion carried, and such was the order.

Senate Bill No. 442—An act to amend section 652 of the Civil Code and to add four new sections thereto to be numbered sections 652.1, 652.2, 652.3 and 652.4, all relating to the consolidation and government of colleges and institutions of higher education.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 505—An act to amend section 535 of the Political Code, relating to purchase of machinery or equipment for the State printing plant.

Amendments from the Floor.

During second reading of Senate Bill No. 505, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after the word "equipment", insert a comma and the following: "including motor vehicles", and after the word "in", in said line, insert the following: "operation or administration of".

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out the semicolon and insert in lieu thereof a period.

Amendment No. 3.

On page 1 of the printed bill, strike out all of lines 7 to 11, inclusive, and insert in lieu thereof the following:

"Sec. 2. During the biennium ending June 30, 1937, neither the State Department of Finance nor the Superintendent of State Printing shall purchase, rent, acquire, or contract for any machinery or equipment to be used in the State printing plant, except such machinery or equipment which is needed to replace existing machinery or equipment, or such machinery or equipment the purchase, rental, acquiring, or contracting of which will provide for the replacement of additional personnel in the State printing plant."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 367—An act to amend section 1 of "An act regulating the hours of labor of the operators of certain motor vehicles," approved June 10, 1933, relating to operators of vehicles.

Bill read second time, ordered to engrossment, and on file for third reading.

Second Reading of Assembly Bills

Assembly Bill No. 336—An act to amend section 4041.11 of the Political Code, relating to powers and duties of boards of supervisors.
Bill read second time, and ordered on file for third reading.

Assembly Bill No. 699—An act to add a new section to the Penal Code, to be numbered 1375, prescribing the manner in which counties shall pay the State for expense of insane and inebriates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 568—An act to amend section 4305 of the Political Code, relating to the salary fund of counties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1377—An act to provide for the custody and disposition of money and other property belonging to counties of county institutions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1631—An act to provide for the registration of bonds and interest coupons unpaid for want of funds and the preference and payment thereof in the order of such registration, when funds are available.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1497—An act to amend section 6 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to the conduct of elections.

Bill read second time, and ordered on file for third reading.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 624—An act to add section 630.5 to the Code of Civil

Procedure, relating to exemption from attachment, garnishment, and execution of moneys paid to persons receiving relief, and declaring the urgency hereof;

Also: Senate Joint Resolution No. 16—Relative to Federal legislation granting subsidy or assistance to the American Merchant Marine;

Also: Senate Concurrent Resolution No. 31—Relative to the approval of amendments to the charter of the city of San Bernardino;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-ninth day of April, 1935, at eleven o'clock and fifty minutes a.m.

METZGER, Chairman.

Third Reading of Assembly Bills.

Assembly Bill No. 532—An act to amend sections 578, 587, 860, 1201, 1240, 1501, 1515, 1540 and 1630 of the Probate Code and to add new sections thereto to be numbered 588 and 1516, relating to estates of decedents and estates of persons under guardianship.

Amendments from the Floor.

During third reading of Assembly Bill No. 532, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 1, line 15, of the printed bill, strike out the words "or compromise", and insert in lieu thereof the following: ", compromise, extension, renewal or modification".

Amendment No. 2.

On page 2, line 30, of the printed bill, following the word "lease", insert the following: "or sublease".

Amendment No. 3.

On page 3, line 28, of the printed bill, following the word "dedicated", insert the following: "or conveyed".

Bill read, ordered to reprint, and on file for third reading.

Assembly Constitutional Amendment No. 20.

A resolution to propose to the people of the State of California an amendment of Article IV of the Constitution of the State, by adding section 31c thereto, relating to relief to assessment districts.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its fifty-first regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the said Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article IV thereof a new section to be numbered 31c, to read as follows:

Sec. 31c. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide by general law for the refunding, repayment or adjustment, from public funds raised or appropriated by the United States, the State or any city, city and county, or county for street and highway improvement purposes, of assessments or bonds, or any portion thereof, which have become a lien upon real property, and which were levied or issued to pay the cost of street or highway improvements or of opening and widening proceedings which may be or may have become of more than local benefit. Any such acts of the Legislature heretofore adopted are hereby confirmed and declared valid and shall have the same force and effect as if adopted after the effective date of this amendment.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 20 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Gordon, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Williams, and Young—28.

NOES—Senators Deuel, and Knowland—2.

Assembly Constitutional Amendment No. 20 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With

At three o'clock and two minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Seollan.

The Secretary was directed to call the roll, an adoption of report, of the Senators who had not answered to their names.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report of Committee on Rules adopted by the following vote:

AYES—Senators Bigger, Crutenden, Deuel, DeFuni, Duval, Fletcher, Garrison, Gordon, Hays, Hulce, Jorgensen, Kowigh, King, Knowland, McCall, McCormack, McGovern, McGuinness, Melager, Miller, Olson, Parkman, Perry, Pionovich, Powers, Remdollar, Rich, Schottky, Seollan, Seawell, Slater, Sutter, Staw, Swing, Tackie, Williams, and Young—47.

NOES—None.

Introduction, First Reading and Reference of Bills

By Senator Seollan: Senate Bill No. 1099—An act to add section 544 to the Political Code, and to amend sections 778, 779, and 782 thereof, relating to the publication of certain laws and court decisions.

Bill read first time, and referred to Committee on Governmental Efficiency.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1880—An act to amend sections 4900 and 4941 of the School Code, both relating to balances due deceased recipients of annuities from the public school teachers' retirement salary fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1880 passed by the following vote:

AYES—Senators Bigger, Crutenden, Deuel, DeFuni, Duval, Fletcher, Garrison, Gordon, Hays, Hulce, Jorgensen, Kowigh, King, Knowland, McCall, McCormack, McGovern, McGuinness, Melager, Miller, Olson, Parkman, Perry, Pionovich, Powers, Remdollar, Rich, Schottky, Seollan, Slater, Sutter, Staw, Swing, Tackie, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1880 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Assembly Bill No. 189—An act to add a new section to the School Code to be numbered 4101, relating to the insuring under the workmen's compensation laws of this State, of persons employed by county superintendents of schools to supervise or to give instruction in the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 189 passed by the following vote.

AYES—Senators Bigger, Crutenden, Deuel, DeFuni, Duval, Fletcher, Garrison, Gordon, Hays, Hulce, Jorgensen, Kowigh, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pionovich, Powers, Rein-

dollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Tickle, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 189 ordered transmitted to the Assembly.

Assembly Bill No. 1343—An act to repeal sections 2,221, 3,174, 3,301, 3,302, 3,306, 3,308, 3,309, 3,415 and 3,416 of the School Code, to amend section 3,304 of said code, to add to Part I of Division III of the said code a new chapter to be known as Chapter VIII, and to add to said code a new section to be numbered 3,306, all relating to the attendance of pupils upon the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1343 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rendollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Tickle, Wagy, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1343 ordered transmitted to the Assembly.

Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes.

Amendment from the Floor.

During third reading of Assembly Bill No. 81, the following amendment, offered by Senator Scollan, was read:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after the comma after "State", insert the following: "or any employee of the United States Government, who shall buy any motor vehicle fuel and use the same exclusively in the transportation of rural free delivery mail".

Further Amendment from the Floor.

Amendment to the Amendment.

Senator Knowland moved to amend the proposed Amendment No. 1 as follows:

Amendment No. 1.

At the end of the amendment proposed by Senator Scollan add the following: "or special delivery mail, or both."

Ayes and Noes Demanded.

A roll call was demanded by Senators Knowland, Olson and Garrison, on the adoption of the proposed amendment to Amendment No. 1.

The roll was called, and the amendment to the amendment was refused adoption by the following vote:

AYES—Senators Crittenden, Deuel, Fletcher, Garrison, Jespersen, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Rendollar, Scollan, and Seawell—17.

NOES—Senators Biggar, Difani, Duval, Edwards, Gordon, Hays, Hulse, Keough, McColl, McCormack, Parkman, Powers, Rich, Schottky, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—22.

Ayes and Noes Demanded.

A roll call was demanded by Senators Scollan, Garrison and Jespersen, on the adoption of the amendment offered by Senator Scollan.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Crittenden, Duval, Fletcher, Garrison, Hulse, Jespersen, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—21.

NOES—Senators Bigger, Denel, Edwards, Gordon, Hays, Keough, McCall, McCormack, Powers, Rich, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—17.

Further Amendments from the Floor.

During third reading of Assembly Bill No. 51, the following amendments, offered by Senator Olson, were read and refused adoption:

Amendment No. 1.

On page 1, line 7, of the printed bill, after the word "State", insert the following: "or any corporation or association of persons not organized for profit and having as its purpose the relief and rehabilitation of unemployed persons by cooperative, self-help activities, and who shall use motor vehicle fuel for such purpose."

Amendment No. 2.

On page 2, line 1, of the printed bill, after the word "none", insert the following: "and in the event the claimant is an cooperative, self-help corporation or association as above defined, such claimant shall further state the nature and amount of such corporation or association and the manner in which all such motor vehicle fuel has been used".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 58—An act to add a new section to the Agricultural Code, to be numbered 318, relating to meat inspection, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

On account of the rising price of meat and meat products during a period of depression, there is a tendency on the part of unscrupulous dealers to treat and meat products to color inferior and to wholesale meat and meat products to color to conceal the impurities thereof. This practice is rapidly spreading and will undoubtedly increase greatly with the coming of the summer season. Consequently, in order to safeguard the public health it is necessary that this act take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 58 ordered transmitted to the Assembly.

Assembly Bill No. 1650—An act to amend sections 480, 481, 482, 483, 503, 505, 736, 737, 738 and 743 of the Vehicle Code, to repeal sections 502 and 739 of said code and to add sections 500, 501, 502, 506, 739, 743.5 and 743.6 to said code, relating to accidents involving motor vehicles, the duty of drivers of such vehicles to stop, render aid and give certain information, defining the crime of negligent homicide and prescribing penalties therefor, also relating to persons driving motor vehicles while under the influence of liquor or narcotic drugs, to the stealing or unlawful taking of motor vehicles, and the reckless driving of such vehicles, to the taking of persons arrested before magistrates, and the duties of arresting officers in connection with said persons, to the procedure to be followed where the person arrested is either taken before a magistrate or is given a notice to appear in court, to changes of venue in prosecutions for violations of said code, and to the procedure to be followed upon the arrest of all persons violating said code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1650 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1650 ordered transmitted to the Assembly.

Assembly Bill No. 1784—An act to add section 675.5 to the Vehicle Code, relating to glass.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1784 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1784 ordered transmitted to the Assembly.

Assembly Bill No. 756—An act to amend section 865 of the Fish and Game Code, relating to nets, and declaring the urgency hereof.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore take effect immediately.

The facts constituting such necessity are as follows: There are many destitute fishermen who will be enabled to relieve their condition through the use of the nets herein permitted. Since the season on shad will soon close, it is necessary that this act take immediate effect in order that it may benefit such destitute fishermen.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES. Senators Bigger, Critchfield, Deuel, Diford, Donald, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jernstedt, Koenig, Kneeland, McCaff, McCormack, McGovern, McGinness, Metzger, Mixer, Parham, Perry, Phipps, Rasmussen, Rick, Schottky, Senwell, Slater, Spahr, Stow, Strong, Tinkle, Wager, Williams, and Young—25.

NOES. None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 756 passed by the following vote:

AYES. Senators Bigger, Critchfield, Deuel, Diford, Donald, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Koenig, Kneeland, McCaff, McCormack, McGovern, McGinness, Mixer, Parham, Perry, Phipps, Rasmussen, Rick, Slater, Stow, Strong, Tinkle, Wager, Williams, and Young—25.

NOES. None.

Title read and approved.

Assembly Bill No. 756 ordered transmitted to the Assembly.

Assembly Bill No. 1763—An act to amend sections 669, 702, 703, 709, 711 and 712 of the Fish and Game Code, relating to black bass, crappie, calico bass and sunfish.

Amendments from the Floor.

During third reading of Assembly Bill No. 1763, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike "703", insert the following: "708."

Amendment No. 2.

On page 1, lines 2 and 3 of the title of the printed bill, as amended, strike out "black bass, crappie, calico bass and sunfish", and insert in lieu thereof the following: "fish in district 44."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1036—An act to amend section 1418 of the Penal Code, relating to the pardoning or commutation of sentence of convicts twice convicted of felony.

Amendment from the Floor.

During third reading of Assembly Bill No. 1036, the following amendment, offered by Senator Kneeland, was read and adopted:

Amendment No. 1.

On page 1, line 25, of the printed bill, as amended, strike out "the Governor proposes to grant", and insert in lieu thereof the following: "in the opinion of the Governor there appears to be merit in".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 485—An act to add section 3900a to the Political Code, relating to taxation, including motor vehicle fuel license tax delinquencies penalties and costs, payment thereof in installments and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning

of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The facts constituting the necessity are as follows:

The Federal court has held that certain receiver certificates are prior to the lien of the State for certain delinquent gasoline taxes due prior to January 1, 1935. This bill provides for the payment of the delinquent tax in installments with interest, and will permit the reorganization of certain of the delinquent companies, the taking up of such receiver certificates and the restoration of the priority of the lien of the State. In the case of certain delinquent companies reorganization plans must, by court order, be completed prior to May 1, 1935, and unless such plans may be completed by that date the State will be faced with a controversy as to the priority of its lien. In order to avoid this it is necessary that this act take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schotky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 485 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schotky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 485 ordered transmitted to the Assembly.

Special Order.

Senator Duval moved that Senate Bills Nos. 154 and 155 be made a special order for Tuesday, April 29, 1935, at two o'clock and thirty minutes p.m.

Motion carried and such was the order.

Resolution.

The following resolution was offered:

By Senator Young:

WHEREAS, By constitutional amendment recently adopted, the number of positions included in the State civil service has been greatly increased and permanent appointments and promotions in the State civil service are required to be made exclusively under a general system based upon merit, efficiency and fitness; and

WHEREAS, Broad powers of administration and of enforcement are vested in the State Personnel Board, including the adoption of rules and regulations, the creation and adjustment of classifications and grades, and dismissals, demotions, suspensions and other punitive action for or in the State civil service; and

WHEREAS, Said amendment adding Article XXIV to the Constitution of the State continues in force all laws relating to the State civil service in so far as such laws are not in conflict with said Article XXIV, subject to the power of the Legislature to amend or repeal such laws and to enact new laws not in conflict with said Article XXIV, which article expressly authorizes legislation to facilitate its operation; and

WHEREAS, It is necessary and desirable that the Senate and its members have accurate, detailed and complete information available concerning the operation and effect of the civil service laws and the administration and enforcement of the civil service provisions of the Constitution and of the laws, both prior and subsequent to the adoption of said Article XXIV, to the end that the Senate and its members may act advisedly in the consideration of needed changes in said laws; now, therefore, be it

Resolved by the Senate of the State of California, That a special Senate committee on civil service, consisting of seven members of the Senate, be appointed by the President of the Senate to gather information and to conduct investigations concerning the subject of this resolution, including the operation and effect and the adminis-

tration and enforcement of the laws and government of the Territory and of the laws and regulations governing mining and to report thereon together with its recommendations to the Senate at its first next session and at the third annual session thereof, and be it further

Resolved, That the committee upon the appointment of its members shall prepare by choosing a chairman from the members of each party a majority and such other clerical and other assistance as it may deem necessary, and be it further

Resolved, That all reports and suggestions of the above committee to the committee such as minutes, reports, information and documents containing any matter under consideration by the committee or the committee shall exhibit and be it further

Resolved, That the committee is authorized to do any and all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of books, accounts, documents, records, papers and papers of every kind, to cause witnesses to appear, the attendance of witnesses to be proved by testimony. Each member of the committee is hereby authorized to administer oaths and all the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code relating to the attendance and punishment of witnesses before the Legislature and courts thereon shall apply to the committee created by this resolution, and each committee is hereby authorized to be sworn by the president of the Legislature and during the absence of the president, of the clerk or given in the State or the committee shall have full and ample authority, and be it further

Resolved, That for the purpose of paying the expenses of the committee and the members thereof, the sum of \$1,000 or as much thereof as may be necessary, is hereby set apart, raised and appropriated out of the moneys fund of the territory, payments therefrom to be made from time to time by the clerk of the Senate drawn against and certified to the cash collector at the direction of the committee shall certify to him that such or that and which amounts the Senate Treasurer is hereby directed to pay.

Resolution referred to Committee on Contingent Expenses.

Third Reading of Senate Bills--(Resumed).

Senate Bill No. 207.—As set to amend section 4239 of the Political Code, relating to the compensation of county and township officers in counties of the tenth class.

Amendments from the Floor.

During third reading of Senate Bill No. 207, the following amendments, offered by Senator Cytusinski, were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, as amended, after "4239," insert the following: "4239, 4240s."

Amendment No. 2.

On page 2, line 27, of the printed bill, as amended, strike out the word, and insert in lieu thereof a semicolon.

Amendment No. 3.

On page 3, line 18, of the printed bill, as amended, strike out the semicolon, and insert in lieu thereof a period.

Amendment No. 4.

On page 4, line 10, of the printed bill, as amended, after "a person," insert a comma.

Amendment No. 5.

On page 4 of the printed bill, as amended, between lines 10 and 11, insert the following:

"Sec. 8. Section 4239 of the Political Code as hereby amended be read as follows:

4239r. In counties of the tenth class, the fees for each trial juror for attendance in the superior court shall be three dollars (\$3) for each day's attendance, and each trial juror shall be allowed mileage at the rate of seven cents per mile for each and every mile actually and necessarily traveled in attending trial and returning from court, said mileage to be computed for each juror separately, irrespective of whether said daily attendance occurs once or more sessions of court.

Each member of the grand jury shall be allowed three dollars (\$3) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of seven cents per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand

jury, or any session of a grand jury committee duly called by the secretary or committee chairman.

SEC. 9. Section 4239s of the Political Code is hereby amended to read as follows: 4239s. In counties of the fourth class the jury commissioner shall receive a salary of one thousand two hundred dollars (\$1,200) per annum, and is allowed his office expenses not to exceed one hundred and fifty dollars (\$150) per annum."

Amendment No. 6.

On page 4, line 11, of the printed bill, as amended, strike out "Sec. 8", and insert in lieu thereof the following: "Sec. 10."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 81—An act to add a new section to be numbered section 5a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property.

Amendments from the Floor.

During third reading of Senate Bill No. 81, the following amendments, offered by Senator Seawell, were read and adopted:

Amendment No. 1.

On page 2, line 1, of the printed bill, as amended, strike out "82", and insert in lieu thereof the following: "8a".

Amendment No. 2.

On page 2, line 5, of the printed bill, as amended, strike out "and may", and insert in lieu thereof the following: ", or any lands owned by the State and under the jurisdiction or control of any other department thereof, for the purpose of extracting therefrom minerals, other than oil or gas or other hydrocarbons. It may".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1054—An act to amend sections 1, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to nonpartisan offices.

Amendments from the Floor.

During third reading of Senate Bill No. 1054, the following amendments, offered by Senator Powers, were read and adopted:

Amendment No. 1.

On page 2, lines 23 and 24, of the printed bill, as amended, strike out "the office of Lieutenant Governor."

Amendment No. 2.

On page 4, line 46, of the printed bill, as amended, strike out "the office of Lieutenant Governor,".

Amendment No. 3.

On page 5, lines 12 and 13, of the printed bill, as amended, strike out "the office of Lieutenant Governor", and insert in lieu thereof the following: "State offices".

Amendment No. 4.

On page 5, line 20, of the printed bill, as amended, strike out "the office of Lieutenant Governor", and insert in lieu thereof the following: "State offices".

Amendment No. 5.

On page 6, line 30, of the printed bill, as amended, strike out "the office of Lieutenant Governor", and insert in lieu thereof the following: "State offices".

Amendment No. 6.

On page 7, line 23, of the printed bill, as amended, strike out "Next under the heading legislative shall be printed", and strike out all of lines 24 and 25.

Amendment No. 7.

On page 7, line 26, of the printed bill, as amended, strike out "the office of Senatorial district" if any."

Amendment No. 8.

On page 7 of the printed bill, as amended, between lines 46 and 47, insert the following: "State Senator, if any, member of the Assembly, for election to the State convention from a 'holdover senatorial district', if any."

Amendment No. 9.

On page 8, line 19, of the printed bill, as amended, strike out "the office of Lieutenant Governor", and insert in lieu thereof the following: "State offices".

Amendment No. 10.

On the official primary election ballot for the Republican party, facing page 10 of the printed bill, as amended, in column 3, strike out the heading "Lieutenant Governor" and the items under it down to the heading "Secretary of State", and insert in lieu thereof the items appearing in column 1 under the heading "Legislative", and in column 1 insert the heading "Lieutenant Governor" and the items under this heading, as it now appears in column 3, down to the heading "Secretary of State".

Amendment No. 11.

On page 12, line 22, of the printed bill, as amended, strike out "the office of Lieutenant Governor,".

Amendment No. 12.

On page 12, lines 42 and 43, of the printed bill, as amended, strike out "the office of Lieutenant Governor", and insert in lieu thereof the following: "State offices".

Amendment No. 13.

On page 12, line 45, of the printed bill, as amended, strike out "each State legislative,".

Amendment No. 14.

On page 13, line 32, of the printed bill, as amended, strike out "the office of Lieutenant Governor", and insert in lieu thereof the following: "State offices".

Amendment No. 15.

On page 13, line 41, of the printed bill, as amended, strike out "the office of Lieutenant Governor,".

Amendment No. 16.

On page 13, line 51, of the printed bill, as amended, strike out "the office of Lieutenant Governor,".

Amendment No. 17.

On page 16, line 28, of the printed bill, as amended, insert the following: "The Lieutenant Governor,".

Bill read second time, ordered to reprint, re-engrossment, and on file for third reading.

Withdrawal and Re-reference of Senate Bill No. 1201.

Senator Crittenden moved that Senate Bill No. 1201 be withdrawn from Committee on Agriculture and Live Stock, and referred to Committee on Education.

Motion carried, and such was the order.

Request for Use of Senate Chamber.

Upon request of Senator Difani, the use of the Senate Chamber was granted for eight o'clock p.m., Monday, April 29, 1935, for the purpose of a meeting of the Committee on Public Health and Quarantine.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Insurance.

SENATE CHAMBER, SACRAMENTO, April 26, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 493—An act to provide for physical examinations of persons employed in certain industries—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; noes—2; absent—3.

WILLIAMS, Chairman.

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 19), relating to wharfingers—has had the same under consideration and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7.

(Signed out)

BIGGAR, Chairman.
DUVAL.
METZGER.
GARRISON.
KEOUGH.
REINDOLLAR.
HULSE.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 24, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 251—An act to amend sections 12, 13 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing license fees—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—9; absent—5.

SWING, Chairman.

Adjournment.

On motion of Senator Rich, at four o'clock and forty minutes p.m., the President of the Senate declared the Senate adjourned until ten o'clock and thirty minutes a.m., Tuesday, April 30, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, April 30, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Dixon, Edwards, Fletcher, Garrison, Gordon, Hays, Hulke, Jespersen, Keough, King, McCall, McGowan, McGowan, McGowan, Metzger, Parkman, Perry, Pirovich, Powers, Reisinger, Ross, Sappington, Seaman, Sewell, Slater, Snyder, Stow, Swing, Tabor, Waggy, and Williams—33.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Monte.

Reading of the Journal.

During the reading of the Journal of Monday, April 29, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senators Stow and Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Leo Carillo of Hollywood.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. O. M. Simpson of Trona.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Leonard McKaig, instructor, Ripon Union High School, Ripon, and the following students: Gerben Verver, Billy Fisher, Robert Hutchinson, Harry Douma, Bill Farschon, James DeJong, Morris DeJong, Raimund Kalas, Bernard Weaver, Nicholas Tocco, Mary Plumb, Helen Keirnan, Maxine Petersen, Marie Santos, Robert Olson, Don Tulio, Lawrence Minton, Richard Ward, Tate Hutchins, Myriam Spaulder, Beulah Russell, Lyle Cedergren, Grace Vrieling, Charlotte Stahling, Rowen Schenck, William Van Andel, Lester Newstrom, Harold Fugert, Frances Rowaid, Myrtle Moody, Bernice Bartholomew, Vera Beaudt, Albertus Kamps, Mae Lagier, Beatrice Rees, Margaret Spencer and Carol Kapp.

On request of Hon. George J. Hatfield, President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. James Ralph III of San Francisco.

On request of Senator Waggy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Phil M. Waggy of Bakersfield.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Vine Hill School, near Martinez, Contra Costa County, as follows: Eighth grade: Anita Comazzi, Gloria Comazzi, Joan Sadaro, Junior McKinley, Bruno Nardi, and Edwin Brown; seventh grade: Ivan Parkman, Karl Lundgren, Benny Pallotta, Frank Pires, Ruth Fuller, Rosalina Gonsalves, Mary Silva, and Mary Rose; escorts: Mrs. Davida Wright, regent of Daughters of American Revolution; Mrs. Pearl Smart, president of American Legion Auxiliary; Mr. and Mrs. Charles Picco, Mr. E. Frebino and John Magnaghi, and Ethel B. Bernier, teacher; also to Miss Mary Giannini

and Miss Melba Fitzgerald, teachers, and the following junior and senior students from Alhambra High School, Martinez: Beverly Barber, Lorraine Bradley, Junior Bray, Eleanor Bissell, William Campbell, Virginia Carter, Rosalie Castanza, Jack Cummings, Helene Davidson, Elberta De Rosa, Barbara Douglas, Inabel Doolan, Christina Dragon, Vivian Garrety, Nancy Lou Glass, Vivian Hull, Margaret Jessup, Margaret Jones, Harriet Jones, Mary McCarthy, James Milliff, Jack Mullen, Helen Merrill, Pauline Pongrace, Hugh Burt Ruutt, Edgar Sears, Homer Sluigee, Joe Sparacino, Nina Sparacino, Laurie Viglienzzone, Harold Webster, and Barbara Woods.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 26, 1935, passed Assembly Bill No. 78—An act granting to the city of Sacramento certain lands lying within the city of Sacramento.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 78 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 930. An act to amend section 4360 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 930 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's veto on Assembly Bill No. 1994—An act to repeal section 686a of the Political Code and to add section 686.5 thereto, relating to accountants in the Department of Finance.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 69—An act to amend section 4260 of the Political Code, relating to compensation of county and township officers in counties of the thirty-first class;

Also: Senate Bill No. 325—An act to amend sections 2653, 2654, 2655, and 2712 of, and to repeal sections 2651 and 2652 of, the Political Code, relating to road district taxes and the expenditure from county general funds of moneys for road district purposes by the board of supervisors;

Also: Senate Bill No. 326—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county road district and special district budgets and to the levy of taxes and prescribing limitations on county expenditures; declaring the urgency of this act, to go into immediate effect;

Also: Senate Bill No. 367—An act to amend section 1 of "An act regulating the hours of labor of the operators of certain motor vehicles," approved June 10, 1923, relating to operators of vehicles;

Also: Senate Bill No. 442—An act to amend section 652 of the Civil Code and to add four new sections thereto to be numbered sections 652.1, 652.2, 652.3 and 652.4, all relating to the consolidation and government of colleges and institutions of higher education.

Also: Senate Bill No. 491—An act to amend sections 8.3 and 8.4 and to add section 11.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions and the limitation of actions; And reports that the same have been correctly engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 492—An act to add sections 9.4 and 9.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to liability.

Also: Senate Bill No. 670—An act to amend the Insurance Code by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new Chapter 8 to Part 2 of Division 2, thereof, comprising sections 10640 to 10880, inclusive, and by repealing section 1700 thereof, all relating to life insurance policies, policies and contracts, and matters incidental thereto by mutual benefit life associations.

Also: Senate Bill No. 741—An act to amend sections 2865, 2866, 2867, 2868, 2965 and 2966; and to repeal sections 2869 of the Civil Code, and to add to said code new sections numbered 2869a, 2874, 2875, 2876, 2877 and 2878, relating to mortgages of personal property, and providing penalties for the violation of the liens thereof, the securing of additional advances and mortgages thereon, and engaging of natural increase of life stock and other personal property, and of other acquired and consumable property, and providing for the securing of business mortgages and the inclusion of the provisions thereof in other mortgages in existence, and constructive notice of such mortgages on the recording thereof.

Also: Senate Bill No. 742—An act to amend section 2834 of the Civil Code, relating to mortgages in general and providing for the recording of certain subordination agreements and waivers relating to the liens of loans made and business of personal property.

Also: Senate Bill No. 748—An act to amend sections 4130 and 4131 of the Political Code, relating to county treasurers, their duties and penalties for failure thereof or for misconduct.

And reports that the same have been correctly engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 505—An act to amend section 624 of the Political Code, relating to purchase of machinery or equipment for the State Printing Plant; and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties, providing for the employment of officers and employees at said bureau, making it the duty of persons in charge of mines, mining operations and operations to make certain reports, providing for the investigation of mining operations, faults and transactions and the prosecution for delinquency, swindling and cheating thereon, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 28, 1890, and all laws amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property; and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 470—An act to repeal Chapter 9 of Part 2 of Division 2 of the Insurance Code, and to add a new Chapter 9, comprising

sections 10810 to 10910, inclusive, to Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment.

Amendment from the Floor.

During third reading of Senate Bill No. 470, the following amendment, offered by Senator Difani, was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 9 and 10, and insert in lieu thereof the following:

"10811. Except as provided in this section, the provisions of this chapter shall not apply to the following associations:".

Bill read, ordered to reprint and re-engrossment, and on file for third reading.

Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, and Wagy—26.

NOES.—None.

Title read and approved.

Senate Bill No. 118 ordered transmitted to the Assembly.

Withdrawal of Motion to Reconsider.

Senator Rich requested the withdrawal of his motion to reconsider the vote whereby Senate Bill No. 818 was passed.

Request granted.

Senate Bill No. 818 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 90—An act to add Chapter 3 to Division III of the Agricultural Code, to consist of sections 430 to 433, inclusive, relating to ownership or control of stockyards by packers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 90 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Seawell, Slater, Stow, Swing, Wagy, Williams, and Young—28.

NOES.—Senators Deuel, Hays, Hulse, Knowland, Parkman, Rich, Schottky, Scollan, and Snyder—9.

Title read and approved.

Senate Bill No. 90 ordered transmitted to the Assembly.

Recess.

At eleven o'clock and twenty-five minutes a.m., the President of the Senate declared recess until eleven o'clock and thirty-five minutes a.m.,

for the purpose of listening to remarks offered by Mr. Leo Carrillo, a well-known motion picture actor, and a relative of Senator Stein.

Mr. Carrillo was introduced to the members of the Senate by Hon. George J. Hatfield, President of the Senate.

Reconvened.

At eleven o'clock and thirty-five minutes a. m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Senate Bill No. 432—An act to amend section 859 of the Civil Code relating to trusts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 432 passed by the following vote:

AYES—Senators Rogers, Croftenden, Dodd, Duff, Ebbetts, Fletcher, Garrison, Gordon, Hays, Hulce, Jespersen, Keough, King, Knowland, McGill, McGovern, McGuinness, Moxley, Olson, Perry, Pfeiffer, Rasmussen, Rick, Schmitt, Senwell, Slater, Snyder, Swing, Wagy, Williams, and Young—32.
 NAYS—None.

Title read and approved.

Senate Bill No. 432 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills

By Senator Fletcher—Senate Joint Resolution No. 18—Relative to the compact with Arizona for the use of waters from the Boulder Canyon Project.

Consideration of Senate Joint Resolution No. 18

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 18, without reference to committee, for purpose of adoption.

Senate Joint Resolution No. 18.

Relative to the compact with Arizona for the use of waters from the Boulder Canyon Project.

WHEREAS, The representatives of the seven western States approved and signed the Colorado River Compact at Santa Fe, New Mexico, on the twenty-fourth day of November, 1922, and

WHEREAS, The State of Arizona has ever since refused, and now refuses, to ratify the Colorado River Compact; and

WHEREAS, The failure of the State of Arizona to ratify and adopt such compact throws an unwarranted burden upon the other six States who are parties to such compact and would discriminate against such six States in favor of the State of Arizona; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That the State of California, through its Legislature, hereby respectfully urges the President of the United States and Hon. Harold L. Ickes, Secretary of the Interior, not to execute any contract with the State of Arizona for the storage of water for or delivery of water to the said State of Arizona unless and until the State of Arizona ratifies and adopts the Colorado River Compact; and be it further

Resolved. That the Governor is requested to transmit copies of this resolution to the President of the United States and to Hon. Harold L. Ickes, Secretary of the Interior.

Resolution read and considered engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 18 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Wag, and Young—31.

NOES—None.

Senate Joint Resolution No. 18 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 393—An act to amend section 692 of the Code of Civil Procedure, relating to giving notice of sales under execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 393 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McGovern, McGuinness, Mixer, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Wag, and Williams—29.

NOES—None.

Title read and approved.

Senate Bill No. 393 ordered transmitted to the Assembly.

Senate Bill No. 828—An act to amend section 2737 of the Political Code, relating to bridges and highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 828 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McGovern, McGuinness, Mixer, Perry, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Swing, Williams, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 828 ordered transmitted to the Assembly.

Senate Bill No. 156—An act to amend section 4041f of the Political Code of the State of California, relating to leasing and subleasing of veterans' buildings.

Amendments from the Floor.

During third reading of Senate Bill No. 156, the following amendments, offered by Senator Snyder, were read and adopted:

Amendment No. 1.

On page 2, lines 29 and 30, of the printed bill, strike out "one or more".

Amendment No. 2.

On page 2, lines 30 and 31, of the printed bill, strike out "which has or have been".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 485—An act to amend sections 12350, 12352, 12353, 12355, 12356, and 12357 of the Insurance Code, relating to title insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 485 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deane, Difano, Edwards, Fletcher, Jespersen, King, Knowland, McColl, McGowan, Metzger, Miller, Perry, Pomeroy, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Swang, Wagy, and Young—24.

NOES—None.

Title read and approved.

Senate Bill No. 485 ordered transmitted to the Assembly.

Senate Bill No. 475—An act to amend sections 970, 972 and 974 of the Insurance Code, relating to security for the payment of taxes and other obligations of insurers.

Amendment from the Floor.

During third reading of Senate Bill No. 475, the following amendment, offered by Senator Deane, was read and adopted:

Amendment No. 1.

On page 2, line 1, of the printed bill, after the period, insert the following: "A fee shall not be required for filing such endorsement."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Report of Standing Committee.

The following report of standing committee was received, read, and the bills reported therein were ordered on file for second reading:

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products:

Also: Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—10, absent—5.

CRITTENDEN, Chairman.

Unanimous Consent.

Senator Young asked for, and was granted, unanimous consent for the second reading of Senate Bill No. 498 for the purpose of adopting committee amendments.

Second Reading of Senate Bill No. 498.

Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 498 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 2 and 3 of the title, and insert in lieu thereof the following: "Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 5 and 6, and insert in lieu thereof the following:

"Chapter 9. Stabilization and Marketing of Fluid Milk and Fluid Cream."

Amendment No. 3.

On page 11, line 31, of the printed bill, as amended, strike out ", transportation, processing," and insert in lieu thereof the following: "and".

Amendment No. 4.

On page 11, line 32, of the printed bill, as amended, strike out "and sale".

Amendment No. 5.

On page 11, line 50, of the printed bill, as amended, strike out "and".

Amendment No. 6.

On page 11, line 51, of the printed bill, as amended, strike out "amendment", and also strike out "minimum prices,".

Amendment No. 7.

On page 12, line 2, of the printed bill, as amended, strike out "prices,".

Amendment No. 8.

On page 12, line 9, of the printed bill, as amended, strike out "production", and insert in lieu thereof the following: "stabilization".

Amendment No. 9.

On page 12, line 18, of the printed bill, as amended, strike out "market".

Amendment No. 10.

On page 12, line 19, of the printed bill, as amended, strike out "market".

Amendment No. 11.

On page 12, line 23, of the printed bill, as amended, strike out "market", and on page 12, line 25, strike out "market".

Amendment No. 12.

On page 12, line 43, of the printed bill, as amended, strike out "Production", and insert in lieu thereof the following: "Stabilization".

Amendment No. 13.

On page 13, line 27, of the printed bill, as amended, after "director", insert the following: "upon application and approval of the board".

Amendment No. 14.

On page 13, line 29, of the printed bill, as amended, strike out "or the Agricultural Adjustment Administration,".

Amendment No. 15.

On page 13, line 30, of the printed bill, as amended, strike out "other".

Amendment No. 16.

On page 13, line 31, of the printed bill, as amended, strike out "production, processing, manufacture," and insert in lieu thereof the following: "stabilization and".

Amendment No. 17.

On page 13, line 32, of the printed bill, as amended, strike out "and sale".

Amendment No. 18.

On page 13, line 49, of the printed bill, as amended, strike out "product" and insert in lieu thereof the following: "stabilization".

Amendment No. 19.

On page 14, line 2, of the printed bill, as amended, strike out "its", and insert in lieu thereof the following: "such".

Amendment No. 20.

On page 14, line 3, of the printed bill, as amended, after "association", insert the following: "within such marketing area".

Amendment No. 21.

On page 14, line 5, of the printed bill, as amended, strike out "production and marketing plan", and insert in lieu thereof the following: "marketing area".

Amendment No. 22.

On page 14, line 17, of the printed bill, as amended, strike out "production", and insert in lieu thereof the following: "stabilization".

Amendment No. 23.

On page 14, line 24, of the printed bill, as amended, strike out "production", and insert in lieu thereof the following: "stabilization".

Amendment No. 24.

On page 14, line 25, of the printed bill, as amended, strike out "forty five", and insert in lieu thereof the following: "thirty".

Amendment No. 25.

On page 14, line 29, of the printed bill, as amended, after "director", insert the following: "from such nominees".

Amendment No. 26.

On page 14 of the printed bill, as amended, strike out lines 47 to 52, inclusive, and insert in lieu thereof the following:

"718. The board shall formulate a stabilization and marketing plan not inconsistent with the provisions of this chapter. No distributor within such marketing area shall purchase milk from producers who do not comply with the provisions of this chapter and such plan."

Amendment No. 27.

On page 15 of the printed bill, as amended, strike out lines 1 to 3, inclusive.

Amendment No. 28.

On page 15, line 5, of the printed bill, as amended, insert a period after "producers", and strike out "and the minimum".

Amendment No. 29.

On page 15 of the printed bill, as amended, strike out lines 6 to 8, inclusive, and in line 9, strike out "area."

Amendment No. 30.

On page 15, line 12, of the printed bill, as amended, strike out "all".

Amendment No. 31.

On page 15, line 17, of the printed bill, as amended, strike out "production", and insert in lieu thereof the following: "stabilization".

Amendment No. 32.

On page 15 of the printed bill, as amended, strike out lines 34 and 35.

Amendment No. 33.

On page 16, line 3, of the printed bill, as amended, strike out "equally".

Amendment No. 34.

On page 16, line 4, of the printed bill, as amended, strike out "and distributors".

Amendment No. 35.

On page 16, line 28, of the printed bill, as amended, strike out "production", and insert in lieu thereof the following: "stabilization".

Amendment No. 36.

On page 17, line 7, of the printed bill, as amended, strike out "jobbing".

Amendment No. 37.

On page 17, line 8, of the printed bill, as amended, strike out "and wholesale delivered prices".

Amendment No. 38.

On page 17, line 9, of the printed bill, as amended, strike out "below which fluid cream shall not be sold".

Amendment No. 39.

On page 17, line 31, of the printed bill, as amended, strike out "production", and insert in lieu thereof the following: "stabilization".

Amendment No. 40.

On page 17, line 42, of the printed bill, as amended, strike out "production", and insert in lieu thereof the following: "stabilization".

Amendment No. 41.

On page 17 of the printed bill, as amended, strike out lines 45 to 50, inclusive.

Amendment No. 42.

On page 18 of the printed bill, as amended, strike out lines 1 to 12, inclusive.

Amendment No. 43.

On page 18, line 13, of the printed bill, as amended, strike out "732", and insert in lieu thereof the following: "730".

Amendment No. 44.

On page 18, line 13, of the printed bill, as amended, strike out "or manufacturers".

Amendment No. 45.

On page 18, line 17, of the printed bill, as amended, strike out "733", and insert in lieu thereof the following: "731".

Amendment No. 46.

On page 18, line 22, of the printed bill, as amended, strike out "734", and insert in lieu thereof the following: "732".

Amendment No. 47.

On page 18, line 31, of the printed bill, as amended, strike out "735", and insert in lieu thereof the following: "733".

Amendment No. 47-a.

On page 18, line 31, of the printed bill, as amended, strike out "produce", and in line 32, strike out "tion", and insert in lieu thereof the following: "stabilization".

Amendment No. 48.

On page 18, line 38, of the printed bill, as amended, strike out "736", and insert in lieu thereof the following: "734".

Amendment No. 49.

On page 18 of the printed bill, as amended, immediately following line 41, insert the following:

"735. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

The economic conditions of fluid milk producers throughout the State are such as to require immediate relief if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Rush Order to Print.

On motion of Senator Young, the Secretary was directed to issue a rush order for printing Senate Bill No. 498.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 606—An act to amend section 26 of the Public Utilities Act, relating to foreign corporations which may transact public utility business.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 606 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, King, Knowland, McGuinness, Mixer, Perry, Pierovich, Rich, Seollan, Seawell, Slater, Snyder, Swing, Wagy, Williams, and Young—24.

NOES—Senators Garrison, Keough, McColl, and Powers—4.

Title read and approved.

Senate Bill No. 606 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 23.

A resolution to propose to the people of the State of California, by amendment of Article IV of the Constitution of the State by adding section 14a thereto, relating to confirmations of Governor's appointments.

Resolved by the Senate, the Assembly concurrenly, That the Legislature of the State of California at its fifty-first regular session, commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the said Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding to Article IV thereof a new section to be numbered 14a, and to read as follows:

Sec. 14a. In all cases where appointments are made by the Governor, with the advice, consent or confirmation of the Senate, and no otherwise expressly provided by this Constitution, such advice, consent or confirmation shall require concurrence of a majority of the members elected to the Senate.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called and the following answered to their names:

Senators Crittenden, Duval, Difani, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Powers, Powers, Rendollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Wag, Williams, and Young—32.

The Secretary announced the absentees.

Time, twelve o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Re-reference of Senate Bill No. 550.**

Unanimous consent granted, Senate Bill No. 550 was ordered withdrawn from file and referred to Committee on Finance.

President Pro Tempore in the Chair.

At twelve o'clock and twenty minutes p.m., Hon. W. P. Rich, President pro tempore of the Senate, in the chair.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 569—An act to amend section 2802 of the School Code, relating to judgments against school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 569 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Powers, Powers, Rendollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Wag, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 569 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Garrison.

The Secretary was directed to call the roll, on adoption of amendment, of the Senators who had not answered to their names.

The roll was called, and Senate Constitutional Amendment No. 23 refused adoption by the following vote:

AYES—Senators Crittenden, Difani, Garrison, Jespersen, Keough, McColl, McGovern, Metzger, Olson, Parkman, Pierovich, Reindollar, Snyder, Stow, Williams, and Young—16.

NOES—Senators Biggar, Deuel, Duval, Edwards, Gordon, Hays, King, Knowland, McCormack, McGuinness, Mixer, Perry, Powers, Rich, Schottky, Seollan, Seawell, Slater, Swing, Tickle, and Wagy—21.

Recess.

On motion of Senator Schottky, at twelve o'clock and thirty-six minutes p.m., the President pro tempore of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair.
Assistant Secretary Carl A. Shipkey at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Finance.

SENATE CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1704—An act making an appropriation to meet a deficiency in the appropriation for support of the Bureau of Criminal Identification and Investigation, and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—14; absent—5.

STOW, Vice Chairman.

Consideration of Assembly Bill No. 1704.

Senator Wagy asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1704.

Second Reading of Assembly Bill No. 1704.

Assembly Bill No. 1704—An act making an appropriation to meet a deficiency in the appropriation for support of the Bureau of Criminal Identification and Investigation, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Resolution.

The following resolution was offered:

By Senator Wagy:

Resolved, That Assembly Bill No. 1704 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Weger moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Burger, Dool, Donald, Edwards, Gering, Gering, Hans, Johnson, Kneeland, McCall, McCulloch, Morgan, Myler, Olson, Parkson, Perry, Reed, Roth, Sweeney, Sweeney, Sweeney, Shaw, Weger, and Youngblood.

The Secretary announced the absentees.

Time, two o'clock and twenty minutes p.m.

The President pro tempore of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been informed with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

SENATE CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: In connection with the enactment of Article IV of the Constitution, I request permission to introduce a bill, the text of which is set forth below:

An act to amend sections 2 and 3 of the act entitled "An act for the preservation of the public health of the people of the State of California, and strengthening the State Board of Health to enforce the quarantine and prevent diseases, for the violation thereof," approved March 24, 1907, amended April 5, 1911, June 16, 1913, and May 24, 1917, so as to prevent the construction and use of water pipes containing into valve, faucet, water-bearing device used or intended to be used, or capable for a source of water supply for domestic purposes.

Respectfully submitted,

SENATOR CRITTENDEN

Request referred to Committee on Rules.

Postponement of Special Order.

On motion of Senator Dool, the consideration of Assembly Bills Nos. 154 and 155, previously set as special order for two o'clock and thirty minutes p.m. this legislative day, was continued until the next legislative day.

Resolution.

The following resolution was offered:

By Senator Seellan:

WHEREAS, There is now available in the current appropriation for the printing of free textbooks \$261,797.69, which is unexpended and which is available to pay the cost of printing textbooks at the State printing plant; and

WHEREAS, Textbooks are urgently needed for the use of the State school system, and the State Board of Education have requested additional funds be added to those included in the Governor's budget, and has had legislation introduced directed to that end; and

WHEREAS, If orders are not placed with the State Printing Office before June 30, 1935, the money now available will become unavailable for use on July 1st of this year; and

WHEREAS, The State of California has invested nearly \$1,000,000 in the State printing plant; and

WHEREAS, If orders are not placed for textbooks before June 30th, it will probably be necessary to purchase the same in the open market and deprive the State printing plant of such work; and

WHEREAS, It is important we conserve the benefits which have accrued to the State through the printing of State school textbooks by the State; therefore, be it

Resolved, That this Senate go on record as requesting the State Board of Education to immediately order textbooks from the State Printing Office; such books to be made available for the use of the schools at the beginning of the next school year.

Resolution read, ordered printed in the Journal, and on file as unfinished business.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wagy.

The Secretary was directed to call the roll, on adoption of resolution, of the Senators who had not answered to their names.

The roll was called, and the resolution suspending the Constitution for purpose of considering Assembly Bill No. 1704 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—33.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering at this time Assembly Bill No. 1704.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1704:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, April 22, 1935.

*To the Honorable Members of the Senate, State of California,
Sacramento, California.*

GREETINGS: Assembly Bill No. 1704—An act making an appropriation to meet a deficiency in the appropriation for support of the Bureau of Criminal Identification and Investigation, declaring the urgency thereof, and providing that this act shall take effect immediately.

In my opinion said Assembly Bill No. 1704 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the budget bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 2. This act, inasmuch as it provides an appropriation for the usual current expenses of the State, under the provisions of section 1 of Article IV of the Constitution, shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1704 passed by the following vote:

AYES. Senators Biggar, Crocker, Innes, Innes, Edwards, Farnham, Gordon, Gordon, Hays, Jorgensen, Keough, Knowlton, McCall, McFarquhar, Morgan, O'Brien, Parkman, Perry, Readolani, Rich, Smith, Smith, Stewart, Slater, Stephen, Stone, Swing, Wags, Williams, and Young—30.

NOES. None.

Title read and approved.

Assembly Bill No. 1704 ordered transmitted to the Assembly.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 251—An act to amend sections 12, 13 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing license fees.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 251 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "sections", insert the following: "3, 5, 10,".

Amendment No. 2.

On page 1, line 10 of the title of the printed bill, strike out "license fees".

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out "12", and insert in lieu thereof the following: "3".

Amendment No. 4.

On page 1 of the printed bill, between lines 2 and 3, insert the following:

"Sec. 3. Said Racing Board shall have full power to prescribe rules, regulations, and conditions under which all horse races, upon the results of which there shall be wagering, shall be conducted within the State of California. Said Board shall make rules governing, permitting and regulating mutual wagering on horse races under the system known as pari-mutuel method of wagering, which shall be conducted only by such licensee and only within the enclosure and only on the dates for which such horse racing has been licensed by the Board. All other forms of wagering or betting on the result of a horse race shall be and remain illegal and all and all wagering or betting on horse races outside the enclosure where such horse races shall have been licensed by the board shall be and remain illegal."

All horse owners, riders, agents, trainers, stewards, starters, timers, judges and others acting as officials at any such racing meeting shall be licensed by the board, pursuant to such rules and regulations as the board may adopt, and by the payment of a license fee as fixed and determined by said board. All licenses shall be granted for a period of one year and shall be valid at all race meetings in said State during said period. Said licenses shall be subject to revocation and no person shall be eligible to, or permitted to participate in such racing unless so licensed, and only during the time such license remains unrevoked. No qualified person shall be refused such license, nor shall such license be revoked without just cause. All licensees, stewards and judges shall have been bona fide residents of the State for a period of two years next preceding the issuance of such license.

Said board shall have power to compel the production of any and all books, memorandum or documents showing the receipts and disbursements of any person, corporation or association licensed under the provisions of this act to conduct race meetings. The board may at any time require the removal of any employee or

official employed by any licensee hereunder after a hearing and trial of the charges before such board in any case where it shall have reason to believe that such employee or official has been guilty of any dishonest practice in connection with horse racing and has failed to comply with any condition of such licensee's license, or has violated any law or any rule or regulation of said board. The board shall also have the power to require that the books and financial or other statements of any person, corporation or association licensed under the provisions of this act shall be kept in any manner which to the board may seem best, and the board shall also be authorized to visit, investigate, and place expert accountants and such other persons as it may deem necessary in the offices, tracks or places of business of any such person, corporation or association, for the purpose of satisfying itself that the board's rules and regulations are strictly complied with. The said board shall have power to summon witnesses before it and to administer oaths or affirmations to such witnesses whenever, in the judgment of the board, it may be necessary for the effectual discharge of its duties; and any person failing to appear before said board at the time and place specified in answer to said summons or refusing to testify, shall be deemed guilty of a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 2. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 5. Said board shall consist of five members, each of whom shall be an actual and bona fide resident of the State of California and must have been such resident for two years next preceding his appointment as a member of said board, all of whom shall be appointed by the Governor, by and with the consent of the Senate.

The members in office upon the date this amendment takes effect shall serve for the remainder of their respective terms. Upon said date the Governor shall appoint two members, one to hold office until July 12, 1938, the other to hold office until July 12, 1939. Before entering upon the discharge of the duties of his office, each member of the board shall take oath of office as provided by law.

The term of office of each member thereafter appointed shall be four years from the expiration of the preceding term. Vacancies in said board shall be filled by the Governor for the unexpired term. Each member of said board shall be eligible for reappointment in the discretion of the Governor.

The Governor may remove any board member for cause, giving him a copy of the charges against him and an opportunity to be heard. No person shall be eligible for appointment or shall hold the office of board member or be appointed by the board or hold any office or position under the board, who holds any financial interest in a race track or in the operation thereof within the State of California or in the operation of licensed wagering on the results of races, or who accepts any pecuniary reward from any race track in this State or from its operation or from the operation of licensed wagering on the result of races; provided that any such board member shall not be disqualified and is hereby expressly permitted to receive, if otherwise qualified to receive, such share of any purse awarded him as the result of any race or as a breeder of California bred horses, as provided in section 4 herein.

Sec. 3. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 10. For the purpose of this act there shall be three classes of counties in the State of California, as follows:

1. Counties of the first class shall be those having a population of one million or over;

2. Counties of the second class shall be those having a population of six hundred thousand or over and less than a million;

3. Counties of the third class shall be all those counties under six hundred thousand population.

In counties of the first class there may be allowed by said board not to exceed one hundred (100) racing days per year;

In the area embraced within counties of the second class and such territory as may lie within twenty miles from the exterior boundaries thereof, there may be allowed, in the discretion of said board, not to exceed one hundred (100) racing days per year for said entire area and county;

In counties of the third class, but outside the area specified in the next preceding paragraph hereof, there may be allowed by said board not to exceed fourteen (14) racing days per year, and in addition to counties of the third class having a population of over two hundred thousand, but outside of the area specified in the next preceding paragraph hereof, there may be allowed by said board not to exceed twenty-five (25) racing days additional per year.

In counties of either or any of said classes there may be allowed by said board not to exceed fourteen (14) racing days per year to county fairs and to rodeos having horse races on tracks less than a mile in circumference or length. That said fourteen days, when and if allowed by the board in any county or area of the first or second class, shall not diminish the one hundred (100) days racing per year permitted to be allowed to tracks of a mile or more in circumference or length as set out in the preceding two paragraphs of this section.

The board may apportion racing days, not to exceed the maximum number of racing days permitted in the respective counties and or areas, absolutely such to one or more licensees as it in its judgment shall appear to be for the best interests of legitimate racing and of the public.

Each track in each zone shall be permitted to select its own racing dates, within the limit of the number allotted to it. In case the same date or consecutive series of dates is selected by more than one track in the same zone, the determination shall be by lot.

SEC. 4. Section 12 of the act cited in the title hereof is hereby amended to read as follows:"

Amendment No. 5.

On page 2, line 14, of the printed bill, strike out "Sec. 2", and insert in lieu thereof the word and figure "Sec. 5".

Amendment No. 6.

On page 2, line 29, of the printed bill, strike out "five per cent of the balance thereof for", and strike out all of lines 29 to 44, both inclusive, and insert in lieu thereof the following: "a sum equal to two and one-half per cent of the balance thereof for payment to and use of the Sixth District Agricultural Association of the State of California, a State institution, for the purpose of holding a permanent exposition and exhibition of all citrus products and of all of our industries and industrial enterprises, resources, and products of every kind or nature of the State of California, with a view of improving, exploiting, encouraging and stimulating the same, to which there shall never be any change of admission, and for the support of the buildings and grounds and other property of the Sixth District Agricultural Association; a sum equal to three and one-half per cent of said balance for payment to and use of those certain citrus fruit fairs, but not to district agricultural associations, described and defined in section 94 of the Agricultural Code, said sum to be apportioned between such citrus fruit fairs upon the basis of the production of the several counties in which such fairs are held, and if only one such fair is held, then it shall receive all of said sum; fifteen per cent of such balance after the deductions for the support of the board and the support of the California State Fair and the support of the Sixth District Agricultural Association, for the encouragement of county, district or combined county and district agricultural fairs (exclusive of such citrus fruit fairs), to be apportioned by and expended under the supervision of the State Department of Finance in the manner and for the purpose prescribed in section 92 of the Agricultural Code and other".

Amendment No. 7.

On page 2 of the printed bill, strike out lines 50 to 52, inclusive, and insert in lieu thereof the following: "the State of California or for old age persons as the Legislature shall provide."

Amendment No. 8.

At the top of page 3 of the printed bill, prior to line 1, insert the following: "SEC. 6. Section 14 of said act is hereby amended to read as follows:"

Amendment No. 9.

On page 3 of the printed bill, strike out line 18, and insert in lieu thereof the following: "pools shall be fixed by the board and except in the case of district agricultural associations shall not exceed six per cent of the gross amount".

Amendment No. 10.

On page 3, line 21, of the printed bill, strike out the word "ten", and the period, and insert in lieu thereof the following: "one. In case of district agricultural fairs the commission shall not exceed eight per cent of the gross amount of money handled and the odd cents of all redistributions exceeding a sum equal to the next lowest multiple of one. In fixing the amount of the commission, the board shall consider the financial condition of the track and the total income thereof from all sources, and shall fix such commission for each track at such an amount, within the above limits, as will permit the income of the tracks to provide a net return of not to exceed seven per cent upon the investment."

Amendment No. 11.

On page 3 of the printed bill, after line 24, insert the following:

"All unclaimed redistributions shall be retained by the licensee for a period of one year. At the expiration of one year from the date of such redistribution all unclaimed money shall be paid into the State treasury to the credit of the fair and exposition fund."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 194, relating to wharfingers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 447 were read and adopted:

Amendment No. 1.

On page 1, line 21, of the printed bill, as amended, strike out "(other than timber and", and also strike out all of lines 21 and 22, and in line 23, strike out "tured products thereof)".

Amendment No. 2.

On page 2, line 18, of the printed bill, as amended, strike out the period after "ports", and insert in lieu thereof a semicolon and the following: "provided further, however, that any wharfinger operating as such under tariffs on file with the Railroad Commission at the effective date hereof, may continue such operation in the same manner it theretofore had operated until, after formal hearing, the commission has made its order that said wharfinger cease and desist in the performance of any of the practices prohibited by this section."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Utilities.

Senate Bill No. 493—An act to provide for physical examinations of persons employed in certain industries.

Bill read second time, ordered to engrossment, and on file for third reading.

Withdrawal from Committee of Senate Bill No. 959.

Senator Swing moved that Senate Bill No. 959 be withdrawn from Committee on Governmental Efficiency, for purpose of amending and that it be re-referred to committee.

Motion carried and such was the order.

Second Reading of Senate Bill No. 959.

Senate Bill No. 959—An act to amend section 654 of the Political Code, relating to the Department of Finance.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 959 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the figures "654", and insert in lieu thereof the figures "675".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, after the word "the", insert the following: "power of the Director of the".

Amendment No. 3.

On page 1, line 1, of the printed bill, following the period, insert the following: "Section 675 of the Political Code is hereby amended to read as follows:

675. The Director of Finance shall have power:

1. To let, with the consent of the State department, board, commission, or officer concerned, for a period of not to exceed five years, any property, real or personal, which belongs to the State, except where such letting is expressly prohibited by law, if in the judgment of the director such letting will be for the best interests of the State.

2. To hire or lease, upon the written request of the State department, board, commission or officer concerned, any property, real or personal, if in the judgment of the director such hiring or leasing will be for the best interests of the State.

3. To authorize, with the consent of the State, department, board, commission, or officer concerned, the sale or exchange of any personal property which belongs to the State if in the judgment of the director such sale or exchange will be for the best interests of the State.

4. To acquire title to real property in the name of the State of California whenever the acquisition of such property is authorized or contemplated by law, if no other agency of the State is specifically directed and empowered to acquire such title.

5. To execute grants to real property belonging to the State of California in the name of, and upon behalf of, the State of California whenever the sale or exchange of such real property is authorized or contemplated by law. If no other agent of the State is specifically directed and designated to execute such actions, to execute grants to any real property belonging to the State of California in the name of and on behalf of the State of California, with the consent of the State agency, if any, concerned, to the United States of America, in exchange for lands of the latter, or for such other consideration, as may appear to the Director of Finance to be to the best interests of the State, and real property belonging to the State of California by exchange pursuant to the provisions of this enabling statute, be subject to the laws covering real property or one class or more such interest real property belongs.

6. To render such advisory investigation or other similar service to any city, county, city and county, district or any other political subdivision of the State, as may be deemed expedient by the Agency and appear to be practical and wise, such terms and conditions as may be satisfactory to the Director of Finance.

7. To institute, in the name of the State of California condemnation proceedings for the acquiring of any land owned by him to be utilized for any State department, board, commission, or institution, which land to be acquired by the Department of Public Works for highway uses and purposes, and to proceed if necessary to condemn under the terms of the laws of civil department existing by such proceedings, if no other agency of the State is specifically directed and empowered to institute such proceedings.

8. To grant and convey in the name of the State of California, and the trustees of the department concerned, easements and rights of way over and across any property belonging to the State except real property, and by separate right of way, for such purposes and uses and such consideration and subject to such conditions, limitations, restrictions and restrictions as in the judgment may be in the interest of the State.

9. To grant and convey by deed or otherwise, to existing navigable waters all the right, title and interest of the State of California, in and to abandoned river channels.

10. To withdraw from sale any and all of the public lands belonging to the State of California, by executive order, with the approval of the Governor, and by this procedure, to return any or all of any such lands or waterways for the purpose of sale or other disposition in accordance with law.

Bill read second time, ordered to reprint and re-referred to Committee on Governmental Efficiency.

Withdrawal and Re-reference of Senate Bill No. 1066.

Senator Crittenden moved that Senate Bill No. 1066 be withdrawn from Committee on Education, for the purpose of amending and be re-referred to Committee on Education.

Motion carried, and such was the order.

Second Reading of Senate Bill No. 1066.

Senate Bill No. 1066—An act to add a new chapter to be numbered Chapter V embracing sections 4220 to 4242, inclusive, to Part II, Division IV of the School Code, relating to payments from county school funds for the tuition charges of students of junior college grade attending an institution of learning in the county when there is no junior college.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 1066 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 1, 2 and 3 of the 10th, and insert in lieu thereof the following:

"An act to amend sections 4274 and 4275 of the School Code and to add therein, section 4279, relating to payments from".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1, 2 and 3, and insert in lieu thereof the following:

"SECTION 1. Section 4274 of the School Code is hereby amended to read as follows:

4.274. The auditor shall not later than the last Monday in December and the last Monday in May of each year notify the superintendent of schools of the amount in such funds, and the superintendent of schools shall thereupon apportion the same to the several junior college districts, and high school districts maintaining junior college courses, in his county or in other counties as provided above, and to institutions of learning as provided in this chapter, in proportion to the total cost to each of such districts and institutions of learning of educating junior college students who reside in his county but not in any junior college district nor in any high school district maintaining junior college courses, as shown in his report for the preceding school year compiled as directed by law, and certify such apportionment to the auditor.

SEC. 2. Section 4.275 of the School Code is hereby amended to read as follows:

4.275. The amount so apportioned to each junior college district or high school district maintaining junior college courses shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over such junior college district or high school district maintaining junior college courses to the credit of the special fund thereof, and shall be paid out in the same manner as other junior college and high school funds. The amount so apportioned to other institutions of learning shall be paid to such institutions.

SEC. 3. A new section to be numbered 4.279 is hereby added to the School Code to read as follows:

4.279. Students of school age residing in any county or portion of a county in which there is no junior college district, nor high school district maintaining junior college courses, but in which there is an institution of learning maintaining such junior college courses, may with the consent of the superintendent of schools of such county, and under such regulations as he may prescribe attend such institution of learning. In such event such institution of learning shall keep the same records and make the same reports in regard to the attendance of and cost of educating any such students as are required of junior college districts."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Consideration of Assembly Constitutional Amendment No. 3.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to section 7½a of Article XI of the Constitution of the State of California, relating to local government.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Assembly Constitutional Amendment No. 3 were read and adopted:

Amendment No. 1.

On page 3, line 18, of the printed measure, strike out "may", and insert in lieu thereof the following: "shall".

Amendment No. 2.

On page 3, line 25, of the printed measure, strike out "Or said board of free-", and strike out lines 26 to 49, inclusive.

Amendment No. 3.

On page 4, line 4, of the printed measure, strike out "The board of freeholders shall there-", and strike out line 5, and in line 6, strike out "visors as hereinafter provided."

Amendment No. 4.

On page 4 of the printed measure, strike out lines 44 to 52, inclusive, and strike out all of page 5.

Amendment No. 5.

On page 6 of the printed measure, strike out lines 1 to 30, inclusive, and in line 31, strike out "whole of said county at a".

Amendment No. 6.

On page 6, lines 32 and 33, of the printed measure, strike out "after the adjournment of the board of freeholders", and insert in lieu thereof the following: "thereafter".

Amendment No. 7.

On page 6, lines 34 and 35, of the printed measure, strike out "after the adjournment of the said board of freeholders", and insert in lieu thereof the following: "thereafter".

Amendment No. 8.

On page 6, line 44, of the printed measure, after "become", insert a comma and the following: "notwithstanding the provisions of section 746 of this article".

Amendment No. 9.

On page 6 of the printed measure, strike out lines 51 and 52, and strike out all of pages 7, 8 and 9, and on page 10, strike out lines 1 to 17, inclusive.

Amendment No. 10.

On page 10, line 43, of the printed measure, after "follows", insert a comma and the following: "which shall include those officers required to be provided for in a county charter".

Amendment No. 11.

On page 11 of the printed measure, strike out lines 22 to 41, inclusive, and in line 44, strike out "4", and insert in lieu thereof the following: "3".

Amendment No. 12.

On page 11, line 49, of the printed measure, strike out "5", and insert in lieu thereof the following: "4".

Amendment No. 13.

On page 11, line 51, of the printed measure, after "commissary", insert a comma and the following: "if any".

Amendment No. 14.

On page 12, line 2, of the printed measure, strike out "municipal", and insert in lieu thereof the following: "city and county".

Amendment No. 15.

On page 12, line 3, of the printed measure, strike out "6", and insert in lieu thereof the following: "5".

Amendment No. 16.

On page 12, line 4, of the printed measure, strike out "municipal", and insert in lieu thereof the following: "city and county".

Amendment No. 17.

On page 12, line 11, of the printed measure, before "11", insert the following: "6".

Amendment No. 18.

On page 12, line 14, of the printed measure, after "article", insert the following "and, in regard to the powers and duties of officers performing county functions, subject to general law as to those functions".

Amendment No. 19.

On page 12, line 19, of the printed measure, strike out "of the superior court", and insert in lieu thereof the following: "and justices".

Amendment No. 20.

On page 12, line 21, of the printed measure, after "consent", insert the following: "or the fixing thereof, including judges and justices of inferior courts".

Amendment No. 21.

On page 12, line 22, of the printed measure, strike out "and for", and insert in lieu thereof the following: "or the fixing thereof, and for or the fixing of".

Amendment No. 22.

On page 12 of the printed measure, strike out lines 34 and 35, and insert in lieu thereof the following: "may".

Amendment No. 23.

On page 12, line 45, of the printed measure, strike out the comma after "taxation", and strike out lines 46 to 51, inclusive, and insert in lieu thereof a period.

Amendment No. 24.

On page 13 of the printed measure, strike out lines 11 to 52, inclusive, and strike out all of page 14, and on page 15, strike out lines 1 to 29, inclusive.

Amendment No. 25.

On page 15, line 46, of the printed measure, strike out the semicolon and "nor", and strike out lines 47 to 49, inclusive, and in line 50, strike out "holders' charter".

Amendment No. 26.

On page 16, line 3, of the printed measure, strike out the comma, and strike out lines 4 to 8, inclusive, and insert in lieu thereof a period.

Assembly Constitutional Amendment No. 3 ordered to reprint and on file.

Introduction, First Reading and Reference of Bills.

By Senator Metzger: Senate Joint Resolution No. 19—Relative to memorializing the Secretary of State of the United States to maintain the present tariff rate on barley and barley malt imports.

Senate Joint Resolution No. 19 ordered to print, and on file.

Third Reading of Senate Bills.

Senate Bill No. 663—An act to add a new section to the School Code to be numbered 1.91, relating to the construction, design, operation, and color of school buses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 663 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Hays, Jespersen, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Snyder, Stow, Wagye, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 663 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred a resolution relative to investigation of State Civil Service—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the resolution be adopted as amended.

Committee membership—3.
(Signed out)

KING, Chairman.
STOW.
POWERS.

Consideration of Civil Service Resolution.

Senator Young asked for, and was granted, unanimous consent for the consideration of the Senate resolution regarding civil service investigation.

Amendments from the Floor.

During reading of the civil service resolution, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

In line 21 of the resolution as printed in the Senate Journal of April 29, 1935, page 23, strike out "seven", and insert in lieu thereof the following: "nine".

Senate Resolution Relative to the State Civil Service, as Amended.

WHEREAS, By constitutional amendment recently adopted, the number of positions included in the State civil service has been greatly increased and permanent appointments and promotions in the State civil service are required to be made exclusively under a general system based upon merit, efficiency and fitness; and

WHEREAS, Broad powers of administration and of enforcement are vested in the State Personnel Board, including the adoption of rules and regulations, the creation and adjustment of classifications and grades, and dismissals, demotions, suspensions and other punitive action for or in the State civil service; and

WHEREAS, Said amendment adding Article XXIV to the Constitution of the State continues in force all laws relating to the State civil service in so far as such laws are not in conflict with said Article XXIV, subject to the power of the Legislature to amend or repeal such laws and to enact new laws not in conflict

with said Article XXIV, which article expressly authorizes legislation to facilitate its operation, and

WHEREAS, It is necessary and desirable that the Senate and its members have accurate, detailed and complete information relative to the operation and effect of the civil service laws and the participation and movements of the civil service provisions of the Constitution and of the laws with power and authority to the adoption of said Article XXIV, so that the Senate and its members may act adversely in the consideration of needed changes to said laws; therefore, be it

Resolved by the Senate of the State of California, That a Special Senate Committee on Civil Service, consisting of nine members of the Senate, be appointed by the President of the Senate to gather information and to conduct investigations concerning the subject of the resolution, including the meaning and effect and the administration and enforcement of the civil service provisions of the Constitution and of the laws and all pertinent incidental matters; and to prepare thereon, together with its recommendations, to the Senate at the September session and at the fifty-second session thereof, and be it further

Resolved, That the committee upon the appointment of its members shall organize by electing a chairman from its membership and may appoint a secretary and such other clerical and technical assistants as it may deem necessary; and be it further

Resolved, That all officers and members of the Senate must consent to the committee such assistance, reports, information and material concerning said matter under consideration, by the committee as the committee shall require. And be it further

Resolved, That the committee is authorized to discuss and all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of books, papers, documents, financial accounts and records of every kind, to issue subpoenas to compel the attendance of persons and to procure testimony. Each member of the committee is hereby empowered by resolution (a) and all the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code, relating to the attendance and nonattendance of witnesses before the Legislature and committees thereof, shall apply to the committee created by this resolution, and said committee is hereby given power to sit during the adjourns of the Legislature and during the interval between sessions thereof, at any place or places in the State as the committee shall from time to time determine, and be it further

Resolved, That for the purpose of paying the expenses of the committee and the members thereof, the sum of \$2,000, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the moneys then in the Senate payments thereunto to be made from time to time by warrant of the State Comptroller drawn against said contingent fund upon written orders of the chairman of the committee, which warrants the State Treasurer is hereby directed to pay.

Resolution, as amended, read.

The question being on the adoption of the resolution, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beggan, Christopher, Daniel, Deane, Davis, Edwards, Fisher, Hays, Jespersen, Knowland, McCall, McCannick, McGowan, McGowan, Minter, Myer, Olson, Parlman, Potts, Powers, Powers, Rosenthal, Ross, Smith, Seawell, Seydel, Shaw, Wagy, and Young—29

NOES—None.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 365—An act to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924 of the Civil Code, relating to recording of notice of default; and to giving notice of sale under deeds of trust and mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924b of the Civil Code, relating to giving of notice of recording of notice of default and of time and place of sale under deeds of trust or mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924c of the Civil Code relating to reinstatement of loans when due date of principal sum has been accelerated; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580b of the Code of Civil Procedure, prohibiting deficiency judg-

ments on purchase money mortgages and deeds of trust; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580e of the Code of Civil Procedure, limiting the trustee's or attorney's fees which a mortgagor or trustor may be required to pay; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 725a of the Code of Civil Procedure, permitting the beneficiary or trustee named in a deed of trust to bring suit to foreclose the same in the manner of a mortgage; and to amend section 2924½ of the Civil Code, relating to mortgages and deeds of trust, all relating to the hypothecation of real property and to obligations secured thereby.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 365 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Snyder, Stow, Wagy, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 365 ordered transmitted to the Assembly.

Senate Bill No. 1089—An act to amend section 19x23 of the Juvenile Court Law, relating to the probation officer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1089 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Snyder, Stow, Wagy, and Williams—31.

NOES—None.

Title read and approved.

Senate Bill No. 1089 ordered transmitted to the Assembly.

Senate Joint Resolution No. 8.

Relative to hours of employment of persons on interstate carriers.

WHEREAS, Under the provisions of the laws of the United States persons employed on interstate railroads are required to remain on duty 16 consecutive hours; and

WHEREAS, Such extended period of continuous employment tends to the physical exhaustion and the consequent inefficiency of such employees, increasing the danger of mishap; therefore be it

Resolved by the Senate and Assembly of the State of California, jointly. That the Legislature of this State hereby urges upon the Congress of the United States the adoption of a law limiting the hours of employment of such persons to 12 consecutive hours in any 24 consecutive hours, and declaring that such employees shall remain off duty at least 12 consecutive hours.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness,

Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Snyder, Stow, Wagy, and Williams—26.
 NOES—None.

Senate Joint Resolution No. 8 ordered transmitted to the Assembly.

Senate Bill No. 315—An act relating to a contract by the Department of Finance, concerning the waters of Reister Creek.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 315 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Knowland, McColl, McCormack, McGovern, McGoverness, Metzger, Mixer, Pierovich, Powers, Reindollar, Rich, Seashan, Seawell, Snyder, Stow, Wagy, and Williams—26.

NOES—None.

Title read and approved.

Senate Bill No. 315 ordered transmitted to the Assembly.

Senate Bill No. 421—An act to amend sections 782 and 786 of the Fish and Game Code, relating to lobsters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 421 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Knowland, McColl, McCormack, McGovern, McGoverness, Metzger, Mixer, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seashan, Seawell, Stow, Wagy, and Williams—27.

NOES—None.

Title read and approved.

Senate Bill No. 421 ordered transmitted to the Assembly.

Senate Bill No. 435—An act to amend sections 611.6 and 613 of the Fish and Game Code, relating to trout.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 435 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, McGoverness, Metzger, Mixer, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Seashan, Seawell, Snyder, Stow, Wagy, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 435 ordered transmitted to the Assembly.

Reference of Senate Bill No. 237.

Senator Difani moved that Senate Bill No. 237 be referred to Committee on Roads and Highways.

Motion carried, and such was the order.

Special Order.

Senator Schottky moved that Senate Constitutional Amendment No. 8 be made a special order for Wednesday, May 1, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried.

President of the Senate in the Chair.

At three o'clock and twenty minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 69—An act to amend section 4260 of the Political Code, relating to compensation of county and township officers in counties of the thirty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 69 passed by the following vote:

AYES—Senators Biggar, Deuel, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 69 ordered transmitted to the Assembly.

Senate Bill No. 367—An act to amend section 1 of "An act regulating the hours of labor of the operators of certain motor vehicles," approved June 10, 1933, relating to operators of vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 367 passed by the following vote:

AYES—Senators Biggar, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 367 ordered transmitted to the Assembly.

Senate Bill No. 913—An act to add section 454.5 to the Fish and Game Code, relating to the shipment of fish and game into this State.

Amendments from the Floor.

During third reading of Senate Bill No. 913, the following amendments, offered by Senator Hulse, were read and adopted:

Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, as amended, strike out "add section 454.5 to the Fish and Game Code, relating to the shipment", and insert in lieu thereof the following: "amend section 459 of the Fish and Game Code, as added by Chapter 374, Statutes of 1933, and to renumber said section to be section 460, relating to the transportation".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 459 of the Fish and Game Code, as added by Chapter 374, Statutes of 1933, is hereby renumbered to be section 460, and amended to read as follows:

460. Birds, mammals, fish, mollusks and crustaceans, legally taken outside of this State, may be brought into this State under a written permit issued by the commission.

The commission may also allow the bringing in of such birds, mammals, fish, mollusks and crustaceans, without such written permit if a record is made at the time of entry with the nearest justice of the peace or notary public, or with any State or Federal agency designated by the commission.

Such record shall be in a form prescribed by the commission. One copy of the record shall be carried by the person bringing in such books, manuscripts, maps, mollusks and crustaceans, while the same are in his possession; and copies left on file with the person or agency before whom such record is made, and one copy sent to the commission."

Bill read, ordered to reprint, re-engrossment and on file for third reading.

Notice of Motion to Reconsider.

Senator Jespersen gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 606 was passed.

Third Reading of Assembly Bills.

Assembly Bill No. 532—An act to amend sections 578, 587, 860, 1201, 1240, 1501, 1515, 1540 and 1630 of the Probate Code and to add new sections thereto to be numbered 588 and 1516, relating to estates of decedents and estates of persons under guardianship.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 532 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difoni, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCall, McCormack, Menager, Mixer, Olson, Parkman, Powers, Rich, Schottky, Seidlitz, Slater, Snyder, Stow, Tickle, Wagy, and Young—29.

NOES—Senator Seawell—1.

Title read and approved.

Assembly Bill No. 532 ordered transmitted to the Assembly.

Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 81 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difoni, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCall, McCormack, Menager, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Seidlitz, Seawell, Slater, Snyder, Stow, Wagy, and Williams—28.

NOES—None.

Title read and approved.

Assembly Bill No. 81 ordered transmitted to the Assembly.

Assembly Bill No. 1763—An act to amend sections 669, 702, 703, 709, 711 and 712 of the Fish and Game Code, relating to black bass, crappie, calico bass and sunfish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1763 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difoni, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McCall, McCormack, Menager, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Seidlitz, Seawell, Slater, Snyder, Stow, Tickle, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1763 ordered transmitted to the Assembly.

Assembly Bill No. 1034—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817c3 and 3817i2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 1034, the following amendments, offered by Senator Hulse, were read:

Amendment No. 1.

On page 2, line 6, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "one".

Amendment No. 2.

On page 3, line 1, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "one".

Ayes and Noes Demanded.

A roll call was demanded by Senators Fletcher, Wagy and Rich on the adoption of amendments to Assembly Bill No. 1034.

The roll was called, and amendments adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Fletcher, Hulse, Keough, King, McColl, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Williams—22.

NOES—Senators Edwards, Hays, Knowland, McCormack, Mixter, Rich, Schottky, Wagy, and Young—9.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 366—An act to amend section 4041.11 of the Political Code, relating to powers and duties of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 366 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 366 ordered transmitted to the Assembly.

Assembly Bill No. 699—An act to add a new section to the Penal Code, to be numbered 1375, prescribing the manner in which counties shall pay the State for expense of insane and inebriates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 699 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 699 ordered transmitted to the Assembly.

Assembly Bill No. 1631—An act to provide for the registration of bonds and interest coupons unpaid for want of funds and the preference and payment thereof in the order of such registration when funds are available.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1631 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duffee, Duval, Fletcher, Garrison, Hays, Hulse, Jepsen, Keough, King, Knowland, McCracken, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reinhold, Roth, Schottky, Seidlitz, Seawell, Slater, Snyder, Stow, Wagg, Williams, and Young—34.
 NOES—None.

Title read and approved.

Assembly Bill No. 1631 ordered transmitted to the Assembly.

Assembly Bill No. 1497—An act to amend section 6 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to the conduct of elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1497 passed by the following vote:

AYES—Senators Bigger, Crittenden, Duffee, Duval, Fletcher, Garrison, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCracken, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reinhold, Roth, Schottky, Seidlitz, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagg, Williams, and Young—34.
 NOES—None.

Title read and approved.

Assembly Bill No. 1497 ordered transmitted to the Assembly.

Assembly Bill No. 442—An act to repeal sections 1270, 1271, 1271.5 and 1272 of the Fish and Game Code, and to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer.

Amendment from the Floor.

During third reading of Assembly Bill No. 442, the following amendment, offered by Senator Bigger, was read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, after "24," insert the following: "24.":

Bill read, ordered to reprint, and on file for third reading.

Assembly Constitutional Amendment No. 58—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof, relating to the preparation and adoption of charters by cities and cities and counties.

Amendments from the Floor.

During reading of Assembly Constitutional Amendment No. 58 the following amendments, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 1 of the printed measure, as amended, in the last line of the title, after the words "by cities", insert a comma and the following: "counties".

Amendment No. 2.

On page 1, line 8, of the printed measure, as amended, after the word "city", insert ", county".

Amendment No. 3.

On page 1, line 14, of the printed measure, as amended, after the word "city," insert "county".

Amendment No. 4.

On page 1, line 17, of the printed measure, as amended, after the word "city", insert ", county or city and county".

Amendment No. 5.

On page 1, line 19, of the printed measure, as amended, strike out the period after the word "city", and insert ", county or city and county."

Amendment No. 6.

On page 1, line 21, of the printed measure, as amended, after the word "city," insert "county or city and county."

Amendment No. 7.

On page 1, line 23, of the printed measure, as amended, after the word "city," insert "county or city and county."

Amendment No. 8.

On page 1, line 27, of the printed measure, as amended, after the word "city," insert "county".

Amendment No. 9.

On page 2, line 5, of the printed measure, as amended, after the word "municipal", insert ", county or city and county".

Amendment No. 10.

On page 2, line 11, of the printed measure, as amended, strike out the word "form", and insert "frame".

Amendment No. 11.

On page 2, line 23, of the printed measure, as amended, strike out the period after the word "city", and insert ", county or city and county."

Amendment No. 12.

On page 2, line 26, of the printed measure, as amended, strike out the period after the word "city", and insert ", county or city and county."; and in said line 26, between the words "city shall", insert ", county or city and county".

Amendment No. 13.

On page 2, line 28, of the printed measure, as amended, after the word "city", insert ", county or city and county".

Amendment No. 14.

On page 2, line 31, of the printed measure, as amended, after the word "city", insert ", county or city and county".

Amendment No. 15.

On page 2, line 32, of the printed measure, as amended, after the word "city", insert ", county".

Amendment No. 16.

On page 2, line 36, of the printed measure, as amended, after the word "city", insert "county or city and county".

Amendment No. 17.

On page 2, line 39, of the printed measure, as amended, after the word "city", insert ", county or city and county".

Amendment No. 18.

On page 2, line 42, of the printed measure, as amended, after the word "city", insert ", county or city and county".

Amendment No. 19.

On page 2, line 48, of the printed measure, as amended, after the word "alternative", insert a comma; and after the word "city", insert ", county".

Amendment No. 20.

On page 3, line 5, of the printed measure, as amended, after the word "city", insert ", county".

Amendment No. 21.

On page 3, line 16, of the printed measure, as amended, after the word "city", insert "county".

Amendment No. 22.

On page 3, line 21, of the printed measure, as amended, strike out the comma after the word "city", and insert "; and in the case of a county or city and county one copy shall be filed with the recorder thereof, and one in the archives of such county or city and county;"

Amendment No. 23.

On page 3, line 23, of the printed measure, as amended, after the word "city", insert "county".

Amendment No. 24.

On page 3, line 25, of the printed measure, as amended, strike out the words "of the city", and insert "thereof".

Amendment No. 25.

On page 3, line 30, of the printed measure, as amended, after the word "city", insert "county".

Amendment No. 26.

On page 3, line 34, of the printed measure, as amended, after the word "city", insert "county".

Amendment No. 27.

On page 3, line 38, of the printed measure, as amended, after the word "city", insert "county".

Amendment No. 28.

On page 3, line 45, of the printed measure, as amended, after the word "city", insert "county or city and county,".

Amendment No. 29.

On page 4, line 12, of the printed measure, as amended, after the word "municipal", insert "or county".

Amendment No. 30.

On page 4, line 16, of the printed measure, as amended, after the word "city", insert "county".

Amendment No. 31.

On page 4, line 19, of the printed measure, as amended, after the word "municipal", insert "or county".

Amendment No. 32.

On page 4, line 21, of the printed measure, as amended, after the word "city", insert "county".

Amendment No. 33.

On page 4, line 25, of the printed measure, as amended, after the word "city", insert "county".

Amendment No. 34.

On page 4, line 28, of the printed measure, as amended, after the word "city", insert "county".

Assembly Constitutional Amendment No. 58 read, ordered to reprint, and on file.

Assembly Bill No. 401—An act to add a new section to the Political Code, to be numbered 3881b, relating to entry of changes and corrections on assessment book and delinquent list.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 401 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 401 ordered transmitted to the Assembly.

Assembly Bill No. 698—An act to amend section 11 of the Inheritance Tax Act, to require that county auditor's warrants be drawn for the payment of refunds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 698 passed by the following vote.

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wag, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 698 ordered transmitted to the Assembly.

Approval of Journals.

The Senate Journals of Monday, April 22, 1935; Tuesday, April 23, 1935; Wednesday, April 24, 1935; Thursday, April 25, 1935, and Friday, April 26, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1658—An act to amend sections 468, 474, 515, 516, 713 and 714 of, and to add a new section to be numbered 693 to, the Vehicle Code, relating to highways, bridges and structures thereon, and the regulation of speeds and weight of vehicles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—14; absent—3.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1655—An act to amend section 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—9; noes—4; absent—4.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 141—An act to add section 411.5 to the Vehicle Code, relating to suspension and revocation of licenses;

Also: Assembly Bill No. 2302—An act to amend section 439 of the Vehicle Code, relating to reports of vehicles known to have been unlawfully stored; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—14; absent—3.

FLETCHER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1760—An act to amend sections 146 and 216 of the Vehicle Code, relating to the registration of vehicles of nonresidents;

Also: Assembly Bill No. 1657—An act to amend the Vehicle Code by amending sections 253, 257, 267, 268, 269, 270, 272, 273, 314, 315, 316, and 338; by repealing sections 350, 351, 352, 353, and 354; by adding sections 254, 271.5, 350, 351, 352, 353, and 354, relating to vehicles;

Also: Assembly Bill No. 2295—An act to add section 599.5 to the Vehicle Code, relating to unlawful displays on vehicles.

Also: Assembly Bill No. 2299—An act to add section 428.5 to the Vehicle Code, relating to the sale of vehicles by a lienholder.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—14; absent—3.

FLETCHER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 626—An act to add a new section to be numbered 715.5, to the Vehicle Code, relating to weights of vehicles on certain highways—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—14; absent—3.

FLETCHER, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 230—An act to add a new article to Chapter 11 of Part 1 of Division 11 of the School Code, to be known as Article 11, relating to the training of Indian reservations of the United States Government in elementary school districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

JENSEN, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1546—An act to add section 4 to an act entitled "An act limiting the liability of supervisors, city trustees, city councils, boards of education, and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in most any instance and providing for the payment of costs of actions in certain instances," approved June 18, 1929, relating to the liability of counties, municipalities and school districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—14; committee vote: Ayes—10; absent—4.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2404—An act to add section 2181c to the Political Code, relating to removal of insane or feeble-minded persons committed to State hospitals and houses for feeble-minded:

Also: Assembly Bill No. 1519—An act to amend section 271 of the Penal Code, relating to desertion of children;

Also: Assembly Bill No. 906—An act confirming the formation, organization and existence of municipal utility districts;

Also: Assembly Bill No. 764—An act to amend section 818 and to repeal sections 819 and 820 of the Penal Code, relating to the issuance of warrants;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—10; absent—4.

SWING, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 874—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule and burro marks and brands:

Also: Senate Bill No. 1007—An act to amend section 994 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to Capri legs and their diseases, the elimination of fig endosepsis, and authorizing boards of supervisors to accept donations for the enforcement of the provisions of said sections;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 219—An act to amend an act entitled "An act to establish an Agricultural Code, thereby consolidating and revising the law relating to plant and animal industry and the products thereof, and to repeal certain acts and parts of acts specified herein," known as and called the Agricultural Code;

Also: Senate Bill No. 292—An act to amend section 312 of the Agricultural Code, relating to slaughtering establishments;

Also: Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to declare the existence of a State and National agricultural emergency; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 365—An act to amend section 423 of the Agricultural Code, relating to live stock on highways—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 779—An act to amend the Political Code by adding a new section thereto to be numbered 4156d, prohibiting district attorneys from participating in civil actions under certain circumstances;

Also: Senate Bill No. 239—An act providing for contracts for fire protection between county fire protection districts and municipalities;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2135—An act to amend an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919 (Statutes 1919, page 782), by amending sections 1 and 6 thereof, relating to county employee retirement systems;

Also: Assembly Bill No. 1093—An act amending section 2 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties," approved April 17, 1929, relating to the period of time said act shall be in force and effect;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1656—An act to amend the Vehicle Code by adding thereto section 416, relating to vehicles—has had the same under consideration, and respectfully

reports the same back, and recommends that it be referred to Senate Judiciary Committee.

Committee membership—17; committee vote: Ayes—14, absent—3.

FLETCHER, Chairman.

Assembly Bill No. 1656 ordered referred to Committee on Judiciary.

Adjournment.

On motion of Senator Rich, at four o'clock and ten minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Wednesday, May 1, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Wednesday, May 1, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGunness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, and Williams—36.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, April 30, 1935, the further reading was dispensed with, on motion of Senator McCormack.

Leave of Absence.

Senator Sharkey was, on motion of Senator Mixter, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ralph J. Amaden.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. Thomas of Piedmont.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sisters Mary Mida, Mary Remegres, and Aloysia Mary of the Holy Names College of San Francisco, and Miss Eloise B. Cushing, Librarian of the Alameda County Law Library.

On request of Senator Keough, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Walter R. Evans and Walter C. Chandler of Bridgeport.

Messages from the Assembly.

The following messages from the Assembly were received and read :

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 99—An act to add a new section to the Code of Civil Procedure to be known as section 1872 thereof, relating to and providing for requiring persons bringing actions for damages for personal injuries to submit to an examination of their persons;

Also: Assembly Bill No. 819—An act to amend sections 2167, 2167a, 2169, 2172 and 2175 of, to repeal sections 2168, 2170, 2171 and 2185c of, and to add new sections numbered 2168, 2168.1, 2168.2, 2168.3, 2168.4, 2168.5, 2168.6, 2168.7, 2168.8, 2171, 2185.1, 2185.2, 2185.3, 2185.4, 2185.5, 2185.6 and 2185.7 to the Political Code, relating to persons mentally disordered or otherwise incompetent;

Also: Assembly Bill No. 1651—An act to amend the Vehicle Code by amending sections 618, 621, 623, 625, 633, 634, 635, 637, 639, 640, and 670; to renumber section 663 to be section 664; to repeal Chapter 4 of Division X embracing sections 645 to 658 inclusive, sections 661, 662 and 677; to add sections 623.5, 677, a new Chapter 4 to Division X, embracing sections 645 to 656 inclusive, 660, 661, 662, 663 and 692, relating to vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 99 and 819 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1651 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 39—A resolution to propose to the people of the State of California, an amendment to Article IV of the Constitution of the State, by amending section 31 thereof, relating to paying the principal and interest on bonds issued by city, county, city and county, district or other political subdivision whose funds are in the custody of the treasurer of any city, county, or city and county;

Also: Assembly Constitutional Amendment No. 42—A resolution to propose to the people of the State of California, an amendment to Article XIII of the Constitution of the State, by amending section 9a thereof, relating to computation, refunding and collection of excess and deficiency taxes on unsecured real property.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendments Nos. 39 and 42 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's veto on Assembly Bill No. 1863—An act to add a new section to the Political Code to be numbered 359e, to provide for leave of absence with pay to officers and employees of the State of California, when ill, and to empower the State Personnel Board to promulgate rules and regulations governing the same in so far as applicable to members of the civil service, and to empower appointing powers of such officers and employees to promulgate rules and regulations governing the same, in so far as applicable to officers and employees not members of the civil service.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 928—An act to amend sections 4.280b and 4.281b of the School Code, relating to revolving funds of school districts for warehouse stock;

Also: Assembly Bill No. 1300—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and

employees; to define, authorize, and regulate the issuance of shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their members; to conduct the investments, loans and borrowings of such associations, and their earnings, receipts, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, functions and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, members, employees, non-employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division First of the Civil Code, Chapter 434 of the Statutes of 1911 and amendments thereto and supplemental thereto; Chapter 143 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith; approved May 3, 1935, as amended, by amending sections numbered 4.01 relating to withdrawal stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the amendment of section 6.02 of said act as set forth in section 5a of Chapter 431 of the Statutes of 1933, adding to said act new sections to be numbered 8.15 relating to acts of setting on shares and investment certificates, 9.18 relating to mortgages, loans, advances of credit and purchases of obligations payable to the National Housing Act, 10.09 relating to reserve or surplus accounts, 12.09 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal savings and loan association and authorizing executors, administrators, guardians, receivers, trustees, committee companies and cemetery associations to vote for or against such conversion; to authorize shares, stock, investment certificates or other rights or claims for shares issued by such Federal savings and loan association, and to continue to hold as a legal investment and shares so received; adding a new article to be numbered XVI to said act relating to the rehabilitation, reconstruction or reorganization of one or more building and loan associations of the classes specified in said Article XVI or of all or of part of all of the business, properties and assets of such association or associations or the reorganization, modification or reorganization of the rights or interests of one or all of the members and creditors of and other persons interested in such association or associations; providing for the kinds of securities issuable in connection therewith and securing such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, committee companies and cemetery associations to consent to a plan as defined in said Article XVI to exchange shares, stock, investment certificates or other rights or claims for shares issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and declaring the urgency of this act and providing that it shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 214—An act to amend sections 2203 and 2204 of the School Code, relating to the formation of joint elementary school districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 895—An act to add Chapter 104, commencing sections 11400 to 11407, to Part 2 of Division 2 of the Insurance Code, relating to life, disability, and life and disability insurance by, and the organization of, women's, policemen's or peace officers' benefit and relief associations.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 895 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 17—Relative to memorializing the

President and the Congress of the United States to enact S. B. 626 and H. R. 6909, which bills are proposed to aid the position of hop growers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 17 ordered to enrollment.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Jespersen moved to reconsider the vote whereby Senate Bill No. 606 was passed.

Postponement of Reconsideration.

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 606 was passed, was continued until the next legislative day.

Appointment of Special Committee.

Civil Service Investigation.

The President announced, in accordance with the resolution introduced by Senator Young, in regard to civil service investigation, the appointment of Senators Young, chairman; Reindollar, Hulse, Sharkey, McGuinness, Difani, Jespersen, Seawell and Tickle, as members of said committee.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 5—An act to amend sections 1 and 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, and Wagye—26.

NOES—None.

Title read and approved.

Senate Bill No. 5 ordered transmitted to the Assembly.

Motion to Withdraw from Committee.

Senator Biggar moved that Senate Bills Nos. 321, 322 and 323 be withdrawn from Committee on Roads and Highways, and placed on file for second reading.

Ayes and Noes Demanded.

A roll call was demanded by Senators Stow, McCormack and Scollan on the adoption of the motion to withdraw Senate Bills Nos. 321, 322 and 323.

Withdrawal Refused.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Bigger, Fletcher, McColl, McGovern, Perry, Pierovich, Powers, Reindollar, and Seawell—9.

NOES—Senators Crittenden, Denel, Duval, Duval, Edwards, Garrison, Gordon, Hays, Hulce, Jespersen, Keough, King, Knowland, McCormack, McGovern, Mixer, Olson, Parkman, Rich, Schatzky, Seollan, Slater, Snyder, Stow, Swing, Wags, and Williams—27.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties, providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 81 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Duval, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schatzky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 81 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Senate Bill No. 128—An act to amend sections 1, 10, 12, 21, 22, 23, 24 and 25 of an act entitled the "Direct Primary Law," relating to nonpartisan offices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 128 refused passage by the following vote:

AYES—Senators Bigger, Denel, Garrison, Jespersen, Keough, McColl, McGovern, Perry, Pierovich, Powers, Schatzky, Seollan, Seawell, Swing, and Williams—15.

NOES—Senators Crittenden, Duval, Edwards, Fletcher, Gordon, Hays, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Reindollar, Rich, Slater, Snyder, Stow, Wags, and Young—21.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrössment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 446—An act relating to controlling the fees, compensation and public agencies for the delivery or sale of water, gas or electricity, owned by the former to the latter, providing for the regulation, supervision and licensing of such companies, and providing for the enforcement of this act and penalties for the violation thereof.

Also: Senate Bill No. 493—An act to provide for physical examinations of persons employed in certain industries;

And reports that the same have been correctly engrössed.

MINTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 1054—An act to amend sections 4, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to competitive offices and reports that the same has been correctly re-engrössed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 156—An act to amend section 10411 of the Insurance Code of the State of California, relating to leasing and surrendering of corporate licenses.

Also: Senate Bill No. 475—An act to amend sections 970, 972 and 974 of the Insurance Code, relating to security for the payment of taxes and other obligations of insurers;

Also: Senate Bill No. 470—An act to repeal Chapter 9 of Part 2 of Division 2 of the Insurance Code, and to add a new Chapter 9, comprising sections 10840 to 10940, inclusive, to Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment.

Also: Senate Bill No. 913—An act to amend section 459 of the Fish and Game Code, as added by Chapter 374, Statutes of 1933, and to repeal and add counting to the section 460, relating to the transportation of fish and game into this State.

And reports that the same have been correctly re-engrössed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Also: Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to section 1 of Article IV of the Constitution of said State, relating to amendments to initiative acts and initiative constitutional amendments;

Also: Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section 1a of Article VI, relating to the Judicial Council;

And reports that the same have been correctly engrössed.

McCORMACK, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 207—An act to amend sections 4239, 4239a, 4239b and 4239c, and to repeal sections 4239a, 4239b, 4239c, 4239d, 4239e, 4239f, 4239g, 4239h, 4239i, 4239j, 4239k, 4239m, 4239n, 4239o, 4239p, 4239q, 4239r, 4239s, 4239t, 4239u, 4239v and 4239w of the Political Code, relating to the compensation of county and

township officers in counties of the tenth class—and reports that the same has been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 626—An act to add a new section, to be numbered 715.5, to the Vehicle Code, relating to weights of vehicles on certain highways;

Also: Senate Bill No. 874—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division III, relating to horse, mule and burro marks and brands;

Also: Senate Bill 1007—An act to amend section 994 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to capri figs and their diseases, the elimination of fig endosepsis, and authorizing boards of supervisors to accept donations for the enforcement of the provisions of said sections; And reports that the same have been correctly engrossed.

METZGER, Chairman.

Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Senate Bill No. 772 was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended in Senate April 3, 1935, strike out the semicolon, and all printed matter following in line 7, and in lines 8 to 19, inclusive, and insert in lieu thereof a period.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 626—An act to add a new section, to be numbered 715.5, to the Vehicle Code, relating to weights of vehicles on certain highways.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 230—An act to add a new article to Chapter II of Part I of Division II of the School Code, to be known as Article II, relating to the inclusion of Indian reservations of the United States Government in elementary school districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 230 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after the word "Article", strike out the Roman numeral "II", and insert in lieu thereof the Roman numeral "X".

Amendment No. 2.

On page 1, line 3, of the printed bill, strike out the Roman numeral "II", and insert in lieu thereof the Roman numeral "X".

Amendment No. 3.

On page 1, line 5, of the printed bill, strike out the Roman numeral "II", and insert in lieu thereof the Roman numeral "X".

Amendment No. 4.

On page 1, line 6, of the printed bill, after the word "of", insert the words "Territory in".

Amendment No. 5.

On page 1 of the printed bill, strike out all of lines 9 to 16, both inclusive, and insert in lieu thereof the following:

"2.195. The territory in any Indian reservation of the United States Government may be formed into an elementary school district in the manner provided by law for the formation of new elementary school districts, or may be included in whole or in part as a part of any new elementary school district hereafter formed in the same manner as other territory may be included in a new elementary school district.

2.196. The board of supervisors of any county in which is located any territory of an Indian reservation of the United States Government, which on July 1, 1906, is not a part of any elementary school district, or is not an elementary school district, shall at its first meeting following July 1, 1936, annex such territory to such contiguous elementary school district or districts in the county as the county superintendent of schools of such county shall recommend."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 219—An act to amend an act entitled "An act to establish an Agricultural Code, thereby consolidating and revising the law relating to plant and animal industry and the products thereof, and to repeal certain acts and parts of acts specified herein," known as and called the Agricultural Code.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 212 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of the title, and insert in lieu thereof the following:

"An act to amend sections 92 and 94 of the Agricultural Code, relating to citrus and agricultural fairs."

Amendment No. 2.

On page 1 of the printed bill, following the enacting clause, insert the following: "SECTION 1. Section 92 of the Agricultural Code is hereby amended to read as follows:

92. Any money appropriated by the State for the encouragement of county, district or combined county and district agricultural fairs shall be expended under the supervision of the State Department of Finance. The money appropriated for the various agricultural fairs shall be apportioned by the Department of Finance by the following method: five thousand dollars (\$5,000) shall be paid to each of the various agricultural fairs, and the balance of the money appropriated shall be apportioned on the basis of the amount which each fair actually paid in premiums for agricultural, horticultural and live stock exhibits in each year. The secretary of any such fair desiring to share in any such appropriation shall file with the Department of Finance on or before December 31st, of each year, a sworn statement setting forth the actual amount paid for premiums by such fair held in that year. No allotment from the appropriation herein provided shall be made for more than one fair in any one year in any county or district. The fact that one county joins with another county, or with several others, or that one district contracts with a county or county fair association, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated. No fair for which a separate appropriation is made by the State shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs."

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out the words and figures, "Section 94 of Article 2", and insert in lieu thereof the following:

"Sec. 2. Section 94".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 292—An act to amend section 312 of the Agricultural Code, relating to slaughtering establishments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 292 were read and adopted.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section 312", and insert in lieu thereof the following: "sections 305 and 307".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, insert after "establishments", the following: "and meat inspection".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 28, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 305 of the Agricultural Code is hereby amended to read as follows:

305. No establishment may be operated in the State for the purpose of slaughtering animals, or for the manufacture of meat food products unless such establishment is operated under Federal inspection, State inspection, or approved municipal inspection. No dressed carcasses of animals intended for food purposes, parts thereof, prepared meats or meat food products shall be sold, or transported within the State unless the same shall bear the "Inspected and passed" stamp of an establishment operated under Federal inspection, State inspection or approved municipal inspection.

Sec. 2. Section 307 of the Agricultural Code is hereby amended to read as follows:

307. Nothing in this article prohibits:

(a) A live stock producer from slaughtering animals on his own premises that are a part of his own herd for his own consumption or from disposing of the carcasses and the products of those animals thus slaughtered, provided they can be identified as such, and are sound, healthful, wholesome, and fit for human food, and are disposed of in his locality; when cattle, sheep, swine or goats are sold by said producer in the vicinity where produced and slaughtered, there shall be attached to said meat or meat products a statement giving substantially the following:

I hereby certify that the uninspected meat (or meat products as the case may be) to which this certificate is attached is from animals slaughtered by the undersigned, a farmer, on his farm and that at this date it is sound, healthful, wholesome, and fit for human food.

(b) A live stock producer or dairyman from slaughtering upon his own premises calves under the age of three months which are the actual increase of his own herd, if the calves are accompanied by a certificate of ownership, offered for inspection at any point where inspection is maintained in accordance with regulations issued by the director, and are marketed by whole carcass with hide on. Every such live stock producer or dairyman, before slaughtering any such calves, must obtain a "Producers' calf slaughter permit" from the Director of Agriculture. The Director of Agriculture shall issue such permits upon payment of a registration fee of one dollar (\$1). Every such permit shall remain in force and effect until suspended or revoked by the Director of Agriculture for any violation of this act.

(c) The slaughter of animals of the bovine species under the age of eight months in establishments which meet the sanitary requirements of the department and shipment thereof to counties where State inspection or approved municipal or county inspection is maintained, and said animals so slaughtered shall there be inspected and the carcasses stamped.

(d) Any butcher located in a remote section of a county in which the inspection provisions of this article are mandatory, when in the opinion of the director it is impractical or impossible to assign an inspector, may, upon written application, be granted an exemption certificate, to be used in accordance with the regulations of the director; provided, that the meat of animals slaughtered in accordance with such exemption shall be offered for sale only in the immediate locality where the animals were slaughtered. The Director of Agriculture in granting such exemption certificates, shall fix the boundaries of the "immediate locality" within the confines of which such meat may be offered for sale.

The certificate must be renewed the first day of January of each year.

Should facilities for inspection become available at any time, the director is empowered to withdraw such exemption certificate. The director is also empowered to withdraw such exemption certificate when, in his opinion, the person to whom the same is issued has not complied with the rules and regulations pertaining to the use thereof."

Amendment No. 4.

On page 2 of the printed bill, strike out lines 1 to 11, inclusive.

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 1086. An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to declare the existence of a State and National agricultural emergency.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 1086 were read and adopted:

Amendment No. 1.

On page 1, line 5 of the title of the printed bill, strike out the word "cattle" and insert in lieu thereof the word "dairy".

Amendment No. 2.

On page 1, line 5 of the title of the printed bill after the word "producers," insert the following: "and live cattle".

Amendment No. 3.

On page 3, line 11, of the printed bill, after the word "industry," insert a comma and the following: "the live cattle industry."

Amendment No. 4.

On page 3, line 12, of the printed bill, strike out the word "animal," and insert in lieu thereof the word "dairy".

Amendment No. 5.

On page 3 of the printed bill, after line 35, insert the following:

"(5) The word 'producer' shall mean any person, firm or corporation engaged within this State in the production for market of any agricultural commodity.

(6) The word 'processor' shall mean any person, firm or corporation engaged within this State in preparing any agricultural commodity for market, or manufacturing therefrom, or from products thereof other products in such manner as to effect a substantial change in the form of such commodity, and shall include 'packers'.

(7) The word 'distributor' shall mean any person, firm or corporation, other than a producer or a processor, engaged within this State in marketing or distributing at wholesale any agricultural commodity, and shall include 'shippers,' 'handlers,' and 'marketers'."

Amendment No. 6.

On page 3, line 38, of the printed bill, after the word "persons", insert the word "or".

Amendment No. 7.

On page 4 of the printed bill, strike out all of lines 6 to 52, inclusive, and on page 5, strike out all of lines 1 to 10, inclusive, and insert in lieu thereof the following:

"(a) To enter into marketing agreements with producers, processors, or distributors engaged in intrastate transactions or commerce within this State, provided:

1. That each such agreement shall embrace only persons, firms or corporations engaged as producers, processors, or distributors in a specific and naturally, inherently and intrinsically distinctive agricultural trade or industry within this State or within a defined area thereof; and

2. That each such agreement, if embracing producers, shall be assented to in writing by producers representing at least sixty-five per cent (65%) in volume of the business done in the production of such commodity within the State, or within the defined area thereof covered by such marketing agreement, for the

preceding season; and, if embracing processors, shall be assented to in writing by processors representing at least sixty-five per cent (65%) in volume of the business done in the processing of such commodity within the State, or within the defined area thereof covered by such marketing agreement, for the preceding season; and, if embracing distributors, shall be assented to in writing by distributors representing at least sixty-five per cent (65%) in volume of the business done in the distributing of such commodity within the State, or within the defined area thereof covered by such marketing agreement, for the preceding season.

Any nonprofit agricultural cooperative marketing association existing under the provisions of the Agricultural Code may assent to any such agreement for and on behalf of its members as producers, when specifically authorized by its members to so assent.

Subject to the foregoing limitations, any marketing agreement may embrace producers only, or processors only, or distributors only, or may embrace any two or three of such classes.

(b) To license and issue licenses to producers, processors, or distributors engaged in intrastate transactions or commerce within this State, provided:

1. That no license shall be issued to or shall apply to producers, processors, or distributors unless a marketing agreement embracing such producers, processors, or distributors has been entered into in accordance with the provisions of this act;

2. That each license issued hereunder shall contain all substantive provisions of its corresponding marketing agreement and shall contain no provision, prohibition, or restriction unless the same is contained in a marketing agreement which has been entered into in accordance with the provisions of this act and which embraces the producers, processors, or distributors to whom such license is issued;

3. That whenever any member of any class of producers, processors, or distributors is licensed hereunder, an identical license shall be issued to all members of the same class of producers, processors, or distributors;

4. That upon the issuance of any license or any amendment thereof a notice of said license shall be posted on a public bulletin board to be maintained by the Director of Agriculture in his office and a copy of such notice shall be published in a newspaper of general circulation published in the capital of the State and in such other paper or papers as the Director of Agriculture may prescribe. No license nor any amendment thereof shall become effective until five days after such posting and publication. It shall also be the duty of the director to mail a copy of the notice of said license to all known licensees whose names and addresses may be on file in the office of the director and to every person who files in the office of the director a written request for such notice;

5. That upon the written request of producers, processors, or distributors of any agricultural commodity representing at least fifty per cent (50%) in volume of the business done within this State, or within the defined area thereof covered by such marketing agreement, in the producing, processing, or distributing of such commodity for the preceding season, the director shall rescind any license issued hereunder and terminate any marketing agreement entered into hereunder embracing such class of producers, processors, or distributors, and thereupon such license and marketing agreement shall cease to be of any force or effect."

Amendment No. 8.

On page 7 of the printed bill, strike out all of lines 22 to 37, inclusive, and insert in lieu thereof the following:

"SEC. 11. (1) Any marketing agreement entered into hereunder shall contain provisions requiring producers, processors, or distributors subject thereto to maintain books and records reflecting their operations under said marketing agreement, and to furnish to the State Director of Agriculture, or his duly authorized representatives, such information as may be requested by them relating to operations under said marketing agreement and to permit the inspection by said director or his duly authorized agents or any officer, employee, board, commission, or committee provided for in any such marketing agreement, of such portions of such books and records as relate to operations under said marketing agreement."

Amendment No. 9.

On page 7, line 38, of the printed bill, strike out "(3)", and insert in lieu thereof "(2)".

Amendment No. 10.

On page 7, line 43, of the printed bill, strike out "(4)", and insert in lieu thereof "(3)".

Amendment No. 11.

On page 7, line 47, of the printed bill, strike out "(5)", and insert in lieu thereof "(4)".

Amendment No. 12.

On page 9, line 10, of the printed bill, strike out the word "or", and insert in lieu thereof the word "and".

Bill read second time, ordered to reprint, and referred to Committee on Agriculture and Live Stock.

Rush Order to Print.

On motion of Senator Seellan, the Secretary was directed to issue a rush order for printing Senate Bill No. 1086.

Senate Bill No. 874—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division III, relating to horse, mule and burro marks and brands.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1007—An act to amend section 994 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to capri figs and their diseases, the elimination of fig anthracosis, and authorizing boards of supervisors to accept donations for the enforcement of the provisions of said sections.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 779—An act to amend the Political Code by adding a new section thereto to be numbered 4156d, prohibiting district attorneys from participating in civil actions under certain circumstances.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 779 were read and adopted:

Amendment No. 1.

On page 1, lines 2 and 3 of the title of the printed bill, after the word "attorneys", insert: "or any deputy or assistant district attorney".

Amendment No. 2.

On page 1, line 3, of the printed bill, after the word "attorney", insert: "or any deputy or assistant district attorney".

Amendment No. 3.

On page 1, line 8, of the printed bill, after the word "attorney", insert: "or any deputy or assistant district attorney".

Amendment No. 4.

On page 1, line 10, of the printed bill, after the word "attorney", insert: "or any deputy or assistant district attorney".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 239—An act providing for contracts for fire protection between county fire protection districts and municipalities.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 239 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out the period after the word "municipalities", and insert in lieu thereof the following: "and relating to liability in connection therewith."

Amendment No. 2.

On page 1, line 1, of the printed bill, after the period, strike out all language to and including line 26, and, on page 2, commencing with line 1, strike out all language to and including line 5.

Amendment No. 3.

On page 1, line 1, of the printed bill, after the period, insert the following: "In addition to all powers otherwise conferred, the governing board or board of directors of any county fire protection district shall have the power to contract with any municipality or municipalities contiguous to such county fire protection district, for the furnishing of fire protection to such district by such municipality or municipalities and the legislative body of any municipality in this State shall have jurisdiction and power to contract for the furnishing of such fire protection to such district or districts in such manner and to such extent as such legislative body may deem advisable.

SEC. 2. All of the privileges and immunities from liability which surround the activities of any municipal fire fighting force or department when performing its functions within the territorial limits of such municipality shall apply to the activities of any such municipal fire fighting force or department while furnishing fire protection outside of such municipality under any contract provided for in section 1 of this act."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 1658—An act to amend sections 468, 474, 515, 516, 713 and 714 of, and to add a new section to be numbered 693 to, the Vehicle Code, relating to highways, bridges and structures thereon, and the regulation of speeds and weight of vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 1658 were read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, following the word "sign", insert the word "hereafter".

Amendment No. 2.

On page 3, line 40, of the printed bill, following the period, insert the following: "(d) All of the provisions of this section shall likewise apply with respect to speed within any tube or tunnel constituting a part of a highway."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1055—An act to amend section 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 141—An act to add section 411.5 to the Vehicle Code, relating to suspension and revocation of licenses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2302—An act to amend section 439 of the Vehicle Code, relating to reports of vehicles known to have been unlawfully stored.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1760—An act to amend sections 146 and 216 of the Vehicle Code, relating to the registration of vehicles of nonresidents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1657—An act to amend the Vehicle Code by amending sections 253, 257, 268, 269, 270, 272, 273, 314, 315, 316, and 338; by repealing sections 350, 351, 352, 353, and 354; by adding sections 254, 271.5, 350, 351, 352, 353, and 354, relating to vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2205—An act to add section 599.5 to the Vehicle Code, relating to unlawful displays on vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2299—An act to add section 428.5 to the Vehicle Code, relating to the sale of vehicles by a lienholder.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1546—An act to add section 4 to an act entitled "An act limiting the liability of supervisors, city trustees, city councils, boards of education and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in certain instances and providing for the payment of costs of actions in certain instances," approved June 13, 1923, relating to the liability of counties, municipalities and school districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 1546 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out "The liability of the", and insert in lieu thereof the following: "Except in cases where the governing or managing body has written notice of the dangerous or defective condition and fails to remedy such dangerous or defective condition within a reasonable time after receiving such notice, or where the dangerous or defective condition is the necessary result of the carrying out of a plan approved by such body, the liability of a".

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, after the word "and", insert the following: "for injuries to person and or property hereafter sustained".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2404—An act to add section 2181e to the Political Code, relating to monies of insane or feeble-minded persons committed to State hospitals and homes for feeble-minded.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1519—An act to amend section 271 of the Penal Code, relating to desertion of children.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 906—An act confirming the formation, organization and existence of municipal utility districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 764—An act to amend section 818 and to repeal sections 819 and 820 of the Penal Code, relating to the issuance of warrants.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 365—An act to amend section 423 of the Agricultural Code, relating to live stock on highways.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Assembly Bill No. 365 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, commencing at line 13, strike out the last sentence, and insert in lieu thereof the following: "In any civil action brought by the owner, driver or occupant of a motor vehicle, or by their personal representatives or assignees, or by the owner of live stock, for damages caused by collision between any motor vehicle and any domestic animal or animals on a highway, there is no presumption or inference that such collision was due to negligence on behalf of the owner or the person in possession of such live stock".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 2135—An act to amend an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919 (Statutes 1919, page 782), by amending sections 1 and 6 thereof, relating to county employee retirement systems.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 2135 was read and adopted:

Amendment No. 1.

On page 3 of the printed bill, as amended in the Assembly on April 5, 1935, strike out line 11, and insert in lieu thereof the following: "the difference shall be paid to a beneficiary or beneficiaries designated by such member, without letters of administration or probate of will, or if no beneficiary has been so designated, then to his legal representatives."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1093—An act amending section 2 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties," approved April 17, 1929, relating to the period of time said act shall be in force and effect.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1093 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 1 of the title, and insert in lieu thereof the following: "An act to".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 6 to 8, inclusive, of the title, and insert in lieu thereof the following: "tages of their several counties and repealing Chapter 135 of the Statutes of 1929."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"SECTION 1. The board of supervisors of the several counties within the State of California, are hereby authorized and empowered to levy a special tax not to exceed four cents on the one hundred dollars of the assessed valuation of all property within the county to be used in the State of California for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their

several counties and thereby to increase and develop the trade and commerce of, and induce immigration to their said counties, and also to be used under the direction of the board of supervisors in investigating, marking stations, gathering statistics and maintaining records as to matters affecting the economic welfare of the county and its inhabitants.

Such tax when levied according to the provisions of this section shall be in addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used or authorized under the provisions of sections 40415 and 40566 of the Political Code. Nothing herein contained shall prevent any county from creating a bonded indebtedness under the provisions of section 40888 of the Political Code for the purpose of obtaining funds with which to build, construct or furnish an exposition building or buildings for exhibiting and advertising its resources.

SEC. 2. This act shall be in force and effect to and including the first day of July, 1939.

SEC. 3. "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to promote, and or develop the agricultural, horticultural, viticultural, and other resources and advantages of their several counties," approved April 17, 1929, is hereby repealed."

Bill read second time, ordered to reprint, and on file for third reading.

Unfinished Business.

Further Consideration of Senate Amendments to Assembly Bill No. 930.

Assembly Bill No. 930—An act to amend section 4260 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 930?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 930 by the following vote:

AYES—None.

NOES—Senators Bugar, Difant, Pinal, Pender, Garber, Hays, Jorgensen, Keough, King, Knowland, McCall, McGowan, McCutcheon, Mixer, Parkman, Rich, Schottky, Scollan, Slater, Snyder, Swing, Tinkle, Wags, Williams, and Young. 25.

Appointment of Committee on Conference.

The President announced the appointment of Senators Difant, Jorgensen, and Hays as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 930.

Introduction, First Reading and Reference of Bills.

By Senator Swing: Senate Concurrent Resolution No. 34—Relative to prevention of accidental deaths and injuries in the home, in industry, in public places and on the streets and highways.

Consideration of Senate Concurrent Resolution No. 33.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 33, without reference to committee, for purposes of adoption.

Resolution read, ordered to print, and on file.

Resolution.

The following resolution was offered:

By Senator Scollan:

WHEREAS, There is now available in the current appropriation for the printing of free textbooks \$261,797.09, which is unencumbered and which is available to pay the cost of printing textbooks at the State printing plant; and

WHEREAS, Textbooks are urgently needed for the use of the State school system, and the State Board of Education have requested additional funds be added to those included in the Governor's budget, and has had legislation introduced directed to that end; and

WHEREAS, If orders are not placed with the State Printing Office before June 30, 1935, the money now available will become unavailable for use on July 1st of this year; and

WHEREAS, The State of California has invested nearly \$1,000,000 in the State printing plant; and

WHEREAS, If orders are not placed for textbooks before June 30th, it will probably be necessary to purchase the same in the open market and deprive the State printing plant of such work; and

WHEREAS, It is important we conserve the benefits which have accrued to the State through the printing of State school textbooks by the State; therefore, be it

Resolved, That this Senate go on record as requesting the State Board of Education to immediately order textbooks from the State Printing Office; such books to be made available for the use of the schools at the beginning of the next school year.

Resolution read, and on motion of Senator Scollan adopted.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Amendments from the Floor.

During third reading of Senate Bill No. 498, the following amendments, offered by Senator Young, were read and adopted:

Amendment No. 1.

On page 3, line 50, of the printed bill, as amended, after "fund", insert a period, and strike out the balance of line 50, and all of line 51.

Amendment No. 2.

On page 9 of the printed bill, as amended, strike out lines 9 to 20, inclusive.

Amendment No. 3.

On page 9 of the printed bill, as amended, after line 24, insert the following:

"SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

The economic conditions of fluid milk producers throughout the State are such as to require immediate relief if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream. The provisions herein contained are necessary in order to prevent the further demoralization of the fluid milk and fluid cream industries."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Rush Order to Printer.

On motion of Senator Young, the Secretary was directed to issue a rush order for printing Senate Bill No. 498.

Third Reading of Assembly Bills.

Assembly Constitutional Amendment No. 58.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof, relating to the preparation and adoption of charters by cities and counties.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its first regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 8 of Article XI of the Constitution of the State of California be amended to read as follows:

Sec. 8. (a) Any city or city and county containing a population of more than 2500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of California, may frame a charter for its own government, consistent with and subject to this Constitution; and any city or city and county having adopted a charter may adopt

a new one. Any such charter may be framed by a board of 15 freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the two years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and on presentation of a petition signed by not less than 15 per cent of the registered electors of such city, the legislative body shall call such election at any time not less than 30 nor more than 60 days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city, or city and county, and the expenses of such verification shall be provided by the legislative body thereof.

(b) Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, submitted to the same manner as may be provided by general laws for the nomination by petition of officers of municipalities for public offices to be voted for at general elections.

(c) At such election the electors shall vote first on the question: "Shall a board of freeholders be elected to frame a proposed new charter?" and secondly for the candidates of the office of freeholder. If the first question receives a majority of votes of the qualified voters voting thereon at such election, the 15 candidates for the office of freeholder receiving the highest number of votes shall constitute as a board of freeholders, but if the first question receives less than a majority of the votes of the qualified voters voting thereon at such election the board of freeholders shall be deemed to have been elected.

(d) The board of freeholders shall, within one (1) year after the result of the election is declared, prepare and propose a charter for the government of such city. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall, within fifteen (15) days after receipt thereof, cause such charter to be published once in the official newspaper of such city and once more at least during the day of publication, for in case there be no such official newspaper, in a newspaper of general circulation within such city and all editions thereof issued during the day of publication, and in any case in any such edition with over 50,000 population shall cause copies of such charter to be printed in pamphlet form and in type of not less than 10 point and shall cause copies thereof to be mailed to each of the qualified electors of such city and shall, within the day fixed for the election upon such charter, deposit in one or more newspapers of general circulation in said city a notice that copies thereof may be had upon application therefor.

(e) Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and registered in such manner, either at a special election held not less than 60 days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said 60 days.

(f) As an alternative the legislative body of any such city or city and county, on its own motion may frame or cause to be framed a proposed new charter and submit the proposal for the adoption thereof to the electors at either a special election called for that purpose or at any general or special election. Any charter so submitted shall be advertised in the same manner as herein provided for the advertisement of a charter proposed by a board of freeholders, and the election thereon shall at a date to be fixed by the legislative body of such city or city and county, not less than 40 nor more than 60 days after the completion of the advertising in the official paper.

(g) If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent resolution approve or reject such charter as a whole, without power of amendment or amendment, and if approved by a majority of the members elected to each house it shall become the organic law of such city, or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the Secretary of State, one with the recorder in the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter.

(h) The charter of any city, or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by 15 per cent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city, or city and county not less than 60 days prior to the general election next preceding a regular session of the Legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city, or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have

a sufficient number of signatures the legislative body of the city, or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon, held at a date to be fixed by the legislative body of such city, not less than 40, and not more than 60, days after the completion of the advertising in the official paper.

(i) If a majority of the qualified voters voting on any such amendment vote in favor thereof, it shall be deemed ratified, and shall be submitted to the Legislature if then in session, or at the regular or special session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter.

(j) In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the largest number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the division of the city, or city and county governed thereby, into boroughs or districts, and to provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district in the charter of the city, or city and county.

(k) The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general State election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this section.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 58 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Assembly Constitutional Amendment No. 58 ordered transmitted to the Assembly.

Assembly Bill No. 154—An act to amend the title and sections 8, 14, 32 and 33 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 154 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Rich, Schottky, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 154 ordered transmitted to the Assembly.

Assembly Bill No. 155—An act to amend the title and sections 4, 4a, 5, 8, 10, 11, 12, 13, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31 and 35 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 155 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixer, Pierovich, Rich, Schetzky, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—26.
NOES—None.

Title read and approved.

Assembly Bill No. 155 ordered transmitted to the Assembly.

Assembly Bill No. 557—An act to add a new section to the Insurance Code to be numbered 10113, relating to life and disability insurance policies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 557 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixer, Perry, Pierovich, Rich, Schetzky, Seallan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—29.
NOES—None.

Title read and approved.

Assembly Bill No. 557 ordered transmitted to the Assembly.

Assembly Bill No. 558—An act to amend section 10111 of the Insurance Code, relating to life and disability insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 558 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixer, Pierovich, Reindollar, Rich, Schetzky, Seallan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—28.
NOES—None.

Title read and approved.

Assembly Bill No. 558 ordered transmitted to the Assembly.

Assembly Bill No. 1204—An act to amend sections 2, 4 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and

supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities; and declaring the measure an urgency measure within the meaning of section 1 of Article IV of the Constitution and providing accordingly for the act to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity:

By reason of the long-continued and still existing depression throughout the State of California and throughout the United States, many companies have suffered heavy financial losses and are unable safely and properly to meet their obligations and liabilities under their outstanding securities, thereby threatening such companies with severe hardship or insolvency or forced liquidation, and causing distress to holders of their securities and the public generally. There exists the necessity for rapid and orderly readjustments and proper rehabilitation under the regulation and supervision of the commissioner in these and like situations, to promote orderly processes and conduct of business, and to prevent the cumulative evils of present economic disruption and financial demoralization. The provisions of this act will assist such companies to readjust their affairs and rehabilitate themselves, and to continue in business in an orderly manner, to the mutual benefit of such companies and the holders of their outstanding securities, and the public generally. It is therefore essential to the immediate preservation of the public peace, health and safety that each and every part of this act be enacted and be immediately effective.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Williams—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1204 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Williams—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1204 ordered transmitted to the Assembly.

Assembly Bill No. 724—An act to add a new section to the Political Code of the State of California to be numbered 3466b, relating to assessments of reclamation districts and providing for crediting payments made under invalid calls of installment of assessments upon subsequent calls of installment of assessments and empowering courts to cancel and annul all proceedings had in the matter of sales made under said invalid calls.

Amendment from the Floor.

During third reading of Assembly Bill No. 724, the following amendment, offered by Senator Scollan, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 3 to 9, inclusive of the title, and insert in lieu thereof the following: "assessments of reclamation districts."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1203—An act to add two sections to the Bank Act numbered 671 and 801, relating to loans of the character prescribed by section 13b of the Federal Reserve Act or by section 5d of the Reconstruction Finance Corporation Act.

Amendments from the Floor.

During third reading of Assembly Bill No. 1203 the following amendments, offered by Senator Tickle, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 17, 18, 19 and 20 and insert in lieu thereof the following: "covered by a commitment of the Federal Reserve Bank or the Reconstruction Finance Corporation to repurchase such notes upon demand, at any time on or prior to maturity of the notes evidencing the indebtedness, without recourse upon the bank."

Amendment No. 2.

On page 2 of the printed bill, strike out all of lines 6, 7, 8, 9 and 10, and insert in lieu thereof the following: "be covered by a commitment of the Federal Reserve Bank or the Reconstruction Finance Corporation to repurchase such notes upon demand, at any time on or prior to maturity of the notes evidencing the indebtedness, without recourse upon the bank."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 260—An act to amend sections 12422, 12423, 12427, 12442, 12484, 12486, 12488 and 12543 of the Insurance Code and to add a new section to said code to be numbered 12490, all relating to mortgage insurers.

Amendments from the Floor.

During third reading of Assembly Bill No. 260, the following amendments, offered by Senator Difant, were read and adopted:

Amendment No. 1.

On page 2, line 41, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer."

Amendment No. 2.

On page 2, line 45, of the printed bill, as amended, strike out "company must", and insert in lieu thereof the following: "insurer shall".

Amendment No. 3.

On page 2, lines 48 and 49, of the printed bill, as amended, strike out "no such company shall", and insert in lieu thereof the following: "such insurer shall not".

Amendment No. 4.

On page 2, line 52, of the printed bill, as amended, strike out "No company shall be deemed", and insert in lieu thereof the following: "A mortgage insurer shall not be deemed".

Amendment No. 5.

On page 3, line 1, of the printed bill, as amended, strike out "the Insurance", and insert in lieu thereof the following: "this".

Amendment No. 6.

On page 3, lines 37 and 38, of the printed bill, as amended, strike out "agent, insurance broker, or insurance solicitor", and insert in lieu thereof the following: "agent or insurance broker".

Amendment No. 7.

On page 3, line 41, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 8.

On page 3, line 44, of the printed bill, as amended, strike out "Insurance".

Amendment No. 9.

On page 3, line 49, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 10.

On page 4, line 1, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 11.

On page 4, line 2, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 12.

On page 4, line 6, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 13.

On page 4, line 11, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 14.

On page 4, line 12, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 15.

On page 4, line 17, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 16.

On page 4, line 23, of the printed bill, as amended, strike out "Insurance".

Amendment No. 17.

On page 5, line 13, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 18.

On page 5, line 24, of the printed bill, as amended, strike out "Insurance".

Amendment No. 19.

On page 5, line 25, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 20.

On page 5, lines 49 and 50, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 21.

On page 5, line 52, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 488—An act to add a new section to the Insurance Code of the State of California to be numbered 12629, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts; providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received.

Amendments from the Floor.

During third reading of Assembly Bill No. 488, the following amendments, offered by Senator Defanti, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after "relating to" insert the following: "mortgage insurers, including but not being limited to".

Amendment No. 2.

On page 1, line 4 of the title of the printed bill, as amended, strike out "insurance companies", and insert in lieu thereof the following: "insurers".

Amendment No. 3.

On page 1, line 5 of the title of the printed bill, as amended, strike out "companies", and insert in lieu thereof the following: "insurers".

Amendment No. 4.

On page 1, line 11 of the title of the printed bill, as amended, strike out "companies or trusts; providing", and insert in lieu thereof the following: "insurers or trusts; to provision".

Amendment No. 5.

On page 1, line 15 of the title of the printed bill, as amended, strike out "insurance companies", and insert in lieu thereof the following: "insurers".

Amendment No. 6.

On page 1, line 3, of the printed bill, as amended, strike out "Application of Section."

Amendment No. 7.

On page 1, line 4, of the printed bill, as amended, strike out "Insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 8.

On page 1, line 6, of the printed bill, as amended, strike out "Insurance".

Amendment No. 9.

On page 2, lines 1 and 2, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 10.

On page 2, line 4, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 11.

On page 2, line 10, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 12.

On page 2, line 14, of the printed bill, as amended, strike out "Insurance".

Amendment No. 13.

On page 2, line 15, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 14.

On page 2, line 18, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 15.

On page 2, line 32, of the printed bill, as amended, strike out "Definition of Plan."

Amendment No. 16.

On page 2, line 34, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 17.

On page 2, line 36, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 18.

On page 2, line 39, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 19.

On page 2, line 40, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 20.

On page 2, line 44, of the printed bill, as amended, strike out "thereof to"; also strike out line 45, and in line 46, strike out "pany", and insert in lieu thereof the following: "of all or any part of the business, properties, or assets of such insurer to the commissioner and the return thereof to such insurer".

Amendment No. 21.

On page 2, line 47, of the printed bill, as amended, strike out "thereof", and insert in lieu thereof the following: "of all or any part of the business, properties, or assets of such insurer".

Amendment No. 22.

On page 2, line 49, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 23.

On page 2, line 52, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 24.

On page 3, line 3, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 25.

On page 3, line 5, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 26.

On page 3, line 7, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 26-a.

On page 3, line 8, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 27.

On page 3, line 9, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 28.

On page 3, lines 11 and 12, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 29.

On page 3, line 13, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 30.

On page 3, line 14, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 31.

On page 3 of the printed bill, as amended, strike out line 15, and in line 16, strike out "ance", and insert in lieu thereof the following: "(c) A plan (1) may be proposed by the".

Amendment No. 32.

On page 3, line 17, of the printed bill, as amended, strike out "Insurance".

Amendment No. 33.

On page 3, line 18, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 34.

On page 3, line 19, of the printed bill, as amended, strike out "Insurance".

Amendment No. 35.

On page 3, line 20, of the printed bill, as amended, strike out "such", and insert in lieu thereof the following: "the".

Amendment No. 36.

On page 3, line 26, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 37.

On page 3, line 30, of the printed bill, as amended, strike out "Insurance".

Amendment No. 38.

On page 3, lines 35 and 36, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 39.

On page 3, lines 37 and 38, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 40.

On page 3, line 41, of the printed bill, as amended, strike out "Insurance".

Amendment No. 41.

On page 3, line 42, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 42.

On page 4, line 3, of the printed bill, as amended, strike out "Hearing".

Amendment No. 43.

On page 4, line 22, of the printed bill, as amended, strike out "a company", and insert in lieu thereof the following: "an insurer".

Amendment No. 44.

On page 4, lines 30 and 31, of the printed bill, as amended, strike out "Insurance".

Amendment No. 45.

On page 4, line 34, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 46.

On page 4, line 36, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 47.

On page 4, line 42, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 48.

On page 4, line 43, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 49.

On page 5 of the printed bill, as amended, strike out line 2 and in line 3 strike out "pany", and insert in lieu thereof the following: "holders of any insurer if the value of the assets of such insurer".

Amendment No. 50.

On page 5, line 6, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 51.

On page 5, line 7, of the printed bill, as amended, strike out "Insurance".

Amendment No. 52.

On page 5, line 22, of the printed bill, as amended, strike out "Insurance".

Amendment No. 53.

On page 5, line 23, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 54.

On page 5, line 29, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 55.

On page 5, line 39, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 56.

On page 5, line 45, of the printed bill, as amended, strike out "Effect of Approval and Consents."

Amendment No. 57.

On page 5, line 46, of the printed bill, as amended, strike out "Insurance".

Amendment No. 58.

On page 5, line 51, of the printed bill, as amended, strike out "Insurance".

Amendment No. 59.

On page 6, line 1, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 60.

On page 6, line 2, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 61.

On page 6, line 3, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 62.

On page 6, lines 11 and 12, of the printed bill, as amended, strike out "Insurance Commissioner, the company", and insert in lieu thereof the following: "commissioner, the insurer".

Amendment No. 63.

On page 6, line 22, of the printed bill, as amended, strike out "Insurance".

Amendment No. 63-a.

On page 6, line 25, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 64.

On page 6, line 28, of the printed bill, as amended, strike out "Insurance".

Amendment No. 65.

On page 6, line 41, of the printed bill, as amended, strike out "Appeals."

Amendment No. 66.

On page 7, line 4, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 67.

On page 7, line 6, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 68.

On page 7, line 8, of the printed bill, as amended, strike out "company", and insert in lieu thereof the following: "insurer".

Amendment No. 69.

On page 7, line 13, of the printed bill, as amended, strike out "Securities Issued Under Plan."

Amendment No. 70.

On page 7, lines 21 and 22, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 71.

On page 7, line 29, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 72.

On page 7, line 33, of the printed bill, as amended, strike out "Authority of Fiduciaries."

Amendment No. 73.

On page 7, line 35, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 74.

On page 7, line 38, of the printed bill, as amended, strike out "insurance company", and insert in lieu thereof the following: "insurer".

Amendment No. 75.

On page 7, line 49, of the printed bill, as amended, strike out "Emergency Period."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 489—An act to add a new section to the Civil Code of the State of California, to be numbered section 453.15, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and

assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts, providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received.

Amendments from the Floor.

During third reading of Assembly Bill No. 489, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 2, line 47, of the printed bill, as amended, strike out "thereof" and insert in lieu thereof the following: "of the business, properties or assets of such company or any part thereof".

Amendment No. 2.

On page 2, line 49, of the printed bill, as amended, strike out "thereof" and insert in lieu thereof the following: "of the business, properties or assets of such company or any part thereof".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 918—An act to amend sections 798 and 830 of the Agricultural Code, relating to dates.

Amendment from the Floor.

During third reading of Assembly Bill No. 918, the following amendment, offered by Senator Difani, was read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "dates", and insert in lieu thereof the following: "fruits, nuts and vegetables".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 878—An act to amend section 1005 of the Code of Civil Procedure, relating to notice of motion.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 878 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jepsen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pienovich, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 878 ordered transmitted to the Assembly.

Assembly Bill No. 1036—An act to amend section 1418 of the Penal Code, relating to the pardoning or commutation of sentence of convicts twice convicted of felony.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1036 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pietovich, Powers, Reindollar, Rich, Schottky, Seollan, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1036 ordered transmitted to the Assembly.

Assembly Bill No. 923—An act to amend section 1283 of the Agricultural Code, relating to deciduous fruit dealers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 923 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Powers, Reindollar, Rich, Schottky, Seollan, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 923 ordered transmitted to the Assembly.

Communication.

The following communication was received, read, and ordered printed in the Journal:

SAN RAFAEL, April 27, 1935.

Hon. George J. Hatfield,
Lieutenant Governor of California,
State Capitol, Sacramento, California.

DEAR MR. HATFIELD: Will you please extend to all members of the Senate a cordial invitation to attend singly or in a body the observance of the second annual striped bass carnival sponsored by the Marin Rod and Gun Club.

As you know, this event will be held at McNear's Beach near San Rafael, Marin County, on Sunday, May 5th, and we can assure all who attend a day of entertainment and festivity.

Since Governor Merriam has signed the striped bass bill, more enthusiasm in honor of this fine game fish is shown throughout sports circles and we expect to entertain many thousands more people than last year.

We are very sorry that you can not be with us on that day, as we should like to have had you as a guest of honor.

Please assure all members of the Senate of our desire to have them present as honored guests.

Sincerely yours,

EXECUTIVE COMMITTEE, STRIPED BASS CARNIVAL,
By RUSSELL GETTEMY, Chairman.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 207—An act to amend sections 4239, 4239d, 4239h and 4239i, and to repeal sections 4239a, 4239b, 4239c, 4239e, 4239f, 4239g, 4239j, 4239k, 4239m, 4239n, 4239o, 4239p, 4239q, 4239t, 4239u, 4239v and 4239w of the Political Code, relating to the compensation of county and township officers in counties of the tenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 207 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, DeWitt, Fletcher, Garrison, Gordon, Hays, Jorgensen, Keough, King, Knowland, McGowan, McGowan, McGowan, Mixer, Olson, Perry, Pierovich, Reinholdier, Rich, Schatzke, Seeman, Senowald, Senator Snyder, Stow, Swing, Tickle, Wagy, Williams and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 207 ordered transmitted to the Assembly.

Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, county and other local governmental agency or political subdivision, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and or acquisition of public utilities and extensions and additions to public utilities for the production, purchase, sale and distribution of products, commodities, energy and/or services of such public utilities, providing for the payment of such bonds and the interest thereon.

Amendment from the Floor.

During third reading of Senate Bill No. 78, the following amendment, offered by Senator Garrison, was read and adopted:

Amendment No. 1.

On page 10, line 29, of the printed bill, strike out the period, and insert a semicolon, and add the following words: "provided further, that before the adoption of any ordinance or resolution by any public utilities commission or by the legislative body of any city, county or other local governmental agency acting hereunder directly and not through a separate public utilities commission, for the construction, acquisition, extension or improvement of any public utility or the issuance of any bonds under this act, such commission or such legislative body (hereinafter referred to as the "commission") shall first adopt a resolution so to act and shall thereupon appoint its manager of public utilities or, in the absence thereof, its engineer, or, in the absence of both of them, an engineer to be selected by said commission or legislative body, as the case may be, to prepare or cause to be prepared and filed with said commission or legislative body plans and estimates of the cost of the construction, acquisition, extension or improvement of such utility together with an estimate of the annual revenue which will accrue from such utility is constructed, acquired, extended or improved, separately setting forth the estimated revenues from any such extension or improvement, together with an estimate of the annual charges and expenses of every kind and nature incident to the operation and maintenance of said utility, extension or improvement; when such plans and estimates are received by said commission or legislative body, as the case may be, they shall be examined and, if, in the opinion of said commission or legislative body, as the case may be, (expressed by a majority vote of all the members thereof), the proposed construction, acquisition, extension or improvement of any public utility or utilities shall be advisable, and of public interest or necessity, and if it shall also appear to said commission or legislative body, as the case may be, from such plans and estimates and any report accompanying same that the revenues to be received from said utility to be constructed, acquired, extended or improved will be sufficient to pay as the same become due (1) all operating expenses of said utility, or of any extension or improvement of any utility, (2) all amounts necessary for repairs and maintenance, (3) all amounts necessary to provide for depreciation on the utility proposed to be constructed, acquired, extended or improved and/or of such extension or improvement thereof, (4) the payment of interest and principal on any bonds theretofore issued for the construction, acquisition, extension or improvement of said utility, as the same become due and (5) the payment of the principal and interest on revenue bonds or other obligations to be issued as herein provided for the construction, acquisition, extension or improvement of said utility, as the same shall become due, then a resolution shall be adopted by said commission or legislative body, as the case may be, affirming its conclusions in respect thereof; but before the adoption of any such resolution said commission or legislative body, as the case may be, shall upon the receipt of such plans and estimates as hereinbefore mentioned set a date for a public hearing on the proposed construction, acquisition, extension or improvement of said utility which shall be not less than four weeks from the date of setting the same and shall give notice of the time and place of

such hearing by at least one publication in a newspaper of general circulation published within such city, county or other local governmental agency, or, if there is none, then by posting such notice at the office of said commission or legislative body for at least two weeks prior to the date of such hearing; at the time and place set for such hearing any person may appear and oppose the action contemplated by said commission or legislative body and further hearings may be had thereon in the discretion of said commission or legislative body; after a full public hearing said commission or legislative body, as the case may be, shall by ordinance or resolution determine whether or not it shall proceed with such construction, acquisition, extension or improvement of such utility or utilities and the issuance of revenue bonds or other obligations.

Any ordinance or resolution for the construction, acquisition, extension or improvement of any public utility or utilities, whether adopted by a public utilities commission or legislative body, shall be subject to the provisions of the Constitution and laws of this State pertaining to referendum, and no such ordinance or resolution shall be effective until thirty days after the adoption thereof.

Proceedings for the construction, acquisition, extension or improvement of any utility or utilities may be initiated and prosecuted to conclusion under and pursuant to the provisions of section 1 of Article IV of the Constitution and an act of the Legislature of this State approved January 2, 1912, entitled "An act to provide for direct legislation by cities and towns, including initiative and referendum", and acts amendatory thereof."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Notice of Motion to Reconsider.

Senator Difani gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 5 was passed.

Motion to Recall.

On motion of Senator Difani, Senate Bill No. 5 was ordered recalled from the Assembly.

Senate Bill No. 156—An act to amend section 4041f of the Political Code of the State of California, relating to leasing and subleasing of veterans' buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 156 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Keough, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 156 ordered transmitted to the Assembly.

Senate Bill No. 378—An act to amend section 274 of the Penal Code, relating to the crime of abortion.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

AYES—Senators Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, Knowland, McColl, McGuinness, Mixter, Olson, Pierovich, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Wagy, Williams, and Young—25.

NOES—Senators Biggar, Difani, Keough, Metzger, Parkman, Powers, Seawell, Stow, and Tickle—9.

Title read and approved.

Senate Bill No. 378 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 8.—A resolution to propose to the people of the State of California an amendment to section 1 of Article IV of the Constitution of said State, relating to amendments to initiative acts and initiative constitutional amendments.

Amendment from the Floor.

During reading of Senate Constitutional Amendment No. 8, the following amendment, offered by Senator Schottky, was read and adopted:

Amendment No. 1.

On page 3 of the printed bill strike out all of lines 25, 26, 27, 28, and so and including the word "constitution" in line 29, and insert in lieu thereof the following: "but any amendment or amendments to any such act or law may be proposed in the Senate or Assembly and if a majority of all of the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals and it shall be the duty of each Legislature to submit such proposed amendment or amendments in such manner and at such time as may be deemed expedient."

Senate Constitutional Amendment No. 8 read, ordered to reprint, re-engrossment, and on file.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Crittenden to introduce a bill entitled "An act to amend sections 2 and 3 of an act entitled 'An act for the preservation of the public health of the people of the State of California and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof,' approved March 23, 1907, amended April 1, 1911, June 13, 1913, and May 24, 1917, so as to prevent the construction and use of sewer wells extending into subterranean water-bearing strata used or intended to be used, or suitable for, a source of water supply for domestic purposes," has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5

RICH, Chairman.
DIFANI
KNOWLTON
SLATER
TICKLE

The question being on the adoption of the report:

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biegar, Crittenden, Daniel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulce, Keough, Kang, Knowland, McCall, McCornack, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Perovich, Powers, Reed, Star, Rich, Schottky, Seawell, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—34.
NOES—None.

Introduction, First Reading and Reference of Senate Bill No. 1097.

By Senator Crittenden: Senate Bill No. 1097.—An act to amend sections 2 and 3 of an act entitled "An act for the preservation of the public health of the people of the State of California and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, amended April 1, 1911, June 13, 1913, and May 24, 1917, so as to prevent the construction and use of sewer wells extending into subterranean water-bearing strata used or intended to be used, or suitable for, a source of water supply for domestic purposes.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Partial Report of the Special Committee on Investigation of the Ownership and Control of Stockyards in California.

The following report of Special Committee was received and read:

To the Honorable President and Members of the Senate of the State of California.

Your committee appointed on January 16, 1935, for the investigation of stockyards and the marketing of agricultural and horticultural products reports and recommends as follows:

STOCKYARDS.

Your committee has held hearings at Sacramento, San Francisco and Los Angeles in connection with the investigation of the stockyards in California and has developed the following facts:

The stockyards at South San Francisco and Stockton are entirely owned or controlled by Swift & Co., a National packer. The stockyards at Los Angeles are owned entirely by a corporation which is in turn owned, according to the statement of its manager, by the Santa Fe Railroad interests, with headquarters in Chicago. There is some difference in the details of operation between these two stockyards, but in principle, all of the stockyards in California are alike as to the methods and systems in use, all of which operate to the disadvantage of the grower and the consumer.

From the time that cattle are placed on the cars for shipment to these stockyards and until they become the property of the packer, charges against the producer are accumulated, including arbitrary charges for services and use of the stockyards. Beginning with freight, there follow unloading charges, insurance, feeding and feed, commissions and various other items as set forth in the tariffs published by these stockyards. None of these charges are paid by the packer but are deducted from the remittance made to the producer. In spite of the fact that these charges are absorbed by the grower, the spread between the price paid the producer and the average price paid by the consumer is approximately 145 per cent. Your committee believes that this is entirely too large a price to pay for the processing and marketing of a staple food item.

Directing your attention primarily to the stockyards at South San Francisco, your committee finds that Swift & Co. not only owns and operates the stockyards but is the largest purchaser through these yards, thereby presenting an opportunity for unfair influence in the fixing of prices to the detriment of the producer. Although witnesses were of the opinion that the stockyards were necessary to the industry, they prefer to sell direct on the ranch under existing conditions of stockyard control. Producers are required to pay to commission agents operating at the stockyards and employed in making sales, fixed commissions, regardless of the price received by the producer.

The detailed method of purchase and sale used in all yards is not calculated to promote fair competitive bidding by the various packing houses for the live stock in the yards. Only one buyer at a time is permitted within the enclosures or holding pens and the producer must either accept or reject the offer made. If the offer is rejected, then the second buyer comes in and makes his offer, presumably but not necessarily without any knowledge of the offer made by the first buyer. If a sale is not consummated that day, the producer is again forced to pay for feed, reducing his net price still further. With this weapon hanging over his head, the producer is absolutely at the mercy of the packer and will remain so as long as the present system is continued. It must be borne in mind that these stockyards have been profitable to their owners at all times.

Upon a sale being made, the unused feed passes to the packer with the cattle and the amount saved by the packers on feed for their own cattle, amounts to a large sum annually. All of this feed is sold at a profit by the stockyards and paid for by the producers.

The evidence indicated that more sales are made to independent packers at Los Angeles than at South San Francisco and there is no doubt that this is occasioned by the fact that there is more confidence in the management at Los Angeles because the ownership is not vested in a large packer.

It is obvious that all of these charges are reflected in the price received for the cattle by the producer as well as the price paid for meat by the consumer.

In view of the fact that stockyards are a marketing facility which is in the nature of a public utility, your committee believes that for the protection of the consumer and the producer and for the public welfare, legislation should be enacted which shall provide for taking over the management, operation and control of all public stockyards by the State of California and that such public stockyards be operated

by the State as a public service for the benefit of the producers and the meat consuming public, and your committee so recommends.

MEITZGER, Chairman.
CRITTENDEN,
OLSON,
POWERS,
PIEROVICH.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 655—An act to amend section 15b of the California Irrigation District Act, relating to the duties and powers of boards of directors and providing for the use of water for any beneficial purposes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

MINTEN, Chairman.

Also

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 870—An act to amend sections 1 and 41 of the California Water District Act, approved June 13, 1913, relating to water districts, the purposes and administration thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—7.

MINTEN, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 9—An act to amend section 354 of the Streets and Highways Code, relating to State highways and establishing a secondary State highway from Westport to Ferndale—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 945—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways to the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 29, 1927, relating to HIGHWAYS—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—11; noes—5; absent—1.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 237—An act to amend section 7 of an act entitled, "An act to provide for the acquisition of rights of way for and the construction, maintenance and

improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways." approved May 26, 1927, as amended, relating to State highways—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 451—An act to add section 619 to the Streets and Highways Code, establishing additional secondary State highways—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, April 30, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 437—An act to repeal section 618 of the Fish and Game Code, relating to trout—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—16; committee vote: Ayes—14; absent—2.

MCCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 1285—An act to amend section 788 of the Fish and Game Code, relating to the crab season in California:

Also: Assembly Bill No. 1287—An act to amend section 790 of the Fish and Game Code, relating to the preservation of crabs and crab meat; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—16; committee vote: Ayes—14; absent—2.

MCCOLL, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 621—An act to amend sections 2240 and 2255 of the Political Code, relating to the clothing, transportation, dental work, eye care, operations and hospitalization of pupils enrolled in the California School for the Deaf and the California School for the Blind—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 604—An act to add sections 476, 477, 478 and 479 to the Political Code, relating to the powers and duties of the Attorney General, and to make an annual appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 634—An act to add section 24 to the District Investigation Act of 1933, relating to emergencies—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 27—An act to add section 3897.5 to the Political Code,

relating to lands sold or deeded to the State for taxes and placing under the control of the Department of Natural Resources.

Also: Senate Bill No. 262—An act to amend section 40 of an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns," to provide for the securing and removal of persons and from thereon, to provide for the administration of this act by the Director of Public Works, to create a special fund to assist in the administration of this act, to provide for the disposition of fees and penalties collected hereunder, to provide for the enforcement of this act, to require the permission of the owner or tenant of property upon which such advertising structure or sign is located, to provide for penalties, and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to disposition of fees;

Also: Senate Bill No. 572—An act to add sections 4060 to 4060.54, inclusive, to the Political Code, and to amend section 4714 of said code, relating to the fiscal affairs of counties, cities and counties, and districts, including budgeting, accounting, reporting, and auditing;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 1277—An act to add a new section to the Political Code to be numbered 3454a, relating to drainage districts and requiring his connection therewith the board of trustees must be made justice defendants.

Also: Assembly Bill No. 1370—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or condemnation thereby of lands for the drainage of the lands embraced within such districts," approved March 20, 1930, as amended, by amending the title and sections 37 and 40 thereof, and adding a new section to be designated section 97, to authorize the borrowing or procuring of money by drainage districts from the United States or any agency thereof, and designating the agency thereof.

Also: Assembly Bill No. 1531—An act to amend section 3491 of the Political Code, relating to reclamation districts.

Also: Assembly Bill No. 1664—An act to amend section 2 of an act entitled "An act to create a reclamation district to be called 'Reclamation District No. 1664,' and providing for the control and management thereof," approved June 1, 1915, relating to the management and control of said district.

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

MCCORMACK, Chairman.

Adjournment.

On motion of Senator Rich, at three o'clock and fifty-five minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, May 2, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Thursday, May 2, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGinn-

ness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Stow, Swing, Wagy, and Williams—32.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, May 1, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Sharkey was, on motion of Senator Swing, granted leave of absence for this day.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Hon. George J. Hatfield, President of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Albert Sherman of Los Angeles.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. C. A. Johnson, Percy King, C. E. Brown, and Chas. E. Weniger of Napa.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to P. G. Jacobs, principal; H. E. Alley, vice principal, and the following seventh and eighth grade pupils of Rio Vista Grammar School: Eleanor Nunes, Clarence Masteniano, Dorothy Kalko, Lucille Brown, Bill McCormack, Clara Belle Williams, Jean Veach, Rose Toy, Mary D., Albert Hebert, Bernice Pezzaglia, Mary Bell Wood, Wallace Hamilton, Esq., Bobby Bruce, Janet Markhan, Wayne Hamilton, Lorraine Azevedo, Patsy McCormick, Cordinia Duhay, Dexter May Hood, Peggy Mollison, Margaret Tamblyn, Gladys Meon, Harvey Cottrell, Ermanold Donnelly, Gladys Valive, Beatrice Valive, Tom Allen, William Herlihy, Harumi Abi, Ellwood Johnson, Jessie Foy, Kenneth Stewart, Laura Jeffery, Raymond Donnelly, Laverne Emigh, Jean Clennell, Edna Holland, Cecelia De Vere, George L. Siqueido, Delaney Milstead, Charles Jose, Keith Jacobs, Patricia Cleary, George Elliott, Ernestine Azevedo, Louis Silva, Pauline Milstead, Peter Vanderhave, Emile Bettencourt, Genevieve Dalton, and Ernest Garden.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Victoria Schuck, and Ada Martin of Stanford University.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. L. G. Johnson, principal; Miss Comstock, teacher, and the following pupils of Arbuckle Grammar School, Arbuckle, California: David Wilbur, Richard Santure, Marvin Petterath, Harry Strickland, William McDonald, Shirley Griffin, Barbara Wallace, Caroline Struckmeyer, Janice Putnam, Yvette Bailey, Harold Moore, Clarence Tracey, Waneta Carey, Marguerite Thorsell, Elsie Tracey, Betty Schliech, Eleanor Walter, Bill Wallace, Stafford Dawley, Blanche Sweet, Erwin Wesner, Richard Cox, Vernon Putnam, William Arcand, Georgia Peterson, Doris Stanley, Martha Boggess,

Willard Bass, Christabelle Clasley, Helen Pulos, Lorraine Locke, Jane Boggess, Marie Myers, and George Day.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. D. E. Crookette, Master of the Merced Grange, and Mr. D. D. Shepherd of Merced.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following seventh and eighth grade pupils from Lincoln, California: Marvis Allen, Antonia Arredondo, Jay Arredondo, Cecil Ballew, Ruth Barry, Kenneth Bayless, Frances Bettencourt, Jeanette Besana, Elizabeth Beckford, Audrey Bird, Bernice Breazeale, Marie Bunn, Jack Carmen, Lausena Crook, Mike Dougherty, Dolores Frausto, Concha Gallardo, Willie Gamboa, Stanley Gilbert, Mary Lue Hughes, Naomi Hughes, Melvin Hunter, Ralph Kafka, John Korff, Beverly Lavendahl, Harry Lee, Mary Marcus, Juliette Mattioda, Robert Mayes, Alvin Mendicino, Mary Mendoza, Richard Moralli, Grace Marian Moore, William Morton, Dorene Neville, Lauren Neville, Annie Olari, Oula Olivas, Cruz Pasillas, Richard Price, James Ragsdale, Deolinda Riberio, Tom Robles, Lydia Santana, Frank Sertiva, Kathryn Shane, Tomako Shintaku, Evelyn Short, Margaret Stokes, Lois Thacker, Nadene Vogt, Gladys Welch, Jessis Fay Windles, Mary Louise Wiswell, Marie Lucile Wiswell, Verna Wyatt, Adaline Blackie, Alma Wacholz, Gertrude Cornell, Karl O. Bayless, Bobby Allen, Elmer Babini, Noble Ballew, Nadine Beske, William Berba, Edythe Bunschuld, Enid Bundseluh, Hortense Caddel, Viola Carnesecca, Ruth Cass, Betty DeWitt, Henrietta Farinha, Eugene Flowers, Marian Fiorelli, Raymond Gamboa, Johnny Gouvea, Masaaki Hada, Clarence Howard, Robert Howcroft, Rita Jiminez, Lucile Johnson, Linda Martinez, Lucile McCrary, Margery Noyes, Mary Oki, Bob Petty, Americo Posa, Evelyn Ridinger, Lydia Serna, Jimmie Sorenson, Christina Serna, Edna Timell, Viola Whaley, Hanako Uemura, Viola Aguiar, Delmatine Boomer, Angelina Choistri, Antonette Foreva, Fred Forster, Elmaria French, Betty Grey, Eddie Gutierrez, Stella Hermasillo, John Howcroft, Gregory Katselos, Martha Leavell, Rosalie Laetta, Raymond Martinez, Elsie Reed, Mary Robles, Sacai Shintaku, Helen Tupper, and Raul Venegas.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Jack Bianc of Sonora.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Arthur Ferguson, Mayor of Sacramento, and Mr. W. B. McClard, district superintendent; A. R. Ackerman, teacher, and the following seventh and eighth grade pupils of the Isleton Oriental School: Nobuko Tamura, Tsujaye Sawada, Satsuki Matsunaga, Oy Young Lee, Haruyuko Kuranaga, Nagao Tomita, Misako Oshima, Rosie Chow, May Lee, Shinichi Lida, Lillie Chow, Minoru Yoshida, Rose Owyang, Hisao Himoto, Tim Lee, Taro Hashimoto, William Owyang, Katsuyoshi Tomita, Tsugio Fujimoto, Tame Ogawa, Hatsuye Matsuura, Tommy Yim Sing, George Narita, Katsunori Tomita, Nancy Lee, Sakaye Kawanishi, Masako Miyamoto, Fong Owyang, Natsuye Himoto, Ida Owyang and Masachi Yokoo.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. C. W. Leininger, member of Assembly, representing Del Norte, Siskiyou and Trinity counties, in 1903.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Paul Clary and Fred W. Georgeson of Eureka.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marvin Nevis, Mrs. A. M. Cabler, Mrs. William Raymond, Mr. T. N. Young, Mr. J. Griffith, and Mr. R. W. Broecker, all of Sacramento, and Mr. C. R. Briggs of Los Angeles.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Jean Williams and Miss Helen Records, of Sacramento.

Messages from the Governor.

The following messages from the Governor were received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 1, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am returning herewith Senate Bill No. 201, without my approval. The bill is objected to for the following reasons:

Senate Bill No. 201 does not contain any exceptions as to the bonds validated, and therefore, as to bonds heretofore authorized but not yet sold, these bonds could be sold for less than par.

In addition, section 2 of the bill specifically provides that the proceeds from the sale of such bonds may be used for any of the general purposes for which the district is organized, regardless of whether such use was authorized at the time of the calling and holding of the election at which the bonds were approved.

Section 15 of the County Water District Act (Deering Act 9124) provides that the resolution of the board of directors declaring the intention to issue bonds must specifically state the purpose for which the proposed bonds are to be issued. A hearing is then held, at which protests can be received as to the issuance of bonds for such purposes. Section 2 of this bill would purport to authorize the proceeds of the bonds for any other purpose which comes within the general purview of the powers of the district. It is believed that this section is unconstitutional under the provisions of section 13 of Article I, and the cases of *City of Sacramento vs. Adams*, 171 Cal. 458; *People vs. Van Nuys Lighting District*, 173 Cal. 792, and others of a similar nature, for the reason that no hearing has been granted the residents of the district as to the benefits to be obtained by them from the expenditure of the proceeds of the sale of the bonds.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Message from the Governor announcing his objections to Senate Bill No. 201, ordered placed on file as unfinished business.

Also:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 1, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am returning herewith Senate Bill No. 282, without my approval, an act having for its object the increase of the salary of the sealer of weights and measures in counties of the twenty-fourth class.

Section 5 of Article XI of the Constitution provides that the Legislature shall regulate the compensation of boards of supervisors, district attorneys and of auditors. The board of supervisors regulates the compensation of all others in the county other than those above mentioned.

The sealer of weights and measures is an "officer in the county", whose salary is to be fixed by the supervisors.

Hence this bill would seem to be ineffective for the reason it is clearly in violation of the provisions of the Constitution above mentioned. Under that provision the only county officers whose salaries may be fixed by legislation are supervisors, auditors and district attorneys.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Sustaining Governor's Veto.

Message from the Governor, announcing his objections to Senate Bill No. 282, read.

The question being: Shall Senate Bill No. 282 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Biggar, Duval, Edwards, George, Gordon, Hays, Jorgensen, Keough, King, Knowland, McColl, M. Carmack, M. G. Jones, Metzger, Perry, Powers, Reindollar, Rich, Schottky, Slater, Stow, Swain, and Wagoner—23.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 68—An act to add section 15a to an act entitled "An act to provide for the recall of elective officers of incorporated cities and towns, and to repeal Chapter 22, Statutes of 1911, extra session, entitled an act to provide for the recall of elective officers of incorporated cities and towns, approved January 2, 1912," approved May 8, 1934, relating to recall of elective officers of incorporated cities.

Also: Assembly Bill No. 287—An act to amend section 104110 of the Political Code, relating to county care of indigents.

Also: Assembly Bill No. 429—An act to provide that school authorities of certain public and private schools shall be exempted to receive free medical aid for injured children and students, and providing a penalty for violating thereof.

Also: Assembly Bill No. 456—An act to amend sections 836, 844 and 1561 of the Probate Code, relating to the borrowing of money by executors, administrators and guardians and the execution by them of mortgages, notes of trust and pledges to secure the same and the limitation upon recovery on delinquent judgments in such cases.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 68 read first time, and referred to Committee on Elections.

Assembly Bill No. 287 read first time, and referred to Committee on County Government.

Assembly Bill No. 429 read first time, and referred to Committee on Education.

Assembly Bill No. 456 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 512—An act to amend section 274 of the Agricultural Code, relating to bee diseases.

Also: Assembly Bill No. 525—An act to add sections 285, 285.1, 285.2, 285.3, and 285.4 to the Agricultural Code, relating to brands to be used in apary equipment.

Also: Assembly Bill No. 1135—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the production and marketing of manufactured dairy products.

Also: Assembly Bill No. 1242—An act to add Chapter 2a to Division V of the Agricultural Code, to consist of sections 840, 841, 841.1, 842, 842.1, 842.2, 842.3, 842.4, 842.5, 843, 843.1, 843.2, 843.3, 844, 845, 845.1, and 845.2, inclusive, relating to the standardization of, and standards for, honey.

Also: Assembly Bill No. 2030—An act to amend sections 1625.5 and 1626 of the Streets and Highways Code, relating to expenditures by boards of supervisors of moneys received by the counties from the motor vehicle fuel fund or from moneys received by the county for vehicle registration license fees and authorizing contributions to ad valorem special assessment proceedings, or the purchase, cancellation and retirement of bonds issued in any ad valorem acquisition or improvement district.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 512, 525, 1135 and 1242 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 2030 read first time, and referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 56—Relating to memorializing the President and the Congress to enact legislation proposed by H. R. 6984, providing benefits to persons who served in the Quartermaster's Corps or under the Quartermaster-General during certain wars.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 56 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1009—An act to amend section 9 of "An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act," approved June 5, 1933, relating to annual fee for permits;

Also: Assembly Bill No. 865—An act to amend section 797 of the Fish and Game Code, relating to abalone;

Also: Assembly Bill No. 2045—An act to amend section 14a of the California Irrigation District Act;

Also: Assembly Bill No. 427—An act authorizing the legislative body of a municipality to vacate, abandon and close any public street, highway, road, boulevard, avenue, alley, way, lane, court or place, or any part thereof, either to the whole extent of the public right therein or to any partial extent, and prescribing a procedure therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1009 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 865 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2045 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 427 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1264—An act to add a new section to the Political Code of the State of California, to be numbered 3719, authorizing the temporary borrowing of money by counties, cities and school districts upon the credit of revenue in course of collection, and the issuing of tax anticipation notes or warrants as evidence of such indebtedness;

Also: Assembly Bill No. 1236—An act to amend an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, by amending the title and sections 1, 2 and 3 thereof, relating to bonds to be purchased and the use of the funds;

Also: Assembly Bill No. 312—An act to amend section 2 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, relating to the duties of the State Fire Marshal;

Also: Assembly Bill No. 1482—An act to amend section 5750 of the School Code, relating to absence from service of certificated employees on account of illness.

ARTHUR A. OLINIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk

Assembly Bill No. 1264 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1236 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 312 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1483 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 36—Relative to appointing certain amendment to the charter of the city of Albany, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at an election held therein, April 22, 1935.

ARTHUR A. OLINIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk

Assembly Concurrent Resolution No. 36 ordered on file as unfinished business.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, being an amendment of section 1 of Article II of said Constitution, relative to elections and eligibility of voters, disabilities and absent voters.

Also: Senate Bill No. 230—An act to add a new article to Chapter II of Part I of Division II of the School Code, to be known as Article X, relating to the inclusion of Indian reservations of the United States Government in elementary school districts.

Also: Senate Bill No. 239—An act providing for contracts for fire protection between county fire protection districts and municipalities and relating to liability in connection therewith.

Also: Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests.

Also: Senate Bill No. 779—An act to amend the Political Code by adding a new section thereto to be numbered 4156d, prohibiting district attorneys or any deputy or assistant district attorney from participating in civil actions under certain circumstances.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 634—An act to amend section 23 of the District Investigation Act of 1933, relating to exemptions, declaring the urgency hereof and providing that this act shall take effect immediately.

Also: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State

by amending section 1 of Article XVI thereof, relating to incurrence and retirement of bonded indebtedness by the State:

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 741—An act to amend sections 2955, 2956, 2957, 2960, 2962, 2963, 2965 and 2966; and to repeal sections 2959 and 2961 of the Civil Code; and to add to said code new sections numbered 2959a, 2974, 2975, 2976, 2977 and 2978, relating to mortgages of personal property, and including provisions for the continuity of the liens thereof, the securing of additional advances and obligations thereunder, mortgaging of natural increase of live stock and other animate chattels, and of after acquired and consumable property, and providing for the recording of fictitious mortgages and the inclusion of the provisions thereof in other mortgages by reference, and constructive notice of such mortgages by the recording thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 741 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, Metzger, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 741 ordered transmitted to the Assembly.

Senate Bill No. 742—An act to amend sections 2922, 2933, 2934, 2939, and 2941 of the Civil Code, relating to mortgages in general and eliminating requirements that mortgages of personal property and crops, and related instruments, including powers of attorney to execute the same, be acknowledged and executed with the formalities required in the case of a grant of real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 742 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 742 ordered transmitted to the Assembly.

Senate Bill No. 743—An act to amend section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animate chattels, mining equipment and machinery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 743 passed by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Diford, Duval, Edwards, Garrison, Hays, Jespersen, Keough, King, Knowland, McGill, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Phipps, Powers, Rendollar, Rich, Schottky, Seaman, Seawell, Slater, Snyder, Stow, Swag, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 743 ordered transmitted to the Assembly.

Senate Bill No. 748—An act to amend sections 4130 and 4140 of the Political Code, relating to county recorders, their duties and penalty for neglect thereof or for misconduct.

Bill read third time.

The question being on the passage of the bill,

The roll was called, and Senate Bill No. 748 passed by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Diford, Duval, Edwards, Garrison, Hays, Jespersen, Keough, King, Knowland, McGill, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Phipps, Powers, Rendollar, Rich, Schottky, Seaman, Seawell, Slater, Snyder, Stow, Swag, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 748 ordered transmitted to the Assembly.

Senate Bill No. 749—An act to amend section 408 of the Political Code, relating to the duties of the Secretary of State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 749 passed by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Diford, Duval, Edwards, Garrison, Hays, Jespersen, Keough, Knowland, McGill, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Phipps, Powers, Rendollar, Rich, Schottky, Seaman, Seawell, Slater, Snyder, Stow, Swag, Wagy, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 749 ordered transmitted to the Assembly.

Senate Bill No. 750—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 750 passed by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Diford, Duval, Edwards, Hays, Jespersen, Keough, Knowland, McGill, McCormack, McGovern, Metzger, Olson, Parkman, Powers, Rendollar, Seawell, Slater, Snyder, Stow, Swag, Wagy, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 750 ordered transmitted to the Assembly.

Senate Bill No. 751—An act to amend section 4300c of the Political Code, relating to the fees of county recorders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 751 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, and Wagy—30.

NOES—None.

Title read and approved.

Senate Bill No. 751 ordered transmitted to the Assembly.

Senate Bill No. 267—An act to amend section 722 and to add sections 722.5 and 975 to the Fish and Game Code, relating to commercial catfishing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 267 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Hays, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 267 ordered transmitted to the Assembly.

Senate Bill No. 626—An act to add a new section, to be numbered 715.5, to the Vehicle Code, relating to weights of vehicles on certain highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 626 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Garrison, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 626 ordered transmitted to the Assembly.

Senate Bill No. 230—An act to add a new article to Chapter II of Part I of Division II of the School Code, to be known as Article II, relating to the inclusion of Indian reservations of the United States Government in elementary school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 230 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter,

Olson, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 250 ordered transmitted to the Assembly.

Senate Bill No. 874—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule and burro marks and brands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 874 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Duval, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 874 ordered transmitted to the Assembly.

Senate Bill No. 779—An act to amend the Political Code by adding a new section thereto to be numbered 4156d, prohibiting district attorneys from participating in civil actions under certain circumstances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 779 passed by the following vote:

AYES—Senators Crittenden, Duval, Duval, Duval, Fletcher, Hays, Jespersen, Keough, Knowland, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—26.

NOES—Senators McCormack, McGovern, Reindollar, Seawell, and Stow—5.

Title read and approved.

Senate Bill No. 779 ordered transmitted to the Assembly.

Senate Bill No. 239—An act providing for contracts for fire protection between county fire protection districts and municipalities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 239 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Duval, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 239 ordered transmitted to the Assembly.

Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. If any provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to any other person or circumstance, shall not be affected.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

The economic conditions of fluid milk producers throughout the State are such as to require immediate relief if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream. The provisions herein contained are necessary in order to prevent the further demoralization of the fluid milk and fluid cream industries.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—29.

NOES—Senator Olson—1.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 498 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Hays, Jespersen, Keough, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—28.

NOES—Senator Knowland—1.

Title read and approved.

Senate Bill No. 498 ordered transmitted to the Assembly.

Notice of Motion to Reconsider.

Senator McColl gave notice that on the next legislative day he would moved to reconsider the vote by which Senate Bill No. 779 was passed.

Special Order.

Senator Snyder moved that Senate Bills Nos. 493, 491 and 492 be made a special order for Tuesday, May 2, 1935, at two o'clock and fifteen minutes p.m.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 12—Relative to memorializing the President and the Congress of the United States to enact H. R. 4688 which proposes to aid in the rehabilitation of employable blind persons in the United

States and urging the Committee on Labor of the House of Representatives to expedite consideration favorable to said bill.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 12 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 159—An act to amend sections 1174 and 1175 of the Code of Civil Procedure, relating to small claims courts.

Also: Senate Bill No. 174—An act to amend section 730 of the Fish and Game Code, relating to fish.

Also: Senate Bill No. 187—An act to validate the organization and existence of municipal improvement districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 159, 174 and 187 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 12—Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 12 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 101—An act to amend section 6 of my act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditures of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to expenditure of State highway funds within cities, declaring the urgency hereof, and to provide that this act take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 101 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 210—An act to amend sections 1150 and 1151 of the Insurance Code, relating to purchasing, holding and conveying of real estate by insurers.

Also: Senate Bill No. 215—An act to add section 1219.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations.

Also: Senate Bill No. 234—An act to amend section 23024 of the Civil Code, relating to mutual water companies.

Also: Senate Bill No. 235—An act to amend sections 2 and 3 of "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the Public Utilities Act and the Railroad Commission of the State of California," approved April 25, 1913.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 210, 215, 234 and 235 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 537—An act to add section 1354 to the Fish and Game Code, relating to the taking of frogs for educational and scientific purposes.

Also: Senate Bill No. 588—An act providing for the exemption from taxation of personal property brought within the State of California exclusively for purposes of use, display or exhibition at expositions, fairs, carnivals or public exhibits of literary, scientific, educational, religious or artistic works, and for claim of exemption;

Also: Senate Bill No. 652—An act to amend section 4.798 of the School Code, relating to apportionments of State funds for public school purposes.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 537, 588 and 652 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 653—An act to add a new section to the School Code to be numbered 2.1363, relating to the acceptance of gifts, donations, bequests and devises to schools and colleges administered by the Director of Education or the Department of Education;

Also: Senate Bill No. 654—An act to add a new article to Chapter I of Part III of Division IV of the School Code to be known as Article III, relating to school district elections for the expenditure of school district funds;

Also: Senate Bill No. 762—An act granting to the city of Pacific Grove the title to certain portions of the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto;

Also: Senate Bill No. 763—An act to remove the debris and snags from the Sacramento River between Chico Landing and the head of navigation near Red Bluff, to provide a survey for the work required, to provide for the furnishing of necessary funds therefor by the Federal Emergency Administration of Public Works, and to provide for the conduct of the necessary work by the State Emergency Relief Administration;

Also: Senate Bill No. 892—An act to amend section 1989 of the Code of Civil Procedure, relating to witnesses.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 653, 654, 762, 763, and 892 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 908—An act to amend sections 286, 1072, 10200 and 10271 of the Insurance Code, relating to insurance principles, practice and matters incidental thereto;

Also: Senate Bill No. 1079—An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts; and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 908 and 1079 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 47—An act to amend section 10 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to taxes of county fire protection districts;

Also: Senate Bill No. 51—An act to amend section 441 of the Political Code relating to rates of interest on registered warrants;

Also: Senate Bill No. 53—An act to amend section 6.90a of the School Code, relating to junior college buildings.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 47, 51, and 53 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 99—An act to amend sections 4361 and 4362 of the School Code, and relating to transportation money school funds.

Also: Senate Bill No. 106—An act to amend sections 798-6 and 801 of the Fish and Game Code, relating to shadblows.

Also: Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than fifteen gross tons capacity, operating in California waters, and carrying passengers for hire and creating a penalty for violation thereof," approved June 19, 1934, relating to boats equipped with propelling machinery.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 99, 106, and 153 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 284—An act to amend sections 1197 of the Political Code, relating to election ballots.

Also: Senate Bill No. 290—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, organization and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the mortgage expense of such moneys," approved April 20, 1927, as amended, by adding a new section therein to be numbered section 21 relating to the expeditious of the payment of harbor district bonds by the United States of America or any department, officer or agency thereof, and validating expenditures of such bond funds and made by the United States of America or any department, officer or agency thereof.

Also: Senate Bill No. 299—An act to amend sections 4, 9, 10 and 14 of the act entitled "An act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition and construction of said districts of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by such districts," approved May 1, 1911, relating to municipal water districts and the officers thereof and further defining the powers and duties of each thereof.

Also: Senate Bill No. 308—An act to add a new section to the School Code to be numbered 3232, relating to the establishment of junior high schools.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 284, 290, 299, and 308 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 245—An act to repeal sections 3283 and 3285 of the School Code, relating to the maintenance of high school courses in elementary schools.

Also: Senate Bill No. 255—An act to add a new section to be numbered 844 to the Civil Code, relating to actions for the declaration of rights of persons associated in the use of ditches, flumes, pipe lines or conduits for the conveyance of water.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 245 and 255 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 319—An act to amend sections 1026 and 1026a of the Penal Code, relating to procedure in the trial and release of the criminally insane.

Also: Senate Bill No. 354—An act to amend sections 1061, 1064, 1065, 1066, 1071 and 1073 of the Agricultural Code, relating to economic poisons.

Also: Senate Bill No. 376—An act to repeal Article II of Chapter II of Part II of Division III of the School Code and to add to Chapter II of Part II of Division III of the School Code a new article to be known as Article I, relating to

contracts between State teachers colleges and elementary school districts for the education of pupils of such districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 319, 354, and 376 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 419—An act to amend section 3658a of the Political Code, relating to assessments by reference to maps;

Also: Senate Bill No. 426—An act to amend sections 1030, 1038, and 1043 of the Agricultural Code, relating to fertilizing materials;

Also: Senate Bill No. 429—An act to amend section 1341 of the Fish and Game Code, relating to rabbits;

Also: Senate Bill No. 430—An act to amend sections 3727 and 3728 of the Political Code, relating to the entering of values and acreages in the assessment book and the preparation of duplicate statistical statements of assessments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 419, 426, 429, and 430 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, relating to an institution for women and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 21 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 685—An act to add section 274d to the Code of Civil Procedure, relating to phonographic reporters, and declaring the urgency of this act—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 685 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 131—An act to amend section 683 of the Civil Code, relating to joint tenancy;

Also: Senate Bill No. 173—An act to amend section 652 of the Fish and Game Code, relating to salmon;

Also: Senate Bill No. 256—An act to amend sections 250, 304, 307, 323, 348, 364, 374, 403 and 405 of the Streets and Highways Code, relating to State highways;

Also: Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property by the State under proceedings in eminent domain;

Also: Senate Bill No. 366—An act to renumber section 532a of the Penal Code, as added by Chapter 79 of the Statutes of 1913, to be section 532c of said code, relating to giving lots on the drawing of numbers;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 131, 173, 256, 261, and 366 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing, preparing, and distributing the same, and to provide penalties for the violation of the provisions of this act.

Also: Senate Bill No. 26—An act to add section 615.1 to the Fish and Game Code, relating to fish in districts 2 and 3.

Also: Senate Bill No. 32—An act to amend section 1310 of the Fish and Game Code, relating to fish-bearing mammals.

Also: Senate Bill No. 33—An act to amend sections 674 and 675 of the Code of Civil Procedure, relating to the filing and recording of judgments and satisfaction of judgments in the office of the county recorder.

Also: Senate Bill No. 55—An act to add section 676.5 to the Vehicle Code, relating to safety glass on automobiles.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. JENSEN, Assistant Clerk.

Senate Bills Nos. 21, 26, 32, 33, and 55 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers.

Also: Senate Bill No. 704—An act to add section 4287.9 to the Probation Code, relating to grand jurors and trial jurors fees and mileage in matters of the eighth class.

Also: Senate Bill No. 770—An act to amend sections 1, 2, 3, 4, 6, and 19 of an act entitled "An act defining credit unions, providing for their incorporation, general management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Also: Senate Bill No. 725—An act relating to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. JENSEN, Assistant Clerk.

Senate Bills Nos. 472, 701, 770, and 725 ordered on file as unfinished business.

Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 437—An act to repeal section 618 of the Fish and Game Code, relating to trout.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 437 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "repeal", and insert in lieu thereof the following: "amend".

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 2 and insert in lieu thereof the following: "amended to read as follows:

618. In any stream in district 23 flowing into the State of Nevada, including its tributaries, but excluding any lake from which said stream may flow, all varieties of trout and whitefish may be taken from May 1st to October 15th."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 451—An act to add section 619 to the Streets and Highways Code, establishing additional secondary State highways.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 451 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section 619", and insert in lieu thereof the following: "sections 619 and 619.5".

Amendment No. 2.

On page 1 of the printed bill, after line 19, insert the following:

"Sec. 2. Section 619.5 is hereby added to the Streets and Highways Code to read as follows:

619.5. There is hereby added to the State highway system a new route or portion of route comprising Junipero Serra Boulevard Extension from the San Francisco City and County line southerly to Route 2."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 945—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to highways.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 945 were read and adopted:

Amendment No. 1.

Strike out lines 1 to 6, inclusive, of the title of the printed bill, and in line 7, strike out everything except "relating to highways.", and insert in lieu thereof the following: "An act to add section 640 to the Streets and Highways Code".

Amendment No. 2.

On page 1, line 1, of the printed bill, after the period, insert the following: "Section 640 is hereby added to the Streets and Highways Code, to read as follows:

640. There is hereby added to the State highway system a new route or portion of route from Route 64 at Desert Center to Route 146 near Vidal."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 9—An act to amend section 356 of the Streets and Highways Code, relating to State highways and establishing a secondary State highway from Westport to Ferndale.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 9 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "of", insert: "and to add sections 614, 615 and 639 to,".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "and establishing a", and strike out all of line 3, and insert in lieu thereof a period.

Amendment No. 3.

On page 1 of the printed bill, immediately following line 12, insert the following:
 "Sec. 2. Section 639 is hereby added to the Streets and Highways Code, to read as follows:

639. The routes or portions of routes described in this section are hereby added to the State highway system:

(a) In the City and County of San Francisco:

Army Street from Potrero to San Jose Avenue.

San Jose Avenue from Army Street to Bernal Avenue.

Bernal Avenue from Rinchall Street to Monterey Boulevard.

San Jose Avenue from Monterey Boulevard to Albany Boulevard.

Van Ness Avenue South (or parallel route) from Fill Street to Army Street.

Bryant Street Extension from 10th Street to Van Ness Avenue South.

Duane Avenue from Harrison Street to Folsom Avenue.

Clippert Street from 26th Street to Potrero Drive.

Divisional Highway from Lombard Street to Bernal Avenue.

(b) In the county of Marin:

San Quentin to Olema via Kentfield (Sir Francis Drake Highway). (Route 1 to Route 56).

Black Point to Point Reyes via Novato. (Route 8 to Route 1 to Route 56).

(c) In the county of Sonoma:

Balance of Shoreline Highway from Marin County line at Avila Bend to Jenner Bridge. (Would become part of Route 70).

Sebastopol to Redgea. (Route 104 to Route 56).

West Side route from Healdsburg along the Russian River to Gearyville. (Route 1 to Route 104).

Mark West Intersect from the Redwood Highway to Calistoga, Napa County, via Petrified Forest. (Route 1 to Route 49).

Petaluma to Valley Ford connecting with Shoreline Highway. (Route 1 to Route 56).

Approach to Sears Point Toll Road from Stage Coach to Black Point Cut-off near Lakesville. (Route 8 to Route 104).

Freestone to Monte Rio, via Occidental and Camp Mackay.

(d) In the county of Napa:

Petrified Forest Road from Calistoga to Santa Rosa. (Route 49 to Route 1).

Butts Canyon Highway from intersection with State Highway Route 102 to the Lake County line, southeast of Middletown.

From the intersection with State Highway Route 102 south of Middletown to Lake County line north of Knoxville.

(e) In the county of Lake:

Lower Lake to intersect Route 89, Middletown to Upper Lake Highway through county.

Inclusion of the Lucerne Cut-off Road, via Redman Bridge. (Route 15 to Route 89).

Butts Canyon Road, Middletown to Napa County line.

Upper Lake to forest boundary, via Middle Creek.

(f) In the county of Mendocino:

The road between DeHaven and Laytonville. (Between Routes 1 and 56).

Fort Bragg-Rockport Road where it joins the Shoreline Highway, otherwise known as the Hollow Tree Road. (Between Shoreline and Redwood Highways).

The Willits-Fort Bragg Road, from Novo Hill near Fort Bragg to Willits. (Between Routes 1 and 56).

McDonald (Mountain House) to the "Y" intersection with new Cloverdale-Hopland unit at north Cloverdale.

(g) In the county of Del Norte:

That portion of old road from Endert's Bench to East Chinese State. (Portion of Route 1 later to be abandoned).

Elk Valley crossroad connecting Routes 1 and 71.

Mill Creek Drive, from intersection with Route 1 just south of Crescent City to Old Convier Bridge spanning the Smith River, there intersecting Route 1, via Mill Creek State Park).

From the intersection of Route 1, south of Douglas Memorial Bridge around by Ed Chapman's, thence to intersection again with Route 1.

Sec. 3. Section 614 is hereby added to the Streets and Highways Code, to read as follows:

614. There is hereby added to the State highway system a new route, or portion of route, from Route 56 near Westport to Route 1 at Laytonville via Jackson Valley.

Sec. 4. Section 615 is hereby added to the Streets and Highways Code, to read as follows:

615. There is hereby added to the State highway system a new route, or portion of route, from Route 1 near Longvale via the course of Outlet Creek to Eel River.

thence down Red River to The Bos, thence to the mouth of Williams Creek, east of Clinton."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 199 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to, the Streets and Highways Code, relating to allocation and expenditures of moneys from the State highway fund within cities, and providing a procedure therefor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 561 were read and adopted:

Amendment No. 1.

On page 6 of the printed bill, as amended, after the period in line 29 insert the following: "Such expenditures shall be made within such city in the proportion that the total population of such city bears to the total population of all cities within the county group in which such city is located. The population of each city shall be determined as provided in section 194."

Amendment No. 2.

On page 6, line 39, of the printed bill, as amended, after the word "made", insert the following: "first".

Amendment No. 3.

On page 6 of the printed bill, as amended, after the period at the end of line 41, insert the following: "In the event that the department determines that the amount of money available under this section for expenditure in any city is greater than is necessary to accomplish the purpose and object of the standard for State highways within such city then any surplus amount available for expenditure thereunder under this section shall be expended for the acquisition of real property or interests therein, for, or the construction, maintenance, or improvement of streets of major importance within such city, other than State highways and such expenditure shall be made in the same manner and for the same purposes as the expenditure of any money allocated to a city under section 194."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 237—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, as amended, relating to State highways.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 237 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 1 to 6 of the title, and in line 7, strike out everything except "relating to", and insert in lieu thereof the following: "An act to amend sections 487 of, to add section 641 to, and to repeal section 493 of, the Streets and Highways Code".

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 1 except "Section 1", and strike out all of lines 2 to 22, inclusive, and strike out all of pages 2 to 9, inclusive, and insert in lieu thereof the following: "Section 487 of the Streets and Highways Code is hereby amended to read as follows:

487. Route 187 is from:

(a) Route 26 near Whitewater to Route 64 near Indian Wells.

(b) Route 26 near Indio via Mecca and the north shore of Salton Sea, to Route 26 near Brawley.

(c) Route 26 near Brawley to Route 27 near Holtville.

(d) Route 27 near Holtville to Route 202 near Bards Glenn.

Sec. 2. Section 193 of the Streets and Highways Code is hereby repealed.

Sec. 3. Section 641 is hereby added to the Streets and Highways Code, to read as follows:

641. There is hereby added to the State high way system a new route or portion of route from Mecca to Route 26 via Avenue 66.

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 634—An act to amend section 23 of the District Investigation Act of 1933, relating to exemption, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 604—An act to add sections 476, 477, 478 and 479 to the Political Code, relating to the powers and duties of the Attorney General, and to make an annual appropriation therefor.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 604 was read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, after the word "General", change the comma to a period and strike out the remainder of the line.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 27—An act to add section 3897.5 to the Political Code, relating to lands sold or deeded to the State for taxes and placing under the control of the Department of Natural Resources.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 27 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 6 and the word "Resources" in line 7, and insert in lieu thereof "reserved".

Amendment No. 2.

On page 1 of the printed bill, at the end of line 8, after the period, add the following: "The provisions of this section shall not apply to school lands".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 262—An act to amend section 10 of an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to pro-

vide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act." approved May 15, 1933, relating to disposition of fees.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 262 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 1 of the title, and insert in lieu thereof the following: "An act to amend sections 6, 10, 17 and 18 of, and to add section 24 to, an act entitled "An act to regu-".

Amendment No. 2.

On page 1 of the printed bill, strike out line 16 of the title, and insert in lieu thereof the following: "1933, relating to outdoor advertising and the regulation thereof."

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out "10", and insert in lieu thereof the following: "6".

Amendment No. 4.

On page 1 of the printed bill, between lines 2 and 3, insert the following:

"SEC. 2. Section 6 of said act is hereby amended to read as follows:

Sec. 6. Application for Permit.

Every person desiring a permit to place and/or maintain any advertising structure or sign shall file with the director or with his authorized agent in the county within which the advertising structure or sign is to be placed an application therefor on a blank to be furnished by said director or by said agent. Such application shall set forth the name and address of the applicant and shall contain a general description of the property upon which it is proposed to erect and/or maintain the advertising structure or sign for which a permit is sought and a diagram indicating the location of such proposed advertising structure or sign on such property, in such a manner that said property and the location of said proposed advertising structure or sign may be readily ascertained and identified.

If the application is for a permit to place and/or maintain a sign such application shall contain a description of such sign including the material, the size and the subject thereof and the proposed manner of placing the same.

If the application is for a permit to place and/or maintain an advertising structure such application shall be accompanied by construction plans thereof; provided, however, that in case the applicant has theretofore filed with the director certified copies of standard specifications used by the applicant in the constructing and erecting of advertising structures then such application may refer to such standard specifications in lieu of being accompanied by such construction plans.

The applicant for any permit shall offer evidence that the owner or other person in control or possession of the property upon which such location is situated has consented to the placing and/or maintenance of such advertising structure or sign.

If the applicant for such permit is engaged in the business or occupation of outdoor advertising, the application for permit shall contain the number of the license issued by the director.

If such application is in full compliance with the provisions of this act and if such advertising structure or sign will not be in violation of any law, the director or his authorized agent shall, within ten (10) days after the filing of such application and upon payment by applicant of the fee hereinafter specified, issue a permit to place and/or maintain such advertising structure or sign for the remainder of the calendar year in which such permit is issued. Issuance of a permit for the placing and/or maintenance of an advertising structure shall include the right to change the advertising display or copy thereon without obtaining any additional permit for the remainder of the calendar year in which such permit is issued and without the payment of any additional permit fee. Permits shall be renewed on the first day of January of each year upon application and the payment of fees as herein provided and shall expire on the thirty-first day of December of said year.

The annual permit fees provided herein shall be as follows:

(a) For each sign—twenty-five cents (\$.25);

(b) For each advertising structure—one dollar (\$1).

SEC. 2. Section 10 of said act is hereby amended to read as follows:".

Amendment No. 5.

On page 2 of the printed bill, after line 10, add the following:

"SEC. 3. Section 17 of said act is hereby amended to read as follows:

Sec. 17. Enforcement. The director is hereby authorized, directed and empowered to make orders and regulations for the enforcement of this act; to designate and authorize the Division of Highways of the Department of Public Works to enforce the provisions hereof, to prescribe the form of all applications, licenses, permits and other written matter important material to enforce penalties for failure to comply herewith, to revoke any license or permit for such failure, to remove and destroy any advertising structure or sign placed or maintained contrary to the provisions of this act after having given written notice of such action as provided in this section. The director shall cause a notice to be posted on such sign at least ten days prior to such removal or destruction, and at least ten days prior to such removal or destruction shall mail a written notice thereof to the owner of such structure or sign addressed to his last known address. For the purpose of removing or destroying any advertising structure or sign placed or maintained in violation of the provisions of this act, the director or his authorized agent may enter upon private property without incurring any liability therefor.

SEC. 4. Section 18 of said act is hereby amended to read as follows:

Sec. 18. The regulation of the placing and/or maintenance of advertising structures or signs as provided herein, in so far as such regulation may affect the placing and/or maintenance of such advertising structures or signs within any of the public highways of this State in areas outside of the limits of incorporated cities or towns thereof, shall be exclusive of all other regulations of such placing and/or maintenance of advertising structures or signs within any of the public highways of this State and outside of the limits of incorporated cities or towns, whether made by a law of this State or by a political subdivision thereof. It is the intention of the Legislature to occupy the whole field of such regulation by the provisions of this act; provided further, that nothing herein shall be deemed to prohibit the passage by any county of reasonable land use or zoning regulations affecting the placing and/or maintenance of advertising structures or signs, if such regulations such indiscriminately apply to and impose the same restriction on all other commercial roadside enterprises such as gasoline filling stations, restaurants, eating places, hotels or auto camps, in accordance with any comprehensive zoning plan enacted under the provisions of Statutes of 1929, page 1806, or any amendment thereof. The zoning and maintenance of advertising structures and signs shall be considered a permitted use in all areas or districts established and defined by any county zoning ordinance in which any other commercial activities are permitted, and any attempt to impose a restriction to impose a restriction on advertising structures or signs not imposed upon all other commercial activities shall be considered an attempt to regulate the business of outdoor advertising and the placing or maintenance of advertising structures or signs in violation of this act.

SEC. 5. Section 24 is hereby added to said act, to read as follows:

Sec. 24. This act shall be known and may be cited as the "Outdoor Advertising Act."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 572—An act to add sections 4060 to 4060 54, inclusive, to the Political Code, and to amend section 3714 of said code, relating to the fiscal affairs of counties, cities and counties, and districts, including budgeting, accounting, reporting, and auditing.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 572 were read and adopted:

Amendment No. 1.

On page 6, line 2, of the printed bill, as amended, strike out the word "not".

Amendment No. 2.

On page 6, line 23, of the printed bill, as amended, strike out the word "ten", and insert in lieu thereof the word "five".

Amendment No. 3.

On page 6, line 46, of the printed bill, as amended, strike out the words "county clerk", and insert in lieu thereof the following: "clerk of the county board of supervisors".

Amendment No. 4.

On page 8, line 2, of the printed bill, as amended, strike out the words "and sold".

Amendment No. 5.

On page 8, line 7, of the printed bill, as amended, strike out the following words: "and that in his judgment", and strike out all of lines 8 to 18, inclusive, and insert in lieu thereof a period.

Amendment No. 6.

On page 8, line 28, of the printed bill, as amended, strike out the following: "or failing that, out", and strike out all of line 29, and insert in lieu thereof the following: "unless provision has been made in the budget in an amount sufficient for the payment of a court order."

Amendment No. 7.

On page 10, line 30, of the printed bill, as amended, strike out the word "may", and insert in lieu thereof the word "shall".

Amendment No. 8.

On page 10, of the printed bill, as amended, strike out all of lines 31 and 32, and insert in lieu thereof the following: "appropriation made available by law to the State Department of Finance to carry out the provisions of the "Uniform County and District Accounting Act"".

Amendment No. 9.

On page 11, line 2, of the printed bill, as amended, after the word "agency", insert a comma and the following: "the affairs or funds of which are subject by law to the supervision or control of the county board of supervisors, and".

Amendment No. 10.

On page 11, lines 12 and 13, of the printed bill, as amended, strike out the following: "and with such other State or county offices, departments, or agencies as the State authority may require".

Amendment No. 11.

On page 12, line 10, of the printed bill, as amended, following the period, insert the following: "The State authority shall appoint an advisory committee consisting of two county auditors to be nominated by the State Association of County Auditors, two county supervisors to be nominated by the State Association of County Supervisors and a representative of the State Board of Accountancy to be nominated by the president of the said board; said advisory committee to advise the State authority with regard to the preparation and formation of a uniform classification of accounts, suitable forms and reports, and other matters pertaining to carrying out the purposes of this article."

Amendment No. 12.

On page 12, line 10, of the printed bill, as amended, strike out the word "The", and insert in lieu thereof the following: "with unanimous approval of the State authority, the".

Amendment No. 13.

On page 12, lines 17, 18 and 19, of the printed bill, as amended, strike out the following: "and particularly subject to the powers of the State authority under the provisions of this article,".

Amendment No. 14.

On page 12, line 25, of the printed bill, as amended, following the comma, insert the following: "or the funds of which are in the custody of the county by law,".

Amendment No. 15.

On page 12, lines 28 and 29, of the printed bill, as amended, strike out the following: "subject to the rules and regulations prescribed by the State authority and the", and insert in lieu thereof the following: "in conformance with".

Amendment No. 16.

On page 12, line 43, of the printed bill, as amended, strike out all of said line following the period, and strike out all of lines 44, 45, and 46, inclusive.

Amendment No. 17.

On page 13, line 5, of the printed bill, as amended, after the figure "VIa", insert the following: "of Chapter IV of Title II of Part IV".

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 870—An act to amend sections 1 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 879 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after the word and figure "sections 1", insert a comma and the following: "14, 18"

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out the period after the word "thereof", and insert in lieu thereof a comma and the following: "to take effect immediately and declaring the urgency thereof."

Amendment No. 3.

On page 1, line 20, of the printed bill, following the period after the word "replenishment", insert the following: "The words, title or substance of title, as used in this section include the powers, right of easement or privileges of public lands under any law of the United States or of this State whether exercised by receipt or otherwise."

Amendment No. 4.

On page 1, line 25, of the printed bill, strike out "(Stats. 1927, p. 1545)" and insert in lieu thereof the following:

"Sec. 2. Section 14 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 14. Bonds of the district, when issued, shall be payable to and out of the United States. Bonds shall be made payable on the first day of January or the first day of July of the years designated by the board of directors, but no one shall the maturity of any bond be more than forty years from the date thereof; they shall be of the denomination of not less than one thousand dollars nor more than one thousand dollars each; and they shall be signed by the president of the board of directors and attested by the secretary of the district. Bonds hereunder made payable at a given time for its entire amount and not for a percentage, shall bear interest at a rate not in excess of seven per cent per annum, payable semi-annually on the dates therein named at the office of the treasurer upon the presentation and surrender of the proper coupons therefor, and the principal thereof shall be payable when due upon the presentation and surrender thereof to the treasurer by the holder of the same. Each issue shall be numbered consecutively and the bonds of each issue shall be numbered consecutively and four shall be the limit of their issue. Coupons for each installment of interest shall be attached to the bonds and shall be numbered the same as the bonds, and attested by the (possible signature of the secretary of the district.

The bonds shall be substantially in the following form:

"Issue _____ No. _____ for value received _____ Water District situated or principally situated in the county of _____ State of California, promises to pay the holder hereof at the office of the treasurer of said district, on the _____ day of _____, 19____, the sum of _____ dollars in gold coin of the United States with interest in like gold coin at the rate of _____ per centum per annum payable at the office of said treasurer semiannually, on the _____ day of _____ and the _____ day of _____ in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued pursuant to an election held by said district on the _____ day of _____, 19____, authorizing its issuance, and by authority of an act entitled (specifying the title and date of approval of this act).

In witness whereof, the said district, by its board of directors, has caused this bond to be signed by the president of said board and attested by the secretary of said district, with the seal of the district attached, this _____ day of _____, 19____.

Attest:

President of said board.

Secretary."

The interest coupons shall be substantially in the following form:

"No. _____

The treasurer of _____ Water District, State of California, will pay the holder hereof, on the _____ day of _____, 19____, at his office in _____ dollars, gold coin of the United States, out of the funds of _____ Water District for interest on bond numbered _____ of said district.

Attest:

Secretary of _____ District."

The treasurer of the district shall, when he receives the same, place the said bonds to the credit of the district and he shall, in a book provided for that purpose, keep

a record of said bonds and of the payment thereof and the interest thereon. When filed with said treasurer, as above provided, the bonds of the district and the interest thereon shall be and remain until paid a lien on the lands of the district, and a lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue.

SEC. 3. Section 18 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 18. Bonds of any water district organized under the provisions of this act may be investigated and certified in the same manner, by the same officers and with the same force and effect as prescribed for the investigation and certification of bonds of irrigation districts, by the provisions of the act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, State school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended. (Stats. 1929, p. 1473.)"

Amendment No. 6.

On page 2, line 1, of the printed bill, strike out the words and figures "Sec. 2. Section 31", and insert in lieu thereof the following: "Sec. 4. Section 41".

Amendment No. 7.

On page 2 of the printed bill, strike out line 36, and insert in lieu thereof the following:

"Sec. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity.

Continued dry years have made immediate action imperative in the various water districts to conserve the waters of the present rainy season in order to save not only extensive areas of crops, but also for industrial and domestic purposes. Immediate action is further imperative to construct works during the coming summer season for conserving and utilizing the floods and waters of the coming winter. For the proper and ready financing of such construction the immediate voting of bonds is necessary, and to that end the legislation contained in this act relative to such bonds and their maturities, terms and conditions, is required to be immediately effective. An adequate supply of water for agricultural, domestic and industrial purposes is necessary for the public peace, health and safety of the communities affected in the State of California."

Bill read second time, ordered to reprint, and re-referred to Committee on Irrigation.

Second Reading of Assembly Bills.

Assembly Bill No. 655—An act to amend section 15b of the California Irrigation District Act, relating to the duties and powers of boards of directors and providing for the use of water for any beneficial purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1285—An act to amend section 788 of the Fish and Game Code, relating to the crab season in California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1287—An act to amend section 790 of the Fish and Game Code, relating to the preservation of crabs and crab meat.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 621—An act to amend sections 2240 and 2255 of the Political Code, relating to the clothing, transportation, dental work, eye care, operations and hospitalization of pupils enrolled in the California School for the Deaf and the California School for the Blind.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 621 were read and adopted:

Amendment No. 1.

On page 3, line 7, of the printed bill, as amended, strike out "education"

Amendment No. 2.

On page 3, line 42, of the printed bill, as amended, after "parent", insert the following: "or guardian".

Bill read second time, ordered to reprint, and on file for third reading

Assembly Bill No. 1277—An act to add a new section to the Political Code to be numbered 34544, relating to reclamation districts and requiring that in all actions against a reclamation district or any person sued by reason of his connection therewith the board of trustees must be made parties defendant.

Bill read second time, and ordered on file for third reading

Assembly Bill No. 1370—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, by amending the title and sections 37 and 40 thereof, and adding a new section to be designated section 97, to authorize the borrowing or procuring of money by drainage districts from the United States or any agency thereof, and declaring the urgency thereof.

Bill read second time, and ordered on file for third reading

Assembly Bill No. 1531—An act to amend section 3491 of the Political Code, relating to reclamation districts.

Bill read second time, and ordered on file for third reading

Assembly Bill No. 1664—An act to amend section 2 of an act entitled "An act to create a reclamation district to be called "Reclamation District No. 1660," and providing for the control and management thereof, approved June 1, 1915, relating to the management and control of said district.

Bill read second time, and ordered on file for third reading.

Unfinished Business.**Consideration of Assembly Concurrent Resolution No. 36.**

Senator Knowland asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 36, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 36—Relative to approving a certain amendment to the charter of the city of Albany, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at an election held therein, April 22, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 36 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Swing, Wagy, and Young—28.

NOES—None.

Assembly Concurrent Resolution No. 36 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bills Nos. 491, 492, and 493, heretofore set as a special order for two o'clock and fifteen minutes p.m., the same were taken up for consideration.

Senate Bill No. 491—An act to amend section 3 of, and to add section 11.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions and the limitations of actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 491 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Snyder, Stow, Swing, Wagy, Williams, and Young—29.

NOES—Senators Garrison, Gordon, Jespersen, McCormack, McGovern, Perry, Slater, and Tickle—8.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 491 was passed.

Senate Bill No. 492—An act to add sections 9.4 and 9.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to liability.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 492 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Snyder, Stow, Swing, Wagy, Williams, and Young—29.

NOES—Senators Garrison, Gordon, Jespersen, McCormack, McGovern, Perry, Slater, and Tickle—8.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 492 was passed.

Senate Bill No. 493—An act to provide for physical examinations of persons employed in certain industries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 493 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Hays, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixter, Olson, Parkman, Powers, Reindollar, Rich, Schottky, Seclan, Seawell, Snyder, Stow, Swing, Waggy, Williams, and Young—29

NOES—Senators Garrison, Gordon, Jepsen, McCormack, McGovern, Perry, Slater, and Tickle—8.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 493 was passed.

Unfinished Business.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Difani moved to reconsider the vote whereby Senate Bill No. 5 was passed.

Reconsideration Refused.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Difani, McColl, McCormack, McGuinness, Reindollar, Stow, Swing, and Tickle—8.

NOES—Senators Biggar, Crittenden, Denel, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, Metzger, Mixter, Olson, Parkman, Perry, Rich, Schottky, Seclan, Seawell, Slater, Snyder, Waggy, Williams, and Young—25.

Senate Bill No. 5 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Jepsen moved to reconsider the vote whereby Senate Bill No. 606 was passed.

Reconsideration Refused.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Biggar, Fletcher, Garrison, Gordon, Jepsen, Keough, King, McColl, McGuinness, Metzger, Olson, Perry, Schottky, and Seclan—14.

NOES—Senators Crittenden, Denel, Difani, Edwards, Hays, Knowland, McCormack, Mixter, Parkman, Reindollar, Rich, Seawell, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—20.

Senate Bill No. 606 ordered transmitted to the Assembly.

Withdrawal from Committee of Senate Bill No. 1055.

Senator Rich moved that Senate Bill No. 1055 be withdrawn from Committee on Finance for purpose of amending and re-referring to committee.

Motion carried, and the bill ordered read the second time.

Second Reading of Senate Bill No. 1055.

Senate Bill No. 1055—An act to appropriate the sum of \$30,000 to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba River, and to provide for the manner of expending such appropriation.

Amendments from the Floor.

During second reading of Senate Bill No. 1055, the following amendments, offered by Senator Rich, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "twenty-four".

Amendment No. 2.

On page 1, line 5 of the title of the printed bill, strike out the word "and".

Amendment No. 3.

On page 1, line 6 of the title of the printed bill, change the period to a comma, and add the words "to create the Yuba River debris control fund, and to provide for the deposit in said fund of any unexpended balances of previous appropriations made for this purpose."

Amendment No. 4.

On page 1, line 3, of the printed bill, strike out the word "thirty", and insert in lieu thereof the word "twenty-four".

Amendment No. 5.

On page 1, line 9, of the printed bill, following the word "to", strike out the word "the".

Amendment No. 6.

On page 1, line 11, of the printed bill, following the word "appropriated", insert the words "shall be deposited in the Yuba River debris control fund, which fund is hereby created and".

Amendment No. 7.

On page 1, line 12, of the printed bill, following the words "available to the", insert the words "Division of Water Resources, Department of Public Works, for transmittal to".

Amendment No. 8.

On page 1, line 13, of the printed bill, insert the words "or allotted", following the word "appropriated".

Amendment No. 9.

On page 1, line 18, of the printed bill, following the word "upon", insert the words "claim of the Division of Water Resources, Department of Public Works, submitted at".

Amendment No. 10.

On page 1, lines 19 and 20, of the printed bill, strike out the words "approved by the Department of Public Works and the State Board of Control".

Amendment No. 11.

On page 1, line 21, of the printed bill, following the word "on", insert the following: "the Yuba River debris control fund in".

Amendment No. 12.

On page 1, line 22, of the printed bill, strike out the words "and the", and insert in lieu thereof the following: "and the Division of Water Resources, Department of Public Works, shall transmit the warrants or the proceeds therefrom to the California Debris Commission. The".

Amendment No. 13.

On page 1 of the printed bill, add section 5, to read as follows: "SEC. 5. Any balance remaining unexpended of appropriations heretofore made for the same purpose shall be deposited in the Yuba River debris control fund."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

President Pro Tempore in the Chair.

At four o'clock and five minutes p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.

Third Reading of Senate Bills.

Senate Bill No. 670—An act to amend the Insurance Code by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new chapter 8 to Part 2 of Division 2, thereof, comprising sections 10640 to 10880, inclusive, relating to life insurance principles, practice and

business, and matters incidental thereto by mutual benefit life associations.

Amendments from the Floor.

During third reading of Senate Bill No. 670, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 2, line 35, of the printed bill, as amended, after the word "of", insert the following: "subdivision (b) of"

Amendment No. 2.

On page 5, line 40, of the printed bill, as amended, after the word "meeting", strike out the period, and insert a semicolon and the following: "provided, however, that the commissioner, upon a proper showing, may excuse the levy of such assessment, or after hearing may require the levy of such assessment for a larger or smaller per cent."

Amendment No. 3.

On page 6, line 23, of the printed bill, as amended, after the word "year", insert the following: "The term 'membership fees' shall mean the amount paid by an applicant, in addition to dues or assessments. After re-examination and continued business under this chapter a membership fee in excess of five dollars shall not be charged."

Amendment No. 4.

On page 10, line 34, of the printed bill, as amended, strike out "19749", and insert in lieu thereof the following: "10739".

Amendment No. 5.

On page 10, line 36, of the printed bill, as amended, after the word "for", insert the following: "undisputed".

Amendment No. 6.

On page 10 of the printed bill, as amended, between lines 40 and 41, insert the following:

"10740. Any such association at its option, instead of depositing twenty-five thousand dollars as provided for in section 10739 of this chapter, may, beginning not later than two years after the effective date of this chapter, deposit five thousand dollars at the time of transformation, and the balance of twenty thousand dollars as follows: Five thousand dollars within one year after the certificate of authority is issued to such association, five thousand dollars within two years after the certificate of authority is issued to such association, ten thousand dollars within three years after the certificate of authority is issued to such association, and five thousand dollars within four years after the certificate of authority is issued to such association. If any such association fails to deposit any of such amounts when due or within any extension of time granted by the commissioner, it shall be subject to liquidation by the commissioner for failure to comply. No portion of such deposit may be considered as part of the reserves as defined in section 10870 of this code until the total thereof equals twenty-five thousand dollars.

Such deposit shall be in cash or in such securities in which domestic incorporated insurers are allowed by this code to invest their capital."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1075—An act authorizing the Director of Natural Resources to acquire and lease land for development for State forestry purposes, to manage and develop such land and dispose of the products thereof, and to sell, exchange or lease lands under his jurisdiction when required by good management and providing for the disposition of revenue therefrom.

Amendments from the Floor.

During third reading of Senate Bill No. 1075, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 2 to 6, inclusive, of the title, and insert in lieu thereof the following: "acquire land for development for State forestry purposes."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 23, inclusive, and insert in lieu thereof the following:

"SECTION 1. The Director of Natural Resources, with the approval of the Director of Finance, is hereby authorized to accept gifts, donations or contributions of forest land upon behalf and in the name of the State of California. The term "forest land" as used herein, includes areas suitable for timber production, outdoor recreation, water protection, and fish and game production."

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 1 to 29, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 470—An act to repeal Chapter 9 of Part 2 of Division 2 of the Insurance Code, and to add a new Chapter 9, comprising sections 10810 to 10940, inclusive, to Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment.

Amendments from the Floor.

During third reading of Senate Bill No. 470, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 2, line 13, of the printed bill, as amended, after the word "amended", strike out the period, and insert in lieu thereof a comma, and add the following: "or chapter ten of this part."

Amendment No. 2.

On page 2, line 25, of the printed bill, as amended, after the word "by", strike out the following: "subdivisions (a) or", and insert in lieu thereof the following: "subdivision".

Amendment No. 3.

On page 2, line 35, of the printed bill, as amended, after the word "of", strike out the comma.

Amendment No. 4.

On page 2, line 37, of the printed bill, as amended, after the word "plan", strike out the comma, and insert in lieu thereof a period; and begin the word "except", immediately following the word "plan", with a capital letter.

Amendment No. 5.

On page 9, line 26, of the printed bill, as amended, after the word "required", insert the following: "surplus,".

Amendment No. 6.

On page 9, of the printed bill, as amended, at the end of line 26, after the word "required", strike out the word "sur-", and at the beginning of line 27, strike out the word "plus,".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 895—An act to add Chapter 10a, comprising sections 11400 to 11407, to Part 2 of Division 2 of the Insurance Code, relating to life, disability, and life and disability insurance by, and the organization of, firemen's, policemen's or peace officers' benefit and relief associations;

Also: Senate Concurrent Resolution No. 30—Relative to approving the charter of the city of Roseville;

And reports that the same have been correctly enrolled and presented to the Governor on the second day of May, 1935, at three o'clock and thirty minutes p.m.

METZGER, Chairman.

Special Order.

Senator Garrison moved that Senate Bill No. 78 be made a special order for Monday, May 6, 1935, at eleven o'clock and thirty minutes a.m. Motion carried, and such was the order.

Recess.

On motion of Senator Mixer, at four o'clock and fifteen minutes p.m., the President pro tempore of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened. Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk

Leave of Absence.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for the remainder of this legislative day.

Consideration of Daily File.**Third Reading of Assembly Bills.**

Assembly Bill No. 298—An act to repeal section 4768, relating to reports of attendance in joint elementary school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 298 passed by the following vote:

AYES—Senators Biggar, Deuel, Edwards, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 298 ordered transmitted to the Assembly.

Assembly Bill No. 232—An act to amend section 293 of the School Code, relating to the qualifications of county, city and district superintendents of schools and deputy and assistant county, city and district superintendents of schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 232 refused passage by the following vote:

AYES—Senators Crittenden, Deuel, Gordon, Knowland, Olsen, Pierovich, Schottky, Slater, and Young—9.

NOES—Senators Biggar, Difani, Duval, Edwards, Hays, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Scollan, Seawell, Snyder, Stow, Swing, Tickle, Wagy, and Williams—26.

Notice of Motion to Reconsider.

Senator Jespersen gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 232 was refused passage.

Assembly Bill No. 918—An act to amend sections 798 and 830 of the Agricultural Code, relating to dates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 918 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 918 ordered transmitted to the Assembly.

Assembly Bill No. 550—An act to amend section 2337 of the Political Code, relating to the care of children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 550 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Slater, Snyder, Stow, Swing, and Wagy—25.

NOES—Senators Keough, Metzger, Scollan, and Tickle—4.

Title read and approved.

Assembly Bill No. 550 ordered transmitted to the Assembly.

Assembly Bill No. 724—An act to add a new section to the Political Code of the State of California to be numbered 3466b, relating to assessments of reclamation districts and providing for crediting payments made under invalid calls of installment of assessments upon subsequent calls of installment of assessments and empowering courts to cancel and annul all proceedings had in the matter of sales made under said invalid calls.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 724 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 724 ordered transmitted to the Assembly.

Assembly Bill No. 1203—An act to add two sections to the Bank Act numbered 67.1 and 80.1, relating to loans of the character prescribed by section 13b of the Federal Reserve Act or by section 5d of the Reconstruction Finance Corporation Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1203 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difant, Edwards, Gordon, Hays, Jørgensen, King, Knowland, McColl, McGovern, McGowan, Metzger, Mixter, Olson, Parkman, Perry, Rich, Schottky, Seidman, Slater, Snyder, Swing, Tackle, Wagv, Williams, and Young—21.

NOES—None.

Title read and approved.

Assembly Bill No. 1203 ordered transmitted to the Assembly.

Assembly Bill No. 1658—An act to amend sections 468, 474, 515, 516, 713 and 714 of, and to add a new section to be numbered 692 to the Vehicle Code, relating to highways, bridges and structures thereon and the regulation of speeds and weight of vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1658 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difant, Edwards, Gordon, Hays, Jørgensen, King, Knowland, McColl, McGovern, McGowan, Mixter, Parkman, Perry, Pirovich, Rich, Schottky, Seidman, Slater, Snyder, Swing, Tackle, Wagv, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1658 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

Assembly Bill No. 2302—An act to amend section 432 of the Vehicle Code, relating to reports of vehicles known to have been unlawfully stored.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2302 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difant, Edwards, Hays, Jørgensen, King, Knowland, McColl, McGovern, McGowan, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Seidman, Slater, Snyder, Swing, Tackle, and Williams—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2302 ordered transmitted to the Assembly.

Assembly Bill No. 1760—An act to amend sections 146 and 216 of the Vehicle Code, relating to the registration of vehicles of non-residents.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator McColl moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Swing, Williams, and Young—29.

The Secretary announced the absentees.

Time, nine o'clock and forty minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1657—An act to amend the Vehicle Code by amending sections 253, 257, 267, 268, 269, 270, 272, 273, 314, 315, 316, and 338; by repealing sections 350, 351, 352, 353, and 354; by adding sections 254, 271.5, 350, 351, 352, 353, and 354, relating to vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1657 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1657 ordered transmitted to the Assembly.

Assembly Bill No. 2299—An act to add section 428.5 to the Vehicle Code, relating to the sale of vehicles by a lienholder.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2299 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Hays, King, Knowland, McColl, McGovern, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Swing, Tickle, Williams, and Young—23.

NOES—Senator Jespersen—1.

Title read and approved.

Assembly Bill No. 2299 ordered transmitted to the Assembly.

Assembly Bill No. 1546—An act to add section 4 to an act entitled "An act limiting the liability of supervisors, city trustees, city councils, boards of education and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in certain instances and providing for the payment of costs of actions in certain instances," approved June 13, 1923, relating to the liability of counties, municipalities and school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1546 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—29.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Crittenden gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1546 was passed.

Assembly Bill No. 2404—An act to add section 2181e to the Political Code, relating to moneys of insane or feeble-minded persons committed to State hospitals and homes for feeble-minded.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2404 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2404 ordered transmitted to the Assembly.

Assembly Bill No. 1519—An act to amend section 271 of the Penal Code, relating to desertion of children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1519 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1519 ordered transmitted to the Assembly.

Assembly Bill No. 906—An act confirming the formation, organization and existence of municipal utility districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 906 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 906 ordered transmitted to the Assembly.

Assembly Bill No. 764—An act to amend section 818 and to repeal sections 819 and 820 of the Penal Code, relating to the issuance of warrants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 764 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 764 ordered transmitted to the Assembly.

Assembly Bill No. 2135—An act to amend an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919 (Statutes 1919, page 782), by amending sections 1 and 6 thereof, relating to county employee retirement systems.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2135 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2135 ordered transmitted to the Assembly.

Assembly Bill No. 1093—An act amending section 2 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties," approved April 17, 1929, relating to the period of time said act shall be in force and effect.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1093 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Wag, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1093 ordered transmitted to the Assembly.

Assembly Bill No. 2035—An act to add a new section to the Civil Code, to be numbered section 2005, relative to the basis of figuring wages for a portion of a month and a portion of a week.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2035 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jepsen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2035 ordered transmitted to the Assembly.

Assembly Bill No. 1377—An act to provide for the custody and disposition of money and other property belonging to inmates of county institutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1377 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jepsen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1377 ordered transmitted to the Assembly.

Assembly Bill No. 2306—An act to amend sections 630 and 631 of the Probate Code, relating to estates under five thousand dollars.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2306 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jepsen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2306 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McColl.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 1760 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Jepsen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—30.

NOES—Senator Tickle—1.

Title read and approved.

Assembly Bill No. 1760 ordered transmitted to the Assembly.

Assembly Bill No. 141—An act to add section 411.5 to the Vehicle Code, relating to suspension and revocation of licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 141 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Knowland, McColl, McGuinness, Mixter, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, and Wagye—24.

NOES—None.

Title read and approved.

Assembly Bill No. 141 ordered transmitted to the Assembly.

Assembly Bill No. 1301—An act to amend section 718 of the Civil Code and section 842 of the Probate Code and to add a new section numbered 1538.5 to the Probate Code, relating to the leasing of property of a minor, insane or incompetent person, or of a decedent.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1301 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Knowland, McGuinness, Mixter, Parkman, Perry, Rich, Schottky, Scollan, Slater, Snyder, Swing, and Wagye—21.

NOES—None.

Title read and approved.

Assembly Bill No. 1301 ordered transmitted to the Assembly.

Report of Special Committee.

The following report of Special Committee was received and read:

Additional Partial Report of the Special Committee on Investigation of the Ownership and Control of Stockyards in California and the Marketing and Distribution of Agricultural and Horticultural Products.

To the Honorable President and Members of the Senate of the State of California.

Your committee appointed on January 16, 1935, for the investigation of stockyards and the marketing of agricultural and horticultural products reports and recommends as follows:

TERMINALS.

The attention of your committee was directed to the conduct of public terminals and wharfingers in the handling of agricultural products by the complaints filed with your committee by growers and packers of Santa Clara and Sonoma counties. Upon these complaints having been made under oath, your committee held hearings at Sacramento and developed the following facts:

The actions complained of were directed primarily toward the Encinal Terminals, located at Alameda, California. This company is a public wharfinger which operates as a public utility regulated by the Railroad Commission. The entire stock of this terminal is owned by Alaska Packers which in turn is 83 per cent owned by California Packing Corporation.

The latter company, which is engaged primarily in the business of canning fruits and vegetables, as well as processing dried fruits, is the largest firm of this type in the United States and organized this terminal company for the purpose of reducing its traffic costs as well as facilitating the handling of its own products. In order to carry this into effect, the traffic manager of California Packing Corporation became the president of Encinal Terminals and is still occupying that position. All policies of the terminal are decided by him with the aid of the present traffic manager and the advisory traffic committee of California Packing Corporation.

In order to build up the business of Encinal Terminals, which is basically an organization for the traffic accommodation of California Packing Corporation and Alaska Packers, these two corporations use every means in their power to divert to this terminal freight for which there exist more natural and convenient terminals. The methods used have included "persuasion" by California Packing Corporation through its employees and officers (1) on the firms from whom these corporations

purchase their materials and supplies, (2) transportation companies over whose lines these packing companies ship their merchandise or receive their supplies and equipment and (3) other firms who through their connections can be influenced by those in groups 1 and 2. As a result of these practices and these influences, Encinal Terminals diverts freight over its wharves from other facilities of this type, on San Francisco Bay, all of which facilities are either municipally or state-owned and controlled. This tonnage is described in the records of Encinal Terminals as "influenced" tonnage and amounts to not less than 25 per cent of the total business of Encinal Terminals. Your committee believes that this practice by a privately owned utility is a detriment to the producer, and to the publicly owned terminals, that this evil is comparable to the situation which led to the passage of the commodities clause of the Interstate Commerce Act by the Congress of the United States and increased the ownership of railroads from the ownership of commodities shipped thereon.

The Eastman Bill, now pending in Congress, makes this same divorcement as to ocean going freight carriers, and as neither railroads nor steamer lines are more important than their connecting link (the terminals), your committee believes that the same rule should apply to the terminals, which are now public utilities and a part of our transportation chain.

The claim has been made before your committee that Encinal Terminals has not shown any profit to its owners, but no profit can ever be shown on its books so long as the present rental charge of \$132,000 per year is paid to the parent organization and in addition to the advantage of having its own terminal, California Packing Corporation is making a profit on this operation and collecting that profit in the form of excessive rental charges to its subsidiary.

Your committee believes that when freight which should go over the docks at San Francisco or any other point on San Francisco Bay where the steamer freight charges are identical, is diverted to a terminal other than the legal one and the extra charges are assumed by either the terminal, the carrier or the shipper, such practices are inimical to the public welfare as such abnormal charges are always finally paid by the consumer.

The terminals appearing or represented before your committee and the amounts invested therein were as follows:

Encinal Terminal (owned by California Packing Corporation)	\$1,000,000
Port of Oakland (owned by the city of Oakland)	2,000,000
San Francisco Harbor (owned by the State of California)	100,000,000
Port Richmond Terminal (owned by port of Richmond)	2,000,000
Port of Stockton (owned by city of Stockton)	8,000,000

This presents a situation of privately owned and powerful purchasing and processing interests with an organization representing the treatment of slightly over \$1,000,000 in private funds interfering with the free flow of freight through terminal facilities in which \$137,000,000 of public funds are invested for the service and convenience of all shippers without discrimination in favored ones.

In this instance, we have an example of a commercial interest which blocks the progress of the publicly owned terminals established because of the natural flow of trade along geographic lines. In most of these cases, the expenditure of public funds was made because of the natural lines along which trade must flow and the diversion through "influenced tonnage" and the absorption of the extra charges occasioned by this wayward trend is, in the opinion of your committee, contrary to public policy and against the best interests of the people of the State.

The practice of an unloading charge, which the truckers who are under contract with California Packing Corporation must pay, although such charges need not be paid by other truckers, is open to criticism as a form of rebate to this corporation through payments to its subsidiary, Encinal Terminals.

The fact that Encinal Terminals, wholly California Packing Corporation controlled, appeared before the Railroad Commission and asked for a reduction of rates on canned goods and dried fruit in Case No. 20947 would indicate that California Packing Corporation prefers to have their competitors continue to pay a high rate for the service of a public utility, which they own and operate for their own benefit rather than as a public service. A terminal is a part of the transportation system and as such, should be dedicated exclusively to a public use, eliminating all possibility of diversion or private interest.

Your committee therefore recommends the enactment of proper legislation divorcing public terminals from any ownership by shippers of a great volume of freight.

D. JACK METZGER, Chairman.
H. J. POWERS
CULBERT L. OLSON,
BRADFORD S. CRITTENDEN,
A. L. PIEROVICH.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 525—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the transportation of persons or property for hire or compensation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—11; absent—2.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 1 of Article XVI thereof, relating to incurrence and retirement of bonded indebtedness by the State—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 732—An act to amend section 14 of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to vehicles exempt from the provisions of said act:

Also: Senate Bill No. 1078—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 43—An act to levy a tax on natural resources severed from the earth and waters of the State of California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 648—An act requiring licenses for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor; providing for penalties for the violation of this act, providing for the enforcement of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 163—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing

that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—11; absent—2.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act, to take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes—11; absent—2.

DUVAL, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1194—An act amending the title and sections 41, 42 and 43, of the Improvement Act of 1911, approved April 7, 1911, as amended, relating to public improvements and the repair and reconstruction of portions of municipal streets, avenues, lanes, alleys, courts or roads, sidewalks, retaining walls or other works for the protection of the same and to the payment of the costs thereof and establishing a procedure for the same—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—12; committee vote: Ayes—10; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1394—An act amending section 14, of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to levy bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to utilities—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—12; committee vote: Ayes—10; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 121—An act to amend section 862b of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of sixth class—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—12; committee vote: Ayes—6; noes—2; absent—4.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 283—An act to amend section 852 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—12; committee vote: Ayes—10; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 828—An act to amend an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two

or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, by amending section 23 thereof, relating to priority of liens and bonds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—12; committee vote: Ayes—10; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 457—An act to amend sections 10 and 17 of, and to add sections 3a, 5a, 18a and 21a to, the Improvement Act of 1911 relating to an alternative procedure for the doing of work under said act by receiving contributions of labor, materials or equipment from the United States Government or other governmental agencies, declaring the urgency thereof and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—12; committee vote: Ayes—10; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 440—An act to amend section 18a of the "Street Opening Act of 1903," relating to assessments and contribution of costs by municipalities—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—12; committee vote: Ayes—10; absent—2.

McGOVERN, Chairman.

On Hospitals and Asylums.

SENATE CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Senate Bill No. 534—An act relating to persons in private psychopathic institutions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

SLATER, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 50—Relative to memorializing the President and the Congress to enact H. R. 5359, which provides for the creation of a National Civil Academy—has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—5; committee vote: Ayes—4; noes—1.

WAGY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 53—Relative to memorializing the President and Congress to enact S. 1952, which proposes to protect the unclassified postal employees people, extending to them a civil service status—has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—5; committee vote: Ayes—5.

WAGY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 10—Relative to memorializing the President and Congress to adopt legislation for the employment of jobless citizens in the mining of chromium and tin deposits of the United States;

Also: Senate Joint Resolution No. 11—Relative to the disposition of revenues received from the lease of marginal lands in the Tule Lake Division of the Klamath Project;

Has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—5; committee vote: Ayes—5.

WAGY, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, MAY 1, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of banking through the deposit of personal property known as pawnbroking and providing penalties for the violation hereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—10; noes—4; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 387—An act to amend sections 1001 and 1002 of the Code of Civil Procedure, relating to costs.

Also: Assembly Bill No. 1756—An act to add two new sections to be numbered 1000a and 1000b, to Chapter 111 of Title XIV of Part II of the Code of Civil Procedure, relating to admissions.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1237—An act to amend section 410g of the Probate Code, relating to witness fees—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—9; noes—2; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 386—An act to amend section 472a of the Code of Civil Procedure, relating to demurrers—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—10; noes—2; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1849—An act to add a new section to the Probate Code, to be numbered 1558, providing for allowances by the court to next of kin of an insane or incompetent person out of surplus income of said insane or incompetent person.

Also: Assembly Bill No. 451—An act to add section 203 to the Penal Code, relating to alcoholic beverages.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2172—An act to add section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crimes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—9; noes—3; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2406—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to sessions of the superior court—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—11; noes—1; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 64—An act to amend sections 1206 and 1207 of the Code of Civil Procedure, relating to preferred claims for work or personal services—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 275—An act to amend section 426 of the Code of Civil Procedure, relating to complaints in civil actions—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 271—An act to amend section 281 of the Code of Civil Procedure, relating to the practice of law—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—8; noes—3; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 438—An act to amend sections 640, 641, 642, 645 and 646 of the Probate Code relating to estates;

Also: Assembly Bill No. 879—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—10; absent—4.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 29—An act to amend section 1657 of the Probate Code, relating to accounts of guardian—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—10; absent—4.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 618—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to make an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—9; noes—1; absent—4.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 14—An act relating to the solicitation of law business and to contracts and statements arising out of personal injuries—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

On Aviation and Aircraft.

SENATE CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: Your Committee on Aviation and Aircraft, to which was referred Assembly Bill No. 248—An act to amend sections 10691, 10716 and 10722 of the Civil Code, relating to liens on aircraft and other personal property. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

SCOLLAN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Aviation and Aircraft, to which was referred Assembly Bill No. 252—An act to amend section 10691 of the Civil Code, relating to the unauthorized taking for temporary use an operation of aircraft, automobiles, bicycles, motorcycles or other vehicles. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

SCOLLAN, Chairman.

On Building and Construction.

SENATE CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred Senate Bill No. 1090—An act to amend section 10 of the Smoke Housing Act, approved June 15, 1928, relating to the structure and construction of fire escapes.

Also: Assembly Bill No. 2047—An act to amend section 1197 of the Code of Civil Procedure, relative to executions by mortgage lien against land. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

GORDON, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 733—An act to amend section 1076.5 of the Fish and Game Code, relating to fish—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—16; committee vote: Ayes—14; absent—2.

MACCOLL, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 1095—An act to repeal sections 10670 to 10671, inclusive, 10691 to 10715, inclusive, 10770 and 10780, of the Insurance Code, and to add sections 10650, 10670, and 10671 thereto, and to make various other provisions, all relating to mutual benefit associations—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 479—An act to amend section 10482 of the Insurance Code, relating to valuation of life policies—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 668—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 669—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 910—An act to amend sections 680 to 1106 of the Insurance Code, to repeal certain sections thereof and to add certain sections thereto, all relating to the insurance business—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1919—An act to amend section 3 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions—has had the same under consideration, and respectfully reports the same back with amendment, and recommends that the amendment be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 454—An act to provide for the establishment and administration of a system of State health service insurance, including the establishing of a Health Service Insurance Commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereto, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

DIFANI, Chairman.

Adjournment.

On motion of Senator Swing, at ten o'clock and fifty minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Friday, May 3, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, May 3, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness.

Metzger, Mixer, Olson, Parkman, Peete, Petrovich, Powers, Rappaport, Rich, Schottky, Seelien, Serwell, Sharkey, Slater, Snyder, Snow, Soong, Toste, Wagg, Williams, and Young—38

Quorum present

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Meats

Reading of the Journal.

During the reading of the Journal of Thursday, May, 2, 1935, the further reading was dispensed with, on motion of Senator Slater

Leave of Absence.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this day

Privilege of Floor of Senate Extended.

On request of Senators Rich and Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Fred Noyes, former Assemblyman and former sheriff of Yuba City.

On request of Senator Jaspersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. M. McEvers and daughter, Janice, of Cambria.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Blanch Epperson, principal of Elmwood School, and the following pupils: Yukiko Hallori, Toshiko Miyakami, Mary Brazil, Marjorie Jordan, Dorothy Brazil, Luelle McIlvain, Catherine Martin, Irene Miyakami, Virginia Pizzo, Norma Pizzo, Joe Guitales, Ramonita Plumb, Virginia Goodnol, Katie Rossi, Sufe Ralloes, Heloise Archambault, Theresa Gogna, Joe Gogna, Henry Ruffon, Peter Thomas, Willie Gogna, Auden Tomas, Frank Plumb, Joe Martin, Thad Clark, William Ruffon, also to Mr. and Mrs. J. Ruffon, Mrs. W. Shaukel, Mr. J. McNamara, and Mrs. C. Archambault.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 3, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 10—Relative to memorializing the President and Congress to adopt legislation for the employment of address citizens in the mining of chromium and tin deposits of the United States.

Also: Senate Joint Resolution No. 11—Relative to the disposition of revenues received from the lease of marginal lands in the Tule Lake division of the Klamath project;

Also: Senate Concurrent Resolution No. 33—Relative to prevention of accidental deaths and injuries in the home, in industry, in public places and on the streets and highways;

Also: Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203 and 204 to, the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 732—An act to amend section 14 of "An act imposing

a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to vehicles exempt from the provisions of said act;

Also: Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of loaning money on pledges of personal property known as pawnbroking, and providing penalties for the violation hereof;

Also: Senate Bill No. 1078—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Communication.

The following communication was received, and ordered printed in the Journal:

*To His Excellency Frank F. Merriam, Governor of California,
and to the Members of the Legislature.*

Supplementing our factual report of January 26, 1935, we herewith submit the following:

The sale of 1016.65 acres of land at the Durham State Land Settlement, hereinafter referred to, completely closes the Durham State Land Settlement, with the exception of one small first deed of trust and one final payment on Lot 87.

Land sales at the Delhi State Land Settlement since January 1, 1935, have shown a marked increase over any similar period for the past several years. Two hundred fifty and eighty-five one-hundredths acres have been sold for cash or on a short term basis, and the State has optioned nineteen and seventy-three one-hundredths acres additional as indicated in Exhibit "A" attached hereto and by reference made a part hereof.

All of the unsold farming lands owned by the State at Delhi are under lease either on a cash or crop share basis.

Ten first deeds of trust on Delhi property, representing an indebtedness to the State in the sum of \$6,044.73, have been extinguished through the consummation of a deal with the Capital Company, which involved an exchange of said deeds of trust as part of the consideration, as indicated in Exhibit "B" attached hereto and by reference made a part hereof.

On page 9 of our report of January 26, 1935, we mentioned that we had been negotiating a transaction involving the exchange of land at Delhi for some property in Sacramento. A deal has finally been consummated with the Capital Company on the following basis:

1. The State will transfer all its right, title and interest in and to the above mentioned deeds of trust in the sum of (See Exhibit "B")	\$ 6,044 73
2. The State will convey all its right, title and interest in and to certain real properties at Delhi in the sum of (See Exhibit "C")	36,953 50
3. The State will pay to the Capital Company the proceeds of the sale to E. L. Adams of Chico, California, of 1016.65 acres of pasture land in the Durham State Land Settlement in the sum of	19,000 00
4. The State will pay to the Capital Company from the land settlement fund	13,000 00 cash
Total	\$74,998 23

The land in the Delhi settlement as exchanged to the Capital Company in the sum of \$36,953.50, was at the listed cash sale price.

The Capital Company is to convey to the State of California by grant deed, free and clear of all liens, incumbrances and charges of any kind whatsoever, the garage property at the corner of Ninth and L Streets, Sacramento, designated as 830 L Street, which property consists of a lot 80x160 feet, together with a two-story brick building, which is assessed for tax purposes by the county at \$62,000 and by the city at \$66,000. The assessment is levied on an approximate 50 per cent valuation.

The Capital Company is also to furnish at its expense a policy of title insurance covering said garage property in the name of the State of California in the sum of \$75,000. The irrigation taxes on the parcels of property selected at the Delhi State Land Settlement by the Capital Company (as shown in Exhibit "C") are to be prorated as of April 25, 1935.

This agreement has been executed by the Director of Finance on behalf of the State of California, subject to confirmation and ratification by the Legislature of the State of California.

Since the report of January 26, 1935, there has been transferred to the general fund from the land settlement fund the sum of \$775,000, and the said fund has on hand at the present time, after the consummation of the Capital Campaign Act, the sum of \$13,728.06.

Dated, April 30, 1935.

Respectfully submitted,

A. F. STOCKELBERGER, Director of Finance.

CARL B. STUTZNACKER, Chief of Division of State Lands.

EXHIBIT "A" DEEDS OF STATE LAND SETTLEMENT

Lands Disposed of by Sale

Purchaser	Lot No.	Acreage	Valuation	Sale price	
				Cash	Terms
Baker, Floyd H.	Ballena Townsite				
	6-22, incl. Bk. A	8.05	\$ 800.00		\$ 800.00
Brown, Harlan	313	31.53	1,250.00		1,200.00
Cain, H. M.	472	9.10	1,250.00	\$1,150.00	
Hoberty, Martin	444	42.29	1,800.00	1,200.00	
Lingerfelt, C. J.	461	41.21	3,600.00	-----	3,200.00
O'Brien, John	473	18.77	800.00	-----	700.00
Peterson, H. A.	323	32.73	900.00	-----	500.00
Zaenenberg, Wm. J.	165A	9.81	1,125.00	-----	800.00
Brown, Harlan	314	46.35	2,070.00	-----	2,000.00
Totals		240.85	\$13,522.50	\$2,250.00	\$6,000.00

EXHIBIT "B" DEEDS OF STATE LAND SETTLEMENT

Where First Deeds of Trust Were Extinguished

Name	Lot No.	Acreage	Indebtedness at time of extinguishment		Amount re- ceived by State
Ferrari, Arthur	406	26.95	\$514.82		\$488.08
Ferguson, George H.	42, 43, 127	10.42	1,115.52		1,115.52
Gaddy, Lorenzo	Pt. Lot 91	3.13	274.95		274.95
Goodwill, John L.	Pts. Lot 432	10.61	1,744.02		1,744.02
Koenig, Raymond	154	10	566.10		566.10
Sanford, Christine A.	170	24.70	567.40		567.40
Berger, Robert	17-21, incl. of Bk. 1	.21	500.19		500.19
Brown, Harlan	313	31.53	600.00		600.00
Davis, Allen O.	81	2	698.15		698.15
Davis, Allen O.	82 & 83	3.97	226.64		226.64
Duepewerd, Henry	60, 61, 62	2.44	532.78		532.78
Totals		125.96	\$6,559.07		\$6,526.83

Where Second Deeds of Trust Were Extinguished

Mann, Andrew	185	15.41	\$1,739.85	\$500.00
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EXHIBIT "C"—DELHI LAND SETTLEMENT.
Lands Disposed of by Exchange.

Lot number	Acreage	Net purchase price
48	4.00	\$1,620 00
138	29.99	2,340 00
168	24.80	1,327 50
233	42.23	1,485 00
305	40.46	1,800 00
306	41.96	1,890 00
309	37.50	1,395 00
310	43.96	1,215 00
311	45.08	1,890 00
312	34.37	787 00
315W	21.78	900 00
318	36.90	1,890 00
324B	20.17	765 00
474	18.69	810 00
475	19.30	810 00
476	27.62	990 00
477	34.35	1,665 00
478	20.05	900 00
479	20.73	900 00
480	35.23	900 00
259, Ptn. 256 and 288	15.55	900 00
456	24.16	1,080 00
457	29.05	1,305 00
334	42.89	2,160 00
325	39.09	1,890 00
333	31.60	2,160 00
86	11.30	1,179 00
Totals	792.81	\$36,953 50

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

SENATE CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 930—An act to amend section 4360 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately—reports that it has met a like committee of the Assembly, consisting of Assemblymen Corwin, Chatters and Phillips, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 12, of the printed bill, as amended, after the word "year", insert the following: "subsequent to that".

Amendment No. 2.

On page 1, line 12, of the printed bill, as amended, after the word "year", insert the following: "subsequent to that".

DIFANI,
HAYS,
JESPERSEN.

Senate Committee on Free Conference.

CHATTERS,
CORWIN,
PHILLIPS,

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky,

Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, Williams and Young—36
 NOES—None

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
 SACRAMENTO, MAY 3, 1935

To the Honorable Members of the Senate,
 State of California, Sacramento, California.

GREETINGS. I am returning herewith Senate Bill No. 1059 without my approval. This bill is practically a duplicate of Senate Bill No. 450, already passed, and accomplishes the same result except that No. 1059 carries an urgency clause, while No. 450 does not.

The bill provides that when a supervisor is elected, but fails to qualify by taking the oath of office or filing his official bond in the manner and within the time required by law, and is thereafter appointed to fill the vacancy in the board of supervisors which was created by his failure to qualify, the office for the unexpired term, by "unexpired term" is meant from the time of his nomination after appointment until the expiration of the term for which he was originally elected.

Under the present law, as set forth in section 4004 of the Political Code, an appointee under such circumstances would only hold over for one general election, at which he or his successor would be elected for a full four-year term.

This bill, No. 1059, is made an "urgency measure" to take immediate effect. However, the bill clearly in one which changes "the . . . term . . . of any officer", under the provisions of section 1, Article IV of the Constitution, and therefore can not be an "urgency measure". The fact that there is an urgency clause in the bill, and that there is a statement in the title that the bill is an urgency measure, will not preclude the bill, but the bill will not take effect until the time when nonurgency legislation enacted at this session takes effect, and is subject to referendum in the same manner as such other nonurgency legislation.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

Sustaining Governor's Veto.

Message from the Governor, announcing his objections to Senate Bill No. 1059, read.

The question being: Shall Senate Bill No. 1059 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Crittenden, Denel, Duval, Duval, Edwards, Fletcher, Gordon, Gordon, Hays, Jepsen, Keough, King, Knowland, McColl, McGovern, McGovern, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Williams—32.

Resolution.

The following resolution was offered:

By Senate Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$400 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

KING.
 STOW.
 POWERS.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Jepsen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Williams—29.

NOES—None.

Unfinished Business.

Sustaining Governor's Veto.

Message from the Governor, announcing his objections to Senate Bill No. 201, read previously.

The question being: Shall Senate Bill No. 201 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—33.

Waiver of Motion to Reconsider.

Senator Crittenden waived his motion to reconsider the vote whereby Assembly Bill No. 1546 was passed.

Assembly Bill No. 1546 ordered transmitted to the Assembly.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 525—An act to amend section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the transportation of persons or property for hire or compensation.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 525 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "1", and insert in lieu thereof the following: "2".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "1", immediately preceding the word "of", and insert in lieu thereof the following: "2".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 3 to 22, also strike out all of page 2, and insert in lieu thereof the following:

"Sec. 2. Each operator of a motor vehicle within this State who transports or desires to transport for compensation or hire persons or property upon or over any public highway within this State shall make application to the State Board of Equalization, on such forms as said board may prescribe, for a license to operate motor vehicles for the transportation of persons or property for hire or compensation over public highways in this State.

All applications for licenses must be accompanied by a fee of twenty-five dollars. Upon the receipt of the application of any such operator, accompanied by such fee, the State Board of Equalization shall issue to such applicant a license to transport for compensation or hire persons or property upon or over any public highway within this State; provided that no license issued in pursuance of this act shall be construed to authorize the operation of any vehicle over or upon the public highways of this State contrary to the laws now or hereafter in effect regulating the operation of motor vehicles. No license issued hereunder shall be assignable by operation of law or otherwise.

All licenses issued under the provisions of this act shall expire on the thirty-first day of December next succeeding the date upon which they are issued. Licenses issued hereunder must be renewed annually upon application made to the State Board of Equalization on such forms as it may prescribe. All applications for renewal of licenses must be accompanied by a fee of fifteen dollars, and must be filed not later than the fifteenth day of December next preceding the year for which

the renewal is sought, otherwise, such application must be considered as an application for a new license and the twenty-five dollar fee paid accordingly.

In the case of a person, firm, association or corporation, who is engaged as an operator, as herein defined, exclusively in the carrying of United States mail or parcel post under contract with the United States Government, if his compensation for such carriage is less than twelve hundred per annum, the fee to be paid upon application for a license or for renewal of a license shall be five dollars instead of twenty-five dollars and fifteen dollars respectively.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 732—An act to amend section 14 of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to vehicles exempt from the provisions of said act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1078—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 43—An act to levy a tax on natural resources severed from the earth and waters of the State of California.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 43 were read and adopted:

Amendment No. 1.

On page 1, line 26, of the printed bill, strike out the words "cents per barrel of forty-two gallons", and insert in lieu thereof the following: "per cent of the market value at the well".

Amendment No. 2.

On page 1, line 27, of the printed bill, strike out the words "in excess of",

Amendment No. 3.

On page 1, line 28, of the printed bill, strike out all of line 28.

Amendment No. 4.

On page 2, line 1, of the printed bill, strike out the word "one", and insert in lieu thereof the word "five", and add the letter "s" to the word "cent".

Amendment No. 5.

On page 2, line 7, of the printed bill, strike out the word "two", and insert in lieu thereof the word "one".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 648—An act requiring licenses for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor; providing for penalties for the violation of this act, providing for the enforcement of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 648 were read and adopted:

Amendment No. 1.

On page 1, line 18, of the printed bill, as amended, after "warehouse", strike out the period, and insert in lieu thereof the following: "; nor shall the term 'store' apply to the business of printing, publishing and distributing a newspaper."

Amendment No. 2.

On page 3 of the printed bill, as amended, strike out lines 15 to 22, inclusive, and insert in lieu thereof the following:

"Store number one—one dollar; store number two—two dollars; store number three—four dollars; store number four—eight dollars; store number five—sixteen dollars; store number six—thirty-two dollars; store number seven—sixty-four dollars; store number eight—one hundred twenty-eight dollars; store number nine—two hundred fifty-six dollars; store number ten, and each and every store above that number—five hundred dollars."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 163—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 163 were read and adopted:

Amendment No. 1.

On page 1, line 20, of the printed bill, strike out "safe".

Amendment No. 2.

On page 2, line 15, of the printed bill, after "operating", insert "over any public street or highway".

Amendment No. 3.

On page 2, line 16, of the printed bill, strike out "three", and insert in lieu thereof "two".

Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 29 to 36, both inclusive, and insert in lieu thereof the following:

" 2 tons or over but less than 7 tons.....	\$0.0025
7 tons or over but less than 9 tons.....	.003
9 tons or over but less than 11 tons.....	.0035
11 tons or over but less than 13 tons.....	.004
13 tons or over but less than 15 tons.....	.005
15 tons or over.....	.006 "

Amendment No. 5.

On page 2 of the printed bill, strike out all of lines 44 and 45, and insert in lieu thereof the following:

"2 tons or over but less than 7 tons..... \$1.00".

Amendment No. 6.

On page 2 of the printed bill, strike out all of lines 50 and 51, and insert in lieu thereof the following:

"15 tons or over..... 5.00".

Amendment No. 7.

On page 3 of the printed bill, strike out all of line 3 after "applicable to", and all of lines 4 to 7, both inclusive, and insert in lieu thereof the following: "all operations of any semitrailer or trailer of gross weight of two tons or more if such

vehicle is at any time driven by a motor vehicle propelled by an engine using as fuel any product on the distribution of which no motor vehicle fuel income taxes are measured, regardless of whether or not such contractor or trailer may at times be drawn by other types of motor vehicles."

Amendment No. 8.

On page 3, line 40, of the printed bill, strike out "March", and insert in lieu thereof "June".

Amendment No. 9.

On page 3, line 41, of the printed bill, strike out "April", and insert in lieu thereof "July".

Amendment No. 10.

On page 3, line 42, of the printed bill, strike out "April", and insert in lieu thereof "June".

Amendment No. 11.

On page 3, line 51, of the printed bill, strike out "three", and insert in lieu thereof "two".

Amendment No. 12.

On page 4, line 8, of the printed bill, strike out "April", and insert in lieu thereof "June".

Amendment No. 13.

On page 4, line 14, of the printed bill, strike out "March", and insert in lieu thereof "June".

Amendment No. 14.

On page 5, line 10, of the printed bill, strike out "fifteen", and insert in lieu thereof "ten".

Amendment No. 15.

On page 6, line 19, of the printed bill, strike out "6", and insert in lieu thereof "15".

Amendment No. 16.

On page 7, line 30, of the printed bill, strike out "May", and insert in lieu thereof "July".

Amendment No. 17.

On page 7, line 31, of the printed bill, strike out "May", and insert in lieu thereof "July".

Amendment No. 18.

On page 7, line 35, of the printed bill, strike out "May", and insert in lieu thereof "July".

Amendment No. 19.

On page 11 of the printed bill, strike out all of line 5 after "to the" and all of lines 6 to 8, both inclusive, and insert in lieu thereof the following: "Motor vehicle fuel fund".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 121—An act to amend section 862b of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of sixth class.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 534—An act relating to persons in private psychopathic institutions.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Hospitals and Asylums, the following amendments to Senate Bill No. 534 were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out "or any".

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out "two", and insert in lieu thereof "one".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 7 and 8, and insert in lieu thereof the following: "cian, who shall not be connected with any private psychopathic institution, that he has made a mental exami-".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 11 to 17, inclusive, and insert in lieu thereof the following:

"SEC. 2. No person in a private institution, hospital or sanitarium for the care or treatment of the mentally ill shall be restrained from sending written communications of the fact of his detention in such institution to a friend, relative or other person; and it shall be the duty of both the physician in charge of such person and the person in charge of such hospital to send such communication to the person to whom it is addressed; provided, however, that whenever the physician in charge finds it inadvisable to send such communications because they contain other matter which would do harm to the reputation of, and would later cause mental anguish to the person detained, or when said physician finds it impossible to deliver said communication within twenty-four hours, then it shall be the duty of both the physician in charge of the patient, and the person in charge of the institution to give notice of detention of such patient to both the district attorney of the county from which the patient came at time of admission and the district attorney of the county in which the institution is located giving him the name and address of the patient and the names and addresses of the person or persons arranging for said admission and it shall be the duty of such district attorney or district attorneys to investigate the detention of such patient and advise the patient concerning his legal rights."

Amendment No. 5.

On page 2 of the printed bill, strike out lines 5 to 12, inclusive, and insert in lieu thereof the following:

"SEC. 4. Upon proof of the violation of any of the provisions of this act, the permit to any person to operate such private institutions, hospital or sanitarium may be suspended or revoked by the Department of Institutions."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of loaning money on pledges of personal property known as pawnbroking, and providing penalties for the violation hereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 733—An act to add section 1070.5 to the Fish and Game Code, relating to fish.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 733 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the figures "1070.5", and insert in lieu thereof the figures "1110."

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out the word "fish", and insert in lieu thereof the following: "the operation of fishing boats and the delivery of fish outside of the State."

Amendment No. 3.

On page 1, line 1 of the printed bill, strike out the figures "1070.5", and insert in lieu thereof the following figures: "1110."

Amendment No. 4.

On page 1, line 3, of the printed bill, strike out the figures "1070.5", and insert in lieu thereof the following: "1110. No person shall use, possess or operate in this State or in the waters thereof any fishing boat or other vessel equipped with, or whereon there is located, any net, tackle or other appliance for the taking of fish, which while operating in or out from this State or any port or harbor thereof, does deliver, or by which there are delivered, any sardines which are caught at

any place by the use of and taken aboard such boat or vessel to any vessel or floating reduction plant located upon the waters of this State or upon the high seas or to any place other than within this State unless a permit authorizing the same shall have been issued by the commission. Any person found guilty of a violation of this section shall be guilty of a misdemeanor and shall forfeit his commercial fishing license, and his net, tackle and appurtenances shall be forfeited."

Bill read second time, ordered to reprint, and re-referred to Committee on Fish and Game.

Senate Bill No. 1090.—An act to amend section 50 of the "State Housing Act," approved June 15, 1923, relating to the character and construction of fire escapes.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 919.—An act to carry into effect the provisions of Article XX, section 22 of the Constitution of California as adopted by the voters at the general election held November 6, 1934, relating to the control of the liquor traffic in the State of California and prescribing penalty for the violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 919 were read and adopted.

Amendment No. 1.

On page 2, line 13, of the printed bill, as amended, after the word "trust", insert a comma, and strike out the comma following the word "business".

Amendment No. 2.

On page 3, line 11, of the printed bill, as amended, strike out the words "three and two-tenths", and insert in lieu thereof the word "four".

Amendment No. 3.

On page 3, line 16, of the printed bill, as amended, strike out the word "he", and insert in lieu thereof the word "the".

Amendment No. 4.

On page 4, line 5, of the printed bill, as amended, before the word "Wine", insert the words "Gallon or".

Amendment No. 5.

On page 4 of the printed bill as amended, between lines 9 and 10, insert the following:

"(X) "Still" means a still used in the production or capable of being used in the production of alcoholic beverages and does not include stills or apparatus used solely in the production of distilled water or substances other than alcoholic beverages."

Amendment No. 6.

On page 4, line 11, of the printed bill, as amended, strike out "constitute", and insert in lieu thereof "constitute", and strike out the comma following the word "person".

Amendment No. 7.

On page 5, line 20, of the printed bill, as amended, strike out the word "wholesale", and insert in lieu thereof the word "wholesaler's".

Amendment No. 8.

On page 5 of the printed bill, as amended, strike out lines 36 to 37, and insert in lieu thereof the following:

"per year.....\$100. per year

For each \$1,000 retail sales or fraction thereof over \$1,000

per year.....\$10. per year".

Amendment No. 9.

On page 6, line 10, of the printed bill, as amended, after the word "board", insert the following: "; provided, that where an application clearly indicates that the applicant does not desire to exercise the privileges granted by the license applied for until on or after the beginning of the quarterly period following the

quarterly period in which the application is filed with the board, such fees shall be reduced twenty-five per cent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date so indicated in the application".

Amendment No. 10.

On page 6 of the printed bill, as amended, strike out lines 16 to 19, both inclusive, and insert in lieu thereof the following: "proportionately with the reduction in fee provided in the preceding paragraph in accordance with such rules and regulations as the board may prescribe."

Amendment No. 11.

On page 6, line 22, of the printed bill, as amended, after the word "for", insert the word "in".

Amendment No. 12.

On page 6, line 46, of the printed bill, as amended, after the word "the", insert the word "labeling".

Amendment No. 13.

On page 8, line 2, of the printed bill, as amended, strike out the word "consumer", and insert in lieu thereof the word "consumers".

Amendment No. 14.

On page 8, line 3, of the printed bill, as amended, after the word "less", insert the words "per sale".

Amendment No. 15.

On page 8, line 4, of the printed bill, as amended, after the word "less", insert the words "per sale".

Amendment No. 16.

On page 8, line 7, of the printed bill, as amended, strike out the word "consumer", and insert in lieu thereof the word "consumers".

Amendment No. 17.

On page 11 of the printed bill, as amended, strike out all that portion of line 6, following the word "playgrounds", and strike out all of line 7 except the period.

Amendment No. 18.

On page 11, line 29, of the printed bill, as amended, after "turer's", insert a comma.

Amendment No. 19.

On page 12 of the printed bill, as amended, strike out lines 1 to 3, both inclusive.

Amendment No. 20.

On page 12, line 25, of the printed bill, as amended, strike out "his total volume of sales per annum", and insert in lieu thereof "the total amount of alcoholic beverages manufactured or sold."

Amendment No. 21.

On page 12, line 30, of the printed bill, as amended, strike out "his".

Amendment No. 22.

On page 12 of the printed bill, as amended, strike out lines 31 to 35, both inclusive, and insert in lieu thereof the following: "alcoholic beverages manufactured or sold during the preceding quarter.

If any such report shows that the total amount of alcoholic beverages manufactured or sold during the year exceeds the amount".

Amendment No. 23.

On page 12, lines 37 and 38, of the printed bill, as amended, strike out "make additional sales", and insert in lieu thereof the following: "manufacture or sell additional amounts of alcoholic beverages".

Amendment No. 24.

On page 12, line 40, of the printed bill, as amended, strike out "sales", and insert in lieu thereof "the amount of alcoholic beverages manufactured or sold as herein required."

Amendment No. 25.

On page 13, line 16, of the printed bill, as amended, after the word "sold", insert the words "in this State".

Amendment No. 26.

On page 13, line 19, of the printed bill, as amended, strike out the words "not more than".

Amendment No. 27.

On page 14, line 6, of the printed bill, as amended, after the word "All", insert the word "distilled".

Amendment No. 28.

On page 17, line 19, of the printed bill, as amended, strike out ", or", and insert in lieu thereof the word "of".

Amendment No. 29.

On page 17, line 20, of the printed bill, as amended, after the word "State", insert the following: "by a licensed manufacturer or importer".

Amendment No. 30.

On page 17 of the printed bill, as amended, strike out all of lines 44 to 51, inclusive, and insert in lieu thereof the following:

"Sec. 31. In any case in which any tax, interest and penalty imposed under this act is not paid when due the Controller shall notify the board and may file in the office of the county clerk of Sacramento County or any other county a certificate specifying the amount of the tax, interest and penalty due, the name and last known address of the manufacturer or importer liable for the same, that the board has complied with all the provisions of this act in relation to the computation and levy of the tax and a request that judgment be entered against the manufacturer or importer in the amount of the tax, interest and penalty set forth in the certificate. The county clerk immediately upon the filing of such certificate shall enter a judgment for the people of the State of California against the manufacturer or importer in the amount of the tax, interest and penalty set forth in the certificate. The judgment may be filed by the county clerk in a loose leaf book entitled 'Special Judgments for State Excise Tax'.

An abstract of such judgment or a copy thereof may be provided with the county recorder of any county and from the time of such recording the amount of the taxes, interest and penalty therein set forth shall constitute a lien upon all the real property of the manufacturer or importer in such county, except to him or which he may afterwards and before the lien expires acquire, which lien shall have the force, effect and priority of a judgment lien. Execution shall issue upon such a judgment upon the request of the Controller or in the same manner as execution may issue upon other judgment and writs shall be held in due execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the Controller shall be authorized to act on behalf of the people of the State of California."

Amendment No. 31.

On page 18, line 16, of the printed bill, as amended, after the word "under", insert the word "their".

Amendment No. 32.

On page 18, line 20, of the printed bill, as amended, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment No. 33.

On page 18, lines 23 and 24, of the printed bill, as amended, strike out the words "subject to the lien of said excise tax," and insert in lieu thereof the following: "of the taxpayer,".

Amendment No. 34.

On page 21, between lines 7 and 8, of the printed bill, as amended, insert the following: "Each stamp so attached to any container of distilled spirits shall immediately be canceled by indelibly writing or stamping thereon the number of the licensee attaching the stamp and the date of cancellation."

Amendment No. 35.

On page 21 of the printed bill, as amended, between lines 23 and 24, insert the following: "On and after July 1, 1935, it shall be unlawful for any person to deliver to any premises, for which an on or off sale distilled spirits license is issued under this act or for which an on-sale license for liquor other than beer or wine is issued under the State Liquor Control Act, any distilled spirits unless the containers of such distilled spirits bear a label or labels plainly indicating the quantity and proof strength of the contents of such containers and the name of the manufacturer or distributor thereof."

Amendment No. 36.

On page 23, line 11, of the printed bill, as amended, strike out "and/".

Amendment No. 37.

On page 23, lines 16 and 17, of the printed bill, as amended, strike out the words "investigators and auditors", and insert in lieu thereof the word "persons".

Amendment No. 38.

On page 23, line 17, of the printed bill, as amended, after the word "board", insert the words "for the enforcement of the provisions of this act".

Amendment No. 39.

On page 23, line 25, of the printed bill, as amended, strike out the words "investigators and auditors", and insert in lieu thereof the word "persons".

Amendment No. 40.

On page 28 of the printed bill, as amended, between lines 34 and 35, insert the following:

"SEC. 50. Postal authorities may refuse delivery of any shipment of alcoholic beverage originating outside of this State. Postal authorities may turn such alcoholic beverage over to the board. The beverage when received shall be summarily forfeited to the State, to be sold at public auction by the board. Every person violating the provisions of this section shall be guilty of a misdemeanor."

Amendment No. 41.

On page 28 of the printed bill, as amended, between lines 48 and 49, insert the following:

"The board shall also have the power to seize and summarily destroy or sell at public auction the following alcoholic beverages:

1. Alcoholic beverages manufactured in this State by any person other than a licensed manufacturer, regardless of where found;

2. Beer and wine upon the sale of which the excise tax imposed by this act has not been paid, regardless of where found;

3. Distilled spirits except (a) distilled spirits located upon premises for which licenses authorizing the sale of such distilled spirits have been issued; (b) distilled spirits consigned to and in the course of transportation to a licensee holding licenses authorizing the sale of such distilled spirits; (c) distilled spirits the containers of which bear the stamps herein required to be attached thereto."

Amendment No. 42.

On page 29 of the printed bill, as amended, strike out lines 3 to 16, both inclusive.

Amendment No. 43.

On page 31, line 42, of the printed bill, as amended, after the word "sells", insert the words "or otherwise disposes of, except for export,".

Amendment No. 44.

On page 31, line 44, of the printed bill, as amended, after the word "weight", insert the following: "and any person who sells or otherwise disposes of, except for export, any bottled beer containing more than four per cent of alcohol by weight,".

Amendment No. 45.

On page 31, line 44, of the printed bill, as amended, strike out the semicolon, insert in lieu thereof a period, strike out the remainder of line 44, and strike out lines 45 to 48, both inclusive.

Amendment No. 46.

On page 31 of the printed bill, as amended, strike out lines 49 to 52, both inclusive, and insert in lieu thereof the following:

"SEC. 56. Every person who employs or uses the services of minors in or on that portion of any premises which are used for the sale and service of alcoholic beverages for consumption on the premises shall be guilty of a misdemeanor."

Amendment No. 47.

On page 32 of the printed bill, as amended, strike out lines 1 to 3, both inclusive.

Amendment No. 48.

On page 32, line 4, of the printed bill, as amended, strike out "on-sale licensee", and insert in lieu thereof "person".

Amendment No. 49.

On page 32, line 12, of the printed bill, as amended, strike out the words "holding a retailer's on-sale license".

Amendment No. 50.

On page 32, line 21, of the printed bill, as amended, strike out the words "for consumption on the premises", and insert in lieu thereof the words "on any part of any day set".

Amendment No. 51.

On page 32, lines 41 and 42, of the printed bill, as amended, strike out "engaged in the business of selling or serving alcoholic beverages".

Amendment No. 52.

On page 32, line 45, of the printed bill, as amended, after the word "misdemeanor", add the following: "provided, that this section shall not apply to the parents or guardians of such persons under twenty-one years of age."

Amendment No. 53.

On page 32, lines 46 and 47, of the printed bill, as amended, strike out "engaged in the business of selling or serving alcoholic beverages".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 14—An act relating to the solicitation of law business and to contracts and statements arising out of personal injuries.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 14 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out of line 2 of the title thereof the words: "statements arising out of personal injuries" and insert in line thereof the following: "releases arising out of claims for damages for personal bodily injuries, and to solicitation of representation of claimants for such injuries."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 15, inclusive, and insert in lieu thereof the following:

"SECTION 1. It shall be unlawful for any person, firm, partnership, association or corporation or for the officers, agents, servants, or employees of any such person, indirectly, individually or by agent, servant or employee, to solicit and receive injured as result of an accident, his representative, executor, heirs or assigns for the purpose of representing such person in making claim for damages or procuring any action or cause of action arising out of any personal injury claim against any other person, firm or corporation, and any contract entered into as a result of such solicitation shall be void. Provided, however, that nothing herein shall affect an unsolicited contract entered into by any person, firm or corporation with an attorney duly admitted to practice law in this State."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 16 to 25, inclusive, and insert in lieu thereof the following:

"SEC. 2 Any settlement, adjustment, compromise, release, discharge or satisfaction of claims for damages for personal bodily injuries procured from any injured person, or from his guarantor or parent, within fifteen days after such injuries were sustained, may be rescinded at the option of such injured person, guardian or parent by giving, within sixty days after such injuries were sustained, written notice of rescission accompanied by a declaration of the rescission. If such paid or given for the settlement, adjustment, compromise, release, discharge or satisfaction of such claims; provided, however, that the rescission and the conditions and limitations thereon provided for herein shall apply only in cases where the rescission is sought or made on the sole ground herein provided for and shall not limit or affect the right of rescission on other grounds."

Amendment No. 4.

On page 1 of the printed bill, strike out lines 26 to 28, inclusive, and on page 2, strike out lines 1 to 17, inclusive, and insert in lieu thereof the following:

"SEC. 3. Any contract, oral or in writing, employing an attorney and providing for a contingent fee or proportion of recovery as compensation for such attorney's services, procured from or entered into with any person for services in the recovery of damages for personal bodily injuries claimed to have been sustained by such person or by his parent, child or ward, within fifteen days after such injuries were sustained, may be subject to examination and revision by any court having jurisdiction of the action for damages for such injuries, or any court having jurisdiction of an action on such contract of employment. Such examination and revision (or approval) may be made at any time after the contract is entered into, upon the application of either party thereto, in and as an incident to the action for damages, or the action on the contract of employment, or by independent petition and hearing, upon such notice as the court shall direct. Upon the hearing the court may approve the contract or revise it by reduction of the compensation contracted for to some amount or percentage of recovery as may be fair and equitable. It may also be the duty of the court to inquire into the circumstances of the employment of such attorney and if it appears to the satisfaction of the court that the use made by the attorney as the result of solicitation of which such attorney had knowledge, or, in the exercise of due care should have had knowledge, no fee or compensation of any kind shall be allowed to the attorney in the matter."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 668—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 668 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "amend", insert the following: "section 12905 of".

Amendment No. 2.

On page 1, line 1, of the title of the printed bill, after "to", insert the following: "the".

Amendment No. 3.

On page 1 of the printed bill strike out lines 2 and 3 of the title, and insert in lieu thereof the following: "commissioner."

Amendment No. 4.

On page 1, line 1, of the printed bill, after the period, add the following: "Section 12905 of the Insurance Code is hereby amended to read as follows:

12905. The commissioner shall keep his office in the city of San Francisco and shall also keep an office in the city of Sacramento and an office in the city of Los Angeles."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 479—An act to amend section 10482 of the Insurance Code, relating to valuation of life policies.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 479 was read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "10482 and", and insert in lieu thereof the following: "10484 and".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1095—An act to repeal sections 10650 to 10671, inclusive, 10691 to 10713, inclusive, 10770 and 10780, of the Insurance Code, and to add sections 10650, 10670, and 10671 thereto, and to make certain other provisions, all relating to mutual benefit associations.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 910—An act to amend sections 680 to 1106 of the Insurance Code, to repeal certain sections thereof and to add certain sections thereto, all relating to the insurance business.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 910 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "sections 680 to 1106 of".

Amendment No. 2.

On page 1 of the printed bill, strike out line 2 of the title, and in line 3, strike out "tions thereto", and insert in lieu thereof the following: "by adding Article 8a to Chapter 1 of Part 2 of Division 1 of said code, comprising section 870".

Amendment No. 3.

On page 1, line 3 of the title of the printed bill, strike out "insurance business", and insert in lieu thereof the following: "deposit of funds by investment in policies, or otherwise, with an insurer".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

"Section 1. A new article is hereby added to Chapter 1 of Part 2 of Division 1 of the Insurance Code, to be numbered Article Sa, comprising section 870, and to read as follows:

"Article Sa. Policies as Legal Investments, and Deposit of Funds with Insurers.
870. Notwithstanding any provision of the General Corporation Act, perpetual care funds of voluntary associations or corporations may be invested in policies of life or endowment insurance issued by, or by deposit with an admitted life insurer issuing nonassessable policies on a standard legal reserve basis. The amount of perpetual care funds which may be invested in such policies, and any statement made regarding the amount of such funds so invested shall not exceed the cash surrender value of such policies."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 669—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 669 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "second", insert the following: "section 11716 of".

Amendment No. 2.

On page 1, line 1 of the title of the printed bill, after "to", insert the following: "the".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 2 and 3 of the title, and insert in lieu thereof the following: "commissioner."

Amendment No. 4.

On page 1, line 1, of the printed bill, after the period, add the following: "Section 11716 of the Insurance Code is hereby amended to read as follows:

11716. Such deposit shall be security for the payment of the insurer's obligations on workmen's compensation insurance transacted in this State. If the insurer maintaining such deposit suspends payment or becomes insolvent or enters receivership, all proper claims against it for workmen's compensation shall be reduced to final awards as soon as practicable, whereupon it shall be the duty of the Industrial Accident Commission to transmit to the commissioner its certificate of final awards, supported by a certified schedule listing the persons to whom such final awards are payable and the amount payable to each. Such deposit shall not be withdrawn except upon the written order of the commissioner in payment of compensation claims, but shall be forthwith payable by the State Treasurer to the commissioner upon such order."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 275—An act to amend section 426 of the Code of Civil Procedure, relating to complaints in civil actions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 271—An act to amend section 281 of the Code of Civil Procedure, relating to the practice of law.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 454—An act to provide for the establishment and administration of a system of State health service insurance, including

the establishing of a Health Service Insurance Commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereto, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 454 were read and adopted:

Amendment No. 1.

On page 2, line 12, of the printed bill, as amended, after "hospital," insert the following: "the use of the physical equipment, materials and nonprofessional technical services of X-ray, clinical, and other hospital laboratories,".

Amendment No. 2.

On page 3, line 9, of the printed bill, as amended, insert after "State", the following: ", and also excluding every person who files with his employer and with the commission an affidavit that he and his dependents are members of one or more health service insurance associations, together with certificates of such associations showing such membership,".

Amendment No. 3.

On page 4 of the printed bill, as amended, strike out lines 14 to 37, inclusive, and insert in lieu thereof the following:

"Sec. 12. "Health service insurance practice" means the furnishing of medical, dental, hospital, or other service for the diagnosis, treatment or care of sick or injured persons when such service is furnished under any contract, plan, or system whereby a person or a member of a group of persons is entitled to receive such service in the event of sickness or injury."

Amendment No. 4.

On page 5 of the printed bill, as amended, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"(b) For the purposes of this act, a county hospital or municipal hospital or other public facility shall be considered an auxiliary service association only to the extent that it renders services to sick or injured persons for pay or compensation from the fund or that it voluntarily consents thereto."

Amendment No. 5.

On page 5 of the printed bill, as amended, strike out lines 7 to 11, inclusive, and insert in lieu thereof the following: "person, firm, group, association, or corporation engaged in health service insurance practice, either by the use of its own or other facilities and whether for its own benefit or that of third persons or others."

Amendment No. 6.

On page 5 of the printed bill, as amended, strike out lines 31 to 33, inclusive, and insert in lieu thereof the following:

"Sec. 20. "Member" means any person entitled to receive diagnosis, treatment, and care, in the event of sickness or injury, from any health service insurance association."

Amendment No. 7.

On page 6, line 3, of the printed bill, as amended, insert after "years", the following: ", and one of whom shall be a dentist who has held the degree of doctor of dental surgery or doctor of dental medicine for not less than ten years".

Amendment No. 8.

On page 6, line 20, of the printed bill, as amended, insert after "commissioner,". the following: "This section shall not be construed as requiring the full-time service of any commissioner."

Amendment No. 9.

On page 6, line 22, of the printed bill, as amended, strike out "twenty-five thousand dollars (\$25,000)", and insert in lieu thereof the following: "ten thousand dollars".

Amendment No. 10.

On page 6, line 24, of the printed bill, as amended, strike out "eight thousand," and insert in lieu thereof the following: "three thousand six hundred."

Amendment No. 11.

On page 6, line 34, of the printed bill, as amended, strike out "and by the compensation," and insert in lieu thereof the following: "who shall receive an annual salary of five thousand dollars."

Amendment No. 12.

On page 7, line 5, of the printed bill, as amended, insert after "percent," the following: "The annual salary of the general treasurer shall be five thousand dollars."

Amendment No. 13.

On page 7, line 45, of the printed bill, as amended, strike out "and," also strike out all of lines 46 to 48, inclusive, and insert in lieu thereof the following: "Two physicians, two dentists, one registered nurse, one hospital executive, one employer, one employee, one farmer, and one contractor (inserted phrase) (over)."

Amendment No. 14.

On page 8 of the printed bill, as amended, strike out lines 2 to 4, inclusive, and insert in lieu thereof the following: "by the committee. When"

Amendment No. 15.

On page 8 of the printed bill, as amended, strike out lines 45 to 52, inclusive, and insert in lieu thereof the following: "control the financing of all services and benefits for which compensation is made from the fund and to prescribe and enforce rates or fees to be charged, collected, or paid therefor; but nothing contained in this act shall be construed as authorizing any organization supervised by the commission of any health service insurance association."

Amendment No. 16.

On page 9 of the printed bill, as amended, strike out lines 1 to 16, inclusive.

Amendment No. 17.

On page 13, line 6, of the printed bill, as amended, insert after "members," the following: "The provisions of this section are restricted to regulations by the commission of services and benefits for which compensation is paid from the fund."

Amendment No. 18.

On page 13, line 17, of the printed bill, as amended, insert after "section," the following: "The provisions of this section are restricted to the rendering of services for which compensation is paid from the fund."

Amendment No. 19.

On page 13, line 39, of the printed bill, as amended, after "act," insert the following: "for which compensation was paid from the fund."

Amendment No. 20.

On page 13 of the printed bill, as amended, strike out lines 49 to 51, inclusive.

Amendment No. 21.

On page 14 of the printed bill, as amended, strike out lines 1 and 2.

Amendment No. 22.

On page 14 of the printed bill, as amended, strike out lines 8 to 34, inclusive.

Amendment No. 23.

On page 14 of the printed bill, as amended, strike out lines 41 to 51, inclusive.

Amendment No. 24.

On page 15 of the printed bill, as amended, strike out lines 14 to 36, inclusive.

Amendment No. 25.

On page 15, line 51, of the printed bill, as amended, strike out "either".

Amendment No. 26.

On page 15, line 52, of the printed bill, as amended, strike out "or a health service insurance asso-".

Amendment No. 27.

On page 16, line 1, of the printed bill, as amended, strike out "ciation".

Amendment No. 28.

On page 16 of the printed bill, as amended, strike out lines 10 to 21, inclusive,

Amendment No. 29.

On page 16, line 23, of the printed bill, as amended, strike out "any of the licenses", and insert in lieu thereof the following: "a license".

Amendment No. 30.

On page 16 of the printed bill, as amended, strike out lines 43 to 49, inclusive, and insert in lieu thereof the following: "mission a minimum original fee of twenty dollars."

Amendment No. 31.

On page 17 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following: "and regulation of such licenses."

Amendment No. 32.

On page 17 of the printed bill, as amended, strike out lines 23 to 28, inclusive.

Amendment No. 33.

On page 18 of the printed bill, as amended, strike out lines 17 to 20, inclusive, and insert in lieu thereof the following: "service practitioner for the extraction of teeth, for which services he shall be chosen by the patient; and for the treatment of acute infections of the teeth, gums, and alveolar processes, and bone adjacent thereto, or fractures of the jaws, which services may be rendered at the request of the patient or by reference of the patient by an attending physician."

Amendment No. 34.

On page 18, line 24, of the printed bill, as amended, after "hospital", insert the following: ", the use of the physical equipment, materials and nonprofessional technical services of X-ray, clinical and other hospital laboratories,".

Amendment No. 35.

On page 18 of the printed bill, as amended, strike out lines 36 and 37, and insert in lieu thereof the following: "Class three: Thirteen weeks."

Amendment No. 36.

On page 19, line 10, of the printed bill, as amended, after "opinion.", insert the following: "The foregoing periods and services may be lengthened and increased by the commission by reasonable, uniform regulations if, in its opinion, the resources of the fund permit such action and the public interest makes such action necessary or advisable."

Amendment No. 37.

On page 19 of the printed bill, as amended, strike out lines 21 to 33, inclusive, and insert in lieu thereof the following:

"(d) The commission may provide for other dental services to be allowed as additional benefits hereunder, permitting the beneficiary and his dentist to select the type of dental restorations or replacements, or other dental service or services.

The commission may:

- (1) Pay the total cost of the dental service rendered; or
- (2) Such fractional cost thereof as the commission may determine; or
- (3) Allow a maximum total or a fractional cost of dental expenditure, exclusive of the primary benefits provided by class three in section 132, for any beneficiary for any given period or periods."

Amendment No. 38.

On page 27, lines 7 and 8, of the printed bill, as amended, strike out "health service insurance of".

Amendment No. 39.

On page 27, lines 9 and 10, of the printed bill, as amended, strike out "health service insurance of".

Amendment No. 40.

On page 27, line 52, of the printed bill, as amended, after "State", insert the following: "subject to the provisions of this act".

Amendment No. 41.

On page 28, line 18, of the printed bill, as amended, after "State", insert the following: "subject to the provisions of this act".

Amendment No. 42.

On page 28, line 29, of the printed bill, as amended, after "employees", insert the following: "subject to the provisions of this act".

Amendment No. 43.

On page 28 of the printed bill, as amended, strike out lines 42 to 51, inclusive.

Amendment No. 44.

On page 29, line 1, of the printed bill, as amended, strike out "(b)", and insert in lieu thereof the following: "(a)".

Amendment No. 45.

On page 29, line 14, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(b)".

Amendment No. 46.

On page 29, line 28, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof the following: "(c)".

Amendment No. 47.

On page 31, line 12, of the printed bill, as amended, after "service", insert the following: "Whenever any member of a fraternal society agrees to select the professional service practitioner who serves the members of such fraternal society, such agreement shall not be deemed to be an infringement upon the free choice of physician or dentist by such person."

Amendment No. 48.

On page 31, lines 20 and 21, of the printed bill, as amended, strike out "the funds of a health service insurance association or".

Amendment No. 49.

On page 31, lines 21 and 22, of the printed bill, as amended, strike out "or any other fund into which payments or contributions are made".

Amendment No. 50.

On page 31 of the printed bill, as amended, strike out lines 30 to 36 inclusive, and insert in lieu thereof the following:

"SEC. 199. The provisions of this act shall not apply to the transaction of disability or medical and hospital service insurance by an insurer authorized to transact any such insurance pursuant to the provisions of the Insurance Code."

Amendment No. 51.

On page 32 of the printed bill, as amended, immediately following line 13, insert the following:

"SEC. 203. If in any proceeding or action arising under this act the intent of the Legislature relevant thereto is not fairly and clearly to be inferred from the text of the act, reference shall be made to those portions of the Report of the Senate Interim Committee on the High Cost of Sickness under the captions 'Basis of legislation on health insurance and Declaration of Public Policy' with respect to legislation on health insurance. The said portions of said report are hereby adopted, subject to the conditions expressed in this section, as declaratory of the intent of the Legislature in enacting this act."

SEC. 207. Nothing in this act shall be construed as affecting any workmen's compensation or employers' liability act of this State.

SEC. 208. Anything in this act to the contrary notwithstanding, any bona fide fraternal society, operating under the lodge system, and which indicates its members into the same, through the medium of ritualistic services, and that has been in existence in this State for five successive years immediately prior to the effective date hereof, and that has at least two thousand five hundred paid up members in this State, and which society gives or contributes any such benefits, cash benefits, or any medical attention to its members, on account of sickness or accident, shall be exempt from the provisions of this act, and every member of any such society who is entitled to receive from the same any such cash, sick or accident benefits or medical attention, and which member is or may be construed to be an employee within the meaning of this act, shall be exempt from all the provisions of this act by filing with his employer any affidavit stating such membership and the facts concerning such benefits or medical attention, to which he is entitled from such society, and thereupon his employer shall also be exempt from the provisions of this act with respect to that employee.

SEC. 209. Anything in this act to the contrary notwithstanding any bona fide health service insurance association composed of the employees of any city that has been in existence in this State for five successive years immediately prior to the effective date of this act, and that has at least two thousand five hundred paid up members in such association, and which association gives or contributes any sick benefits, cash benefits or any medical attention to its members, on account of sickness or accident, shall be exempt from the provisions of this act, and every member of such association who is entitled to receive from the same any such cash, sick or accident benefits or medical attention, and which member is or may be construed to be an employee within the meaning of this act, shall be exempt from all the provisions of this act by filing with his employer an affidavit stating such membership and the facts concerning such benefits or medical attention to which he is entitled from such association, and thereupon his employer shall also be exempt from the provisions of this act with respect to that employee."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 1194—An act amending the title and sections 31, 32 and 33, of the "Improvement Act of 1911," approved April 7, 1911, as amended, relating to public improvements and the repair and reconstruction of portions of improved streets, avenues, lanes, alleys, courts or places, bulkheads, retaining walls or other works for the protection of the same and to the payment of the costs thereof and establishing a procedure for the same.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 1194 were read and adopted:

Amendment No. 1.

On page 6, line 1, of the printed bill, as amended, strike out "That upon", and insert in lieu thereof the following: "Upon".

Amendment No. 2.

On page 6, line 4, of the printed bill, as amended, strike out "and".

Amendment No. 3.

On page 6, line 19, of the printed bill, as amended, strike out the commas and "if any".

Amendment No. 4.

On page 6, line 20, of the printed bill, as amended, strike out "the", before "assessed", and insert in lieu thereof the following: "be".

Amendment No. 5.

On page 6, line 32, of the printed bill, as amended, strike out "Sec. 2", and insert in lieu thereof the following: "Sec. 3".

Amendment No. 6.

On page 7, line 28, of the printed bill, as amended, strike out "Sec. 3", and insert in lieu thereof the following: "Sec. 4".

Amendment No. 7.

On page 7, line 32, of the printed bill, as amended, before "report", insert the following: "the".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1394—An act amending section 14, of an act entitled, "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 283—An act to amend section 852 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 283 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "of", insert the following: "and to add a new section to be numbered 852c to".

Amendment No. 2.

On page 2 of the printed bill, following the end of line 4, insert the following:

"SEC. 2. A new section to be numbered 852c, is hereby added to the act cited in the title hereof, to read as follows:

852c. Any or all ordinances of any city which have been enacted and published in accordance with the provisions of the charter thereof or the general laws of the State, and which have not been repealed, may be compiled, revised, indexed and arranged as a comprehensive ordinance code and such code adopted by reference by the passage of an ordinance for such purpose, which ordinance shall be prepared to be adopted and approved and published in the manner provided by charter or general law governing the passage of ordinances for such city. Not less than three copies of such code shall be filed for use and convenience by the public in the office of the clerk of such city as the same may be going to the adoption thereof."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 828.—An act to amend an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, by amending section 23 thereof relating to priority of liens and bonds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 828 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the figure "14" and insert in lieu thereof the word "fourteen"; and in line 7 of the title, strike out the figure "1", and insert in lieu thereof the word "one".

Amendment No. 2.

On page 1, line 9, of the printed bill, change the word "issued", to "issue".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 457.—An act to amend sections 10 and 17 of, and to add sections 3a, 5a, 18a and 21a to, the Improvement Act of 1911, relating to an alternative procedure for the doing of work under said act by receiving contributions of labor, materials or equipment from the United States Government or other governmental agencies, declaring the urgency thereof and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 457 were read and adopted:

Amendment No. 1.

On page 2, line 24, of the printed bill, strike out "herein", and insert in lieu thereof, the following: "in said section 5 hereof".

Amendment No. 2.

On page 3, line 35, of the printed bill, strike out the word "contractor", and insert in lieu thereof the word "contract".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 440—An act to amend section 18a of the "Street Opening Act of 1903," relating to assessments and contribution of costs by municipalities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2047—An act to amend section 1197 of the Code of Civil Procedure, relative to executions in mechanics' lien actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 248—An act to amend sections 3051, 3051a and 3052 of the Civil Code, relating to liens on aircraft and other personal property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 252—An act to amend section 499b of the Penal Code, relating to the unauthorized taking for temporary use or operation of aircraft, automobiles, bicycles, motorcycles or other vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1919—An act to amend section 3 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Assembly Bill No. 1919 was read and adopted:

Amendment No. 1.

On page 1, line 18, of the printed bill, as amended, strike out "all".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1337—An act to amend section 4300g of the Political Code, relating to witness fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 387—An act to amend sections 1031 and 1032 of the Code of Civil Procedure, relating to costs.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1756—An act to add two new sections, to be numbered 1000a and 1000b, to Chapter III of Title XIV of Part II of the Code of Civil Procedure, relating to admissions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 386—An act to amend section 472a of the Code of Civil Procedure, relating to demurrers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1819—An act to add a new section to the Probate Code, to be numbered 1558, providing for allowances by the court to next of kin of an insane or incompetent person out of surplus income of said insane or incompetent person.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 451—An act to add section 393 to the Penal Code, relating to alcoholic beverages.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2172—An act to add section 287a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2406—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to sessions of the superior court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 64—An act to amend sections 1206 and 1207 of the Code of Civil Procedure, relating to preferred claims for work or personal services.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 64 were read and adopted:

Amendment No. 1.

On page 2, line 3, of the printed bill, as amended, at the end of the sentence, add a new sentence reading as follows: "In making any assessment the sheriff making the levy shall include in the amount due under the execution any and all preferred labor claims that have been filed in the action and of which he has notice, except any claims which may have been finally discharged by the court under the procedure provided for herein and of which notification he has given to the court. The amount due on preferred labor claims that have not been finally discharged by the court shall be considered a part of the sum due him by the attachment, garnishment or execution in augmentation of the amount thereof and it shall be the duty of any person, firm, association or corporation on whom a writ of attachment, garnishment or execution is levied to immediately pay in the levying officer the amount of such preferred labor claims, out of any money belonging to the defendant in the action, before paying the principal sum called for in the writ."

Amendment No. 2.

On page 2, line 11, of the printed bill, as amended, strike out the word "thereafter", and insert in lieu thereof the following: "After such copy is deposited in the mail or is handed to the claimant or his attorney."

Amendment No. 3.

On page 2, line 14, of the printed bill, as amended, before the word "The", insert a new sentence reading as follows: "If more than one attachment, garnishment or execution is involved the petition shall be filed in the court having jurisdiction over the senior attachment, garnishment or execution."

Amendment No. 4.

On page 2, line 19, of the printed bill, as amended, after the word "notice", insert "may be informal and need specify merely the name of the court, names of the principal parties to the senior attachment, garnishment or execution and name of the wage claimant or claimants on whose behalf it is filed but".

Amendment No. 5.

On page 2, lines 24 to 27, of the printed bill, as amended, strike out the following: "An appeal lies from any judgment under this section, such appeal to be taken in the manner provided for appeals from the court in which such judgment is had," and insert in lieu thereof the following: "There shall be no cost for filing or hearing the petition and the hearing on same shall be informal but all parties testifying must be sworn. Any claimant may appear on his own behalf at the hearing and may call and examine witnesses to substantiate his claim. An appeal may be taken from a judgment in a proceeding under this section in the manner provided for appeals from judgments of the court where the proceeding is had."

Amendment No. 6.

On page 2, line 39, of the printed bill, as amended, strike out the word "verified", and insert in lieu thereof the word "sworn".

Amendment No. 7.

On page 2, line 43, of the printed bill, as amended, before the word "If", insert a new sentence reading as follows: "Such sworn statement can not be made on information and belief unless the party swearing to same has actual information and belief that the wage claim, or the portion thereof that is contested, is not justly due, and in such case the nature and source of the information must be given."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Assembly Bill No. 438—An act to amend sections 640, 641, 642, 645 and 646 of the Probate Code, relating to estates.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 438 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "and 646", and insert in lieu thereof the following: ", 646, 771, 1530, 1531 and 1534".

Amendment No. 2.

On page 3 of the printed bill, after line 8, insert the following:

"SEC. 6. Section 771 of the Probate Code is hereby amended to read as follows:

771. Stocks or bonds may be sold and title thereto passed without the necessity for confirmation, upon obtaining an order of the court. A petition for such an order shall be filed with the clerk, who shall set the same for hearing by the court and shall give notice thereof for the period and in the manner required by section 1200 of this code, but the court or judge may order the notice to be given for a shorter period or dispensed with. The order shall fix the terms and conditions of sale, and when the minimum selling price is fixed or when the securities are to be sold upon an established stock or bond exchange, no notice of sale need be given.

SEC. 7. Section 1530 of the Probate Code is hereby amended to read as follows:

1530. If the income of an estate under guardianship is insufficient for the support, maintenance and education of the ward and of such members of his family as he is legally obligated to support and maintain, including his care, treatment and support, if confined in a State hospital for the insane, or if the personal estate and the income from the real estate is insufficient to pay his debts, his guardian may sell any of his real or personal property, or mortgage or give a deed of trust upon any of his real property for that purpose, or exchange any of such real or personal property, whenever it appears it is for the advantage, benefit and best interests of the ward and such members of his family as he is legally bound to support and maintain, subject to authorization, or confirmation or direction by the court as hereinafter provided.

SEC. 8. Section 1531 of the Probate Code is hereby amended to read as follows:

1531. When it will benefit a ward to sell any of his real or personal property and to put out the proceeds at interest or invest the same in some productive stocks or bonds, or in the improvement or security of any other real property of the ward, his guardian may sell the same for that purpose, subject to confirmation by the court, or authorization in the case of stocks or bonds, as hereinafter provided. The order confirming the sale, or authorizing the sale of stocks or bonds, must specify the particular disposition to be made of the proceeds, or it may direct the deposit of the whole or any portion thereof in a savings account with one or more banks, in which case the money so deposited may be invested from time to time under further directions of the court.

SEC. 9. Section 1534 of the Probate Code is hereby amended to read as follows:

1534. Sales by guardians may be at public auction or private sale, as the guardian deems best. All proceedings concerning sales by guardians, giving notice of sale, reselling the same property, return of sale and application for confirmation thereof, notice and hearing of such application, making orders authorizing the sale of stocks or bonds, rejecting or confirming sales and reports of sales, ordering and making conveyances of property sold, and allowance of commissions, must conform, as nearly as may be, to the provisions of this code concerning sales by administrators, unless otherwise specially provided in this chapter."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 879—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined.

Consideration of Committee Amendments

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 879 were read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, on April 19, 1935, strike out the words "Trial of Special Defenses."

Amendment No. 2.

On page 2 of the printed bill, as amended, on April 19, 1935, after line 18, add the following: "The provisions of this section shall also apply to the trial of special defenses pleaded in an answer to a cross complaint."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 29—An act to amend section 1657 of the Probate Code, relating to accounts of guardian

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 29 was read and adopted:

Amendment No. 1.

On page 1, line 21, of the printed bill, strike out the word "petitioner", and insert in lieu thereof the word "clerk."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 618—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 618 was read and adopted:

Amendment No. 1.

On page 6 of the printed bill, as amended, strike out lines 37 to 42, inclusive.

Bill read second time, ordered to reprint, and on file for third reading.

Unfinished Business.**Consideration of Senate Concurrent Resolution No. 33.**

Relative to prevention of accidental deaths and injuries in the home, in industry, in public places and on the streets and highways.

WHEREAS, The California State Department of Public Health reports that during the calendar year 1934, there were 5566 accidental deaths in California, 414 of which were occupational, 1025 occurred in public places, "and motor vehicle accidents," 1292 occurred in the home, and 2798 were due to the use of motor vehicles, and 37 were from type of accidents unknown; and

WHEREAS, It has been definitely proved through cooperation of employers and employees in industry, that industrial accidents can be greatly reduced; and

WHEREAS, The citizens of some cities have greatly reduced their deaths and injuries from motor vehicles through intensive cooperation between individuals, groups and city authorities; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That every citizen be urged to cooperate with Governor Merriam and the groups that are sponsoring the Western Safety Conference to be held in the Civic Auditorium, San Francisco, on June 11, 12, and 13, 1935; and

WHEREAS, It is realized that many citizens who should like to do so are unable to attend this meeting, but would gladly cooperate in a local community safety council; now, therefore, be it further

Resolved, That the entire population of the State of California be urged to cooperate in both the Western Safety Conference and in the organization and operation of community safety councils throughout the State.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 33 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, McGovern, Metzger, Mixer, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, and Waggy—28.

NOES—None.

Senate Concurrent Resolution No. 33 ordered transmitted to the Assembly.

Consideration of Assembly Amendments.

Senate Bill No. 685—An act to add section 274d to the Code of Civil Procedure, relating to phonographic reporters, and declaring the urgency of this act.

The Senate took up for consideration Assembly amendments to Senate Bill No. 685.

Amendment No. 1.

On page 2, line 11, of the printed bill, as amended, strike out "274d", and insert in lieu thereof the following: "274c".

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, after the word "section", strike out the following: "274d", and insert in lieu thereof the following: "274c".

Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, immediately before "The", strike out "274c", and insert in lieu thereof "274d".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 685?

The roll was called, and Assembly amendments to Senate Bill No. 685 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, and Waggy—27.

NOES—None.

Senate Bill No. 685 ordered to enrollment.

Senate Bill No. 131—An act to amend section 683 of the Civil Code, relating to joint tenancy.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 131.

Amendment No. 1.

On page 1, line 8, of the printed bill, following the comma, insert the following: "or from a husband and wife when holding title as community property or otherwise to themselves or to themselves and others".

Amendment No. 2.

On page 1, line 10, of the printed bill, following the period, insert the following: "A joint tenancy in personal property may be created by a written transfer, instrument or agreement. Provisions of this section shall not restrict the creation of a joint tenancy in a bank deposit as provided for in the Bank Act."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 131?

The roll was called, and Assembly amendments to Senate Bill No. 131 concurred in by the following vote:

AYES. Senators Bigger, Crittenden, Deuel, Difuria, Duval, Fletcher, Garrison, Gordon, Jepsersen, Knowland, McColl, McGovern, McGowan, Metzger, Myers, Olson, Perry, Remdollar, Rich, Schottky, Seallan, Seawell, Slater, Snyder, Snow, Swing, Wagy, and Young—28.

NOES. None.

Senate Bill No. 131 ordered to enrollment.

Senate Bill No. 173—An act to amend section 652 of the Fish and Game Code, relating to salmon.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 173.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section 652" and insert in lieu thereof the following: "sections 652, 655, 656 and 665."

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out "two per day" and insert in lieu thereof the following: "five per day for hook and line fishing, and two per day when taken with spear."

Amendment No. 3.

On page 1 of the printed bill, after line 8, insert the following paragraph:

"SEC. 2. Section 655 of the Fish and Game Code is hereby amended to read as follows:

655. In Klamath River District, always tidewater, salmon may be taken with hook and line, between May 29th and December 31st, spear, between August 1st and October 31st. The bag limit is five per day for hook and line fishing, and two per day when taken with spear.

SEC. 3. Section 656 of the Fish and Game Code is hereby amended to read as follows:

656. In the Klamath River District, in tidewater, salmon may be taken with hook and line, between May 29th and December 31st. The bag limit is five per day. Not more than one daily bag limit may be possessed by any person during one day.

SEC. 4. Section 665 of the Fish and Game Code is hereby amended to read as follows:

665. Salmon taken in Districts 1, 11, 2, 24, 3, 5, 12a, and the Klamath River District may not be sold. In District 5 the bag limit is five per day between May 29th and December 31st. Not more than one daily bag limit may be possessed by any person during one day."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 173?

The roll was called, and Assembly amendments to Senate Bill No. 173 concurred in by the following vote:

AYES.—Senators Bigger, Crittenden, Difuria, Duval, Fletcher, Garrison, Gordon, Jepsersen, Keough, Knowland, McColl, McGovern, McGowan, Metzger, Mixer, Perry, Remdollar, Rich, Schottky, Seallan, Seawell, Slater, Snyder, Snow, Swing, Wagy, and Young—27.

NOES.—None.

Senate Bill No. 173 ordered to enrollment.

Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property under proceedings in eminent domain.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 261.

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after "district", insert the following: ", of a public utility district."

Amendment No. 2.

On page 1, line 14, of the printed bill, as amended, after "irrigation", insert the following: ", public utility,".

Amendment No. 3.

On page 2, line 4, of the printed bill, as amended, after "irrigation", insert the following: ", public utility,".

Amendment No. 4.

On page 2, line 14, of the printed bill, as amended, after "irrigation district", insert the following: ", a public utility district,".

Amendment No. 5.

On page 2, line 24, of the printed bill, as amended, after "tion district," insert the following: ", a public utility district,".

Amendment No. 6.

On page 2, line 27, of the printed bill, as amended, after "irrigation district," insert the following: ", a public utility district,".

Amendment No. 7.

On page 2, line 40, of the printed bill, as amended, after "irrigation district," insert the following: ", a public utility district,".

Amendment No. 8.

On page 2, line 47, of the printed bill, as amended, after "trict," insert the following: ", a public utility district,".

Amendment No. 9.

On page 2, line 51, of the printed bill, as amended, after "irrigation districts", insert the following: ", public utility districts,".

Amendment No. 10.

On page 3, line 3, of the printed bill, as amended, after "irrigation district," insert the following: "or public utility district,".

Amendment No. 11.

On page 3, line 5, of the printed bill, as amended, after "irrigation district," insert the following: "or public utility district,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 261?

The roll was called, and Assembly amendments to Senate Bill No. 261 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Garrison, Gordon, Jespersen, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Perry, Rein-dollar, Rich, Schotky, Seawell, Slater, Snyder, Stow, Tickle, Wagy, and Williams—25.

NOES—None.

Senate Bill No. 261 ordered to enrollment.

Senate Bill No. 366—An act to renumber section 532a of the Penal Code, as added by Chapter 70 of the Statutes of 1913, to be section 532c of said code, relating to giving lots on the drawing of numbers.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 366.

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out the period, and insert in lieu thereof the following: ", to read as follows:

532c. Any person, firm, corporation or copartnership who knowingly and designedly offers or gives with winning numbers at any drawing of numbers or with tickets of admission to places of public assemblage, any lot or parcel of real property and charges or collects fees in connection with the transfer thereof, is guilty of a misdemeanor."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 366?

The roll was called, and Assembly amendment to Senate Bill No. 366 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, DeFoli, Fletcher, Garrison, Gorman, Hays, Jaspersen, Keough, King, McColl, McGovern, Metzger, Myrnes, Pendergich, Powers, Randall, Rich, Schottky, Seawell, Slater, Squire, Stow, Tucke, Wagy, and Williams—27.

NOES—None.

Senate Bill No. 366 ordered to enrollment.

Senate Bill No. 770—An act to amend sections 1, 2, 3, 4, 6, and 19 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 770.

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 2 to 26, inclusive, and on page 2, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"Section 1. A credit union is a incorporation corporation, organized for the non-profit purpose of promoting thrift among its members and creating a source of credit for them at legal rates of interest for profitable purposes.

Corporations may be incorporated under and by virtue of this act by the same manner as corporations under and by virtue of title one of parts four, thirteen, one of the Civil Code of the State of California, including any amendment or revision thereof, or any sections hereafter enacted in law thereof, except as otherwise herein provided. The articles of incorporation shall set forth the following:

1. The name of the corporation, which shall include the words "credit union."
2. If the corporation be formed without authorized shares of stock, the number of authorized members or memberships.

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 770?

The roll was called, and Assembly amendment to Senate Bill No. 770 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, DeFoli, Fletcher, Gorman, Hays, Jaspersen, Keough, King, McColl, McGovern, Metzger, Myrnes, Olson, Perry, Pendergich, Rindollar, Rich, Schottky, Seafan, Seawell, Snyder, Stow, Tucke, and Wagy—25.

NOES—None.

Senate Bill No. 770 ordered to enrollment.

Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing, preparing, and distributing the same, and to provide penalties for the violation of the provisions of this act.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 21.

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, strike out the comma after the word "manufacturing," and then strike out the following words in lines 3 and 4: "preparing and distributing", and insert in lieu thereof the following: "and preparing".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 21?

The roll was called, and Assembly amendment to Senate Bill No. 21 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Williams—28.

NOES—None.

Senate Bill No. 21 ordered to enrollment.

Senate Bill No. 26—An act to add section 615.1 to the Fish and Game Code, relating to fish in districts 3 and 3A.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 26.

Amendment No. 1.

On page 1, line 8, of the printed bill, as amended, March 28, 1935, strike out "December 31st", and insert in lieu thereof "February 1st".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 26?

The roll was called, and Assembly amendment to Senate Bill No. 26 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, Mixter, Perry, Pierovich, Reindollar, Rich, Scottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, and Wagy—26.

NOES—Senators McGuinness, and Metzger—2.

Senate Bill No. 26 ordered to enrollment.

Senate Bill No. 32—An act to amend section 1310 of the Fish and Game Code, and to add thereto section 1340.6, relating to fur-bearing mammals.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 32.

Amendment No. 1.

On page 1 line 2 of the title of the printed bill, before "relating", insert the following: "and to add thereto section 1340.6,".

Amendment No. 2.

On page 1, line 3, of the printed bill, strike out "black bear,".

Amendment No. 3.

On page 1, line 4, of the printed bill, strike out "brown bear,".

Amendment No. 4.

On page 1 of the printed bill, after line 6, insert the following:

"Sec. 2. Section 1340.6 is hereby added to the Fish and Game Code to read as follows:

1340.6. Bear may be taken between November 1st and December 31st. Not more than two bears may be taken during the open season. Bear may be taken only with firearms and with bow and arrow."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 32?

The roll was called, and Assembly amendments to Senate Bill No. 32 concurred in by the following vote:

AYES—Senators Crittenden, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixter, Olson, Pierovich,

Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Williams—28

NOES—None

Senate Bill No. 32 ordered to enrollment.

Senate Bill No. 33—An act to amend sections 674 and 675 of the Code of Civil Procedure, relating to the filing and recording of abstracts and satisfactions of judgments in the office of the county recorder.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 33.

Amendment No. 1.

On page 2, line 13, of the printed bill, following the word "creditor", insert the following: "or assignee of record".

Amendment No. 2.

On page 2, line 13, of the printed bill, strike out the word "by".

Amendment No. 3.

On page 2, line 13, of the printed bill, following the word "endorsement", insert the following: "by judgment creditor or assignee of record".

Amendment No. 4.

On page 2, line 28, of the printed bill, strike out the words "and be".

Amendment No. 5.

On page 2, line 30, of the printed bill, following the word "property", insert the following: "may be recorded".

Amendment No. 6.

On page 2, line 30, of the printed bill, strike out the word "by".

Amendment No. 7.

On page 2, line 30, of the printed bill, following the word "entry", insert the following: "thereof may be made".

Amendment No. 8.

On page 2, line 32, of the printed bill, following the word "assignee", insert the following: "of record".

Amendment No. 9.

On page 2, line 34, of the printed bill, strike out the period and insert in lieu thereof the following: "who must certify to same as provided in section 2938 of the Civil Code for satisfaction of a mortgage."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 33?

The roll was called, and Assembly amendments to Senate Bill No. 33 concurred in by the following vote:

AYES—Senators Crittenden, Difani, Duval, Fletcher, Garrison, Hays, Jaspersen, Keough, King, McColl, McGovern, Metzger, Moxter, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Stow, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Senate Bill No. 33 ordered to enrollment.

Senate Bill No. 55—An act to add section 675.5 to the Vehicle Code, relating to safety glass on motor vehicles.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 55.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "sections 676.1, 676.2, 676.3, 676.4", and in line 2 of the title, strike out "676.5 and 676.6", and insert in lieu thereof the following: "section 675.5".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out all of lines 1 to 4, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 675.5 is hereby added to the Vehicle Code to read as follows:"

Amendment No. 3.

On page 1, line 5, of the printed bill, as amended, strike out "676.1", and insert in lieu thereof the following: "676.5".

Amendment No. 4.

On page 1, line 6, of the printed bill, as amended, strike out "except as otherwise provided in section", and in line 7, strike out the following: "676.3".

Amendment No. 5.

On page 1, line 13, of the printed bill, as amended, strike out "676.2. Safety Glass Defined.", and insert in lieu thereof the following: "(2)".

Amendment No. 6.

On page 1 of the printed bill, as amended, strike out all of lines 19 to 21, inclusive, and on page 2, strike out all of lines 1 to 7, inclusive, and insert in lieu thereof the following: "(3) The depart".

Amendment No. 7.

On page 2 of the printed bill, as amended, strike out all of lines 10 to 15, inclusive, and insert in lieu thereof the following: "requirements for safety glass as defined in this section and shall not register any new motor vehicle after January 1, 1936, unless such motor vehicle is equipped with such approved type of safety glass. (4) On and after January 1, 1936, every application".

Amendment No. 8.

On page 2 of the printed bill, as amended, strike out all of lines 19 to 27, inclusive, and insert in lieu thereof the following: "tions, doors, windows and windshields thereof."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 55?

The roll was called, and Assembly amendments to Senate Bill No. 55 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McColl, McGovern, McGuinness, Mixer, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Waggy, Williams, and Young—28.

NOES—None.

Senate Bill No. 55 ordered to enrollment.

Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senator Gordon:

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 5 to an act entitled "An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Napa, in said State," approved May 5, 1917, relating to the transfer of the management and control of said land.

Respectfully submitted,

SENATOR GORDON.

Request referred to Committee on Rules.

By Senator Pierovich:

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 3664 to the Political Code, relating to the Training School of Industry and the officers and employees thereof.

Respectfully submitted

SENATOR PIEROVICH.

Request referred to Committee on Rules.

By Senator Knowland:

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 1334 to the Penal Code, relating to the securing of the attendance of witnesses in criminal prosecutions, and to make conform the law with reference thereto.

Respectfully submitted

SENATOR KNOWLAND.

Request referred to Committee on Rules.

Third Reading of Assembly Bills.

Assembly Bill No. 1034—An act to amend sections 3817d, 3817f, 3817g and 3817h of, and to add sections 3817b3 and 3817d3 to the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 1034, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out "1934", and insert in lieu thereof the following: "1935".

Amendment No. 2.

On page 2, line 24, of the printed bill, as amended, strike out "1934", and insert in lieu thereof the following: "1935".

Amendment No. 3.

On page 4, line 13, of the printed bill, as amended, strike out "1935", and insert in lieu thereof the following: "1925".

Bill read, ordered to reprint, and on file for third reading.

Withdrawal from Committee of Senate Bills Nos. 780, 781 and 782.

Senator Sharkey moved that Senate Bills Nos. 780, 781 and 782 be withdrawn from Committee on Oil Industries for purpose of amending, and be re-referred to committee.

Motion carried and the bills were ordered read the second time.

Second Reading of Senate Bills Nos. 780, 781, and 782.

Senate Bill No. 780—An act to amend an act entitled "An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil illegally produced and of gasoline, distillate, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded in whole or in part, from crude petroleum oil or gas illegally produced; providing for certificates to be filed with the State Superintendent of Weights and Measures, Department of Agriculture, at the time of bringing into this State of any crude petroleum oil, gasoline,

distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced, and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to be paid therefor, and prescribing penalties for violation of this act," approved June 5, 1933.

Amendments from the Floor.

During second reading of Senate Bill No. 780, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, after "amend", insert "the title and sections 2, 3, 4, 5, 6 and 7 of".

Amendment No. 2.

On page 1 of the printed bill, in the last line of the title, after "1923", insert ", and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the State Department of Agriculture, by the State Board of Equalization".

Amendment No. 3.

On page 1 of the printed bill, strike out all of line 1 after "SECTION 1.", and all of lines 2 and 3, and insert in lieu thereof the following: "The title of the act cited in the title hereof is hereby amended to read as follows:

An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil illegally produced and of gasoline, distillates, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded, in whole or in part, from crude petroleum oil or gas illegally produced; providing for certificates to be filed with the State Board of Equalization, at the time of bringing into this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced, and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to be paid therefor, and prescribing penalties for violations of this act.

SEC. 2. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 2. It shall be the duty of every person, firm, corporation or association bringing into this State, from any other State or nation, any crude petroleum oil for delivery, sale, distribution, use, refining or blending therein to file with the State Board of Equalization, or any person authorized by that board, a certificate that such crude petroleum oil was not produced, in whole or in part, in violation of any law of said State or nation in which such crude petroleum oil was produced, or of any order, rule or regulation of any board, commission or officer having jurisdiction to enforce such law in that State or nation; it shall be the duty of every person, firm, corporation or association bringing into this State, from any other State or nation, any gasoline, distillate, kerosene, gas oil or other motor fuel for delivery, sale, distribution, use or blending therein, to file with the State Board of Equalization, or any person authorized by that board, a certificate that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded, in whole or in part, from any crude petroleum oil or gas produced in violation of any law of the State or nation in which such crude petroleum oil or gas was produced, or of any order, rule or regulation of any board, commission or officer having jurisdiction to enforce such law in that State or nation.

Such certificates shall be issued by and over the official seal of such board, commission or officer and shall contain the names of the seller and buyer of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, the names of the producer and of the field or production of the crude petroleum oil to be brought in or of the crude petroleum oil or gas from which the gasoline, distillate, kerosene, gas oil or other motor fuel to be brought in was extracted, manufactured, distilled, or compounded, in whole or in part, and such other information as the State Board of Equalization may require.

SEC. 3. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 3. No person, firm, corporation or association shall unload or cause to be unloaded or take delivery of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel brought into this State for delivery, sale, distribution, use,

refining, distilling or blending therein, without first having obtained a permit to do so from the State Board of Equalization or the person authorized by that board in the county in this State in which such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel is sought to be brought; for each of such permits a fee of twenty-five dollars shall be paid into the oil substitution fund. There is hereby appropriated out of such fund such amount or amounts as may be necessary for the support of the State Board of Equalization in the enforcement of this act.

SEC. 4. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 4. Every person, firm, corporation or association bringing into this State crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel for which a certificate and permit are required under the provisions of sections 2 and 3 of this act, shall on or before the fifteenth day of each calendar month, render to the State Board of Equalization on forms prescribed by that board a true and complete report of all such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel brought into, delivered, sold, distributed, used, refined, distilled or blended during the preceding month, showing date of delivery, sale or distribution, number and size of barrels or other containers, total number of gallons, names of consignor and consignee or persons to whom delivery, sale or distribution was made, the net quantity consigned, delivered, sold, used, refined, distilled or blended, and such other information as the State Board of Equalization may require.

SEC. 5. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 5. The State Board of Equalization may make its own investigations to determine whether or not any crude petroleum oil brought into this State was produced in violation of any law of the State or nation in which such crude petroleum oil was produced, or of any order, rule or regulation of any board, commission or officer having jurisdiction to enforce such law in that State or nation, or whether any gasoline, distillate, kerosene, gas oil or other motor fuel brought into this State was extracted, manufactured, distilled or compounded, in whole or in part, from crude petroleum oil or gas produced in violation of any law of the State or nation in which such crude petroleum oil or gas was produced or of any order, rule or regulation of any board, commission or officer having jurisdiction to enforce such law in that State or nation.

SEC. 6. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 6. Every person, firm, corporation or association who brings or who assists another to bring into this State for delivery, sale, distribution, use, refining or blending therein, any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel without the permit provided for in section 3 of this act, and every person, firm, corporation or association who sells, distributes, offers for sale or distribution or assists in the sale or distribution in this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel knowing the same to have been brought into this State without the permit provided for in section 3 of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment, and such product so brought in shall be seized and destroyed by the State Board of Equalization.

Every person, firm, corporation or association who files a certificate required by section 2 of this act knowing such certificate to have been issued under false representations, and every person, firm, corporation or association who refuses to file the report provided for in section 4 of this act, or who knowingly makes any false statement therein, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

SEC. 7. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 7. It shall be the duty of the State Board of Equalization to enforce the provisions of this act.

SEC. 8. The State Board of Equalization shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the Division of Weights and Measures, of the State Department of Agriculture, in so far as such duties, powers, purposes, responsibilities and jurisdiction relate to the provisions of the act cited in the title hereof.

The State Board of Equalization is hereby vested with the power and is charged with the duty of administering and enforcing said act, and said board shall be in possession and control of all records, books, papers, equipment, supplies, moneys, funds, appropriations and other property now or hereafter held for the benefit of said Division of Weights and Measures, of the State Department of Agriculture, or said State Department of Agriculture, in connection with the performance of any duties, powers, purposes, and responsibilities with respect to said act. All lawful rules and regulations established under said act by said Division of Weights and Measures, of the State Department of Agriculture, or the State Department of Agri-

culture, are hereby expressly continued in force until rescinded, modified, or changed by said board."

Bill read second time, ordered to reprint, and re-referred to Committee on Oil Industries.

Senate Bill No. 781—An act to amend sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15 and 17, and to repeal section 14a of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931.

Amendments from the Floor.

During second reading of Senate Bill No. 781, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended in the Senate March 29, 1935, after "amend", insert "the title and".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, after "14", insert "14a."; after "15", strike out "and", and insert in lieu thereof "16."; after "17", strike out "and", and to repeal section 14a", and insert in lieu thereof "and 18".

Amendment No. 3.

On page 1 of said printed bill, as amended, in the last line of the title after "1931", insert the following: ", as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization."

Amendment No. 4.

On page 1, line 1, of the printed bill, as amended, after "Section 1. The", insert "title of the"; and line 2, after "follows:", insert the following:

"An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor vehicle fuel, distillate, and lubricating oil; regulating the sale and distribution of said products; defining the powers and duties in relation thereto of the State Board of Equalization, and persons authorized by it; defining 'gasoline' and prescribing specifications for products sold or offered for sale as gasoline; prescribing penalties for the violation of provisions hereof; and repealing acts and parts of acts inconsistent herewith."

Sec. 2. Section 1 of the act cited in the title hereof is hereby amended to read as follows:—

Amendment No. 5.

On page 2, line 30, of the printed bill, as amended, after "Sec.", strike out "2", and insert in lieu thereof "3".

Amendment No. 6.

On page 2, line 37, of the printed bill, as amended, after "Sec.", strike out "3" and insert in lieu thereof "4".

Amendment No. 7.

On page 3, line 51, of the printed bill, as amended, strike out "4", and insert in lieu thereof "5".

Amendment No. 8.

On page 4 of the printed bill, as amended, between lines 14 and 15, insert the following: "than one (1) inch in height, and also in red letters of Gothic type with a stroke of not less than nine-sixteenths inch in width and not less".

Amendment No. 9.

On page 4, line 16, of the printed bill, as amended, strike out the period after "gasoline", and insert in lieu thereof a semicolon; strike out all of line 17, and insert in lieu thereof the following: "provided, that in attaching such sign or label

to the inlet end of the fill pipe of an underground storage tank, it shall consist of a tag or plate firmly".

Amendment No. 10.

On page 4, line 18, of the printed bill, as amended, before "fill pipe", strike out "the", and insert in lieu thereof "such", before "and", strike out "the", and insert in lieu thereof "and".

Amendment No. 11.

On page 4, line 21, of the printed bill, as amended, after "Sec." strike out "5", and insert "6".

Amendment No. 12.

On page 4, line 40, of the printed bill, as amended, after "Sec." strike out "6", and insert in lieu thereof "7".

Amendment No. 13.

On page 5, line 15, of the printed bill, as amended, after "Sec." strike out "7", and insert in lieu thereof "8".

Amendment No. 14.

On page 5, line 27, of the printed bill, as amended, after "Sec." strike out "8", and insert in lieu thereof "9".

Amendment No. 15.

On page 5, line 40, of the printed bill, as amended, after "Sec.", strike out "9", and insert in lieu thereof "10".

Amendment No. 16.

On page 5, line 45, of the printed bill, as amended, after "sub.", insert "the price at which any such product is offered for sale".

Amendment No. 17.

On page 6, line 1, of the printed bill, as amended, after "Sec.", strike out "10", and insert in lieu thereof "11".

Amendment No. 18.

On page 6, line 14, of the printed bill, as amended, after "Sec.", strike out "11", and insert in lieu thereof "12".

Amendment No. 19.

On page 6, line 25, of the printed bill, as amended, after "Sec.", strike out "12", and insert in lieu thereof "13".

Amendment No. 20.

On page 6 of the printed bill, as amended, strike out all of lines 41 and 42 and insert in lieu thereof the following:

"Sec. 14. Section 14a of the act cited in the title hereof is hereby amended to read as follows:

Sec. 14a. Every person before engaging in the business of selling at retail gasoline, distillate, or other petroleum products, for use as fuel for internal combustion engines, shall obtain from the State Board of Equalization a license effective for the fiscal year ending June 30th, after issuance thereof, authorizing the licensee to engage in such business. For this license the licensee shall pay annually a fee to be determined by the number of motor vehicle fuel pumps installed and used, or to be installed and used, or from time to time installed and used, for such licensee in such business, computed at the rate of one dollar for each such pump.

Before granting any license authorizing the licensee to engage in such retail business, the State Board of Equalization shall require the licensee to file an application with said board in such form as shall be prescribed by said board, which application shall be accompanied by the license fee due from the applicant, the amount thereof to be determined in the manner herein above set forth. All such applications shall be filed with said board on or before the first day in July of each year and payment made for an annual license as herein specified. Every licensee shall at all times conspicuously display any license so granted hereunder on the premises in which such licensee is doing business. No proration of the license fee shall be allowed or made on account of licenses obtained after the beginning of the fiscal year, and the fee of any licensee hereunder shall be immediately increased by one dollar (\$1) for each such pump put into operation subsequent to the issuance of his original license for any fiscal year.

If anyone required to be a licensee hereunder shall fail to apply for a license and pay the fee herein prescribed prior to putting into operation any motor vehicle fuel pump, or if any licensee shall fail to renew the license previously issued prior to July 1st of any year, then the fee charged for the issuance of such license with respect to any such pump not properly licensed within the time required by law shall be increased to two dollars (\$2) for each such pump.

All license fees so collected under the provisions of this section shall be credited to the "Oil substitution fund", which fund is hereby created, and there is hereby appropriated out of such fund such amount or amounts as may be necessary for the

support of the State Board of Equalization in the enforcement of the provisions of this act."

Amendment No. 21.

On page 6 of the printed bill, as amended, strike out all lines 43 to 47, both inclusive, and "California" in line 48, and insert in lieu thereof the following:

"Sec. 15. Section 15 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 15. The State Board of Equalization, and every person authorized by it,".

Amendment No. 22.

On page 7 of the printed bill, as amended, between lines 14 and 15, insert the following:

"Sec. 16. Section 16 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 16. (a) The State Board of Equalization and every person authorized by it and any person now or hereafter authorized or empowered by law to inspect the petroleum products herein referred to, are each hereby authorized to and empowered to close and seal outlets and inlets of any unlabeled or mislabeled receptacles, containers, pumps or storage tanks connected thereto, containing any petroleum product which is sold, offered for sale, stored, or delivered, as or which is, any petroleum product specifically mentioned, defined or described in sections 1, 3 or 4 of this act, and to post in a conspicuous place on the premises, where such receptacle, container, pump or storage tank connection thereto has been sealed, a notice stating that such action of sealing has been taken in accordance with the provisions of this act, and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof, under penalty as hereinafter provided.

(b) Upon at least twenty-four (24) hours' written notice from the owner, manager or operator, whose container, receptacle, pump or storage tank has been sealed, to the State Board of Equalization or its authorized representative, stating that the contents of such container, receptacle, pump or storage tank will be removed or that such container, receptacle, pump, or storage tank or inlet end of the fill-pipe thereof will be properly labeled as in this act, provided, at a specified time, between the hours of nine a.m. and four p.m. of a day specified in said notice, other than a holiday, it shall thereupon be the duty of such board or its authorized representative, at the time specified, to break said seal or seals for the purpose of permitting the removal by such manager, owner or operator, of the contents of such container, receptacle, pump or storage tank connected thereto, or the use thereof after proper labeling of the same, provided that such removal of contents or proper labeling of the container, receptacle, pump, storage tank or inlet end of the fill-pipe thereof, as the case may be, shall be made at the time specified and in the presence of the authorized representative of the board removing such seal. If for any reason the contents are not then removed, or the container, receptacle, pump, storage tank or inlet end of the fill-pipe thereof, is not properly labeled, then such container, receptacle, pump or storage tank connected thereto and the inlet end of the fill-pipe of such storage tank, shall be again sealed as hereinbefore provided and the contents may not thereafter be removed or the container, receptacle, pump or storage tank connected thereto or inlet end of the fill-pipe thereof, be again used, except upon the giving of a new notice and proper labeling. Upon removal of such contents or proper labeling as hereinabove provided, the notice previously posted shall be removed and said container, receptacle, pump or storage tank may thereafter be restored to lawful use. No container, receptacle, pump or storage tank connected thereto, or the inlet end of the fill-pipe of such storage tank, shall, however, be relabeled by such owner, manager or operator, whether under the provisions of this section or otherwise, without first removing from such container, receptacle, pump or storage tank connected thereto, or the inlet end of the fill-pipe thereof, any and all distinctive colors, brands, trade-marks or trade names thereon of any manufacturer, refiner, producer, distributor or marketer, indicative of any product not actually contained therein and sold therefrom.

(c) It shall be unlawful for any person other than the board or its authorized representative, to break, mutilate or destroy any seal or seals placed upon a container, receptacle, pump or storage tank connected thereto, or any other storage tank containing a petroleum product, when placed thereon as provided by this act, or to cover, deface or remove the notice of sealing hereinabove provided."

Amendment No. 23.

On page 7, line 15, of the printed bill, as amended, after "Sec.", strike out "14", and insert in lieu thereof "17".

Amendment No. 24.

On page 7 of the printed bill, as amended, strike out all of lines 27 and 28, and insert in lieu thereof the following:

"Sec. 18. The State Board of Equalization shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the

Division of Weights and Measures of the State Department of Agriculture, in order as such duties, powers, provisions, and provisions and regulations made in the provisions of an act entitled "An act to prevent fraud and misrepresentation in the distribution and sale of gasoline or other motor fuels, motor oil, kerosene, and lubricating oil, regulating the manufacture and distribution of such products, defining the duties and duties in relation thereto of the State Board of Examinations, and persons authorized by it, defining gasoline and kerosene and specifying penalties for persons who on or after the said date of said act, or any subsequent date, shall be guilty of any offense hereof, and repealing acts and parts of acts inconsistent herewith," approved June 5, 1929, as amended.

The State Board of Examinations is hereby vested with the power and is charged with the duty of administering and enforcing said act and said board shall be in possession and control of all records, books, papers, correspondence, and all moneys, funds, appropriations and other property now or hereafter held by the board, of use of said Division of Weights and Measures of the State Department of Agriculture, or said State Department of Agriculture in connection with the performance of any duties, powers, provisions and provisions and regulations made in the provisions of any laws and regulations, established upon and by said Division of Weights and Measures of the State Department of Agriculture or by the State Department of Agriculture, are hereby expressly continued in force until rescinded, modified, or changed by said board."

Bill read second time, ordered to reprint, and referred to Committee on Oil Industries.

Senate Bill No. 782. An act to amend an act entitled "An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil, regulating the distribution or sale of such products, defining the powers and duties of the Division of Weights and Measures, Superintendent of Weights and Measures, Department of Agriculture and officers and employees thereof in relation thereto; prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent herewith and making an appropriation to carry out the provisions of this act," approved June 5, 1929.

Amendments from the Floor

During second reading of Senate Bill No. 782, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "passed", and insert in lieu thereof "repeal".

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 2 and 3, and insert in lieu thereof the following: "repealed."

Bill read second time, ordered to reprint, and referred to Committee on Oil Industries.

Unfinished Business.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator McColl moved to reconsider the vote whereby Senate Bill No. 779 was passed.

Postponement of Reconsideration.

On motion of Senator McColl, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 779 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bills Nos. 491, 492 and 493 were passed.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bills Nos. 491, 492 and 493 were passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Jespersen moved to reconsider the vote whereby Assembly Bill No. 232 was refused passage.

Postponement of Reconsideration.

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 232 was refused passage was continued until the next legislative day.

Third Reading of Senate Bills.

Senate Bill No. 296—An act to amend sections 1, 2, 3, 34, 4, 5, 6 and 9a of an act entitled, "An act providing for the registration of contractors, and defining the term contractor, providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses, providing the method of suspension and cancellation of such licenses, and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended, relating to contractors.

Amendments from the Floor.

During third reading of Senate Bill No. 296 the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the printed bill as amended, strike out "by 2, 3" and insert in lieu thereof the following: "4."

Amendment No. 2.

On page 1, line 2 of the bill as the printed bill, as amended, strike out "as amended" and insert in lieu thereof the following: "and in such sections as follows."

Amendment No. 3.

On page 2, line 5 of the printed bill, as amended, strike out "also" and insert in lieu thereof the following: "and."

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 39 and 40, and insert in lieu thereof the following: "personal property."

Amendment No. 5.

On page 3, line 49, of the printed bill, as amended, strike out "has" and insert in lieu thereof the following: "is."

Amendment No. 6.

On page 3 of the printed bill, as amended, between lines 10 and 11, insert the following: "Sec. 4. Section 34 is hereby amended to read and so read as follows."

Amendment No. 7.

On page 4, line 4, of the printed bill, as amended, strike out "F" and insert in lieu thereof the following: "G."

Amendment No. 8.

On page 4, line 15, of the printed bill, as amended, strike out "and" and insert in lieu thereof the following: "and as amended to section 114 of the Criminal Code, 1929."

Amendment No. 9.

On page 5 of the printed bill, as amended, between lines 22 and 23, insert the following: "and as amended to read as follows."

"The district of the contractor shall be defined as that part of the territory of the state within which the contractor is licensed to do business, and shall be defined by the professional and business community as the district and state

of the cost of administration of the Department of Professional and Vocational Standards."

Amendment No. 10.

On page 4 of the printed bill, as amended, strike out lines 44 to 48, inclusive, and insert in lieu thereof the following: "and shall be appointed with terms of office to expire as follows: One general building contractor and one specialty contractor, January 15, 1936; one general building contractor and one specialty contractor, January 15, 1937; one general building contractor and one specialty contractor, January 15, 1938; the general engineering contractor, January 15, 1939. The Governor."

Amendment No. 11.

On page 4, line 50, of the printed bill, as amended, after "members", insert the following: "from the same branch of the contracting business."

Amendment No. 12.

On page 5, line 52, of the printed bill, as amended, after "Regents", insert the following: "a chief reviewing and hearing officer."

Amendment No. 13.

On page 6 of the printed bill, as amended, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following: "be necessary to impose on the provisions of this act."

Amendment No. 14.

On page 7 of the printed bill, as amended, strike out lines 7 to 22, inclusive, and on page 8, strike out lines 1 and 2.

Amendment No. 15.

On page 8, line 41, of the printed bill, as amended, strike out "and" and insert in lieu thereof the following: "and."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 475—An act to amend sections 970, 972, and 974 of the Insurance Code, relating to security for the payment of taxes and other obligations of insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 475 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Gordon, Hays, Jepsen, Keough, King, McCall, McGovern, McGinness, Metzger, Mixer, Perry, Pirovich, Reindollar, Rich, Schotky, Seawell, Slater, Stow, Tickle, Wagon, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 475 ordered transmitted to the Assembly.

Senate Bill No. 772—An act to amend section 450 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 772 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, Knowland, McCall, McGovern, McGinness, Metzger, Mixer, Perry, Pirovich, Powers, Reindollar, Rich, Schotky, Seallan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 772 ordered transmitted to the Assembly.

Senate Joint Resolution No. 10.

Relative to memorializing the President and Congress to adopt legislation for the employment of jobless citizens in the mining of chromium and tin deposits of the United States.

WHEREAS, There are many millions of men in these United States who still find themselves without employment in gainful occupations; and

WHEREAS, There are many valuable but low grade deposits of chromium and tin in California and in other parts of the United States, which said deposits though of low grade, could still be worked to the benefit of said jobless citizens and for the welfare of the United States as a whole; and

WHEREAS, The employment of citizens at such mining industry would not in any way compete with private industry but would promote desirable public development; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California jointly, That the President and Congress be memorialized to investigate and enact legislation toward the employment of jobless citizens of the United States by government control and development of chromium and tin deposits of the United States; and be it further

Resolved, That copies of this resolution be respectfully submitted to the President of the United States, President of the Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives of the State of California and Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—34.

NOES—None.

Senate Joint Resolution No. 10 ordered transmitted to the Assembly

Senate Bill No. 471—An act to amend the Insurance Code by adding thereto a new chapter, to Part 2 of Division 2 of said code and to be numbered Chapter 13, relating to medical and hospital service insurers.

Amendments from the Floor.

During third reading of Senate Bill No. 471, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 4, line 5, of the printed bill, as amended, after "has", strike out "on deposit in a bank", also strike out lines 6 and 7, and insert in lieu thereof the following: "over and above all liabilities, assets equal in amount to its required paid-in capital, such assets being either in cash on deposit in a bank or trust company or invested in such manner and form".

Amendment No. 2.

On page 6 of the printed bill, as amended, strike out lines 18 and 19, and in line 20, strike out "gery in this State", and insert in lieu thereof the following: "be rendered only by persons holding an unrevoked license to practice medicine and surgery, or an unrevoked physician and surgeon certificate effective in this State, and who are also either doctors of medicine holding a degree of M.D. or doctors of osteopathy holding a degree of D.O."

Amendment No. 3.

On page 6 of the printed bill, as amended, strike out lines 24 to 26, inclusive, and insert in lieu thereof the following: "rendered hereunder and which the law of this State permits to be performed by persons holding osteopathic or drugless practitioners licenses shall, except as otherwise provided in this section, be rendered by persons holding such licenses together with a degree of D.O."

Amendment No. 4.

On page 6, line 33, of the printed bill, as amended, after "medicine", insert the following: "or holds an unrevoked physician and surgeon certificate",

Amendment No. 5.

On page 6, line 34, of the printed bill, as amended, after "M.D.", insert the following: "or D.O."

Amendment No. 6.

On page 6 of the printed bill, at amended section out lines 11 to 13, inclusive, and insert in lieu thereof the following: "professional services which the law of this State permits to be performed by persons holding appropriate or analogous professions license in the State, unless such person, except in otherwise provided in this section, holds such license and also holds the degree of D.O."

Bill read, ordered to reprint, reengrossment, and on file for third reading.

Withdrawal from Committee of Senate Bill No. 285.

Senator Seawell moved that Senate Bill No. 285 be withdrawn from committee on Revenue and Taxation, for purpose of amending and be re-referred to committee.

Motion carried, and the bill was withdrawn read the second time.

Second Reading of Senate Bill No. 285.

Senate Bill No. 285. An act to provide in accordance with the provisions of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," for the allocation and apportionment of balances in the "Fair and expenditure fund" for the benefit of State institutions of learning providing vocational training in agriculture, animal husbandry and kindred subjects.

Amendments from the Floor.

During second reading of Senate Bill No. 285, the following amendments, offered by Senator Seawell, were read and adopted:

Amendment No. 1.

On page 1, line 11 of the title of the printed bill, after the words "and insert a comma and the following," approved June 5, 1933.

Amendment No. 2.

On page 1, line 1, of the printed bill, after the period insert the following:

"The funds appropriated by section 18 of the act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, for the benefit of State institutions of learning, providing vocational training in agriculture, animal husbandry, and kindred subjects, or for the relief of unemployment within the State of California, are appropriated for such purposes and are allocated and apportioned as follows: One-third of such funds is hereby appropriated, allocated and apportioned to the State Emergency Relief Administration for the relief of unemployment within the State of California; one-third of such funds is hereby appropriated, allocated and apportioned to the California Polytechnic School, and one-third of such funds is hereby appropriated, allocated and apportioned to the University of California.

The funds hereby appropriated, allocated and apportioned for the relief of unemployment within the State of California and for the benefit of the California Polytechnic School and the University of California are in addition to any other funds heretofore or hereafter appropriated for such purposes and for such institutions.

The funds appropriated, allocated and apportioned for the benefit of the California Polytechnic School and the University of California shall be used exclusively to such institutions to provide vocational training in agriculture, animal husbandry and kindred subjects."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Re-reference of Senate Bill No. 1007.

Senator Metzger moved that Senate Bill No. 1007 be re-referred to Committee on Agriculture and Live Stock.

Motion carried, and such was the order.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2205—An act to add section 599.5 to the Vehicle Code, relating to unlawful displays on vehicles.

Amendment from the Floor.

During third reading of Assembly Bill No. 2205, the following amendment, offered by Senator Reindollar, was read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, after "department", insert the following: "or fire district".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 655—An act to amend section 15b of the California Irrigation District Act, relating to the duties and powers of boards of directors and providing for the use of water for any beneficial purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 655 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixter, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wag, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 655 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 3, 1935.

MR. PRESIDENT. Your Committee on Rules, to which was referred a request by Senator Knowland to introduce a bill entitled—An act to add section 1334 to the Penal Code, relating to the securing of the attendance of witnesses in criminal prosecutions, and to make uniform the law with reference thereto—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out.)

RICH, Chairman.
SLATER.
KNOWLAND.
TICKLE.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixter, Olson, Perry, Pierovich, Reindollar, Rich, Schotky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—32.

NOES—None.

Introduction, First Reading and Reference of Senate Bill No. 1098.

By Senator Knowland: Senate Bill No. 1098—An act to add section 1334 to the Penal Code, relating to the swearing of the attendance of witnesses in criminal prosecutions, and to make uniform the law with reference thereto.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Gordon to introduce a bill entitled—An act to add section 5 to an act entitled "An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Napa, in said State," approved May 5, 1917, relating to the transfer of the management and control of said land—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote, Ayes—5.

(Signed out)

RICH, Chairman.
SLATER,
KNOWLAND,
TICKLE,
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Baggett, Christensen, Donald, Durrill, Fawcett, Gammage, Gordon, Hays, Keough, King, Knowland, McCall, McQuinn, McQuinn, Myers, Olson, Peery, Pionovich, Remondollar, Rich, Schwartz, Sullivan, Swain, Slater, Stearns, Swan, Swing, Tickle, Waggy, Williams, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Senate Bill No. 1099.

By Senator Gordon: Senate Bill No. 1099—An act to add section 5 to an act entitled "An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Napa, in said State," approved May 5, 1917, relating to the transfer of the management and control of said land.

Bill read first time, and referred to Committee on Governmental Efficiency.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Pionovich to introduce a bill entitled—An act to add section 2044 to the Political Code, relating to the Preston School of Industry and the officers and employees thereof—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote, Ayes—5.

RICH, Chairman.
SLATER,
KNOWLAND,
TICKLE,
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing Tickle, Wagy, Williams, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Senate Bill No. 1100.

By Senator Pierovich:

Senate Bill No. 1100—An act to add section 366f to the Political Code, relating to the Preston School of Industry and the officers and employees thereof.

Senate Bill No. 1100 read first time, and referred to Committee on Governmental Efficiency.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1285—An act to amend section 788 of the Fish and Game Code, relating to the crab season in California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1285 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1285 ordered transmitted to the Assembly.

Assembly Bill No. 1287—An act to amend section 790 of the Fish and Game Code, relating to the preservation of crabs and crab meat.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1287 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1287 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 17—Relative to memorializing the President and the Congress of the United States to enact S. R. 626 and H. R. 6909, which bills are proposed to aid the position of hop growers—and reports that the same has been correctly enrolled and presented to the Governor on the third day of May, 1935, at eleven o'clock and thirty minutes a.m.

METZGER, Chairman.

Unfinished Business—(Resumed).

Senate Bill No. 701—An act to add section 4237.9 to the Political Code, relating to grand jurors and trial jurors fees and mileage in counties of the eighth class.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 701.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "second" and division 19 of section 4237 of ", and insert in lieu thereof the following: "add section 4237.9 to".

Amendment No. 2.

On page 1 of the printed bill, as amended, at the end of the last line of the title, before the period, insert the following: "In counties of the eighth class".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 4237.9 is hereby added to the Political Code, to read as follows:

4237.9. In counties of the eighth class, jurors shall receive the following fees and mileage, notwithstanding any other provision of law: For attending as a grand juror, for each".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 701?

The roll was called, and Assembly amendments to Senate Bill No. 701 concurred in by the following vote:

AYES—Senators Bagley, Carpenter, Dwyer, Dunn, French, Harbo, Harrison, Gordon, Hays, Jaspersen, Keene, King, Knowlton, McCut, McQuinn, Morrison, Ness, McGeer, Potts, Pomeroy, Reuther, Rich, Seabury, Seward, Seaworth, Slater, Snyder, Swain, Wagon, Williams, and Young—30.

NOES—None.

Senate Bill No. 701 ordered to enrollment.

Report of Standing Committee.

The following report of standing committee was received and read:

On Unemployment.

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Assembly Bill No. 1122—An act to accept the provisions of an act of the Congress of the United States effective June 6, 1933, entitled "An act to promote for the establishment of a National Employment System and for cooperation with the States in the promotion of such system, and for other purposes", has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and that the bill be returned to Committee on Finance.

Committee membership: 11; committee vote: AYES—8, absent—3.

SEAWORTH, Chairman.

Assembly Bill No. 1122 ordered referred to Committee on Finance.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Military Affairs.

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Concurrent Resolution No. 12—Relative to the issuance of a proclamation by the Governor declaring the second week of October of each year as "Old Glory Week";

Also: Assembly Concurrent Resolution No. 34—Relative to reports of the Department Encampment of the Grand Army of the Republic;

Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGUINNESS, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 887—An act to add a new section to the School Code to be numbered _____, relating to the public school system:

Also: Senate Bill No. 888—An act to add a new section to the School Code to be numbered _____, relating to the public school system; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—15; committee vote: Ayes—12; absent—3.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 528—An act to amend sections 4.750 and 4.751 of the School Code, relating to the computation of average daily attendance of school districts, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1205—An act to add a new part to Division II of the School Code to be known as Part VI, relating to the formation, government, support, control, functions, maintenance, and administration of unified school districts created from elementary and high school districts, and of elementary, high school and junior college districts having coterminous boundaries and governing boards of identical personnel;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 510—An act to amend School Code section 4.928, relating to the apportionment of funds to high school districts;

Also: Assembly Bill No. 523—An act to add Article XI to Chapter I of Part I of Division II of the School Code, relating to district elections;

Also: Assembly Bill No. 1201—An act to add section 2.391 to the School Code, relating to severance of joint schools;

Also: Assembly Bill No. 1751—An act to amend section 4.923 of the School Code, relating to computation of pupils' attendance;

Also: Assembly Bill No. 1752—An act to amend section 5.500 of the School Code, relating to teachers' tenure;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—12; absent—3.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 56—An act to amend section 3.42 of, and to add section 3.43 to the School Code, relating to required instruction in the schools—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

JESPERSEN, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, dairy and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties

with respect to violations hereof and thereof, to provide ways, means and means for the administration and enforcement of such State marketing agreements and licenses; to declare the existence of a State and National agricultural emergency—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be re-referred to this committee.

Committee membership—15; committee vote: Ayes—9, absent—6.

CRITTENDEN, Chairman.

On Universities and Teachers Colleges.

SENATE CHAMBER, SACRAMENTO, MAY 2, 1935.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Assembly Bill No. 174—An act to amend the title of Part I of Division V of the School Code, and to amend sections 5.1, 5.2, 5.10, 5.61 and 5.101 thereof, relating to State colleges—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—2.

DEUEL, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, MAY 2, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 490—An act to amend section 1337 of the Political Code, relating to absent voters—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6, absent—5.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 286—An act to amend section 10 of an act entitled "An act to provide for and regulate municipal elections in the cities of the fifth and sixth class," approved May 27, 1919, relating to registrations;

Also: Assembly Bill No. 1150—An act to amend section 4 of an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, relating to canvassing returns;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—6, absent—5.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 3, 4 and 5 of Article IV of the Constitution, relating to the Legislative Department—has had the same under consideration and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—11; committee vote: Ayes—6, absent—5.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 116—An act to amend section 1125 of the Code of Civil Procedure, relating to costs in election contests—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 1044—An act to add a new section to be numbered 1083aa to the Political Code, relating to the place of signing of recall petitions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

POWERS, Chairman.

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 2048—An act to amend the title and sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911 (Stats. 1911, Chap. 92), as amended, providing that evidences of indebtedness for wages must be payable upon demand and providing penalties for violation of the provisions thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 322—An act to amend "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, by adding section 2a thereto, relating to free employment bureaus—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 45—An act limiting the hours of labor of persons employed as personal or domestic workers and providing penalties for the violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

OLSON, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 2 and 34 of Article IV thereof, relating to the Legislature—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SNYDER, Chairman.

Motion.

On motion of Senator Crittenden, Senate Bill No. 1086 was ordered read the second time.

Second Reading of Senate Bill No. 1086.

Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, dairy and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements

and licenses, to declare the existence of a State and National anti-cultural emergency.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 1086 were read and adopted:

Amendment No. 1.

On page 1, line 5 of the printed bill, as amended, strike out the word "dairy".

Amendment No. 2.

On page 1, line 16 of the title of the printed bill, as amended, after the word "livestock," insert the following: "or food or other products of any sort."

Amendment No. 3.

On page 3 of the printed bill, at designated words and line 22, add insert in lieu thereof the following: "and the interests of the quality thereof."

Amendment No. 4.

On page 3 of the printed bill, as amended, strike out line 31, and on page 4, line 1, strike out "(c) For" and insert in lieu thereof the following: "it shall be lawful for".

Amendment No. 5.

On page 4, line 6, of the printed bill, as amended, strike out the word "sub-division"; and insert in lieu thereof the following: "market".

Amendment No. 6.

On page 4, line 7, of the printed bill, as amended, after the word "act", insert the following: "other than that herein".

Amendment No. 7.

On page 4 of the printed bill, as amended, strike out line 9 and insert in lieu thereof the following: "the manner prescribed in section 4a hereof."

Amendment No. 8.

On page 4, line 10, of the printed bill, as amended, strike out "(c) For", and insert in lieu thereof the following: "Sec. 4a. In order to carry out the purposes of this act it shall be lawful for".

Amendment No. 9.

On page 4, line 19, of the printed bill, as amended, after the word "market", strike out the following: "and it shall be his duty."

Amendment No. 10.

On page 5, line 35, of the printed bill, as amended, after the word "producers" insert the following: "constituting at least fifty per cent (50%) of the number of producers engaged in the production of such commodity within the State, or within the defined area thereof covered by such marketing agreement, for the preceding season, and also"

Amendment No. 11.

On page 5, line 40, of the printed bill, as amended, strike out the word "producers", and insert in lieu thereof the following: "constituting at least fifty-one per cent (51%) of the number of producers engaged in the processing of such commodity within the State, or within the defined area thereof covered by such marketing agreement, for the preceding season, and also".

Amendment No. 12.

On page 5, line 45, of the printed bill, as amended, after the word "distributors", insert the following: "constituting at least fifty-one per cent (51%) of the number of distributors engaged in the distributing of such commodity within the State, or within the defined area thereof covered by such marketing agreement, for the preceding season, and also".

Amendment No. 13.

On page 6, line 2, of the printed bill, as amended, after the portion of a word "bers", insert the following: ", in a separate document,".

Amendment No. 14.

On page 6, line 39, of the printed bill, as amended, after the word "commodity", insert the following: "constituting at least fifty per cent (50%) of the number of producers, processors, or distributors, respectively, engaged in producing, processing, or distributing said commodity within the State, or within the defined area thereof covered by such marketing agreement, during the preceding season, and",

Amendment No. 15.

On page 7, line 35, of the printed bill, as amended, strike out the word "forfeit", and insert in lieu thereof the following: "become civilly liable".

Amendment No. 16.

On page 7, line 37, of the printed bill, as amended, strike out the word "forfeiture", and insert in lieu thereof the following: "sum".

Amendment No. 17.

On page 7, line 52, of the printed bill, as amended, strike out the word "thereof.", and insert in lieu thereof the following: "thereby."

Amendment No. 18.

On page 11 of the printed bill, as amended, strike out all of lines 20 to 29, inclusive, and insert in lieu thereof the following:

"SEC. 16. No marketing agreement entered into by producers under the provisions of this act shall contain any provisions which are designed to provide for the institution and enforcement of a program of surplus control, in conflict with the provisions of, or in the manner provided for in, the Agricultural Prorate Act and any amendments thereto.

No marketing agreement entered into by processors, or distributors under the provisions of this act shall be inconsistent with, or in conflict with, any program of surplus control entered into by producers in accordance with the provisions of said Agricultural Prorate Act."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Rush Order to Printer.

On motion of Senator Crittenden, the Secretary was directed to issue a rush order for printing Senate Bill No. 1086.

Adjournment.

On motion of Senator Swing, at one o'clock p.m., the President pro tempore of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, May 6, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.**SENATE CHAMBER,**

SACRAMENTO, Monday, May 6, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, May 3, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Lyman M. King, former Senator, of Redlands.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. N. E. Baumunk of Modesto.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Nettie A. Confer, Stockton, principal Summer Home School, Manteca, and the following students of the eighth grade graduating class: Mervald Asivido, Albert Dickman, Mondo Pappas, Frances Yurti, Frank Laurentzos, Rose Vossos, Carol Purvis, Esther Trough, Frank Grasso, John Hlebakes, Melvin Loureiro, and Josephine Lopez, accompanied by: Mrs. Elmer Williams, Mrs. Frank Asivido, Virginia Williams and Gwenith Williams.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Walter Ames of San Diego.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. R. B. Young, J. Laurence Mickel, and Dooley P. Wheeler.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Nina Howard and Mrs. Eva H. Francis, Stanford Junior Union High School, and the following class in high 9 social studies: Mary Jane Snell, Mildred Steckman, Nina Powers, June Brown, Marian Ferguson, Maxine Pricer, Virginia Lavilla, Virginia LaPenna, Clio Rankin, Ruth Cadman, Lorraine Libby, Jean Blanche, Louise Browning, Jewel Ellsworth, Gladys Whitaker, Belle Plumb, Barbara Williams, Alice Gardner, Yvonne Arrouzet, Bill Plumb, Bill Clayton, Jack Driscoll, Melvin Lacey, Lloyd Halliwell, James Stinger, Spencer Barroughs, Gerald Sardelich, James Kawasaki, Bayard Gwinn, Dick Poltchord, Duke Cahill, Jackson Chapman, Norman A. Reedy, Jr., Freddie Miller, Jr., Bert H. Woodall, Jr., Lloyd LeRoy, Weldon Dapner, Forrest McCormick, Sam Cusanz, Arthur Normington, Virgil McMackin, Eva Wood, Ruth Hodnett, and Mary Louise Hagar.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 840. An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and the levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial revenue and determination of the validity of the proceedings in connection with such contract, and to provide for construction of works by the district; to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and or the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof, approved May 5, 1917, as amended, by amending the title thereof and amending sections 1 and 11 thereof;

Also: Assembly Bill No. 1269—An act authorizing and empowering any county, city and county, or city in the State of California to donate, convey, and grant to the State of California, or to district agricultural associations thereof, any real property owned, held and used by it for fair ground and exposition purposes, or which it may hereafter acquire, hold and use for such purposes;

Also: Assembly Bill No. 2023—An act to amend the title and sections 1, 2 and 3 of, and to add a new section, to be numbered section 4, to an act entitled "An act to provide for a day of rest from labor," approved February 27, 1893 (Stats. 1893, Chap. 41), relative to the scope of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for violation of the provisions thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 840 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1269 read first time, and referred to Committee on County Government.

Assembly Bill No. 2023 read first time, and referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 541—An act to amend section 9 of an act entitled "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, relating to city owned bonds.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 541 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 947—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401 Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10 Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act" by amending the title thereof and by amending sections 2, 6, 9, 11, 14, 16, 20 and 22, and by adding thereto new sections numbered 4, 5, 5½, 8, 8½, 9½, 9¾, 12½, 13½, 16½ and 16¾, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto; and providing that this act become effective immediately.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 947 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2365—An act requiring licenses for the operation, maintenance, opening or establishment of chain stores, prescribing the license and filing fees to be paid therefor, and the powers and duties of the State Board of Equalization in connection therewith, defining chain stores, and prescribing penalties for the violation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2365 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 1, 1935, passed Senate Bill No. 171—An act to amend section 478 of the Agricultural Code, relating to cream.

Also: Senate Bill No. 260—An act to amend sections 2,870, 2,871, 2,872, 2,885, 2,887, 2,890, 2,911, 2,917, 2,940, 2,941, 2,955, 2,990, 2,1152 and 2,1199 of the School Code of the State of California, to amend and renumber section 2,990 thereof to be section 2,991, and to add thereto section 2,781, providing no direction of school governing boards.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 171 and 260 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate Amendment to Assembly Constitutional Amendment No. 58—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 5 of Article XI thereof, relating to the preparation and adoption of statutes by certain counties and cities and counties—and requests that your honorable body concur therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Message on Assembly Constitutional Amendment No. 58 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt the report of the Committee on Free Conference concerning Senate Concurrent Resolution No. 10—Resolved, by the Senate of the State of California, the Assembly concurring, That the following be and the same are hereby adopted as the Joint Rules of the Senate and Assembly of the State of California for the fifty-first session of the Legislature.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 10 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 2, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed, as a Committee on Free Conference concerning Assembly Bill No. 930—An act to amend section 4,360 of the School Code, relating to school district budgets, declaring the urgency thereof and providing that this act shall take effect immediately—Messrs. Phillips, Corwin and Chatters.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's veto on Assembly Bill No. 1730—An act to add section 670a to the Political Code, relating to the refund of penalties.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended, Senate Bill No. 758—An act to amend an "Act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island."

approved June 13, 1933, to add a new section to be numbered section 4 permitting the use of said lands for exposition purposes—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 758 ordered on file as unfinished business.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 6, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1075—An act authorizing the Director of Natural Resources to acquire land for development for State forestry purposes;

Also: Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, county and other local governmental agency or political subdivision, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and/or acquisition of public utilities and extensions and additions to public utilities for the production, purchase, sale and distribution of products, commodities, energy and/or services of such public utilities, providing for the payment of such bonds and the interest thereon; And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 163—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately;

Also: Senate Bill No. 454—An act to provide for the establishment and administration of a system of State health service insurance, including the establishing of a Health Service Insurance Commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereto, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith;

Also: Senate Bill No. 479—An act to amend section 10482 of the Insurance Code, relating to valuation of life policies;

Also: Senate Bill No. 525—An act to amend section 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the transportation of persons or property for hire or compensation;

Also: Senate Bill No. 534—An act relating to persons in private psychopathic institutions;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 271—An act to amend section 281 of the Code of Civil Procedure, relating to the practice of law;

Also: Senate Bill No. 275—An act to amend section 426 of the Code of Civil Procedure, relating to complaints in civil actions;

Also: Senate Bill No. 437—An act to amend section 618 of the Fish and Game Code, relating to trout;

Also: Senate Bill No. 1095—An act to repeal sections 10650 to 10671, inclusive, 10691 to 10713, inclusive, 10770 and 10780, of the Insurance Code, and to add sections 10650, 10670, and 10671 thereto, and to make certain other provisions, all relating to mutual benefit associations;

Also: Senate Bill No. 604—An act to add sections 476, 477, 478 and 479 to the Political Code, relating to the powers and duties of the Attorney General; And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 116—An act to amend section 1125 of the Code of Civil Procedure, relating to costs in election contests—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 470—An act to repeal Chapter 9 of Part 2 of Division 2 of the Insurance Code, and to add a new Chapter 9, comprising sections 10810 to 10840, inclusive, to Part 2 of Division 2 of the Insurance Code, relating to contracts transacting life and disability insurance on the stipulated premium plan with provision for assessment:

Also: Senate Bill No. 471—An act to amend section 100 of the Insurance Code, to add section 106a thereto, and to add a new chapter to Part 2 of Division 2 of said code, to be numbered Chapter 13, comprising sections 11520 to 11540, inclusive, all relating to medical and hospital service insurers.

Also: Senate Bill No. 500—An act to amend sections 1, 2, 3, 4, 6 and 9a of, and to add section 34 to "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended, relating to contractors:

Also: Senate Bill No. 670—An act to amend the Insurance Code by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new Chapter 8 to Part 2 of Division 2, thereof, comprising sections 10640 to 10880, inclusive, and by amending section 1700 thereof, all relating to life insurance companies, fraternal and business and matters incidental thereto by mutual benefit life associations:

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 758—An act to amend an "Act granting certain tide lands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, to add a new section to be numbered section 4, permitting the temporary use of said lands for exposition purposes.

The Senate took up for consideration Assembly amendments to Senate Bill No. 758.

Amendment No. 1.

On page 1, line 8 of the title of the printed bill, strike out "(Chap. 912, Statutes 1933)", and insert in lieu thereof the following: "approved June 13, 1933".

Amendment No. 2.

On page 1, in the last line of the title of the printed bill, strike out "temporary".

Amendment No. 3.

On page 1, lines 1 and 2, of the printed bill, strike out "Chapter 912, Statutes 1933", and insert in lieu thereof the following: "the act cited in the title hereof, to be numbered section 4 and to read".

Amendment No. 4.

On page 1, line 6, of the printed bill, strike out "corporation", and insert in lieu thereof the following: "corporations".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 758?

The roll was called, and Assembly amendments to Senate Bill No. 758 concurred in by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, King, McColl, McCormack, McGovern, McGinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reindorfer, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—None.

Senate Bill No. 758 ordered to enrollment.

Report of Standing Committee.

The following report of standing committee was received and read:

On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 6, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 1085—An act to amend sections 25, 27, 28, 29, 30, 31, 33, 34, 35, 36, 36a, 36c, 36d, 36e, and 36f, to repeal sections 26 and 32, and to add new sections to be numbered 26, 32, 36h, and 36i, to the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—6; absent—1.

MIXTER, Chairman.

Consideration of Amendments to Senate Bill No. 1085.

Senator Mixter asked for, and was granted, unanimous consent for the consideration of committee amendments to Senate Bill No. 1085, without reference to file.

Bill ordered read the second time.

Second Reading of Senate Bill No. 1085.

Senate Bill No. 1085—An act to amend sections 25, 27, 28, 29, 30, 31, 33, 34, 35, 36, 36a, 36c, 36d, 36e, and 36f, to repeal sections 26 and 32, and to add new sections to be numbered 26, 32, 36h, and 36i, to the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 1085 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "sections", and all of the rest of said line, all of lines 2 and 3, and the word "to" in line 4, and insert in lieu thereof the following "section 25 of".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 3 to 25, both inclusive, and pages 2 to 14, both inclusive, and insert in lieu thereof the following:

"Sec. 25. Upon its own initiative or upon petition signed by one or more claimants to water or the use of water of any stream, stream system, lake, or other body of water, including surface and underground water and sources of supply of whatever kind or character, excluding only water taken from an underground supply for use on land overlying said supply by the owner of said land, all of which sources of supply are hereinafter referred to as "stream system," requesting the determination of the rights of the various claimants to the water of that stream system, it shall be the duty of the State Water Commission, if, upon investigation, it finds the facts and conditions are such that the public interest and necessity will be served by a determination of the rights to the water involved, to enter an order granting said petition and to make proper arrangements to proceed with such determination. No language used in this act shall be, or be construed to be, a limitation or restriction upon the power or duty of the said water commission to determine, in the proceedings provided for in sections 25 to 36g, both inclusive, of this act, all rights to water or the use of water whether based upon appropriation of surface water, appropriation or exportation of underground water, riparian right, or other basis of right; provided that said commission shall not determine in said proceedings the right to

take water from an underground supply for use on land overlying said supply by the owner of said land."

Senate Bill No. 1085 read second time, ordered to reprint, and referred to Committee on Irrigation.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 256—An act to amend sections 251, 304, 307, 324, 348, 364, 374, 463 and 465 of the Streets and Highways Code, relating to State highways.

The Senate took up for consideration Assembly amendments to Senate Bill No. 256.

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "463".

Amendment No. 2.

On page 3 of the printed bill, as amended, strike out lines 28 to 33 inclusive.

Amendment No. 3.

On page 3, line 34, of the printed bill, as amended, strike out "9", and insert in lieu thereof the following: "8".

The question being: Shall the Senate concur in Assembly Amendments to Senate Bill No. 256?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 256 by the following vote:

AYES—None.

NOES—Senators: Biggar, Crittenden, Dand, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGowan, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Reinhold, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagoner, and Young—33.

Assembly requested to reconsider.

Senate Bill No. 725—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 725:

Amendment No. 1.

On page 1, line 24, of the printed bill, insert after "lands," the following: "there is hereby further reserved to the State of California the right to tax and license persons and corporations, their franchises and property upon the heretofore described lands:".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 725?

The roll was called, and Assembly amendment to Senate Bill No. 725 concurred in by the following vote:

AYES—Senators: Biggar, Crittenden, Dand, DeFam, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGowan, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Reinhold, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagoner—36.

NOES—None.

Senate Bill No. 725 ordered to enrollment.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator McColl moved to reconsider the vote whereby Senate Bill No. 779 was passed.

Postponement of Reconsideration.

On motion of Senator McGill, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 779 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bills Nos. 491, 492, and 493 were passed.

Consideration of Motion to Reconsider.

On request of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 491 was passed, was taken up.

Reconsideration Refused.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion refused adoption by the following vote:

Ayes.—Senators Garrison, Jespersen, McGovern, McGuinness, Olson, Perry, Sawyer, and Thibault.

Noes.—Senators Bagger, Christensen, Daniel, Edwards, Gardner, Hays, Hulse, Knudsen, King, Knowland, McGill, McCormack, Metzger, Meyer, Parkman, Powers, Rasmussen, Robt. Schottky, Seaton, Sharkey, Sawyer, Shaw, Swing, Wagon, and Young—25.

Senate Bill No. 491 ordered transmitted to the Assembly.

Consideration of Motion to Reconsider.

On request of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 492 was passed, was taken up.

Reconsideration Refused.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion refused adoption by the following vote:

Ayes.—Senators Jespersen, McGovern, McGuinness, Olson, Parkman, Perry, Sawyer, and Thibault.

Noes.—Senators Bagger, Christensen, Daniel, Edwards, Edwards, Gardner, Hays, Hulse, Knudsen, King, McGill, McCormack, Metzger, Meyer, Parkman, Rasmussen, Robt. Schottky, Seaton, Sharkey, Sawyer, Shaw, Swing, Wagon, and Young—25.

Senate Bill No. 492 ordered transmitted to the Assembly.

Consideration of Motion to Reconsider.

On request of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 493 was passed, was taken up.

Reconsideration Refused.

The question being on the adoption of the motion to reconsider.

The roll was called, and the motion refused adoption by the following vote:

Ayes.—Senators Garrison, Gardner, Jespersen, McGovern, McGuinness, Olson, Perry, Sawyer, and Thibault.

Noes.—Senators Bagger, Christensen, Daniel, Daniel, Edwards, Hays, Knowland, McGill, McCormack, Metzger, Meyer, Parkman, Powers, Rasmussen, Robt. Schottky, Seaton, Sharkey, Sawyer, Shaw, Swing, Wagon, and Young—24.

Senate Bill No. 493 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Jespersen moved to reconsider the vote whereby Assembly Bill No. 242 was refused passage.

Postponement of Reconsideration.

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 242 was refused passage was continued until the next legislative day.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 78, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Senate Bill No. 78. An act to authorize the creation and establishment of a public utilities commission within any city, county and other local governmental agency or political subdivision, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and/or acquisition of public utilities and extensions and additions to public utilities for the production, purchase, sale and distribution of products, commodities, energy and/or services of such public utilities, providing for the payment of such bonds and the interest thereon.

President Pro Tempore in the Chair.

At twelve o'clock and twenty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Amendments from the Floor.

During third reading of Senate Bill No. 78, the following amendments, offered by Senator Hays, were read:

Amendment No. 1.

On page 8 of the printed bill, add to section 10 thereof, following line 24, the following:

"Provided that whenever the commission shall determine to acquire, construct, extend, complete or improve a public utility system or works of any kind authorized under this statute, with moneys to be borrowed from the Federal Government, the State Government, or any person or persons whatsoever, by issuing bonds or otherwise, it shall cause an estimate to be made of the cost thereof, and shall by ordinance or resolution provide for the issuance of bonds or the borrowing of money under the provisions of this statute, which ordinance or resolution shall set forth a brief description of the contemplated system, works or improvement, the estimated cost thereof, the amount, rate of interest, time and place of payment, and other details in connection with the issuance of the bonds. Such bonds shall bear interest at a rate of not more than six per cent per annum, payable semi-annually, and shall be payable at such times and place not exceeding forty years from their date, that shall be prescribed in the ordinance or resolution providing for their issuance. Such ordinance or resolution shall also declare that a statutory lien shall exist upon the property so to be acquired, constructed, extended, completed or improved and include provisions whereby revenue is to be obtained or rates fixed for such public utility service to be collected prior to the payment of all of said bonds, and shall pledge the revenue derived from such public utility system, or works, for the purpose of paying such bonds and interest thereon, which pledge shall definitely fix and determine the amount of revenue which shall be necessary to be set apart and applied to the payment of the principal of and interest on the bonds and the proportion of the balance of such revenue as income which are to be set aside as a proper and adequate depreciation or reserve account, and the remainder shall be set aside for the reasonable and proper maintenance and operation thereof. The rates to be charged for the service from such public utility shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking or other retirement fund to pay the principal thereof as and when the same became due, and to provide for the operation and maintenance of the system and to provide an adequate depreciation fund. Said ordinance or resolution shall

also provide for the calling of, and call an election for the submission of the question of the issuance of said bonds for the purpose set forth in said ordinance or resolution to the qualified electors within said city, county or local governmental agency and if at said election two-thirds of the vote cast shall be in favor of the issuance of said bonds, the said ordinance or resolution shall go into immediate effect, otherwise said ordinance and resolution shall be null and void; provided, however, should the proposition so submitted at said election fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the legislative body or the commission of such city, county or local governmental agency shall have no power or authority within one year after such election, to call or order another election for incurring any indebtedness for the acquisition, construction, extension, improvement or completion of improvements or property substantially the same as voted upon at such prior election, unless a petition signed by at least fifteen per cent of the qualified electors of such city or local governmental agency computed upon the total number of votes cast therein for all candidates for Governor at the last preceding election at which a Governor was elected, be filed with the commission or legislative body requesting that said proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition and to be held in accordance with the provisions of this act. Said election shall be held within sixty days after the passage of said ordinance or resolution and no notice of said election need be given other than by publication of said ordinance or resolution at least once a week for four weeks in a daily newspaper printed and published in said municipality, publication to be completed not less than ten days before the date of said election; but, if there be no daily newspaper within the territory covered by such municipality, the notice of such election may be published in a weekly newspaper printed and published therein, or if there be no newspaper published therein, then by posting such ordinance or resolution in three public places therein, not less than ten, nor more than twenty days, before the date of said election. Except as otherwise provided herein, said election shall be held in accordance with the provisions of the general law."

Amendment No. 2.

On page 11 of the printed bill, add to section 14, at the end thereof, immediately following line 24, the following:

"Provided, however, that no city or local governmental agency or board or department thereof shall issue revenue bonds or other bonds or incur any indebtedness for purposes authorized by this act which, together with the amount of bonded indebtedness of such city or local governmental agency, shall exceed fifteen per cent of the assessed value of all real and personal property in the city or local governmental agency subject to taxation for city or county purposes.

Recess.

On motion of Senator Schottky, at twelve o'clock and thirty minutes p.m., the President pro tempore of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 887—An act to add a new section to the School Code to be numbered ----, relating to the public school system.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 887 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after the word "act", insert the following: "to amend the titles of Articles IV and IVa of Chapter IV of Part I of Division VI of the School Code, to amend sections 6.210 and 6.211 of the School Code and".

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 2 of the same, and insert in lieu thereof the following: "Section 6.210. All buildings, structures, and fixtures of school districts within the boundaries of such districts are altered, declared the property thereof and preserving their status shall have effect immediately."

Amendment No. 3.

On page 1, line 1, of the printed bill, after the period, insert the following: "The title of Article IV of Chapter IV of Part I of Division VI of the School Code is hereby amended to read as follows:

Article IV. Sale or Lease of Personal Property by One District to Another.

SEC. 2. Section 6.210 of the School Code is hereby amended to read as follows: 6.210. The governing board of any school district of any type or kind is authorized to sell any unused personal property belonging to the district to another district and the governing board of such other district is authorized to purchase the same, for an amount equal to the cash value of such property, the estimated cost of purchasing, storing and handling such property, without advertisement for or receipt of bids or compliance with any other provisions of this code.

SEC. 3. Section 6.211 of the School Code is hereby amended to read as follows:

6.211. The governing board of any school district of any type or kind is authorized to sell or lease used personal property belonging to the district to another district, and the governing board of such other district is authorized to purchase or lease the same, the selling price and the terms of sale or the lease price and the terms of lease to be fixed by the governing board of boards of the school districts effecting such sale or lease, and authorized by the county superintendent of schools, and such sale or lease may be made without advertisement for or receipt of bids, or compliance with any other provisions of this code.

SEC. 4. Article IVa of Chapter IV of Part I of Division VI of the School Code is hereby amended to read as follows:

Article IVa. Sale or Disposition of Buildings, Structures, and other Fixtures by One District to Another.

SEC. 5. A new section is hereby added to the School Code to be numbered 6.213 and to read as follows:

6.213. When any territory withdrawn from a school district pursuant to any provision of this code contains a school building, site or real property, the building, site, together with the fixtures thereof, shall, upon the withdrawal of such territory becoming effective, become the property of the district or districts such property becomes a part or the whole.

If a dispute arises between the governing boards of the two districts concerned as to what constitutes fixtures, a board of arbitrators must be appointed whose function and duty it shall be to determine what fixtures, as a building, building fixtures within territory withdrawn from any school district are fixtures thereof. Such board shall consist of one person selected by the board of the district from which such territory is withdrawn and one person selected by the district of which it was become a part, and a third person appointed by the county superintendent of schools of the county in which said districts are located, provided, however, that the two districts involved may mutually agree that the person appointed as arbitrator by the county superintendent of schools may act as sole arbitrator of the matters herein mentioned and be submitted to arbitration. The necessary expenses and compensation of any arbitrators appointed pursuant to this section shall be divided equally between the two districts involved, and the payment of such portion of said expenses shall be and constitute a legal charge against the funds of said school districts. The arbitrator or arbitrators appointed pursuant to the provisions of this section shall proceed to view and examine such property, articles, equipment and fixtures as they are requested to pass upon by the respective school districts and make a written finding as to what property, articles, or equipment constitutes fixtures, and the written finding and determination of a majority of said board of arbitrators shall be final and binding upon the school districts submitting such question to said board of arbitration.

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall go into effect immediately from and after its passage and approval.

The following is a statement of the facts constituting such necessity:

There has been a change of boundaries between many school districts in the State of California which will become effective July 1, 1935. That date is also the beginning of the fiscal year for school districts and it is necessary that the property rights between districts whose boundaries have been so changed be ascertained and determined by said July 1, 1935, in order that provision may be made

in the budgets of said school districts for the ensuing school year and to facilitate the administration and government of said school districts."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 888—An act to add a new section to the School Code to be numbered -----, relating to the public school system.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Senate Bill No. 888 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after the word "act", insert the following: "to amend sections 3.330, 3.331, 3.332, 3.333, 3.334, 3.335, and 3.337 and".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, after "bered", insert the following: "3.339".

Amendment No. 3.

On page 1, line 2 of the title of the printed bill, strike out the following: "public school system", and insert in lieu thereof the following: "attendance of pupils residing in California upon the public schools of adjoining States, and the attendance of pupils residing in adjoining States upon the public schools of California".

Amendment No. 4.

On page 1, line 1, of the printed bill, after the period, insert the following: "School Code section 3.330 is hereby amended to read as follows:

3.330. The average daily attendance of pupils residing in any county of this State and attending an elementary school or high school in an adjoining State which is contiguous to such county shall be reported by the county superintendent of schools in his annual report to the Superintendent of Public Instruction who shall include such average daily attendance in all the duly established elementary schools and high schools in the State for the last preceding school year certified by him to the State Controller as provided in this code.

The Superintendent of Public Instruction, in making the apportionments of State school moneys, shall apportion to each county on account of the average daily attendance of pupils residing in such county and attending an elementary school or a high school in an adjoining State which is contiguous to such county an amount equal to that apportioned to the elementary school districts and high school districts of this State on account of the average daily attendance in such districts during the preceding school year. The amounts apportioned to a county under the provisions of this section on account of pupils attending elementary schools shall be deposited in the county treasury to the credit of the county elementary school tuition fund; and the amounts apportioned to a county under the provisions of this section on account of pupils attending high schools shall be deposited in the county treasury to the credit of the county high school tuition fund.

School Code section 3.331 is hereby amended to read as follows:

3.331. The board of supervisors of each county in which pupils reside who are attending an elementary school or a high school in an adjoining State which is contiguous to such county, on the approval of the county superintendent of schools of the county in which they live, shall levy a tax on the taxable property of the county to be known as the county school tuition tax. The minimum amount of the tax thereby raised shall be an amount which, when added to the amount to be apportioned to the county elementary and high school tuition funds during the school year by the Superintendent of Public Instruction on account of the average daily attendance of pupils residing therein who attended an elementary or a high school in such adjoining State during the preceding school year will provide an amount sufficient to pay the tuition, and also the transportation not to exceed ten dollars per pupil per month, of any pupil or pupils residing in the county who attended an elementary school or a high school during the preceding school year in such adjoining State.

Section 3.332 of the School Code is hereby amended to read as follows:

3.332. The tuition payable, exclusive of costs of transportation, per unit of average daily attendance of pupils residing in California and attending an elementary or a high school in an adjoining State which is contiguous to such county shall be the average current expenditure, exclusive of all transportation expenditures, per unit of average daily attendance for elementary or high schools as the case may be in the district attended by such pupils during the preceding school year.

Section 3.333 of the School Code is hereby amended to read as follows:

3.333. The county superintendent of schools of each county shall secure from the principal of any elementary or high school in an adjoining State which is contiguous to such county attended by pupils residing in such county a report in blank furnished by the Superintendent of Public Instruction of the State of California showing such facts relative to the attendence and cost of education and transportation of such pupils as shall be outlined in the blank report.

Section 3.334 of the School Code is hereby amended to read as follows:

3.334. The auditor of any county in which a county elementary or high school tuition tax is levied shall report to the county superintendent of schools the amount of money paid into the county elementary or high school fund from the tax levied.

Section 3.335 of the School Code is hereby amended to read as follows:

3.335. On receiving the report from the county auditor the superintendent of schools shall draw an order in favor of the county treasurer of the county and State in which the elementary or high school operating the children is located, and shall transmit the same by registered mail to said county treasurer, to be placed to the credit of the elementary or high school district educating such children, together with a statement, showing the names and average daily attendance of pupils whose tuition is to be paid.

Section 3.336 of the School Code is hereby amended to read as follows:

3.336. The county superintendent of schools of any county in lieu of payment to a district in an adjoining State which is contiguous to such county for the transportation of pupils residing in such county, may pay from the county elementary or high school tuition fund to the parent or guardian of such pupils an amount not to exceed ten dollars per month per pupil certified by such parent or guardian as the actual cost incurred by such parent or guardian for the transportation of such pupils to school in such adjoining State.

A new section is hereby added to the School Code to be numbered 3.339 and to read as follows:

3.339. The governing board of any school district of any type or class may, with the approval of the county superintendent of schools, admit to the schools thereof pupils living in an adjoining State which is contiguous to such school district, provided, that an agreement shall be entered into between such governing board and the governing board or authority of the school district in which such pupils reside providing for the payment by the latter of such tuition as shall be agreed upon. The amount of such tuition per unit of average daily attendance of pupils from such adjoining State shall not exceed the average current expenditures, exclusive of all transportation expenditures, per unit of average daily attendance in the district of attendance, plus the actual expenditure not to exceed ten dollars per pupil per month for the transportation of such pupils."

Bill read second time, ordered to reprint, and re-referred to Committee on Education.

Senate Bill No. 116—An act to amend section 1125 of the Code of Civil Procedure, relating to costs in election contests.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1044—An act to add a new section to be numbered 1083aa to the Political Code, relating to the place of signing of recall petitions.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Senate Bill No. 1044 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after the word "clerk", insert the following: ", or before any deputy county clerk, or in office of said deputy".

Amendment No. 2.

On page 1, line 6, of the printed bill, after the word "clerk", insert the following: ", or before any deputy city clerk, or in the office of said deputy".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 528—An act to amend sections 4.750 and 4.751 of the School Code, relating to the computation of average daily attendance of school districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 528 were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "commencing with the school year ending June 30, 1935."

Amendment No. 2.

On page 1, line 15, of the printed bill, as amended, after the word "year", insert a comma and the following: "commencing with the school year ending June 30, 1935,".

Amendment No. 3.

On page 2, line 23, of the printed bill, as amended, strike out the word "funds", and strike out all of line 24, and insert in lieu thereof the following: "the general fund of the State."

Amendment No. 4.

On page 2 of the printed bill, as amended, beginning in line 25, strike out the following: "diversion of funds at the expense of other school districts of the State", and insert in lieu thereof the following: "situation".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1205—An act to add a new part to Division II of the School Code to be known as Part VI, relating to the formation, government, support, control, functions, maintenance, and administration of unified school districts created from elementary and high school districts, and of elementary, high school and junior college districts having coterminous boundaries and governing boards of identical personnel.

Consideration of Committee Amendments.

Pursuant to the report of the committee on Education, the following amendments to Assembly Bill No. 1205 were read and adopted:

Amendment No. 1.

On page 5, line 24, of the printed bill, as amended, after the word "except", insert the following: "that,".

Amendment No. 2.

On page 8, line 34, of the printed bill, as amended, after the word "shall" insert a comma and the following: "except as otherwise provided in Chapter XII of this part".

Amendment No. 3.

On page 9, line 7, of the printed bill, as amended, strike out the word "comprising", and insert in lieu thereof the following: "composing".

Amendment No. 4.

On page 11, line 42, of the printed bill, as amended, strike out the word "comprising", and insert in lieu thereof the word "composing".

Amendment No. 5.

On page 2, line 45, of the printed bill, as amended, strike out the word "comprising", and insert in lieu thereof the word "composing".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 310—An act to amend School Code section 4928, relating to the apportionment of funds to high school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 523—An act to add Article XI to Chapter I of Part I of Division II of the School Code, relating to district elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1201—An act to add section 2391 to the School Code, relating to severance of joint schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1751—An act to amend section 4923 of the School Code, relating to computation of pupils' attendance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1752—An act to amend sections 5500 of the School Code, relating to teachers' tenure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 174—An act to amend the title of Part I of Division V of the School Code, and to amend sections 51, 52, 510, 5.61 and 5.101 thereof, relating to State colleges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 490—An act to amend section 1357 of the Political Code, relating to absent voters.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Assembly Bill No. 490 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, at the end of line 8, strike out "exclud-", and insert in lieu thereof the following: "includ-".

Amendment No. 2.

On page 1 of the printed bill, between lines 14 and 15, insert the following: "In the case of a district election, the duties imposed by this section upon the county clerk, registrar of voters, or city clerk, shall be performed by the officer or board charged with the duty of conducting such district election."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 286--An act to amend section 10 of an act entitled "An act to provide for and regulate municipal elections in the cities of the fifth and sixth class," approved May 27, 1919, relating to registrations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1150—An act to amend section 4 of an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, relating to canvassing returns.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2048—An act to amend the title and sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable

and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911 (Stats. 1911, Chap. 92), as amended, providing that evidences of indebtedness for wages must be payable upon demand and providing penalties for violation of the provisions thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 322—An act to amend "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, by adding section 2a thereto, relating to free employment bureaus.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 45—An act limiting the hours of labor of persons employed as personal or domestic workers and providing penalties for the violation of the provisions of this act.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Labor and Capital, the following amendment to Assembly Bill No. 45 was read and adopted:

Amendment No. 1.

On page 1, line 23, of the printed bill, as amended, strike out the word "solely", and insert in lieu thereof "or attendant chiefly".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 56—An act to amend section 3.42 of, and to add section 3.43 to the School Code, relating to required instruction in the schools.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 56 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend section 3.42 of, and to".

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out "3.42", and insert in lieu thereof the following: "3.43".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 3 to 14, inclusive, and insert in lieu thereof the following:

"3.43. All persons responsible for preparation or enforcement of course of study, must provide for instruction in alcohol and narcotics as required by law."

Bill read second time, ordered to reprint, and on file for third reading.

Withdrawal and Re-reference of Assembly Bill No. 947.

Senator Knowland moved that Assembly Bill No. 947 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Roads and Highways.

Motion carried, and such was the order.

Reference of Senate Bill No. 163.

Senate Bill No. 163 was ordered withdrawn from the daily file, and referred to Committee on Finance by the President of the Senate because of the appropriation features of the bill.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of the work of May 4, 1935:

Lloyd P. Shipp, Assistant Sergeant at Arms..... \$5.00 per day

Resolution read, and on motion of Senator Tickle, adopted.

Recess.

At two o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock and thirty five minutes p.m. for the purpose of having an invitation extended by Miss Eleanor Miller, Assemblywoman, to join with the Assembly in a program in tribute to the mothers of the State of California, on Friday, May 10, 1935. Miss Miller was introduced to the Senate by Hon. George J. Hatfield, Lieutenant Governor and President of the Senate, and thereupon addressed the Senate, extending the invitation on behalf of the Assembly.

Reconvened.

At two o'clock and thirty five minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Motion of Acceptance.

Upon motion of Senator Young, the invitation extended by Miss Miller, Assemblywoman, on behalf of the Assembly, was unanimously accepted.

Consideration of Senate Bill No. 78—(Resumed).

Consideration of amendments from the floor, offered by Senator Hays, was resumed.

Senator Crittenden in the Chair.

At three o'clock p.m., Senator Crittenden of the twentieth district was called to the chair.

Senator Stow in the Chair.

At three o'clock and seventeen minutes p.m., Senator Stow of the thirty-first district was called to the chair.

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Jespersen, and Hays, on the adoption of amendments to Senate Bill No. 78, offered by Senator Hays.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Difani, Duval, Edwards, Hays, Hulse, McCormack, Reindollar, Rich, Sharkey, Snyder, Stow, Tickle, and Young—13.

NOES—Senators Biggar, Crittenden, Denel, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McCall, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Slater, Swing, and Wagy—25.

Further Amendments from the Floor.

During third reading of Senate Bill No. 78, the following amendments, offered by Senator Knowland, were read:

Amendment No. 1.

On page 4 of the printed bill, as amended, after line 10, insert the following:

"At the first election the voters shall vote first on the question 'Shall a commission be elected and a department formed?' and secondly for the candidates for the commission. If the first question receives a majority of votes of those voting thereon, the candidates elected as hereinabove provided shall forthwith organize as a permanent organization."

Amendment No. 2.

On page 9 of the printed bill, as amended, strike out lines 19 to 52, inclusive; strike out all of page 10, and strike out lines 1 to 24, inclusive, on page 11, and insert in lieu thereof the following:

"SEC. 14. Whenever the legislative body of any political subdivision or public agency shall determine that the public interest or necessity demands that such political subdivision or public agency acquire, construct, complete, extend or repair any public utility as defined in section 2 hereof under the provisions of this statute, it shall cause an estimate to be made of the cost thereof, and shall, by ordinance, or resolution, as may be authorized by charter or general laws under which such political subdivision or State agency operates, provide for the issuance of revenue bonds under the provisions of this statute, which ordinance or resolution shall set forth a brief description of the contemplated improvement, the estimated cost thereof, the amount, the maximum rate of interest which the bonds may bear, the time and place of payment and other details in connection with the issuance of the bonds. Such bonds shall bear interest at not more than six per cent (6%) per annum, payable semiannually, and shall be payable at such times and place not exceeding fifty (50) years from their date as shall be prescribed in the ordinance or resolution providing for their issuance. Such ordinance or resolution shall also declare that a statutory lien shall exist upon the property so to be acquired or constructed, and include provisions whereby revenue is to be obtained or rates fixed for service rendered to be collected prior to the payment of all of said bonds, and shall pledge the revenues derived from the public utility for the purpose of paying such bonds and interest thereon, and shall fix and determine the estimated amount of revenues necessary to be set apart and applied to the payment of the principal of and interest on the bonds and the proportion of the balance of such revenues as income which are to be set aside as a proper and adequate depreciation or reserve account, and the remainder shall be set aside for the reasonable and proper maintenance and operation thereof. The rates to be charged for the services from such public utility shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking or other retirement fund to pay the principal thereof as and when the same become due, and to provide for the operation and maintenance of the system, and to provide an adequate depreciation fund.

Said ordinance or resolution shall also provide for the calling of, and call an election for the submission of the question of the issuance of said revenue bonds for the purpose set forth in said ordinance or resolution to the qualified electors within said political subdivision or public agency, and if at said election a majority of the votes cast shall be in favor of the issuance of said revenue bonds, the said ordinance or resolution shall go into immediate effect upon the declaration of the vote cast at such election, otherwise said ordinance or resolution shall be null and void. Provided, however, should the proposition so submitted at such election fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the legislative body of such political subdivision or public agency shall have no power or authority within six months after such election to call or order another election for incurring any indebtedness for the acquisition, construction or completion of improvements or property substantially the same as voted upon at such prior election, unless a petition signed by at least fifteen per centum of the qualified electors of such political subdivision or public agency computed upon the total number of votes cast therein for all candidates for Governor at the last preceding election at which a Governor was elected, be filed with the legislative body of such political subdivision or public agency, requesting that said proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition and to be held in accordance with the provisions of this act. Said election shall be held within sixty days after the passage of said ordinance or resolution and no notice of said election need be given other than by publication of said ordinance or resolution at least once a week for two weeks in a daily newspaper printed and published in such political subdivision or public agency, publication to be completed not less than ten days before the date of said election; provided, however, that if there be no daily newspaper within the territory covered by such political subdivision or public agency, the notice of such election may be published in a weekly newspaper printed and published therein, or if there be no newspaper published therein, then by posting such ordinance or resolution in three public places therein, not less than ten, nor more than twenty days before the date of said election. Except as otherwise provided herein, said election shall be held in accordance with the provisions of the general law."

President Pro Tempore in the Chair.

At four o'clock p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Consideration Postponed.

The amendments, offered by Senator Knowland, were ordered printed in the Journal, and the further consideration of Senate Bill No. 78 postponed until the next legislative day, on motion of Senator Stow.

Special Order.

Senator Garrison moved that Senate Bill No. 78 be made a special order for the next legislative day, Tuesday, May 7, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried, and such was the order.

Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator McGuinness:

SENATE CHAMBER, SACRAMENTO, May 6, 1935.

MR. PRESIDENT: In accordance with the provisions of Section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 15, 1888, by adding a new section thereto numbered section 20, providing for securing the written consent of political subdivisions owning 60 per cent or more in area or value of the lands to be incorporated.

Respectfully submitted.

SENATOR MCGUINNESS.

Request referred to Committee on Rules.

Resolution.

The following resolution was offered:

By Senator Young:

WHEREAS, Senate Bill No. 498 was passed by the Senate on May 2, 1935; and

WHEREAS, Such bill in the opinion of the Governor is an emergency bill and should be accompanied in its passage by a letter from the Governor stating that it is an emergency measure and should be passed prior to the adoption of the budget, now, therefore, be it

Resolved, That the Secretary of the Senate be and he is hereby directed to respectfully request the Assembly to return this bill to the Senate in order that the Senate may take appropriate action.

Resolution read, and on motion of Senator Young, adopted.

Motion to Rescind.

Senator Powers moved to rescind the action of the Senate in adopting the following amendments to Senate Bill No. 1054, as amended in the Senate on April 15, 1935:

Amendment No. 1.

On page 2, line 23, of the printed bill, immediately before "judicial", insert the following: "the office of Lieutenant Governor, State Senator, members of the Assembly."

Amendment No. 2.

On page 4, line 44, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of Assembly, and".

Amendment No. 3.

On page 5, line 10, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly, and".

Amendment No. 4.

On page 5, line 16, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly, and".

Amendment No. 5.

On page 6, line 24, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly, and".

Amendment No. 6.

On page 8, line 9, of the printed bill, after "to", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly, and".

Amendment No. 7.

On the sample party ballot, facing page 10, of the printed bill, in the first left-hand column under "State", strike out "all matter relating to the office of Lieutenant Governor", and insert all said struck out matter between "State", and the line above Secretary of State in the second column from the right on said ballot.

Amendment No. 8.

On the sample nonpartisan ballot, facing page 10, of the printed bill, in the left-hand column between "State", and the line above Secretary of State, insert the matter struck out of the first left-hand column of the official sample party ballot.

Amendment No. 9.

On page 12, line 22, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly, and".

Amendment No. 10.

On page 12, line 42, of the printed bill, after "for", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly and".

Amendment No. 11.

On page 13, line 29, of the printed bill, after "a", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly or".

Amendment No. 12.

On page 13, line 37, of the printed bill, after "then", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly or".

Amendment No. 13.

On page 13, line 46, of the printed bill, after "of", insert the following: "the office of Lieutenant Governor, State Senator, member of the Assembly or of".

Amendment No. 14.

On page 16 of the printed bill, strike out line 20.

The question being on the motion to rescind.

The roll was called, and the motion to rescind was adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, and Young—28.

NOES—None.

Bill ordered held on unfinished business file.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On County Government.

SENATE CHAMBER, SACRAMENTO, May 3, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1010—An act to amend section 737bb of the Political Code, relating to the salary of the judge in Napa County:

Also: Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 3720, relating to the filing by county clerks with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1091—An act to add a new section to be numbered 8.5 to an act entitled "An act for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and associations to such districts, to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to the incurring of a bonded indebtedness and the sale and payment thereof—has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6, absent—3.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2232—An act to amend section 4295 of the Political Code, relating to official without fees:

Also: Assembly Bill No. 1263—An act to add a new section to the Political Code of the State of California, to be numbered 4041.27, authorizing boards of supervisors to provide for the creation and operation of a system of insurance and pensions for the benefit of physicians, nurses and other persons employed in county institutions and in county health departments, to procure group insurance for the benefit of such employees, and to provide for the payment of premiums therefor:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—6, absent—3.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 13—An act to amend section 73a, of the Code of Civil Procedure, relating to superior courts:

Also: Assembly Bill No. 14—An act to amend section 4312 of the Political Code, relating to the place of offices of certain county officers:

Also: Assembly Bill No. 1485—An act to amend section 4014 of the Political Code of the State of California, relating to township officers:

Also: Assembly Bill No. 1554—An act to amend sections 1, 2, 3, 4, 6, 7, 8 and 14 of "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to the composition of the retirement board; time of meeting; manner of transacting business; the duties of said board and time for annual report; computation of time for retirement privilege; interest rate on contributions and deposits; time for payments; refund of sums in excess of sum necessary for prior service credit, and revising the arrangement of certain portions of said act:

Also: Assembly Bill No. 603—An act to amend section 4223 of the Political Code, relating to admission to county hospitals:

Also: Assembly Bill No. 620—An act to amend section 4307 of the Political Code, relating to county charges:

Also: Assembly Bill No. 542—An act to amend sections 4225 and 4225a of the Political Code, both relating to the powers and duties of county health officers:

Also: Assembly Bill No. 1498—An act to add a new section to be numbered section 174 to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, relating to elections:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 1, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1755—An act to amend sections 1466, 1467, 1468 and 1469 of the Penal Code, and to repeal sections 1468a and 1470 of the Penal Code, all relating to appeals to the superior court in criminal cases—has had the same under consideration, and respect-

fully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Adjournment.

On motion of Senator Schottky, at four o'clock and fifteen minutes, p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Tuesday, May 7, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Tuesday, May 7, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Powers, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—27.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, May 6, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clinton H. Kast, principal of Delhi School, Mrs. E. T. Conner, Mr. Elliot I. Navon, and Mrs. C. H. Kast and the following students of the eighth grade: Esther Ruth Stevens, Miriam Olson, Christene Cherry, Iona Blakeslee, Lila Runner, Dwight Daniels, Delbert Smith, Dean Wright, Doil Reid, Ralph Tyree, Clinton Kast, Jr., William Borba, Kenneth Funk, Bob Holland and Luther Levitt.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George J. Duffey, former Deputy United States Marshal, and Mr. John J. Duffey of San Francisco.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Gerald D. Kennedy and Mrs. Thomas Quinn of San Francisco.

On request of Senator Jaspersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Andrew Sundstrom of Berresford, South Dakota, National President, Future Farmers of America; and W. A. Ross, National Executive Secretary of

the Future Farmers of America, with the Office of Education, United States Department of Interior, Washington, D. C.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ed Waltz and Mrs. Dr. H. L. White of Red Bluff.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. W. B. McClard, District Superintendent of the Isleton Union School, Isleton, Miss Hattie L. Overholzer, teacher, and the following seventh and eighth grade students: Vernon Aylla, Agnes Elbes, John Gonsalves, Camila Gonzales, Dora Harris, Renee McCormack, Norman Nelson, Jr., Josephine Sanchez, Harold Shields, Frank Torante, Jr., Tony Valente, Jr., Renee Andrews, Dorothy Aylla, Manuel Borja, Vernal Borja, Bruce Clendenin, Albert Chavier, Manuel Chavier, Margaret Dondan, Manie Espleha, Patricia Fenton, Ida Fernandez, Eugene Gonsales, Clarence Gustafson, Rachel Harris, Virginia Hastings, Roseline Machado, Annie Mattos, Anne Palmer, Yolanda Rosollini, Robert Rush, Gilbert Silva, Lester Silva, Garrett Smith and Joe Solis, and to Mary H. Drake, teacher of Beaver Union School, Ryde, California and the following students: Elsie Romani, Miyoko Ito, Isabel Ramos, Teruko Aoki, Virginia Francis, Laura Pose, Bessie Westley, Mamie Frates, Catherine Bonello, Beatrice McNeil, Kikue Ito, Kimie Ito, Ayako Yoshimoto, So Moy Lee, Mabel Lachapelle, Lucella Smith, Ida Andrade, Louis Pucci, Peter Pucci, Joe Patrick, George Mendoga, John Romero, Filbert Furtado, Tony Mercanti, Peter Salado and Tebestor Gabaldin.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Rhodes, eighth grade teacher; Dudley W. Thickens, secretary, Mrs. Emma W. Thickens, and the following students from Walnut Creek, California: Joe Moura, Evelyn Whittenmore, John Vincent Hook, Albert Williams, Jim Treadway, Dave Lawrence, Phil Ritter, Robert Lekto, John Foote Chaddock, Margot Johnson, Barbara Eagleson, Frederick Salmon, Grace Raine, Patricia Garbutt, Alice Howell, Eula Jean Frohase, Fern Nelson, Tom Dowd, and James Treadway, seventh grade; Jim Moura, Barbara Lawrence and Jimmie Ferrier, sixth grade; and John McMeans, Barbara Tyeer, Norbert Shields, Billy Conover, Jules Lemoine, Don Warfield, Clara Jean Shremp, Jean Hughes, Betty Erickson, Leonard Hopkins, Marjorie Horton, Florence Symmons, Charles Huxtable, Betty Anderson, Earl Symmons, Phyllis Emery, Mildred Morodomi, Ludy Morodomi and Norma Wilson, eighth grade; to the following students from Oak Grove Grammar School: Bill Doig, Yoneko Yamauchi, Josuke Ikeda, Miyako Kanagaki, Kiyoe Ikeda, Yoshiko Kanagaki, Lois Foster, Misao Kanagaki, Rowena Tamori, Wayne Crawford, Roger Nielsen, Ronald Ford, Carl Gomez, Betty Adams, Totsumo Furukawa and Francis Veria; and to Mr. William Ellis, principal, and the following students from Lafayette Grammar School: Betty Hamilton, Dorothy Bowhear, Phyllis Stanley, Lucile Coleman, Petronilla Clark, Howard Wolloston, Norman Eigord, Terry McLeod, Tony Machado, Robert McNeil, David Juster, Alvesta Myers, Nami Noma, Mabel Morrison, and Ida Ramsey.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAIRMAN, SACRAMENTO, May 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Concurrent Resolution No. 17—Resolved, to transfer to the Transportation Department of the Federal Army of the Insurrection.

Also, Senate Concurrent Resolution No. 26—Resolved, to transfer to the United States Department of the Interior, Department of the World War of the Department of California.

ARTHUR A. CHENIN'S, Chief Clerk.

By PAUL J. DUNN, Assistant Clerk.

Senate Concurrent Resolution Nos. 27 and 28 referred to Committee.

ASSEMBLY CHAIRMAN, SACRAMENTO, May 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 141—Resolved, to withdraw a bill on which the State of California is now and which is to be referred and reported at the meeting of the Senate, State of California.

ARTHUR A. CHENIN'S, Chief Clerk.

By PAUL J. DUNN, Assistant Clerk.

Assembly Bill No. 1411 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAIRMAN, SACRAMENTO, May 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 17—Resolved, to discontinue the State of the United States of America, H. A. 124 as to the resolution require made in connection with passing the same for and upon resolution.

ARTHUR A. CHENIN'S, Chief Clerk.

By PAUL J. DUNN, Assistant Clerk.

Assembly Joint Resolution No. 57 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAIRMAN, SACRAMENTO, May 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on the Judiciary, Assembly Concurrent Resolution No. 141—Resolved, to withdraw a bill on which the State of California is now and which is to be referred and reported at the meeting of the Senate, State of California.

ARTHUR A. CHENIN'S, Chief Clerk.

By PAUL J. DUNN, Assistant Clerk.

Also:

ASSEMBLY CHAIRMAN, SACRAMENTO, May 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted a resolution to transfer to the Department of the Interior, Department of the World War of the Department of California, the Assembly Concurrent Resolution No. 141—Resolved, to withdraw a bill on which the State of California is now and which is to be referred and reported at the meeting of the Senate, State of California.

ARTHUR A. CHENIN'S, Chief Clerk.

By PAUL J. DUNN, Assistant Clerk.

Also:

ASSEMBLY CHAIRMAN, SACRAMENTO, May 6, 1905.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 141—Resolved, to transfer to the Department of the Interior, Department of the World War of the Department of California, the Assembly Concurrent Resolution No. 141—Resolved, to withdraw a bill on which the State of California is now and which is to be referred and reported at the meeting of the Senate, State of California.

ARTHUR A. CHENIN'S, Chief Clerk.

By PAUL J. DUNN, Assistant Clerk.

Assembly Concurrent Resolution No. 17 referred to the Clerk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1091. An act to add to each section in be numbered S. 5 to an act entitled "An act for the better fire, management and distribution of county fire protection districts composed of inside office, one or more companies and associations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes or property in such districts to defray the expenses thereof," approved June 12, 1923, relating to the carrying of a license (amendatory) and the sale and payment thereof—and reports that the same has been correctly engrossed.

MUTZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1044. An act to add a new section to be numbered 108.40 to the Political Code, relating to the place of signing of small petitions—and reports that the same has been correctly engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 12. Relative to transferring the President and the Congress of the United States to camp H. R. 1933 being proposed to aid in the rehabilitation of employable blind persons in the United States and urging the Committee on Labor of the House of Representatives to examine consideration favorable to said bill.

Also: Senate Bill No. 101—An act to amend section 3 of an act entitled "An act to provide for the acquisition of rights of way for such the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 23, 1927, relating to expenditure of State highway funds within cities, declaring the urgency thereof, and to provide that this act take effect immediately.

Also: Senate Bill No. 685. An act to add section 2744 to the Code of Civil Procedure, relating to photographic reporters, and declaring the urgency of this act.

And reports that the same have been correctly enrolled, and presented to the Governor on the seventh day of May, 1935, at two o'clock and 55 minutes p.m.

MUTZGER, Chairman.

Consideration of Assembly Concurrent Resolution No. 37.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 37, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 37.

Relative to adjournment out of respect to the memory of the late Monsignor John Rogers.

WHEREAS, There has been removed from this sphere of activity, one of California's most well-known and respected citizens; and

WHEREAS, This citizen through his kind deeds and his first thoughts for the down and outer made him an outstanding figure in California for his humanitarian deeds; and

WHEREAS, His foresight in the depression that is now before us made it possible for him to erect buildings to shelter those who so unfortunately had no shelter over their head during the stormy and winter months that come to us annually; and

WHEREAS, Those unfortunates, whom he was so kind to during his life, will miss his most charitable heart and kind words; and

WHEREAS, That if it was God's will that after serving humanity in this most charitable and humanitarian way that he be taken to his just reward in the hereafter; now, therefore, be it

Resolved, by the Assembly and the Senate concurring, That when the Legislature adjourns this day it do so out of respect to the memory of the late Monsignor John Rogers of St. Patrick's Church in San Francisco; and be it further

Resolved, by the Assembly and the Senate concurring. That copies of this resolution be sent to the family of the late Monsignor John Rogers, to His Grace, Archbishop John Mitty, and to the clergy of St. Patrick's Church.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 37 adopted by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jepsen, Keough, King, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Wagy—30.

NOES—None.

Assembly Concurrent Resolution No. 37 ordered transmitted to the Assembly.

Message from the Assembly.

The following message was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2436—An act giving and granting to the council of the city of San Diego the right to use and the right to authorize the use of Balboa Park in said city for exposition purposes, and declaring the urgency thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2436 read first time.

Consideration of Assembly Bill No. 2436.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 2436, without reference to committee for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Fletcher:

Resolved, That Assembly Bill No. 2436 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, King, Knowland, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—28.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering at this time Assembly Bill No. 2436.

Second Reading of Assembly Bill No. 2436.

Assembly Bill No. 2436—An act giving and granting to the council of the city of San Diego the right to use and the right to authorize the use of Balboa Park in said city for exposition purposes, and declaring the urgency thereof.

Bill read second time and ordered to third reading.

Third Reading of Assembly Bill No. 2436.

Bill read third time.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, of Article IV, of the Constitution, and shall therefore go into immediate effect. The facts constituting necessity are as follows:

The exposition contemplated by this act will open on the twenty-eighth day of May, 1935, and will give employment to several thousands of persons of this State, and will allow the investment of large sums of idle money in profitable business enterprises and will attract many visitors and tourists to the State of California. The Legislature hereby declares that the welfare of the State requires that the employment of these citizens and the investment of this idle money be immediately facilitated and protected.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Dwyal, Edwards, Fletcher, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Wagy, and Young—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2436 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Dwyal, Fletcher, Gordon, Hays, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2436 ordered transmitted to the Assembly.

Unfinished Business.**Consideration of Assembly Amendments.**

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, relating to an institution for women.

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 21.

Amendment No. 1.

On page 1, line 11, of the printed measure, as amended, strike out "charged with or".

Amendment No. 2.

On page 1, line 19, of the printed measure, as amended, after "matters", insert a comma.

Amendment No. 3.

On page 1, line 21, of the printed measure, as amended, strike out "female offenders", and insert in lieu thereof the following: "convicted of felonies".

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 21?

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 21 concurred in by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson,

Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Wagy—28.

NOES—None.

Senate Constitutional Amendment No. 21 ordered to enrollment.

Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 472.

Amendment No. 1.

On page 14 of the printed bill, after line 26, add the following:

"1061. The provisions of section 658 of the Political Code shall apply to the books and accounts of the commissioner as conservator or liquidator under this article or under Article 8, Chapter 2, Part 6 of Division 2 of this code."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 472?

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 472 by the following vote:

AYES—None.

NOES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—31.

Assembly requested to recede.

Resolution.

The following resolution was offered:

By Senator Tickle:

Be it resolved, That the following named officers of the Senate, who were heretofore appointed to the office of Assistants at Desk with a compensation of \$5 per day, be, and the same are hereby transferred to the offices as set forth below effective as of and including May 7, 1935, with the compensation set opposite their names payable six days per week, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said amounts, and the Treasurer is hereby directed to pay the same:

	<i>Per day</i>
James Boyd Garrison, Assistant Minute Clerk-----	\$7 00
Orval L. Shreck, Assistant Secretary -----	7 00
Robert C. Cross, Jr., Assistant Secretary -----	7 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May, 7, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McGuinness to introduce a bill entitled—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto numbered section 2a, providing for securing the written consent of political subdivisions owning

60 per cent or more in area or value of the lands to be incorporated—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5

(Signed out)

RICH, Chairman
TICKLE
DIFANI
SLATER
KNOWLAND

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rendollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, Williams, and Young—34.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator McGuinness, Senate Bill No. 1101. An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 19, 1886, by adding a new section thereto numbered section 2a, providing for securing the written consent of political subdivisions owning 60 per cent or more in area or value of the lands to be incorporated.

Bill read first time, and referred to Committee on Municipal Corporations.

Assistant Secretary Carl A. Shipkey at the Desk.

Appointment of Second Committee on Conference.

The President announced the appointment of Senators Seawell, Difani, and Pierovich as a second Committee on Free Conference, to meet with a like committee from the Assembly, to consider Senate Concurrent Resolution No. 10.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator McColl moved to reconsider the vote whereby Senate Bill No. 779 was passed.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rendollar, Rich, Schottky, Seawell, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—38.

NOES—None.

Senate Bill No. 779 ordered on file for third reading.

Motion to Reconsider Waived.

Senator Jespersen waived his motion to reconsider the vote whereby Assembly Bill No. 232 was refused passage.

Special Order Reset.

On motion of Senator Knowland, the consideration of Senate Bill No. 78, heretofore set as a special order for this time, was reset as a special order for consideration at three o'clock and thirty minutes p.m., this day.

Consideration of Daily File.
Third Reading of Senate Bills.

Senate Bill No. 470—An act to amend and revise Chapter 9, comprising sections 10810 to 10940, inclusive, of Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 470 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—29.

NOES—None.

Title read and approved.

Senate Bill No. 470 ordered transmitted to the Assembly.

Senate Bill No. 670—An act to amend the Insurance Code by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new chapter 8 to Part 2 of Division 2, thereof, comprising sections 10640 to 10880, inclusive, relating to life insurance principles, practice and business, and matters incidental thereto by mutual benefit life associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 670 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—Senator Reindollar—1.

Title read and approved.

Senate Bill No. 670 ordered transmitted to the Assembly.

Senate Joint Resolution No. 11.

Relative to the disposition of revenues received from the lease of marginal lands in the Tule Lake Division of the Klamath Project.

WHEREAS, The Honorable Franklin D. Roosevelt, President of the United States, did, on the seventh day of January, 1935, recommend in his budget message to the Congress of the United States the enactment of certain measures designed to provide refunds to lessees of marginal lands in the Tule Lake Division of the Klamath Project; and

WHEREAS, The Klamath Project is under the jurisdiction of the Secretary of the Interior of the United States, acting through the Bureau of Reclamation, and was designed to reclaim marsh lands in the Tule Lake Division of the Klamath Project, and thereby add to the productive agricultural use in the State of California; and

WHEREAS, The refunding of such moneys to such lessees will result in a diversion of funds now available for the completion of the Tule Lake Division of the Klamath Project and will eventually result in the abandonment of said project, thereby causing a depressed market of land values in said region; and

WHEREAS, Such lands would no longer be a safe collateral for outstanding loans because of the reduced land values; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That the Legislature of the State of California urge the assistance and the support of Congress in order to preserve the present use of funds accruing from leases of marginal lands in the Tule Lake Division of the Klamath Project; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, and the Speaker of the House of Representatives.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 11 adopted by the following vote:

AYES.—Senators Crittenden, Davis, Duffee, Dwyer, Fletcher, Hays, Hulse, Kough, Knowland, McColl, McCracken, McGowan, McGowan, Miller, Olson, Parkman, Pierovich, Reinhold, Rich, Scherby, Seaman, Seawell, Sharkey, Snyder, Stow, Swing, Tieble, Wagy, Williams and Youngblood.

NOES.—None.

Senate Joint Resolution No. 11 ordered transmitted to the Assembly.

Senate Bill No. 913.—An act to add section 454.5 to the Fish and Game Code, relating to the shipment of fish and game into this State.
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 913 passed by the following vote:

AYES.—Senators Crittenden, Dwyer, Fletcher, Hays, Hulse, Jesspersen, Kough, Knowland, McColl, McCracken, McGowan, McGowan, Miller, Olson, Parkman, Reinhold, Scherby, Seawell, Seaman, Stow, Swing, Tuck, Wagy, and Williams—26.

NOES.—None.

Title read and approved.

Senate Bill No. 913 ordered transmitted to the Assembly.

Senate Bill No. 437.—An act to repeal section 618 of the Fish and Game Code, relating to trout.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 437 passed by the following vote:

AYES.—Senators Crittenden, Edwards, Hays, Hulse, Jesspersen, Kough, King, Knowland, McColl, McCracken, McGowan, McGowan, Metzger, Miller, Olson, Parkman, Pierovich, Reinhold, Rich, Scherby, Seaman, Seawell, Sharkey, Snyder, Stow, Swing, Tieble, Wagy, and Williams—29.

NOES.—None.

Title read and approved.

Senate Bill No. 437 ordered transmitted to the Assembly.

Senate Bill No. 634.—An act to amend section 23 of the District Investigation Act of 1933, relating to exemptions, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows: Unless the organization of certain types of sanitary and county sanitation districts is exempted from the provisions of the District Investigation Act of 1933 the inhabitants of many communities will be deprived of adequate and modern sanitation facilities to the detriment of the public peace, health, safety and welfare, because of the impossibility of fulfilling the conditions of said act in time to receive from the Federal Government

financial assistance in the construction of sanitation systems. Because of these circumstances it is necessary that this act become effective immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—38.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 634 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—38.

NOES—None.

Title read and approved.

Senate Bill No. 634 ordered transmitted to the Assembly.

Senate Bill No. 423—An act to provide for the sale and conveyance of certain swamp and overflowed, salt marsh and tidelands lying in the county of Contra Costa, State of California.

Amendment from the Floor.

During third reading of Senate Bill No. 423, the following amendment, offered by Senator Olson, was read:

Amendment No. 1.

On page 2, line 24, of the printed bill, as amended on April 18, 1935, strike out the words "one-sixteenth of".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Stow and Difani on the adoption of Amendment No. 1.

The roll was called, and Amendment No. 1 adopted by the following vote:

AYES—Senators Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Powers, Rich, Scollan, Seawell, Slater, Stow, and Tickle—23.

NOES—Senators Crittenden, Duval, Edwards, McCormack, Mixer, Reindollar, Schottky, Sharkey, Snyder, Swing, and Williams—11.

Consideration continued by unanimous consent.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, pursuant to your request, returns herewith Senate Bill No. 498—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately—for further consideration by the Senate.

ARTHUR A. CHINIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 498 ordered on file as unfinished business.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 1091—An act to add a new section to be numbered 8.5 to an act entitled "An act for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts, to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to the incurring of a bonded indebtedness and the sale and payment thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1010—An act to amend section 737bb of the Political Code, relating to the salary of the judge in Napa County.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Senate Bill No. 1010 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "salary of the judge in Napa County", and insert in lieu thereof the following: "compensation of the judge of the superior court in and for the county of Napa".

Amendment No. 2.

On page 1, line 1, of the printed bill, after "Section 1.", insert the following: "The annual salary of the judge of the superior court in and for the county of Napa is six thousand dollars."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 3720, relating to the filing by county clerks with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Senate Bill No. 443 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as introduced January 25, 1935, strike out all that portion of line 3 beginning with the word "Notwithstanding", and strike out all of lines 4 to 18, both inclusive, and insert in lieu thereof the following:

"Whenever there is hereafter created any city, town or district authorized under the laws of this State to levy and collect taxes or assessments upon property according to the value thereof as assessed by the county assessor, city and county assessor, city assessor or State Board of Equalization, or whenever the boundaries

of any such city, town or district heretofore created are changed, it shall be the duty of the tax or assessment levying authority of such city, town or district to file or cause to be filed on or before the first of February with each assessor whose roll is used for the levy and with the State Board of Equalization a statement of the creation of such city, town or district or the change of boundaries thereof setting forth the legal description of the boundaries of such city, town or district so created, or as the same have been changed, together with a map or plat indicating such boundaries."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 13—An act to amend section 73a of the Code of Civil Procedure, relating to superior courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1554—An act to amend sections 1, 2, 3, 4, 6, 7, 8 and 14 of "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to the composition of the retirement board; time of meeting; manner of transacting business; the duties of said board and time for annual report; computation of time for retirement privilege; interest rate on contributions and deposits; time for payments; refund of sums in excess of sum necessary for prior service credit, and revising the arrangement of certain portions of said act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 14—An act to amend section 4312 of the Political Code, relating to the place of offices of certain county officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1485—An act to amend section 4014 of the Political Code of the State of California, relating to township officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 603—An act to amend section 4223 of the Political Code, relating to admission to county hospitals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 620—An act to amend section 4307 of the Political Code, relating to county charges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 542—An act to amend sections 4225 and 4225a of the Political Code, both relating to the powers and duties of county health officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1498—An act to add a new section to be numbered section 17½ to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on

their operations, and providing for the proper management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, relating to elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2232.—An act to amend section 4295 of the Political Code, relating to official without fees.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 2232 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after the word "official", insert the following "Services".

Amendment No. 2.

On page 1, line 3, of the printed bill, strike out everything beginning with "4295", down to and including the word "board". In line 24, on page 2, and insert in lieu thereof the following:

"4295. State, county and township officers shall not perform any official services unless upon the prepayment of such fees as are prescribed by law for the performance of such services, except in proceedings upon business corpses and in the following cases:

(1) Except where otherwise specifically provided neither the State nor any county, city and county, city, district, or other political subdivision, nor any public officer, or board or body, acting in his or its official capacity on behalf of the State, or any county, city and county, city, district, or other political subdivision, shall be required to pay or deposit any fee for the filing of any document or paper, or for the performance of any official service.

(2) Neither the State nor any county, city and county, city, nor any public officer, board or body acting in his or its official capacity on behalf of the State, or any county, city and county, city, nor any political subdivision, shall collect, demand or receive any fee or compensation for recording or indexing any marriage of a soldier, sailor, or marine, of the United States Army, Navy or Marine Corps, or a nurse who served in the American Red Cross or in the Army or Navy nursing corps, or for issuing certified copies thereof, or for any service whatsoever rendered in the matter of a pension claim, application, affidavit, voucher, or in the matter of any claim to be presented to the Bureau of War Risk Insurance, under and by virtue of an act of Congress of the United States entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved October 9, 1917, and any amendments thereof, or furnishing a certified copy of the public record of a marriage, death, birth or divorce, deed of trust, mortgage, or voluntary assignment, or making the search for the same, when the same is to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance, gratuity, pension, or otherwise, under the said act establishing the said Bureau of War Risk Insurance. Said services shall be rendered on the request of a United States official, claimant, his or her guardian, or attorney, and for every failure or refusal so to do, such officer shall be liable on his official bond.

(3) Whenever the oath of an affiant, or the affidavit of a person is necessary in order that the State or any political subdivision thereof may recover funds or property due the State or political subdivision, no fee shall be charged for the taking of such oath.

(4) Whenever the oath of an affiant or the affidavit of a person is necessary in order that a person may obtain charity or relief from any agency or department of the United States Government, the State of California, or any political subdivision thereof, no fee shall be charged for the taking of such oath.

Upon the payment by any person of the fees required by law, the officer must perform the services required, and for every failure or refusal so to do, such officer shall be liable upon his official bond."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1263.—An act to add a new section to the Political Code of the State of California, to be numbered 4041.27, authorizing

boards of supervisors to provide for the creation and operation of a system of insurance and pensions for the benefit of physicians, nurses and other persons employed in county institutions and in county health departments, to procure group insurance for the benefit of such employees, and to provide for the payment of premiums therefor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1263 were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, as amended in Assembly April 10, 1935, after the word "insurance", strike out the words "and pensions".

Amendment No. 2.

On page 1, line 6, of the printed bill, as amended in Assembly April 10, 1935, after the word "insurance", strike out the words "and pensions".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1755—An act to amend sections 1466, 1467, 1468 and 1469 of the Penal Code, and to repeal sections 1468a and 1470 of the Penal Code, all relating to appeals to the superior court in criminal cases.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 1755 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out everything beginning with the words "Section 1", in line 1, down to and including the word "taken" in line 31 on page 2, and insert in lieu thereof the following:

"SECTION 1. Section 1466 of the Penal Code is hereby amended to read as follows:

1466. An appeal may be taken from a judgment or order of a justice's or police court or of a municipal court, in a criminal case, to the superior court of the county in which such inferior court is located, in the following cases:

1. By the people:

(a) From an order or judgment dismissing or otherwise termination the action without a trial.

(b) From an order granting a new trial.

(c) From an order arresting judgment.

(d) From any order made after judgment affecting the substantial rights of the people.

2. By a defendant:

(a) From a final judgment of conviction.

(b) From any order made after judgment affecting his substantial rights.

SEC. 2. Section 1467 of the Penal Code is hereby amended to read as follows:

1467. An appeal to the superior court may be taken by filing written notice of appeal with the court wherein the judgment or order appealed from is rendered, within five days after the rendition of such judgment or order.

SEC. 3. Section 1468 of the Penal Code is hereby amended to read as follows:

1468. Appeals to the superior courts shall be heard and determined, the decisions thereon shall be remitted to the inferior courts, and the records on such appeals shall be made up and filed in such time and manner as shall be prescribed in rules to be promulgated by the Judicial Council. Until such rules are promulgated, the time and the manner provided by statute in force on January 1, 1935, shall govern.

SEC. 4. Section 1469 of the Penal Code is hereby amended to read as follows:

1469. Upon appeal by the people the superior court may review any question of law involved in any ruling affecting the judgment or order appealed from, without exception having been taken in the trial court. Upon an appeal by a defendant the court may, without exception having been taken in the trial court, review any question of law involved in any ruling, order, instruction, or thing whatsoever said or done at the trial or prior to or after judgment, which thing was said or done after objection made in and considered by the trial court and which affected the substantial rights of the defendant. The court may also review any instruction given, refused or modified, even though no objection was made thereto in the trial court if the substantial rights of the defendant were affected thereby. The superior court may reverse, affirm or modify the judgment or order appealed from, and may set aside, affirm or modify any or all of the proceedings subsequent to, or dependent upon, such judgment or order, and may, if proper, order a new trial. If a new trial is ordered upon appeal, it must be had in the superior court

unless the appeal is from a municipal court or from a justice's court of Class A in which case the new trial must be had in the court from which the appeal is taken."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Third Reading of Senate Bills.

Senate Bill No. 138—An act relating to the acquisition of land, rights of way, easements and rights in land by the State or any department, agency or official thereof or by any city, city and county, or county and to the procedure therefor.

Amendment from the Floor.

During third reading of Senate Bill No. 138, the following amendment, offered by Senator McGovern, was read and adopted:

Amendment No. 1.

On page 1, line 16, of the printed bill, strike out "The purposes for", and also strike out all of lines 17 to 21, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 325—An act to amend sections 2653, 2654, 2655, and 2712 of, and to repeal sections 2651 and 2652 of, the Political Code, relating to road district taxes and the expenditure from county general funds of moneys for road district purposes by the board of supervisors.

Amendments from the Floor.

During third reading of Senate Bill No. 325, the following amendments, offered by Senator Mixer, were read and adopted:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, strike out "2653, 2654, 2655 and 2712", and insert in lieu thereof the following: "1026, 1550, 1551, and 1552."

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "2651 and 2652 of, the Political Code," and insert in lieu thereof the following: "1600 to 1695, inclusive of the Streets and Highways Code."

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out everything except "SECTION 1", and strike out lines 2 to 24, inclusive, and strike out all of page 2 of the bill, and insert in lieu thereof the following: "Section 1026 of the Streets and Highways Code is hereby amended to read as follows:

1026. Whenever the board of supervisors finds that any road district in such county is or will be unreasonably burdened by the expense of construction, maintaining or repairing any county highway, or any bridge or tunnel connecting or forming a part of such highway, or by the expense of the purchase of any toll roads, the board may, by a majority vote, order the whole or any portion of the aggregate expense to be paid out of the general fund of the county.

SEC. 2. Section 1550 of the Streets and Highways Code is hereby amended to read as follows:

1550. Each year, at the meeting at which the board of supervisors levies the property tax for general county purposes, the board shall fix the rates for and levy the road district taxes as provided in section 3714 of the Political Code, but said road district tax shall not, in any one year, exceed the sum of forty cents upon each one hundred dollars of assessable property.

Nothing contained in this section shall authorize any road district taxes to be levied or collected by a county within any city wherein work and improvements upon the streets are done by virtue of any law relating to street work and improvements within such a city.

SEC. 3. Section 1551 of the Streets and Highways Code is hereby amended to read as follows:

1551. When levied, the road district tax shall be annually assessed and collected by the same officers and in the same manner as other county taxes are assessed and collected. All collections shall be paid into the county treasury.

SEC. 4. Section 1552 of the Streets and Highways Code is hereby amended to read as follows:

1552. Except as otherwise provided in this code, all road district taxes collected in each road district shall be expended for highway purposes with the district in which collected.

The board of supervisors shall cause such tax collected each year to be apportioned to the several road districts entitled thereto, and to be kept by the county treasurer in separate funds.

SEC. 5. Sections 1600, 1601, 1602, 1603, 1604 and 1605 of the Streets and Highways Code are hereby repealed."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 2 and 34 of Article IV thereof, relating to the Legislature.

Amendments from the Floor.

During reading of Senate Constitutional Amendment No. 12, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1, lines 3 and 4 of the title of the printed measure, strike out "sections 2 and 34", and insert in lieu thereof the following: "section 2".

Amendment No. 2.

On page 1, line 6, of the printed measure, after "that", insert the following: "Section 2 of Article IV of".

Amendment No. 3.

On page 1 of the printed measure, strike out lines 8 and 9.

Amendment No. 4.

On page 1, line 15, of the printed measure, strike out the comma and the words "and shall continue in"; also strike out lines 16 to 18, inclusive, and in line 19, strike out "session", and insert in lieu thereof a period and the following: "Within seven days from and after the dates upon which they respectively take office.".

Amendment No. 5.

On page 1, line 20, of the printed measure, strike out "committee", and insert in lieu thereof the following: "committees".

Amendment No. 6.

On page 1, line 21, of the printed measure, strike out "On the reassembling of the Legisla-"; also strike out lines 22 to 31 on said page, and all of page 2 of said measure.

Senate Constitutional Amendment No. 12 amended, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 1078—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1078 passed by the following vote:

AYES—Senators Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman,

Pierovich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy and Young—26

NOES—None.

Title read and approved.

Senate Bill No. 1078 ordered transmitted to the Assembly.

Senator Seawell in the Chair.

At two o'clock and twenty-five minutes p.m., Senator Seawell of the seventh district, was called to the chair.

Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of loaning money on pledges of personal property known as pawnbroking, and providing penalties for the violation hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 875 passed by the following vote:

AYES—Senators Biggar, Donald, Duffie, Dwyer, Fletcher, Hays, Howe, Jorgensen, Keough, King, McCormack, McConary, McConium, Morgan, Mixer, Patterson, Rich, Schottky, Seawell, Seawick, Sharkey, Slater, Swing, Tickle, Wagy and Young—26.

NOES—None.

Title read and approved.

Senate Bill No. 875 ordered transmitted to the Assembly.

Senate Bill No. 275—An act to amend section 426 of the Code of Civil Procedure, relating to complaints by civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 275 passed by the following vote:

AYES—Senators Biggar, Cameron, Donald, Duffie, Fletcher, Fletcher, Hays, Howe, Jorgensen, Keough, King, Knowland, McCormack, McConary, McConium, Morgan, Mixer, Olson, Parkman, Rich, Schottky, Seawell, Seawick, Sharkey, Slater, Swing, Tickle, and Wagy—28.

NOES—None.

Title read and approved.

Senate Bill No. 275 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 8.

A resolution to propose to the people of the State of California an amendment to section 1 of Article IV of the Constitution of said State, relating to amendments to initiative acts and initiative constitutional amendments.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its fifty-first regular session commencing on the seventh day of January, 1935, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 1 of Article IV of the Constitution of said State be amended to read as follows:

Section 1. The legislative power of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the presentation to the Secretary of State of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law or amendment to the Constitution, set forth in full in said petition, the Secretary of State shall submit the said proposed law or amendment to the Constitution to the electors at the next succeeding general election occurring subsequent to 90 days after the presentation aforesaid of said petition, or at any special election called by the Governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in 12-point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the Secretary of State, at any time not less than ten days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the State equal in number to 5 per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law set forth in full in said petition, the Secretary of State shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within 40 days from the time it is received by the Legislature. If any law proposed by such petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature, within said 40 days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the Secretary of State to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the Governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in 12-point black-face type the following: "Initiative measure to be presented to the Legislature."

The second power reserved to the people shall be known as the referendum. No act passed by the Legislature shall go into effect until 90 days after the final adjournment of the session of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; provided, however, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the Secretary of State within 90 days after the final adjournment of the Legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to 5 per cent of all the votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that any act or section or part of any act of the Legislature be submitted to the electors for their approval or rejection, the Secretary of State shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to 30 days after the filing of said petition or at any special election which may be called by the Governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Any act, law or amendment to the Constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the Secretary of State. No act, law or amendment to the Constitution, initiated or adopted by the people, shall be subject to the veto power of the Governor, and no act, law or amendment to the Constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure, but the Legislature may, by resolution passed by a majority vote of all the members of each of the two houses, propose and submit to a vote of the electors any amendment or amendments or the repeal of any such act, law,

or amendment to the Constitution, but acts and laws adopted by the people under the referendum provisions of this section may be amended by the Legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, contain the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors under the provisions of this section, shall be printed, and together with arguments for and against each such measure by those in favor of and those opposed to it shall be mailed to each elector in the same manner as now provided by law as to amendments to the Constitution, proposed by the Legislature, and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the Constitution, proposed by the Legislature, shall be submitted at any election unless at the same election these shall be submitted. All measures proposed by petition of the electors, if any be so proposed, as herein provided.

Prior to circulation of any initiative or referendum petition for signatures thereto, a draft of the said petition shall be submitted to the Attorney General with a written request that he prepare a title, and summary of its chief purpose and points of said proposed measure, said title and summary not to exceed 100 words in all. The persons presenting such request to the Attorney General, shall be known as "proponents" of said proposed measure. The Attorney General shall preserve said written request until after the next general election.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within 20 days after the filing of such petition in his office the said clerk or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall give said clerk or registrar additional assistance for the purpose of examining said petition and provide for their compensation. The said clerk or registrar upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the Secretary of State and also file a copy of said certificate in his office. Within 40 days from the transmission of the said petition and certificate to the clerk or registrar to the Secretary of State, a supplemental petition, identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid.

The right to file the original petition shall be reserved to its proponents, as defined herein and any section thereof or supplement thereto presented for filing by any person or persons other than the proponents of a measure or by persons duly authorized in writing by such proponents shall be disregarded by the county clerk or registrar of voters.

The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the State his certificate showing such fact. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the State. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the State to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than 15 per cent of the electors thereof to propose any initiative measure nor more than 10 per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or cities and counties having charters adopted under the provisions of section 8 of Article XI of this Constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this State, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 8 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixer, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, and Wagy—29.

NOES—None.

Senate Constitutional Amendment No. 8 ordered transmitted to the Assembly.

Senate Bill No. 116—An act to amend section 1125 of the Code of Civil Procedure, relating to costs in election contests.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 116 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Swing, Tickle, and Wagy—28.

NOES—Senator Olson—1.

Title read and approved.

Senate Bill No. 116 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Senate Bill No. 444.

Senator McColl moved that Senate Bill No. 444 be withdrawn from Committee on Fish and Game and referred to Committee on Federal Relations.

Motion carried, and such was the order.

Senate Bill No. 1044—An act to add a new section to be numbered 1083aa to the Political Code, relating to the place of signing of recall petitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Difani moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bigger, Crittenden, Deuel, Deane, Dwyal, Fletcher, Garrison, Gordon, Hays, Huber, Jepsen, Keough, King, Kunkin, McCall, McGowan, McGovern, McGuinness, Metzger, Mixter, Olson, Peterson, Perry, Phipps, Powers, Rosenthal, Roth, Schottky, Seidman, Seiwel, Sharkey, Slater, Sordes, Swang, Tucke, and Williams—36.

The Secretary announced the absentees.

Time, three o'clock and twenty minutes p.m.

Senator Seawell, presiding officer, directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Motion to Print.

Senator McGovern moved that the declaration by Senator McGuinness, in opposition to Senate Bill No. 1044, be printed in the Journal.

Motion carried.

Declaration by State Senator Henry McGuinness.

Senate Bill No. 1044, upon which we are about to vote, is intended to repeal the laws of this State on the subject of recall so as to make it more difficult to recall public officials, including State Senators, from public office.

I am against this bill. I find no fault with the present law on the subject of recall. While it is true, as has been said here today, that in many instances the recall is employed as a weapon of personal malice for the purpose of serving selfish ends not generally known to the voters who are being used to pull political chestnuts out of the fire, nevertheless the people should retain the power to exercise the right of recall in proper cases.

Speaking for myself, I have an abiding faith in the spirit of fair play and in the good judgment of the American people. The people do not expect perfection in any public official because every human being is likely to make a mistake. I do not know of any perfect man, and I assume that there are none in this body or in any other public office in America. While the people do not demand perfection, they have a right to and they do ask that every man whom they elect to public office have the courage of his convictions and that he vote according to the dictates of his conscience.

I know that in my case I have attempted to do just that. I do not claim that I am a perfect man, but I do assert, without fear of successful contradiction, that during my service in this Senate I have discharged the duties of my office in an impartial manner and that I have voted and spoken with a sincere desire to serve my constituents as best I could.

When I was inducted into the office of a State Senator of California, I raised my right hand before my God, and before you Senators here assembled, swore to discharge the duties of my office to the best of my ability. In my humble way I have kept the faith and fought the good fight. My thought has ever been with the men and women of the district for whom I speak in this honorable body.

I recognize, of course, the right of my political opponents to threaten me with recall. They are actuated by motives which are best known to themselves. I refuse to believe, however, that the intelligent voters of my district will be misled by any propaganda which is being used in an attempt to discredit me at home, while I am performing the duties of my office in this body.

This is the most important legislative session in the history of California. The people of our commonwealth are demanding that we who act for them here do everything possible to alleviate human suffering, to bring about a more equitable distribution of the wealth of our California and to make this State of ours a better place in which to live. Our responsibility is great, but I am sure that we will prove equal to the task that confronts us.

Great problems, of far greater importance than the political fate of any individual, call for immediate solution. We should not obscure those important questions involving life and death by personal politics.

I know that I have not done that. I know that you gentlemen of the Senate have not been guilty of that offense against the welfare of the State. If other persons, not members of this body, would seek to impede the orderly processes of our State Government by threats of recall and charges involving personal antagonism, we should be big enough to ignore the petty practices of small minded men and devote all of our time to the more important problems that press for decision.

Speaking for myself, I am opposed to this bill. We should defeat it at once and turn our attention to bigger questions. The greatest reward that can come to any public servant is the consciousness of duty done.

I shall continue, as a Senator of California, to discharge the duties of my office without fear or favor to the end that when I return from this Senate to the people of my district, I will do so in the knowledge that I have done my best for California and her people, and, with a clear conscience and in an abiding faith in the spirit of fair play of the voters of my district, I readily submit my political record to the only earthly authority to which I owe allegiance, namely, the people of the second senatorial district, the people of the State of California, and the people of the United States of America.

Senator Snyder in the Chair.

At three o'clock and twenty-five minutes p.m., Senator Snyder of the twenty-third district was called to the chair.

Consideration of Senate Bill No. 423—(Resumed).

Further Amendments from the Floor.

During resumed consideration of Senate Bill No. 423, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 2 of the printed bill, strike out lines 5 and 6, and the words "ing the date upon which the", in line 7.

Amendment No. 2.

On page 2, line 8, of the printed bill, before the word "notice", insert the figures and word "60 days", and after the word "notice", insert the words "of such sale".

Amendment No. 3.

On page 2, lines 9 and 10, of the printed bill, strike out the words "that he has determined the price and conditions of sale of said parcels of land".

Amendment No. 4.

On page 2 of the printed bill, strike out all of line 12, and the following words in line 13: "end of said sixty day period", and the comma, and start the word "the", with a capital letter.

Ayes and Noes Demanded.

A roll call was demanded by Senators Knowland, Sharkey and Reindollar on the adoption of amendments to Senate Bill No. 423, offered by Senator Olson.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Garrison, Jepsen, and Olson—3.

NOES—Senators Bigger, Crutenden, Dand, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pirovich, Reindollar, Schocky, Seellan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 423 passed by the following vote:

AYES. Senators Bigger, Crittenden, Deuel, Duford, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McGill, McCoskey, McGowan, McGuinness, Metzger, Mixer, Packman, Perry, Piersbach, Rensselaer, Rick, Schottky, Seelham, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young. 35.

NOTES. Senator Olson. 1.

Title read and approved.

Senate Bill No. 423 ordered transmitted to the Assembly.

Proceedings Deferred.

At three o'clock and twenty-seven minutes p.m., Senator Snyder, presiding over the Senate, introduced Louis B. Mayer of Metro-Goldwyn Mayer's motion picture studios, who addressed the Senate.

Proceedings Continued.

At three o'clock and twenty-nine minutes p.m., the Senate continued proceedings.

Senator Snyder in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Withdrawal and Re-reference of Senate Bill No. 683.

Senator Bigger moved that Senate Bill No. 683 be withdrawn from Committee on Hospitals and Asylums and referred to Committee on Finance.

Motion carried, and such was the order.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 78, heretofore recast as a special order for three o'clock and thirty minutes p.m., the same was taken up for consideration.

Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, county and other local governmental agency or political subdivision, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and or acquisition of public utilities and extensions and additions to public utilities for the production, purchase, sale and distribution of products, commodities, energy and or services of such public utilities, providing for the payment of such bonds and the interest thereon.

Amendments from the Floor.

During third reading of Senate Bill No. 78, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after the word "city", insert the following: "city and county.", and in the same line, before the word "local", at the end of the line, strike out the words "and other."

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, as amended, after the word "agency", and before the word "and", strike out the words "or political subdivision.", and insert the following: ", society, associations, authority or entity rendering service to the public".

Amendment No. 3.

On page 1, line 6 of the title of the printed bill, as amended, after the word "extensions", and before the word "to", strike out the words "and additions", and insert the following: "repairs, replacements and improvements".

Amendment No. 4.

On page 1, line 7 of the title of the printed bill, as amended, after the word "the", and before the word "production", insert the word "acquisition".

Amendment No. 5.

On page 1, line 1, of the printed bill, as amended, after the word "and", and before the word "cited", insert the words "may be".

Amendment No. 6.

On page 1, line 4, of the printed bill, as amended, strike out the word "town", at the end of the line, and insert the word "county".

Amendment No. 7.

On page 1, line 5, of the printed bill, as amended, strike out the words "any of the classes", at the end of the line, and strike out all of line 6, and at the beginning of line 7, strike out the words "of this State", and insert in lieu thereof the words "general laws".

Amendment No. 8.

On page 1, line 7, of the printed bill, as amended, at the end of the line, strike out "or any depart-", and strike out all of line 8, and insert in lieu thereof a period.

Amendment No. 9.

On page 1, line 10, of the printed bill, as amended, after the word "district", and before the word "now", insert ", agency, society, association, authority or entity,".

Amendment No. 10.

On page 2, line 1, of the printed bill, as amended, after the word "trict,", and before the word "district", insert the words "water storage district".

Amendment No. 11.

On page 2, line 2, of the printed bill, as amended, after the word "district", insert a comma, and strike out the word "or", before the word "political"; and in the same line, insert a comma after the word "subdivision", and strike out the word "or", at the end of the line, and insert in lieu thereof "agency, society, association,".

Amendment No. 12.

On page 2, line 4, of the printed bill, as amended, strike out the word "public", and in the same line, after the word "service", and before the word "and", insert the words "to the public".

Amendment No. 13.

On page 2, line 9, of the printed bill, as amended, strike out the words "evidence of indebtedness", and insert in lieu thereof the word "obligation"; and in the same line, strike out "county", and in line 10, strike out the word "other".

Amendment No. 14.

On page 2, line 14, of the printed bill, as amended, strike out the words "public utilities", and insert in lieu thereof the words "service to the public as is contemplated in and".

Amendment No. 15.

On page 2 of the printed bill, as amended, strike out all of lines 17, 18, 19, 20 and 21, inclusive.

Amendment No. 16.

On page 2 of the printed bill, as amended, strike out all of lines 31 to 42, inclusive, and insert in lieu thereof the following: "The term "commission" when used in this act shall refer to and mean a public utilities commission of a city or local governmental agency created and established under and by virtue of the provisions of this act or a similar department or agency of a city or local governmental agency created, established and functioning upon an effective date of this act, and capable of exercising the powers, duties and functions of the public utilities commission as provided by this act, irrespective of how such department or agency may be designated; provided, however, the legislative body of any local governmental agency, or a commission created, established and functioning upon an effective date of this act as aforesaid, may elect to avail itself of the provisions of this act without setting up or creating a department of public utilities or a public utilities commission, and in such event such governing body of any such local governmental agency shall exercise all the powers, duties and functions herein prescribed for a public utilities commission, to the extent such powers, duties and functions shall have been adopted as provided in section 3 of this act."

Amendment No. 17.

On page 2, line 45, of the printed bill, as amended, strike out the word "county", and strike out the word "other", at the end of the line.

Amendment No. 18.

On page 2, line 48, of the printed bill, as amended, after the word "city", and before the word "or", strike out the words "county", and in the same line, before the word "local", and after the word "or", strike out the word "other".

Amendment No. 19.

On page 2, line 50, of the printed bill, as amended, after the word "statute", at the end of the line, insert the words "or statutes".

Amendment No. 20.

On page 2, line 51, of the printed bill, as amended, after the word "act", and before the word "of", insert "or acts".

Amendment No. 21.

On page 2, line 52, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county", and in the same line, before the word "local", and after the word "or", strike out the word "other".

Amendment No. 22.

On page 3, line 1, of the printed bill, as amended, after the word "created", insert a comma, and strike out the word "or" following, and in the same line, after the word "established", insert the words "or function or operation".

Amendment No. 23.

On page 3, line 5, of the printed bill, as amended, after the word "and", and before the word "legislative", strike out the word "other".

Amendment No. 24.

On page 3, line 6, of the printed bill, as amended, strike out the words "or department or agency thereof", and in line 7, strike out the words "and county or town".

Amendment No. 25.

On page 3, line 8, of the printed bill, as amended, after the word "political", strike out the word "other", and in line 9, after "mental", and before the word "or", strike out the word "agencies".

Amendment No. 26.

On page 3, line 11, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county", and in the same line, after the word "or", strike out the word "other".

Amendment No. 27.

On page 3, line 14, of the printed bill, as amended, after the word "by", strike out the balance of the line, and in line 15, at the beginning of the line, strike out the word "operates," and insert in lieu thereof "its organic act".

Amendment No. 28.

On page 3, line 16, of the printed bill, as amended, after the word "the", and before the word "body", strike out the word "governing", and insert in lieu thereof "legislative".

Amendment No. 29.

On page 3, line 17, of the printed bill, as amended, after the word "and", and before the word "or", strike out the word "county", and in the same line, before the word "local", and after the word "or", strike out the word "other".

Amendment No. 30.

On page 3, line 19, of the printed bill, as amended, after the word "and", and before the word "enact", strike out the word "that", and insert in lieu thereof the word "such"; and in the same line, after the word "enact", strike out the balance of the line, and strike out all of line 20, and insert in lieu thereof the following: "such ordinance, resolution or order shall also provide for the calling of, and shall call an election for the submission of the question of the approval of such ordinance, resolution or order to the qualified electors within such city or local governmental agency, at which such election such qualified electors shall also vote upon candidates for a permanent commission of not less than three commissioners, except in case of a city or local governmental agency wherein a commission is already functioning, in which event the sole question to be voted upon shall be whether such city or local governmental agency shall avail itself of the provisions of this act. If at such election a majority of the votes cast shall be in favor of the adoption of such ordinance, resolution or order, the same shall go into immediate effect upon the declaration of the vote cast at such election, otherwise said ordinance, resolution or order shall be null and void, and such question, or a substantially similar one, shall not be so submitted to such qualified electors for a period of at least six months; provided, in the event any such local governmental agency has no electorate

to which any such question may properly be submitted as aforesaid, then and in such event such ordinance, resolution, or order shall, upon being duly adopted, notwithstanding anything in this act contained contrary hereto or in conflict herewith, pursuant to the organic act of such local governmental agency, become immediately effective. In the event of such ordinance, resolution or order becoming effective as aforesaid, except in the event such city or local governmental agency elects to avail itself of the provisions of this act without setting up, creating or establishing a public utilities commission as herein provided, thereupon there shall be and is created within such city or local governmental agency a department".

Amendment No. 31.

On page 3, line 22, of the printed bill, as amended, after the word "utilities", at the beginning of the line, strike out the period, and after the quotation marks insert the following: "provided that in the event any such city or local governmental agency shall adopt any of the provisions of this act, in whole or in part, authorizing the issuance of bonds, the issuance of such bonds shall be subject to the provisions of section 14 hereof relating to the initiative and the referendum, except that in case that any such local governmental agency has no electorate, such initiative and referendum provisions shall not apply."

Amendment No. 32.

On page 3, line 24, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, before the word "local", and after the word "or", strike out the word "other".

Amendment No. 33.

On page 3 of the printed bill, as amended, strike out all of lines 29 to 39, inclusive, and insert in lieu thereof the following: "In the event the qualified electors of any such city or local governmental agency shall vote upon candidates for such commissioners as aforesaid, a public utilities commission shall".

Amendment No. 34.

On page 3, line 40, of the printed bill, as amended, after the word "city", at the end of the line, strike out the word ", county"; and in line 41, after the word "or", and before the word "local", strike out the word "other"; and on page 3, line 43, strike out the word "charter", at the end of the line, and insert in lieu thereof "organic act".

Amendment No. 35.

On page 3, line 44, of the printed bill, as amended, after the word "city", and before the word "proceeding", insert "or local governmental agency".

Amendment No. 36.

On page 3, line 46, of the printed bill, as amended, at the end of the line after the word "state", strike out the period, and insert "so far as the same are, or may be made applicable."

Amendment No. 37.

On page 3, line 48, of the printed bill, as amended, after the word "county", at the beginning of the line, insert a comma and before the word "city", strike out the word "or", and after the word "city", and before the word "election", insert "or other".

Amendment No. 38.

On page 3, line 51, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in line 52, at the beginning of the line, strike out the word "other".

Amendment No. 39.

On page 4, line 8, of the printed bill, as amended, before the word "year", and after the word "a", strike out the word "for", and insert in lieu thereof the word "two".

Amendment No. 40.

On page 4, line 15, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line before the word "local", and after the word "or", strike out the word "other".

Amendment No. 41.

On page 4, line 31, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, before the word "local", and after the word "or", strike out the word "other".

Amendment No. 42.

On page 4, line 48, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and at the end of the line, strike out the word "other".

Amendment No. 43.

On page 5, line 13, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and after the word "or", and before the word "local", strike out the word "other".

Amendment No. 44.

On page 5, line 17, of the printed bill, as amended, at the beginning of the line, strike out the word "chapter", and insert in lieu thereof "organization".

Amendment No. 45.

On page 5, line 25, of the printed bill, as amended, after the word "city", and before the word "department", strike out the word "city", and insert the word "city", and after the word "department", strike out "of the city", and in line 29 at the beginning of the line, strike out the word "government".

Amendment No. 46.

On page 5, line 27, of the printed bill, as amended, at the beginning of the line, strike out the words "city council or other governing body", and insert in lieu thereof "legislative body".

Amendment No. 47.

On page 5, line 28, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 48.

On page 5, line 37, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 49.

On page 5, line 42, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 50.

On page 5, line 43, of the printed bill, as amended, after the word "city", and at the end of the line, strike out the word ", county"; and in line 44, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 51.

On page 5, line 47, of the printed bill, as amended, after the word "said", at the end of the line, strike out the word "indebted"; and in line 48, strike out the word "ness", at the beginning of the line, and in lieu thereof insert the word "obligation".

Amendment No. 52.

On page 5, line 49, of the printed bill, as amended, after the word "the", and before the word "works", strike out the word "municipal".

Amendment No. 53.

On page 5, line 49, of the printed bill, as amended, after the word "said", and at the end of the line, strike out "indebted", and in line 50, at the beginning of the line, strike out "edness", and insert in lieu thereof "obligation".

Amendment No. 54.

On page 6, line 1, of the printed bill, as amended, after the word "city" and before the word "or", strike out ", county", and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 55.

On page 6, line 10, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county", and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 56.

On page 6, line 17, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county", and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 57.

On page 6, line 20, of the printed bill, as amended, strike out the words "The rates to be charged", and insert in lieu thereof the following: "It shall be the duty of any such commission and office to establish rates and charges".

Amendment No. 58.

On page 6, line 21, of the printed bill, as amended, strike out the word "shall", after the word "systems", and before the word "he", and insert in lieu thereof the following: "as shall at all times".

Amendment No. 59.

On page 6, line 29, of the printed bill, as amended, after the word "other", and before the word "utility", insert the word "public".

Amendment No. 60.

On page 6, line 30, of the printed bill, as amended, at the end of the line, strike out "council or other".

Amendment No. 61.

On page 6, line 33, of the printed bill, as amended, after the word "city", at the beginning of the line, strike out ", county", and following the word "or", strike out the word "other".

Amendment No. 62.

On page 6, line 49, of the printed bill, as amended, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 63.

On page 7, line 4, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county", and in the same line, after the word "or", and before the word "local", strike out "other".

Amendment No. 64.

On page 7, line 19, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county", and in line 20, before the word "local", strike out the word "other".

Amendment No. 65.

On page 7, line 21, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county", and in the same line, after the word "or", and before the word "local", strike out "other".

Amendment No. 66.

On page 7, line 24, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county", and in line 25, at the beginning of the line, strike out the word "other".

Amendment No. 67.

On page 7, line 28, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county", and in the same line, after the word "or", and before the word "local", strike out "other".

Amendment No. 68.

On page 7, line 31, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county", and in the same line, after the word "or", and before the word "local", strike out "other".

Amendment No. 69.

On page 7, line 42, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county", and in line 43, at the beginning of the line, strike out "other".

Amendment No. 70.

On page 7, line 45, of the printed bill, as amended, after the word "city", and at the end of the line, strike out ", county", and in line 46, after the word "or", and before the word "local", strike out "other".

Amendment No. 71.

On page 7, line 48, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county", and in the same line, before the word "local", and after the word "or", strike out "other".

Amendment No. 72.

On page 7, line 50, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county", and in line 51, at the beginning of the line, strike out "other".

Amendment No. 73.

On page 8, line 6, of the printed bill, as amended, after the word "extension", and before the word "improvement", strike out "or", and insert in lieu thereof a comma; and in the same line, after the word "improvement", strike out "work in" at the end of the line, and insert in lieu thereof "repair or replacement of or to any public utility or public utilities;" and in line 7, at the beginning of the line, strike out "the department;".

Amendment No. 74.

On page 8, line 10, of the printed bill, as amended, after the word "and", and at the end of the line, strike out the word "municipal".

Amendment No. 75.

On page 8, line 23, of the printed bill, as amended, after the word "and", and before the word "works", strike out "municipal"; and in line 11, strike out "indebtedness", and insert "obligation".

Amendment No. 76.

On page 8, line 23, of the printed bill, as amended, strike out the word "municipal"; and on page 8, line 20, after the word "city", and at the end of the line, strike out "county"; and in line 30, after the word "or", and before the word "local", strike out "other".

Amendment No. 77.

On page 8, line 30, of the printed bill, as amended, strike out the word "agency", and insert in lieu thereof the following: "if any."

Amendment No. 78.

On page 8, line 42, of the printed bill, as amended, after the word "city", and before the word "or", strike out "county"; and in line 44 at the beginning of the line, strike out the word "other".

Amendment No. 79.

On page 9, line 1, of the printed bill, as amended, strike out the period after the word "and", and insert the following: "41 and".

Amendment No. 80.

On page 9, line 23, of the printed bill, as amended, after the word "or", and before the word "utilities", insert the word "public".

Amendment No. 81.

On page 9, line 25, of the printed bill, as amended, after the word "the", and before the word "public", strike out "something of"; and after the word "public", and before the word "of", insert "commission"; and in the same line, at the end thereof, after the word "city", strike out "county"; and in line 26, after the word "or", at the beginning of the line, strike out the word "other".

Amendment No. 82.

On page 9, line 26, of the printed bill, as amended, after the word "such", and before the word "utility", insert the word "public".

Amendment No. 83.

On page 9, line 27, of the printed bill, as amended, before the word "utilities", at the beginning of the line, insert the word "public"; and in the same line, strike out the word "municipality", and insert in lieu thereof "city or local governmental agency".

Amendment No. 84.

On page 9, line 28, of the printed bill, as amended, strike out the word "municipality", and insert in lieu thereof "city or local governmental agency".

Amendment No. 85.

On page 9, line 29, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 86.

On page 9, line 31, of the printed bill, as amended, after the word "such", and before the word "utility", insert the word "public"; and after the word "or", and before the word "utilities", insert the word "public".

Amendment No. 87.

On page 9, line 35, of the printed bill, as amended, after the word "improvements", at the beginning of the line, strike out the word "thereof", and insert in lieu thereof "and/or repairs and/or replacements thereof or thereto".

Amendment No. 88.

On page 9, line 39, of the printed bill, as amended, after the word "improvement", and before the word "of", insert the words "and/or repairs and/or replacements to or".

Amendment No. 89.

On page 9, line 40, of the printed bill, as amended, before the word "utility", at the beginning of the line, insert the word "public"; and before the word "utilities", and after the word "or", insert the word "public".

Amendment No. 90.

On page 9, line 44, of the printed bill, as amended, after the word "improvement", and before the word "of", insert "and/or repairs and/or replacements to or," and in the same line, after the word "such", and before the word "utility", insert "public"; and in the following line, before the word "utilities", insert "public".

Amendment No. 91.

On page 9, line 46, of the printed bill, as amended, after the word "ordinance", and before the word "or", insert the following: " , order".

Amendment No. 92.

On page 9, line 47, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county"; and in the same line, after the word "or", and before the word "local", strike out "other".

Amendment No. 93.

On page 9, line 50, of the printed bill, as amended, after the word "acquisition," insert "completion," and in the same line, after the word "utility", and before the word "or", at the end of the line, insert "or repairs or replacements thereto."

Amendment No. 94.

On page 9, line 51, of the printed bill, as amended, after the word "issuance", and before the word "of", insert the word "therefor".

Amendment No. 95.

On page 10, line 7, of the printed bill, as amended, after "acquisition", insert "completion," and in the same line, at the end of the line, strike out the word "utility", and insert "public utility or repairs or replacements thereto,".

Amendment No. 96.

On page 10, line 9, of the printed bill, as amended, insert the word "public", after the word "such", and before the word "utility".

Amendment No. 97.

On page 10, line 9, of the printed bill, as amended, after the word "extended", insert a comma, and strike out "or", at the end of the line; and in line 10, after "improved," at the beginning of the line, insert "completed, repaired or replaced,".

Amendment No. 98.

On page 10, line 11, of the printed bill, as amended, after the word "such", strike out "extension or improvement," and insert "acquisition, construction, completion, extension, improvement, repairs or replacements,".

Amendment No. 99.

On page 10, line 13, of the printed bill, as amended, strike out "utility," at the end of the line; and in line 14, strike out "extension or improvement;" and insert in lieu thereof the following: "work or acquisition;".

Amendment No. 100.

On page 10, line 19, after "acquisition," strike out the balance of the line; and in line 20, at the beginning of the line, strike out "public utility or utilities", and insert in lieu thereof "or other work as herein authorized".

Amendment No. 101.

On page 10, line 24, of the printed bill, as amended, insert the word "public", after the word "said", and before the word "utility".

Amendment No. 102.

On page 10, line 25, of the printed bill, as amended, after the word "extended", insert a comma, and strike out the word "or", and after the word "improved", insert a comma, and the following: "completed, repaired or replaced".

Amendment No. 103.

On page 10, line 26, of the printed bill, as amended, after the word "said", and before the word "utility", insert the word "public".

Amendment No. 104.

On page 10, line 27, of the printed bill, as amended, after the word "improvement", strike out the words "of any utility", and insert in lieu thereof the word "thereof,".

Amendment No. 105.

On page 10, line 29, of the printed bill, as amended, strike out the word "on" after the word "depreciation", and before the word "the", and insert in lieu thereof the word "of"; and in the same line, insert the word "public", after the word "the", and before the word "utility".

Amendment No. 106.

On page 10, line 30, of the printed bill, as amended, after the word "extended", strike out "or improved", at the end of the line, and in line 31, strike out "and or of such extension or improvement thereof" and insert in lieu thereof the following: "improved, completed and or of the repairs or replacements thereof."

Amendment No. 107.

On page 10, line 33, of the printed bill, as amended, after the word "for" at the beginning of the line, strike out the balance of the line, and in line 34, strike out "and utility.", and insert in lieu thereof the following: "any acquisition or work herein authorized."

Amendment No. 108.

On page 10, line 36, of the printed bill, as amended, after the word "provided", strike out "for the construction", and strike out all of line 37 to and including the word "utility."

Amendment No. 109.

On page 10, line 40, of the printed bill, as amended, before the word "before", strike out the word "but", and insert in lieu thereof the following: "provided however, except in case of a local governmental agency which has no contracts."

Amendment No. 110.

On page 10, line 41, of the printed bill, as amended, after the word "such", and before the word "and", strike out the word "resolution", and insert in lieu thereof the following: "ordinance, resolution or order, contemplating any such construction, acquisition, or completion, extension, improvement, repairs or replacements of or to any such public utility or public utilities, where any such completion, extension, improvement, repairs or replacements involve an aggregate expenditure in excess of twenty-five per centum of the capital cost of any such public utility so completed, extended, improved, repaired or replaced."

Amendment No. 111.

On page 10, line 44, of the printed bill, as amended, after the word "bearing on", at the beginning of the line, strike out the balance of the line, and in line 45, strike out "or improvement of said utility", and insert in lieu thereof the following: "any such proposed acquisition or work."

Amendment No. 112.

On page 10, line 49, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county", and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 113.

On page 10, line 50, of the printed bill, as amended, before the word "none", strike out the word "is", and insert in lieu thereof the word "be".

Amendment No. 114.

On page 11, line 6, of the printed bill, as amended, after "none", at the beginning of the line, insert a comma, and strike out the word "or", following, and after the word "resolution", insert "or order."

Amendment No. 115.

On page 11, line 7, of the printed bill, as amended, after the word "such", strike out the balance of the line, and in line 8, strike out "of such utility or utilities", and insert in lieu thereof the following: "acquisition or work".

Amendment No. 116.

On page 11, line 10, of the printed bill, as amended, after the word "ordinance", strike out the balance of the line, and insert a comma and the following: "resolution or order for any such completion, extension, improvement, repairs or replacements not involving an expenditure in excess of twenty-five per centum of the capital cost of any such public utility or public utilities.", and strike out all of line 11.

Amendment No. 117.

On page 11, line 17, of the printed bill, as amended, after the word "construction", strike out the comma and the balance of the line, and in line 18, strike out "improvement of any utility or utilities", and insert in lieu thereof the following: "or acquisition, or the completion, extension, improvement, repair or replacement of any public utility or public utilities involving in excess of twenty-five per centum of the capital cost of such public utility or public utilities."

Amendment No. 118.

On page 11, line 24, of the printed bill, as amended, after the word "thereof", insert the following: "In the event said provisions of the Constitution and the laws of this State pertaining to initiative and referendum are inapplicable to any such ordinance, resolution or order of any such local governmental agency, then

and in such event, any such ordinance or resolution providing for the issuance of revenue bonds shall not become effective until after the expiration of thirty (30) days from and after the date of adoption of such resolution. At any time within such period of thirty (30) days a petition protesting against the issuance of such revenue bonds and containing the bona fide signatures of not less than ten (10) per centum of the qualified electors within such local governmental agency computed upon the total number of votes cast therein for all candidates for Governor at the last preceding election at which a Governor was elected, may be filed with the legislative body of such local governmental agency, requesting that the proposition to issue such revenue bonds be submitted at an election to be called for the submission of such proposition to the qualified electors of such local governmental agency. Thereupon the legislative body of such local governmental agency shall, as soon as practicable, determine the sufficiency of such petition and, upon a determination that such petition is sufficient, shall proceed to call an election within such local governmental agency at which such election the proposal to issue such revenue bonds shall be submitted to the qualified electors of such local governmental agency. Said election shall be held not less than thirty (30) and not more than forty (40) days from and after the filing of such petition with the legislative body of such local governmental agency and no notice of such election need be given other than by publication of said resolution at least once a week for two weeks in a daily newspaper printed and published within such local governmental agency, publication thereof to be completed not less than ten (10) days before the date of said election; provided, however, that if there be no daily newspaper printed and published within the territory covered by such local governmental agency, notice of such election may be posted in three public places therein not less than ten (10) nor more than twenty (20) days before the date of said election. If a majority of said electors shall approve such proposal, said resolution shall become effective immediately upon the declaration of the result of such election; provided always, in the absence of adoption of any such resolution, a petition containing the bona fide signatures of not less than fifteen (15) per centum of the qualified electors within any such local governmental agency, computed as herein provided with respect to a petition protesting against the issuance of revenue bonds, may be filed with the legislative body of such local governmental agency requesting that a proposal to issue revenue bonds for any of the purposes of this act, as stated in said petition, be submitted to an election to be called for the submission of such proposition to the qualified electors within any such local governmental agency and to be held in accordance with the provisions of this act. Such local governmental agency shall, as soon as practicable, determine the sufficiency of such petition and upon a determination that such petition is sufficient, shall proceed to call an election within such local governmental agency at which such election the proposal to issue such revenue bonds for the purposes as stated in said petition shall be submitted to the qualified electors of such local governmental agency. Said election shall be held not less than thirty (30) and not more than forty (40) days after the filing of such petition. The notice shall be given of such election as in case of the filing of a petition and election thereon protesting the issuance of revenue bonds as herein provided. If a majority of such electors shall vote in favor of such proposal, immediately upon the declaration of such vote, it shall be the duty of the public utilities commission of any such local governmental agency to forthwith proceed in accordance and in compliance with the prayer of said petition. Except as otherwise herein provided the provisions of the organic act or acts relating to the respective local governmental agencies proceeding hereunder shall govern the holding and conduct of any election herein provided for. The preceding two paragraphs shall leave no application to any local governmental agency which has no electorate."

Amendment No. 119.

On page 11, line 27, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 120.

On page 11, line 31, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 121.

On page 11, line 33, of the printed bill, as amended, after the word "such", and before the word "utility", insert the word "public".

Amendment No. 122.

On page 11, line 34, of the printed bill, as amended, before the word "utilities", and at the beginning of the line, insert the word "public".

Amendment No. 123.

On page 11, line 39, of the printed bill, as amended, after the word "such", and before the word "utility", insert the word "public"; and after the word "or", and before the word "utilities", insert the word "public".

Amendment No. 124.

On page 11, line 43, of the printed bill, as amended, after the word "such", and before the word "utility", insert the word "public"; and after the word "or", and before the word "utilities", in the same line, insert the word "public".

Amendment No. 125.

On page 11, line 47, of the printed bill, as amended, after the word "or", strike out the word "county"; and after the word "or", and before the word "other", strike out the word "other".

Amendment No. 126.

On page 11, line 50, of the printed bill, as amended, after the word "or", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 127.

On page 12, line 2, of the printed bill, as amended, after the word "or", and before the word "utilities", insert the word "public"; and in the same line, after the word "utilities", insert the following: "or the proportion thereof properly allocated to any such completion, extension, improvement, repair or replacement."

Amendment No. 128.

On page 12, line 5, of the printed bill, as amended, after the word "thereof", strike out the period, and insert in lieu thereof the following: "and no holder or holders of any bond or bonds issued under the authority of this act shall ever have the right to compel any extension of taxing power to pay said bond or bonds or interest thereon or any part thereof."

Amendment No. 129.

On page 12, line 8, of the printed bill, as amended, after the word "or", and before the word "utilities", insert the word "public".

Amendment No. 130.

On page 12, line 11, of the printed bill, as amended, after the word "and", and before the word "utility", insert the word "public"; and in the same line, after the word "or", and before the word "utilities", insert the word "public".

Amendment No. 131.

On page 12, line 13, of the printed bill, as amended, after the word "and", and before the word "utility", insert the word "public"; and in the same line, after the word "or", and before the word "utilities", insert the word "public".

Amendment No. 132.

On page 12, line 15, of the printed bill, as amended, before the word "utility", at the beginning of the line, insert the word "public"; and in the same line, after the word "or", and before the word "utilities", insert the word "public".

Amendment No. 133.

On page 12, line 21, of the printed bill, as amended, after the word "or", and before the word "utilities", insert the word "public".

Amendment No. 134.

On page 12, line 23, of the printed bill, as amended, before the word "utilities", at the beginning of the line, insert the word "public"; and in the same line, after the word "city", and at the end of the line, strike out the word "county"; and in line 24, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 135.

On page 12, line 31, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 136.

On page 12, line 34, of the printed bill, as amended, after the word "improvement", and before the word "of", insert the following: "and or completion and or repair and or replacement"; and in the same line, after the word "or", and before the word "utilities", insert the word "public".

Amendment No. 137.

On page 12, line 41, of the printed bill, as amended, after the word "city", and at the end of the line, strike out the word ", county"; and in line 42, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 138.

On page 12, line 45, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and at the end of the line, strike out the word "other".

Amendment No. 139.

On page 13, line 13, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and at the end of the line, strike out the word "other".

Amendment No. 140.

On page 13, line 52, of the printed bill, as amended, after the word "other", and before the word "utility", insert the word "public".

Amendment No. 141.

On page 14, line 2, of the printed bill, as amended, after the word "city", at the end of the line, strike out the comma; and in line 3, strike out the word ", county"; at the beginning of the line, and after the word "or", and before the word "local", strike out the word "other".

Amendment No. 142.

On page 14, line 4, of the printed bill, as amended, after the word "the", and before the word "utility", insert the word "public".

Amendment No. 143.

On page 14, line 5, of the printed bill, as amended, before the word "or", and after the word "city", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 144.

On page 14, line 7, of the printed bill, as amended, after the word "said", and before the word "utility", insert the word "public".

Amendment No. 145.

On page 14, line 8, of the printed bill, as amended, after the word "said", and before the word "utility", insert the word "public".

Amendment No. 146.

On page 14, line 9, of the printed bill, as amended, after the word "such", and before the word "utility", insert the word "public".

Amendment No. 147.

On page 14, line 17, of the printed bill, as amended, after the word "said", and before the word "utility", insert the word "public".

Amendment No. 148.

On page 14, line 20, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 149.

On page 14, line 23, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in line 24, before the word "local", and at the beginning of the line, strike out the word "other".

Amendment No. 150.

On page 14, line 30, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in line 31, before the word "local", and at the beginning of the line, strike out the word "other".

Amendment No. 151.

On page 14, line 42, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 152.

On page 14, line 46, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 153.

On page 14, line 51, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 154.

On page 15, line 4, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 155.

On page 15, line 44, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out "other".

Amendment No. 156.

On page 15, line 50, of the printed bill, as amended, after "completion," and before "extension", insert "completion," and in the same line, after "extension", insert a comma and strike out "and or", at the end of the line.

Amendment No. 157.

On page 15, line 51, of the printed bill, as amended, after "improvement", at the beginning of the line, insert a comma and the following: "repair and/or replacement"; and in the same line after the word "shall", and before the word "to", insert the following: ", in such amount as shall be properly appropriated and allocated thereto respectively," and in the same line, after the word "to", and before the word "charged", strike out "respectively".

Amendment No. 158.

On page 16, line 7, of the printed bill, as amended, strike out "the purpose of constructing any public utility," and insert in lieu thereof the following: "Any of the purposes of this act".

Amendment No. 159.

On page 16, line 12, of the printed bill, as amended, after "month" at the beginning of the line, insert a comma and the following: ", or completion," and in the same line, after "thereof," and before "include", insert the following: ", or repairs or replacements thereto,".

Amendment No. 160.

On page 16, line 13, of the printed bill, as amended, after the word "constructed", and before the word "and", insert the following: "or other work herein authorized".

Amendment No. 161.

On page 16, line 14, of the printed bill, as amended, after the word "utility", and before the word "shall", insert the following: "or other work herein authorized".

Amendment No. 162.

On page 16, line 18, of the printed bill, as amended, after the word "utility", strike out the period, and insert the following: ", or such other work."

Amendment No. 163.

On page 16, line 23, of the printed bill, as amended, after "struction", at the beginning of the line, and before "all", strike out "of such public utility".

Amendment No. 164.

On page 16, line 24, of the printed bill, as amended, after "payable", and before the word "the", strike out the word "and", and insert in lieu thereof the word "including".

Amendment No. 165.

On page 16, line 25, of the printed bill, as amended, after the word "thereto", and before the word "incurred", insert the following: ", if any,".

Amendment No. 166.

On page 16, line 30, of the printed bill, as amended, after the word "the", and before the word "utility", insert the word "public".

Amendment No. 167.

On page 16, line 43, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 168.

On page 16, line 45, of the printed bill, as amended, after the word "appropriate", and before the word "utility", insert the word "public".

Amendment No. 169.

On page 16, line 51, of the printed bill, as amended, after "construction," and before "extension", insert "completion"; and in the same line, after "extension", insert a comma, and strike out the word "or"; and in the same line, after the word "improvement", and before the word "of", insert the following: ", repair or replacement".

Amendment No. 170.

On page 17, line 15, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 171.

On page 17, line 35, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and before the word "local", strike out "other".

Amendment No. 172.

On page 17, line 46, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county"; and in the same line, after the word "or", and at the end of the line, strike out the word "other".

Amendment No. 173.

On page 18, line 9, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county"; and in the same line, after the word "or", and at the end of the line, strike out the word "other".

Amendment No. 174.

On page 18, line 11, after the word "the", and before the word "body", strike out the word "governing", and insert in lieu thereof the word "legislative".

Amendment No. 175.

On page 18, line 15, of the printed bill, as amended, at the beginning of the line, strike out the word "governing", and insert in lieu thereof the word "legislative".

Amendment No. 176.

On page 18, line 18, of the printed bill, as amended, after the word "city", and before the word "or", strike out ", county"; and in line 19, before the word "local", at the beginning of the line, strike out the word "other".

Amendment No. 177.

On page 18, line 23, of the printed bill, as amended, after the word "particular", and before the word "utility", insert the word "public".

Amendment No. 178.

On page 18, line 24, of the printed bill, as amended, after the word "city", and at the end of the line, strike out the word ", county"; and in line 25, after the word "or", and before the word "local", strike out "other".

Amendment No. 179.

On page 18, line 29, of the printed bill, as amended, after "sition," at the beginning of the line, strike out the rest of the line, and insert in lieu thereof the following: "completion, extension, improvement, repair or replacement of such particular public utility,".

Amendment No. 180.

On page 18, line 30, of the printed bill, as amended, after the word "construction", strike out the comma, and the balance of the line; and in line 31, at the beginning of the line, strike out "sion or improvement", and insert in lieu thereof the following: "or acquisition".

Amendment No. 181.

On page 18, line 37, of the printed bill, as amended, after the word "sold", strike out "for the acquisition,"; and in line 38, strike out all of said line except the word "and", at the end of the line.

Amendment No. 182.

On page 18, line 40, of the printed bill, as amended, after the word "particular", and before the word "utility", insert the word "public".

Amendment No. 183.

On page 18, line 44, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word ", county"; and in the same line, after the word "or", and at the end of the line, strike out the word "other".

Amendment No. 184.

On page 18, line 50, of the printed bill, as amended, at the end of the line, after the word "improvements", strike out "and extensions"; and in line 51, at the beginning of the line, strike out "of such", and in lieu thereof insert the following: ", extensions, repairs and replacements of such public".

Amendment No. 185.

On page 19, line 9, of the printed bill, as amended, after the word "maintenance", and before the word "and", insert "tenants".

Amendment No. 186.

On page 19, line 26, of the printed bill, as amended, after the word "city", and at the end of the line, strike out the comma; and in line 27, before the word "or", and at the beginning of the line, strike out the word "county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 187.

On page 19, line 30, of the printed bill, as amended, after "improvements", and before "extensions", insert "completions"; and in the same line, after "extensions", insert a comma, and strike out the word "or"; and in the same line, after the word "improvements", insert a comma, and before the word "or", insert the following: "repairs or replacements to or".

Amendment No. 188.

On page 19, line 32, of the printed bill, as amended, after the word "and", and before the word "the", strike out "reporting", and insert in lieu thereof "reporting".

Amendment No. 189.

On page 19, line 41, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and at the end of the line, strike out the word "other".

Amendment No. 190.

On page 20, line 8, of the printed bill, as amended, after the word "off", and before the word "ability", strike out the word "such", and insert the following: "any such public".

Amendment No. 191.

On page 20, line 9, of the printed bill, as amended, strike out the following: "extension or improvement of", and in lieu thereof insert the following: "completion, extension, improvement, repair or replacement for".

Amendment No. 192.

On page 20, line 11, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and at the end of the line, strike out the word "other".

Amendment No. 193.

On page 20, line 22, of the printed bill, as amended, after the word "the", and before the word "incurred", strike out the word "indebtedness", and insert in lieu thereof "obligation".

Amendment No. 194.

On page 20, line 24, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in line 25, before the word "local", and at the beginning of the line, strike out the word "other".

Amendment No. 195.

On page 20, line 30, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and at the end of the line, strike out the word "other".

Amendment No. 196.

On page 20, line 47, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 197.

On page 21, line 10, of the printed bill, as amended, after the word "city", and before the word "or", strike out the word "county"; and in the same line, after the word "or", and before the word "local", strike out the word "other".

Amendment No. 198.

On page 21, line 23, of the printed bill, as amended, after the word "bonds", and before the semicolon, insert the following: "or any other duty provided by this act".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Special Order.

Senator Garrison moved that Senate Bill No. 78 be made a special order for eleven o'clock and thirty minutes a.m., Thursday, May 9, 1935.

Motion carried.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 454—An act to provide for the establishment and administration of a system of State health service insurance, including the establishing of a Health Service Insurance Commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereto, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith.

Amendments from the Floor.

During third reading of Senate Bill No. 454 the following amendments, offered by Senator Tickle, were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 43 and 44, and in line 45, strike out "year and", and insert in lieu thereof the following: "aliens and minors,".

Amendment No. 2.

On page 2, line 46, of the printed bill, as amended, strike out "three thousand", and insert in lieu thereof the following: "twenty-four hundred".

Amendment No. 3.

On page 2, line 50, of the printed bill, as amended, strike out "and all", and insert in lieu thereof the following: "including all".

Amendment No. 4.

On page 2, line 51, of the printed bill, as amended, strike out the comma.

Amendment No. 5.

On page 2, line 52, of the printed bill, as amended, after "pay", insert the following: ", if such officer together with his spouse has a net income not in excess of twenty-four hundred dollars".

Amendment No. 6.

On page 3, lines 10 and 11, of the printed bill, as amended, strike out "both he and his dependents are".

Amendment No. 7.

On page 3, lines 13 and 14, of the printed bill, as amended, strike out "and his dependents are members of one or more", and insert in lieu thereof the following: "is a member of one or more qualified".

Amendment No. 8.

On page 4, lines 9 and 10, of the printed bill, as amended, strike out ", the holder of a certificate of compliance,".

Amendment No. 9.

On page 4, line 49, of the printed bill, as amended, after the period, insert the following: "It includes both professional service practice and auxiliary service insurance, but is not limited thereto."

Amendment No. 10.

On page 5 of the printed bill, as amended, strike out lines 9 to 23, inclusive.

Amendment No. 11.

On page 5, line 24, of the printed bill, as amended, strike out "18", and insert in lieu thereof the following: "17".

Amendment No. 12.

On page 5, line 34, of the printed bill, as amended, strike out "19.", and insert in lieu thereof the following: "18.(a)".

Amendment No. 13.

On page 5 of the printed bill, as amended, strike out lines 35 to 52, inclusive, and insert in lieu thereof the following: "issued by the commission to a health service insurance association, certifying that the association is entitled to do business as such in this State by reason of having met the standards as to services and rates required by this act for that purpose."

(b) "Preliminary certificate of compliance" means a certificate issued by the commission to a health service insurance association, certifying that it is entitled to do business in this State by reason of having declared its intention, on or before January 1, 1938, to comply with the standards required for the purpose as to rates and services.

SEC. 19. "Qualified health service insurance association" means:

(a) Prior to January 1, 1938, a health service insurance association holding either a certificate of compliance or a preliminary certificate of compliance.

(b) On and after January 1, 1938, a health service insurance association holding a certificate of compliance.

Amendment No. 14.

On page 6 of the printed bill, as amended, strike out lines 20 and 21.

Amendment No. 15.

On page 6 of the printed bill, as amended, strike out lines 28 to 30, inclusive, and insert in lieu thereof the following: "three ten years."

Amendment No. 16.

On page 7 of the printed bill, as amended, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"SEC. 38. Each commissioner shall receive a salary of not more than fifteen dollars per day while actually engaged in the discharge of his duties and his actual and necessary traveling expenses incurred in the course of his duties hereunder."

Amendment No. 17.

On page 7 of the printed bill, as amended, strike out lines 11 to 13, inclusive, and insert in lieu thereof the following:

"SEC. 41. The commission may designate its confidential appointee, pursuant to the provisions of section 4 of Article XXIV of the Constitution of this State, the chief medical officer of the commission. Such chief medical officer shall be a physician, shall".

Amendment No. 18.

On page 7 of the printed bill, as amended, between lines 28 and 29, insert the following:

"The commission may appoint a medical superintendent, but no person except the confidential appointee or a professional member of the commission during his term may hold the position of chief medical officer."

Amendment No. 19.

On page 9 of the printed bill, as amended, strike out lines 28 to 42, inclusive, and insert in lieu thereof the following:

"SEC. 63. The commission shall have power to investigate professional service practice and health service insurance associations and to require such practitioners and associations to maintain the standards of service and the rates required by their certificate of compliance or preliminary certificate of compliance."

Amendment No. 20.

On page 14 of the printed bill, as amended, strike out lines 51 and 52, also on page 15, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"SEC. 113. Employees, whether of one or more employers, may become members of a qualified health service insurance association, except that an employee of an employer who operates a qualified health service insurance association shall not, by reason of the provisions of this act, become entitled to avoid contribution to the health service insurance association operated by his employer.

SEC. 114. A qualified health service insurance association having members who would be employees as defined in this act if they were not members of such association, may elect to obtain means of conferring benefits upon such persons in any one of the following ways:

(a) By permitting the professional service practitioners and those furnishing auxiliary services to members to apply individually to the commission for compensation for services actually rendered; or

(b) By entering into a contract with the commission, under the terms of which the health service insurance association undertakes to procure and pay for such benefits and the commission undertakes to transmit at monthly intervals to such health service insurance association the amount collected with respect to such members, less a reasonable allowance for costs of collection and administration; or

(c) With the assent of the employer and its members, by receiving from such employer the amount which he would otherwise have been obliged to retain from the wages of members and transmit to the commission with respect to such members; or

(d) Directly from its members.

In the case of arrangements under subdivisions (a), (b) or (c) of this section, the employer shall withhold the percentages payable by employees under the provisions of this act and pay the same to the commission or to the association, as

the case may be, in the same manner as though the members of such association were employees as defined in this act."

Amendment No. 21.

On page 15, line 31, of the printed bill, as amended, strike out "114", and insert in lieu thereof the following: "115".

Amendment No. 22.

On page 15, line 32, of the printed bill, as amended, strike out "license", and insert in lieu thereof the following: "certificate of compliance or preliminary certificate of compliance".

Amendment No. 23.

On page 15 of the printed bill, as amended, strike out lines 48 to 50; also, on page 16, strike out lines 1 to 10, inclusive.

Amendment No. 24.

On page 16 of the printed bill, as amended, between lines 10 and 11, insert the following:

"SEC. 116. In such form and in addition to such other information as the commission requires, such application with respect to health service insurance associations shall specify:

(a) A description of the types of service to be received by those persons entitled to participate in the benefits or activities of such association.

(b) A description of the physical facilities to be used in rendering such service.

(c) The names and residence addresses of the persons who will conduct the business of the association, and a succinct statement of their experience and training.

(d) A statement of the fees, dues, rates, or other charges imposed upon members of such association and of the fees, rates, or other considerations to be paid for services rendered to the members under the certificate.

Amendment No. 25.

On page 16, line 34, of the printed bill, as amended, strike out "118", and insert in lieu thereof the following: "117".

Amendment No. 26.

On page 16, line 35, of the printed bill, as amended, strike out "licenses", and insert in lieu thereof the following: "certificates".

Amendment No. 27.

On page 16, line 40, of the printed bill, as amended, strike out "license", and insert in lieu thereof the following: "certificate".

Amendment No. 28.

On page 16, line 41, of the printed bill, as amended, strike out "licenses", and insert in lieu thereof the following: "certificates".

Amendment No. 29.

On page 16 of the printed bill, as amended, strike out lines 45 to 52, inclusive; also, on page 17, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"(b) If the application is for a certificate or preliminary certificate of compliance for a health service insurance association, that the membership, certificate, contract or other benefits, services, facilities, or activities of the association, evidences of rights or privileges for participation in or use of which the applicant proposes to issue, and the method by which the same are proposed to be issued are not such as will".

Amendment No. 30.

On page 17 of the printed bill, as amended, between lines 6 and 7, insert the following:

"(c) If the application is for a certificate of compliance that applicant is able to and will provide benefits equal or superior to the primary benefits set forth in this act, and will charge rates not less than the premiums required of employees by this act.

(d) If the application is for a preliminary certificate of compliance, that applicant grants some measure of medical or auxiliary benefits or both, that applicant was in existence on January 1, 1935, and that on or before January 1, 1938, applicant will be in a position to qualify for a certificate of compliance."

Amendment No. 31.

On page 17, line 20, of the printed bill, as amended, strike out "license", and insert in lieu thereof the following: "certificate".

Amendment No. 32.

On page 17 of the printed bill, as amended, between lines 37 and 38, insert the following: "The provisions of this section shall not apply to the following:

(a) Any bona fide fraternal society, operating under the large system, and which indicates its members onto the name, through the medium of retirement services, and that has been in existence in this State for two consecutive years immediately prior to the effective date of this act, and that has at least two thousand five hundred paid-up members in this State, and which society gives or contributes no sick benefits, cash benefits, or any medical attention to its members on account of sickness or accident.

(b) Any bona fide health service insurance association composed of the employees of any city, when such association has been in existence in this State for five consecutive years immediately prior to the effective date of this act, and has at least two thousand five hundred paid-up members in such jurisdiction, and which association gives or contributes only such benefits as such association or local medical attention to its members, on account of sickness or accident.

Amendment No. 33.

On page 17, line 50, of the printed bill, as amended, strike out "superintendence, control," and insert in lieu thereof the following: "examination and investigation."

Amendment No. 34.

On page 18 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following: "of such health service (hereinafter mentioned) as is necessary to determine whether or not they comply with the requirements of the certificate held by them."

Amendment No. 35.

On page 18, line 3, of the printed bill, as amended, strike out "the board," and insert in lieu thereof the following: "any required body."

Amendment No. 36.

On page 18, line 6, of the printed bill, as amended, strike out "(issue: Such license)", and insert in lieu thereof the following: "certificate of compliance or preliminary certificate of compliance. Such certificate

Amendment No. 37.

On page 18, line 11, of the printed bill, as amended, after the period, insert the following: "Preliminary certificate of compliance shall not be issued to become effective beyond January 1, 1938."

Amendment No. 37-a.

On page 18, line 12, of the printed bill, as amended, strike out "license shall require the licensee", and insert in lieu thereof the following: "certificate shall require the certificate holder."

Amendment No. 37-b.

On page 18, line 17, of the printed bill, as amended, strike out "license of any licensee", and insert in lieu thereof the following: "certificate of any certificate holder".

Amendment No. 37-c.

On page 18, line 18, of the printed bill, as amended, strike out "he is not", also strike out line 19, and in line 20, strike out "subject to the provisions of this act."

Amendment No. 37-d.

On page 18, line 31, of the printed bill, as amended, after "employee", strike out "and", also strike out lines 32 and 33, and insert in lieu thereof a period and the following: "An employee shall not be entitled to"

Amendment No. 38.

On page 18, line 46, of the printed bill, as amended, strike out "per cent"; also, strike out lines 47 and 48, and insert in lieu thereof the following: "cents for the first professional visit and one dollar for the first day's hospitalization."

Amendment No. 39.

On page 19 of the printed bill, as amended, strike out lines 16 to 26, inclusive.

Amendment No. 40.

On page 19, line 27, of the printed bill, as amended, strike out "four", and insert in lieu thereof the following: "three".

Amendment No. 41.

On page 19, line 30, of the printed bill, as amended, strike out "five", and insert in lieu thereof the following: "four".

Amendment No. 42.

On page 19, line 34, of the printed bill, as amended, strike out "six", and insert in lieu thereof the following: "five".

Amendment No. 43.

On page 19, line 38, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "six".

Amendment No. 44.

On page 19 of the printed bill, as amended, strike out lines 45 and 46.

Amendment No. 45.

On page 19, line 47, of the printed bill, as amended, strike out "four", and insert in lieu thereof the following: "three".

Amendment No. 46.

On page 19, line 49, of the printed bill, as amended, strike out "five", and insert in lieu thereof the following: "four".

Amendment No. 47.

On page 20, line 10, of the printed bill, as amended, strike out "six", and insert in lieu thereof the following: "five".

Amendment No. 48.

On page 20, line 13, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "six".

Amendment No. 49.

On page 20, line 48, of the printed bill, as amended, strike out "other".

Amendment No. 50.

On page 21 of the printed bill, as amended, strike out lines 6 and 7, and insert in lieu thereof the following: "expenditure, for any beneficiary for any given".

Amendment No. 51.

On page 21, line 13, of the printed bill, as amended, strike out "be considered an employee for", and insert in lieu thereof the following: "be eligible for benefits for any illness or injury occurring or beginning within".

Amendment No. 52.

On page 21, line 16, of the printed bill, as amended, strike out "In", and strike out lines 17 to 20, inclusive.

Amendment No. 53.

On page 21 of the printed bill, as amended, strike out lines 21 to 52, inclusive.

Amendment No. 54.

On page 23, line 23, of the printed bill, as amended, strike out "resident of", and insert in lieu thereof the following: "person living within".

Amendment No. 55.

On page 23 of the printed bill, as amended, strike out lines 24 to 49, inclusive, and insert in lieu thereof the following: "who is not an employee within the meaning of this act, subject, however, to all of the following four enumerated conditions:

(a) That his annual net income from all sources, together with that of his spouse shall not be in excess of three thousand dollars; and

(b) That he, or some person or agency acting on his behalf, pays in advance the premium or premiums prescribed by the commission; and

(c) That within ten days of the time at which he is to become a beneficiary he either:

(1) Passes a physical examination prescribed by the commission; or

(2) Was a beneficiary under the provisions of this act relating to employees; or

(3) Was born in the State of California.

(d) That he is not a constrained inmate of any penal institution or of any institution for the insane and is not one committed to an institution for the feeble-minded.

SEC. 152. Subject to all of the conditions enumerated in this act, the following persons and entities may contract for benefits with the commission:

(a) Any person on his own behalf, and on behalf of his dependents;".

Amendment No. 56.

On page 24 of the printed bill, as amended, strike out line 49, and in line 50, strike out "(e)", and insert in lieu thereof the following: "(d)".

Amendment No. 57.

On page 25 of the printed bill, as amended, strike out lines 6 to 9, inclusive, and insert in lieu thereof the following: "thousand dollars a year."

Amendment No. 58.

On page 25, line 14, of the printed bill, as amended, strike out "sum of the following"; also strike out lines 15 to 36, inclusive, and insert in lieu thereof the following: "amount which the wages paid to such person, if such person is employed, or the net income during the previous taxable year, without exemption, of such

person and spouse computed on the basis of time performed at the National Act of 1934, by which the United States Government held at bay most the capital and income of natural persons."

Amendment No. 59.

On page 25 of the printed bill, as amended, strike out lines 40 to 49, inclusive, and insert in lieu thereof the following: "deducted with respect to the next preceding completed taxable year on the basis of the net income computed under the law levying the tax, without the exemptions therein granted."

Amendment No. 60.

On page 26, line 15 of the printed bill, as amended, strike out "and her" also strike out line 16, and insert in lieu thereof the following: ", the same payable"

Amendment No. 61.

On page 27 of the printed bill, as amended, strike out lines 7 to 9, inclusive, and in line 7, strike out "dependent minor children."

Amendment No. 62.

On page 27, line 13, of the printed bill, as amended, strike out "a resident and his dependents", and insert in lieu thereof the following: "any person".

Amendment No. 63.

On page 27, line 19, of the printed bill, as amended, strike out "resident's", and insert in lieu thereof the following: "beneficiary's".

Amendment No. 64.

On page 27, line 21, of the printed bill, as amended, strike out "for himself and his dependents".

Amendment No. 65.

On page 28 of the printed bill, as amended, strike out lines 41 to 51, inclusive, also on page 29, strike out lines 1 to 52, inclusive, and on page 30, strike out lines 1 to 19, inclusive, and insert in lieu thereof the following:

"SEC. 176. Except as otherwise expressly provided in this act, every employee shall pay to the commission amounts determined as follows, which amount shall be withheld from his compensation by his employer and remitted to the commission pursuant to the provisions of this act:

(a) If he is a casual employee, five cents per calendar day from and including the day on which the employment is begun, to and including the day on which the employment is concluded; or

(b) If he is not a casual employee, an amount equal to two per cent of his wages.

All such amounts shall become payable from and after twenty days after the effective date of this act. Employers shall withhold all such amounts from all wage payments and transmit them to the commission, except as otherwise expressly provided in this act, not later than the fifteenth day of the month next following the month in which such wages were paid. With respect to employers of the State, such moneys shall be withheld and paid not later than the twentieth day of the month in which they are paid, pursuant to rules prescribed by the State Board of Control for such withholding and payment."

Amendment No. 65-a.

On page 30 of the printed bill, as amended, strike out lines 20 to 52, inclusive, also on page 31, strike out lines 1 to 9, inclusive.

Amendment No. 66.

On page 32, line 44, of the printed bill, as amended, strike out "fraternal society", and insert in lieu thereof the following: "qualified health service insurance association".

Amendment No. 67.

On page 33 of the printed bill, as amended, between lines 11 and 12, insert the following:

"Nothing in this act applies to any public health agency created by law or ordinance, or to any county hospital, municipal hospital, or other public facility, except where and to the extent that:

(a) Such agency, hospital, or facility is furnishing for compensation by the commission one or more of the benefits enumerated in this act; or

(b) The legislative authority of such county or municipality or other public corporation has declared by ordinance that such agency, hospital or other facility is a health service insurance association.

The provisions of this act shall not apply to any hospital or other facility operated by the State."

Amendment No. 68.

On page 33 of the printed bill, as amended, strike out lines 21 to 24, inclusive.

Amendment No. 69.

On page 34 of the printed bill, as amended, strike out lines 25 to 52, inclusive, and on page 35, strike out lines 1 to 11, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Young:

SENATE CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Respectfully submitted.

SENATOR YOUNG.

Request referred to Committee on Rules.

President of the Senate in the Chair.

At four o'clock p.m., Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Third Reading of Assembly Bills.

Assembly Bill No. 1370.—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, by amending the title and sections 37 and 40 thereof, and adding a new section to be designated section 97, to authorize the borrowing or procuring of money by drainage districts from the United States or any agency thereof, and declaring the urgency thereof.

Amendment from the Floor.

During third reading of Assembly Bill No. 1370, the following amendment, offered by Senator Duval, was read and adopted:

Amendment No. 1.

On page 2, line 38, of the printed bill, strike out the period after "year", and insert in lieu thereof a comma and the following: "and may add thereto a sum sufficient to provide funds for necessary expenditures during the next succeeding fiscal year, prior to the time when the first installment of taxes for such succeeding fiscal year shall be collected and apportioned, and also to include in any year a sum to be placed in a sinking fund to pay the principal of bonds outstanding."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1055.—An act to amend section 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies.

Amendments from the Floor.

During third reading of Assembly Bill No. 1055, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1, line 25, of the printed bill, strike out the word "police".

Amendment No. 2.

On page 2, line 3, of the printed bill, after the word "duty", insert the word "or".

Amendment No. 3.

On page 2, line 5, of the printed bill, after the word "law", strike out the period, and insert in lieu thereof the following: "or imposing emergency bills."

Bill read, ordered to reprint, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With

At four o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Difani.

The Secretary was directed to call the roll on passage of bill of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 1044 finally refused passage by the following vote:

AYES—Senators Bagger, David, Hulse, Keough, Perkins, Parnell, Perkins, Stow, and Tiedke—9.

NOES—Senators Cottenden, Daniel, Deane, Edwards, Elmore, Gump, Hays, Hays, Jorgensen, King, Knowland, McCall, McCremon, McGuinness, McGinnis, Metzger, Mixer, Olson, Perry, Reisdollar, Rich, Schaffky, Seftin, Seavell, Senator, Slater, Snyder, Swing, Waggy, Williams, and Young—31.

Notice of Motion to Reconsider.

Senator Difani gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1044 was refused passage.

Recess.

On motion of Senator Rich, at four o'clock and fifteen minutes p.m., the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair. Secretary Joseph A. Beck at the desk.

Call of the Senate.

Senator Williams moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators—Fletcher, Hays, McGuinness, Mixer, Perry, Reisdollar, Rich, Seftin, and Williams—9.

The Secretary announced the absentees.

Time, eight o'clock and thirty-five minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Report of Standing Committee.**

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Young to introduce a bill entitled—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately—has

had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

(Signed out)

RICH, Chairman.
KNOWLAND.
SLATER.
TICKLE.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Swing, Wagy, Williams, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Young: Senate Bill No. 1102—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Consideration of Senate Bill No. 1102.

Senator Young asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1102, without reference to committee.

Senate Bill No. 1102 read first time, ordered to print, and on file as unfinished business.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 7, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator King to introduce a bill entitled—An act to add section 1083b to the Political Code, relating to petitions—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
TICKLE.
SLATER.
KNOWLAND.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—35.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator King: Senate Bill No. 1103—An act to add section 1083b to the Political Code, relating to petitions.

Bill read first time, and referred to Committee on County Government.

Consideration of Daily File.**Third Reading of Assembly Bills.**

Assembly Bill No. 2205—An act to add section 599.5 to the Vehicle Code, relating to unlawful displays on vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2205 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Hays, Hulse, Keough, McColl, McCormack, McGovern, McGinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Sharkey, Slater, Tickle, Wagg, and Williams—22.

NOES—None.

Title read and approved.

Assembly Bill No. 2205 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 50.

Relative to memorializing the President and the Congress to enact H. R. 5359, which provides for the creation of a National Civil Academy.

WHEREAS, Scientific training for public responsibility is a recognized necessity in the efficient administration of public affairs; and

WHEREAS, Parliamentary government needs men and women with technical education and broad experience in political science and sociology to efficiently administer the complex problems which a self-governing agency is sure and there owed upon to execute in behalf of the citizens of the United States; and

WHEREAS, There has been introduced in the House of Representatives a bill known as H. R. 5359 which proposes to create a National Civil Academy to train qualified young men and women in all branches of public service through a School of Public Administration maintained by the Federal Government in connection with a plan promulgated by the Midtown Association of Los Angeles to secure a professionalized public service personnel; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly: That the President and the Congress of the United States are respectfully urged to enact legislation proposed by H. R. 5359, and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States and that such Senators and members from California are further respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 50 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Hays, Jespersen, Keough, Knowland, McCormack, McGinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Sharkey, Slater, Tickle, Wagg, and Williams—25.

NOES—Senators Hulse, McColl, McGovern, and Scollan—4.

Assembly Joint Resolution No. 50 ordered transmitted to the Assembly.

Assembly Bill No. 1034—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817e3 and 3817i2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate

effect. The facts constituting the necessity are as follows: Due to the widespread depression, many taxpayers have been unable to pay their taxes, or to redeem their property from sale to the State for delinquency. By permitting redemption without penalties, many taxpayers will be enabled to redeem their property, restore the same to the tax rolls, and thereby add revenue for the operation and maintenance of government.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Hulse, Jespersen, Keough, Knowland, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Stow, Swing, and Young—24.

NOES—Senators Duval, Edwards, Fletcher, Hays, McCormack, Mixter, Rich, Slater, Snyder, Tickle, Wagy, and Williams—12.

Notice of Motion to Reconsider.

Senator Fletcher gave notice that on the next legislative day he would move to reconsider the vote by which the urgency clause to Assembly Bill No. 1034 was refused adoption.

Assembly Bill No. 844—An act to amend section 33 of the California Irrigation District Act, relating to the payment of bonds and interest thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 844 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—33.

NOES—None.

Title read and approved.

Assembly Bill No. 844 ordered transmitted to the Assembly.

Assembly Bill No. 1277—An act to add a new section to the Political Code to be numbered 3454½, relating to reclamation districts and requiring that in all actions against a reclamation district or any person sued by reason of his connection therewith the board of trustees must be made parties defendant.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1277 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1277 ordered transmitted to the Assembly.

Assembly Bill No. 1664—An act to amend section 2 of an act entitled "An act to create a reclamation district to be called 'Reclamation District No. 1660,'" and providing for the control and management thereof,

approved June 1, 1915, relating to the management and control of said district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1664 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Deuel, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McGovern, Meyer, Olson, Packman, Perry, Pomeroy, Powers, Roush, Rusk, Schott, Sealer, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tinkle, and Wagy—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1664 ordered transmitted to the Assembly.

Assembly Bill No. 488—An act to add a new section to the Insurance Code of the State of California to be numbered 12629, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts, providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 488 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Deuel, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Meyer, Packman, Perry, Powers, Roush, Rusk, Seawell, Sharkey, Slater, Snyder, Swing, Tinkle, Wagy, and Williams—31.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 488 ordered transmitted to the Assembly.

Assembly Bill No. 260—An act to amend sections 12422, 12423, 12427, 12442, 12484, 12486, 12488 and 12543 of the Insurance Code and to add a new section to said code to be numbered 12490, all relating to mortgage insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 260 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger,

Mixer, Perry, Pierovich, Reindollar, Rich, Schottky, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—28.

NOES—Senators Olson, and Parkman—2.

Title read and approved.

Assembly Bill No. 260 ordered transmitted to the Assembly.

Assembly Bill No. 489—An act to add a new section to the Civil Code of the State of California, to be numbered section 453.15, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts; providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 489 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Fletcher, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 489 ordered transmitted to the Assembly.

Assembly Bill No. 259—An act to add a new section to the Civil Code, to be numbered 453.14, relating to mortgage insurance companies; declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of facts constituting such necessity:

By reason of the long continued and still existing economic and financial depression many mortgage insurance companies have suffered heavy losses, both in income and in net worth, and are unable to carry on their normal business, thereby causing severe hardships to thousands of investors and home owners and increasing public unemployment and distress. The provisions of this act, by permitting mortgage insurance companies to acquire securities of National mortgage associations, to make insured loans pursuant to the National Housing Act, and to acquire securities of other Federal agencies or corporations, will enable mortgage insurance companies to cooperate with the Federal Government in carrying out the objects and purposes of the National Housing Act. The provisions of this act are also necessary to enable numerous home owners in California, whose homes are subject to mortgages, to refinance such mortgages by obtaining insured loans pursuant to the National

Housing Act. By the passage of this act many homes in California may be saved from foreclosure and much harm may be averted to home owners for the purpose of financing alterations, repairs and improvements upon real property, thereby decreasing unemployment and distress. It is, therefore, essential to the immediate preservation of public peace, health and safety that such and every part of this act be enacted and be immediately effective.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Sewell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—32.

NOES—Senator Olson—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 259 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Sewell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 259 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Assembly Bill No. 258—An act to amend sections 4532, 4533, 4535, 4536, and 45312 of the Civil Code, all relating to mortgage insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 258 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 258 ordered transmitted to the Assembly.

Assembly Bill No. 843—An act to repeal section 73a of the California Irrigation District Act, relating to the procedure by which property owners may be relieved from obligations of the district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 843 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—Senators McColl and Metzger—2.

Title read and approved.

Assembly Bill No. 843 ordered transmitted to the Assembly.

Assembly Bill No. 341—An act to amend sections 21.1, 53, 54, 63, 64, 105, 133, 135d and 139 of the Bank Act, and to add two new sections thereto to be numbered 16d and 51.1.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 341 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—33.
NOES—None.

Title read and approved.

Assembly Bill No. 341 ordered transmitted to the Assembly.

Assembly Bill No. 283—An act to amend section 852 of, and to add a new section to be numbered 852e to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 283 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.
NOES—None.

Title read and approved.

Assembly Bill No. 283 ordered transmitted to the Assembly.

Assembly Bill No. 440—An act to amend section 18a of the "Street Opening Act of 1903," relating to assessments and contribution of costs by municipalities.

Amendments from the Floor.

During third reading of Assembly Bill No. 440, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 1, line 17, of the printed bill, as amended, strike out "pay", and insert in lieu thereof the following: "be paid".

Amendment No. 2.

On page 2, line 45, of the printed bill, as amended, strike out "been".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2047—An act to amend section 1197 of the Code of Civil Procedure, relative to executions in mechanics' lien actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2047 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich,

Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tacke, Wagon, Williams, and Young—37
NOES—None.

Title read and approved.

Assembly Bill No. 2047 ordered transmitted to the Assembly.

Assembly Bill No. 252—An act to amend section 199b of the Penal Code, relating to the unauthorized taking for temporary use or operation of aircraft, automobiles, bicycles, motorcycles or other vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 252 passed by the following vote:

AYES—Senators Biggar, Croftenden, Deuel, DeLoe, Doyle, Edwards, Fletcher, Garrison, Gordon, Hays, Hulke, Knecht, Knechtman, McCall, McCann, McGowan, McGuinness, Metzger, Mixer, Olson, Parkinson, Perry, Pomeroy, Pomeroy, Rush, Schottky, Scollan, Seawell, Sharkey, Slater, Snider, Stow, Swing, Wagon, Williams, and Young—36
NOES—None.

Title read and approved.

Assembly Bill No. 252 ordered transmitted to the Assembly.

Assembly Bill No. 1919—An act to amend section 3 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Amendment from the Floor.

During third reading of Assembly Bill No. 1919, the following amendment, offered by Senator Hays, was read and adopted:

Amendment No. 1.

On page 1, line 18, of the printed bill strike out "hernia cases", and insert in lieu thereof "traumatic hernia".

Motion to Rescind.

Senator Hays moved to rescind the vote of the Senate in adopting the amendment offered from the floor to Assembly Bill No. 1919.

Motion carried, and the vote was rescinded.

Bill ordered on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1122—An act to accept the provisions of an act of the Congress of the United States effective June 6, 1933, entitled "An act to provide for the establishment of a National employment system and for cooperation with the States in the promotion of such system, and for other purposes"—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—12; absent—7

SHARKEY, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 219—An act to amend sections 92 and 94 of the Agricultural Code, relating to citrus and agricultural fairs:

Also: Senate Bill No. 546—An act to amend sections 1104, 1108, 1143, 1144, 1146 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products;

Also: Senate Bill No. 1007—An act to amend section 994 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to Capri figs and their diseases, the elimination of fig endosepsis, and authorizing boards of supervisors to accept donations for the enforcement of the provisions of said sections; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 365—An act to amend section 423 of the Agricultural Code, relating to live stock on highways;

Also: Assembly Bill No. 512—An act to amend section 274 of the Agricultural Code, relating to bee diseases;

Also: Assembly Bill No. 495—An act to amend sections 460, 504, 585 and 621 of the Agricultural Code, relating to dairy products;

Also: Assembly Bill No. 496—An act to amend section 692 of the Agricultural Code, relating to places where milk or milk products are handled or kept for sale;

Also: Assembly Bill No. 497—An act to amend sections 457 and 637 of the Agricultural Code, relating to testing of milk, cream or products thereof;

Also: Assembly Bill No. 1702—An act to amend section 788 of the Agricultural Code, relating to containers;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 36—An act to amend the Agricultural Code by adding to Division VI thereof a new chapter to be numbered 8 and to include sections 1299 to 1300.6 inclusive, defining and pertaining to processors of farm products and the licensing thereof;

Also: Assembly Bill No. 1135—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the production and marketing of manufactured dairy products;

Also: Assembly Bill No. 1481—An act providing for the incorporation of a horticultural protection district authorizing such district to levy and collect taxes to carry on its operation and provide for the powers, management and government of such district and imposing certain duties and functions in connection with such district upon certain county officials;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering

establishments—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—15; committee vote: Ayes—13; absent—2.

CRITTENDEN, Chairman.

On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 697—An act to amend section 2 of the "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, as amended, by transferring to the Reclamation Board the operation and maintenance of certain units or portions of the flood control works within the Sacramento and San Joaquin Drainage District—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5.

(Signed out)

MCCORMACK, Chairman.

CRITTENDEN

GARRISON

KING

SCHOTTKY

On Unemployment.

SENATE CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Senate Bill No. 121—An act to amend section 802b of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of sixth class—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

SEAWELL, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, May 6, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1651—An act to amend the Vehicle Code by amending sections 618, 621, 623, 625, 633, 634, 635, 637, 639, 640, and 670; to renumber section 693 to be section 694; to repeal Chapter 4 of Division X embracing sections 645 to 658 inclusive, sections 661, 662 and 677; to add sections 623.5, 677, a new Chapter 4 to Division X, embracing sections 645 to 656 inclusive, 660, 661, 662, 663 and 692, relating to vehicles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 788—An act to amend the Vehicle Code by amending sections 511, 517, 526, 527, 530, 531, 543, 544, 552, 570, 571, 585, 586, 587, 596, 600, 694, and 696; by repealing sections 534 and 589; by adding sections 542, 588 and 603, relating to vehicles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—9; noes—3; absent—5.

FLETCHER, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 6, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 610—An act amending section 1463 of the Penal Code, relating to the disposition of fines collected in municipal courts:

Also: Assembly Bill No. 877—An act to amend section 662 of the Code of Civil Procedure, relating to motions for new trial:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1332—An act to add section 3306a to the Civil Code, relating to breach of contract to deliver a quitclaim deed—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 374—An act to amend section 13 of, and to add new sections to be numbered 9a, 9b, 9c, 9d and 9e to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 518—An act to amend the title and to add Division IIIa to "An act to revise and consolidate the law relating to probate, including the custody, disposal by will, succession, administration and distribution of estates of decedents, the custody and administration of estates of persons under guardianship, and the custody of persons under guardianship; to repeal certain provisions of law therein revised and consolidated and therein specified; and to establish a probate code" approved May 11, 1931:

Also: Senate Bill No. 213—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of one million dollars, together with any interest that may be due thereon, and other sums from the California Olympiad Commission, or any committee thereof, and providing for a special fund, for exposition and fair purposes;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 277—An act to amend section 164 of the Civil Code, relating to community property:

Also: Senate Bill No. 633—An act to add section 3343 to the Civil Code, relating to damages in connection with fraud and deceit;

Also: Senate Bill No. 777—An act to amend section 1034 of the Code of Civil Procedure, relating to costs on appeal;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1360—An act to add sections 54a and 54b to the Civil Code, relating to the right of privacy of persons, and to provide a method by which such right of privacy may be enforced—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2139—An act to amend section 281 of the Code of Civil Procedure, relating to attorneys and counsellors at law—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—8; noes—3; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 842—An act validating certificates of sale and deeds based thereon issued by irrigation districts.

Also, Assembly Bill No. 576—An act to repeal section 924 of the Political Code, relating to certain affidavits of public officers.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 2045—An act to amend section 14a of the California Irrigation District Act:

Also, Assembly Bill No. 840—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands; and to provide the manner and method of payments to the United States under such contract, and for the appointment of assessors, and the levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial revenue and determination of the value of the proceedings in connection with such contract, and to provide for construction of works by the district; to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and on the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof, approved May 5, 1917, as amended, by amending the title thereof and amending sections 1 and 11 thereof.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—7.

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 870—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

MIXTER, Chairman.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and fifty-five minutes p.m., further proceedings under call of the Senate were dispensed with, on motion of Senator Williams.

Adjournment.

On motion of Senator Mixter, at ten o'clock and fifty-six minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Wednesday, May 8, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, May 8, 1935.

The Senate met at ten o'clock and thirty minutes, a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, May 7, 1935, the further reading was dispensed with, on motion of Senator McCormack.

Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Z. Z. Jacques of San Diego.

On request of Senators McGovern and Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to members of the State Supreme Court as follows: Hon. William H. Waste, Chief Justice; Hon. Emmet Seawell, Hon. John W. Shenk, Hon. Jesse H. Langdon, Hon. John W. Preston, and Hon. Ira Thomson, Justices.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Martha Hawley, teacher of Suisun District School, and the following pupils: Mary Armstrong, Margaret De Tar, Marian Figari, Ralph Figari, Margaret Glashoff, Barbara Macy, Frances Mason, Tadashi Nakamura, Arthur Nishimura, Eichii Nishimura, Joe Otsuki, Charles Ridenhour, Kenneth Roberts, Martha Roberts, Jane Stewart, and Robert Thomas.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Susan H. Chamberlain of Oakland and Miss Ida Cary of Alameda.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Charles Bills, former State Senator.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Audry Hendry, teacher of Huichica School, Sonoma, and the following pupils: Margaret Rhode, Billy Rhode, Charles Groskopf, Alfred Bacher, Frank Bacher, Loren Vernon, Frank La Torres, John Rubke, Hugo Meneghetti, Talbert Bean, and Sirio Ciampi; and Mrs. C. C. Bean, Vivien Bean, and Mr. and Mrs. Charles Groskopf.

On request of Senator McGuinness, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. E. G. Hawkins and Mr. Thomas Hawkins of Dunsmuir.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frances Mill-sop, teacher; Mr. R. E. Danlay, principal of Carmichael School, Carmichael, California, and the following pupils: Bill Arend, Naomi Bernard, Enid Bolles, Gladys Brien, Clyde Brien, Kathleen Cook,

Madge Call, Junior Clark, Bernice Bennetts, Earl Donald, Ester Dewey, Stanley Horton, Jean McChesney, Richard Piffey, Bert Quimby, Evelyn Ricketts, Kathleen Shook, Jerome Stenick, Eugene Tarvis, May Vawter, Sammie Walke, Kaare Winn, Catherine Gilman, Barbara Yarnell, Lucille Eckles, Norman Cole, Mariko Harada, Freda Cohen, Betty Shutler, Kay Crandall, Claude Cochrane, Victor Paganucci, Gordon Robinson, Clare Nurse, Ernest Kattenhorn, Catherine Gaspardotich, Mary Peters, Gloria Stark, Joan Kibbey, Del Brown, Warren Long, Louise Eastman, Katherine Ann Gilmore, Marlowe Holman, Ralph Ketels, Bert Kole, John Cavanaugh, Jeanette Holsinger, Dorothy Robinson, Harold Robinson, Hugo Rettig, John Watson, Jimmie Rettig, Rose Williams, and Clarence Brekke.

Motion to Rescind.

Senator Williams moved to rescind the vote of the Senate in adopting the amendments offered by Senator Tickle, from the floor on May 7, 1935, to Senate Bill No. 454.

The question being on the adoption of the motion to rescind.

The roll was called, and the vote rescinded by the following vote:

AYES—Senators Bigger, Deuel, Fletcher, Garrison, Gordon, Howe, Hulse, Jorgensen, Keough, King, McColl, McCormack, McGovern, Mixter, Olson, Rosenthal, Schottky, Seollan, Sewell, Sharkey, Slater, Snyder, Wagy, Williams, and Young—25.

NOES—Senators Crittenden, Difant, Edwards, Knowland, McGinness, Pomeroy, Powers, and Tickle—8.

Bill ordered on file for third reading.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1—An act to encourage the adoption and approval of State codes of fair competition for certain trades or industries or subdivisions thereof, to provide for the enforcement of the provisions of any State code of fair competition approved as in this act provided, to provide for standards of fair competition created by National codes of fair competition, to provide for administrative powers of code authorities, to provide penalties for the violations of the provisions hereof, to declare the urgency of this act and to provide that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1 read first time, and referred to Committee on Judiciary.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 8, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1102—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately—and reports that the same has been correctly engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 758—An act to amend an "Act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of

said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, to add a new section to be numbered section 4 permitting the use of said lands for exposition purposes;

Also, Senate Concurrent Resolution No. 12 Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California;

And reports that the same have been correctly enrolled and presented to the Governor on the eighth day of May, 1935, at eleven o'clock and forty-five minutes a.m.

METZGER, Chairman.

Resolution.

The following resolution was offered:

By Senate Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate in the sum of \$1,004 61 in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, and the Treasurer is directed to pay the same.

State Supply Department.....	\$318 01
Geo. N. Hammond Typewriter Company.....	99 00
Cascade Towel Supply Company.....	36 50
Zellerbach Paper Company.....	1 38
H. S. Crocker Company.....	70 50
Western Union Telegraph Company.....	27 24
Postal Telegraph Company.....	38 97
Bancroft-Whitney Company.....	24 99
Pacific Telephone and Telegraph Company.....	138 02
Postage—for the Senate.....	250 00
Total	\$1,004 61

KING.
POWERS.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Derel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Pirovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Tickle, Wagy, and Young—29.

NOES—None.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Snyder:

SENATE CHAMBER, SACRAMENTO, May 8, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act granting certain tidelands and submerged lands of the State of California to the county of Santa Cruz.

Respectfully submitted,

SENATOR SNYDER.

Request referred to Committee on Rules.

Resolution.

The following resolution was offered:

By Senator Young:

Resolved by the Senate of the State of California, That the Special Senate Committee on Civil Service appointed pursuant to a resolution adopted by the Senate April 30, 1935, shall determine its rules of procedure, including its own quorum and the number of votes necessary to take action upon any matter before it, and any investigation, inquiry or hearing which the committee has power to undertake or to hold may be undertaken or held by or before any members of the committee, not less than two, designated for the purpose by the committee or its chairman.

Resolution read, and on motion of Senator Young adopted.

Unfinished Business.**Second Reading of Senate Bill No. 1102.**

Senate Bill No. 1102—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered on file for third reading.

Resolution.

The following resolution was offered:

By Senator Young:

Resolved, That Senate Bill No. 1102 presents a case of urgency, so that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three separate days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donald, Difant, Edwards, Fletcher, Harrison, Hays, Hulse, Jepserson, Keough, King, Knowlton, McCall, McCarquill, McCreary, McGuinness, Myer, Olson, Perovich, Powers, Reimer, Reid, Satterly, Schuler, Sharkey, Slater, Snyder, Tickle, Wags, and Young—31.

NOES—None.

Constitution Suspended.

Whereupon, the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Senate Bill No. 1102.

Third Reading of Senate Bill No. 1102.

Senate Bill No. 1102—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1102:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 8, 1935.

*To the Honorable Members of the Senate, State of California,
Sacramento, California.*

GREETINGS: Senate Bill No. 1102—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

In my opinion said Senate Bill No. 1102 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of

section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

The economic conditions of fluid milk producers throughout the State are such as to require immediate relief if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream. The provisions herein contained are necessary in order to prevent the further demoralization of the fluid milk and fluid cream industries.

Urgency clause read.

The question being on adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixter, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1102 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Keough, King, McGovern, Mixter, Olson, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—27.

NOES—Senator Knowland—1.

Title read and approved.

Senate Bill No. 1102 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Difani moved to reconsider the vote whereby Senate Bill No. 1044 was refused passage.

Postponement of Reconsideration.

On motion of Senator Difani, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1044 was refused passage was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Fletcher moved to reconsider the vote whereby the urgency clause to Assembly Bill No. 1034 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Fletcher, the further consideration of the motion to reconsider the vote whereby the urgency clause of Assembly Bill No. 1034 was refused adoption was continued until the next legislative day.

Reference of Senate Bill No. 498.

Senator Young moved that Senate Bill No. 498 be referred to Committee on Agriculture and Live Stock.

Motion carried, and such was the order.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 697—An act to amend section 2 of the "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, as amended, by transferring to the Reclamation Board the opera-

tion and maintenance of certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendments to Senate Bill No. 697 were read and adopted:

Amendment No. 1.

On page 1, lines 3 and 4 of the title of the printed bill, strike out the words "by transferring to the Reclamation Board", and substitute in lieu thereof the words "relating to".

Amendment No. 2.

On page 1, line 9, section 1, of the printed bill, strike out the words "Reclamation Board of the State of California", and substitute in lieu thereof the words "Department of Public Works".

Amendment No. 3.

On page 2, line 11, section 1, of the printed bill, strike out lines 11 to 19, inclusive, and substitute in lieu thereof the following words:

"(10) The levee on the left bank of the Sacramento River adjoining River Basin, from the Rutte Slough outfall gates upstream to a point four miles westward from the Moulton Weir, after completion.

The Sacramento and San Joaquin Drainage District and the Reclamation Board and the members thereof are hereby relieved of any responsibility or liability for the operation or maintenance of all levees, overflow channels, by-passes, outlets, canals, canals, pumps, drainage ditches, snags, bridges, bays, or other flood control works within or belonging to the Sacramento and San Joaquin Drainage District."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 219—An act to amend sections 92 and 94 of the Agricultural Code, relating to citrus and agricultural fairs.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 219 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the words "sections 92 and", and insert in lieu thereof the word "section".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out the words "and agricultural".

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out the word "Section" the second time it appears, and all the balance of the line, and all of lines 2 to 20, inclusive.

Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 1, 2, 3, 4, 5, 6 and 7, and the words "Sec. 2" in line 8.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 546—An act to amend sections 1104, 1108, 1143, 1144, 1146 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 546 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 9 to 52, inclusive; and on page 3, strike out lines 1 to 6, inclusive; and in line 7, strike out "Sec. 6.", and insert in lieu thereof the following: "Sec. 3."

Amendment No. 2.

On page 3 of the printed bill, as amended, strike out lines 9 to 11, inclusive, and insert in lieu thereof the following:

"1147. The Department of Agriculture shall enforce the provisions of Articles 1 and 3 of this chapter and shall make all necessary rules and regulations therefor; and the Department of Public Health shall enforce the provisions of Article 4 of this chapter and shall make all necessary rules and regulations therefor."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1007—An act to amend section 994 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to capri figs and their diseases, the elimination of fig endosepsis, and authorizing boards of supervisors to accept donations for the enforcement of the provisions of said sections.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 1007 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended in Senate April 23, 1935, strike out all of lines 7 to 16, inclusive, and insert in lieu thereof the following: "diseases, all capri fig trees used for shade, ornamental or decorative purposes and all capri fig trees in or associated with a fig orchard or orchards, producing Calimyrna or other Smyrna type figs, aggregating in number more than one and one-half per centum of the fig trees therein are hereby declared a public nuisance: provided, that every grower of Calimyrna or other Smyrna type fig shall be entitled to maintain at least one capri fig tree in connection with his planting. The commissioner shall notify the owner of such tree or trees declared by this section to be a public nuisance to graft or destroy the same within a time speci-".

Amendment No. 2.

On page 2, line 22, of the printed bill, as amended in Senate April 23, 1935, after the word "Instructions", insert the words "by the commissioner".

Amendment No. 3.

On page 2 of the printed bill, as amended in Senate April 23, 1935, strike out all of line 31, and insert in lieu thereof the following: "to be treated by a method approved by the commissioner for the prevention or elimination of".

Amendment No. 4.

On page 2 of the printed bill, as amended in Senate April 23, 1935, strike out all of lines 38 to 42, inclusive, and insert in lieu thereof the following: "treat such figs for the prevention or elimination of endosepsis before using. Every person violating the requirements of this pro-".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 527 were read and adopted:

Amendment No. 1.

On page 1, line 25, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "and has applied for the inauguration of an inspection service in such establishment."

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 4 and 5 and insert in lieu thereof the following: "calendar year, and shall incurerate inspection service thereon. Said applicant shall pay to the director such license fee and such inspection service fee in the amount designated by the director. Such license".

Amendment No. 3.

On page 2, line 7, of the printed bill, as amended, after the period, insert the following: "Such inspection fee shall not be imposed on any person who obtains his entire supply of animal carcasses, parts thereof or their offal from an establishment operating under the provisions of Article 1 of this chapter."

Amendment No. 4.

On page 2, line 49, of the printed bill, as amended, strike out "thirty", and insert in lieu thereof the following: "fourteen".

Amendment No. 5.

On page 2 of the printed bill, as amended, strike out lines 51 and 52.

Amendment No. 6.

On page 3 of the printed bill, as amended, strike out lines 1 to 7, inclusive.

Amendment No. 7.

On page 3, line 8, of the printed bill, as amended, strike out "\$19.10", and insert in lieu thereof the following: "\$19.8".

Bill read second time, ordered to reprint, and re-referred to Committee on Agriculture and Live Stock.

Senate Bill No. 788.—An act to amend the Vehicle Code by amending sections 511, 517, 526, 527, 530, 531, 543, 544, 552, 570, 571, 585, 586, 587, 596, 600, 694, and 696, by repealing sections 534 and 589, by adding sections 542, 588 and 603, relating to vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 788 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after the figure "544", insert the following: "545".

Amendment No. 2.

On page 4 of the printed bill, as amended, after the period at the end of line 41, insert the following:

"Sec. 105. Section 545 of the Vehicle Code is hereby amended to read as follows:

545. Signals by Hand and Arm or Signal Device. The signals herein required shall be given either by means of the hand or arm or by a signal lamp or mechanical signal device of a type approved by the department, but when the body of a vehicle or the load thereon extends fifteen inches or more beyond the outside of the driver's cab and a hand and arm signal would not be visible back to the front and rear of such vehicle then said signals must be given by such a lamp or device."

Amendment No. 3.

On page 7, line 2, of the printed bill, as amended March 27, 1935, strike out the word "No", and insert in lieu thereof the following: "Except when loading or unloading merchandise, no".

Amendment No. 4.

On page 7, line 10, of the printed bill, as amended March 27, 1935, strike out the word "exceeding", and in line 11, strike out the word "three", and the comma.

Amendment from the Floor.

During second reading of Senate Bill No. 788, the following amendment, offered by Senator Garrison, was read:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out all of line 24, and insert in lieu thereof the following:

"(d) Under all other conditions at a speed that will permit the vehicle to be stopped in the available space."

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Sharkey and Williams, on the adoption of Amendment No. 1.

The roll was called, and Amendment No. 1 refused adoption by the following vote:

AYES—Senators Fletcher, Garrison, Jespersen, McColl, McCormack, Olson, and Tickle—7.

NOES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Wagy, Williams, and Young—29.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 374—An act to amend section 13 of, and to add new sections to be numbered 9a, 9b, 9c, 9d and 9e to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 374 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, immediately following line 51, insert the following:

"SEC. 7. If any section, subsection, sentence, clause or phrase of this act be for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the Legislature hereby declares that it would have passed this act and each and every other section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases of this act be declared unconstitutional."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 518—An act to amend the title and to add Division IIIa to "An act to revise and consolidate the law relating to probate, including the custody, disposal by will, succession, administration and distribution of estates of decedents, the custody and administration of estates of persons under guardianship, and the custody of persons under guardianship; to repeal certain provisions of law therein revised and consolidated and therein specified; and to establish a Probate Code," approved May 11, 1931.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 518 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, amend the title to read: "An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add Division IIIa thereto, relating to missing persons".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "cited in the title hereof", and substitute "establishing a Probate Code, approved May 11, 1931,".

Amendment No. 3.

On page 1, lines 2 and 3, of the printed bill, strike out "An act to amend the title and to add Division IIIa to".

Amendment No. 4.

On page 1, line 4, of the printed bill, strike out "entody", and substitute "custody".

Amendment No. 5.

On page 1, lines 11 and 12 of the printed bill, strike out "act cited in the title hereof", and substitute "Probate Code".

Amendment No. 6.

On page 1, line 20, of the printed bill, strike out "300", and substitute "260".

Amendment No. 7.

On page 2, line 10, of the printed bill, strike out "301", and substitute "261".

Amendment No. 8.

On page 2, line 17, of the printed bill, strike out "302", and substitute "262".

Amendment No. 9.

On page 2, line 25, of the printed bill, strike out "303", and substitute "263".

Amendment No. 10.

On page 2, line 30, of the printed bill, strike out "304", and substitute "264".

Amendment No. 11.

On page 2, line 33, of the printed bill, strike out "305", and substitute "265".

Amendment No. 12.

On page 2, line 43, of the printed bill, strike out "306", and substitute "266".

Amendment No. 13.

On page 2, line 47, of the printed bill, strike out "307", and substitute "267".

Amendment No. 14.

On page 3, line 1, of the printed bill, strike out "308", and substitute "268".

Amendment No. 15.

On page 3, line 16, of the printed bill, strike out "309", and substitute "269".

Amendment No. 16.

On page 3, line 25, of the printed bill, strike out "310", and substitute "270".

Amendment No. 17.

On page 3, line 30, of the printed bill, strike out "311", and substitute "271".

Amendment No. 18.

On page 3, line 33, of the printed bill, strike out "312", and substitute "272".

Amendment No. 19.

On page 3, line 36, of the printed bill, strike out "310", and substitute "270".

Amendment No. 20.

On page 3, line 44, of the printed bill, strike out "320", and substitute "280".

Amendment No. 21.

On page 4, line 3, of the printed bill, strike out "321", and substitute "281".

Amendment No. 22.

On page 4, line 13, of the printed bill, strike out "322", and substitute "282".

Amendment No. 23.

On page 4, line 14, of the printed bill, strike out "321", and substitute "282".

Amendment No. 24.

On page 4, line 32, of the printed bill, strike out "323", and substitute "281".

Amendment No. 25.

On page 4, line 44, of the printed bill, strike out "324", and substitute "284".

Amendment No. 26.

On page 5, line 10, of the printed bill, strike out "325", and substitute "285".

Amendment No. 27.

On page 5, line 19, of the printed bill, strike out "326", and substitute "286".

Amendment No. 28.

On page 5, line 22, strike out "qualifications", and substitute "qualification".

Amendment No. 29.

On page 5, line 39, of the printed bill, strike out "327", and substitute "287".

Amendment No. 30.

On page 6, line 1, of the printed bill, strike out "328", and substitute "288".

Amendment No. 31.

On page 6, line 5, of the printed bill, strike out "329", and substitute "289".

Amendment No. 32.

On page 6, line 16, of the printed bill, strike out "330", and substitute "290".

Amendment No. 33.

On page 6, line 34, of the printed bill, strike out "331", and substitute "291".

Amendment No. 34.

On page 6, line 46, of the printed bill, strike out "320", and substitute "280".

Amendment No. 35.

On page 7, line 1, of the printed bill, strike out "332", and substitute "292".

Amendment No. 36.

On page 7, line 2, of the printed bill, strike out "321", and substitute "281".

Amendment No. 37.

On page 7, line 12, of the printed bill, strike out "333", and substitute "293".

Amendment No. 38.

On page 7, line 18, of the printed bill, strike out "334", and substitute "294".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 213—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of one million dollars, together with any interest that may be due thereon, and other sums from the California Olympiad Commission, or any committee thereof, and providing for a special fund, for exposition and fair purposes.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 213 were read and adopted:

Amendment No. 1.

Strike out lines 5 and 6 of the title of the printed bill, and insert in lieu thereof the following: "any committee thereof."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 13 to 23, inclusive, and insert in lieu thereof the following: "sum, or sums shall be placed in the State treasury to the credit of the general fund of the State."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 277—An act to amend section 164 of the Civil Code, relating to community property.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 277 were read and adopted:

On page 1
title of the act.

Amendment No. 1.

Division IIIa there 12, of the printed bill, strike out the words "other than her

On page 1, line 1, of 1
substitute "establishing a 1

Amendment No. 2.

On page 1 of the printed bill, commencing in line 16 strike out the words "in the same transaction, or by the same instrument", and substitute in lieu thereof the following: "by an instrument in which they are referred to as husband and wife."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 633—An act to add section 344 to the Civil Code, relating to damages in connection with fraud and deceit.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 633 was read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after the word "the", and before the word "sale", insert the following: "purchase".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 777—An act to amend section 1034 of the Code of Civil Procedure, relating to costs on appeal.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 777 was read and adopted:

Amendment No. 1.

On page 1, line 9, of the printed bill, after "appeal", insert the following: "and the preparation of the record for the appeal".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 870—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 1086 were read and adopted:

Amendment No. 1.

On page 3, line 18, of the printed bill, as amended, strike out the period, and insert in lieu thereof a semicolon and the following: "but shall not include melons, cantaloupe, lettuce or grapefruit."

Amendment No. 2.

On page 4, line 38, of the printed bill, as amended, strike out "fifty-one per cent (51%)", and insert in lieu thereof the following: "seventy-five per cent (75%)".

Amendment No. 3.

On page 4, line 42, of the printed bill, as amended, after the word "least", strike out "sixty-five per cent (65%)", and insert in lieu thereof the following: "seventy-five per cent (75%)".

Amendment No. 4.

On page 4, line 47, of the printed bill, as amended, after the word "least", strike out "fifty-one per cent (51%)", and insert the following: "seventy-five per cent (75%)".

Amendment No. 5.

On page 4, line 51, of the printed bill, as amended, after the word "least", strike out "sixty-five per cent (65%)", and insert the following: "seventy-five per cent (75%)".

Amendment No. 6.

On page 5, line 4, of the printed bill, as amended, after the word "least", strike out "fifty-one per cent (51%)", and insert the following: "seventy-five per cent (75%)".

Amendment No. 7.

On page 5, line 8, of the printed bill, as amended, after the word "least", strike out "sixty-five per cent (65%)", and insert in lieu thereof the following: "seventy-five per cent (75%)".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 1122—An act to accept the provisions of an act of the Congress of the United States effective June 6, 1933, entitled "An act to provide for the establishment of a National employment system and for cooperation with the States in the promotion of such system, and for other purposes."

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 1122 was read and adopted:

Amendment No. 1.

On page 2, line 11, of the printed bill, as amended, following the quotation marks, insert a period, and strike out all of the balance of the said line, and strike out all of lines 12 and 13, inclusive, of said page 2.

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 365—An act to amend section 423 of the Agricultural Code, relating to live stock on highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 512—An act to amend section 274 of the Agricultural Code, relating to bee diseases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 495—An act to amend sections 460, 504, 585, and 621 of the Agricultural Code, relating to dairy products.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 496—An act to amend section 692 of the Agricultural Code, relating to places where milk or milk products are handled or kept for sale.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 497—An act to amend section 457 of the Agricultural Code, relating to testing of milk, cream or products thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1702—An act to amend section 788 of the Agricultural Code, relating to containers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1651—An act to amend the Vehicle Code by amending sections 618, 621, 623, 625, 633, 644, 655, 657, 659, 660, 670 and 670; to renumber section 664 to be section 664, to repeal Chapter 4 of Division X embracing sections 645 to 658 inclusive, sections 661, 662 and 677; to add sections 624.5, 677, a new Chapter 4 to Division X, embracing sections 645 to 656, inclusive, 660, 661, 662, 663 and 692, relating to vehicles.

Consideration of Committee Amendments

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 1651 were read and adopted:

Amendment No. 1.

On page 2, line 48, of the printed bill, as amended, strike out the words "the S.A.E. or I.E.S. specifications," and insert in lieu thereof the following: "specifications to be determined and publicized by the department."

(b) Every motor truck weighing under three thousand pounds or more and operated outside the limits of incorporated cities and not heretofore required to be equipped with reflectors shall be equipped with a reflector on the rear thereof which reflector shall comply with the requirements of this section.

(f) Any reflector of the button or other multiple unit type shall contain not less than seven such units with a total of not less than three square inches of reflecting surface. The red reflectors herein required may be separate units or a part of the red rear lamps; but in either event such red reflectors and tail lamps shall comply with all of the requirements of this section, and any said reflector constituting an integral part of a rear lamp shall comply with all photometric requirements applicable to a separate reflector."

Amendment No. 2.

On page 3 of the printed bill, as amended, strike out all of lines 23 to 26, inclusive, and insert in lieu thereof the following: "(b) The light source".

Amendment No. 3.

On page 4, line 36, of the printed bill, as amended, strike out the word "device", and insert in lieu thereof the following: "devices".

Amendment No. 4.

On page 4, line 51, of the printed bill, as amended, strike out the words "the required rear", and insert in lieu thereof the following: "another".

Amendment No. 5.

On page 4, line 52, of the printed bill, as amended, after the word "white", insert the following: "or amber".

Amendment No. 6.

On page 9, line 19, of the printed bill, as amended, strike out the letter "(a)", and after the word "test.", insert the following: "(a)".

Amendment No. 7.

On page 12, line 33, of the printed bill, as amended, after the figures "692.", insert the following: "Exemptions."

Amendment No. 8.

On page 12 of the printed bill, as amended, after the period at the end of line 37, insert the following:

"SEC. 22. This act shall go into effect at midnight on September 30, 1935."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1332—An act to add section 3306a to the Civil Code, relating to breach of contract to deliver a quitclaim deed.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 1332 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after the first word "the", insert the word "minimum".

Amendment No. 2.

On page 1, line 7, of the printed bill, after the word "expenses", insert the word "which".

Amendment No. 3.

On page 1, line 7, of the printed bill, strike out the word "also".

Amendment No. 4.

On page 1, line 8, of the printed bill, strike out the word "to", and insert the word "shall".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1135—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the production and marketing of manufactured dairy products.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 1135 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended in Assembly May 1, 1935, after the word "Chapter", strike out the numeral "10", and insert in lieu thereof the numeral "11".

Amendment No. 2.

On page 1, line 2, of the printed bill, as amended in Assembly May 1, 1935, after the word "numbered", strike out the numeral "10", and insert in lieu thereof the numeral "11".

Amendment No. 3.

On page 1, line 5, of the printed bill, as amended in Assembly May 1, 1935, after the word "Chapter", strike out the numeral "9", and insert in lieu thereof the numeral "11".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1481—An act providing for the organization and government of horticultural protection districts for the purpose of protecting horticultural products and the vines, trees and shrubs whereon the same are grown against diseases, insects and pests; defining the powers of such districts and authorizing any such district to eradicate, remove or prevent the spread of any disease, insect or pest injurious to the horticultural product which such district is organized to protect; to provide for the levying and collection of taxes to pay the costs and expenses of administering such districts and carrying on their operations; defining the duties and powers of county agricultural commissioners, and other county officers in connection with such districts; to provide for including lands within and excluding lands from any such district, and to provide a method of dissolving such districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 1481 were read and adopted:

Amendment No. 1.

On page 11, line 27, of the printed bill, as amended, after "California", insert the following: "and"

Amendment No. 2.

On page 17 of the printed bill, as amended, between lines 12 and 13, insert the following:

"Sec 22. This act shall be known and may be cited as the Harbored Pest Protection District Act."

Amendment No. 3.

On page 17, line 13, of the printed bill, as amended, strike out "22" and insert in lieu thereof the following: "23"

Amendment No. 4.

On page 6, line 45, of the printed bill as amended, after the word "disease", insert the following: ", insect or other pest".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2045—An act to amend section 14a of the California Irrigation District Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 840—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands, and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and the levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial revenue and determination of the validity of the proceedings in connection with such contract, and to provide for construction of works by the district, to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and or the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof, approved May 5, 1917, as amended, by amending the title thereof and amending sections 1 and 11 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 610—An act amending section 1463 of the Penal Code, relating to the disposition of fines collected in municipal courts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 610 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out all of lines 4 to 18, both inclusive, and insert in lieu thereof the following: "law:

(1) All fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated.

(2) All fines and forfeitures collected upon conviction or upon the forfeiture of bail in any municipal court following complaints filed therein by officers or other persons employed by the State or by the county in which such court is situated, shall be paid or transferred, at least once a month, into the proper fund or funds of

the county; and all fines or forfeitures collected in such court upon conviction or upon the forfeiture of bail following complaints filed therein by officers or other persons employed by the city for which such court is established shall be paid, at least once a month, to the treasurer of said city, by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of said court."

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out all of lines 3 to 7, both inclusive, and insert in lieu thereof the following: "money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 877—An act to amend section 662 of the Code of Civil Procedure, relating to motions for new trial.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 877 were read and adopted:

Amendment No. 1.

On page 1, line 14, of the printed bill, after the word "granted", insert the following: "or denied".

Amendment No. 2.

On page 1, line 15, of the printed bill, strike out the word "such", and insert in lieu thereof the word "a".

Amendment No. 3.

On page 1, line 15, of the printed bill, after the word "motion", insert the following: "in any cause tried with or without a jury".

Amendment No. 4.

On page 1, line 15, of the printed bill, after the word "written", insert the following: "memorandum of".

Amendment No. 5.

On page 1, line 15, of the printed bill, after the word "opinion", insert the following: "in such order".

Amendment No. 6.

On page 1, line 16, of the printed bill, before the word "opinion", insert the following: "memorandum of".

Amendment No. 7.

On page 1, line 16, of the printed bill, strike out the word "contain", and insert in lieu thereof the word "contain".

Amendment No. 8.

On page 1, line 16, of the printed bill, after the word "granting", insert the following: "or denying".

Amendment No. 9.

On page 1, line 17, of the printed bill, after the word "which", insert the following: "memorandum of".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1360—An act to add sections 54a and 54b to the Civil Code, relating to the right of privacy of persons, and to provide a method by which such right of privacy may be enforced.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 1360 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, after "not", insert the following: "intentionally".

Amendment No. 2.

On page 1, line 6, of the printed bill, as amended, strike out "written", and insert in lieu thereof the following: "express or implied".

Amendment No. 3.

On page 1, line 10, of the printed bill, as amended, after "as" insert the following: "intentionally."

Amendment No. 4.

On page 1, line 12, of the printed bill, as amended, strike out "written", and insert in lieu thereof the following: "express or implied."

Amendment No. 5.

On page 1 of the printed bill, as amended, strike out lines 17 to 19, inclusive, and insert in lieu thereof the following: "use and the jury."

Amendment No. 6.

On page 2, line 18, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "while such a candidate or while holding such office, in connection with such candidacy or holding of office; or from using the name, portrait or picture of any person or persons in any newspaper or in the news columns of any newspaper, or from using the portrait or picture of any person or persons as a part of a group of persons in any photograph or other motion picture, or in the exploitation thereof, provided such photograph or other motion picture is not in itself intended to advertise any other product."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Assembly Bill No. 2139—An act to amend section 281 of the Code of Civil Procedure, relating to attorneys and counsellors at law.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 842—An act validating certificates of sale and deeds based thereon issued by irrigation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 576—An act to repeal section 924 of the Political Code, relating to certain affidavits of public officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 36—An act to amend the Agricultural Code by adding to Division VI thereof a new chapter to be numbered 8 and to include sections 1299 to 1300.6 inclusive, defining and pertaining to processors of farm products and the licensing thereof.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Assembly Bill No. 36 was read and adopted:

Amendment No. 1.

On page 4, line 27, of the printed bill, as amended in Assembly April 8, 1935, after the word "monthly", insert a period, and strike out the balance of line 27, and all of lines 28 and 29.

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 121—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment one of rehabilitation by cooperative self-help, production for consumption and exchange of labor for surplus commodities; prescribing duties of State Relief Administrator hereunder; providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive; fixing status of cooperative institutions and their members; fixing title to property hereunder; declaring this act an emergency measure; providing for its constitutional construction; repealing conflicting laws.

Amendments from the Floor.

During second reading of Assembly Bill No. 121, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out from the title the words "declaring this act as an emergency measure".

Amendment No. 2.

On page 4 of the printed bill, strike out lines 30 to 46, both inclusive.

Amendment No. 3.

On pages 4 and 5 of the printed bill, renumber sections 11 and 12 as sections 10 and 11.

Bill read second time, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 604—An act to add sections 476, 477, 478 and 479 to the Political Code, relating to the powers and duties of the Attorney General.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 604 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Hulse, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Snyder, and Stow—24.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Seawell gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 604 was passed.

Senate Bill No. 732—An act to amend section 14 of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to vehicles exempt from the provisions of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Waggy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 732 ordered transmitted to the Assembly.

Senate Bill No. 479—An act to amend section 10482 of the Insurance Code, relating to valuation of life policies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 479 passed by the following vote:

AYES.—Senators Bigger, Crottscher, Deuel, Duff, Edwards, Fletcher, Gorman, Hays, Hulbe, Jorgensen, Keough, King, Knowland, McGowan, McHenry, Miller, Minner, Peck, Perkins, Richardson, Rich, Schottky, Seelman, Sevens, Sinton, Steger, Stow, Swing, Tickle, and Wagy—30.

NOES.—None.

Title read and approved.

Senate Bill No. 479 ordered transmitted to the Assembly.

Senate Bill No. 505.—An act to amend section 535 of the Political Code, relating to purchase of machinery or equipment for the State Printing Plant.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 505 passed by the following vote:

AYES.—Senators Bigger, Crottscher, Edwards, Fletcher, Gorman, Jorgensen, Keough, King, McGowan, McHenry, Miller, Minner, Peck, Perkins, Rich, Schottky, Seelman, Sharkey, Sinton, Steger, Stow, Swing, Tickle, Wagy, and Williams—25.

NOES.—Senators Hays and Knowland—2.

Title read and approved.

Senate Bill No. 505 ordered transmitted to the Assembly.

Senate Bill No. 454.—An act to provide for the establishment and administration of a system of State health service insurance, including the establishing of a Health Service Insurance Commission and prescribing the powers, duties and functions thereof, the establishing of a health service insurance fund and providing for certain payments thereto, the prescribing of methods and conditions under which professional or other services may be rendered, the regulation of certain persons, firms, associations, and corporations, the making of an appropriation, the enforcement of the provisions hereof, penalties for the violation of the provisions hereof, and repealing acts in conflict herewith.

Amendments from the Floor.

During third reading of Senate Bill No. 454 the following amendments, offered by Senator Tickle, were ordered printed in the Journal:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 43 and 44, and in line 45, strike out "your and", and insert in lieu thereof the following: "adults and minors,".

Amendment No. 2.

On page 2, line 46, of the printed bill, as amended, strike out "three thousand", and insert in lieu thereof the following: "twenty-four hundred".

Amendment No. 3.

On page 2, line 50, of the printed bill, as amended, strike out "and all", and insert in lieu thereof the following: "including all".

Amendment No. 4.

On page 2, line 51, of the printed bill, as amended, strike out the comma.

Amendment No. 5.

On page 2, line 52, of the printed bill, as amended, after "pay", insert the following: ", if such officer together with his spouse has a net income not in excess of twenty-four hundred dollars".

Amendment No. 6.

On page 3, lines 10 and 11, of the printed bill, as amended, strike out "both he and his dependents are".

Amendment No. 7.

On page 3, lines 13 and 14, of the printed bill, as amended, strike out "and his dependents are members of one or more", and insert in lieu thereof the following: "is a member of one or more qualified".

Amendment No. 8.

On page 4, lines 9 and 10, of the printed bill, as amended, strike out "the holder of a certificate of compliance".

Amendment No. 9.

On page 4, line 49, of the printed bill, as amended, after the period, insert the following: "It includes both professional service practice and auxiliary service insurance, but is not limited thereto."

Amendment No. 10.

On page 5 of the printed bill, as amended, strike out lines 9 to 23, inclusive.

Amendment No. 11.

On page 5, line 24, of the printed bill, as amended, strike out "18", and insert in lieu thereof the following: "17".

Amendment No. 12.

On page 5, line 34, of the printed bill, as amended, strike out "19.", and insert in lieu thereof the following: "18. (a)".

Amendment No. 13.

On page 5 of the printed bill, as amended, strike out lines 35 to 52, inclusive, and insert in lieu thereof the following: "issued by the commission to a health service insurance association, certifying that the association is entitled to do business as such in this State by reason of having met the standards as to services and rates required by this act for that purpose."

(b) "Preliminary certificate of compliance" means a certificate issued by the commission to a health service insurance association, certifying that it is entitled to do business in this State by reason of having declared its intention on or before January 1, 1938, to comply with the standards required for the purpose as to rates and services.

SEC. 19. "Qualified health service insurance association" means:

(a) Prior to January 1, 1938, a health service insurance association holding either a certificate of compliance or a preliminary certificate of compliance.

(b) On and after January 1, 1938, a health service insurance association holding a certificate of compliance."

Amendment No. 14.

On page 6 of the printed bill, as amended, strike out lines 20 and 21.

Amendment No. 15.

On page 6 of the printed bill, as amended, strike out lines 28 to 30, inclusive, and insert in lieu thereof the following: "than ten years."

Amendment No. 16.

On page 7 of the printed bill, as amended, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"SEC. 38. Each commissioner shall receive salary of not more than fifteen dollars per day while actually engaged in the discharge of his duties and his actual and necessary traveling expenses incurred in the course of his duties hereunder."

Amendment No. 17.

On page 7 of the printed bill, as amended, strike out lines 11 to 13, inclusive, and insert in lieu thereof the following:

"SEC. 41. The commission may designate its confidential appointee, pursuant to the provisions of section 4 of Article XXIV of the Constitution of this State, the chief medical officer of the commission. Such chief medical officer shall be a physician, shall".

Amendment No. 18.

On page 7 of the printed bill, as amended, between lines 28 and 29, insert the following:

"The commission may appoint a medical superintendent, but no person except the confidential appointee or a professional member of the commission during his term may hold the position of chief medical officer."

Amendment No. 19.

On page 9 of the printed bill, as amended, strike out lines 28 to 42, inclusive, and insert in lieu thereof the following:

"SEC. 63. The commission shall have power to investigate professional service practice and health service insurance associations and to require such practitioners

and associations to certificate the standards of service and the rules required by their certificate of compliance or preliminary certificate of compliance."

Amendment No. 20.

On page 14 of the printed bill, as amended, strike out lines 51 and 52, and on page 15, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"Sec. 113. Employers, whether of one or more employees that cannot members of a qualified health service insurance association, except that an employee of an employer who operates a qualified health service insurance association shall not, by reason of the provisions of this act, become entitled to grant contributions to the health service insurance association operated by his employer."

Sec. 114. A qualified health service insurance association having members who would be employees as defined in this act if they were not members of such association, may elect to obtain means of rendering benefits upon such persons in any one of the following ways:

(a) By permitting the professional service practitioners and those furnishing auxiliary services to members to apply themselves to the commission for compensation for services actually rendered; or

(b) By entering into a contract with the commission, under the terms of which the health service insurance association undertakes to provide and pay for such benefits and the commission undertakes to transmit to members of such health service insurance association the amount of the benefit payable in such manner, less a reasonable allowance for costs of collection and administration; or

(c) With the assent of the employer and the members, by receiving from said employer the amount which he would otherwise have paid to be taken from the wages of members and transmit to the commission with respect to such members; or

(d) Directly from its members.

In the case of arrangements under subdivisions (a), (b) or (c) of this section the employer shall withhold the corresponding amounts for employees under the provisions of this act and pay the same to the commission or to the practitioners, in the case may be, in the same manner as though the members of such association were employees as defined in this act."

Amendment No. 21.

On page 15, line 31, of the printed bill, as amended, strike out "114" and insert in lieu thereof the following: "115."

Amendment No. 22.

On page 15, line 32, of the printed bill, as amended, strike out "license", and insert in lieu thereof the following: "certificate of compliance or preliminary certificate of compliance".

Amendment No. 23.

On page 15 of the printed bill, as amended, strike out lines 48 to 50, also on page 16, strike out lines 1 to 10, inclusive.

Amendment No. 24.

On page 16 of the printed bill, as amended, between lines 10 and 11, insert the following:

"Sec. 116. In such form and in addition to such other information as the commission requires, such application with respect to health service insurance associations shall specify:

(a) A description of the types of service to be rendered by those persons entitled to participate in the benefits or activities of such association.

(b) A description of the physical facilities to be used in rendering such service.

(c) The names and residence addresses of the persons who will conduct the business of the association, and a succinct statement of their experience and training.

(d) A statement of the fees, dues, rates, or other charges assessed upon members of such association and of the fees, rates, or other considerations to be paid for services rendered to the members under the certificate."

Amendment No. 25.

On page 16, line 34, of the printed bill, as amended, strike out "118", and insert in lieu thereof the following: "117".

Amendment No. 26.

On page 16, line 35, of the printed bill, as amended, strike out "licenses", and insert in lieu thereof the following: "certificates".

Amendment No. 27.

On page 16, line 40, of the printed bill, as amended, strike out "license", and insert in lieu thereof the following: "certificate".

Amendment No. 28.

On page 16, line 41, of the printed bill, as amended, strike out "licenses", and insert in lieu thereof the following: "certificates".

Amendment No. 29.

On page 16 of the printed bill, as amended, strike out lines 45 to 52, inclusive; also, on page 17, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following:

"(b) If the application is for a certificate or preliminary certificate of compliance for a health service insurance association, that the membership, certificate, contract or other benefits, services, facilities, or activities of the association, evidences of rights or privileges for participation in or use of which the applicant proposes to issue, and the method by which the same are proposed to be issued are not such as will".

Amendment No. 30.

On page 17 of the printed bill, as amended, between lines 6 and 7, insert the following:

"(c) If the application is for a certificate of compliance that applicant is able to and will provide benefits equal or superior to the primary benefits set forth in this act, and will charge rates not less than the premiums required of employees by this act.

(d) If the application is for a preliminary certificate of compliance, that applicant grants some measure of medical or auxiliary benefits or both, that applicant was in existence on January 1, 1935, and that on or before January 1, 1938, applicant will be in a position to qualify for a certificate of compliance."

Amendment No. 31.

On page 17, line 20, of the printed bill, as amended, strike out "license", and insert in lieu thereof the following: "certificate".

Amendment No. 32.

On page 17, line 50, of the printed bill, as amended, strike out "superintendence, control," and insert in lieu thereof the following: "examination and investigation".

Amendment No. 33.

On page 18 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following: "of such health service insurance associations as is necessary to determine whether or not they conform to the requirements of the certificate held by them."

Amendment No. 34.

On page 18, line 3, of the printed bill, as amended, strike out "the bond", and insert in lieu thereof the following: "any required bond".

Amendment No. 35.

On page 18, line 6, of the printed bill, as amended, strike out "license. Such license", and insert in lieu thereof the following: "certificate of compliance or preliminary certificate of compliance. Such certificate".

Amendment No. 36.

On page 18, line 11, of the printed bill, as amended, after the period, insert the following: "Preliminary certificates of compliance shall not be issued to remain effective beyond January 1, 1938."

Amendment No. 37.

On page 18, line 12, of the printed bill, as amended, strike out "license shall require the licensee", and insert in lieu thereof the following: "certificate shall require the certificate holder".

Amendment No. 37-a.

On page 18, line 17, of the printed bill, as amended, strike out "license of any licensee", and insert in lieu thereof the following: "certificate of any certificate holder".

Amendment No. 37-b.

On page 18, line 18, of the printed bill, as amended, strike out "or to any"; also strike out line 19, and in line 20, strike out "suant to the provisions of this act".

Amendment No. 37-c.

On page 18, line 31, of the printed bill, as amended, after "employee", strike out "and"; also strike out lines 32 and 33, and insert in lieu thereof a period and the following: "An employee shall not be entitled to".

Amendment No. 38.

On page 18, line 46, of the printed bill, as amended, strike out "per cent"; also strike out lines 47 and 48, and insert in lieu thereof the following: "cents for the first professional visit and one dollar for the first day's hospitalization,".

Amendment No. 39.

On page 19 of the printed bill, as amended, strike out lines 16 to 26, inclusive.

Amendment No. 40.

On page 19, line 27, of the printed bill, as amended, strike out "four", and insert in lieu thereof the following: "three".

Amendment No. 41.

On page 19, line 30, of the printed bill, as amended, strike out "three", and insert in lieu thereof the following: "four".

Amendment No. 42.

On page 19, line 34, of the printed bill, as amended, strike out "six", and insert in lieu thereof the following: "five".

Amendment No. 43.

On page 19, line 38, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "six".

Amendment No. 44.

On page 19 of the printed bill, as amended, strike out lines 45 and 46.

Amendment No. 45.

On page 19, line 47, of the printed bill, as amended, strike out "three", and insert in lieu thereof the following: "three".

Amendment No. 46.

On page 19, line 49, of the printed bill, as amended, strike out "five", and insert in lieu thereof the following: "four".

Amendment No. 47.

On page 20, line 10, of the printed bill, as amended, strike out "six", and insert in lieu thereof the following: "five".

Amendment No. 48.

On page 20, line 13, of the printed bill, as amended, strike out "seven", and insert in lieu thereof the following: "six".

Amendment No. 49.

On page 20, line 48, of the printed bill, as amended, strike out "other".

Amendment No. 50.

On page 21 of the printed bill, as amended, strike out lines 6 and 7, and insert in lieu thereof the following: "expenditure, for any beneficiary for any given".

Amendment No. 51.

On page 21, line 13, of the printed bill, as amended, strike out "be considered an employee for", and insert in lieu thereof the following: "be eligible for benefits for any illness or injury occurring or becoming within".

Amendment No. 52.

On page 21, line 16, of the printed bill, as amended, strike out "In", and strike out lines 17 to 20, inclusive.

Amendment No. 53.

On page 21 of the printed bill, as amended, strike out lines 21 to 52, inclusive.

Amendment No. 54.

On page 23, line 23, of the printed bill, as amended, strike out "resident of", and insert in lieu thereof the following: "person living within".

Amendment No. 55.

On page 23 of the printed bill, as amended, strike out lines 24 to 49, inclusive, and insert in lieu thereof the following: "who is not an employee within the meaning of this act, subject, however, to all of the following four enumerated conditions:

(a) That his annual net income from all sources, together with that of his spouse shall not be in excess of three thousand dollars; and

(b) That he, or some person or agency acting on his behalf, pays in advance the premium or premiums prescribed by the commission; and

(c) That within ten days of the time at which he is to become a beneficiary he either:

(1) Passes a physical examination prescribed by the commission; or

(2) Was a beneficiary under the provisions of this act relating to employees; or

(3) Was born in the State of California.

(d) That he is not a constrained inmate of any penal institution or of any institution for the insane and is not one committed to an institution for the feeble-minded.

SEC. 152. Subject to all of the conditions enumerated in this act, the following persons and entities may contract for benefits with the commission:

(a) Any person on his own behalf, and on behalf of his dependents;.

Amendment No. 56.

On page 24 of the printed bill, as amended, strike out line 49, and in line 50, strike out "(e)", and insert in lieu thereof the following: "(d)".

Amendment No. 57.

On page 25 of the printed bill, as amended, strike out lines 6 to 9, inclusive, and insert in lieu thereof the following: "thousand dollars a year."

Amendment No. 58.

On page 25, line 14, of the printed bill, as amended, strike out "sum of the following"; also strike out lines 15 to 36, inclusive, and insert in lieu thereof the following: "amount which the wages paid to such person, if such person is employed, or the net income during the previous taxable year, without exemption, of such person and spouse computed on the basis of those provisions of the Revenue Act of 1934, by which the United States Government levies a tax upon the annual net income of natural persons."

Amendment No. 59.

On page 25 of the printed bill, as amended, strike out lines 40 to 49, inclusive, and insert in lieu thereof the following: "determined with respect to the next preceding completed taxable year on the basis of the net income computed under the law levying the tax, without the exemptions therein granted."

Amendment No. 60.

On page 26, line 15, of the printed bill, as amended, strike out "and his"; also strike out line 16, and insert in lieu thereof the following: ", the sums payable".

Amendment No. 61.

On page 27 of the printed bill, as amended, strike out lines 1 to 6, inclusive, and in line 7, strike out "dependent minor children."

Amendment No. 62.

On page 27, line 13, of the printed bill, as amended, strike out "a resident and his dependents", and insert in lieu thereof the following: "any person".

Amendment No. 63.

On page 27, line 19, of the printed bill, as amended, strike out "resident's", and insert in lieu thereof the following: "beneficiary's".

Amendment No. 64.

On page 27, line 21, of the printed bill, as amended, strike out "for himself and his dependents".

Amendment No. 65.

On page 28 of the printed bill, as amended, strike out lines 41 to 51, inclusive; also on page 29, strike out lines 1 to 52, inclusive, and on page 30, strike out lines 1 to 19, inclusive, and insert in lieu thereof the following:

"SEC. 176. Except as otherwise expressly provided in this act, every employee shall pay to the commission amounts determined as follows, which amount shall be withheld from his compensation by his employer and remitted to the commission pursuant to the provisions of this act:

(a) If he is a casual employee, five cents per calendar day from and including the day on which the employment is begun, to and including the day on which the employment is concluded; or

(b) If he is not a casual employee, an amount equal to two per cent of his wages. All such amounts shall become payable from and after ninety days after the effective date of this act. Employers shall withhold all such amounts from all wage payments and transmit them to the commission, except as otherwise expressly provided in this act, not later than the fifteenth day of the month next following the month in which such wages were paid. With respect to employees of the State, such moneys shall be withheld and paid not later than the twentieth day of the month in which they are paid, pursuant to rules prescribed by the State Board of Control for such withholding and payment."

Amendment No. 65-a.

On page 30 of the printed bill, as amended, strike out lines 20 to 52, inclusive; also on page 31, strike out lines 1 to 9, inclusive.

Amendment No. 66.

On page 32, line 44, of the printed bill, as amended, strike out "fraternal society", and insert in lieu thereof the following: "qualified health service insurance association".

Amendment No. 67.

On page 33 of the printed bill, as amended, between lines 11 and 12, insert the following:

"Nothing in this act applies to any public health agency created by law or ordinance, or to any county hospital, municipal hospital, or other public facility, except where and to the extent that:

(a) Such agency, hospital, or facility is furnishing for compensation to the commission one or more of the benefits enumerated in this act; or

(b) The legislative authority of any county or municipality or other public corporation has declared by ordinance that such agency, hospital or other facility is a health service insurance association.

The provisions of this act shall not apply to any hospital or other facility operated by the State."

Amendment No. 68.

On page 33 of the printed bill, as amended, strike out lines 21 to 24, inclusive.

Bill and proposed amendments ordered held on file.

Third Reading of Assembly Bills.

Assembly Bill No. 56—An act to amend section 3.42 of, and to add section 3.43 to the School Code, relating to required instruction in the schools.

Amendments from the Floor.

During third reading of Assembly Bill No. 56 the following amendments, offered by Senator Young, were read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, as amended, strike out "amended", and insert in lieu thereof the following: "added".

Amendment No. 2.

On page 1, line 14, of the printed bill, as amended, after "for", insert the following: "the".

Amendment No. 3.

On page 1, line 15, of the printed bill, as amended, strike out "must provide for instruction in", and insert in lieu thereof the following: "must provide for instruction on the subjects of".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 310—An act to amend School Code section 4.928, relating to the apportionment of funds to high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 310 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hulso, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixer, Perry, Pierovich, Powers, R. L. Schott, Sewall, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—31.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 310 ordered transmitted to the Assembly.

Assembly Bill No. 523—An act to add Article XI to Chapter I of Part I of Division II of the School Code, relating to district elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 523 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixer,

Olson, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 523 ordered transmitted to the Assembly.

Assembly Bill No. 542—An act to amend sections 4225 and 4225a of the Political Code, both relating to the powers and duties of county health officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 542 passed by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 542 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, MAY 8, 1935

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 933—An act to amend sections 213, 288, 473, 489 and 1203 and to repeal section 19a thereof and to add a new section to be numbered 19a thereto, all relating to punishment for criminals—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 856—An act to amend sections 800, 802, 803, 1008, 1009 and 1010 of the Penal Code, relating to crimes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—7; absent—2.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 801—An act to amend section 3 of an act entitled "An act creating an Advisory Pardon Board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board—has had the same under consideration, and respectfully reports the same back, and recommends that it be re-referred to Committee on Finance.

Committee membership—9; committee vote: Ayes—6; absent—3.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 1342—An act to amend section 1429 of the Penal Code, relating to the entering of pleas by a defendant—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

YOUNG, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, MAY 8, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 947—An act to amend Chapter 764, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401 Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10 Statutes of 1934, approved January 29, 1934, entitled and known and cited as "California Toll Bridge Assembly Act, for amending the title thereof and by amending sections 2, 6, 9, 11, 14, 16, 20 and 20 1/2, and by adding thereto new sections numbered 4, 5, 5 1/2, 8 1/2, 8 3/4, 9 1/2, 12 1/2, 13 1/2, 14 1/2, and 15, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges, and providing for the construction, financing and operation of transportation facilities thereof and thereby, and providing that this act become effective immediately—has had the same under consideration, and respectfully reports the same back with amendments and recommends that the amendments be adopted, and that if the same be amended.

Committee membership—17; committee vote: Ayes—9, nays—6; absent—2.

EDWARDS, Chairman.

Also,

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 240—An act to amend section 662 of the Streets and Highways Code and to add section 663 thereto, relating to State highways—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—9.

(Signed out)

EDWARDS, Chairman.

TICKLE

McCORMACK

HOWES

HIGGAR

DIFANI

SEAWELL

PIERCE

SLATER

On Banking.

SENATE CHAMBER, SACRAMENTO, MAY 7, 1935.

MR. PRESIDENT: Your Committee on Banking, to which was referred Senate Bill No. 845—An act to amend section 51 of the Bank Act, relating to deposits by order of court:

Also: Senate Bill No. 846—An act to amend section 91 of the Bank Act, relating to deposits by order of court:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5, absent—4.

TICKLE, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, MAY 8, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 1191—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto numbered section 26, providing for securing the written consent of political subdivisions owning sixty per cent or more in area or value of the lands to be incorporated—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8.

(Signed out)

McGOVERN, Chairman.

KEOUGH

DIFANI

McGUTHNESS

METZGER

SCOLLAN

OLSON

YOUNG

Adjournment.

On motion of Senator Rich, at one o'clock p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Thursday, May 9, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, May 9, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawall, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, May 8, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Earl Heber of Los Angeles; Mrs. M. Woodworth of Seattle, Washington, and Hazel Poston and Thomas Ross, teachers, and the following pupils from the Elk Grove Union Grammar School: Phyllis Doty, Betty Mae Valente, Pearl Richy, Royal Baker, Joe Vargas, Edwin Schuler, Dorothy Nasaguchi, Kinoko Urokogato, Haruko Nakashima, Wanda Woolford, Alfred Anderson, George Kinoshita, Toshio Koyama, Kunio Nakatani, Peter Drovetsky, Nancy Batey, Madena Chalmers, Edith Francisco, Betty Jane Gage, Pauline Gobel, Victoria Olenski, Mary Polhemus, Anita Steele, Roy Suyemoto, Sam Harvey, Alfred Kranzler, Bob Lunn, Richard Malka, Masami Matoba, Herbert Selzle, Rudy Spitzer, Reed Tibbetts, Tommy Wightman, Leonard Adam, Emil Bader, Helen Chiesa, Benjamin Dewald, Raymond Dewald, Smiles Kinoshita, Akira Miyamoto, Mary Sellers, Hideko Shingu, Bill Tribble, Ruby Bach, Bernice Badella, Alfred Donato, Simon Espitalier, June Holden, Dorothy Maruki, George Moriyama, Alice Nishigori, Beverly Parades, Nobuo Sawamura, Masako Sugimoto, Toshiyuki Tahara, Chi-yoko Yamaguchi, Jean McKissick, Buena Rafanot, Henry Selzle, Mable Stark, Yuriko Tominaga, Robert Batey, Iral Bond, Dorothy Daley, Irma Hunt, Geraldine Johnson, Patricia Learned, Betty Jean Lillieo, Cecelia Malka, Kishio Matoba, Earle Mitchell, Uma Claire Van Sickle and William Yoshida.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. W. Corbus of Oakland and Mr. William Corbus of San Francisco, California.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain O. L. Honts.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. John A. Christie of San Francisco and Mr. Arthur Marmhardt of Los Angeles.

On request of Senator McCalver, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John H. Riordan, Jr., and Paul Murphy, law students, University of San Francisco, and Edward A. Barry, law student, St. Mary's College, all residents of San Francisco.

On request of Senator McColl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. M. A. Brady of Weaverville, Mr. and Mrs. A. A. Brady of Sacramento, Mrs. H. J. McColl of San Francisco and Mr. Eli S. McColl of Long Beach.

On request of Senator Olson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Grace R. Wurtzel, Edythe L. Wurtzel and Ben. G. Silver.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 9, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 138—An act relating to the transmission of legal rights of way, easements and rights in land by the State or any department, agency or officer thereof or by any city, city and county, or county and to the transferee therefor.

Also: Senate Bill No. 325—An act to amend sections 1026, 1050, 1051 and 1052 of, and to repeal sections 1000 to 1005, inclusive, of the Streets and Highways Code, relating to road district taxes and the expenditures therefrom, county general funds of moneys for road district purposes by the board of supervisors.

And reports that the same have been correctly re-engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 870—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof.

Also: Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California, by amendment to the Constitution of said State by amending section 2 of Article IV thereof, relating to the Legislature.

Also: Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 8720, relating to the filing in county clerks with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts.

Also: Senate Bill No. 1010—An act to amend section 737bb of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Napa.

And reports that the same have been correctly engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 546—An act to amend sections 1104, 1108, 1143, 1144, 1146 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products.

Also: Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county local governmental agency, society, associations, authority or entity rendering service to the public and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities for the acquisition, production, purchase, sale and distribution of products, commodities, energy and or services of such public utilities, providing for the payment of such bonds and the interest thereon.

Also: Senate Bill No. 1007—An act to amend section 994 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to capri figs and their diseases, the elimination of fig endosepsis, and authorizing boards of supervisors to accept donations for the enforcement of the provisions of said sections; And reports that the same have been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 213—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of one million dollars, together with any interest that may be due thereon, and other sums from the California Olympiad Commission, or any committee thereof;

Also: Senate Bill No. 219—An act to amend section 94 of the Agricultural Code, relating to citrus fairs;

Also: Senate Bill No. 374—An act to amend section 13 of, and to add new sections to be numbered 9a, 9b, 9c, 9d and 9e to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof;

Also: Senate Bill No. 697—An act to amend section 2 of the "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, as amended, relating to the operation and maintenance of certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 788—An act to amend the Vehicle Code by amending sections 511, 517, 526, 527, 530, 531, 543, 544, 545, 552, 570, 571, 585, 586, 587, 596, 600, 604, and 696; by repealing sections 534 and 589; by adding sections 542, 588 and 603, relating to vehicles;

Also: Senate Bill No. 518—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add Division IIIa thereto, relating to missing persons;

Also: Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Consideration of Daily File. Third Reading of Senate Bills.

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by amending section 1a of Article VI, relating to the Judicial Council.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 10 refused adoption by the following vote:

AYES—Senators Biggar, Knowland, Mixter, Schottky, Sharkey, Snyder, and Young—7.

NOES—Senators Crittenden, Deuel, Difani, Edwards, Gordon, Hays, Jespersen, Keough, King, McCormack, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Rich, Scollan, Slater, Swing, Tickle, Wagy, and Williams—23.

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 2 of Article IV thereof relating to the Legislature.

Amendment from the Floor.

During reading of Senate Constitutional Amendment No. 12, the following amendment, offered by Senator Patterson, was read and adopted:

Amendment No. 1.

On page 1 of the printed message, as amended, strike out (from 19 to 22 inclusive) and insert in lieu thereof the following: "At each regular session, the Speaker of the Assembly shall appoint the standing committees of the Assembly within seven days from and after his election as Speaker, and the President of the Senate shall appoint the standing committees of the Senate on or before the seventh day of the session."

Senate Constitutional Amendment No. 12 amended, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 1010—An act to amend section 7571b of the Political Code, relating to the compensation of the judges of the superior court in and for the county of Napa.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1010 passed by the following vote:

AYES—Senators Baggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hulse, Jepsen, Keough, King, McCormack, McGowan, McGuinness, Metzger, Olson, Perry, Pierovich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 1010 ordered transmitted to the Assembly.

Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 3720, relating to the filing by county clerks with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 443 passed by the following vote:

AYES—Senators Baggar, Crittenden, Deuel, Difani, Dryal, Edwards, Fletcher, Garrison, Gordon, Hulse, Jepsen, Keough, King, Knowland, McCormack, McGowan, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rice, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, and Wagy—32.

NOES—None.

Title read and approved.

Senate Bill No. 443 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 779.

Senator Schottky moved that Senate Bill No. 779 be referred to Committee on County Government.

Motion carried, and such was the order.

Special Order Reset.

On motion of Senator Garrison, the consideration of Senate Bill No. 78, heretofore set as a special order for this time, was reset as a special

order for consideration at eleven o'clock and thirty minutes a.m. on Friday, May 10, 1935.

Senate Bill No. 870—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof.

Bill read third time.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity.

Continued dry years have made immediate action imperative in the various water districts to conserve the waters of the present rainy season in order to save not only extensive areas of crops, but also for industrial and domestic purposes. Immediate action is further imperative to construct works during the coming summer season for conserving and utilizing the floods and waters of the coming winter. For the proper and ready financing of such construction the immediate voting of bonds is necessary, and to that end the legislation contained in this act relative to such bonds and their maturities, terms and conditions, is required to be immediately effective. An adequate supply of water for agricultural, domestic and industrial purposes is necessary for the public peace, health and safety of the communities affected in the State of California.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Slater, Stow, Tickle, Wagy, Williams, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 870 passed by the following vote:

AYES—Senators Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 870 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Federal Relations.

Report of Committee on Federal Relations on Senate Bill No. 444.

The Committee on Federal Relations, after carefully considering the evidence submitted in favor of and against Senate Bill No. 444, has, by unanimous vote laid the same on the table.

The subject matter of the bill relates to commercial fishing in the coastal waters of California and the landing of marine products upon the shores of the State. While such pursuits constitute a legitimate business, yet their very nature necessitates regulatory control by the State in the fulfillment of its duty to conserve a needed food supply and to promote and safeguard industries therein involved. Senate Bill No. 444, however, goes much further than this as it would prohibit all aliens legally residents of the United States from engaging in commercial fishing. The evidence submitted to the committee shows that the aliens who would fall under the prohibition are of five or six different nationalities.

The United States has entered into treaties with numerous foreign Nations which govern the rights and privileges of subjects of such countries who legally become residents of this and other States of the Union; the treaties also affect the rights of Americans who take up residence in the countries which are parties thereto.

Such treaties with friendly Nations can not be regarded lightly, even by a sovereign State such as California.

It is the conclusion of the committee that Senate Bill No. 444 if enacted would not be in consonance with the spirit and intent of the treaties referred to, and hence should not be recommended for passage.

(Signed)

WAGY, Chairman
DEUEL
RICH
MINIER
WILLIAMS

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article X thereof, a new section to be numbered 7, relating to an institution for women:

Also, Senate Concurrent Resolution No. 27—Relative to Reports of the Department of Encomendment of the Grand Army of the Republic.

Also, Senate Concurrent Resolution No. 29, Relative to Reports of the Annual Convention of the Disabled American Veterans of the World War of the Department of California;

And reports that the same have been correctly enrolled and presented to the Governor on the eighth day of May, 1935, at five o'clock p.m.

METZGER, Chairman.

Recess.

At eleven o'clock and forty-five minutes a.m., the President of the Senate declared recess until twelve o'clock and twenty minutes p.m. to permit the taking of pictures of the Legislature.

Reconvened

At twelve o'clock and twenty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Recess.

On motion of Senator Rich, at twelve o'clock and twenty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 355—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural and horticultural products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the

National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 353 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers—and appointed Assemblymen Minard, Frazier, and Maloney as a Committee on Free Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Appointment of Committee on Conference.

The President announced the appointment of Senators Difani, Williams, and McCormack as a Committee on Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 472.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 845—An act to amend section 51 of the Bank Act, relating to deposits by order of court.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 846—An act to amend section 91 of the Bank Act, relating to deposits by order of court.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 856—An act to amend sections 800, 802, 803, 1008, 1009 and 1010 of the Penal Code, relating to crimes.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 856 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after the number "802", strike out the comma, and insert in lieu thereof the word "and".

Amendment No. 2.

On page 1, line 1 of the title of the printed bill, after the number "803", strike out the comma, and the remainder of the line.

Amendment No. 3.

On page 1, line 2 of the title of the printed bill, strike out the word "crimes", and insert in lieu thereof the following: "the time for commencing criminal prosecutions".

Amendment No. 4.

On page 1, line 1, of the printed bill, strike out the word "Sections" and insert in lieu thereof "Section."

Amendment No. 5.

On page 1, line 1, of the printed bill, after the number "600", strike out the comma, and the remainder of the line.

Amendment No. 6.

On page 1, line 2, of the printed bill, strike out the word "are", and insert in lieu thereof "is".

Amendment No. 7.

On page 1, line 4, of the printed bill, strike out the first "or", and insert in lieu thereof "or".

Amendment No. 8.

On page 1 of the printed bill, between lines 6 and 7, insert the following:

"Sec. 2. Section 802 of the Penal Code is hereby amended to read as follows: "

Amendment No. 9.

On page 1, line 8, of the printed bill, strike out the words "the defendant may be found or".

Amendment No. 10.

On page 1, line 9, of the printed bill, after the word "section", insert the following: "may be".

Amendment No. 11.

On page 1 of the printed bill, between lines 13 and 14, insert the following:

"Sec. 3. Section 803 of the Penal Code is hereby amended to read as follows: "

Amendment No. 12.

On page 1 of the printed bill, strike out all of line 17, and insert in lieu thereof the following: "plaint is filed."

Amendment No. 13.

On page 1 of the printed bill strike out all of lines 18 to 28, both inclusive, and also strike out all of page 2 of the printed bill.

Bill read second time, ordered to reprint, and re-referred to Committee on Revision of Criminal Law and Procedure.

Senate Bill No. 933—An act to amend section 473 of the Penal Code, relating to punishment for forgery.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1101—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto numbered section 2a, providing for securing the written consent of political subdivisions owning sixty per cent or more in area or value of the lands to be incorporated.

Bill read second time, ordered to engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 947—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401 Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10 Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act" by amending the title thereof and by amending sections 2, 6½, 9, 11, 14, 16, 20 and 22½, and by adding thereto new sections numbered 4½, 5½, 5¾, 8½, 8¾, 9½, 9¾, 12½, 13½, 16½, and 16¾, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges;

and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto; and providing that this act become effective immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Assembly Bill No. 947 were read and adopted:

Amendment No. 1.

On page 5, line 47, of the printed bill, after the word "able", strike out the word "or", and insert in lieu thereof a comma.

Amendment No. 2.

On page 5, line 47, of the printed bill, after the word "necessary", insert the following: "or convenient".

Amendment No. 3.

On page 6, line 46, of the printed bill, strike out the word "or", following the word "advisable", and insert in lieu thereof a comma.

Amendment No. 4.

On page 6, line 46, of the printed bill, after the word "necessary", insert the following: "or convenient".

Amendment No. 5.

On page 10 of the printed bill, strike out the comma after the word "dedicated", and insert in lieu thereof a period; and strike out everything beginning with the word "except", in line 46, to and including the period after the word "use", in line 1, on page 11.

Amendment No. 6.

On page 12, line 28, of the printed bill, after the word "use", strike out the period and the word "It", and insert in lieu thereof the following: ", it".

Amendment No. 7.

On page 19, line 28, of the printed bill, strike out the word "and", following the word "thereto", and insert in lieu thereof the word "or".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1342—An act to amend section 1429 of the Penal Code, relating to the entering of pleas by a defendant.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Assembly Bill No. 1342 was read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after the word "and", and before the word "may", insert the following: "in the case of a misdemeanor".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 240—An act to amend section 362 of the Streets and Highways Code and to add section 603 thereto, relating to State highways.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Roads and Highways, the following amendment to Assembly Bill No. 240 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 12, 13, 14, 15, and insert in lieu thereof the following: "a new route or portion of route from the east city limits of Los Angeles on Valley Boulevard to Route 26 near El Monte via Valley Boulevard and Pomona Boulevard".

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Third Reading of Senate Bills.

Senate Bill No. 213—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of one million dollars, together with any interest that may be due thereon, and other sums from the California Olympiad Commission, or any committee thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 213 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagz, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 213 ordered transmitted to the Assembly.

Senator Difani in the Chair.

At two o'clock and thirty minutes p.m., Senator Difani of the thirty-seventh district was called to the chair.

Senate Bill No. 374—An act to amend section 13 of, and to add new sections to be numbered 9a, 9b, 9c, 9d and 9e to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 374 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Tickle, Wagz, Williams, and Young—35.

NOES—Senator Swing—1.

Title read and approved.

Senate Bill No. 374 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 138.

Senator Seawell moved that Senate Bill No. 138 be referred to Committee on Judiciary.

Motion carried, and such was the order.

Senate Bill No. 546—An act to amend sections 1104, 1108, 1143, 1144, 1146 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 546 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 546 ordered transmitted to the Assembly.

Senate Bill No. 697—An act to amend section 2 of the "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, as amended, relating to the operation and maintenance of certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 697 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 697 ordered transmitted to the Assembly.

Special Order.

Senator McGovern moved that Senate Bill No. 511 be made a special order for Monday, May 13, 1935, at eleven o'clock and thirty minutes, a.m.

Motion carried.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Fletcher moved to reconsider the vote whereby the urgency clause to Assembly Bill No. 1034 was refused adoption.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, and Young—30.

NOES—None.

Reconsideration of Assembly Bill No. 1034.

Assembly Bill No. 1034—An act to amend sections 3817d, 3817f, 3817g and 3817h of, and to add sections 3817b3 and 3817c3 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Amendments from the Floor.

During consideration of Assembly Bill No. 1034, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 2, line 3, of the printed bill, as amended, strike out "one", and insert in lieu thereof the following: "six".

Amendment No. 2.

On page 2, line 42, of the printed bill, as amended, strike out "one", and insert in lieu thereof the following: "six".

Amendment No. 3.

On page 5, line 44, of the printed bill, as amended, after the words, "section 3817," insert a comma and the following: "3817, 3817a, 3817b or 3817c."

Amendment No. 4.

On page 5, line 45, of the printed bill, as amended, after the word "such", insert the following: "or to reduce such principal from delinquent taxes in accordance with the provisions of section 3817b3 of this code."

Amendment No. 5.

On page 5, line 16, of the printed bill, as amended, strike out "in installments."

Amendment No. 6.

On page 5, line 17, of the printed bill, as amended, strike out the word "and" and the following: "without interest thereon."

Amendment No. 7.

On page 5, line 18, of the printed bill, as amended, strike out "section 3817," and insert in lieu thereof the following: "and sections 3817a, 3817b, 3817c or 3817d."

Amendment No. 8.

On page 5 of the printed bill, as amended, strike out all of lines 19, 20, and 21, and insert in lieu thereof the following: "In the event of such election, for the purpose of computing interest payable with such installments or upon such redemption, such credit shall be first applied on and".

Amendment No. 9.

On page 5, line 23, of the printed bill, as amended, strike out the period and "Such", and insert in lieu thereof the following: "as from which redemption is to be made as the case may be. In the event payment is made in installments such."

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1007—An act to amend section 994 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to capri figs and their diseases, the elimination of fig and septs, and authorizing boards of supervisors to accept donations for the enforcement of the provisions of said sections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1007 passed by the following vote:

AYES—Senators Crittenden, Donel, Dufant, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knevin, McColl, McGovern, McGovern, McGovern, Menger, Muxer, Olson, Parkman, Powers, Rick, Schatke, Seollan, Seawell, Slater, Snyder, Stow, Swang, Tickle, Waggy, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 1007 ordered transmitted to the Assembly.

Senator Hays in the Chair.

At three o'clock and thirty minutes p.m., Senator Hays of the thirtieth district was called to the chair.

Senate Bill No. 219—An act to amend section 94 of the Agricultural Code, relating to citrus fairs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 219 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Gordon, Hays, Hulse, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—32.

NOES—None.

Title read and approved.

Senate Bill No. 219 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Seawell moved to reconsider the vote whereby Senate Bill No. 604 was passed.

The question being on the motion to reconsider.

Reconsideration Refused.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Crittenden, Difani, Garrison, McColl, Olson, Parkman, and Swing—7.

NOES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—29.

Senate Bill No. 604 ordered transmitted to the Assembly.

Reconsideration Waived.

Senate Bill No. 1044.

Senator Difani waived reconsideration of the vote whereby Senate Bill No. 1044 was refused passage on a previous legislative day.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1091—An act to add a new section to be numbered 8.5 to an act entitled "An act for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to the incurring of a bonded indebtedness and the sale and payment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1091 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Gordon, Hulse, Jespersen, King, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Sharkey, Slater, Snyder, and Young—24.

NOES—Senators Deuel, Edwards, Hays, Knowland, Mixter, Rich, Wagy, and Williams—8.

Title read and approved.

Senate Bill No. 1091 ordered transmitted to the Assembly.

Senate Bill No. 534—An act relating to persons in private psychopathic institutions.

Amendments from the Floor.

During third reading of Senate Bill No. 534, the following amendments, offered by Senator Perry, were read and adopted:

Amendment No. 1.

On page 1, line 9, of the printed bill, as amended, strike out "not be connected with any", and insert in lieu thereof the following: "have no financial interest in such".

Amendment No. 2.

On page 1, line 21, of the printed bill, as amended, strike out "corporations", and insert in lieu thereof the following: "corporations".

Amendment No. 3.

On page 2 of the printed bill, as amended, between lines 13 and 14, insert the following: "The person in charge of the institution may detain a patient when, and only when, there has been compliance with the provisions of this section."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Introduction, First Reading and Reference of Bills.

By Senator Fletcher—Senate Concurrent Resolution No. 34—Relative to approving certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twenty-third day of April, 1935.

Consideration of Senate Concurrent Resolution No. 34.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 34, without reference to committee, for purpose of adoption.

Resolution ordered to print, and on file.

Messages from the Governor.

The following messages from the Governor were received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 9, 1935.

*To The Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that I am this day appointing, with the advice and consent of the Senate, Mr. A. R. O'Brien of Ukiah as a member of the Board of Prison Directors.

Requesting your approval of the same, I am

Respectfully yours,

FRANK F. MERRIAM, Governor of California.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 7, 1935.

*Hon. Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Herewith enclosed find copy of letter received from Harold G. Hoffman, Governor, State of New Jersey, together with a copy of joint resolution providing for the appointment of a commission to negotiate interstate compacts.

Same is forwarded to the Senate for its information and whatever action, if any, it may desire to take.

Yours cordially,

FRANK F. MERRIAM, Governor of California.

May 1, 1935.

*Hon. Frank F. Merriam, Governor,
Sacramento, California.*

DEAR GOVERNOR: For some time past I have been studying the possibilities of interstate cooperation in the fields of taxation, labor, industry, liquor traffic, truck regulation, crime prevention and other related matters subject to State legislation and incidental to State government. I believe that the time has come

when the several States must enlarge their program of interstate cooperation in handling these questions that cut across boundary lines and must be treated as regional and interstate problems.

The present New Jersey Legislature has established a Commission on Interstate Cooperation whose obligation it will be to facilitate cooperation between New Jersey and the other States of the Union. Similar commissions, I am informed, have been established in Colorado, New York and Maryland.

In order that the full possibilities inherent in these agencies may be realized, it is highly desirable that such agencies be created by the other States. Because of my conviction that interstate cooperation is necessary if we are to meet in any adequate way many of our vital problems, I am prompted to suggest that you lend your good office to the creation of an agency for interstate cooperation in your State. I am pleased to enclose herewith a copy of the Senate Joint Resolution adopted in New Jersey and to say that it is proposed to enact this resolution as a permanent statute.

Sincerely yours,

(Signed)

HAROLD G. HOFFMAN, Governor.

Joint Resolution Providing for the Appointment of a Commission to Negotiate Interstate Compacts.

WHEREAS, The laws of neighboring States are in conflict and in competition with each other in such fields as taxation, labor, industry, liquor traffic, truck regulation, crime prevention, and other related matters subject to State legislation and inherently incidental to State Government; and

WHEREAS, It is in the interest of the people of the State of New Jersey that uniform standards of legislation should be adopted and should conform to the more enlightened statutes in effect among the several States; and

WHEREAS, The Constitution of the United States in Article I, section 10, permits of securing such uniform standards by interstate compacts entered into by the several States with the consent of the Congress of the United States; now, therefore,

Be it resolved by the Senate and General Assembly of the State of New Jersey:

1. That there be hereby established an unpaid commission, to be known as the Commission on Interstate Compacts, to consist of seven members, two of whom shall be members of the House of Assembly and shall be named by the Speaker thereof, and two shall be members of the Senate and shall be named by the President thereof, and three shall represent the public and shall be named by the Governor, who shall also designate the chairman of said commission. Said members of the House of Assembly and of the Senate shall serve only during their respective terms in the Legislature, but of the three members representing the public, one shall serve two years, one three years, and one four years. The commission is hereby authorized, on the part of New Jersey, to meet with similar commissions appointed with similar authority on part of other States for the purpose of negotiating or agreeing upon a joint report. Said report shall recommend to the Legislatures of the participating States a policy to be pursued by such States with reference to the subject matter of said report by the enactment of such legislation by such States as will constitute an interstate compact. The commission shall report to the Governor and the Legislature of the State of New Jersey on the first day of each legislative session and also as soon as it determines on a policy.

2. The members of the commission appointed as aforesaid shall serve without compensation but shall be paid their necessary expenses in the performance of their duty. They may employ a secretary and other assistants as are needed in the performance of their duties.

3. The Secretary of State shall forthwith communicate the text of this resolution to the like official of each State with the respectful request that such States in their discretion establish commissions with like powers to treat with the commission appointed hereunder.

4. This joint resolution shall take effect immediately.

Messages referred to Committee on Rules.

Third Reading of Assembly Bills.

Assembly Bill No. 490—An act to amend section 1357 of the Political Code, relating to absent voters.

Amendments from the Floor.

During third reading of Assembly Bill No. 490, the following amendments, offered by Senator Snyder, were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, as amended, strike out "That section", and insert in lieu thereof the following: "Section"

Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, after "town", insert the following: "or any election conducted in a district by district officers."

Amendment No. 3.

On page 1, line 13, of the printed bill, as amended, after "residence", insert the following: "or in the case of such a district from the officer or board charged with the duty of conducting the election."

Bill read, ordered to reprint, and on file for third reading

Assembly Bill No. 2139—An act to amend section 281 of the Code of Civil Procedure, relating to attorneys and counsellors at law

Amendments from the Floor.

During third reading of Assembly Bill No. 2139, the following amendments, offered by Senator Rich, were read, and ordered printed in the Journal:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out the comma, and insert in lieu thereof the following: "in any court"

Amendment No. 2.

On page 1 of the printed bill, commencing in line 5, strike out the following: "The superior court of the county in which the contempt is committed shall have original jurisdiction of proceedings under this section."

Bill and proposed amendments ordered held on file.

Assembly Bill No. 1531—An act to amend section 3471 of the Political Code, relating to reclamation districts.

Amendment from the Floor.

During third reading of Assembly Bill No. 1531, the following amendment, offered by Senator McCormack, was read and adopted:

Amendment No. 1.

On page 2, line 23, of the printed bill, as amended, strike out "supervisors", and insert in lieu thereof the following: "trustees of the district".

Bill read, ordered to reprint, and on file for third reading

Recess.

On motion of Senator Rich, at four o'clock and five minutes p.m., the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Daily File.**Third Reading of Assembly Bills.**

Assembly Bill No. 1370—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts."

approved March 20, 1903, as amended, by amending the title and sections 37 and 40 thereof, and adding a new section to be designated section 97, to authorize the borrowing or procuring of money by drainage districts from the United States or any agency thereof, and declaring the urgency thereof.

Bill read third time.

Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately. The facts constituting such necessity are as follows: There exists throughout the State of California economic conditions which make it impossible for many property owners to pay taxes and assessments levied upon their property and many of the drainage districts in this State are in default in the payment of obligations under their outstanding bonds, and the operations of such districts are seriously hindered and great distress exists therein. Many of such districts are negotiating with the Reconstruction Finance Corporation, an agency of the United States, for loans to enable them to reduce and refinance their outstanding indebtedness, and if such loans can be obtained speedily, the distress in such districts will be greatly alleviated. The completion of such loans is being delayed by questions as to the scope and meaning of the act hereby amended, and the amendments herein provided for are necessary to hasten the obtaining of such loans and the relief of large numbers of landowners, who will otherwise lose their property and be compelled to rely on governmental agencies for support and maintenance.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Duval moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Swing, Wagy, and Young—23.

The Secretary announced the absentees.

Time, eight o'clock and forty-five minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Concurrent Resolution No. 12.

Relative to the issuance of a proclamation by the Governor declaring the second week of October of each year as "Old Glory Week."

WHEREAS, An honorable and patriotic duty rests upon every person enjoying the privileges and freedom of our United States to do honor and reverence to the flag—the symbol of our protection and liberty; and

WHEREAS, It is the custom of citizens, schools, patriotic and civic organizations to observe by appropriate ceremonies such reverence and honor; and

WHEREAS, From the retreat at Valley Forge to the battlefields of Gettysburg and Argonne that symbol of liberty and justice has waved—"Old Glory" by name; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the Governor of the State of California is authorized and directed to issue a proclamation declaring the second week of October of each year as "Old Glory Week" and to call upon the officials of the government and the principals of all

schools to display the flag of the United States on all government buildings during this week of public observance, and be it further:

Resolved, That all other civic and patriotic organizations be respectfully requested to mark such observance as is fitting and proper to the occasion.

Resolution read.

The question being on the adoption of the resolution:

The roll was called, and Assembly Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Biggar, Difani, Duval, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Parkman, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Swing, Wagy, and Young—25.

NOES—None.

Assembly Concurrent Resolution No. 12 ordered transmitted to the Assembly.

Assembly Bill No. 1201—An act to add section 2 491 to the School Code, relating to severance of joint schools.

Bill read third time.

The question being on the passage of the bill:

The roll was called, and Assembly Bill No. 1201 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seolian, Sharkey, Slater, Swing, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1201 ordered transmitted to the Assembly.

Assembly Bill No. 1752—An act to amend section 5 500 of the School Code, relating to teachers' tenure.

Bill read third time.

The question being on the passage of the bill:

The roll was called, and Assembly Bill No. 1752 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seolian, Seawell, Sharkey, Slater, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1752 ordered transmitted to the Assembly.

Assembly Bill No. 56—An act to amend section 3 42 of, and to add section 3 43 to the School Code, relating to required instruction in the schools.

Bill read third time.

The question being on the passage of the bill:

The roll was called, and Assembly Bill No. 56 passed by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger,

Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 56 ordered transmitted to the Assembly.

Assembly Bill No. 13—An act to amend section 73a of the Code of Civil Procedure, relating to superior courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 13 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 13 ordered transmitted to the Assembly.

Assembly Bill No. 14—An act to amend section 4312 of the Political Code, relating to the place of offices of certain county officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 14 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 14 ordered transmitted to the Assembly.

Assembly Bill No. 1485—An act to amend section 4014 of the Political Code of the State of California, relating to township officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1485 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1485 ordered transmitted to the Assembly.

Assembly Bill No. 603—An act to amend section 4223 of the Political Code, relating to admission to county hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 603 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern,

McGuinness, Metzger, Mixter, Olson, Parkinson, Perry, Peterson, Pomeroy, Rasmussen, Schottky, Seidlitz, Seawell, Sharkey, Slater, Tinkle, Wigg, Williams and Young—34
 Nays—None.

Title read and approved.

Assembly Bill No. 603 ordered transmitted to the Assembly.

Assembly Bill No. 1498. An act to add a new section to be numbered section 17½ to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, as amended, relating to elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1498 passed by the following vote:

AYES: Senators Biggar, Critchfield, DeLoach, Dwyer, Edwards, Frazier, Garrison, Gordon, Hays, Hulse, Jorgensen, Keith, Kessel, McCall, McGuinness, Metzger, Mixter, Olson, Parkinson, Perry, Peterson, Pomeroy, Rasmussen, Schottky, Seidlitz, Seawell, Sharkey, Slater, Snow, Spring, Wigg, Williams and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1498 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 53.

Relative to memorializing the President and Congress to enact S. 1952 which proposes to protect the unclassified postal employees proper, extending to them a civil service status.

WHEREAS, Many of the special delivery messengers, boys in former years but now mature men with parental responsibilities, have been summarily dismissed or indefinitely furloughed to make vacancies for civil service subordinate clerks and carriers during these depressing years; and

WHEREAS, The special delivery messengers have served from five to twenty-five years in the postal service as faithful public servants; and

WHEREAS, The work of these unclassified Federal employees as its Department exacting, responsible and requires an intelligence as high as that of any other postal employee, and that the Post Office Department does consider the special delivery service as an important postal activity; and

WHEREAS, The Special Delivery Department is the only branch of the United States Postal System not as yet included under civil service status; and

WHEREAS, On February 15, 1935, there was introduced in the United States Senate by Hon. M. M. Logan of Kentucky, a bill known as S. 1952 which has as its purpose the "extending of the classified executive civil service of the United States"; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the President and Congress of the United States are respectfully urged to enact the legislation proposed by S. 1952 and that the Committee on Civil Service of the Senate and the Committee on Civil Service of the House of Representatives are also urged to expedite consideration favorable to said bill, and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the President of the Senate and Speaker of the House of Representatives, and to the chairman and members of the Committee on Civil Service of both houses, and to each Senator and member of the House of Representatives from the State of California, and that such Senators and members of the House of Representatives from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 53 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—34.

NOES—None.

Assembly Joint Resolution No. 53 ordered transmitted to the Assembly.

Assembly Bill No. 621—An act to amend sections 2240 and 2255 of the Political Code, relating to the clothing, transportation, dental work, eye care, operations and hospitalization of pupils enrolled in the California School for the Deaf and the California School for the Blind.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 621 passed by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 621 ordered transmitted to the Assembly.

Assembly Bill No. 495—An act to amend sections 460, 504, 585, and 621 of the Agricultural Code, relating to dairy products.

Amendment from the Floor.

During third reading of Assembly Bill No. 495, the following amendment, offered by Senator Crittenden, was read and adopted:

Amendment No. 1.

On page 2, line 21, of the printed bill, as amended in Assembly March 18, 1935, strike out "(a)".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 497—An act to amend section 457 of the Agricultural Code, relating to testing of milk, cream or products thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 497 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 497 ordered transmitted to the Assembly.

Assembly Bill No. 1702—An act to amend section 788 of the Agricultural Code, relating to containers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1702 passed by the following vote:

AYES.—Senators Bigger, Crittenden, Difant, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McGill, McGinnick, McGinnis, McGinniss, Metzger, Mixer, Olson, Parkman, Perry, Purvyle, Powers, Rich, S. A. Smith, Seallan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES.—None.

Title read and approved.

Assembly Bill No. 1702 ordered transmitted to the Assembly.

Assembly Bill No. 1651—An act to amend the Vehicle Code by amending sections 618, 621, 623, 625, 633, 634, 635, 637, 639, 640, and 670, to renumber section 663 to be section 664, to repeal Chapter 4 of Division X embracing sections 645 to 658 inclusive, sections 661, 662 and 677; to add sections 624.5, 677, a new Chapter 4 to Division X, embracing sections 645 to 656 inclusive, 660, 661, 662, 663 and 692, relating to vehicles.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 1651, the following amendment, offered by Senator Gordon, was read and refused adoption:

Amendment No. 1.

On page 2, line 47, of the printed bill, as amended, strike out "three", and insert in lieu thereof the following: "four".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1651 passed by the following vote:

AYES.—Senators Bigger, Crittenden, Difant, Difant, Edwards, Fletcher, Garrison, Gordon, Hays, Hulso, Jespersen, Keough, Knowland, McGill, McGinnick, McGinnis, McGinniss, Mixer, Olson, Parkman, Perry, Purvyle, Powers, Rich, Sharkey, Seallan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—33.

NOES.—Senator Metzger—1.

Title read and approved.

Assembly Bill No. 1651 ordered transmitted to the Assembly.

Assembly Bill No. 1135—An act to add Chapter 11 to Division IV of the Agricultural Code, relating to the production and marketing of manufactured dairy products.

Amendment from the Floor.

During third reading of Assembly Bill No. 1135, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 3, line 6, of the printed bill, as amended, after the period, add: "The director shall, within thirty days prior to the regular session of the Legislature, submit to the Governor a full and true report of transactions under this law during the preceding biennium, including a complete statement of receipts and expenditures during the period."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1481—An act providing for the organization and government of horticultural protection districts for the purpose of protecting horticultural products and the vines, trees and shrubs whereon the same are grown against diseases, insects and pests; defining the powers of such districts and authorizing any such district to eradicate,

remove or prevent the spread of any disease, insect or pest injurious to the horticultural product which such district is organized to protect; to provide for the levying and collection of taxes to pay the costs and expenses of administering such districts and carrying on their operations; defining the duties and powers of county agricultural commissioners, and other county officers in connection with such districts; to provide for including lands within and excluding lands from any such district, and to provide a method of dissolving such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1481 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1481 ordered transmitted to the Assembly.

Assembly Bill No. 2045—An act to amend section 14a of the California Irrigation District Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2045 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2045 ordered transmitted to the Assembly.

Assembly Bill No. 842—An act validating certificates of sale and deeds based thereon issued by irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 842 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 842 ordered transmitted to the Assembly.

Assembly Bill No. 1394—An act amending section 14, of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of

works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 24, 1921, relating to officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1394 passed by the following vote:

AYES.—Senators Biggar, Crittendon, DeLoach, Donald Edwards, Fletcher, Garrison, Gordon, Hays, Hulke, Jorgensen, Keough, Knudsen, McCall, McCannick, McGinness, Metzger, Mixter, Olson, Parkman, Perry, Pineson, Pineson, Rich, Schottky, Scollan, Seawall, Sharkey, Slater, Stow, Swing, Tuck, Wagg, Williams, and Young—36.

NOES.—None.

Title read and approved.

Assembly Bill No. 1394 ordered transmitted to the Assembly.

Assembly Bill No. 496—An act to amend section 692 of the Agricultural Code, relating to places where milk or milk products are handled or kept for sale.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 496 passed by the following vote:

AYES.—Senators Biggar, Crittendon, DeLoach, Edwards, Fletcher, Garrison, Gordon, Hays, Hulke, Jorgensen, Keough, Knudsen, McCall, McCannick, McGinness, Metzger, Mixter, Olson, Parkman, Perry, Pineson, Pineson, Rich, Schottky, Scollan, Seawall, Sharkey, Slater, Stow, Swing, Wagg, Williams, and Young—34.

NOES.—None.

Title read and approved.

Assembly Bill No. 496 ordered transmitted to the Assembly.

Assembly Bill No. 1055—An act to amend section 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies.

Amendments from the Floor.

During third reading of Assembly Bill No. 1055, the following amendments, offered by Senator Olson, were read, and ordered printed in the Journal:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out the word "section", and insert in lieu thereof the following: "sections 400 and".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 400 of the Vehicle Code is hereby amended to read as follows:
400. Liability of Governmental Agencies. (a) The State, and every political subdivision thereof, and every public corporation formed or organized for the government of a portion of the State including, but without excluding by reason of the hereinafter contained enumeration any such municipal public corporation of whatsoever class, type or designation, every school district, irrigation district, municipal corporation, and quasi municipal corporation shall be liable for civil damages on account of personal injury to or death of any person or damage to property resulting from the negligent operation of either a publicly or privately owned motor vehicle by an officer, agent, or employee thereof when acting within the scope of his office, agency, or employment, whether or not liability is imposed by law upon such operator, subject to the limit in amount of five thousand dollars for personal injury to or death of one person as the result of any one accident and, subject to said limit as to one person, the amount of ten thousand dollars for personal injury to or death of all persons as

the result of any one accident and one thousand dollars for damage to property of others as the result of any one accident.

(b) This section shall apply to the negligent operation of all vehicles as herein provided, including the operation of any authorized emergency vehicle whether operated in response to an emergency call or otherwise by an officer, agent, or employee acting within the scope of his office, agency or employment.

(c) Any person having such a claim against any such public entity or corporation may present the same to such public entity or corporation in the same manner as other claims are presented and if thereupon such claim is not acted upon within thirty days after said presentation or is rejected in whole or in part, then said person may sue such public entity or corporation in a court of competent jurisdiction in the manner prescribed by law for the commencement and maintenance of such a suit against a private individual.

(d) Whenever in any such suit, a judgment is rendered against said State, political subdivision or public corporation, and such public entity or corporation thereafter satisfies the same in whole or in part, then said public entity or corporation shall be subrogated to the rights of the owner of said judgment theretofore existing to the amount of such satisfaction and may recover in a civil action such amount from the officer, agent or employee whose operation of a motor vehicle resulted in such liability against said public entity or corporation.

(e) The State Compensation Insurance Fund is hereby authorized to insure any such public entity or corporation against the liability imposed by this section, and any such public entity or corporation may secure insurance against such liability exclusively with the State Compensation Insurance Fund. Any and all premiums for such insurance shall be paid to the State insurance fund and shall be a proper charge against the general fund of such entity or corporation.

SEC. 2. Section 401 of the Vehicle Code is hereby amended to read as follows: "

Bill and proposed amendments ordered held on file.

Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 3, 4 and 5 of Article IV of the Constitution, relating to the Legislative Department.

Amendments from the Floor.

During reading of Assembly Constitutional Amendment No. 15, the following amendments, offered by Senator Gordon, were read, and ordered printed in the Journal:

Amendment No. 1.

On page 1 of the printed measure, as amended, in the next to the last line of the title, strike out "tions 3, 4 and 5", and insert in lieu thereof the following: "tion 3".

Amendment No. 2.

On page 2 of the printed measure, as amended, strike out lines 16 to 41, inclusive.

Assembly Constitutional Amendment No. 15 and proposed amendments ordered held on file.

Assembly Bill No. 618—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to make an appropriation therefor.

Amendments from the Floor.

During third reading of Assembly Bill No. 618, the following amendments, offered by Senator Stow, were read, and ordered printed in the Journal:

Amendment No. 1.

On page 3, line 35, of the printed bill, as amended, after "Governor", insert the following: "by and with the consent of the Senate".

Amendment No. 2.

On page 6 of the printed bill, as amended, between lines 39 and 40, insert the following: "If in any city or city and county or in the unincorporated area of a

county, a majority of the electors voting thereon vote against the issuing of licenses for conducting meetings therein, all such licenses heretofore issued for the conduct of meetings therein shall be deemed renewed heretofore and no new license shall be issued for conduct of a meeting therein unless and until a majority of the electors of the city, city and county, or of the unincorporated area of the county voting thereon, vote in favor of the issuance of such license. Such a proposition may be submitted to the electors of any city or city and county or of the unincorporated territory of any county, by the legislative body of the city, city and county or county at any general or special election held therein. As to issuance of such licenses for the conduct of meetings in the unincorporated area of a county, such proposition shall be submitted solely to the electors of said unincorporated area; as to such licenses for conduct of meetings in a city, solely to the electors of the city; as to such licenses for conduct of meetings in a city and county, solely to the electors of the city and county.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 618, the following amendment, offered by Senator Swing, was read and ordered printed in the Journal:

Amendment No. 1.

On page 6 of the printed bill, following line 39, insert the following:

"No license shall be issued in any incorporated city until the council or other governing body of such city shall have granted a permit to the applicant to conduct dog racing therein and no license shall be issued in the unincorporated area of any county until the board of supervisors of such county shall have granted a permit to the applicant to conduct dog racing therein."

Further Amendments from the Floor.

During third reading of Assembly Bill No. 618, the following amendments, offered by Senator DeVan, were read and ordered printed in the Journal:

Amendment No. 1.

On page 6, line 39, of the printed bill, after the period, insert the following:

"No license shall be issued in any county or area embracing two counties, as defined in section 23 of this act, until a majority of the electors voting at an election hereinafter mentioned in such county or counties shall have voted affirmatively upon the proposition "Shall dog racing be permitted in the county of (name of county)?" Such proposition may be placed upon the ballot at the house of supervisors at any general or special election held throughout the county."

Amendment No. 2.

On page 6 of the printed bill, after line 52, add the following: "Before any license shall be or can be issued before an election called for in this act the board of supervisors of any county or area embracing two counties as defined in section 23 must by a majority vote grant said license."

Bill and proposed amendments ordered held on file.

Third Reading of Senate Bills.

Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county local governmental agency, society, associations, authority or entity rendering service to the public and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction and or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities for the acquisition production, purchase, sale and distribution of products, commodities, energy and or services of such public utilities, providing for the payment of such bonds and the interest thereon.

Amendments from the Floor.

During third reading of Senate Bill No. 78, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, insert a comma after the word "county", at the beginning of the line.

Amendment No. 2.

On page 1, line 4 of the title of the printed bill, as amended, strike out the letter "s", at the end of the word "associations".

Amendment No. 3.

On page 1, line 6 of the title of the printed bill, as amended, insert a comma after "lie", at the beginning of the line.

Amendment No. 4.

On page 1, line 8 of the title of the printed bill, as amended, strike out "and/", at the beginning of the line, and in the same line, insert a comma after the word "extensions", at the end of the line.

Amendment No. 5.

On page 1, line 10 of the title of the printed bill, as amended, insert a comma after the word "utilities", and in the same line insert a comma after the word "aquisition", at the end of the line.

Amendment No. 6.

On page 1, line 12 of the title of the printed bill, as amended, after the word "energy", strike out "and/".

Amendment No. 7.

On page 3, line 5, of the printed bill, as amended, after the word "city", and before the word "local", strike out the word "of", and insert in lieu thereof the word "or"; and in the same line, after the word "agency", and before the word "created", insert the following: "now or hereafter", and in the same line, after the word "created", strike out the comma, and insert in lieu thereof the word "or".

Amendment No. 8.

On page 3, line 6, of the printed bill, as amended, after the word "lished", at the beginning of the line, strike out the balance of the line except the word "and", at the end of the line.

Amendment No. 9.

On page 3, line 12, of the printed bill, as amended, after the word "functioning", and before the word "as", strike out the words "upon an effective date of this act".

Amendment No. 10.

On page 4, line 7, of the printed bill, as amended, after the word "sioners", at the beginning of the line, strike out the comma, and the balance of the line, and all of lines 8, 9 and 10, and in line 11, at the beginning of the line, strike out the following: "sions of this act."

Amendment No. 11.

On page 4, line 7, of the printed bill, as amended, after the word "sioners", insert a semicolon and the following: "provided, however, in case of an ordinance, resolution or order of a local governmental agency which has no electorate, and also in case of a city or local governmental agency wherein a commission, or similar body capable of performing the powers, duties and functions of a commission provided for by this act is already functioning, any such ordinance, resolution or order shall become immediately effective without the necessity of the approval of electors as herein provided."

Amendment No. 12.

On page 4, line 32, of the printed bill, as amended, insert a semicolon following the quotation marks after the word "utilities".

Amendment No. 13.

On page 4, line 36, of the printed bill, as amended, insert a period after the word "hereof", and strike out the balance of the line, and strike out all of lines 37 and 38, and all of line 39, except "Said depart." at the end of the line.

Amendment No. 14.

On page 5, line 31, of the printed bill, as amended, after the word "and", and before the word "until", strike out "or".

Amendment No. 15.

On page 6, line 50, of the printed bill, as amended, after the word "body", and before the word "to", insert the following: "of a city or local governmental agency.", and in the same line, strike out "of city", at the end of the line, and in line 51, strike out "or local governmental agency".

Amendment No. 16.

On page 7, line 43, of the printed bill, as amended, after the word "commission", and before the word "to", strike out "and office".

Amendment No. 17.

On page 10, line 47, of the printed bill, as amended, after the word "construction", and at the end of the line, strike out "and/", and in line 48, after the word

"acquisition"; strike out "and", and in the same line after the word "extension", strike out "and".

Amendment No. 18.

On page 10, line 18, of the printed bill, as amended, after the word "improvement", insert the following: "addition, repair or replacement".

Amendment No. 19.

On page 10, line 51, of the printed bill, as amended, after the word "therewith", insert the following: "including engineering, appraising, legal and all other costs and expenses incident thereto."

Amendment No. 20.

On page 11, line 6, of the printed bill, as amended, strike out lines 6 to 23, inclusive, and insert in lieu thereof the following: "empowered to issue revenue bonds, in the manner herein provided."

Amendment No. 21.

On page 11, line 24, of the printed bill, as amended, strike out "that before", and insert in lieu thereof the following: "Before".

Amendment No. 22.

On page 11, line 26, of the printed bill, as amended, at the end of the line strike out "act", and strike out all of line 27, and in line 28, strike out "utilities commission", at the beginning of the line.

Amendment No. 23.

On page 11, line 50, of the printed bill, as amended, strike out the following: "when", and insert in lieu thereof the following: "When".

Amendment No. 24.

On page 12, line 5, of the printed bill, as amended, strike out "shall be" and insert in lieu thereof the following: "is".

Amendment No. 25.

On page 12, line 18, of the printed bill, as amended, at the beginning of the line strike out "and/".

Amendment No. 26.

On page 12 of the printed bill, as amended, strike out lines 28 to 40, inclusive, and insert in lieu thereof the following: "in respect thereof, and declaring its intention to proceed with such acquisition, construction, or other work therein specified and hereby authorized, and setting a date for a public hearing on"

Amendment No. 27.

On page 13 of the printed bill, as amended, strike out lines 8 to 18, inclusive, and insert in lieu thereof the following: "If it is proposed to acquire or construct any public utility of a kind not then owned or operated by such city or local governmental agency, or to acquire or construct an extension of or addition to any public utility then owned or operated by such city or local governmental agency, the estimated cost of which will exceed twenty-five per centum of the capital cost of such public utility then owned or operated by such city or local governmental agency, such ordinance, resolution or order (except a resolution or order of a local governmental agency which has no electorate, which such order or resolution shall become immediately effective) shall also provide for the calling of and shall call an election for the submission to the qualified electors within such city or local governmental agency of the question of the issuance of revenue bonds in an amount or amounts and bearing interest at a rate or rates not exceeding a maximum rate, and for a purpose or purposes specified in such ordinance, resolution or order. At any such election the ballots shall contain a general statement of the proposition or propositions to be voted on, including the amount of bonds proposed to be issued, the maximum rate of interest to be paid thereon, the purpose or purposes for which it is proposed to issue the same, and a statement to the effect that such bonds shall be revenue bonds payable solely from the revenues to be derived from public utility or works proposed to be acquired or constructed through the expenditure of the proceeds of the sale of such bonds, and that such bonds shall never be or constitute a lien or charge upon any lands or other property within such city or governmental agency, and that no tax shall ever be levied or collected by such city or local governmental agency for the purpose of paying principal or interest on such bonds. If at such election a majority of the votes cast shall be in favor of the issuance of such bonds, such issuance and the sale thereof in accordance with the provisions of this act shall be authorized, and such city or local governmental agency may proceed with the acquisition or construction of such public utility or work, as herein provided. Otherwise such ordinance, resolution or order shall be null and void, and such question or a substantially similar one shall not be so submitted to such electors for a period of at least six months. If such ordinance, resolution or order provides for the acquisition, construction, completion, extension, addition, improvement, repair or replacement of any such public utility then owned or operated by such city or local governmental agency, the estimated cost of which does not exceed twenty-five

per centum of the capital cost of any such existing public utility or public utilities, such ordinance, resolution or order, whether adopted by a public utilities commission or a legislative body, need not be submitted to the qualified electors of such city or local governmental agency, but same shall be subject to the provisions of the Constitution and laws of this State pertaining to referendum, and no such ordinance, resolution or order shall be effective until thirty (30) days after the adoption thereof. When such ordinance, resolution or order shall become effective, such city or local governmental agency may issue and sell its revenue bonds for the purpose or purposes, and in the amount or amounts, and bearing interest at a rate or rates not exceeding the maximum rate specified in such ordinance, resolution or order as herein provided."

Amendment No. 28.

On page 13, line 22, of the printed bill, as amended, after the word "utilities", strike out "involving in excess of", and strike out all of line 23, and in line 24, strike out "utility or public utilities," at the beginning of the line.

Amendment No. 29.

On page 13, line 33, of the printed bill, as amended, after the word "event.", and before the word "any", insert the following: "but subject always to the foregoing provisions of this section,".

Amendment No. 30.

On page 13 of the printed bill, as amended, strike out line 34, and insert in lieu thereof the following: "ordinance, resolution or order, other than an ordinance, resolution or order providing for or calling an election, as herein provided,".

Amendment No. 31.

On page 13, line 35, of the printed bill, as amended, strike out the word "bonds".

Amendment No. 32.

On page 13, line 38, of the printed bill, as amended, after the word "against", strike out the rest of the line, and in line 39, strike out the word "bonds", at the beginning of the line, and insert in lieu thereof the following: "any such ordinance, resolution or order".

Amendment No. 33.

On page 13, line 45, of the printed bill, as amended, after the word "that", strike out the balance of the line, and in line 46, strike out the word "bonds", at the beginning of the line, and insert in lieu thereof the following: "such ordinance, resolution or order".

Amendment No. 34.

On page 14, line 1, of the printed bill, as amended, strike out the word "the", at the beginning of the line, and insert in lieu thereof the word "such"; and in the same line, after the word "proposal", and before the word "shall", strike out "to issue such revenue bonds".

Amendment No. 35.

On page 14, line 17, of the printed bill, as amended, before the word "resolution", at the beginning of the line, insert the word "ordinance,"; and in the same line, after the word "resolution", and before the word "shall", insert the following: "or order".

Amendment No. 36.

On page 14, line 18, of the printed bill, as amended, strike out the following: "; provided always, in the", and insert in lieu thereof a period and the following: "In the".

Amendment No. 37.

On page 14, line 23, of the printed bill, as amended, after the word "against", and before the word "may", strike out the words "the issuance of revenue bonds", and insert in lieu thereof the following: "such ordinance, resolution or order,".

Amendment No. 38.

On page 14, line 25, of the printed bill, as amended, after the word "that", and before the word "proposal", strike out the word "a", and insert in lieu thereof the following: "any such"; and in the same line, after the word "proposal", and before the word "for", at the end of the line, strike out the following: "to issue revenue bonds".

Amendment No. 39.

On page 14, line 31, of the printed bill, as amended, strike out the following: "as soon as practicable", and insert in lieu thereof the following: "within twenty (20) days".

Amendment No. 40.

On page 14, line 34, of the printed bill, as amended, after the word "election", and before the word "proposal", strike out the word "the", and insert in lieu thereof the word "such"; and in the same line, after the word "proposal", strike out "to issue such", at the end of the line, and in line 35, at the beginning of the line, strike out the words "revenue bonds".

Amendment No. 41.

On page 14 of the printed bill, as amended, strike out lines 28 and 29, and insert in lieu thereof the following: "(30) and not more than forty (40) days after the determination of the sufficiency of such petition. Notice shall be given of such election as"

Amendment No. 42.

On page 14, line 41 of the printed bill, as amended, after the word "the", and before the word "as", strike out the words "insertion of revenue bonds", and insert in lieu thereof the following: "adoption of such ordinance, resolution or order".

Amendment No. 43.

On page 14, line 50, of the printed bill, as amended, after the word "for", strike out the balance of the line, and strike out all of lines 51 and 52.

Amendment No. 44.

On page 16, line 17, of the printed bill, as amended, after the word "construction", strike out "and", and in the same line, after the word "construction", strike out "and/"; and in line 18, after "some", at the beginning of the line, strike out "and", and in the same line, after the word "improvement", strike out "and", and in the same line, after the word "construction", strike out "and", and in line 19, at the beginning of the line, strike out "and/".

Amendment No. 45.

On page 19, line 28, of the printed bill, as amended, after the word "repair", strike out the word "and".

Amendment No. 46.

On page 19, line 41, of the printed bill, as amended, after "was", at the beginning of the line, strike out "and/".

Amendment No. 47.

On page 22, line 14, of the printed bill, as amended, after the word "acquisition", at the beginning of the line, strike out "and/".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Special Order Reset.

On motion of Senator Garrison, the consideration of Senate Bill No. 78, heretofore set as a special order for eleven o'clock and thirty minutes a.m., Friday, May 10, 1935, was reset as a special order for consideration at two o'clock and thirty minutes p.m., on Monday, May 13, 1935.

Report of Standing Committee.

The following report of standing committee was received and read:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, MAY 8, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 1093—An act to add section 398 to the Political Code, relating to the Lieutenant Governor, has had the same under consideration, and respectfully reports the same back, and recommends that it be referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Senate Bill No. 1093 ordered referred to Committee on Finance by unanimous consent.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and thirty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Duval.

The Secretary was directed to call the roll, on adoption of the urgency clause to Assembly Bill No. 1370, of the Senators who had not answered to their names.

The roll was called, and the urgency clause finally adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Waggy, Williams, and Young—37.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1370 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Waggy, and Williams—35.

NOES—None.

Withdrawal and Re-reference of Assembly Bill No. 1837.

Senator Stow moved that Assembly Bill No. 1837 be withdrawn from Committee on County Government, and referred to Committee on Judiciary.

Motion carried, and such was the order.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the measures reported therein were ordered on file for second reading:

On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, May 8, 1935.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Assembly Bill No. 2383—An act to prohibit and declare void certain contracts, conditions, agreements and understandings in connection with the sale or contract to sell motor vehicles by manufacturers or wholesale distributors thereof, and prohibiting the giving or payment of any thing or service of value by any manufacturer or wholesale distributor of motor vehicles to any one engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles, and the acceptance or receipt thereof by any such person when competition in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases may be lessened or eliminated, or a monopoly created or tended to be created, and prohibiting from doing business in this State any one engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles who so accepts or receives any thing or service of value from any manufacturer or wholesale distributor of motor vehicles, and prescribing penalties, forfeitures, and recoveries for the violation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; noes—2.

SCHOTTKY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Senate Bill No. 533—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative associations, who may organize, purpose and powers, distribution of benefits, and vote and consisting of sections 653.1 to 653.16—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—7; committee vote: Ayes—4; absent—3.

SCHOTTKY, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 8, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 1081—An act making an appropriation to renovate certain

portions of the State Capitol Building—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill re-referred to the Committee on Finance.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 262—An act to amend sections 9, 10, 17 and 18 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising, and all persons working on, maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns," to provide for the issuing and issuance of permits and fees thereon; to provide for the administration of this act; by the Director of Public Works; to create a special fund to be used in the administration of this act; to provide for the suspension of this act and penalties inflicted hereunder; to provide for the enforcement of this act; to increase the punishment of the owner or lesser of property upon which such advertising structures are erected; to provide for penalties; and to repeal all laws or parts of laws in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof.

Also: Senate Bill No. 959—An act to amend section 654 of the Political Code, relating to the Department of Finance.

Also: Senate Bill No. 1099—An act to add section 5 to and amend "An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Napa," in and Senate, approved May 3, 1917, relating to the transfer of the management and control of said land.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—8; present—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 327—An act relating to relief from liability and damages due to and caused by unemployment, and providing for and dealing to education and social rehabilitation of persons suffering and in distress from unemployment through and by means of cooperative organization and association and providing the powers and duties of the Board Administrative and the Board Commission and repealing all laws in conflict herewith;

Also: Senate Bill No. 882—An act to amend section 750 of the Vehicle Code, relating to the color of vehicles and uniform to be used by enforcement officers.

Also: Senate Bill No. 942—An act to amend sections 1, 2, 24, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 184, 19, 20, 21, 22 and 23, of the Old Age Security Act of the State of California, relating to the insurance, welfare and assistance of aged persons and the payment of pensions thereon.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1883—An act to amend section 47.20 of the Political Code, relating to the defense of State officers and employees, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1861—An act to amend section 6944 of the Political Code, relating to the State Agriculture Society contingent fund;

Also: Assembly Bill No. 509—An act providing for State planning and a State Planning Board, proscribing the powers, duties and jurisdiction thereof;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 1, 4, 4b, 4c, 10, 18, 23, and 24 of Article VI, and by adding sections 4d, 4e, and 4f to said Article VI of the Constitution, relating to the judicial power of the State—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—6; absent—3.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 39—A resolution to propose to the people of the State of California, an amendment to Article IV of the Constitution of the State, by amending section 31 thereof, relating to paying the principal and interest on bonds issued by city, county, city and county, district or other political subdivision whose funds are in the custody of the treasurer of any city, county, or city and county;

Also: Assembly Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State, by amending section 9a thereof, relating to computation, refunding and collection of excess and deficiency taxes on unsecured real property; Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—9; committee vote: Ayes—6; absent—3.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 62—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section to be numbered section 16 of Article IX, relating to the management and control of museums and art galleries;

Also: Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 18a providing for the issuance of bonds by the county of Los Angeles in an amount not to exceed \$5,000,000 for the purpose of providing a fund to be used and disbursed for the Pacific Exposition to be held in California;

Also: Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 8b authorizing the city of Los Angeles to amend its charter in certain particulars; Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—9; committee vote: Ayes—6; absent—3.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 77—A resolution to propose to the people of the State of California an amendment to section 14 of Article I of the Constitution of said State, relating to the rights of private property—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by repealing section 14 of Article XIII thereof, relating to bonds exempt from taxation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—9; committee vote: Ayes—5; noes—1; absent—3.

SNYDER, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 766—An act to add sections 496 to 499 of the Fish and Game Code, relating to the taking of fish—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—16; committee vote: Ayes—9; absent—5.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 172—An act to amend sections 626, 627 of, and to add sections 662.5 to the Fish and Game Code, relating to trout and salmon.

Also: Senate Bill No. 1047—An act to add sections 703.5 and 803.5 to the Fish and Game Code, relating to fish.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—16; committee vote: Ayes—9; absent—5.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 340—An act to amend section 691.6 of the Fish and Game Code, relating to bass.

Also: Assembly Bill No. 805—An act to amend section 797 of the Fish and Game Code, relating to albatross.

Also: Assembly Bill No. 2294—An act to repeal sections 327, 330, 331, 332, 333, 334 and 335 of the Fish and Game Code, relating to game trophies.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—16; committee vote: Ayes—9; absent—5.

McCOLL, Chairman.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, May 8, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 424—An act granting to the city of Richmond and its successors the salt marsh, tide and submerged land of the State of California, situated in said city, including the right to wharf out therefrom and grant franchises and leases thereon and regulating the management, use and control thereof, also including the right of said city to collect the wharfage, use and profits in any manner hereafter arising from the lands or wharf out privileges hereby granted—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

PARKMAN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 78—An act granting to the city of Sacramento certain lands lying within the city of Sacramento.

Also: Assembly Bill No. 1487—An act to establish the line of applicant high tide in and for a part of Newport Bay in the city of Newport Beach, Orange County, California, and to establish and declare that the land adjacent to said line was upland on and prior to May 25, 1919, and was not tidal lands or submerged lands on said date, but was situated above the line of mean high tide of the Pacific Ocean on said date.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

PARKMAN, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 668—An act to amend section 12905 of the Insurance Code, relating to the Insurance Commissioner.

Also: Senate Bill No. 669—An act to amend section 11716 of the Insurance Code, relating to the Insurance Commissioner.

Also: Senate Bill No. 910—An act to amend sections the Insurance Code, by adding Article 8a to Chapter 1 of Part 2 of Division 1 of said code, comprising section 870, all

relating to the deposit of funds by investment in policies, or otherwise, with an insurer; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 480—An act to amend section 10840 and 10844 of the Insurance Code, relating to domestic assessment plan life or disability insurers;

Also: Senate Bill No. 478—An act to repeal section 1700 of the Insurance Code, relating to life agents;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 482—An act to amend section 1370 of the Insurance Code, relating to the assets of reciprocal insurers;

Also: Senate Bill No. 483—An act to add a new chapter to the Insurance Code, to be numbered Chapter 13 of Part 2 of Division 2 thereof, relating to the voluntary mutualization of incorporated life insurers or life and disability insurers having a share capital and issuing nonassessable policies on a reserve basis;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

WILLIAMS, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 668—An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the Bankrupt Laws of the United States of America in any refunding—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 771—An act authorizing counties to contract with cities and towns, to assume and carry on certain municipal functions thereof, providing for transfers of employees and adjustment of pensions, and authorizing cities to transfer such functions to counties and to enter into contracts in relation thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 535—An act to amend the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by

said district, to provide for the government and control of said district and to define the powers and duties of the officers thereof, approved June 12, 1915, as amended, and by adding three new sections to said act to be numbered sections 2a, 2b, and 2c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of said divisions, and providing for the performance of certain duties by Los Angeles County officers for said district, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote, Ayes—9, absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 17—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds; and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the establishment in service of employees and entitling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire; has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote, Ayes—7, nays—2, absent—2.

McGOVERN, Chairman.

Adjournment.

On motion of Senator Mixter, at ten o'clock and forty-five minutes p.m., the President pro tempore of the Senate declared the Senate adjourned until 10 o'clock and thirty minutes a.m., Friday, May 10, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Friday, May 10, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, Hulise, Jepsen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—30.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Thursday, May 9, 1935, the further reading was dispensed with, on motion of Senator McCormack.

Leaves of Absence.

Senators Knowland and Denel were, on motion of Senator Hays, granted leaves of absence for this day.

Senator Snyder was, on motion of Senator Waggy, granted leave of absence for this day.

Senators Difani and Powers were, on motion of Senator McColl, granted leaves of absence for this day.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 944—An act regulating the use of public highways by motor vehicles operated thereon for the transportation of property for compensation; conferring powers upon the Railroad Commission with respect thereto; providing penalties for the violations of this act and repealing all acts inconsistent with the provisions of this act;

Also: Assembly Bill No. 958—An act to amend section 4190 of the Political Code, relating to establishment and government and the creation of a fund for law library;

Also: Assembly Bill No. 2122—An act to postpone proceedings to enforce the lien, or any guaranty in connection therewith, arising out of the levy of any special assessment or special assessment tax, or arising out of the issuance of any special assessment bond, or ad valorem district bonds or direct assessment district bonds, levied or issued to pay the cost of the improvement or acquisition of property for public purposes, declaring the urgency thereof, and providing that it shall take effect immediately;

Also: Assembly Bill No. 2292—An act to amend sections 18 and 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 944 read first time, and referred to Committee on Public Utilities.

Assembly Bill No. 958 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 2122 and 2292 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 450—An act to repeal Article V of Chapter I of Part III of Division IV, embracing sections 4320 to 4334, inclusive, of the School Code, and to repeal Article VI of Chapter I of Part III of Division IV, embracing sections 4340 to 4353 of the School Code, and to enact in lieu thereof a new article to be numbered V, embracing sections 4320 to 4332, inclusive, all relating to payments from district funds;

Also: Assembly Bill No. 638—An act to amend sections 997, 1009, 1116, 1117, 1166, 1188, 1262, 1297, 1302, 1371, and 1384, of the Penal Code, relating to refund of money deposited in lieu of bail, and to repeal conflicting acts and parts of acts;

Also: Assembly Bill No. 1340—An act authorizing the Governor to execute a compact with the State of Nevada, for the purpose of promoting comity and good will between California and Nevada with reference to the Boulder Canyon Project, and of adjusting matters pertaining to the proposed taxation of property located in Nevada and owned by the State of California or any political subdivision thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 450 read first time, and referred to Committee on Education.

Assembly Bill No. 638 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bill No. 1340 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 915—An act to amend sections 1 to 25 inclusive of, and add new sections to be numbered 184, 194, 225, 254, 27 and 28 to, and to repeal section 26 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the execution thereof, approved June 5, 1933, relating to saving agricultural wealth, prevention of economic waste and providing for the Agricultural Prorate Commission.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 915 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 58—Relative to memorializing Congress to pass a bill restoring pensions to Spanish American War veterans.

Also: Assembly Joint Resolution No. 59—Relative to memorializing the President and the Congress of the United States to enact H. R. 6628, which proposes to provide remunerative employment for the blind citizens of the United States.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 58 referred to Committee on Federal Relations.

Assembly Joint Resolution No. 59 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation, preventing discriminations between various forms of transportation, creating the office of Truck Commissioner; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 329 ordered on file as unfinished business.

Report of Standing Committee.

The following report of standing committee was received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 13—A resolution to propose to the

people of the State of California, an amendment to the Constitution of said State by amending sections 1, 4, 4b, 4c, 10, 18, 23, and 24 of Article VI, and by adding sections 4d, 4e, and 4f to said Article VI of the Constitution, relating to the judicial power of the State;

Also: Senate Bill No. 845—An act to amend section 51 of the Bank Act, relating to deposits by order of court;

Also: Senate Bill No. 846—An act to amend section 91 of the Bank Act, relating to deposits by order of court;

Also: Senate Bill No. 933—An act to amend section 473 of the Penal Code, relating to punishment for forgery;

Also: Senate Bill No. 1101—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto numbered section 2a, providing for securing the written consent of political subdivisions owning sixty per cent or more in area or value of the lands to be incorporated;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 262—An act to amend sections 6, 10, 17 and 18 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 959—An act to amend section 675 of the Political Code, relating to the power of the Director of the Department of Finance.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1099—An act to add section 5 to an act entitled "An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Napa, in said State," approved May 5, 1917, relating to the transfer of the management and control of said land.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 327—An act providing for and relating to industrial and social rehabilitation of persons suffering and in distress from unemployment through and by means of cooperative organizations and associations and prescribing the powers and duties of the Relief Administrator and the Relief Commission and repealing all laws in conflict herewith.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 827 were read and adopted:

Amendment No. 1.

On page 4, line 47, of the printed bill, strike out the word "commence", and the comma following it, and insert after the word "acquire", the following: "for temporary use."

Amendment No. 2.

On page 5, line 1, of the printed bill, strike out the word "purchase", and the comma following it.

Amendment No. 3.

On page 5, between lines 1 and 2 of the printed bill, insert the following: "acquisition for temporary use."

Amendment No. 4.

On page 5, line 2, of the printed bill, strike out the word "acquiring."

Amendment No. 5.

On page 5 of the printed bill, strike out the remainder of the end of line 6, and all of lines 7 to 15, inclusive, and the words "acquisitive commerce", in line 10.

Amendment No. 6.

On page 5, line 47, of the printed bill, strike out the words "State, county, municipal or other", and all of lines 48 to 51, inclusive, and the words "such goods to", in line 52.

Amendment No. 7.

On page 6, line 26, of the printed bill, strike out the word "except", and all the balance of the line; and all of lines 27 and 28 in and following the word "and", in line 29.

Amendment No. 8.

On page 7, line 30, of the printed bill, strike out the words "The provisions of this act", and insert in lieu thereof the following: "This act shall be deemed a temporary emergency."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 882—An act to amend section 750 of the Vehicle Code, relating to the color of vehicles and uniforms to be used by enforcement officers.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 882 was read and adopted:

Amendment No. 1.

"SEC. 750. Color of Vehicle and Uniform To Be Used by Enforcement Officers. Every member of the California Highway Patrol and every other peace officer while on duty for the exclusive or main purpose of enforcing the provisions of Division IX of this code, relating to speed, shall wear a full distinctive uniform and if such officer while so on duty uses a motor vehicle such vehicle must be painted a distinctive color specified by the department."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 942—An act to amend sections 1, 2, 2½, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18½, 19, 20, 21, 22 and 23, of the Old Age Security Act of the State of California, relating to the protection, welfare and assistance of aged persons and the payment of pensions thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 942 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "sections", strike out the balance of the line, and strike out all of line 2, and insert in lieu thereof the following: "2, 3 and 21 of, to add section 9a to, and to repeal sections 4 and 5 of the".

Amendment No. 2.

On page 1, line 1, of the printed bill, after "SECTION 1.", insert the following: "Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 2. Aid may be granted under this act to any person who:

- (a) Has attained the age of sixty-five years;
- (b) Is a citizen of the United States;
- (c) Resides in the State of California and has so resided continuously for at least five years within the ten years immediately preceding the date of application;
- (d) Resides in the county or city and county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application;
- (e) Is not at the time of receiving such aid an inmate of any public or private home for the aged, or any public home, or any public or private institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a hospital;
- (f) Has no relative of the following degree of kindred: husband, wife, parent or child, able and responsible under the law of this State for his support;
- (g) Has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid; and
- (h) Has an income, which when joined with the income of such person's spouse, is inadequate to provide a reasonable subsistence compatible with decency and health.

SEC. 2. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 3. The amount of aid to which any such person shall be entitled shall be fixed with due regard to the conditions existing in each case, but in no case shall it be less than an amount which, when added to the income of the applicant from all sources, shall total fifty dollars per month.

SEC. 3. Section 9a is hereby added to the act cited in the title hereof to read as follows:

Sec. 9a. The total amount of aid paid under this act to any recipient shall be a lien upon his estate. On the death of a person receiving aid, or of the survivor of a married couple, both of whom receive aid, the total amount paid shall be allowed and deducted from the estate by the court having jurisdiction and paid to the State and the county in proportion to the amount of aid paid by each. At any time the board of supervisors may execute and file with the county recorder a certificate showing the amount of assistance paid to said person and when so filed said certificate shall be a legal claim against his estate and shall have the same force and effect as a judgment at law. The recorder shall keep a suitable record of such certificates and enter therein an acknowledgment of satisfaction upon receipt of notice thereof from the board of supervisors. All funds recovered under the provisions of this section shall be allocated to the county and State in the same proportion as aid is paid by the county and State. No lien shall be enforced against any real estate of a beneficiary while it is occupied by the surviving spouse of the beneficiary and while such surviving spouse remains unmarried.

SEC. 4. Section 21 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 21. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to each and every county and city and county maintaining or supporting aged persons who come within the provisions of this act, aid not in excess of four hundred and twenty dollars per annum for each aged person maintained or supported by such county or city and county. Payments of such aid shall be made in the manner provided in section 15 of this act.

SEC. 5. Sections 4 and 5 of the act cited in the title hereof are hereby repealed.

Sec. 6. The provisions of any act or acts of the Congress of the United States providing for allotment of moneys to the several States by the Federal Government for old age assistance are hereby accepted, and the Governor is hereby authorized and directed to accept the same on behalf of the State of California and to submit to the Federal Government the plan of this State for old age assistance as provided by the laws of this State.

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 533—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative associations, who may organize, purpose and powers, distribution of benefits, and vote and consisting of sections 6531 to 65316.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Corporations and Financial Institutions, the following amendments to Senate Bill No. 533 were read and adopted:

Amendment No. 1.

On page 1, lines 2 and 3 of the printed bill, strike out "associations", and insert in lieu thereof the following: "corporations".

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 3.

On page 1, line 7, of the printed bill, strike out "or association", and insert in lieu thereof the following: "corporation".

Amendment No. 4.

On page 1, line 23, of the printed bill, strike out "associations", and insert in lieu thereof the following: "corporations".

Amendment No. 5.

On page 1, line 24, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 6.

On page 2, line 5, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 7.

On page 2, line 5, of the printed bill, strike out "filing", and insert in lieu thereof the following: "filing".

Amendment No. 8.

On page 2, line 7, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 9.

On page 2, line 12, of the printed bill, after the comma after "thereof", insert the following: "and any limitation on the number of shares or memberships permitted to be owned or held or voted by any one shareholder or member at any one time."

Amendment No. 10.

On page 2, line 24, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 11.

On page 2, line 26, of the printed bill, strike out "State Treasurer", and insert in lieu thereof the following: "Secretary of State".

Amendment No. 12.

On page 2, line 33, of the printed bill, strike out "associations", and insert in lieu thereof the following: "corporations".

Amendment No. 13.

On page 2, line 37, of the printed bill, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 14.

On page 2, line 39, of the printed bill, strike out "and membership", and insert in lieu thereof the following: "or memberships".

Amendment No. 15.

On page 2, line 44, of the printed bill, strike out "required", and insert in lieu thereof the following: "by the directors deemed necessary".

Amendment No. 16.

On page 2, line 48, of the printed bill, after "shareholders", insert the following: "or members".

Amendment No. 17.

On page 3, line 10, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 18.

On page 3, line 25, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 19.

On page 3, lines 26 and 27, of the printed bill, strike out "board of directors of the association", and insert in lieu thereof the following: "directors".

Amendment No. 20.

On page 3, line 27, of the printed bill, after "share", insert the following: "or membership".

Amendment No. 21.

On page 3, line 28, of the printed bill, immediately preceding "of", insert the following: "or membership".

Amendment No. 22.

On page 3, line 29, of the printed bill, strike out "a", and insert in lieu thereof the following: "any".

Amendment No. 23.

On page 3, line 31, of the printed bill, strike out "as prescribed in the by-laws"; and also strike out all of lines 32 and 33, and insert the following: "prescribed in the by-laws."

Amendment No. 24.

On page 3, line 36, of the printed bill, immediately preceding "members", insert the following: "shareholders or".

Amendment No. 25.

On page 3, line 37, of the printed bill, immediately following the comma after "shareholders", insert the following: "or members".

Amendment No. 26.

On page 3, line 40, of the printed bill, immediately before "manner", insert the following: "a".

Amendment No. 27.

On page 3, line 46, of the printed bill, after "shareholders", insert the following: "or member".

Amendment No. 28.

On page 3, line 47, of the printed bill, after "shareholder", insert the following: "or member".

Amendment No. 29.

On page 4, line 3, of the printed bill, strike out "of the association", and insert in lieu thereof the following: "or members of the corporation".

Amendment No. 30.

On page 4, line 8, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 31.

On page 4, line 9, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 32.

On page 4, line 18, of the printed bill, strike out "association", and insert in lieu thereof the following: "corporation".

Amendment No. 33.

On page 4, line 19, of the printed bill, strike out "another", and insert in lieu thereof the following: "any other".

Amendment No. 34.

On page 4, line 21, of the printed bill, after "stock", insert the following: "or membership".

Amendment No. 35.

On page 4, line 28, of the printed bill, strike out "including", and insert in lieu thereof the following: "proposed to be purchased which shall include".

Amendment No. 36.

On page 4, line 29, of the printed bill, strike out "asset", and insert in lieu thereof the following: "assets".

Amendment No. 37.

On page 4, line 45, of the printed bill, after "shareholders", insert the following: "or members".

Amendment No. 38.

On page 4, line 50, of the printed bill, after "shareholders", insert the following "or members".

Amendment No. 39.

On page 4, lines 51 and 52, of the printed bill, strike out "associations or in the absence of such, it may be determined by the board of directors", and insert in lieu thereof the following "directors".

Amendment No. 40.

On page 5, line 1, of the printed bill, strike out "association", and insert in lieu thereof the following "corporation".

Amendment No. 41.

On page 5, line 2, of the printed bill, strike out "the general welfare of the association", and insert in lieu thereof the following "its general welfare".

Amendment No. 42.

On page 5, line 4, of the printed bill, strike out "twenty five", and insert in lieu thereof the following "fifty".

Amendment No. 43.

On page 5, line 5, of the printed bill, strike out "in the association", and insert in lieu thereof the following "for memberships in the corporation".

Amendment No. 44.

On page 5, line 10, of the printed bill, after "organized", insert the following "as a corporation".

Amendment No. 55.

On page 5, line 15, of the printed bill, before the comma and after "stockholders", insert the following "or members".

Amendment No. 56.

On page 5, line 26, of the printed bill, strike out "such", and insert in lieu thereof the following "some".

Amendment No. 57.

On page 5, line 28, of the printed bill, strike out "or a copartnership", and insert in lieu thereof a comma and the following "or an incorporated association".

Amendment No. 58.

On page 5, line 29, of the printed bill, after "No", insert the following "person, firm,".

Amendment No. 59.

On page 5, line 31, of the printed bill, after "tural", insert the following "corporation or".

Amendment No. 60.

On page 5, lines 31 and 32, of the printed bill, strike out "or as a membership corporation under article of the _____ law,".

Amendment No. 61.

On page 5, line 37, of the printed bill, strike out "individual", and insert in lieu thereof the following "person, firm,".

Amendment No. 62.

On page 5, line 39, of the printed bill, strike out "or shall", and insert in lieu thereof the following "nor shall they or it".

Amendment No. 63.

On page 5, line 48, of the printed bill, strike out "individual", and insert in lieu thereof the following "person, firm,".

Amendment No. 64.

On page 6, line 7, of the printed bill, after the comma after "person", insert the following "firm,".

Bill read second time, ordered to reprint, and re-referred to Committee on Corporations and Financial Institutions.

Senate Bill No. 424—An act granting to the city of Richmond and its successors the salt marsh, tide and submerged land of the State of California, situated in said city, including the right to wharf out therefrom and grant franchises and leases thereon and regulating the management, use and control thereof, also including the right of said city to

collect the rents, issues and profits in any manner hereafter arising from the lands or wharf-out privileges hereby granted.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Senate Bill No. 424 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "the", immediately preceding "salt", and insert in lieu thereof the following: "certain".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out "situated in said city,".

Amendment No. 3.

On page 1, line 6, of the printed bill, strike out "within the present boundaries of said city,".

Amendment No. 4.

On page 1, line 8, of the printed bill, strike out "said boundaries," and insert in lieu thereof the following: "the areas described as follows:

Parcel 1. All of the said salt marsh, tide and submerged lands lying west of the prolongation northerly of the westerly line of section three, township one north, range five west, Mount Diablo base and meridian, to the city limits of said city of Richmond, and northerly of a line drawn from a point on the line of mean high tide westerly to the city limits of said city of Richmond, six hundred sixty feet southerly from, and parallel to, the prolongation westerly of the center line of section five of said township and range, to the city limits of said city of Richmond;

Parcel 2. All of the salt marsh, tide and submerged lands lying between the prolongations westerly to the city limits of said city of Richmond of the northerly and southerly lines of section nine, township one north, range five west, Mount Diablo base and meridian;".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 172 An act to amend sections 626, 627 of, and to add section 662.5 to, the Fish and Game Code, relating to trout and salmon.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 172 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "to amend sections 626, 627 of, and".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "trout and".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 15, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 662.5 is hereby added to the Fish and Game Code to read".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1047—An act to add sections 793.5 and 803.5, to the Fish and Game Code, relating to fish.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 1047 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after "sale", insert the following: "within one-half mile of the shore line".

Amendment No. 2.

On page 1, line 5, of the printed bill, after the word "opposite", strike out the balance of the line, and insert in lieu thereof the following: "the outlet of Santa Rosa Creek to the ocean".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 766—An act to add section 495 of the Fish and Game Code, relating to the taking of fish.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 668—An act to amend section 12905 of the Insurance Code, relating to the Insurance Commissioner.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 669—An act to amend section 11716 of the Insurance Code, relating to the Insurance Commissioner.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 910—An act to amend sections the Insurance Code, by adding Article 8a to Chapter 1 of Part 2 of Division 1 of said code, comprising section 870, all relating to the deposit of funds by investment in policies, or otherwise, with an insurer.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 480—An act to amend section 10840 and 10844 of the Insurance Code, relating to domestic assessment plan life or disability insurers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 478—An act to repeal section 1700 of the Insurance Code, relating to life agents.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 482—An act to amend section 1370 of the Insurance Code, relating to the assets of reciprocal insurers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 482 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 11, and insert in lieu thereof the following: "the payment of loans heretofore contracted or for moneys heretofore due."

Amendment No. 2.

On page 1, line 14, of the printed bill, strike out "previously", and insert in lieu thereof the following: "heretofore".

Amendment No. 3.

On page 1, line 16, of the printed bill, after "exchange", insert the following: "in trust".

Amendment No. 4.

On page 1, line 17, of the printed bill, strike out the period, and insert in lieu thereof the following: "unless the time for any such sale or disposal is extended by the commissioner in writing."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 483—An act to add a new chapter to the Insurance Code, to be numbered Chapter 13 of Part 2 of Division 2 thereof, relating to the voluntary mutualization of incorporated life insurers or life and disability insurers having a share capital and issuing nonassessable policies on a reserve basis.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 483 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after the comma, insert the following: "comprising sections 11525 to 11533, inclusive,".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 22, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new chapter is hereby added to Part 2 of Division 2 of the Insurance Code, to be numbered Chapter 13, to comprise sections 11525 to 11533, inclusive, and to read as follows:

"CHAPTER 13. VOLUNTARY MUTUALIZATION OF INCORPORATED LIFE AND LIFE AND DISABILITY INSURERS HAVING A CAPITAL STOCK AND ISSUING NON-ASSESSABLE POLICIES ON A RESERVE BASIS.

Article 1. Authority and Requirements to Mutualize.

11525. A solvent domestic incorporated insurer having a paid-in capital represented by outstanding shares of capital stock and issuing, on a reserve basis, non-assessable policies of life insurance or of both life and disability insurance, may convert itself into an incorporated mutual life insurer, or life and disability insurer, issuing nonassessable policies on a reserve basis. To that end it may provide and carry out a plan for the acquisition of the outstanding shares of its capital stock for the benefit of its policyholders by complying with the requirements of this chapter.

11526. Such plan shall include appropriate proceedings for amending the insurer's articles of incorporation to give effect to the acquisition, by said insurer, of the outstanding shares of its capital stock and the conversion of the insurer from a stock corporation into a nonstock corporation for the profit of its members. All such members shall be policyholders of said insurer. Such plan shall be:

(a) Adopted by a vote of a majority of the directors.
(b) Approved by the vote of the holders of at least a majority of the outstanding shares at a special meeting of shareholders called for that purpose.

(c) Submitted to the commissioner and approved by him in writing.

(d) Approved by a majority vote of all the policyholders voting at an election by the policyholders called for that purpose, subject to the provisions of section 11528. For the purpose of this chapter such policyholders include the employer to whom, or a president, secretary or other executive officer of any corporation or association to which a master group policy has been issued, but excluding the holders of certificates or policies issued under or in connection with a master group policy.

(e) Filed in the office of the Secretary of State after having been approved as provided in subdivisions (b), (c) and (d) of this section.

11527. The commissioner shall examine the plan submitted to him under the provisions of subdivision (e) of section 11526. He shall not approve such plan unless in his opinion the rights and interests of the insurer, its policyholders and shareholders are preserved, and that the plan will be fair and equitable in its operation.

11528. At the election prescribed by subdivision (d) of section 11526, every policyholder whose insurance shall have been in force for at least one year prior to such election shall have one vote, regardless of the number of policies or amount of insurance he holds, and regardless of whether such policies are policies of life insurance or policies of disability insurance. Notice of such election shall be given to such policyholders by mailing from the principal office of such insurer at least thirty days prior to the date set for such election, in a sealed envelope, postage prepaid, addressed to each such policyholder at his last known address.

Voting shall be by one of the following methods:

(a) At a meeting of such policyholders, held pursuant to such notice, by ballot in person or by proxy.

(b) If not by the method described in subdivision (a) of this section, then by mail pursuant to a procedure and on terms to be prescribed by such plan.

Such election shall be conducted under the direction and supervision of those impartial and disinterested inspectors appointed by the insurer and approved by the commissioner. In case any person appointed as inspector fails to appear at such meeting or fails or refuses to act at such election, the vacancy, if occurring in advance of the convening of the meeting or in advance of the opening of the mail vote, may be filled in the manner prescribed for the appointment of inspectors; and, if occurring at the meeting or during the canvass of the mail vote, may be filled by the person acting as chairman of such meeting or designated by that person in such plan. The decision, act or certificate of a majority of the inspectors shall be effective in all respects as the decision, act or certificate of all. The minutes of election shall determine the number of policyholders, the voting power of each, the policyholders represented at the meeting or voting by mail, the existence of a quorum and the authenticity, validity and effect of proxies. There shall neither be any appeal nor determination of any challenge or question in the way of any vote, nor shall the right to vote, count and tabulate all votes, interpret the result, and do such other acts as are proper to conduct the vote with fairness to all policyholders. The inspectors of election shall before commencing performance of their duties subscribe to and file with the insurer and with the commissioner an oath that they, and each of them, will perform their duties honestly, in good faith, to the best of their ability, and as expeditiously as is practicable. On the request of the insurer, the commissioner, a policyholder or his proxy, the inspectors shall make a record in writing of any challenge or question or matter determined by them and execute a certificate of any fact found by them. They shall also certify the result of each vote to the insurer and to the commissioner. Any report or certificate made by them shall be prima facie evidence of facts stated therein. All necessary expenses incurred in connection with such election shall be paid by the insurer. For the purpose of this section, a quorum shall consist of two per centum of the policyholders of such insurer entitled to vote at such election.

Article 2. Execution of Plan.

11529. In carrying out any such plan, the insurer may acquire any shares of its own stock by gift, bequest or purchase. Any shares so acquired shall be placed in trust for the policyholders of the insurer as hereinafter provided. Such shares shall be assigned and transferred on the books of such insurer to those trustees appointed by the commissioner and approved by the commissioner. Such trustees shall hold in trust and vote such stock at all company meetings at which stockholders have the right to vote, until all of the outstanding shares of capital stock of such insurer have been acquired. Thereupon all said shares shall be converted, the certificate of amendment of the insurer's articles of incorporation, relating thereto shall be filed in accordance with the provisions of section 104 of the Civil Code, and the insurer shall become a nonstock corporation for the benefit of its members. Thereafter such corporation shall be conducted for the mutual benefit, ratably, of its policyholders and shall, upon issuance to it by the commissioner of a certificate of authority have power to issue nonconvertible policies on a reserve basis subject to all provisions of law applicable to incorporated life insurers of life and disability insurers, as the case may be, issuing nonconvertible policies on a reserve basis, but shall be exempt from the provisions of Chapter 7 of Part 2 of Division 2 of this code.

11530. Every payment for the acquisition of any shares of the capital stock of such insurer, the purchase price of which is not fixed by such plan, shall be subject to the prior approval of the commissioner. Neither such plan, nor any such payment, may be approved by the commissioner unless he finds that the rights and interests of the insurer, its policyholders and shareholders are preserved, nor unless at the time of each such approval, the paid-in capital of the insurer, after deducting the amount described in subdivisions (a) or (b) of this section, as is proper thereunder, is sufficient at least to qualify such insurer to be admitted as to the classes of insurance transcribed by it in this State. The amounts to be deducted as provided in this section are as follows:

(a) The aggregate sum fixed by such plan for the acquisition of any part or all of its shares of capital stock.

(b) In case of any payment not fixed by such plan and subject to separate approval after the approval of such plan, the amount of such payment.

11531. The trustees referred to in section 11529 shall file with such insurer and with the commissioner a verified acceptance of their appointments and verified declarations that they will faithfully discharge their duties as such trustees. All dividends and other sums received by said trustees on the shares held by them, after paying the necessary expenses of executing their trust, shall be immediately repaid to such insurer for the benefit of all who are, or may become, policyholders of such insurer and entitled to participate in the profits thereof and shall be added to and become a part of the assets of such insurer.

11532. Such insurer, after mutualization, shall be a continuation of the original insurer, and such mutualization shall not affect existing suits, rights or contracts except as provided in said plan for the acquisition of the outstanding shares of the capital stock of such insurer, approved as provided in this chapter. Such insurer,

after mutualization, shall exercise all the rights and powers and perform all the duties conferred or imposed by law upon insurers writing the classes of insurance written by it, and to protect rights and contracts existing prior to mutualization, subject to the effect of said plan.

11533. The provisions of Article 8 of Chapter 1 of Part 2 of Division 1 of this code shall not apply to any of the following:

(a) Shares of the capital stock of such insurer acquired as provided in section 11529 and assigned and transferred to the trustees as is provided in said section, and the assignment and transfer of said shares as so provided.

(b) Any certificate or other instrument issued to a policyholder of such mutualized insurer conferring or evidencing membership in such mutualized insurer or conferring or evidencing such member's right to participate in the profits or share in the assets of such mutualized insurer by virtue of his membership therein, and the issuance of such certificate or other instrument.

(c) The plan for the acquisition of the outstanding shares of the capital stock of such insurer authorized by the provisions of this chapter, the subdivision of said plan to the commissioner and to the policyholders of such insurer as provided in this chapter, and the approval and carrying out of said plan or any part thereof in accordance with the provisions of this chapter.

Amendment No. 3.

Strike out all of pages 2, 3 and 4 of the printed bill.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 535—An act to amend the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, and by adding three new sections to said act to be numbered sections 3a, 3b, and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 17—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members

of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 17 were read and adopted:

Amendment No. 1.

On page 14, line 22 of the printed bill, as amended, insert the following language after the semicolon following the word "San Francisco", and before the word "provided", insert the following words:

"Such persons shall go to the positions now held by them here, without preference over all other persons, and shall have such seniority and preference, in case of lay-off, on the eligible list, over all other persons whether or not employees of the City and County of San Francisco, and whether or not persons eligible out of the City and County of San Francisco. All persons employed in the operating service of the Board of State Harbor Commissioners at the time this act goes into effect shall continue to be members of the State Employees' Retirement System, with contributions subject to the same law, rules and regulations as in the case of State employees. The contributions provided by section 109 of an act entitled 'An act to provide for the establishment, adjustment with other systems, or a retirement system for the employees of the State of California, and make an appropriation therefore,' approved June 9, 1931, shall be made by the City and County of San Francisco from said San Francisco Harbor fund and such employees shall continue to receive the benefits and make the payments provided or will do so approved June 9, 1931.

The cost of the additional pension and second additional pension provided by sections 83 and 84 of said act shall be a charge upon and be paid by the City and County of San Francisco, out of said San Francisco Harbor fund, in all such cases.

All persons employed in the operating service of the Board of State Harbor Commissioners at the time this act goes into effect and who have been employed at least one year prior to the date when this act goes into effect, and who on the date this act takes effect reside outside the City and County of San Francisco shall not thereafter be required to reside within the City and County of San Francisco nor shall they otherwise have their residence restricted.

The provisions of this act in respect to persons employed in the operating service of the Board of State Harbor Commissioners at the time this act takes effect shall also apply to heads of departments and bureaus in such operating service in the same manner as to the other employees."

Amendment No. 2.

On page 14 of the printed bill, as amended, between lines 43 and 44 add a new section thereto, to read as follows:

"Sec. 134. Title to all property and rights herein granted shall not rest finally in the City and County of San Francisco unless and until said City and County of San Francisco shall by amendment to its charter and city ordinances comply with or make it lawful to comply with, each and all of the terms and conditions hereof."

Amendment No. 3.

On page 6, line 32, of the printed bill, as amended, after "purposes", insert the following: ", subject to the reservations."

Amendment No. 4.

On page 6 of the printed bill, as amended, after line 52, insert the following:

"The grant contained in this act shall be subject to any present or future use of any of such property by the California Toll Bridge Authority, or any other department of the State of California, in connection with the San Francisco-Oakland Bay Bridge, the approaches thereto, or the transportation facilities in connection therewith. The title to all of such property reserved for present or future use in connection with said bridge, approaches or transportation facilities is specifically reserved in the State of California."

Amendment No. 5.

On page 6, line 9, of the printed bill, as amended, after the word "front", and before the word "established", insert the word "line".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Withdrawal and Re-reference of Senate Bill No. 942.

Senator Olson moved that Senate Bill No. 942 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Labor and Capital.

Motion carried, and such was the order.

Recess.

On motion of Senator Sharkey, at eleven o'clock a.m., the President pro tempore of the Senate declared recess, for the purpose of attending the Mother's Day program in the Assembly, to reconvene immediately following the program.

Reconvened.

At twelve o'clock and forty minutes p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.
Assistant Secretary Carl A. Shipkey at the desk.

Consideration of Daily File.**Second Reading of Assembly Bills.**

Assembly Bill No. 1883—An act to amend section 472a of the Political Code, relating to the defense of State officers and employees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1861—An act to amend section 694da of the Political Code, relating to the State Agricultural Society contingent fund.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1861 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend", and insert in lieu thereof the following: "add section 76 to the Agricultural Code and to repeal".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "Agriculture", and insert in lieu thereof the following: "Agricultural".

Amendment No. 3.

On page 1 of the printed bill, strike out line 2, and insert in lieu thereof the following: "repealed.

SEC. 2. Section 76 is hereby added to the Agricultural Code, to read as follows: "

Amendment No. 4.

On page 1, line 3, of the printed bill, strike out "694da", and insert in lieu thereof the following: "76."

Amendment No. 5.

On page 1 of the printed bill, strike out lines 12 to 21, inclusive, and insert in lieu thereof the following: "California State Fair, including the construction, improvement, and, with the approval of the Department of Finance, the purchase of lands in connection therewith. All moneys heretofore or hereafter appropriated, whether at the fiftieth session of the Legislature or otherwise, for the support of the State Agricultural Society, including moneys appropriated for permanent revolving fund to be used for support of said agency, are hereby transferred to said contingent fund and shall be expended without return thereof to the general fund, in the same manner as any other moneys in said contingent fund."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 509—An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 509 were read and adopted:

Amendment No. 1.

On page 2, line 13, of the printed bill, as amended, after the word "gifts", strike out the comma and insert the words "for the purposes of State Planning."

Amendment No. 2.

On page 2, line 17, of the printed bill as amended, following the period after the word "State", insert the following: "The State Planning Board shall not exercise any of the powers or duties of any other State department or agency."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2383—An act to prohibit and declare void certain contracts, conditions, agreements and understandings in connection with the sale or contract to sell motor vehicles by manufacturers or wholesale distributors thereof, and prohibiting the giving or payment of anything or service of value by any manufacturer or wholesale distributor of motor vehicles to any one engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles, and the acceptance or receipt thereof by any such person when competition in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles may be lessened or eliminated, or a monopoly created or tended to be created, and prohibiting from doing business in this State any one engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles who so accepts or receives anything or service of value from any manufacturer or wholesale distributor of motor vehicles, and prescribing penalties, forfeitures, and recoveries for the violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Corporations and Financial Institutions, the following amendments to Assembly Bill No. 2383 were read and adopted:

Amendment No. 1.

On page 2, line 20, of the printed bill, as amended, after the word "made", strike out the words "directly or", and in line 21, strike out the word "indirectly."

Amendment No. 2.

On page 2, line 38, of the printed bill, as amended, after the word "made", strike out the word "directly", and in line 39, strike out the words "or indirectly."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 78—An act granting to the city of Sacramento certain lands lying within the city of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1487—An act to establish the line of ordinary high tide in and for a part of Newport Bay in the city of Newport Beach, Orange County, California, and to establish and declare that the land adjacent to said line was upland on and prior to May 25, 1919.

and was not tidelands or submerged lands on said date, but was situated above the line of mean high tide of the Pacific Ocean on said date.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 340—An act to amend section 691.6 of the Fish and Game Code, relating to bass.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 865—An act to amend section 797 of the Fish and Game Code, relating to abalone.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2294—An act to repeal sections 327, 330, 331, 332, 333, 334 and 335 of the Fish and Game Code, relating to game refuges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 668—An act to provide for the refunding to the bonded indebtedness of special improvement districts, the bonds of which are payable from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 668 were read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, following the word "from", insert the words "taxes or from", and on page 1, line 1, strike out all of the language following the period; strike out all of lines 2 to 10, inclusive, and in line 11, strike out the language preceding the period, and insert in lieu thereof the following: "Any bonded indebtedness consisting of outstanding unpaid bonds and outstanding unpaid interest coupons of bonds issued by or for any special improvement district the bonds of which are payable from special taxes or special assessments levied wholly or partly in accordance with the assessed value of lands may be funded or refunded under and pursuant to the provisions of this act."

Amendment No. 2.

On page 2, line 2, of the printed bill, as amended, following the word "refunded", insert the following: ", and the rate of interest on the refunding bonds shall not exceed the rate of interest on the bonds to be refunded"; and on page 2, line 2, strike out the word "said", and in the same line, following the word "body", insert the following: "of the city or county or city and county which conducts the refunding proceedings"; and on page 2, line 11, following the period, insert the following: "In refunding such indebtedness under this act, the total amount of the assessments to be levied under this act plus contributions, if any, of public money to aid in such refunding shall be less than the total amount of unpaid bonds and due and unpaid interest coupons to be refunded."

On page 2, line 33, strike out all of the language following the words "state the", and strike out all of lines 34 to 45, inclusive, and insert in lieu thereof the following: "total amount of the outstanding indebtedness to be refunded, and shall state the amount of the principal of bonds included therein, and the amount of due and unpaid interest coupons included therein, all as of the date said resolution is adopted. No error or mistake in the computation of the amount of unpaid

principal or unpaid interest shall affect the validity of the refunding proceedings, and no error or mistake in any statement of the amount of such principal or interest in any notice, resolution or order in the course of the proceedings shall invalidate in any way the assessment or the refunding bonds or the refunding proceedings; provided, that the total sum of the assessment levied in the refunding proceeding, plus any contribution or contributions of public funds made to aid in such refunding, shall not exceed the sum of the principal amount of the bonds to be refunded and the amount of the due and unpaid interest coupons to be refunded.

Said resolution shall also contain a date, hour, and place for the hearing of objections to said refunding, and the date fixed for said hearing shall not be less than twenty (20) days nor more than sixty (60) days subsequent to the date of adoption of said resolution. Said resolution shall also contain a statement that the refunding shall not be authorized unless the written consent of the owners of a majority in area of the land in the district subject to assessment to pay the principal and interest of the outstanding bonds is filed with the clerk of the legislative body, and that any owner of land in said district may file his written consent to such refunding at any time prior to the adoption of the resolution ordering the refunding."

Amendment No. 3.

On page 3, line 45, of the printed bill, as amended, following the word "mailing", insert the words "or posting".

On page 3, line 52, following the period, insert the following: "The date of the first publication of the resolution of intention, the date of the posting of copies of such resolution, and the date of mailing copies of such resolution (which dates need not be the same) shall be at least twenty (20) days prior to the date of hearing fixed in said resolution."

On page 3, strike out all of line 1, and in line 2, strike out the words "prior thereto any", and insert in lieu thereof the word "Any".

On page 3, line 12, strike out "and of", and strike out all of lines 13 to 17, inclusive, and insert in lieu thereof the following: "Executors, administrators, special administrators, and guardians may consent for any property of the estate represented by them. Any trustee of an express trust in land, other than as security for the payment of money, may consent for all or any part of the land held in such trust. A trustee in bankruptcy may consent for all or any part of the property of the bankrupt. Such executors, administrators, guardians and trustees are deemed owners of land within the meaning of this act. The written consent of the owners of a majority in area of the lands in the district subject to assessment in the refunding proceedings shall be binding upon the owners of the minority in area of the lands in such district."

On page 3, line 18, strike out all of the language following the figure "4"; strike out all of lines 19 to 25, inclusive, and on page 4, strike out lines 1 to 14, inclusive, and insert in lieu thereof the following: "At any time not later than the hour set for hearing objections to the proposed refunding, any person interested and any owner of property which is subject to assessment in the refunding proceeding may file his written objection against the proposed refunding with the clerk of the legislative body. Such objection must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and shall set forth the nature of each signer's interest therein, and shall be delivered to the clerk of said legislative body at or before the time set for hearing, and no other protests or objections shall be considered. At the time and place fixed for the hearing of objections, or at any time to which the hearing thereof may be adjourned, the legislative body shall hear and consider all objections so filed. The hearing may be continued from time to time, by order of the legislative body to be entered upon its minutes. Any objection or protest to such refunding not made at the time and in the manner hereinbefore provided shall be deemed to be waived voluntarily by any person who might have made such protest or objection, and such person shall be deemed to have consented to the proposed refunding. The legislative body may sustain or deny any or all objections and protests and its determination thereon shall be entered upon the minutes and shall be final and conclusive. Said legislative body shall also at said hearing, as originally fixed or as adjourned, by order or resolution entered upon the minutes, determine whether the written consent of the owners of a majority in area of the lands in the district subject to assessment has been filed or not, and if it determines that such consent has been filed it shall thereupon acquire jurisdiction to proceed further under this act.

The validity, sufficiency, or genuineness of said consents, or any thereof, or the finding and determination of the legislative body thereon, shall not be contested in any action, suit or proceeding unless the same shall be commenced within three months after the determination of said legislative body has been made, and thereafter no person in any action, suit or proceeding may plead or prove that said

consents or any thereof, or the finding or determination of the legislative body thereon, was in any way defective, invalid, or insufficient.

After the legislative body has determined that the written consent of the owners of such majority in area has been filed, it may by resolution entered upon the minutes order the refunding and reassessment."

Amendment No. 4.

On page 5, line 17, of the printed bill, as amended, strike out the word "made", and insert in lieu thereof the word "levied".

On the same page, line 21, strike out the word "would", and insert in lieu thereof the words "are subject to".

Also, on page 5, line 21, strike out the words "under the original", and in line 22, strike out the word "proceedings", and in line 23, strike out the words "issued thereunder".

On page 5, line 26, strike out the word "made", and insert in lieu thereof the word "levied".

On page 5, line 29, following the word "district", insert the following: "on or prior to the date the resolution of intention in the refunding proceeding was adopted,".

On page 5, line 30, following the word "and", insert the words "subject to assessment in the refunding proceeding".

On page 5, line 35, strike out the word "would", and insert in lieu thereof the words "are subject to", and in the same line, strike out the language "under the original "pro", and in line 36, strike out the letters "ceedings", and strike out the word "issued", and in line 37, strike out the word "thereunder", and insert in lieu thereof the words "to be refunded".

Amendment No. 5.

On page 6, line 5, of the printed bill, as amended, strike out the word "theretofore".

On page 6, line 6, following the word "district", insert the words "on or prior to the date of adoption of the resolution of intention in the refunding proceeding,".

On page 6, line 6, following the word "assessment", insert the words "or special tax".

On page 6, line 10, following the word "assessment", insert the words "or special tax".

On page 6, following line 16, insert the words "and special taxes".

On page 6, line 22, following the word "assessment", insert the words "to be levied".

On page 6, line 23, strike out the words "or ordinance", and insert in lieu thereof the words "of intention".

On page 7, line 46, strike out the words "confirmation and".

On page 8, line 46, strike out the letters "before".

Amendment No. 6.

On page 9, line 13, of the printed bill, as amended, following the period, insert the following: "If, at the hearing, it appears that the owners of more than one-half of the area of the lands assessed in the refunding proceeding have filed protest or objection to the refunding as proposed, in its entirety, the legislative body shall, by resolution to be entered upon its minutes, so find, and shall abandon such refunding, and no resolution of intention for the refunding of the indebtedness of said district under this act may be adopted within a period of six months from the date of such abandonment. In order that such protests or objections operate as a bar they must specifically state that the objection is to the refunding in its entirety."

On page 9, line 15, strike out the word "said", and insert in lieu thereof the word "the", and following the word "assessment", in line 15, strike out the word "and", and in line 16, strike out the word "refundng".

On page 9, strike out the sentence which begins in line 39 with the words "Any resolution", and which ends in line 42 with the words "legally taken."

Amendment No. 7.

On page 10, line 19, of the printed bill, as amended, following the period, insert the following: "The assessment shall not be recorded until the holders of all outstanding bonds and coupons have contracted to exchange such bonds and coupons in the refunding proceeding, or if all holders of outstanding bonds and coupons do not so contract, the assessment shall not be recorded until adequate provision has been made as required in this act for the retirement or payment of the bonds and coupons of nonconsenting holders."

On page 10, line 32, strike out the word "such", and in the same line, following the word "and", insert the word "such".

On the same page, line 33, following the word "liens", strike out the words "are by law", and insert in lieu thereof a comma.

On the same page, line 34, following the first word "lien", insert the following: ", are by law".

Amendment No. 8.

On page 11, line 2, of the printed bill, as amended, strike out the word "except", and in the same line, following the word "consentments", insert the following: "remaining unpaid after said fourth year".

On page 12, line 17, strike out the word "consenting", and insert in its stead the word "consentment".

On page 12, line 19, following the word "year", insert the following: "until the whole is paid, the first series of installments being payable at the second year of assessment".

On page 12, lines 50 and 51, strike out the words "until the whole is paid".

On page 13, line 9, of the printed bill, as amended, following the period, insert the following: "The bonds shall be given as of the date of the recording of the assessment."

On page 15, lines 9 and 10, strike out the following: "and shall be issued in series as herein provided".

Amendment No. 9.

On page 15 of the printed bill, as amended, strike out all of the language contained in section 18, and on page 19, strike out the same three times, and in line 4 strike out the word "anywhere", and insert in its stead the following: "At the holders of all of the outstanding bonds agree to permit their bonds to be purchased in the refunding proceeding, then all refunding moneys, all moneys received on the payments levied in the refunding proceeding, and all partial contributions (if any) shall be paid and delivered to the holder of the outstanding bonds in such amounts and proportions as may be taken by contract with such bondholders. Any contract with the holder of any bond may provide such terms and conditions of exchange as may be agreed upon by the holder and the legislative body, and may include such terms and conditions relating to time of performance, manner of payment thereof, and the method and mode of performance, as may be agreed upon and proven. Whenever the refunding bonds are received, if any, by the holder of such bonds, said bondholders must concurrently deliver to the legislative body or its representatives the outstanding unpaid bonds, when due, and all outstanding interest income coupons, constituting the entire indebtedness of said bonds, and the same shall forthwith be canceled.

In the event that the holders of one or more of the outstanding bonds do not enter any contract with the legislative body to refund the same, nevertheless if two-thirds of seventy-five per cent or more of the outstanding bonds so contract, with the legislative body which conducts the refunding proceeding, or the refunding of the bonds owned or held by them, said legislative body shall have authority to refund all of the bonds of said district under the provisions of this act, but in such event, what is recorded the assessment levied under this act, sufficient moneys to completely provide for the retirement or payment of the bonds of the nonconsenting owners must be provided and set aside in the proper fund for that purpose. Any city or county or city and county which is authorized under this act to apply moneys to refunding the bonds of the district, may make an advancement or contribution or an additional contribution in order to enable the city to pay or retire bonds of such nonconsenting holders. Whenever any city or county or city and county or any person or corporation advances moneys to provide for the payment or retirement of the bonds of nonconsenting holders, the legislative body must deliver at par all or any portion of the refunding bonds which are not to be delivered to consenting bondholders to the person, corporation, city, county or city and county making such advance or advances, or sell at par all or any part of such refunding bonds not to be delivered to consenting bondholders, and from the proceeds thereof reimburse such person, corporation, city, county or city and county entirely or partially, and may contract to make such sale or delivery. If the legislative body makes all or any part of such advancement it may reimburse the city, county or city and county of which it is the legislative body, entirely or partially by taking all or any part of such refunding bonds at par. Any cash collected on assessments and not required to pay consenting bondholders may also be used to reimburse in whole or in part any person, corporation, city, county or city and county making such advance or advances, and the legislative body may contract to so apply such cash. Any other method of paying funds for the payment or retirement of the bonds of nonconsenting bondholders which will prior to the time the assessment is recorded under this act adequately provide the moneys necessary for such payment or retirement is hereby authorized. Wherever any moneys are placed in any fund for the retirement or payment of the bonds of nonconsenting holders the said moneys shall be used only for that purpose and after all of the bonds of said nonconsenting holders have been paid or retired any sum remaining in said fund shall be returned to the city or county or city and county which advanced the same.

If the contract with the bondholders so provides, said legislative body may sell all of the refunding bonds for cash and pay said bondholders in cash at a price to be fixed in said contract.

In the event that the discharge of the bonds of any nonconsenting holders at less than the par value thereof has been authorized by any final decree or order confirm-

ing a plan of readjustment under any bankruptcy law of the United States of America in any proceedings initiated under the authority of this act, said legislative body is authorized to do and perform all acts and things necessary for the discharge of such bonds in accordance with said decree or order.

Wherever the words "bond" or "bonds" are used hereinbefore in this section in referring to the outstanding bonds the words shall be deemed to include and shall be construed to mean also any outstanding unpaid interest coupon or coupons of any bond or bonds of the district and the words "bondholder" or "bondholders" as used hereinbefore in this section shall be deemed to include and shall be construed as meaning also any holder or holders of outstanding unpaid interest coupons of bonds of the district.

After the date of the adoption of the resolution of intention in the refunding proceeding all sums paid for any parcel of land into the interest and sinking fund for the payment of principal and interest of the bonds to be refunded shall be credited upon the assessment levied in the refunding proceeding upon such parcel and shall be applied as moneys paid upon such assessment.

Upon the recordation of the assessment in the refunding proceeding".

On page 16, line 14, strike out all of the language following the period, and strike out all of lines 15 to 23, inclusive.

On page 16, lines 45 and 46, strike out the words "at a price in excess of", and insert in lieu thereof the words "unless the purchase price is less than".

Amendment No. 10.

On page 17, line 35, of the printed bill, as amended, strike out the words "are by law", and insert in lieu thereof a comma.

On the same page, line 36, following the words "said lien", insert the following: ", are by law".

On the same page, line 40, strike out the word "thereof", and insert in lieu thereof the word "hereof".

On page 18, line 25, strike out the comma.

Amendment No. 11.

On page 19, line 38, of the printed bill, as amended, strike out the following language: ", and also", and insert in lieu thereof a period; and strike out all of lines 39 to 44, inclusive, and strike out all of the language in line 45 down to and including the period; also, on page 19, line 49, following the word "interest", strike out the comma, and insert in lieu thereof the word "and"; and in lines 49 and 50, strike out the words "and percentages".

On page 19, line 51, strike out the comma and all of the language following the word "collected", and in line 52, strike out all of the words preceding the period.

Amendment No. 12.

On page 20, line 51, of the printed bill, as amended, strike out the word "may", and insert in lieu thereof the word "must".

On page 21, lines 2 and 3, strike out the language "in the event of its so becoming the purchaser".

On page 21, line 3, following the word "fund", insert the words "in lawful money".

On page 21, lines 16 to 20, inclusive, strike out the sentence which begins with the words "In other cases", in line 16, and ends with the words "no other purchaser".

Amendment No. 13.

On page 22, line 1, of the printed bill, as amended, following the word "sales", insert the following: ", or for the purpose of paying installments of the assessment or of interest which the city or county is required to pay under the provisions of section 24 hereof,".

Amendment No. 14.

On page 24, line 12, of the printed bill, as amended, strike out the word "sixty", and insert in lieu thereof the word "ninety"; and in the same line, strike out the word "recording", and insert in lieu thereof the word "confirmation".

On page 24, line 27, following the word "is", insert the words "or is to be".

On page 24, line 51, strike out the word "recorded", and insert in lieu thereof the word "confirmed".

Amendment No. 15.

On page 25, line 41, of the printed bill, as amended, following the word "which", insert the words "taxes or".

On page 26, line 1, following the word "to", insert the words "tax or".

On page 26, line 4, following the word "all", insert the words "taxes upon land and all".

On the same page, line 14, following the word "such", insert the words "taxes upon land and all".

On page 26, following line 22, insert the following: "Special improvement district bonded indebtedness which is payable from taxes levied upon all property or upon all taxable property in the improvement district may be refunded under this act.

The proceeding for refunding such indebtedness shall be the same as for refunding other indebtedness under this act and in making the assessment hereunder to the total sum of the proposed assessment shall be added the total sum of all of the amounts (including such penalties and interest as go into such funds) paid from the interest and sinking fund of the district on or prior to the date the resolution of intention in the refunding proceeding is adopted upon taxes levied upon any lot, piece or parcel of land subject to assessment in the refunding proceeding to pay funds to pay principal or interest of the bonds to be refunded and the total of the two sums shall be apportioned upon the lands subject to assessment according to benefits as hereinbefore provided in this act and from the amounts so apportioned to any lot, piece or parcel of land shall be deducted any sum paid into the interest and sinking fund of the district on or prior to the date said resolution of intention is adopted upon any tax levied upon such lot, piece or parcel of land to pay principal or interest of the bonds to be refunded."

On page 26, following line 31, insert the following language:

"The word 'improvement' when used in the phrase 'special improvement district' in this act shall mean any public improvement of any nature whatsoever, including any acquisition of lands, rights of way or easements for public use, any acquisition or construction of buildings, structures or public works of any kind or nature, or a combination of any or all of the foregoing, and the word shall be given its broadest and most liberal construction as including all acquisitions of land and all acquisition and construction of public works authorized under any law of the State of California, including particularly the Acquisition and Improvement Act of 1925, the Road District Improvement Act of 1907 and the Municipal Improvement District Acts of 1915 and 1927."

This act shall be known as and whenever mentioned, cited, referred to or amended may be designated as the "Refunding Assessment Bond Act of 1935" and by such designation shall be sufficiently identified in any proceeding hereunder or in any court action or proceeding, and whenever under the procedure set forth in this act the title of the act is to be stated in any resolution, motion or order it shall be sufficient to designate the act as provided in this paragraph."

Amendment No. 16.

On page 26 of the printed bill, as amended, following line 48, insert the following:

"The legislative body which conducts the refunding proceeding is authorized to pay any incidental expenses of such proceeding from any available funds of the city or county, or city and county, but no such incidental expenses of such proceeding shall be assessed upon lands in the district."

On page 27, line 20, following the language "taxes," insert the following: "and so that property owners may be given relief".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 771—An act authorizing counties to contract with cities and towns, to assume and carry on certain municipal functions thereof, providing for transfers of employees and adjustment of pensions, and authorizing cities to transfer such functions to counties and to enter into contracts in relation thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 771 were read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, strike out "adjustment", and insert in lieu thereof the following: "assumption".

Amendment No. 2.

On page 2, line 17, of the printed bill, strike out "may", and insert in lieu thereof the following: "shall".

Amendment No. 3.

On page 2, line 18, of the printed bill, insert after "any", the following: "and all".

Amendment No. 4.

On page 2, line 20, of the printed bill, after "both," insert the following: "Any and all pension money, funds or property of any kind taken over by the board of supervisors of any county under such contract, from any incorporated city, or town, or chartered city, shall be held in trust, together with all earnings, increases, and additions to such funds, separate and apart from any and all other funds, money, or property, and shall be expended solely for the payment of pensions, and

administrative expense incident thereto, of the incorporated city, or town, or chartered city from which such pension money or property was obtained. All persons pensioned at the time of the execution of any such contract shall be deemed to have a vested property right in and to such pension fund for the payment of such pension and shall not be deprived thereof without the process of law."

Bill read second time, ordered to reprint, and on file for third reading.

Resolution.

The following resolution was offered:

By Senators Slater, Sharkey, Deuel and Knowland:

Senate Resolution.

Relative to commending Sacramento Bee, C. K. McClatchy and Arthur B. Waugh.

WHEREAS, The Pulitzer award for disinterested and meritorious public service, inaugurated in 1918, and awarded annually by the board of trustees of Columbia University to the American newspaper most distinguished for the year in the public duties above described, was established by the late Joseph Pulitzer, himself a famous editor and newspaper publisher; and

WHEREAS, The Sacramento Bee, which has long been one of the most progressive newspapers of the State and of the Nation, has been awarded the Pulitzer prize for the most disinterested and meritorious public service performed by an American newspaper during the year 1934, for a series of articles relating to the appointment of Federal judges in Nevada written by Arthur B. Waugh, under the direction of C. K. McClatchy, owner and publisher of the Sacramento Bee; and

WHEREAS, The Sacramento Bee is the first California newspaper to receive such an award, thus bringing greater fame and honor to the State of California and to the newspaper fraternity of this State; now, therefore, be it

Resolved by the Senate, That the Sacramento Bee, C. K. McClatchy and Arthur B. Waugh, be commended by this Legislature for their splendid service to the people of this State; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution, suitably engrossed, to C. K. McClatchy, editor of the Sacramento Bee, and to Arthur B. Waugh, the author of the prize-winning articles.

Resolution read, and on motion of Senator Slater adopted.

Third Reading of Assembly Bills.

Assembly Bill No. 528—An act to amend sections 4.750 and 4.751 of the School Code, relating to the computation of average daily attendance of school districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Amendment from the Floor.

During third reading of Assembly Bill No. 528, the following amendment, offered by Senator Biggar, was read and adopted:

Amendment No. 1.

On page 1, line 17, of the printed bill, after the word "Conflagration.", insert the following: "impassable roads".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1194—An act amending the title and sections 31, 32 and 33, of the "Improvement Act of 1911," approved April 7, 1911, as amended, relating to public improvements and the repair and reconstruction of portions of improved streets, avenues, lanes, alleys, courts or places, bulkheads, retaining walls or other works for the protection of the same and to the payment of the costs thereof and establishing a procedure for the same.

Amendments from the Floor.

During third reading of Assembly Bill No. 1194, the following amendments, offered by Senator Schottky, were read and adopted:

Amendment No. 1.

On page 4 of the printed bill, as amended, strike out line 52, and insert in lieu thereof the following: "purposes, upon the mortgage taxes so collected by the county officials, said notice of lien shall be delivered to the county auditor, who shall enter the amount thereof on the county assessment book, opposite the description of the particular property, and said amount shall be collected, together with all other taxes thereon against said property, provided, and notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization. Thereafter said."

Amendment No. 2.

On page 5 of the printed bill, as amended, strike out all of lines 1 to 5, both inclusive.

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 1095. An act to repeal sections 10650 to 10671, inclusive, 10691 to 10713, inclusive, 10770 and 10780, of the Insurance Code, and to add sections 10650, 10670, and 10671 thereto, and to make certain other provisions, all relating to mutual benefit associations.

Amendments from the Floor.

During third reading of Senate Bill No. 1095, the following amendments, offered by Senator Williams, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out from section 2, lines 6 to 10, inclusive, and the words "membership or insurance therein shall not be subject", in line 11, and insert in lieu thereof the following:

"10650. Benefit and relief associations formed by churches, lodges, labor unions, or employees of a common employer, membership in which is confined to the members of such churches, lodges or labor unions, or employees or officers of such common employer, or employees or officers of companies or corporations of which a single employer owns at least one quarter of the issued capital or voting stock, or to those who were such corporate officers or employees at the time of becoming members of such association, shall not be subject".

Amendment No. 2.

On page 1, line 15, of the printed bill, strike out the word "not", and insert instead the word "section".

Bill read, ordered to reprint, re-regressioned, and in file for third reading.

Communication.

The following communication was received, read, and ordered printed in the Journal:

OFFICE OF THE CLERK OF BOARD OF SUPERVISORS,
CITY HALL, SAN FRANCISCO, CALIFORNIA, May 6, 1935.

To the Senate of the State of California, Sacramento, California:

Your attention is hereby directed to the following resolution, passed by the board of supervisors of the City and County of San Francisco:

Memorializing the State Senate, the State Assembly and Governor of California to Return Our Waterfront to This City and County.

(Code No. 534).

Supervisor Gallagher presented Resolution No. 1797, as follows:

WHEREAS, The waterfront of the City and County of San Francisco is owned, controlled and operated by the State of California, the sole management thereof being vested in a Board of Harbor Commissioners, appointed by the Governor; and

WHEREAS, All bond issues for the improvement of said waterfront and all laws, rules, regulations and questions of policy for the operation of said waterfront are ultimately subject to the approval or disapproval of all the voters of the State of California, including the voters of various communities that own and operate their respective waterfronts in competition with the San Francisco waterfront; and

WHEREAS, San Francisco is the only large city in the United States, with the exception of New Orleans, Louisiana, that does not enjoy municipal waterfront control; and

WHEREAS, Municipal ownership control is a recognized principle in American governmental affairs; and

WHEREAS, The City and County of San Francisco desires that the ownership and control of our waterfront be vested exclusively in this city and county, without supervision or control thereof by our competitors, and subject only to such general State laws as may be applicable thereto; and

WHEREAS, The State of California has none of its funds invested in said waterfront, aside from its credit, in the matter of outstanding harbor bonds; now therefore, be it

Resolved, by the board of supervisors of the City and County of San Francisco, the mayor of said city and county concurring. That we hereby respectfully memorialize the State Senate, the State Assembly and the Governor of California to forthwith return our waterfront to this city and county, by appropriate legislation, subject to such reasonable restrictions as may be necessary to protect the credit of the State, the civil service standing of waterfront employees, and the individual status of the Harbor Commissioners; and be it

Further resolved. That we hereby declare the following municipal policy with respect to said waterfront, in the event the same is returned to this municipal government, and we pledge the City and County of San Francisco to the faithful performance thereof, namely:

The civil service status of all civil service employees of the State Board of Harbor Commissioners, as of the date of the assumption of waterfront control by this city and county, shall be faithfully preserved, and such employees shall be "blanketed in" as aforesaid, as civil service employees of this municipality.

The members of the State Board of Harbor Commissioners shall be continued in office, as such commissioners, for the terms which they may be serving at the time of the assumption of waterfront control by this city and county.

Said waterfront shall be operated, controlled and policed by this municipality, in a progressive, orderly and business-like manner, without regard to any political concern whatsoever, and in the interests of all persons who may visit or use said waterfront, whether as shippers, carriers, passengers, or otherwise, and at a minimum cost to said shippers and passengers.

The interests of all shippers, including all agricultural interests, are fully recognized and appreciated and this city and county pledges itself to exert every legitimate means to safeguard the rights of all shippers of agricultural commodities over, in or upon said waterfront and to erect and to maintain thereon or adjacent thereto, at minimum rates to such agricultural interests, such structures and enterprises as may be advisable for the accommodation of such agricultural interests.

Adopted by the board of supervisors February 11, 1935.

AYES—Supervisors Gallagher, Havenner, Hayden, McSheehy, Ratto, Roncovieri, Schmidt, Shannon, Uhl—9.

ABSENT—Supervisors Brown, Colman—2.

I hereby certify that the foregoing resolution was adopted by the board of supervisors of the City and County of San Francisco.

Approved February 14, 1935.

J. S. DUNNIGAN, Clerk.

ANGELO J. ROSSI, Mayor.

CLERK'S CERTIFICATE.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss.

I, J. S. Dunnigan, clerk of the board of supervisors, of the City and County of San Francisco, do hereby certify that the annexed Resolution No. 1797 is a full, true and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the official seal of the City and County this sixth day of May, 1935.

[SEAL]

J. S. DUNNIGAN,

Clerk of the Board of Supervisors, City and County of San Francisco.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Education.

SENATE CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 887—An act to amend the titles of Articles IV and IVa of Chapter IV of Part 1 of Division VI of the School Code, to amend sections 6.210 and 6.211 of the School Code and to add a new section to the School Code to be numbered 6.213, all

relating to the disposition of buildings, structures or fixtures of school districts when the boundaries of such districts are altered, declaring the urgency thereof and providing that this act shall take effect immediately.

Also: Senate Bill No. 888—An act to amend sections 3330, 3331, 3332, 3333, 3334, 3335, and 3337 and to add a new section to the School Code to be numbered 3339, relating to the attendance of pupils residing in California upon the public schools of adjoining States, and the attendance of pupils residing in adjoining States upon the public schools of California.

Also: Assembly Bill No. 429—An act to provide that school authorization of sections public and private schools shall be equipped to render free medical aid to injured children and students, and providing a penalty for violation thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—11; absent—4.

JENSEN, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 236—An act amending sections 2 and 3 of an act entitled: "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an act entitled: 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,'" relative to bidding on public contracts, have had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—17; committee vote: Ayes—9; absent—8.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 614—An act to amend section 1680 of the Streets and Highways Code, relating to extending county aid to cities:

Also: Assembly Bill No. 2030—An act to amend sections 1625.5 and 1626 of the Streets and Highways Code, relating to expending for license of apprentices or moneys received by the counties from the motor vehicle fee fund or from moneys received by the county for vehicle registration license fees and authorizing contributions to ad valorem special assessment proceedings, or the purchase, acquisition and retirement of bonds issued in any ad valorem assessment or improvement district.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—9; absent—8.

EDWARDS, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 400—An act to amend section 4293 of the Political Code, relating to the disposition of county and township officers' fee records:

Also: Assembly Bill No. 1262—An act to amend section 1 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, Statutes of 1913, page 76, as amended;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1269—An act authorizing and empowering any county, city and county, or city in the State of California to donate, convey, and grant to the State of California, or to district agricultural associations thereof, any real property owned, held and used by it for fair ground and exposition purposes, or which it may hereafter acquire, hold and use for such purposes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1082—An act to authorize boards of supervisors to pay certain claims—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1103—An act to add section 1083b to the Political Code, relating to petitions—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

HULSE, Chairman.

Adjournment.

On motion of Senator Mixter, at one o'clock and ten minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until eleven o'clock a.m., Monday, May 13, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, May 13, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, May 10, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. William W. Manning, Rev. Julian C. McPheeters of Glide Memorial Church, and Rev. Edgar Allan Lowther of Temple Methodist Episcopal Church of San Francisco.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Julius Goodman, Joseph Galuskey, Andrew McMer, Albert Carky, and Joseph Carbella of St. Helena.

On request of Senator King, the privilege of the floor of the Senate Chamber for this day was unanimously extended to his son, and Mr. King and Mrs. King of Los Angeles, and Mr. and Mrs. George Contrees of Kings County.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. G. P. Olson of San Diego.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 10, 1935.

*Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS. I am herewith returning, with my approval, Senate Bill No. 694—An act to add section 690.5 to the Code of Civil Procedure, relating to exemption from attachment, garnishment, and execution of moneys paid to persons receiving relief, and declaring the urgency hereof.

I am informed by those whose duty it is to investigate these matters for me, that this bill is unnecessary and goes too far, in fact, probably farther than the author intended. In this view I concur.

Under the existing law (Code of Civil Procedure, section 690) the earnings of heads of families, for personal services rendered within 30 days next preceding the levy, are exempt, except that 50 per cent of such earnings is subject to a levy for a debt incurred for necessities of life. This provision would seem to take care of most of the persons receiving work relief.

It is believed that the bill goes too far for the reason that the Federal work relief bill recently passed provides that in all cases the money shall be expended in such a manner as to afford unemployment relief. All money granted in this State for highway purposes, for example, would seem to come within the genera mentioned in this bill. The effect of the bill might be to prohibit the execution of any contract with a contractor who held a contract which was ultimately to be paid from Federal money, and it would also seem to apply to any person employed on such a project, regardless of the compensation he receives.

There would seem to be no reason why the earnings of a skilled tradesman, receiving high wages, should not be subject to execution on attachment in the same manner as if he were employed by a private employer or by a public body on its regular pay roll.

It would seem to be entirely reasonable to exempt the direct relief given to persons who are out of employment, and it might be possible to work out a bill whereby the compensation of persons receiving aid on any unemployment relief project under a certain amount could be exempt from execution.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.
Sustaining Governor's Veto.

Message from the Governor announcing his objections to Senate Bill No. 694 read.

The question being: Shall Senate Bill No. 694 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Biggar, Denel, Duval, Fletcher, Garrison, Gordon, Hays, Jessperson, Keough, King, Knowland, McCall, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2050—An act amending section 1428 of the Penal Code, relating to keeping of minutes;

Also: Assembly Bill No. 1920—An act to amend section 2 of the Inheritance Tax Act, relating to computation of tax, including deduction of expenses of administration;

Also: Assembly Bill No. 1921—An act to amend section 1461 of the Probate Code, relating to guardians of insane or incompetent persons;

Also: Assembly Bill No. 1741—An act relating to the Sixth District Agricultural Association.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2050 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1920 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1921 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1741 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 961—An act to amend sections 5,400, 5,402, 5,403, 5,408, 5,420, 5,500, 5,502, 5,503, 5,510, 5,520, 5,521, 5,640, 5,680, 5,690, 5,691, 5,710, 5,711 and 5,712 of the School Code, relating to tenure, and to add four new sections to the School Code, to be numbered 5,409, 5,505, 5,506, 5,666 and 5,667, all relating to the employment, classification, dismissal and resignation of persons employed in school districts in positions requiring certification qualifications;

Also: Assembly Bill No. 920—An act to amend sections 1261, 1263, 1264, 1265, 1267, 1268, 1269, 1273, of and to add a new section to be numbered 1268.5 to the Agricultural Code, relating to persons licensed to deal in farm products;

Also: Assembly Bill No. 1298—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain;

Also: Assembly Bill No. 2336—An act to amend section 1293 of the Fish and Game Code, relating to destructive mammals.

ARTHUR A. OHNIMUS, Chief Clerk.

Assembly Bill No. 961 read first time, and referred to Committee on Education.

Assembly Bill No. 920 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1298 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2336 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 992—An act to amend section 11 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the definition of dentistry;

Also: Assembly Bill No. 1082—An act to amend section 1065 of the Fish and Game Code, relating to the taking of sardines for commercial purposes;

Also: Assembly Bill No. 1274—An act to add section 384 to the Vehicle Code, relating to registration and license fees.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 992 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1082 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1274 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 84—An act to create the Commemorative Commission to succeed to the Spanish War Commemorative Commission; to prescribe the powers, duties, functions, and performance thereof; to provide for the cooperation of State and local agencies and political subdivisions thereof; to make an appropriation; and to provide for the repayment thereof.

Also: Assembly Bill No. 1260—An act to add section 11495 to the Probate Code, relating to the duties of the public administrator and providing for the management, control, rental and sale by the public administrator of properties of indigent or other aliens returned to their native lands by or at the request of counties;

Also: Assembly Bill No. 882—An act to amend section 248 of the Code of Civil Procedure, relating to limitation of actions;

Also: Assembly Bill No. 2039—An act to add a new section to the Civil Code, to be numbered section 1972, relative to transportation expenses and return transportation expenses for workers brought into or sent out of the State to render personal services.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 84 read first time, and referred to Committee on Military Affairs.

Assembly Bills Nos. 1260 and 882 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2039 read first time, and referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 61—An act to amend section 2 of an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessor of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to exemptions;

Also: Assembly Bill No. 1792—An act validating the purchase of bonds by municipalities under the Improvement Act of 1911 and the Improvement Act of 1915 from the proceeds of the delinquent street assessment fund provided for in said act.

Also: Assembly Bill No. 2052—An act amending section 1428a, relating to minute books of municipal courts;

Also: Assembly Bill No. 2051—An act amending section 1461a of the Penal Code, relating to municipal court procedure.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 61 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1792 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 2051 and 2052 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 143—An act to amend section 737aa of the Political Code, relating to salaries of judges.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 143 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1526—An act to add a new section to be numbered 18.5 to the "Improvement Act of 1911," approved April 7, 1911, relating to contributions of moneys or materials, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1677—An act to add section 8a to an act entitled "An act to provide for the formation, management and dissolution of county water works districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county water works district bonds and the payment thereof," approved June 13, 1913, relating to refunding bonds;

Also: Assembly Bill No. 2092—An act to amend section 493.5 of the Fish and Game Code, and to add thereto section 741.5, relating to fish.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1526 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1677 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 2092 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 812—An act to amend section 226 of the Civil Code, relating to proceedings on adoption;

Also: Assembly Bill No. 1362—An act to amend section 3669e of the Political Code of the State of California, relating to powers of State Board of Equalization;

Also: Assembly Bill No. 1364—An act authorizing the State Franchise Tax Commissioner to destroy certain tax returns;

Also: Assembly Bill No. 1860—An act to declare a moratorium on the collection of judgments rendered in proceedings pursuant to the provisions of sections 25 to 36f, both inclusive, of the Water Commission Act for unpaid costs or for unpaid assessments taxed as costs in such judgments, suspending the accrual of interest upon such judgments during the period of such moratorium, and extending the statute of limitations upon any such judgment.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 812 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1362 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1364 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1860 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 405—An act to add a new section to the Civil Code to be numbered 2934a, relating to substitution of trustees in trust deeds;

Also: Assembly Bill No. 713—An act to amend section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for granting of prisoners recreation and educational fund; providing for issuance of payment of compensation to said convicts upon release or parole or release or discharge from prison; authorizing allowance of extra time credits for such labor; providing penalties for interference with such convict labor; and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, as amended, relating to convict labor;

Also: Assembly Bill No. 728—An act to amend sections 1246 and 1249 of the Code of Civil Procedure, relating to contempt (1929);

Also: Assembly Bill No. 768—An act to amend section 11 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of law, and granting the State Board of Higher Examiners and declaring its powers and duties; prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 405 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 713 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 728 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 768 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 988—An act to amend section 5461 of the School Code, relating to high school certificates;

Also: Assembly Bill No. 1753—An act to amend sections 2876, 2877, 2878, 2885, 2890, 2891, and to repeal 2868 of the School Code, relating to school trustee elections;

Also: Assembly Bill No. 845—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 15, 16, 17, 20, 22 and 24 of an act entitled "An act to allow unincorporated towns and villages to organize and operate a fire department and to assess and collect taxes, from time to time, for such purposes, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages;

Also: Assembly Bill No. 205—An act to amend section 702 of the Code of Civil Procedure, relating to redemption interest.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 988 and 1753 read first time, and referred to Committee on Education.

Assembly Bill No. 845 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 205 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 285—An act to amend section 1361 of the Political Code, relating to counting boards to canvass absent voter ballots in counties having a population of one million persons or more;

Also: Assembly Bill No. 362—An act to amend section 429 of the Fish and Game Code, relating to license fees;

Also: Assembly Bill No. 678—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants;

Also: Assembly Bill No. 793—An act to amend section 5,900 of the School Code, relating to the retirement of public school teachers;

Also: Assembly Bill No. 934—An act to amend section 5.63 of the School Code, relating to admission of nonresident students.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 285 read first time, and referred to Committee on Elections.

Assembly Bills Nos. 362 and 678 read first time, and referred to Committee on Fish and Game.

Assembly Bills Nos. 793 and 934 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 935—An act to amend section 5.350 of the School Code, relating to fees for credentials and certificates:

Also: Assembly Bill No. 951—An act relating to the securing of Federal aid in connection with the funding or refunding of outstanding bonds and or assessments of assessment districts in the State of California;

Also: Assembly Bill No. 1111—An act to provide for the formation, government, operation and dissolution of library districts;

Also: Assembly Bill No. 1138—An act to amend section 3804 of the Political Code, to prescribe place of filing claim for refund of taxes, penalties or costs, and to validate the filing of such claims heretofore filed and to add to said code a new section to be numbered 3804.1, to provide for refunding certain payments on account of delinquent taxes.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 935 read first time, and referred to Committee on Education.

Assembly Bill No. 951 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1111 read first time, and referred to Committee on County Government.

Assembly Bill No. 1138 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2400—An act to add a new section to be numbered 30.5 to the General Cemetery Act, relating to reincorporation of cemetery associations, and prescribing the procedure therefor;

Also: Assembly Bill No. 2434—An act to amend the Los Angeles County Flood Control Act by adding thereto a new section to be numbered 15a, relating to compliance with requirements of the United States or any department or agency thereof, in the performance of public work financed in whole or in part from Federal funds, and declaring the urgency thereof, the act to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 2400 and 2434 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1032—An act to amend sections 2, 19, 22, 25, 46 and 50 of an act entitled "An act to provide for the organization of the Railroad Commission, to define the powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund,' and appropriating the moneys therein to carry out the provisions of this act, and repealing Title XV of Part IV of Division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," and designated

in the act so entitled as the "Public Utilities Act," approved April 23, 1915, as amended, relating to pipe line corporations.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1032 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1028.—An act for the raising of revenue to meet the expenditures of this State, not otherwise provided for, pursuant to the provisions of the first paragraph of section 15 of Article XIII of the Constitution, and adding section 3664a2 to the Political Code, relating to the taxation of operators of pipe lines used in the transportation of oil between points in this State, except common carriers, including tax delinquencies, tax penalties and costs, tax liens, remedies for unauthorized taxation, and defining the duties of operators of pipe lines, and prescribing penalties for violations of the act.

Also, Assembly Bill No. 1029.—An act for the raising of revenue to meet the expenditures of this State not otherwise provided for, pursuant to the provisions of the first paragraph of section 15 of Article XIII of the Constitution, and adding section 3664a3 to the Political Code, relating to the taxation of operators of pipe lines used in the transportation of gas between points in this State, except common carriers, including tax delinquencies, tax penalties and costs, tax liens, remedies for unauthorized taxation, and defining the duties of operators of such pipe lines, and prescribing penalties for violations of the act.

Also, Assembly Bill No. 1031.—An act to amend sections 18 (a) and 47 (a) of an act entitled "An act to provide for the organization of the Railroad Commission, to define the powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the Railroad Commission fund," and appropriating the moneys therein to carry out the provisions of this act, and repealing Title XV of Part IV of Division I of the Civil Code and all parts and parts of acts inconsistent with the provisions of this act," and designated in the act so entitled as the "Public Utilities Act," approved April 23, 1915, as amended, relating to the determination of a reasonable return upon the value and to the valuation of public utility property.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 1028 and 1029 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1031 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 962.—An act to amend the School Code by amending sections 5 650, 5 651, 5 652, 5 653, 5 654, 5 661, and by repealing sections 5 655, 5 656, 5 657, 5 658, 5 659, 5 660, 5 662, 5 663, all relating to the employment and dismissal of persons employed in school districts in positions requiring certain qualifications.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 962 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2422.—An act accepting a retrocession of jurisdiction over the rights of way of the Golden Gate Bridge and Highway District through the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation in Marin County.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2422 read first time, and referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2445—An act to amend section 588 of the Fish and Game Code, relating to the crab season in California.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2445 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2437—An act to recognize certain corporations as agencies and instrumentalities of the United States, declaring the urgency thereof, and providing for the taking effect immediately thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2437 read first time, and referred to Committee on Corporations and Financial Institutions.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 81 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 256—An act to amend sections 251, 304, 307, 323, 348, 364, 374, and 465 of the Streets and Highways Code, relating to State highways—and appointed Assemblymen Lyon, Utt and Crowley as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Appointment of Committee on Conference.

The President announced the appointment of Senators McCormack, Olson, and Edwards as a Committee on Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 256.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 38—Approving certain amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the second day of May, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 38.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 38, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 38—Approving certain amendments to the charter of the City and County of San Francisco voted for

and ratified by the electors of said City and County of San Francisco at an election held therein on the second day of May, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 38 adopted by the following vote:

AYES—Senators Biggar, Denel, David, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McCall, McConnaughey, McQuinn, Metzger, Mixer, Olson, Parkman, Perry, Powers, Renshaw, Rod, Seasholtz, Seidlitz, Seawell, Sharkey, Slater, Snyder, Stein, Swing, Tuckle, Wagy, Williams, and Young—36.

NOES—None.

Assembly Concurrent Resolution No. 38 ordered transmitted to the Assembly.

Introduction, First Reading and Reference of Bills

The following resolution was introduced:

By Senator Mixer, Senate Concurrent Resolution No. 37, Relative to the approval of amendments to the charter of the city of Tulare.

Consideration of Senate Concurrent Resolution No. 35.

Senator Mixer asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 35 without reference to print, committee or file, for purpose of adoption.

Senate Concurrent Resolution No. 35—Relative to the approval of amendments to the charter of the city of Tulare.

Resolution read, and considered engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 35 adopted by the following vote:

AYES—Senators Biggar, Denel, Difani, David, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McCall, McConnaughey, McQuinn, Metzger, Mixer, Olson, Parkman, Perry, Powers, Renshaw, Rod, Seasholtz, Seidlitz, Seawell, Sharkey, Slater, Snyder, Swing, Tuckle, Wagy, Williams, and Young—35.

NOES—None.

Senate Concurrent Resolution No. 35 ordered transmitted to the Assembly.

Leave of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for the balance of this legislative day.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 511, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Third Reading of Senate Bill No. 511.

Senate Bill No. 511—An act to provide for the incorporation and organization and management of rapid transit districts and to provide for the construction by said districts of works and the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, and for the levying of taxes and

the collection of charges and tolls by said districts and for the annexation of additional territory thereto.

Bill read third time.

By unanimous consent, further consideration was deferred until the afternoon session.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 534—An act relating to persons in private psychopathic institutions;

Also: Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 2 of Article IV thereof, relating to the Legislature;

Also: Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extension, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities, providing for the payment of such bonds and the interest thereon;

Also: Senate Bill No. 1065—An act to repeal sections 10650 to 10671, inclusive, 10691 to 10713, inclusive, 10770 and 10780, of the Insurance Code, and to add sections 10650, 10670, and 10671 thereto, and to make certain other provisions, all relating to mutual benefit associations;

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 766—An act to add section 495 of the Fish and Game Code, relating to the taking of fish;

Also: Senate Bill No. 910—An act to amend sections the Insurance Code, by adding Article 8a to Chapter 1 of Part 2 of Division 1 of said code, comprising section 870, all relating to the deposit of funds by investment in policies, or otherwise, with an insurer;

Also: Senate Bill No. 959—An act to amend section 675 of the Political Code, relating to the power of the Director of the Department of Finance.

Also: Senate Bill No. 1009—An act to add section 5 to an act entitled "An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Napa, in said State," approved May 5, 1917, relating to the transfer of the management and control of said land;

Also: Senate Bill No. 856—An act to amend sections 800, 802 and 803 of the Penal Code, relating to the time for commencing criminal prosecutions;

Also: Senate Bill No. 482—An act to amend section 1370 of the Insurance Code, relating to the assets of reciprocal insurers;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 262—An act to amend sections 6, 10, 17 and 18 of, and

to add section 24 to an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the granting and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structures or signs are located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof;

Also: Senate Bill No. 478—An act to repeal section 1700 of the Insurance Code, relating to life agents;

Also: Senate Bill No. 480—An act to amend sections 10840 and 10841 of the Insurance Code, relating to domestic assessment plan life or disability insurance;

Also: Senate Bill No. 668—An act to amend section 12905 of the Insurance Code, relating to the Insurance Commissioner;

Also: Senate Bill No. 669—An act to amend section 11716 of the Insurance Code, relating to the Insurance Commissioner;

And reports that the same have been correctly engrossed.

METZGER, Chairman

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 483—An act to add a new chapter to the Insurance Code, to be numbered Chapter 13 of Part 2 of Division 2 thereof, comprising sections 11525 to 11533, inclusive, relating to the voluntary nationalization of incorporated life insurers or life and disability insurers having a state capital and issuing nonassessable policies on a reserve basis;

Also: Senate Concurrent Resolution No. 34—Approving certain amendments to the charter of The City of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twenty-third day of April, 1935;

Also: Senate Bill No. 17—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act, providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and enrolling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire;

And reports that the same have been correctly engrossed.

METZGER, Chairman

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 535—An act to amend the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the mortgaging of indebtedness, and the voting, issuing and selling of bonds, and the levying and collection of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, and by adding three new sections to said act to be numbered sections 3a, 3b, and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district;

Also: Senate Bill No. 172—An act to add section 662.5 to the Fish and Game Code, relating to salmon;

Also: Senate Bill No. 424—An act granting to the city of Richmond and its successors certain salt marsh, tide and submerged land of the State of California, including the right to wharf-out therefrom and grant franchises and leases thereon and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands or wharf-out privileges hereby granted;

Also: Senate Bill No. 1047—An act to add sections 793.5 and 803.5, to the Fish and Game Code, relating to fish;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Rich:

SENATE CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 1207 of the Agricultural Code, relating to the removal of officers and directors of nonprofit cooperative marketing associations, declaring the urgency thereof to take effect immediately.

Respectfully submitted.

SENATOR RICH.

Request referred to Committee on Rules.

Special Order.

Senator Knowland moved that Assembly Bill No. 947 be made a special order for Tuesday, May 14, 1935, at two o'clock and thirty minutes p.m.

Motion carried, and such was the order.

Re-reference of Assembly Bill No. 1861.

Senator Scollan moved that Assembly Bill No. 1861 be referred to Committee on Finance.

Motion carried, and such was the order.

Resolution Ordered Printed.

The following resolution was offered, and ordered printed in the Journal:

By Senator Young:

WHEREAS, California, due to her location on the Pacific seaboard, has become the first port of call for ships from the Orient bringing an increasing quantity of illicit narcotics; and

WHEREAS, The illicit narcotic traffic has become a major crime problem in California; and

WHEREAS, We have on our streets a large number of addicts who after hospitalization and treatment have recurred to the use of narcotics; and

WHEREAS, The demand for illicit narcotics and the spread of addiction among our people is largely increased by these recurred addicts through their association with and influence over other people; and

WHEREAS, The solution of the problem of the recurred narcotic addict has become an important factor in the solution of the whole narcotic problem; now, therefore, be it

Resolved by the Senate, That there is hereby created a committee to be known as the "Senate Interim Narcotic Committee" consisting of two members of the Senate, appointed by the President of the Senate, for the purpose of considering the enactment of effectual laws for the control of the illicit narcotic traffic, and for the care and treatment of narcotic addicts; and, be it further

Resolved, That the committee shall make a complete study especially of the problem of recurred narcotic addicts in California, and shall gather such other necessary information, formulate recommendations, and prepare and submit their finding therein to the Senate at the fifty-second session of the Legislature.

Resolution ordered held at the desk as unfinished business.

Recess.

On motion of Senator Williams, at two o'clock and fifteen minutes p.m., the President of the Senate declared recess until two o'clock and twenty five minutes p.m., for the purpose of listening to Sam Johnson and his miners' band of Angels Camp.

Mr. Johnson and his band were introduced to the Senate by Hon. Geo. J. Hatfield, Lieutenant Governor, after which the band rendered a few selections.

Reconvened.

At two o'clock and twenty five minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, at the chair.

Secretary Joseph A. Beck at the desk.

Unfinished Business.

Senate Concurrent Resolution No. 34—Approving certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twenty-third day of April, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 34 adopted by the following vote:

AYES—Senators Baggar, Donel, Defanti, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGuinness, Mixter, Olson, Perry, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swag, Tickle, Wag, Williams and Young—36.

NOES—None.

Senate Concurrent Resolution No. 34 ordered transmitted to the Assembly.

Consideration of Special Order—(Resumed).**Consideration of Senate Bill No. 511.**

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 511 refused passage by the following vote:

AYES—Senators Fletcher, Garrison, Jespersen, King, Knowland, McCall, McCormack, McGuinness, Olson, Perry, Powers, Rich, Schottky, Seollan, Seawell and Williams—16.

NOES—Senators Baggar, Crittenden, Donel, Defanti, Duval, Edwards, Gordon, Hays, Keough, McCormack, Mixter, Parkman, Powers, Reindollar, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wag, and Young—22.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 78, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extension, repairs, replace-

ments and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities, providing for the payment of such bonds and the interest thereon.

Bill read third time.

Senator Powers in the Chair.

At three o'clock and five minutes p.m., Senator Powers of the first district was called to the chair.

Assistant Secretary Carl A. Shipkey at the Desk.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 78 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—31.

NOES—Senators Duval, Hays, Pierovich, and Stow—4.

Title read and approved.

Senate Bill No. 78 ordered transmitted to the Assembly.

Unfinished Business—(Resumed).

Assembly Joint Resolution No. 59.

Relative to memorializing the President and the Congress of the United States to enact bill H. R. 6628 which proposes to provide remunerative employment for the blind citizens of the United States and its possessions and urging the Committee on Labor of the House of Representatives to expedite consideration favorable to said bill.

WHEREAS, During recent times there has been a great deal of public interest and discussion on the part of social and welfare organizations and individuals throughout the United States of the necessity to enact immediate legislation for the purpose of providing remunerative employment for the blind citizens in the United States; and

WHEREAS, In recent years it has become clear to all workers for the amelioration of the condition of the blind that the blind problem is essentially an economic problem which can be solved only through remunerative employment; and

WHEREAS, On March 12, 1935, there was introduced in the House of Representatives by John H. Tolan of California a bill known as H. R. 6628 which has as its purpose "to provide blind citizens of the United States with remunerative employment, to enlarge economic opportunities of the blind, and to stimulate the blind to greater efforts in striving to render themselves self-supporting; and

WHEREAS, The Tolan Bill H. R. 6628 is general in its application and seeks to provide employment for all blind citizens who are between 21 and 50 years of age; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and Congress of the United States are respectfully urged to enact legislation proposed by bill H. R. 6628, and that the Committee on Labor of the House of Representatives is also urged to expedite consideration favorable to said bill; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to the chairman of the Committee on Labor of the House of Representatives, and to each member of the Committee on Labor of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 59 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuin-

ness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rein-dollor, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swag, Tickle, Williams, and Young—4.
 NOES—None.

Assembly Joint Resolution No. 59 ordered transmitted to the Assembly.

Consideration of Assembly Amendments.

Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; creating the office of Truck Commissioner; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act.

The Senate took up for consideration Assembly amendments to Senate Bill No. 329.

Amendment No. 1.

On page 1, line 5 of the title of the printed bill, as amended, strike out the words "creating the office of Truck Commissioner";.

Amendment No. 2.

On page 3, line 41, of the printed bill, as amended, strike out "7", and insert in lieu thereof the figure "6".

Amendment No. 3.

On page 4, line 1, of the printed bill, as amended, after "under section", strike out "6", and insert in lieu thereof the figure "5".

Amendment No. 4.

On page 4, line 10, of the printed bill, as amended, strike out the figure "6", and insert in lieu thereof the figure "5".

Amendment No. 5.

On page 4, line 21, of the printed bill, as amended, strike out "6", and insert in lieu thereof the figure "5".

Amendment No. 6.

On page 4, line 27, of the printed bill, as amended, strike out the word and figures "6 to 8", and insert in lieu thereof the word and figures "5 to 7".

Amendment No. 7.

On page 5, line 23, of the printed bill, as amended, after the word "nondiscriminatory", strike out the words "rates or the".

Amendment No. 8.

On page 5, line 44, of the printed bill, as amended, after the word "lesser", strike out the comma, and add the words "rate than the minimum rate or", and after the word "greater", strike out the comma, and add the words "rate than the maximum rate", and strike out the following words: "or different rate than the rates".

Amendment No. 9.

On page 6, line 3, of the printed bill, as amended, strike out the figure "11", and insert in lieu thereof the figure "10".

Amendment No. 10.

On page 7, line 43, of the printed bill, as amended, strike out the figures "24", and insert in lieu thereof the figures "21".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 329?

The roll was called, and Assembly amendments to Senate Bill No. 329 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, King, Knowland, McCormack, McGovern, Mixer, Pierovich, Powers, Rein-dollor, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swag, Tickle, Wag, Williams, and Young—20.

NOES—Senators Keough, Metzger, Olson, and Perry—4.

Senate Bill No. 329 ordered to enrollment.

Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 887—An act to amend the titles of Articles IV and IVa of Chapter IV of Part I of Division VI of the School Code, to amend sections 6.210 and 6.211 of the School Code and to add a new section to the School Code to be numbered 6.213, all relating to the disposition of buildings, structures or fixtures of school districts when the boundaries of such districts are altered, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 888—An act to amend sections 3.330, 3.331, 3.332, 3.333, 3.334, 3.335, and 3.337 and to add a new section to the School Code to be numbered 3.339, relating to the attendance of pupils residing in California upon the public schools of adjoining States, and the attendance of pupils residing in adjoining States upon the public schools of California.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 236—An act amending sections 2 and 3 of an act entitled: "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876.' " relative to bidding on public contracts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 236 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "sections 2 and", and insert in lieu thereof the following: "section".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 22, both inclusive, and on page 2 of the printed bill, strike out lines 1 to 9, both inclusive.

Amendment No. 3.

On page 2 of the printed bill, strike out line 10, and insert in lieu thereof the following:

"SECTION 1. Section 3 of the act cited in the title hereof is amended to".

Amendment No. 4.

On page 2, line 25, of the printed bill, strike out the period, and insert in lieu thereof the following: "or, in the discretion of the department, in one newspaper of general circulation published in the county in which such work or the major portion thereof is to be done, and in one such trade paper published in the county group, as defined in section 187 of the Streets and Highways Code, in which such work is to be done."

Amendment No. 5.

On page 2 of the printed bill, strike out lines 31 to 39, both inclusive, and insert in lieu thereof the following: "lic Works and designated in such notice."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 1103—An act to add section 1084b to the Political Code, relating to petitions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1082—An act to authorize boards of supervisors to pay certain claims.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Senate Bill No. 1082 was read and adopted:

Amendment No. 1.

On page 1, line 19, of the printed bill, after the word "of", strike out the words "six months", and insert in lieu thereof the words "sixty days".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1081—An act making an appropriation to renovate certain portions of the State Capitol.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 1081 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "eleven thousand three hundred thirteen", and insert in lieu thereof the following "twenty thousand".

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out "survey", and insert in lieu thereof the following: "plan".

Amendment No. 3.

On page 1, line 7, of the printed bill, strike out "1933", and insert in lieu thereof the following: "1931".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 8 to 11, inclusive, and insert in lieu thereof the following: "Such moneys shall be expended under the direction of the Director of Finance, but the director shall not be".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Second Reading of Assembly Bills.

Assembly Bill No. 429—An act to provide that school authorities of certain public and private schools shall be equipped to render first medical aid to injured children and students, and providing a penalty for violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 614—An act to amend section 1680 of the Streets and Highways Code, relating to extending county aid to cities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2030—An act to amend sections 1625.5 and 1626 of the Streets and Highways Code, relating to expenditures by boards of supervisors of moneys received by the counties from the motor vehicle fuel fund or from moneys received by the county for vehicle registration license fees and authorizing contributions to ad valorem special assessment proceedings, or the purchase, cancellation and retire-

ment of bonds issued in any ad valorem acquisition or improvement district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 400--An act to amend section 4293 of the Political Code, relating to the disposition of county and township officers' fee records.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 400 were read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, after the word "deliver", strike out the words "to his successor".

Amendment No. 2.

On page 1, line 12, of the printed bill, strike out the words "and by his predecessors", and after striking out the period appearing in said line, add the words "to the county".

Amendment No. 3.

On page 1, line 13, of the printed bill, after striking out the period, insert a comma and add the following: "except that in counties of the first class all such records kept by him and his predecessors in office shall be delivered to his duly qualified successor in office."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1262--An act to amend section 1 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, Statutes of 1913, page 76, as amended.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1262 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in the last line of the title, strike out "Statutes of 1913, page 76, as amended.", and insert in lieu thereof the following: "relating to the investment of surplus money."

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "an act entitled "An act authorizing", and strike out all of lines 2, 3 and 4, and in line 5, strike out "control district.", and insert in lieu thereof the following: "the act cited in the title hereof".

Amendment No. 3.

On page 1, line 16, of the printed bill, strike out the word "of", and insert in lieu thereof the word "or".

Amendment No. 4.

On page 1, line 16, of the printed bill, after the words "issued by", strike out the word "any", and insert in lieu thereof the word "such".

Amendment No. 5.

On page 1, line 18, of the printed bill, after the words "utility district", insert the word "respectively".

Amendment No. 6.

On page 2 of the printed bill, strike out all of line 1, and insert in lieu thereof the following: "issued by the State of California, or in treasury notes or bonds of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, and".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1269—An act authorizing and empowering any county, city and county, or city in the State of California to donate, convey, and grant to the State of California, or to district agricultural associations thereof, any real property owned, held and used by it for fair ground and exposition purposes, or which it may hereafter acquire, hold and use for such purposes.

Bill read second time, and ordered on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Wagy:

SENATE CHAMBER, SACRAMENTO, MAY 13, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below.

An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Respectfully submitted

SENATOR WAGY.

Request referred to Committee on Rules.

Senator McCall in the Chair.

At three o'clock and thirty five minutes p.m., Senator McCall of the fifth district was called to the chair.

Third Reading of Senate Bills.

Senate Constitutional Amendment No. 12.

A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 2 of Article IV thereof, relating to the Legislature.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1935, two thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California, that section 2 of Article IV of the Constitution of the said State be amended as follows:

Sec. 2. The sessions of the Legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock p.m. on the third Monday after the first day of January next succeeding the election of its members. Within seven days from and after the dates upon which they respectively take office, the Speaker of the Assembly and the President of the Senate shall appoint the standing committees of the Assembly and Senate respectively.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 12 refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, King, McGovern, McGuinness, Mixer, Schottky, Snyder, Wagy, and Williams—12.

NOES—Senators Deuel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, Keough, Knowland, McCall, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Sealan, Sharkey, Slater, Stow, Swing, and Young—23.

Senate Bill No. 17—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the

continuation in service of employees and entitling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

Amendments from the Floor.

During third reading of Senate Bill No. 17, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 4, line 38, of the printed bill, as amended, after the words "United States", and before the semicolon, insert the following: ", for the use and benefit of the people of the State of California".

Amendment No. 2.

On page 5 of the printed bill, as amended, between lines 5 and 6, insert the following language, as a new paragraph, making the same a part of section 2 of said act: "It shall be the duty and obligation of said City and County of San Francisco to hereafter continuously give full consideration at all times and to comply with the proper requirements of the agricultural interests of this State, in the conduct and operation of said waterfront, and to that end it shall be the duty and obligation of said city and county to make such necessary additions and improvements to said waterfront as may be advisable so as to give effect to this provision of this act."

Amendment No. 3.

On page 5, line 22, of the printed bill, as amended, after the comma, following the word "describe" and before the word "and," insert the following: "and for the employees' retirement fund".

Amendment No. 4.

On page 5 of the printed bill, as amended, between lines 8 and 9, after section 3, and before section 4, insert a new section to be known as section 3½, as follows:

"SEC. 3½. No money, property or thing of value, of any kind or description whatsoever, shall ever hereafter be granted, conveyed, appropriated or transferred from said waterfront or said harbor or from any fund that may be under the jurisdiction of the municipal board of harbor commissioners of San Francisco, or of any other official or authority of said municipality, to any other branch or department of said City and County of San Francisco, or to any other political subdivision of this State, or otherwise, the purpose of this act being to preserve, in trust, for the use and benefit of the people of the State of California, all of the assets of said waterfront and of said harbor, that is hereby granted in trust to said City and County of San Francisco, as well as all increment therefrom, as well as all past, present and future receipts, of every kind, from said waterfront and harbor.

Said waterfront and harbor shall not be operated for profit. For the purpose of giving effect to this provision it shall be the duty of said City and County of San Francisco, acting through its said municipal board of harbor commissioners, and other municipal officials and authority, to impose minimum rates, charges and tariffs, of every kind, on all freight and passenger transportation, that may be conducted over, in and upon said waterfront and said harbor, and in no event shall said charges, rates or tariffs be greater than is necessary to meet the cost of operating said waterfront and said harbor, including operating and overhead expenses and payment of obligations chargeable against the same."

Amendment No. 5.

On page 13, line 36, of the printed bill, as amended, after the period following the word "San Francisco", insert the following:

"Each commissioner hereafter appointed shall be selected on account of his knowledge and experience with the problems involved in the conduct and operation of said waterfront and harbor and without any political consideration whatsoever. One of said commissioners, to be hereafter selected, shall be identified with the agricultural interests of this State and shall be familiar with the problems of agriculture with respect to the use of said waterfront and harbor."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Withdrawal and Re reference of Senate Bill No. 731.

Senator Seawell moved that Senate Bill No. 731 be withdrawn from Committee on Public Utilities, and referred to Committee on Finance.

Motion carried, and such was the order.

Third Reading of Assembly Bills.

Assembly Bill No. 947.—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401 Statutes of 1931, approved May 25, 1931, and as amended by Chapter 19 Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act" by amending the title thereof and by amending sections 2, 6½, 9, 11, 14, 16, 20 and 22½, and by adding thereto new sections numbered 4½, 5½, 5½, 8½, 8½, 9½, 9½, 12½, 13½, 16½ and 16½, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges, and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto, and providing that this act become effective immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 947, the following amendments, offered by Senator McGovern, were read and ordered printed in the Journal:

Amendment No. 1.

On page 9, line 30, of the printed bill, as amended, strike out "insert", and insert in lieu thereof the following: "any".

Amendment No. 2.

On page 9, line 41, of the printed bill, as amended, after the period, insert the following: "No bonds, debentures or obligations of any kind shall be issued by said California Toll Bridge Authority for the purpose of carrying any debts or loans to provide, in any manner, for the additional transportation facilities, unless such facilities are to be owned and operated exclusively by said California Toll Bridge Authority."

Amendment No. 3.

On page 17, line 15, of the printed bill, as amended, after the period, insert the following: "No permit or contract whatsoever shall confer sole or exclusive authority or permission to operate any transportation facilities on any such toll bridge or such toll highway crossing, to any person, firm, corporation, association of persons, or persons, but said Toll Bridge Authority shall reserve to itself the right to grant such other and further permits and contracts as public convenience and necessity may demand, from time to time, anything in this act contained to the contrary notwithstanding."

Amendment No. 4.

On page 18, line 45, of the printed bill, as amended, after the period, insert the following: "Every permit or contract for the use of a bridge, granted by said California Toll Bridge Authority to any privately owned or to any publicly owned transportation facility or utility of any kind, must require the petitioner to pay to said California Toll Bridge Authority an amount of money, at reasonable stated intervals, which, as nearly as can be ascertained, will when combined with similar assessments on other transportation facilities and utilities, if any, using the bridge, pay forty per cent of the cost of the upkeep, maintenance and operation of said bridge."

Amendment No. 5.

On page 19 of the printed bill, as amended, between lines 38 and 39, insert the following:

"Sec. 20. A new section to be numbered section 22½ is hereby added to said act, to read as follows:

Sec. 22½. Any contract or permit of any kind or character granted by said California Toll Bridge Authority to any transportation facility or utility, of any kind, excepting to a publicly owned facility or utility, shall provide that such contract or permit may be terminated by said California Toll Bridge Authority at any time after ten years, by the giving of one year's written notice to said transportation facility or utility, anything herein contained to the contrary notwithstanding."

Amendment No. 6.

On page 19, line 39, of the printed bill, as amended, strike out "20", and insert in lieu thereof the following: "21".

Bill and proposed amendments ordered held on file.

Approval of Journals.

The Senate Journals of Monday, April 29, 1935; Tuesday, April 30, 1935; Wednesday, May 1, 1935; Thursday, May 2, 1935, and Friday, May 3, 1935, were, on motion of Senator Schottky, approved as corrected by the Journal Clerk and Minute Clerk.

Motion to Rescind.

Senator Powers moved to rescind the action of the Senate in adopting amendments to Senate Bill No. 1054 on April 15, and April 29, 1935.

The question being on the motion to rescind.

The roll was called, and the action of adopting amendments to Senate Bill No. 1054 on April 15, and April 29, 1935, was rescinded by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Garrison, Gordon, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Schottky, Seawell, Sharkey, Slater, Snyder, Tickle, Waggy, and Williams—25.

NOES—Senator Difani—1.

Bill ordered on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Education.

SENATE CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 848—An act to amend section 260 of the School Code, relating to the correction and relocation of boundaries of school districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

JESPERSEN, Chairman.

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, May 9, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 194, relating to wharfingers—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

BIGGAR, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 428—An act to authorize the Governor of the State of California to grant an easement or title to State owned land to the United States of America in aid of public work, relief or other projects aiding recovery—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Adjournment.

On motion of Senator Sharkey, at four o'clock and ten minutes p.m., Senator McColl, presiding, declared the Senate adjourned until ten o'clock and thirty minutes a.m., Tuesday, May 14, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Tuesday, May 14, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, David, Edwards, Fletcher, Grooms, Gordon, Hays, Jorgensen, Keough, King, Kuehnelt, McCall, McManama, Metcalf, McGinness, Metzger, Minter, Olson, Parkinson, Perry, Portsmouth, Powers, Remondollar, Reih, Schottky, Seaman, Seignell, Sharkey, Slater, Snyder, Stone, Strong, Tackle, Wagy, Williams, and Young. 39

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

Weighing the Evidence.

Almighty God, an ever present help in time of trouble, guide us here in our tribulations.

May we weigh each issue pending, not by momentary smiles, not by fleeting letters and telegrams inspired from doubtful sources, but rather face each question be tried in the balance of our own inner conscience and be measured by Those own enduring standards of rightness and justice.

Help us, O Lord, to give victory to every just cause, compassionate help to every worthy human need and to give security and peace to all things as we shape the affairs of this great State. Amen.

Reading of the Journal.

During the reading of the Journal of Monday, May 13, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Hulse was, on motion of Senator Difani, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. J. H. Keely, State Senator of Colorado.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Joseph M. Lacy, assistant city manager of Berkeley.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Joe Crail, former Congressman of Los Angeles, and Mrs. M. E. Williams of Windsor, Sonoma County, executive of the Grange Business organization.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. M. Soares, Mrs. J. A. Kaseh, Misses Ann Neustaedter, Sadie Neustaedter and Jeanette Neustaedter and Mr. Mitch Neustaedter of Concord.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Peter J.

Kramer, principal of Franklin Union School, and the following seventh and eighth grade pupils: William Derheim, Edward Kloss, Frank Truttman, George Simunich, Kimji Kurisaki, Earle Schmidt, Minnie Wright, Violet Tonini, Albert Truttman, Fred Rau, Beverly Carver, June Morris, Zelpha Mohr, Esther Kammerer, Lou Colvard, Carl Miller, Bessie Hein, Naomi Kammerer, Barbara Bristol, Shizue Hamatani, Lydia Hofer, Henry Luttig, Charles Hein, Saki Kurisaki, Dorothy Simunich, Henry Penner, Francis Sylvia, Robert Livingston, Albert Klinger, Jack Van Vliet, and Norma Mohr; Mrs. Rena C. Kramer, Mrs. Mary Bristol and Mr. Paul Derheim.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Father John Kermy, St. Cecelia's Church, San Francisco.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 50—An act to amend section 653 of the Fish and Game Code, relating to spearing salmon;

Also: Assembly Bill No. 166—An act to amend section 1 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection, and supervision of the construction, reconstruction or alteration of or addition to public school buildings and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act to take effect immediately," approved April 10, 1933, relating to the buildings and work subject to the provisions of said act;

Also: Assembly Bill No. 384—An act for the relief of special assessment districts and for the adjustment, refunding or cancellation of the bonded indebtedness of such districts, and for the purpose of empowering legislative bodies of such districts to adjust, refund or cancel said indebtedness and to make available to such districts the provisions of the Federal bankruptcy laws and any and all laws of the State of California for the relief of special assessment districts, and to declare the urgency of this act to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 50 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 166 read first time, and referred to Committee on Education.

Assembly Bill No. 384 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 390—An act to amend sections 15b and 15a of and to add section 25 to an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, relating to vital statistics;

Also: Assembly Bill No. 397—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts;

Also: Assembly Bill No. 439—An act to add a new section to the School Code to be numbered 6492 relating to the payment by school districts of subscriptions to periodicals.

Also: Assembly Bill No. 660—An act authorizing public and private corporations of and in the State of California to make applications for the right to establish, operate and maintain, and to establish, operate and maintain foreign trade zones in or adjacent to ports of entry in this State.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 390 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 397 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 439 read first time, and referred to Committee on Education.

Assembly Bill No. 660 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1987—An act to amend section 3437, An act relating to the liability in damages of officers of justice, judges, justices, justices of the peace, school districts, and the State of California in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers; prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporation to take out and pay for insurance to protect their officers against such injuries, approved June 19, 1931.

Also: Assembly Bill No. 2104—An act to amend the County Water District Act, approved June 10, 1913, as amended, by adding to said act, as amended, a new section, to be numbered 4n, providing for the election of directors by divisions, instead of at large, if authorized by election.

Also: Assembly Bill No. 2012—An act to amend the Vehicle Code by adding a new section to be numbered 135.5, relating to investigation of accidents.

Also: Assembly Bill No. 2130—An act amending section 4076 of the Political Code, relating to county government.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1987 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2104 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 2012 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2130 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1780—An act to amend section 86 of the Agricultural Code, relating to agricultural fairs.

Also: Assembly Bill No. 1804—An act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by public bodies of this State for public works projects.

Also: Assembly Bill No. 1833—An act to amend section 1 of "An act to regulate the construction of buildings in the State of California, in respect to resistance to horizontal forces, providing penalties for the violation thereof and providing that this act become effective immediately," approved May 26, 1933, relating to construction of buildings.

Also: Assembly Bill No. 1929—An act to amend section 4041k of the Political Code.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1780 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1804 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1833 read first time, and referred to Committee on Building and Construction.

Assembly Bill No. 1929 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1480—An act to amend sections 137 and 140 of the Agricultural Code, relating to pest control and abatement:

Also: Assembly Bill No. 1491—An act establishing municipal courts in cities and cities and counties of the second and one-fourth class, prescribing a constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein;

Also: Assembly Bill No. 1654—An act to amend sections 459, 465 and 471 of, and to add a new section to be numbered 466 to, the Vehicle Code, relating to highways and the regulation thereof;

Also: Assembly Bill No. 1774—An act to amend the title and sections 2 and 3e and to amend and to renumber section 20k of, and to add sections 19a, and 20f to the California Real Estate Act, relating to the regulation and licensing of real estate brokers and salesmen, and to the inspection and regulation of subdivisions, to provide for the enforcement of said act and penalties for the violation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1480 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1491 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1654 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1774 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1323—An act to add Article 3A to Chapter 1 of Division III of the Agricultural Code, relating to the sale, purchase, transportation and marketing of poultry;

Also: Assembly Bill No. 1345—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending sections numbered 5, 7, 12 and 25 of said act, as amended, and by repealing section 52 of said act, as amended, and by adding to said act, as amended, new sections, to be numbered and providing as follows, to wit: section 16a, relating to refunding bonds; section 25a, relating to addition to a county water district of lands situate in a county contiguous to the county in which such district was organized; section 25b, relating to conditions upon addition of land to the district; and section 52, adding to the district lands privately owned which were public lands when the district was organized;

Also: Assembly Bill No. 1395—An act to amend sections 5.1100, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees by school districts, and to add a new section to be numbered section 5.1139 to the School Code.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1323 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1345 read first time, and referred to Committee on County Government.

Assembly Bill No. 1395 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1185—An act authorizing the Board of State Harbor Commissioners to make application for the privilege of establishing, maintaining and operating a foreign trade zone on grounds adjacent to and bordering the under the jurisdiction and control of said Board in the City and County of San Francisco, and to establish, maintain and operate such zone pursuant to the act of Congress of June 18, 1904 (38 U. S. Statutes at Large, Chapter 399).

Also: Assembly Bill No. 1188—An act to add a new article to Chapter II of Part II of Division IV of the School Code, to be known as Article XI, relating to school district funds.

Also: Assembly Bill No. 1243—An act to amend sections 828 and 829 of the Agricultural Code, relating to trusts, water and irrigation.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1185 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 1188 read first time, and referred to Committee on Education.

Assembly Bill No. 1243 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 739—An act to amend and amend 1701 and 1702 of the Streets and Highways Code, to define "motorization" as including "motorization."

Also: Assembly Bill No. 1309—An act to regulate the business, occupancy, occupancy and operation of bus cleaning and blocking establishments, or agencies thereof, and private schools and colleges of bus cleaning and blocking, providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement; and providing penalties for violations.

Also: Assembly Bill No. 2268—An act to amend section 1 of an act entitled "An act providing for the supervision and regulation of the transportation of property for compensation over any public highway by auto trucks; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, relating to the determination of the operation of auto trucks by transportation companies.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 739 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1309 read first time, and referred to Committee on Insurance.

Assembly Bill No. 2268 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2369—An act to add sections 9a to 9d, inclusive, to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to disability of members of the California Highway Patrol.

Also: Assembly Bill No. 2420—An act to provide for reduction of salaries of officers and employees of the State in the State civil service which are in excess of the maximum salary limits of the respective positions.

Also: Assembly Bill No. 128—An act to amend section 487 of the Penal Code, relating to grand theft;

Also: Assembly Bill No. 194—An act to amend sections 20 and 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, relative to awards and disposition thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 2369 and 194 read first time, and referred to Committee on Insurance.

Assembly Bill No. 2420 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 128 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 674—An act prescribing the terms upon which certificates of registration of inspectors and/or sanitary officers as "registered sanitarians" shall be issued; prescribing a course and minimum amount of schooling or training to be possessed by applicants therefor after one (1) year from date of approval of this act; authorizing the State Board of Public Health to certify approved schools, conduct examinations and issue "registered sanitarian" certificates; prescribing the powers and duties of the State board; prescribing conditions under which the title "registered sanitarian" or the placing of the initials "R. S." may be used after the names of certificate holders; providing penalties for violations hereof; and grounds for the suspension, cancellation, denial or revocation of such certificates of registration;

Also: Assembly Bill No. 838—An act to amend the Streets and Highways Code, by adding to Division I thereof a new chapter, to be numbered 6, relating to proceedings to change the grade or to establish the boundaries of State highways, and other proceedings affecting private property;

Also: Assembly Bill No. 896—An act to amend sections 479, 508, 510, 581, 585, 590, 591, 593, 632, and 673 of the Agricultural Code, relating to dairies and dairy products;

Also: Assembly Bill No. 978—An act to amend section 12 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to civil engineers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 674 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 838 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 896 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 978 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1392—An act to amend the title of, and the act known as, the State Civil Service Act, relating to State civil service, including the adaptation thereof to Article XXIV of the State Constitution;

Also: Assembly Bill No. 1870—An act to amend section 4 of an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to injunctions.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1392 read first time, and referred to Committee on Civil Service.

Assembly Bill No. 1870 read first time, and referred to Committee on Judiciary.

Reports of Standing Committees

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

On Engrössment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 888—An act to amend sections 3330, 3331, 3332, 3333, 3334, 3335, and 3337 and to add a new section to the School Code to be numbered 3339, relating to the attendance of pupils residing in California upon the public schools of adjoining States; and the attendance of pupils residing in adjoining States upon the public schools of California.

Also, Senate Bill No. 1103—An act to add section 10826 to the Political Code, relating to petitions;

And reports that the same have been correctly engrössed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 428—An act to authorize the Governor of the State of California to grant an easement or title to state-owned land to the United States of America in aid of public work, relief or other projects aiding recovery.

Also, Senate Bill No. 887—An act to amend the titles of Articles IV and IVa of Chapter IV of Part I of Division VI of the School Code to amend sections 6210 and 6211 of the School Code and to add a new section to the School Code to be numbered 6213, all relating to the disposition of buildings, structures or fixtures of school districts when the boundaries of such districts are altered, declaring the urgency thereof and providing that this act shall take effect immediately.

Also, Senate Concurrent Resolution No. 35—Relative to the approval of amendments to the charter of the city of Tulare.

And reports that the same have been correctly engrössed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 17—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act, providing for the disposition of revenues derived from the operation of said harbor, providing for the sale of bonds authorized but not sold, providing for the payment of interest on bonds, and for the redemption of bonds, fixing the terms and conditions of the grant, providing for the issuance of a proclamation by the Governor, providing for the continuation in service of employees and certifying them to the benefits of the civil service provisions of the charter of the City and County of San Francisco, providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire—and reports that the same has been correctly engrössed.

WILLIAMS, Vice Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 58—Relative to memorializing Congress to pass a bill restoring pensions to Spanish-American War veterans—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

WAGY, Chairman.

Consideration of Assembly Joint Resolution No. 58.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 58, without reference to file for purpose of adoption.

Assembly Joint Resolution No. 58.

Relative to memorializing Congress to pass a bill restoring pensions to Spanish-American War veterans.

WHEREAS, Under the terms of the National Economy Act of March 19, 1933, the pensions of more than seventeen thousand Spanish-American War veterans were discontinued; and

WHEREAS, These men, together with many of their dependents, are in advancing years and physically unable to overcome the economic difficulties of today; and

WHEREAS, There has been introduced in the National Congress a bill designated H. R. 6995, which will restore these men to the status which they held on March 19, 1933; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly. That the Legislature of the State of California respectfully requests and memorializes the Congress of the United States to pass the bill designated as H. R. 6995 and thus restore the pensions which were taken away from so many Spanish-American War veterans; and be it further

Resolved, That the Governor send a copy of this resolution to each of California's Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 58 adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Gordon, Keough, King, McCormack, McGovern, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Schottky, Seawell, Sharkey, Slater, Snyder, Tickle, Waggy, and Williams—23.

NOES—None.

Assembly Joint Resolution No. 58 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following message from the Governor:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, CALIFORNIA, May 9, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that I am this day appointing, with the advice and consent of the Senate, Mr. A. R. O'Brien of Ukiah as a member of the Board of Prison Directors.

Requesting your approval of the same, I am

Respectfully yours,

[SEAL]

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment be confirmed.

Committee membership—5; committee vote: Ayes—3; absent—2.

(Signed out)

RICH, Chairman.
TICKLE.
SLATER.

Consideration of Appointment by the Governor.**Motion Confirming Appointment.**

Senator Sharkey moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. A. R. O'Brien as a member of the Board of Prison Directors?

The roll was called, with the following result:

AYES—Senators Biggar, Deuel, Difani, Gordon, Hays, Keough, King, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Perry, Powers, Reindollar,

Schottky, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—24.
NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. A. R. O'Brien as a member of the Board of Prison Directors.

Introduction, First Reading and Reference of Bills.

By Senator Sharkey: Senate Joint Resolution No. 20—Relative to memorializing the President and Congress to enact legislation which will protect postmasters and extend to them civil service status.

Referred to Committee on Federal Relations.

By Senators Pierovich, Crittenden, Sharkey, McCormack, McColl, Gordon, McGuinness, Wagy, Mixer, Williams, Schottky, Parkman, Reindollar, Perry, and Snyder: Senate Constitutional Amendment No. 24—Proposed amendment to Article XX of the Constitution, relative to the regulation of the manufacture, sale, purchase, possession and transportation of intoxicating liquor.

Referred to Committee on Constitutional Amendments.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 789—An act to amend the Vehicle Code by amending sections 113, 114, 115, 121, 123, 124, 135, 451, and 680, relating to vehicles.

Bill read third time.

Amendment from the Floor.

During third reading of Senate Bill No. 789, the following amendment to the title, offered by Senator Sharkey, was read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out the following: "135".

The question being on the passage of the bill, as amended.

The roll was called, and Senate Bill No. 789 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Gordon, Hays, Keough, King, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Schottky, Sharkey, Slater, Snyder, Tickle, Wagy, Williams and Young—26.

NOES—None.

Title read and approved as amended.

Senate Bill No. 789 ordered transmitted to the Assembly.

Senate Bill No. 262—An act to amend sections 6, 10, 17 and 18 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon

which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act." approved May 15, 1933, relating to outdoor advertising and the regulation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 262 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, McColl, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Schottky, Slater, Snyder, Tickle, Wagy, and Williams—23.

NOES—None.

Title read and approved.

Senate Bill No. 262 ordered transmitted to the Assembly.

Senate Bill No. 668—An act to amend section 12905 of the Insurance Code, relating to the Insurance Commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 668 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Hays, Keough, King, McGuinness, Mixer, Olson, Perry, Powers, Reindollar, Schottky, Sharkey, Slater, Snyder, Tickle, Wagy, and Williams—22.

NOES—None.

Title read and approved.

Senate Bill No. 668 ordered transmitted to the Assembly.

Senate Bill No. 669—An act to amend section 11716 of the Insurance Code, relating to the Insurance Commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 669 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Hays, Keough, King, McCormack, McGovern, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Schottky, Sharkey, Slater, Tickle, Wagy, and Williams—23.

NOES—None.

Title read and approved.

Senate Bill No. 669 ordered transmitted to the Assembly.

Senate Bill No. 910—An act to amend sections the Insurance Code, by adding Article 8a to Chapter 1 of Part 2 of Division 1 of said code, comprising section 870, all relating to the deposit of funds by investment in policies, or otherwise, with an insurer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 910 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Hays, Keough, King, McCormack, McGovern, Metzger, Mixer, Perry, Powers, Reindollar, Schottky, Sharkey, Snyder, Tickle, Wagy, and Williams—22.

NOES—None.

Title read and approved.

Senate Bill No. 910 ordered transmitted to the Assembly.

Senate Bill No. 1103—An act to add section 1083b to the Political Code, relating to petitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1103 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Keough, King, McColl, McCormack, McGovern, Mixer, Olson, Perry, Powers, Reindollar, Schottky, Sharkey, Snyder, Tickle, Wagy, and Williams—22.

NOES—None.

Title read and approved.

Senate Bill No. 1103 ordered transmitted to the Assembly.

Senate Bill No. 424—An act granting to the city of Richmond and its successors certain salt marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands or wharf-out privileges hereby granted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 424 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Hays, Keough, King, McColl, McCormack, McGovern, Metzger, Mixer, Perry, Powers, Reindollar, Schottky, Sharkey, Snyder, Tickle, Wagy, and Williams—23.

NOES—None.

Title read and approved.

Senate Bill No. 424 ordered transmitted to the Assembly.

Senate Bill No. 471—An act to amend the Insurance Code by adding thereto a new chapter to Part 2 of Division 2 of said code and to be numbered Chapter 13, relating to medical and hospital service insurers.

Amendment from the Floor.

During third reading of Senate Bill No. 471, the following amendment, offered by Senator McGovern, was read and adopted:

Amendment No. 1.

On page 3, line 3, of the printed bill, as amended, insert the following:

"(j) Bona fide fraternal societies to their members and families".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 172—An act to add section 662.5 to, the Fish and Game Code, relating to salmon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 172 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, King, McCormick, McGovern, McGuinness, Metzger, Mixer, Olson, Perry,

Powers, Reindollar, Schottky, Sharkey, Snyder, Tickle, Wagy, Williams, and Young—25.

NOES—None.

Title read and approved.

Senate Bill No. 172 ordered transmitted to the Assembly.

Senate Bill No. 1075—An act authorizing the Director of Natural Resources to acquire land for development for State forestry purposes.

Amendments from the Floor.

During third reading of Senate Bill No. 1075, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in the title, strike out the following: "acquire land for development for State forestry purposes", and insert in lieu thereof the following: "receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes".

Amendment No. 2.

On page 1, line 1, of the printed bill, add the following:

"SECTION 1. Whenever it appears to be to the best interest of the State, the Director of Natural Resources, upon behalf of and in the name of the State of California, with the approval of the Director of Finance, is hereby authorized to accept gifts, donations or contributions of forest lands from the United States Government or any private person, firm or corporation. The terms "forest land" and "State forests", as used herein, include the areas suitable for timber production, outdoor recreation, water protection, and fish and game production.

SEC. 2. When such lands are accepted as gifts, donations or contributions under section 1 of this act, the Director of Natural Resources is hereby authorized to make expenditures from funds appropriated for the support of the Department of Natural Resources or the Division of Forestry, and not otherwise allocated, for the management, development and utilization of said properties.

SEC. 3. All revenues derived from lands acquired pursuant to the provisions of this act shall be credited by the State Controller to the support appropriation of the Division of Forestry of the Department of Natural Resources for the use of the Director of Natural Resources in the management, maintenance, development and use of such lands.

SEC. 4. The Director of Natural Resources is hereby authorized and directed, with the approval of the Governor, to promulgate such rules and regulations as may be necessary or desirable to effectuate the purposes of this act, and whenever it appears to be to the best interests of the State, with the approval of the Director of Finance, is hereby authorized and empowered to execute any and all instruments in the name of and upon behalf of the State of California for the purpose of making an exchange of any lands so acquired for lands of the United States Government lying within the exterior boundaries of the State of California.

Amendment No. 3.

On page 2, line 27, of the printed bill, strike out all of section 1.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Unfinished Business.

Resolution.

The following resolution was offered:

By Senator Young:

WHEREAS, California, due to her location on the Pacific seaboard, has become the first port of call for ships from the Orient bringing an increasing quantity of illicit narcotics; and

WHEREAS, The illicit narcotic traffic has become a major crime problem in California; and

WHEREAS, We have on our streets a large number of addicts who after hospitalization and treatment have recurred to the use of narcotics; and

WHEREAS, The demand for illicit narcotics and the spread of addiction among our people is largely increased by these recurred addicts through their association with and influence over other people; and

WHEREAS, The solution of the problem of the recurred narcotic addict has become an important factor in the solution of the whole narcotic problem; now, therefore, be it

Resolved by the Senate, That there is hereby created a committee to be known as the "Senate Interim Narcotic Committee," consisting of two members of the Senate, appointed by the President of the Senate, for the purpose of examining the enactment of effective laws for the control of the illicit narcotic traffic and for the care and treatment of narcotic addicts, and is it further

Resolved, That the committee shall make a complete inquiry, assembly of the problem of narcotic narcotics within its jurisdiction, and shall gather such other necessary information, formulate recommendations and reports and submit their finding thereon to the Senate at the 60th second session of the Legislature.

Resolution read, and on motion of Senator Young adopted.

Appointment of Special Committee.

Narcotic Investigation.

The President announced, in accordance with the above resolution, the appointment of Senators Young and McGeary.

Appointment by the President of the Senate.

The following communication was received and read:

Appointment by the President.

SENATE CHAMBER, SACRAMENTO, MAY 14, 1935.

To the Members of the Senate:

This is to inform you that I have this day appointed Joe Hays to the office of Page at a per diem of \$2.50 payable six days per week, and respectfully ask the consent of the Senate thereto.

GEORGE J. HATFIELD, President of the Senate.

Appointment Confirmed.

Senator Tickle moved the appointment be confirmed by the Senate.

The question being upon the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES. Senators Biggar, Critchfield, David, Deane, Edwards, Frazier, Garrison, Gordon, Hays, King, Knowlton, McCord, McGeary, M. Gurness, Minton, Murray, Olson, Powers, Reed-dell, Schatzky, Shockey, Slater, Snyder, Tamm, Wager, Williams, and Young—27.

NOES.—None.

Third Reading of Assembly Bills.

Assembly Bill No. 1919. An act to amend section 3 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Amendments from the Floor.

During third reading of Assembly Bill No. 1919, the following amendments, offered by Senator Snyder, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend section 3 of", and insert in lieu thereof the following: "add section 3a to".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 20, inclusive, and on page 2, strike out lines 1 to 17, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the act cited in the title hereof, to be numbered section 3a and to read as follows:

Sec. 3a. In the case of members of police or fire departments of cities, counties, districts or other public or municipal corporations or political subdivisions, whether such members are volunteer, partly paid, or fully paid, and in the case of active fire fighting members of the Division of Forestry of the State Department of Natural Resources, or of any county forestry or fire fighting department or unit, whether voluntary, fully paid, or partly paid, the term "injury" as used in this act includes hernia when any part of the hernia first develops or manifests itself during a period while such member is in active service in such division, department or unit. In the case of regular salaried county peace officers, the term "injury" also includes any hernia which first manifests itself or develops during a period while the officer is in active service. The compensation to be awarded for such hernia shall include full

hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the workmen's compensation laws of this State."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1055—An act to amend section 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies.

Amendments from the Floor.

During third reading of Assembly Bill No. 1055, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out the word "section", and insert in lieu thereof the following: "sections 400 and".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out all of lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 400 of the Vehicle Code is hereby amended to read as follows:

400. Liability of Governmental Agencies. (a) The State, and every political subdivision thereof, and every public corporation formed or organized for the government of a portion of the State including, but without excluding by reason of the hereinafter contained enumeration any such aforesaid public corporation of whatsoever class, type or designation, every school district, irrigation district, municipal corporation, and quasi municipal corporation shall be liable for civil damages on account of personal injury to or death of any person or damage to property resulting from the negligent operation of either a publicly or privately owned motor vehicle by an officer, agent, or employee thereof when acting within the scope of his office, agency, or employment, whether or not liability is imposed by law upon such operator, subject to the limit in amount of five thousand dollars for personal injury to or death of one person as the result of any one accident and, subject to said limit as to one person, the amount of ten thousand dollars for personal injury to or death of all persons as the result of any one accident and one thousand dollars for damage to property of others as the result of any one accident.

(b) This section shall apply to the negligent operation of all vehicles as herein provided, including the operation of any authorized emergency vehicle whether operated in response to an emergency call or otherwise by an officer, agent, or employee acting within the scope of his office, agency or employment.

(c) Any person having such a claim against any such public entity or corporation may present the same to such public entity or corporation in the same manner as other claims are presented and if thereupon such claim is not acted upon within thirty days after said presentation or is rejected in whole or in part, then said person may sue such public entity or corporation in a court of competent jurisdiction in the manner prescribed by law for the commencement and maintenance of such a suit against a private individual.

(d) Whenever in any such suit, a judgment is rendered against said State, political subdivision or public corporation, and such public entity or corporation thereafter satisfies the same in whole or in part, then said public entity or corporation shall be subrogated to the rights of the owner of said judgment theretofore existing to the amount of such satisfaction and may recover in a civil action such amount from the officer, agent or employee whose operation of a motor vehicle resulted in such liability against said public entity or corporation.

(e) The State Compensation Insurance Fund is hereby authorized to insure any such public entity or corporation against the liability imposed by this section, and any such public entity or corporation may secure insurance against such liability exclusively with the State Compensation Insurance Fund. Any and all premiums for such insurance shall be paid to the State insurance fund and shall be a proper charge against the general fund of such entity or corporation.

SEC. 2. Section 401 of the Vehicle Code is hereby amended to read as follows: "

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 365—An act to amend section 423 of the Agricultural Code, relating to live stock on highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 365 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, King, McColl, McGuinness, Mixer, Olson, Perry, Powers, Reindollar, Slater, Snyder, Tickle, Wagy, and Williams—21.

NOES—Senator McGovern—1.

Title read and approved.

Assembly Bill No. 365 ordered transmitted to the Assembly.

Assembly Bill No. 509—An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 509 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duffell, Garrison, Gordon, King, McColl, McGuinness, Metzger, Mixer, Olson, Powers, Reindollar, Schotky, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—22.

NOES—Senator Perry—1.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 509 was passed.

Assembly Bill No. 512—An act to amend section 274 of the Agricultural Code, relating to bee diseases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 512 passed by the following vote:

AYES—Senators Biggar, Deuel, Edwards, Fletcher, Gordon, Hays, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Prieswisch, Powers, Reindollar, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 512 ordered transmitted to the Assembly.

Assembly Bill No. 1883—An act to amend section 472a of the Political Code, relating to the defense of State officers and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1883 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Prieswisch, Powers, Reindollar, Rich, Schotky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1883 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 788—An act to amend the Vehicle Code by amending sections 511, 517, 526, 527, 530, 531, 543, 544, 552, 570, 571, 585, 586, 587, 596, 600, 694, and 696; by repealing sections 534 and 589; by adding sections 542, 588 and 603, relating to vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 788 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Wag, and Young—32.

NOES—Senator McGovern—1.

Title read and approved.

Notice of Motion to Reconsider.

Senator Garrison gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 788 was passed.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Snyder to introduce a bill entitled—An act granting certain tidelands and submerged lands of the State of California to the county of Santa Cruz—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—3; absent—2.

(Signed out)

RICH, Chairman.
TICKLE.
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Wag—34.

NOES—None.

Further Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Rich to introduce a bill entitled—An act to amend section 1207 of the Agricultural Code, relating to the removal of officers and directors of nonprofit cooperative marketing associations, declaring the urgency thereof to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
KNOWLAND.
DIFANI.
TICKLE.
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCall, McCormack, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Piersbach, Powers, Reinbold, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, and Tinkle. 31.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Snyder. Senate Bill No. 1104—An act granting certain tidelands and submerged lands of the State of California to the county of Santa Cruz.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Rich. Senate Bill No. 1105—An act to amend section 1207 of the Agricultural Code, relating to the removal of officers and directors of nonprofit cooperative marketing associations, declaring the urgency thereof to take effect immediately.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read, and ordered on file as unfinished business:

SENATE CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 256—An act to amend sections 251, 304, 307, 323, 348, 364, 374, and 465 of the Streets and Highways Code, relating to State highways—reports that it has met a like committee of the Assembly, consisting of Assemblymen Lyon, Utt and Crowley, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly recede from its amendments to Senate Bill No. 256.

EDWARDS,
McCORMACK,
OLSON.

Senate Committee on Free Conference.

LYON,
CROWLEY,
UTT.

Assembly Committee on Free Conference.

Withdrawal and Re-reference of Senate Constitutional Amendment No. 22.

Senator Scollan moved that Senate Constitutional Amendment No. 22 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Constitutional Amendments.

Motion carried, and such was the order.

Leave of Absence.

Senator Duval was, on motion of Senator Stow, granted leave of absence for the remainder of this legislative day.

Call of the Senate.

Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Difani, Fletcher, Garrison, Jespersen, Knowland, McGovern, McGuinness, Mixter, Perry, Pierovich, Slater, Snyder, Stow, Tickle, and Williams—15.

The Secretary announced the absentees.

Time, two o'clock and five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Message from the Assembly.**

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the Senate Concurrent Resolution No. 34—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twenty-third day of April, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 34 ordered to enrollment.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 19½, relating to wharfingers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 447 were read and adopted:

Amendment No. 1.

On page 2, line 3, of the printed bill, as amended, strike out the comma, and the following words: "or in any".

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 4, 5 and 6, and insert in lieu thereof a semicolon.

Bill read second time, ordered to reprint, and re-referred to Committee on Public Utilities.

Senate Bill No. 428—An act to authorize the Governor of the State of California to grant an easement or title to State-owned land to the United States of America in aid of public work, relief or other projects aiding recovery.

Bill read second time, ordered to engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 848.—An act to amend sections 1 and 2 of the School Code, relating to the correction and relocation of boundaries of school districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 848 were read and adopted:

Amendment No. 1.

On page 1, line 16, of the printed bill, after the word "schools", strike comma and insert the words "established property."

Amendment No. 2.

On page 1, line 17, of the printed bill, after the word "boundaries," add the following: "Where boundary lines are altered or changed at general terms, the location of the new lines shall be made in such a manner that any property of the area of the parcel or property affected shall determine the location or fixing of said boundary lines. Nothing herein contained shall be construed as authorizing the board of supervisors, in relocating such boundaries, to substantially alter the former boundaries of such school districts."

Bill read second time, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 518.—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add Division IIIa thereto, relating to missing persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 518 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Gordon, Hays, Jusselson, Keough, Knowland, McColl, McCormack, McGovern, McHughness, Munroe, Murray, Parkman, Perry, Pierovich, Powers, Reinbold, Rich, Schottky, Seeliger, Seiwald, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 518 ordered transmitted to the Assembly.

Senate Bill No. 596.—An act to amend sections 1, 2, 3, 4, 6 and 9a of, and to add section 3½ to "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended, relating to contractors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 596 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Keough, King, Knowland, McColl, McCormack, McGovern, McHughness, Munroe, Mixer, Olson, Parkman, Perry, Pierovich, Reinbold, Schottky, Seeliger, Seiwald, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—Senators Hays and Rich—2.

Title read and approved.

Senate Bill No. 596 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and thirty minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 947, heretofore set as a special order for two o'clock and thirty minutes p. m., the same was taken up for consideration.

Third Reading of Assembly Bill No. 947.

Assembly Bill No. 947—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401 Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10 Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act" by amending the title thereof and by amending section 2, 6½, 9, 11, 14, 16, 20 and 22½, and by adding thereto new sections numbered 4½, 5½, 5¾, 8½, 8¾, 9½, 9¾, 12½, 13¾, 16½ and 16¾, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto; and providing that this act become effective immediately.

Bill read third time.

Urgency Clause.

SEC. 20. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV, of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health, and safety that this law shall go into immediate effect. The construction of a toll bridge and approaches thereto over the bay of San Francisco from the City and County of San Francisco to the county of Alameda and the provision for the transportation thereto and thereover of persons and property are essential to complete and make effective the system of State highways. It is necessary for the preservation of the public peace, health, and safety that greater facilities for travel and transportation across the bay of San Francisco be immediately afforded by the construction of such toll bridge and the approaches thereto and the transportation facilities thereon and thereto; this act is necessary in order to enable and assure the immediate financing and construction of said toll bridge and transportation facilities. There now exists unemployment in this State to such an extent that the public peace, health, and safety are threatened and endangered. The immediate construction of said toll bridge and the approaches thereto, with the transportation facilities thereon and thereto, will do much to relieve the present unemployment situation, by furnishing employment for thousands of people. It is therefore essential that this act go into immediate effect, and the Legislature so determines that it shall become effective immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—Senator Olson—1.

Senator Deuel in the Chair.

At two o'clock and fifty-five minutes p. m., Senator Deuel of the sixth district was called to the chair.

Amendments from the Floor.

During third reading of Assembly Bill No. 947, the following amendments, offered by Senator McGovern, were read:

Amendment No. 1.

On page 9, line 25, of the printed bill, as amended, strike out "such," and insert in lieu thereof the following "any".

Amendment refused adoption.**Statement by Senator Walter McGovern.**

The foregoing Amendment No. 1, to Assembly Bill No. 947, as the same was amended on May 9, 1935, and which Amendment means to substitute the word "any" for the word "such" on line 25 of page 9 of said bill, with a view to the granting authority of a city, county, or city and county, over the streets of which the California Toll Bridge Authority may propose to erect an elevated railway system, to be incorporated in connection with any toll bridge, a vote in the adoption of the same, is now elevated railway system.

The bill, in its present form, confers such a right upon any city, county, or city and county, where the California Toll Bridge Authority proposes to construct a bridge, as is known in the bill as "additional transportation facilities," meaning, according to the language of the bill, "transportation facilities on the surface and not over transportation facilities as may be elevated and as may be constructed as part of one approach to or terminal of the bridge." The word "such" as it appears in the bill, at this time, has a limited meaning, referring only to such surface transportation facilities. If the word "any" were substituted for the word "such" as above suggested, then every city, county, or city and county, in this State, would have the right to maintain a degree of home rule, at least with respect to the granting of transportation facilities, over, in and upon its streets, if the California Toll Bridge Authority proposed the construction of elevated railroads in connection with any toll bridge.

Assembly Bill No. 947 confers upon the California Toll Bridge Authority great and unusual powers with respect to the construction and operation of transportation facilities, within the boundaries of municipal corporations, and without the necessity of obtaining the consent of such municipal corporations. This is a marked departure from the established practice of State governmental functions, in California, since statehood.

Unless the bill is amended as suggested, it should be defeated, because, if in present form, it permits unwarranted increase of the government of a city, county, or city and county, and confers powers on a State political body, over cities that it should not possess. The adoption of the foregoing amendment would correct the evil now contained in this bill.

Signed, WALTER MCGOVERN

Amendment No. 2.

On page 9, line 36, of the printed bill, as amended, after the period, insert the following: "No bonds, debentures or obligations of any kind shall be issued by said California Toll Bridge Authority for the purpose of obtaining any funds or credit to provide, in any manner, for the additional transportation facilities, surface and facilities are to be owned and operated exclusively by said California Toll Bridge Authority."

Previous Question Moved.

Senator Stow moved the previous question.

Motion carried and the question of adopting Amendment No. 2 was put by the President of the Senate.

Ayes and Noes Demanded.

A roll call was demanded by Senators McGovern, Olson and Crittenden on the adoption of Amendment No. 2.

The roll was called, and Amendment No. 2 refused adoption by the following vote:

AYES—Senators Crittenden, Garrison, Hays, Jaspersen, King, McGovern, Olson, Schottky, and Waggy—9.

NOES—Senators Riggart, Deuel, Difani, Edwards, Fletcher, Gordon, Keough, Knowland, McColl, McCormack, McGinness, Metzger, Miner, Parkman, Parris, Pierovich, Powers, Reindollar, Rich, Seellan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—29.

Amendment No. 3.

On page 17, line 10, of the printed bill, as amended, after the period, insert the following: "No permit or contract whatsoever shall confer sole or exclusive authority or permission to operate any transportation facilities on any such toll bridge or such toll highway crossing, to any person, firm, corporation, association, or group of persons, but said Toll Bridge Authority shall therein reserve to itself the right to grant such other and further permits and contracts as public convenience and

necessity may demand, from time to time, anything in this act contained to the contrary notwithstanding."

Ayes and Noes Demanded.

A roll call was demanded by Senators McGovern, Olson and Williams, on the adoption of Amendment No. 3.

The roll was called, and Amendment No. 3 refused adoption by the following vote:

AYES—Senators Crittenden, Garrison, Hays, King, McGovern, Olson, Schottky, and Wagy—8.

NOES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Gordon, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—29.

Amendment No. 4.

On page 18, line 40, of the printed bill, as amended, after the period, insert the following: "Every permit or contract for the use of a bridge, granted by said California Toll Bridge Authority to any privately owned or to any publicly owned transportation facility or utility of any kind, must require the permittee to pay to said California Toll Bridge Authority an amount of money, at reasonable stated intervals, which, as nearly as can be ascertained, will when combined with similar assessments on other transportation facilities and utilities, if any, using the bridge, pay forty per cent of the cost of the upkeep, maintenance and operation of said bridge."

Ayes and Noes Demanded.

A roll call was demanded by Senators McGovern, Olson and Garrison, on the adoption of Amendment No. 4.

The roll was called, and Amendment No. 4 refused adoption by the following vote:

AYES—Senators Crittenden, Garrison, Hays, King, McGovern, Olson, Schottky, and Wagy—8.

NOES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Gordon, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—29.

Amendment No. 5.

On page 19 of the printed bill, as amended, between lines 33 and 34, insert the following:

"SEC. 20. A new section to be numbered section 22½ is hereby added to said act, to read as follows:

Sec. 22½. Any contract or permit of any kind or character granted by said California Toll Bridge Authority to any transportation facility or utility, of any kind, excepting to a publicly owned facility or utility, shall provide that such contract or permit may be terminated by said California Toll Bridge Authority at any time after ten years, by the giving of one year's written notice to said transportation facility or utility, anything herein contained to the contrary notwithstanding."

Ayes and Noes Demanded.

A roll call was demanded by Senators McGovern, Garrison and Williams, on the adoption of Amendment No. 5.

The roll was called, and Amendment No. 5 refused adoption by the following vote:

AYES—Senators Crittenden, Garrison, Hays, King, McGovern, Olson, Schottky, and Wagy—8.

NOES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Gordon, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—28.

Amendment No. 6.

On page 19, line 34, of the printed bill, as amended, strike out "20", and insert in lieu thereof the following: "21".

Amendment refused adoption.

Further Amendments from the Floor.

During third reading of Assembly Bill No. 947, the following amendments offered by Senator Garrison were read and voted upon:

Amendment No. 1.

On page 10, line 52, of the printed bill, as amended, strike out "When the Senate or any", and on page 11, strike out lines 1 to 9, inclusive.

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Olson and McGovern, on the adoption of Amendment No. 1.

The roll was called, and Amendment No. 1 refused adoption by the following vote:

AYES.—Senators Garrison, McGovern, and Olson, 3.

NOES.—Senators Biggar, Crittenden, Deuel, Dufani, Edwards, Fletcher, Gordon, Hays, Kneough, Knowland, McCall, McGinnis, Metzger, Mixon, Parkman, Perry, Photoyde, Rensselaer, Sargent, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, Williams, and Young, 34.

Amendment No. 2.

On page 14 of the printed bill, as amended, between lines 9 and 10 insert: "Before taking by gift, purchase, or condemnation, any existing toll bridge which will, at the expiration of its franchise, become a free bridge, such taking must be authorized by the Legislature."

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, McGovern and Olson, on the adoption of Amendment No. 2.

The roll was called, and Amendment No. 2 refused adoption by the following vote:

AYES.—Senators Garrison, McGovern, and Olson, 3.

NOES.—Senators Biggar, Crittenden, Deuel, Dufani, Edwards, Fletcher, Gordon, Hays, Kneough, Knowland, McCall, McGinnis, McGovern, Metzger, Mixon, Parkman, Perry, Photoyde, Rensselaer, Sargent, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagv, Williams, and Young, 29.

Amendment No. 3.

On page 16, lines 15 and 16, of the printed bill, as amended, strike out "or may operate any of the transportation facilities thereof."

Amendment No. 4.

On page 16, lines 21 and 22 of the printed bill, as amended, strike out "or operate the transportation facilities thereof."

Amendment No. 5.

On page 16, line 25, of the printed bill, as amended, strike out "further".

Amendment No. 6.

On page 16, lines 27 and 28, of the printed bill, as amended, strike out "with steam, electric, bus, railroad and other transportation companies, public or private, and".

Amendment No. 7.

On page 16 of the printed bill, as amended, strike out lines 41 to 50, inclusive.

Amendment No. 8.

On page 17, line 1, of the printed bill, as amended, strike out "company or".

Amendment No. 9.

On page 17, lines 15 and 16, of the printed bill, as amended, strike out "person, or firm, or group of persons, or".

Amendment No. 10.

On page 17 of the printed bill, as amended, strike out lines 24 to 29, inclusive, and insert in lieu thereof the following: "person, firm, or group of persons, or private corporation shall operate any transportation facilities over any such toll bridge or bridges or other toll highway crossing."

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, McGovern and Olson, on the adoption of Amendments Nos. 3, 4, 5, 6, 7, 8, 9, and 10.

The roll was called, and Amendments Nos. 3, 4, 5, 6, 7, 8, 9, and 10 refused adoption by the following vote:

AYES.—Senators Garrison, Jespersen, McGovern, and Olson—4.

NOES.—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Gordon, Hays, Keough, Knowland, McCall, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pietovich, Powers, Reindollar, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

Assembly Bill No. 947 Passed.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 947 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McCall, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pietovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES.—Senators Garrison, McGovern, and Olson—3.

Title read and approved.

Assembly Bill No. 947 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Senate Bill No. 1042.

Senator Seollan moved that Senate Bill No. 1042 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Roads and Highways.

Motion carried, and such was the order.

Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE.

SACRAMENTO, May 13, 1935.

Hon. Harry L. Parkman,

State Senate, Sacramento, California.

MY DEAR SENATOR PARKMAN: As requested, we have calculated the amount that a tax of 5 cents per \$100 of assessed value would yield on the properties of Alameda, Marin, San Francisco, and San Mateo counties, using the assessed values as shown on the State Controller's Statement No. 16.

It is understood that the values of public utility properties on this statement are those returned by county assessors, and the amounts would be considerably changed by the valuations compiled by the Board of Equalization.

Using the values shown on Statement No. 16, after deducting the solvent credits and intangibles, we find the total assessed value of all property in the four counties to be \$1,647,551,245. A tax rate of 5 cents per \$100 would produce on this valuation \$823,775.62.

Yours very truly,

A. E. STOCKBURGER, Director of Finance.

Recess.

On motion of Senator Rich, at four o'clock and fifty-five minutes p.m., Senator Denel, in the chair, declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 14, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Wray to introduce a bill entitled—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately, has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote—Ayes—5

(Signed out):

EDM. CHAMBER,
CLERK
KNOWLAND
THURTELL
DITANI

The question being on the adoption of the report.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Sharkey moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Dene, Gordon, Hays, Keough, Knowland, Rusk, Sharkey, Stark, Williams, and Young—10.

The Secretary announced the absentees.

Time, eight o'clock and forty-five minutes p.m.

The President pro tempore directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Assistant Secretary Carl A. Shipkey at the Desk.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and national agricultural emergency.

Amendments from the Floor.

During third reading of Senate Bill No. 1086, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 4 of the printed bill, as amended, after line 3, insert the following:

"(8) The words 'Agricultural Prorate Act' shall mean the act passed by the Legislature of this State entitled: 'An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor,' as approved June 5, 1933."

Amendment No. 2.

On page 4, line 34, of the printed bill, as amended, after the word "embracing", insert the following: "or affecting".

Amendment No. 3.

On page 4, line 34, of the printed bill, as amended, strike out the word "shall", and in line 35, strike out the word "be", and insert in lieu thereof the following: "is".

Amendment No. 4.

On page 4, line 44, of the printed bill, as amended, strike out the word "shall", and in line 45, strike out the word "be", and insert in lieu thereof the following: "is".

Amendment No. 5.

On page 5, line 2, of the printed bill, as amended, strike out the word "shall", and in line 3, strike out the word "be", and insert in lieu thereof the following: "is".

Amendment No. 6.

On page 5, line 20, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "Provided that unless the producers of an agricultural commodity covered by a marketing agreement give their assent as provided in this section, the Director of Agriculture shall not enter into a marketing agreement with processors or distributors of an agricultural commodity where such agreement embraces or affects the producers thereof."

Amendment No. 7.

On page 6 of the printed bill, as amended, strike out lines 35 to 37, inclusive.

Amendment No. 8.

On page 9 of the printed bill, as amended, after line 4, insert the following:

"(5) Nothing in this act contained shall apply to common carriers subject to the California Railroad Commission or the Interstate Commerce Commission."

Amendment No. 9.

On page 9, line 34, of the printed bill, as amended, strike out the words "powers of", and in line 35, strike out the words "a peace officer for the purpose of enforcing", and insert in lieu thereof the following: "power to carry out and enforce the provisions of".

Amendment No. 10.

On page 10 of the printed bill, as amended, strike out lines 4 and 5, and insert in lieu thereof the following: "deposited in the State treasury to the credit of the State Department of Agriculture fund. All".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Sharkey.

The Secretary was directed to call the roll, on the adoption of the report of Committee on Rules, of the Senators who had not answered to their names.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, Metzger, Mixer,

Olsen, Parkman, Perry, Pirovich, Powers, Reindollar, Rick, Schmitz, Snider, Senwell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—Ayes.

Noes—None.

Introduction, First Reading and Reference of Bills.

By Senator Wagy: Senate Bill No. 1106—An act making an appropriation for contingent expenses of the Senate and declaring that this act shall take effect immediately.

Bill read first time, and referred to Committee on Finance.

Third Reading of Senate Bills—(Resumed)

Senate Constitutional Amendment No. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article II thereof a new section to be numbered section 7, relating to the registration of electors.

Read by the Senate the Assembly concurred: That the Legislature of the State of California, at its fifty-first regular session commencing on the seventh day of January, 1935, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article II thereof a new section to be numbered section 7, to read as follows:

Sec. 7. The Legislature may provide for the registration of electors. The provisions of an act entitled "An act to amend section 1093a, 1094, 1095, 1107, 1108, 1109, 1115, 1116, 1117, 1118, 1119 and to repeal sections 1093 and 1094 of the Political Code, relating to registration of electors and amount of electors," enacted by initiative and approved by electors November 4, 1932, as amended, are hereby repealed and ratified, and may be amended, revised, supplemented, or repealed in any manner by the Legislature.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 1 adopted by the following vote:

Ayes—Senators Biggar, Coffey, Dean, Duff, Edwards, Fletcher, Garrison, Hays, Jepsen, Keogh, McCall, McLaughlin, McQuinn, Morgan, Murray, Olson, Perry, Pirovich, Powers, Reindollar, Rick, Schmitz, Snider, Senwell, Slater, Stow, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—Ayes.

Noes—Senators Garrison, Knowland, and McQuinn—3.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Constitutional Amendment No. 1 was adopted.

Senate Bill No. 793—An act to amend section 1094 of the Political Code, relating to elections.

Bill read third time.

Amendments from the Floor.

During third reading of Senate Bill No. 793, the following amendments, offered by Senator Jepsen, were read:

Amendment No. 1.

On page 2 of the printed bill, strike out lines 25 to 49, inclusive.

Amendment No. 2.

On page 3 of the printed bill, strike out lines 1 to 3, inclusive.

Ayes and Noes Demanded.

A roll call was demanded by Senators Sharkey, Reindollar and Mixer on the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Garrison, Gordon, Jespersen, McColl, McGovern, McGuinness, Metzger, Olson, Parkman, Pierovich, Schottky, Slater, Stow, Swing, and Tickle—15.
NOES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Hays, Keough, Knowland, McCormack, Mixer, Perry, Reindollar, Rich, Scollan, Sharkey, Snyder, Wagy, and Williams—18.

Further Amendment from the Floor.

During third reading of Senate Bill No. 793, the following amendment, offered by Senator Olson, was read:

Amendment No. 1.

On page 2, line 3, of the printed bill, strike out the words "of that year", and insert in lieu thereof the figures "1937".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Sharkey and Edwards on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Garrison, Jespersen, McGovern, Olson, Parkman, Pierovich, Schottky, and Slater—8.

NOES—Senators Biggar, Deuel, Edwards, Fletcher, Hays, Keough, Knowland, McColl, McCormack, Mixer, Perry, Reindollar, Rich, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—23.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 793 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Gordon, Keough, Knowland, McColl, McGuinness, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—26.

NOES—Senators Deuel, Garrison, Hays, Jespersen, McGovern, Olson, Schottky, and Slater—8.

Title read and approved.

Senate Bill No. 793 ordered transmitted to the Assembly.

Senate Bill No. 77—An act to add sections 3a and 3b to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health; defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to agreements between counties and deposits of funds.

Amendments from the Floor.

During third reading of Senate Bill No. 77, the following amendments, offered by Senator Mixer, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "sections 3a and 3b", and insert in lieu thereof the following: "Section 3a".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 3 to 15, inclusive; also strike out all of page 2, and insert in lieu thereof the following:

"Sec. 3a. Each group of counties maintaining a tubercular hospital under the provisions of this act may by unanimous agreement provide for a different number of delegates to the Hospital Central Committee than the number pro-

vided for in section 3 of this act and said group of counties may provide for a method of deciding in the case of said Hospital Central Committee.

The Hospital Central Committee shall designate the county, which must be one of the group instituting the hospital, where the business of the hospital is to be transacted and where funds of the hospital are to be kept and deposited. All county officers of the county so selected for the business of such hospital shall render all necessary assistance required by the committee in keeping with the duties of their respective offices and said officers shall be entitled to receive a compensation for their services as said Hospital Central Committee in such amounts as the Hospital Central Committee may from time to time determine and which compensation shall be paid out of the funds of the said hospital.

Bill read, ordered to report, recommitment, and on file for third reading.

Re-reference of Senate Bill No. 561.

Senator Knowland moved that Senate Bill No. 561 be referred to Committee on Finance.

Motion carried, and such was the order.

Senate Constitutional Amendment No. 11.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 1 of Article XVI thereof, relating to incurrence and retirement of bonded indebtedness by the State.

Read by the Senate, the Assembly concurring. That the Legislature of the State of California at its fifty-first regular session commencing on the seventh day of January, 1935, heretofore of the people elected to each of the two houses of the said Legislature before their respective houses convened in the people of the State of California that the Constitution of the State of California be amended by amending section 1 of Article XVI thereof to read as follows:

Section 1. The Legislature shall not, in any manner, create any debt or liability or liabilities, which shall, except as to the mortgage with any previous debt or liabilities, exceed the sum of \$1,000,000, except by vote of two-thirds majority or suppress appropriation, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within 40 years of the time of the contracting thereof, except as hereinafter provided, and shall be irrevocable until the principal and interest thereon shall be paid and discharged, but no such law shall take effect until at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the discharge thereof or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county in one and same way, it may be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

Except as hereinafter otherwise provided, bonds issued in accordance with the authorization of the Legislature pursuant to this section, shall not be for a longer time than 40 years. Bonds so issued shall be in the form of serial bonds maturing in substantially equal semiannual or annual installments. The authorization must provide that the date of first maturity of any bonds issued under this section shall be not later than three years from and after the date of issuance of such bonds, except that where bonds are issued for the construction or improvement of revenue-producing utilities, as hereinafter defined, the date of first maturity shall be not later than fifteen years from and after the date of issuance of such bonds. The words "revenue-producing utilities" as used herein shall be deemed to mean such utilities as those from which revenue is customarily or may be derived from charges, rates or rentals imposed upon or collected from users, consumers, or customers thereof, together with such works, facilities and appliances used or useful in connection therewith or incidental thereto.

The Legislature may provide in the authorization that bonds issued thereunder may at the option of the State be subject to call by the issuing authority at some date before maturity and at some figure above the par value thereof, which date and figure must be set forth in the original proposal submitted to the people for approval as aforesaid.

Nothing in this section contained shall be construed to limit or prohibit the issuance of bonds for the purpose of refunding a valid outstanding bonded indebtedness, and nothing in this section contained shall be construed to limit or prohibit

the issuance of bonds authorized in accordance with law prior to the taking effect of this section but not yet sold or issued at said time.

Bonds issued in accordance with the authority of the Legislature pursuant to this section for the acquisition, development or distribution of waters and water resources, including electric energy, may be for a longer time than 40 years but shall not be for a period exceeding 70 years.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Snyder moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—34.

The Secretary announced the absentees.

Time, ten o'clock and fifty-five minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 845—An act to amend section 51 of the Bank Act, relating to deposits by order of court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 845 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McGovern, Mixer, Parkman, Pierovich, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 845 ordered transmitted to the Assembly.

Senate Bill No. 846—An act to amend section 91 of the Bank Act, relating to deposits by order of the court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 846 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 846 transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Snyder.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Constitutional Amendment No. 11 finally refused adoption by the following vote:

AYES.—Senators Crittenden, Deuel, Duffel, Edwards, Gorman, Hays, Kierstead, McCormack, Mixter, Parkman, Piersley, Robinson, Shattuck, Slater, Swing, Wagy, and Williams—17.

NOES.—Senators Biggar, Fletcher, Grooms, Jaspersen, Keough, Metcalf, Metcarn, McGinness, Metzger, Olson, Perry, Rich, Shattuck, Slaton, Sweeney, Tickle, and Young—18.

Notice of Motion to Reconsider.

Senator Snyder gave notice that on the next legislative day he would move to reconsider the vote by which Senate Constitutional Amendment No. 11 was refused adoption.

Secretary Joseph A. Beek at the Desk.

Third Reading of Senate Bills—(Resumed)

Senate Bill No. 1101—An act to amend an act entitled "An act to provide for the organization, incorporation and government of mutual corporations," approved March 13, 1883, by adding a new section thereto numbered section 2a, providing for securing the written consent of political subdivisions owning sixty per cent or more in area or value of the lands to be incorporated.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1101 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Deuel, Duffel, Edwards, Fletcher, Grooms, Gordon, Hays, Jaspersen, Keough, Kierstead, Metcarn, McGinness, Metzger, Mixter, Olson, Parkman, Perry, Robinson, Rich, Slaton, Sweeney, Shattuck, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—32.

NOES.—Senator McColl—1.

Title read and approved.

Senate Bill No. 1101 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Senators Crittenden and Metzger:

Senate Resolution.

Marketing of Agricultural Products.

WHEREAS, The agricultural industry is the basic industry of the State of California and the prosperity and happiness of all of the people of the State are dependent thereon and, during the recent period of depression, an intolerable burden has been placed upon the agricultural industry; and

WHEREAS, The cost to the consumer of agricultural products is excessively high as compared to the producer's return; and

WHEREAS, The agricultural industry of the State of California is carrying a burden of an elaborate system of inspection and there is some complaint, particularly by the prune, peach and apricot growers, that this inspection is insubstantial; and

WHEREAS, There are now in effect, and pending, many regulations affecting the marketing of agricultural products, many of which are experimental; and

WHEREAS, It is necessary that in the future laws be enacted perpetuating what is good of such regulations and eliminating those features which are bad; and

WHEREAS, A Senate committee was appointed on January 6, 1935, to study marketing methods and conditions and, for lack of time, was unable to complete its investigations; now, therefore, be it

Resolved by the Senate of the State of California. That the President of the Senate appoint a committee of seven members to investigate the matters hereinbefore set forth and to determine the effect of the laws and regulations now in effect or hereafter to become effective relating to the marketing of agricultural products and the differential between the price paid to the producer and the price paid by the consumer, the price paid to California producers of agricultural products as compared with the price paid in the local markets and in other markets, and to investigate complaints in regard to the inspection of agricultural products, to study the operation of cooperative marketing in this State and in other States, and to report during the first week of the next ensuing session of the Legislature with recommendations as to needed legislation; and be it further

Resolved, That said committee shall be and is hereby authorized and empowered to do all things necessary to make a full and complete investigation of the matters hereinbefore set forth in order to enable the Senate to act judiciously and advisedly upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports and records of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter 2, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee, and that said committee be, and it is hereby given leave, to sit during the sessions of the Legislature of 1935 and the sessions of 1937, and between said times to hold meetings throughout the State at such places as may be convenient to the committee, and to the witnesses and parties interested. Said committee may hold a public or executive meeting as may be necessary or desired; and be it further

Resolved, That the sum of \$2500 be and the same is hereby made available for the purpose of defraying the expenses of said committee, said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of the said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution referred to Committee on Contingent Expenses.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:
By Senator McGuinness:

SENATE CHAMBER, SACRAMENTO, MAY 14, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend the title and sections 1, 2, 3, 4 and 5 of, and to add section 6 to, an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired, declaring the urgency hereof and providing that this act shall take effect immediately.

Respectfully submitted,

SENATOR MCGUINNESS.

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 14, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McGuinness for permission to introduce a bill entitled—"An act to amend the title and sections 1, 2, 3, 4 and 5 of, and to add section 6 to, an act entitled "An act to

authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired, declaring the urgency hereof and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.
DIFANI,
KNOWLAND,
SLATER,
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Bigger, Crittenden, Daniel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reinebarger, Rich, Schottky, Seadun, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waga, Williams, and Young—36.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator McGuinness: Senate Bill No. 1107—An act to amend the title and sections 1, 2, 3, 4 and 5 of, and to add section 6 to, an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Municipal Corporations.

Special Order.

Senator Edwards moved that Assembly Bill No. 2383 be made a special order for Wednesday, May 15, 1935, at two o'clock and thirty minutes p.m.

Motion carried, and such was the order.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 483—An act to add a new chapter to the Insurance Code, to be numbered Chapter 13 of Part 2 of Division 2 thereof, comprising sections 11525 to 11533, inclusive, relating to the voluntary mutualization of incorporated life insurers or life and disability insurers having a share capital and issuing nonassessable policies on a reserve basis.

Amendments from the Floor.

During third reading of Senate Bill No. 483, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 2, line 43, of the printed bill, as amended, strike out "excluding", and insert in lieu thereof the following: "exclude".

Amendment No. 2.

On page 3, line 1, of the printed bill, as amended, strike out "preserved, and", and insert in lieu thereof the following: "preserved, nor unless he is satisfied".

Amendment No. 3.

On page 3, line 10, of the printed bill, as amended, strike out "mailing", and insert in lieu thereof the following: "mail".

Amendment No. 4.

On page 4 of the printed bill, as amended, strike out line 5, and insert in lieu thereof the following: "entitled to vote at such election."

Amendment No. 5.

On page 4, line 14, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof the following: "insurer".

Amendment No. 6.

On page 4, line 23, of the printed bill, as amended, strike out "their", and insert in lieu thereof the following: "its".

Amendment No. 7.

On page 4 of the printed bill, as amended, strike out lines 43 and 44, and insert in lieu thereof the following: "such insurer to be admitted as to the classes of insurance transacted by it in this State. The amounts to be deducted as".

Amendment No. 8.

On page 5, line 38, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof the following: "submission".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 535—An act to amend the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, and by adding three new sections to said act to be numbered sections 3a, 3b, and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district.

Amendments from the Floor.

During third reading of Senate Bill No. 535, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 11, lines 42 and 43, of the printed bill, after the word "offices", strike out the following: "and which shall include the office of controller (chief accountant) of said district."

Amendment No. 2.

On page 12, lines 11 and 12, of the printed bill, after the word "clerk", strike out the following words "or controller (chief accountant)".

Amendment No. 3.

On page 14, line 1, of the printed bill, after the word "the", strike out the word "district", and insert in lieu thereof the word "county".

Amendment No. 4.

On page 15, line 13, of the printed bill, after the word "and", insert the word "county"; and after the word "treasurer", strike out the words "of the district".

Amendment No. 5.

On page 16, lines 1 and 2, of the printed bill, after the word "the", strike out the words "controller of the said district", and insert in lieu thereof the words "county auditor".

Amendment No. 6.

On page 16 of the printed bill, strike out lines 3, 4 and 5.

Amendment No. 7.

On page 16, line 6, of the printed bill, change the figure "6", to the figure "5".

Amendment No. 8.

On page 16, line 8, of the printed bill, change the figure "7", to the figure "6".

Amendment No. 9.

On page 16, line 11, of the printed bill, change the figure "8", to the figure "7".

Amendment No. 10.

On page 16, line 15, of the printed bill, change the figure "9", to the figure "8".

Amendment No. 11.

On page 16 of the printed bill, strike out lines 16 and 17.

Amendment No. 12.

On page 16, line 18, of the printed bill, change the figure "11", to the figure "9".

Amendment No. 13.

On page 16, lines 26 and 27, of the printed bill, after the words "warrant book", strike out the following: "to be kept by the controller of said district".

Amendment No. 14.

On page 16 of the printed bill, strike out lines 30 to 52, inclusive.

Amendment No. 15.

On page 17 of the printed bill, strike out lines 1 to 11, inclusive.

Amendment No. 16.

On page 21, line 5, of the printed bill, strike out the word "five", and insert in lieu thereof the word "six".

Amendment No. 17.

On page 22, line 4, of the printed bill, after the word "the", insert the word "county"; and after the word "treasurer", strike out the words "of said district".

Amendment No. 18.

On page 22, line 8, of the printed bill, insert the word "county", before the word "treasurer", and after the word "treasurer", strike out the words "of said district".

Amendment No. 19.

On page 22, line 20, of the printed bill, after the word "the", insert the word "county"; and after the word "treasury", strike out the words "of said district".

Amendment No. 20.

On page 22, line 22, of the printed bill, after the word "district", strike out the word "treasury".

Amendment No. 21.

On page 22, line 26, of the printed bill, after the word "accrued", strike out the period, and insert a semicolon and the following: "provided however, any premium or accrued interest derived from the sale of such bonds, shall be deposited in the interest and sinking fund of said district and shall be used only for the payment of the principal and interest of such bonds".

Amendment No. 22.

On page 22, line 47, of the printed bill, after the word "the", strike out the word "district", and insert in lieu thereof the word "county"; and after the word "treasury", strike out the words "of said district"; and after the words "credit of", insert the words "the interest and sinking fund of".

Amendment No. 23.

On page 22, line 48, of the printed bill, after the word "district", strike out the word "fund".

Amendment No. 24.

On page 22 of the printed bill, after the period in line 49, strike out the balance of the line, and all of lines 50, 51 and 52.

Amendment No. 25.

On page 23 of the printed bill, strike out lines 1 to 4, inclusive.

Amendment No. 26.

On page 24 of the printed bill, strike out all of lines 38 to 48, inclusive, and insert in lieu thereof the following words: "the county auditor and the county treasurer shall, respectively, perform the same duties for the said district, as they do for said county of Los Angeles, without additional compensation".

Amendment No. 27.

On page 25, lines 18 and 19, of the printed bill, after the words "county auditor" strike out the words "and to the county tax collector".

Amendment No. 28.

On page 25, lines 22 and 23, of the printed bill, after the word "enter", strike out the words "in a separate column".

Amendment No. 29.

On page 25 of the printed bill, strike out all of lines 35 to 50, inclusive.

Amendment No. 30.

On page 4, line 38, of the printed bill, strike out the words "Governor of the".

Amendment No. 31.

On page 4, line 39, of the printed bill, strike out the words "State of California", and insert the following: "board of supervisors of Los Angeles County by a four-fifths vote of said board".

Amendment No. 32.

On page 4, line 42, of the printed bill, strike out the words "the Governor", and insert the words "said board of supervisors".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 840—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and the levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial revenue and determination of the validity of the proceedings in connection with such contract, and to provide for construction of works by the district; to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and/or the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof, approved May 5, 1917, as amended, by amending the title thereof and amending sections 1 and 11 thereof.

Amendment from the Floor.

During third reading of Assembly Bill No. 840, the following amendment, offered by Senator Metzger, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, in the last line of the title, strike out the period, and insert in lieu thereof a comma and the following: "relating to powers."

Bill read, ordered to reprint, and on file for third reading.

Special Order.

Senator Fletcher moved that Senate Constitutional Amendment No. 19 be made a special order for Wednesday, May 15, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried and such was the order.

Unfinished Business.**Consideration of Senate Amendments to Assembly Constitutional Amendment No. 58.**

Assembly Constitutional Amendment No. 58—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof, relating to the preparation and adoption of charters by cities, counties and cities and counties.

The question being: Shall the Senate recede from Senate amendments to Assembly Constitutional Amendment No. 58?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Constitutional Amendment No. 58 by the following vote:

AYES—None.

NOES—Senators Riggall, Crocker-Hughes, Deuel, Duffell, Edwards, Fletcher, Harrison, Hays, Jepsen, Keough, Knowland, McColl, McCreck, McWilliams, Miller, Parkman, Pierovich, Reinhold, Rich, Schottky, Sisk, Siskewell, Stanley, Stone, Snyder, Wag, Williams, and Young—28.

Committee on conference appointment pending.

Reports of Standing Committees.

The following reports of standing committees were received, read and the bills reported therein were ordered on file for second reading:

On Conservation.

SENATE CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Bill No. 670—An act to establish a board to be known as the Reclamation Authority; to prescribe its duties, powers, functions and jurisdiction; to authorize the authority to construct a dam in Reiter Canyon to impound the waters of Reiter Creek and to sell and distribute said waters; to authorize the authority to issue and sell revenue bonds to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues realized from the sale and distribution of such waters; authorizing the department of public works of the State of California to operate and maintain such dam and all property appurtenant thereto; authorizing the board to acquire and hold real property necessary for its purposes; and to enter into agreements with State, Federal and local officers and agencies, and political subdivisions, municipalities, and public districts, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

PERRY, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 263—An act to amend an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to habit-forming, narcotic and other dangerous drugs—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 992—An act to amend section 11 of an act entitled

"An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the definition of dentistry—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 1071—An act to amend an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved by the Governor May 26, 1933—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill re-referred to Committee on Finance.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders;

Also: Senate Bill No. 1097—An act to amend sections 2 and 3 of an act entitled "An act for the preservation of the public health of the people of the State of California and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, amended April 1, 1911, June 13, 1913, and May 24, 1917, so as to prevent the construction and use of sewer wells extending into subterranean water-bearing strata used or intended to be used, or suitable for, a source of water supply for domestic purposes; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, May 13, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 972—An act to amend section 791 of the Agricultural Code, relating to apricots—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—8; noes—1; absent—6.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 920—An act to amend sections 1261, 1263, 1264, 1265, 1267, 1268, 1269, 1273, of and to add a new section to be numbered 1268.5 to the Agricultural Code, relating to persons licensed to deal in farm products—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—12; absent—3.

CRITTENDEN, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 897—An act to amend section 487 of the Agricultural Code, relating to guaranteed milk;

Also: Assembly Bill No. 525—An act to add sections 285, 285.1, 285.2, 285.3, and 285.4 to the Agricultural Code, relating to brands to be used on apiary equipment;

Also: Assembly Bill No. 973—An act to amend section 803 of the Agricultural Code, relating to peaches;

Also: Assembly Bill No. 975—An act to amend section 804 of the Agricultural Code, relating to pears;

Also: Assembly Bill No. 976—An act to amend section 806 of the Agricultural Code, relating to plums and fresh prunes;

Also: Assembly Bill No. 1242—An act to add Chapter 2a to Division V of the Agricultural Code, to consist of sections 840, 841, 841.1, 842, 842.1, 842.2, 842.3, 842.4, 842.5, 843, 843.1, 843.2, 843.3, 844, 845, 845.1, and 845.2, inclusive, relating to the standardization of, and standards for, honey.

Also: Assembly Bill No. 1741—An act relating to the Sixth District Agricultural Association.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—0; absent—0.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 884, An act to amend sections 991 to 997, inclusive, of Article I, Chapter I of Division III of the Agricultural Code, and to add therein new sections to be numbered 991 to 999, inclusive, relating to meat inspection, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—0; absent—0.

CRITTENDEN, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, MAY 13, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 39—An act to add a new section to the Code of Civil Procedure to be known as section 1872 thereof, relating to and providing for requiring persons bringing actions for damages for personal injuries to submit to an examination of their persons;

Also: Assembly Bill No. 1755—An act to amend sections 1466, 1467, 1468, and 1469 of the Penal Code, and to repeal sections 1468a and 1470 of the Penal Code, all relating to appeals to the superior court in criminal cases;

Also: Assembly Bill No. 1056—An act to amend section 200 of the Code of Civil Procedure, relating to exemptions from jury duty.

Also: Assembly Bill No. 849—An act to amend sections 2167, 2167a, 2169, 2172 and 2175 of, and to repeal sections 2168, 2170, 2171 and 2185.1, 2185.2, 2185.3, 2185.4, 2185.5, 2185.6 and 2185.7, inclusive, sections numbered 2168, 2168.1, 2168.2, 2168.3, 2168.4, 2168.5, 2168.6, 2168.7, 2168.8, 2171, 2185.1, 2185.2, 2185.3, 2185.4, 2185.5, 2185.6 and 2185.7 of the Political Code, relating to persons mentally diseased or otherwise disqualified.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1141—An act to add section 11a to and to amend section 28 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Also: Assembly Bill No. 336—An act to amend sections 539, 540a, 540, 539, 540, 542, 581, 594, 618, 629, 650, 659b, 667a, 689, 953a, 978a, 980, 983, 983a, 988a, 988b, 988c, 988d, 989, 990, 1005 and 1010 of the Code of Civil Procedure, and to add section 655 thereto, all relating to civil actions;

Also: Assembly Bill No. 456—An act to amend sections 830, 831 and 1533 of the Probate Code, relating to the borrowing of money by executors, administrators and guardians and the execution by them of mortgages, deeds of trust and pledges to secure the same and the limitation upon recovery on deficiency judgments in such cases;

Also: Assembly Bill No. 1486—An act authorizing suit against the State of California to quiet title against it to certain real property in the city of Newport Beach, California;

Also: Assembly Bill No. 1656—An act to amend the Vehicle Code by adding thereto section 416, relating to vehicles;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 364—An act to amend section 580a of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—9; noes—4; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 15—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 291—An act to add a new chapter to Title XIV of Part IV of Division Third of the Civil Code to be known as Chapter III-a thereof, in relation to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law relating thereto and to amend section 2988 of the Civil Code relative to the lien of the pledgee;

Also: Assembly Bill No. 64—An act to amend sections 1206 and 1207 of the Code of Civil Procedure, relating to preferred claims for work or personal services; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 464—An act to amend sections 3046 to 3065b, inclusive, of the Civil Code, relating to liens—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

On Building and Loan Associations.

SENATE CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 347—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 1.01 relating to definitions, 12.07 relating to bonds of officers and employees, 13.16 relating to liquidation by the Building and Loan Commissioner, 13.17 relating to assessments for salaries and expenses and 15.16 relating to borrowers' mutual building and loan associations; and adding to said act new sections to be numbered 12.01a relating to foreign building and loan associations and 14.09 relating to liability for acts done or omitted in conformity with any rule, regulation,

approval, consent, order, direction or other act of the Boarding and Loan Commission—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

KNOWLAND, Chairman.

Adjournment.

On motion of Senator Hays, at eleven o'clock and twenty-five minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Wednesday, May 15, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Wednesday, May 15, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Dufur, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCall, McGovern, McGovern, McGuinness, Metzger, Mixter, Olson, Parkinson, Perry, Peterson, Powers, Reindollar, Rich, Schottky, Seallin, Seiwel, Sharkey, Slater, Snyder, Stow, Swang, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Meats.

Reading of the Journal.

During the reading of the Journal of Tuesday, May 14, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Snyder, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. John Burcham of Santa Cruz; Mr. R. R. Pew of Berkeley; Mr. E. L. Young and Mr. E. Van Duzen of Los Angeles.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. George Cadan, Mayor of Santa Rosa, and Hon. Edward L. Koford, City Attorney of Santa Rosa.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ross Burgland of Napa, and Dr. Findley of El Centro.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Clive Kelly, Assessor, Sutter County; and Stuart Alves, Auditor, Sutter County.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Harry S. Dawson and daughter, Mrs. Sophie Porter.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas F. Griffin of Modesto; C. Catelli, Frank A. Fontana, and Emilio Pechioli of Modesto, and Mrs. Bertha Tompkins, teacher; A. T. Bettencourt, trustee of the Roselawn School of Turlock, and the following eighth grade pupils: Doris Ramos, Lily Cannon, Marjorie McGee, Mary Edgar, Frances Warda, Gilbert Madruga, Hubert Sahlstrom, and Arthur Caviness.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Phil Dickinson of Merced.

On request of Senator McGuinness, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Prof. E. R. Deering of Dunsmuir.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lena B. Everett, teacher, and the high eighth social studies class of Stanford Junior High School, Sacramento, California, as follows: Marjorie Alameda, Helen Barnum, Lawrence Boyd, Betty Berry, George Butcher, Delores Cairns, Kenneth Cook, Betty Jean Crittenden, Ethel Dodson, Margaret Dunn, Leland Evans, Harry Ewing, Elizabeth Friedman, Howard Goodnow, George Goorabian, Billy Hill, James Hildreth, Billie Keralouezo, Irene Krug, Mary Helen Lish, Marguerite Lyons, Ernest Meder, Marylynn Morgan, Robert Payne, Raymond Olmstead, Bernice Potter, Mary Ernestine Riley, Eugene Scherrer, Russell Schultz, Edna Smith, Connell Teske, Joycelyn Trimble, Edna Vaughn, Reed Wilson, John Wood, Irma Johnson, and Evelyn Burns.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Julian Burnette, Jr., of Monterey.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Thomas Richardson of Brentwood, and Mr. and Mrs. James F. Hoey of Martinez.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2416. An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2416 read first time, and referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 236—An act to amend section 4307 of the Political Code, relating to county charges;

Also: Assembly Bill No. 1083—An act to amend section 924 of the Fish and Game Code, relating to district 16.

Also: Assembly Bill No. 1233—An act to amend sections 759 and 800 of the Fish and Game Code, relating to abalones.

Also: Assembly Bill No. 2432—An act to amend section 2 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district, declaring the urgency hereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1007—An act to amend section 29 of the California Workmen's Compensation, Insurance and Safety Act, relating to compensation insurance;

Also: Assembly Bill No. 1035—An act to amend sections 713, 715, 731, 733 & 807 and 808 of 1930 and the Fish and Game Code, relating to the protection of fish.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 236 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 1083 and 1233 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2432 read first time, and referred to Committee on Conservation.

Assembly Bill No. 1007 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1035 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 895—An act to add a new chapter to the numbered 1a, to Division V of the Agricultural Code, relating to the standardization of tomatoes.

Also: Assembly Bill No. 1614—An act to amend section 135 of the Vehicle Code, relating to the California Highway Patrol;

Also: Assembly Bill No. 2419—An act to amend section 1197a of the Political Code, relating to the preparation of titles and summaries of the chief purposes and points of proposed initiative measures;

Also: Assembly Bill No. 1259—An act to amend the title of and add a new section to "An act to provide for the creation of a board of parole commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, as amended, relating to the unconditional release by the county board of parole commissioners of alien prisoners who consent to return or to be returned to their native country and providing for the payment of the expenses of such return by counties.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 895 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1614 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2419 read first time, and referred to Committee on Elections.

Assembly Bill No. 1259 read first time, and referred to Committee on Prisons and Reformatories.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1771—An act to repeal section 109a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts;

Also: Assembly Bill No. 153—An act to amend sections 1 and 2 of "An act to provide for the taxation of Massachusetts or business trusts, and providing that this act shall take effect immediately," approved May 1, 1933, relating to the taxation of

Massachusetts or business trusts, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 299—An act to repeal Article IV of Chapter VII of Part I of Division II of the School Code and to add to said Chapter VII of Part I of Division II thereof a new article to be known as Article IV, both relating to the annexation of elementary school districts not in any high school district, to high school districts;

Also: Assembly Bill No. 545—An act to add a new section to be numbered 17.5 to an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing Title XV of Part IV of Division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, relating to cases in which common carriers may grant free or reduced rates, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1771 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 153 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 299 read first time, and referred to Committee on Education.

Assembly Bill No. 545 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 925—An act to amend section 830.5 of the Agricultural Code, relating to transportation of fruits, nuts, and vegetables;

Also: Assembly Bill No. 924—An act to amend sections 781, 783, 784, 785, 787, 788, and 822 and to add sections 784.1, 784.2, 784.3, 784.4, 784.5 and 784.6 to the Agricultural Code, relating to fruits, nuts and vegetables;

Also: Assembly Bill No. 2426—An act to amend section 1326 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions;

Also: Assembly Bill No. 904—An act to amend section 600 of the Probate Code, relating to inventory and appraisal of estates;

Also: Assembly Bill No. 40—An act to amend section 407 of the Code of Civil Procedure, relating to summons.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 925 and 924 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 2426 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Assembly Bills Nos. 904 and 40 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1754—An act to amend sections 4.962, 4.963, 4.964, 4.1010, and to add new sections to be known as 4.967 and 4.968 of the School Code, relating to bond elections;

Also: Assembly Bill No. 2409—An act to add sections 1217.5 and 1243.5 to the Penal Code, relating to capital punishment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1754 read first time, and referred to Committee on Education.

Assembly Bill No. 2409 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1974—An act to amend section 11 of an act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other officers of such courts, their terms of office, qualification and compensation, and for the creation of justice centers, approved May 23, 1925, relating to municipal courts in cities of cities and counties of the second and third fourth class.

Also: Assembly Bill No. 936—An act to amend section 521 of the School Code relating to the collection of fees in the California State teachers college.

Also: Assembly Bill No. 825—An act to provide for the formation of sewer districts within counties, cities and counties and municipalities for the acquisition or construction of sanitary sewage works or improvements for the issuance and payment of bonds of such districts, for the acquisition, construction, maintenance and operation of such improvements, and for the fixing, collecting and application of revenues, rates and charges for the use of the sewage works or improvements.

Also: Assembly Bill No. 464—An act to amend section 820 of the Agricultural Code, relating to farmers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1974 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 936 read first time, and referred to Committee on Education.

Assembly Bill No. 825 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 464 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 150—An act granting to the City and County of San Francisco certain lands of the State of California located in the City and County of San Francisco upon certain trusts and conditions.

Also: Assembly Bill No. 2423—An act granting to the City of Sausalito certain submerged and tidelands for street, sea wall and other public purposes.

Also: Assembly Bill No. 2350—An act validating the formation, organization, existence or proceedings of municipal utility district.

Also: Assembly Bill No. 2252—An act to amend section 5773 of the School Code, relating to employees of school districts other than persons employed in positions requiring certification qualifications.

Also: Assembly Bill No. 2180—An act to amend section 17 of the Public Utilities Act, relating to discrimination in relation to transportation by common carriers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 150 and 2423 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 2350 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2252 read first time, and referred to Committee on Education.

Assembly Bill No. 2180 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1130—An act to amend section 3444 of the

Political Code, to empower the Division of State Lands to promulgate rules and regulations governing the use of certain State lands and the enforcement of such rules and regulations;

Also: Assembly Bill No. 1952.—An act to amend section 810 of the Agricultural Code, relating to artichoke standards;

Also: Assembly Bill No. 919.—An act to amend section 1261 of Chapter 6, Division VI, of the Agricultural Code, relating to produce dealers;

Also: Assembly Bill No. 1770.—An act establishing and validating the organization and existence of water districts;

Also: Assembly Bill No. 1769.—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof.

ARTHUR A. OHNMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1130 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 1952 and 919 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1770 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1769 read first time, and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 44.—An act to prohibit until February 1, 1937, sales under certain mortgages and deeds of trust, and the forfeiture of the interest of the purchaser under certain contracts of purchase, for default in the payment of the principal sum of obligations secured thereby or contracted to be paid thereunder, to extend the statute of limitations upon certain obligations, to make voidable at the instance of the owner any sale or forfeiture made in violation of this act, to prescribe the time within which an action to avoid the same may be brought, to postpone sales for default in payment of installments due between effective date of this act and February 1, 1937, to authorize waiver hereof, to regulate actions upon guarantors' obligations the enforcement of the security for which is affected by this act, to repeal an act entitled "An act relating to the relief of debtors and guarantors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of forfeitures and terminations under such contracts of purchase, declaring the urgency thereof, and providing that it shall take effect immediately," approved January 31, 1935; to repeal an act entitled "An act to prohibit until February 1, 1935, sales under certain mortgages and deeds of trust, and the forfeiture of the interest of the purchaser under certain contracts of purchase, for default in the payment of the principal sum of obligations secured thereby or contracted to be paid thereunder, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale or forfeiture made in violation of the act, to prescribe the time within which an action to avoid the same may be brought, to postpone sales for default in payment of installments due between effective date of act and February 1, 1935, to authorize waiver hereof, to prevent actions against guarantors' obligations the enforcement of the security for which is affected by the act, and to declare the urgency hereof," approved September 15, 1934; declaring the urgency hereof, and providing that it shall take effect immediately.

ARTHUR A. OHNMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 44 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2136.—An act relating to the relief of debtors and guarantors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of forfeitures and terminations under such contracts of purchase, declaring the urgency thereof, and providing that it shall take effect immediately;

Also: Assembly Bill No. 1906—An act to add section 987b to the Penal Code relating to the office of public defender.

Also: Assembly Bill No. 2308—An act to amend section 170 of the Civil Code relating to husband and wife.

Also: Assembly Bill No. 630—An act to amend sections 71, 72, 73, 104, 105, 136, 160, and 194, to add sections 100.5, 101.5, 104.5, 106.5 and 200 to, to add a new chapter, to be numbered 5, to Division 1, and to repeal section 112 of the Streets and Highways Code, relating to public works.

Also: Assembly Bill No. 466—An act to add a new section to the transferred 2931a to the Civil Code, providing for making the State a party to an action to foreclose mortgages and other liens upon property upon which there may exist a lien securing State taxes.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DUNN, Assistant Clerk.

Assembly Bills Nos. 2136, 1906 and 2308 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 630 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 466 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 510—An act to amend section 146 of the Agricultural Code, pertaining to abandoned orchards.

Also: Assembly Bill No. 1186—An act to add two new sections to the School Code to be numbered 2897 and 5553, relating to liability for the death or injury to pupils enrolled in the public schools.

Also: Assembly Bill No. 1125—An act adding a new section to the Civil Code of the State of California, to be numbered 704, relating to the extent of qualified property by the legislative body thereof and the right of persons and use of mortgage property by members of the public.

Also: Assembly Bill No. 1363—An act to amend section 1509 of the Insurance Code and to add section 1281a to Article 1, Chapter 3, Part 2, Division 1 thereof, relating to reciprocal or interinsurance exchanges.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DUNN, Assistant Clerk.

Assembly Bill No. 510 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1186 read first time, and referred to Committee on Education.

Assembly Bill No. 1125 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1363 read first time, and referred to Committee on Insurance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2431—An act to prohibit marathons, instruction dances, walkathons, skateathons, and other mental and physical endurance contests and prescribing penalties for the violation thereof.

Also: Assembly Bill No. 653—An act to provide for the creation in counties and cities and counties of departments of rehabilitation, declaring the urgency thereof and providing that this act shall take effect immediately.

Also: Assembly Bill No. 1977—An act to add section 527 to the School Code, relating to vacations of teachers, officers and employees of State teachers colleges, State colleges, the California School for the Deaf, the California School for the Blind and the California Polytechnic School.

Also: Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations as legal investments for trust and other funds.

Also: Assembly Bill No. 2372—An act to amend section 14 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways, in the State

of California, by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the exemption of certain vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2431 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 653 read first time, and referred to Committee on County Government.

Assembly Bill No. 1977 read first time, and referred to Committee on Education.

Assembly Bill No. 816 read first time, and referred to Committee on Building and Loan Associations.

Assembly Bill No. 2372 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1836—An act to amend section 622 of the Agricultural Code, relating to dairies and dairy products;

Also: Assembly Bill No. 1532—An act to amend the Political Code by amending sections 3456, 3466a and 3491, relating to reclamation districts;

Also: Assembly Bill No. 2156—An act to amend the Political Code a new section numbered 3819a, relating to the redemption of property from sale for nonpayment of taxes in counties of the first and second classes;

Also: Assembly Bill No. 823—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, as amended, by amending section 862 of, and to add sections 862.1 to 862.6, inclusive, to the act, relating to the powers of sixth class cities.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1836 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1532 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 2156 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 823 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1550—An act to add section 32a to "An act creating a State Land Settlement Board, and defining its powers and duties, and making an appropriation in aid of its operations," approved June 1, 1917, as amended, and to ratify and confirm certain acts of the Director of Finance with respect to the disposition of properties at the Delhi State Land Settlement and Durham State Land Settlement;

Also: Assembly Bill No. 622—An act to amend sections 1.72 and 1.73-1 of the School Code, relating to the transportation of public school pupils;

Also: Assembly Bill No. 223—An act to amend section 3649 of the Political Code, relating to the assessment and taxation of property escaping assessment between the first Monday in March and the first Monday in July;

Also: Assembly Bill No. 1078—An act to amend section 18 of the Inheritance Tax Act, relating to the levying of inheritance taxes;

Also: Assembly Bill No. 902—An act to amend section 9 of and to add section 9a to an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the powers of the Sur-

Mayor General now the Chief of the Division of State Lands, for the purpose of taking gold or other minerals from and granting of assessments for mining gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1550 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 622 read first time, and referred to Committee on Education.

Assembly Bills Nos. 223 and 1078 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 902 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 385—An act to provide for the acquisition and cancellation of bonds heretofore issued under the provisions of that portion of the Legislature of the State of California designated and known as the "Assessment and Improvement Act of 1925," providing for the cancellation of annual assessments levied for the purpose of paying the principal and interest on such bonds and of the interest and penalties thereon; providing for the recovery and payment of assessment readjustment bonds to represent certain assessments for the cost of acquisition of such outstanding bonds, including all costs and incidental expenses of proceedings under this act for the issuance of such assessment readjustment bonds; providing a method for the payment of such assessment readjustment bonds; providing a means whereby landowners and homeowners may consent and agree to such proceedings and to the modification of any contract between them involved in such proceedings; providing a method for the redemption, at law or otherwise, of such bonds of the issue or issues to be controlled and canceled and the protection of the owners of such bonds; authorizing proceedings under the Bankruptcy Laws of the United States of America in connection with such proceedings hereunder; repealing the "Assessment Readjustment Act of 1926," and to declare the urgency of this act, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 385 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2427—An act to amend sections 1, 7, 8 and 9 of an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act, to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, relating to practice of veterinary medicine;

Also: Assembly Bill No. 1216—An act to amend section 818 of the Agricultural Code, relating to potatoes;

Also: Assembly Bill No. 1376—An act to amend section 3816 of the Political Code, relating to distribution of moneys received on account of redemption or purchase of lands sold to the State for nonpayment of taxes;

Also: Assembly Bill No. 455—An act to amend section 1305 of the Penal Code, to require certain entries in court minutes relating to bail, and to amend sections 1281a and 1310 of the Penal Code, and to add thereto a new section to be designated 1280c, authorizing the court, judge or magistrate to inquire into the financial condition of a corporation offering a bond as bail and to approve or reject said bond.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 2427 and 1216 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1376 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 455 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 19—Relative to memorializing the Secretary of State of the United States to maintain the present tariff rate on barley and barley malt imports.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 19 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1019—An act to add sections 13 and 14 to "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers, with relation to fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths," approved April 28, 1909, relating to ornamental trees and shrubs and to boards of forestry.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 1019 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags;

Also: Senate Bill No. 133—An act to add section 3.401 to the School Code, relating to tuition fees of students in junior colleges;

Also: Senate Bill No. 544—An act to amend sections 5 and 6 of an act entitled "An act prescribing certain duties to be performed by the State Controller, State Treasurer and State Board of Examiners," approved February 20, 1872, relating to warrants;

Also: Senate Bill No. 818—An act to amend section 580b of the Code of Civil Procedure, relating to deficiency judgments;

Also: Senate Bill No. 878—An act to regulate grubstake contracts and prospecting agreements and to provide for the recording of the same;

Also: Senate Bill No. 1083—An act to add new sections to the School Code to be numbered 6.205 and 6.225, relating to the sale or leasing of school property;

Also: Senate Bill No. 824—An act to amend sections 4041.8 and 4041.18 of the Political Code, relating to jurisdiction and powers of boards of supervisors.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 18, 133, 544, 818, 878, 1083, and 824 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 825—An act to amend the title and section 1 of an act entitled "An act to enable counties to purchase, lease, obtain, hold, improve

and maintain land for the uses and purposes of public parks and boulevards," approved May 31, 1929, relating to public boulevards.

Also: Senate Bill No. 827—An act to amend section 2620 of the Political Code, relating to the width of highways.

Also: Senate Bill No. 1077—An act to amend section 21 of the "California water storage district act," relating to property sold for delinquent assessments.

Also: Senate Bill No. 658—An act to amend section 3472 of the School Code, relating to the transportation of pupils, instructors and supervisors of high school agriculture classes.

Also: Senate Bill No. 820—An act to amend sections 2 and 13 of the State Medical Practice Act, relating to taxes and registration fees, and to reciprocal certificates.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 825, 827, 1077, 658 and 820 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 824—An act to amend sections 363a and 363bb of the Political Code, and to add section 363b thereto, relating to the Department of Public Works.

Also: Senate Bill No. 4—An act to amend sections 2, 3, and 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands.

Also: Senate Bill No. 345—An act to amend section 44800 of the Political Code, relating to reclamation districts, defining the urgency thereof and providing that this act shall take effect immediately.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 826, 4 and 345 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 58—An act to add section 3653.5 to the Political Code, relating to county assessments.

Also: Senate Bill No. 686—An act relating to the redemption and sale of property sold to a county treasurer, as trustee of a reclamation district or of the bond fund, or to a reclamation district for delinquent assessments and installments thereof.

Also: Senate Bill No. 96—An act to amend sections 1081, 1082, 1083, 1085, 1087, 1088, 1089, 1090, and 1091 of, and to add sections 1081.1, 1083.1, 1083.3 and 1083.5 to the Agricultural Code, relating to commercial feeding stuffs.

Also: Senate Bill No. 467—An act to amend sections 2411, 2418 and 2419 of the School Code, relating to disincorporation of high school districts.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 58, 686, 96 and 467 ordered on file as unfinished business.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1082—An act to authorize boards of supervisors to pay certain claims—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1054—An act to amend sections 1, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to nonpartisan offices—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 471—An act to amend section 100 of the Insurance Code, to add section 106a thereto, and to add a new chapter to Part 2 of Division 2 of said code, to be numbered Chapter 13, comprising sections 11526 to 11545, inclusive, all relating to medical and hospital service insurers—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by repealing section 14 of Article XIII thereof, relating to bonds exempt from taxation;

Also: Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders;

Also: Senate Bill No. 364—An act to amend section 580a of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced;

Also: Senate Bill No. 1097—An act to amend sections 2 and 3 of an act entitled "An act for the preservation of the public health of the people of the State of California and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, amended April 1, 1911, June 13, 1913, and May 24, 1917, so as to prevent the construction and use of sewer wells extending into subterranean water-bearing strata used or intended to be used, or suitable for, a source of water supply for domestic purposes; And reports that the same have been correctly engrossed.

METZGER, Chairman.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:
By Senator McCormack:

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions.

Respectfully submitted.

SENATOR MCCORMACK.

Request referred to Committee on Rules.

Assistant Secretary Carl A. Shipkey at the Desk.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Garrison moved to reconsider the vote whereby Senate Bill No. 788 was passed.

Reconsideration Refused.

The question being on the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Biggar, Garrison, Jespersen, McGovern, and Olson—5.

NOES—Senators Denel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Keough, King, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, and Waggy—25.

Senate Bill No. 788 ordered transmitted to the Assembly.

Consideration of Special Order Deferred.

The hour having arrived for the consideration of Senate Constitutional Amendment No. 19, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

By unanimous consent, consideration was deferred until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Constitutional Amendment No. 1 was adopted.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 1 was adopted was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued until the next legislative day.

Introduction, First Reading and Reference of Bills.

By Senator Fletcher, Senate Joint Resolution No. 21—Relative to exemption from taxation of bonds issued by governmental agencies and memorializing the President and Congress of the United States to take immediate steps for the termination of the exemption of such securities from taxation.

Consideration of Senate Joint Resolution No. 21.

Senator Fletcher asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 21, without reference to committee for purpose of adoption.

Senate Joint Resolution No. 21 ordered to print, engrossment and on file as unfinished business.

Consideration of Daily File.**Third Reading of Senate Bills.**

Senate Bill No. 959—An act to amend section 675 of the Political Code, relating to the power of the Director of the Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 959 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jaspersen, Keough, King, McCall, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 959 ordered transmitted to the Assembly.

Senate Bill No. 1047—An act to add sections 793.5 and 803.5, to the Fish and Game Code, relating to fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1047 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 1047 ordered transmitted to the Assembly.

Senate Bill No. 766—An act to add section 495 of the Fish and Game Code, relating to the taking of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 766 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Rich, Scollan, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 766 ordered transmitted to the Assembly.

Senate Bill No. 478—An act to repeal section 1700 of the Insurance Code, relating to life agents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 478 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 478 ordered transmitted to the Assembly.

Senate Bill No. 1054—An act to amend sections 1, 10, 12, 21, 22, 23 and 24 of the Direct Primary Law, relating to nonpartisan offices.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Powers moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bigger, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Porevich, Powers, Rich, Schuttler, Seafelt, Senwell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—45.

The Secretary announced the absentees:

Time, twelve o'clock and twenty-five minutes p.m.

The President pro tempore directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate

Third Reading of Senate Bills—(Resumed)

Senate Bill No. 482—An act to amend section 1370 of the Insurance Code, relating to the assets of reciprocal insurers

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 482 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, Metzger, Miller, Olson, Parkman, Porevich, Powers, Rich, Schuttler, Seafelt, Senwell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—42.

NOES—None.

Title read and approved.

Senate Bill No. 482 ordered transmitted to the Assembly.

Senate Bill No. 887—An act to amend the titles of Articles IV and IVa of Chapter IV of Part I of Division VI of the School Code, to amend sections 6210 and 6211 of the School Code and to add a new section to the School Code to be numbered 6213, all relating to the disposition of buildings, structures or fixtures of school districts when the boundaries of such districts are altered, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall go into effect immediately from and after its passage and approval.

The following is a statement of the facts constituting such necessity:

There has been a change of boundaries between many school districts in the State of California which will become effective July 1, 1935. That date is also the beginning of the fiscal year for school districts and it is necessary that the property rights between districts whose boundaries have been so changed be ascertained and determined by said July 1, 1935, in order that provision may be made in the budgets of said school districts for the ensuing school year and to facilitate the administration and government of said school districts.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger,

Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 887 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 887 ordered transmitted to the Assembly.

Senate Bill No. 888—An act to amend sections 3.330, 3.331, 3.332, 3.333, 3.334, 3.335, and 3.337 and to add a new section to the School Code to be numbered 3.339, relating to the attendance of pupils residing in California upon the public schools of adjoining States, and the attendance of pupils residing in adjoining States upon the public schools of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 888 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGuinness, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 888 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Powers.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 1054 finally refused passage by the following vote:

AYES—Senators Biggar, Crittenden, Garrison, Gordon, Jespersen, Keough, McColl, McGuinness, Metzger, Perry, Pierovich, Powers, Scollan, Seawell, Slater, Williams, and Young—17.

NOES—Senators Deuel, Difani, Duval, Edwards, Fletcher, Hays, King, Knowland, McCormack, Mixer, Olson, Parkman, Rich, Schottky, Sharkey, Snyder, Swing, Tickle, and Wagy—19.

Special Order.

Senator Edwards moved that Senate Bill No. 1090 be made a special order for Thursday, May 15, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried, and such was the order.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 959 was passed.

Reconsideration Waived.

Senator Olson waived his motion to reconsider the vote whereby Assembly Bill No. 509 was passed.

Assembly Bill No. 509 ordered transmitted to the Assembly.

Recess.

On motion of Senator Swing, at twelve o'clock and forty-five minutes p.m., the President pro tempore of the Senate declared recess until two o'clock p.m.

Reconvened

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 263—An act to amend an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to habit forming, narcotic and other dangerous drugs.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 263 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend", and insert in lieu thereof the following: "add section 6a to".

Amendment No. 2.

On page 1, line 1, of the printed bill, after the period, insert the following: "Section 6a is hereby added to the act cited in the title hereof, to read as follows:

Sec. 6a. The State Board of Pharmacy is hereby charged with the enforcement of the provisions of section 3474 of the Penal Code, and all fines, moneys or forfeited bail imposed for the violation of that section upon collection shall be disposed of as is provided for the disposition of fines, moneys or forfeited bail in section 7 of this act."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 884—An act to repeal sections 301 to 317, inclusive, of Article I, Chapter 1 of Division III of the Agricultural Code and to add thereto new sections to be numbered 301 to 320, inclusive, relating to meat inspection.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 884 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "repeal sections 301 to 317, inclusive, of Article I.", and strike out all of lines 2 and 3 of the title, and "save" in line 4 of the title, and insert in lieu thereof the following: "add section 321.5 to the Agricultural Code".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 23, inclusive; and strike out all of pages 2 to 6, inclusive, and insert in lieu thereof the following:

"Section 1. Section 321.5 is hereby added to the Agricultural Code to read as follows:

321.5. As used in this article, the term "meat" includes rabbit meat and dressed poultry. Whenever rabbits and poultry are shipped or handled together, all accounts thereof shall be segregated."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1071—An act to amend an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parrakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved by the Governor May 26, 1933.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 1071 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following: "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parrakeets are sold, offered for sale, trade or barter, or otherwise distributed, and to provide for the inspection of all birds which may be kept in such places; to repeal an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parrakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933; to declare the urgency thereof and provide that this act shall take effect immediately."

Amendment No. 2.

On page 1, line 1, of the printed bill, after "Section 1", insert the following: "No person or persons, firm, association or corporation, shall hereafter maintain or conduct in this State an aviary, or other place as hereinafter described, where shell parrakeets are kept, without first obtaining a certificate of registration, in writing, from the State Department of Public Health.

SEC. 2. All aviaries and other places where shell parrakeets are kept, sold, offered for sale, trade, barter or other distribution, shall be open to inspection at all times to inspectors of the State Department of Public Health.

SEC. 3. No shell parrakeets shall be sold, offered for sale, traded, bartered or otherwise distributed from such places unless the person or persons, firm, association or corporation conducting such aviary or other such place has first obtained such certificate of registration.

SEC. 4. A Class 1 aviary as hereinafter defined shall pay an annual fee of five dollars for such certificate of registration.

A Class 2 aviary, as hereinafter defined, shall be required to pay an annual fee of one dollar for such certificate of registration.

All fees collected under the provisions of this act shall be paid into the State treasury to the credit of the "Aviary inspection fund," which fund is hereby created. All moneys in the aviary inspection fund shall be paid out in accordance with law to pay the salaries of inspectors employed by the Department of Public Health to enforce the provisions of this act, and also to pay all other necessary expenses incurred in the enforcement of this act.

SEC. 5. A Class 1 aviary is a place where shell parrakeets are kept or propagated for sale, trade, barter, or other distribution.

A Class 2 aviary is a place where shell parrakeets are maintained, and from which no birds are offered for sale, trade, barter or other distribution. This class includes only places where not less than five (5) nor more than twenty (20) shell parrakeets are kept.

SEC. 6. If an aviary, or other such place where shell parrakeets are maintained, is found to contain birds infected with psittacosis, such an aviary is hereby declared to be a public nuisance, and shall be abated as such.

SEC. 7. It is unlawful to transport any shell parrakeets from one locality to another within this State, except for purposes of laboratory tests for psittacosis by the State Department of Public Health, until a certificate has first been secured from the said State Department of Public Health, or an authorized representative thereof, stating that the aviary from which such birds are transported is free from the disease known as psittacosis or parrot fever.

SEC. 8. All shell parakeets sold, offered for sale, trade, barter or transportation, must be banded with an identification band bearing a code number of the bander of such parakeets and insignia of the State of California, such bands to be furnished by the State Department of Public Health. It is unlawful for any person or persons, firm, corporation or association to use in this manner any band other than those described in this section. A fee of three cents per band shall be charged for issuance for each bird so banded. A further fee of three cents per bird shall be charged to the shipper for the issuance of certificates as required by the United States public health service for shipment of such birds interstate.

SEC. 9. If any clause, sentence, paragraph or part of this chapter shall for any reasons be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the provisions thereof, nor shall be grounds in its operation to the clause, sentence, paragraph or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

SEC. 10. Any person or persons, firm, corporation or association, who violates any section of this act, or who fails to comply with any of the provisions thereof, is guilty of misdemeanor.

SEC. 11. An act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all types where they are kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933, is hereby amended.

SEC. 12. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency.

There is now prevalent in the State of California a disease known as psittacosis (parrot fever), which disease is caused and spread by contact with the psittacine family. In order to effectively control the contraction and spread of this disease, and thus properly safeguard the health of the people of this State, it is necessary that the transportation and sale of said birds be controlled and regulated by the proper State authority. To this end it is imperative that legislation be immediately enacted providing for the licensing and regulation of persons, firms and corporations selling, trading, bartering or otherwise distributing such birds."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1097—An act to amend sections 2 and 3 of an act entitled "An act for the preservation of the public health of the people of the State of California and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, amended April 1, 1911, June 13, 1913, and May 24, 1917, so as to prevent the construction and use of sewer wells extending into subterranean water-bearing strata used or intended to be used, or suitable for, a source of water supply for domestic purposes.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 364—An act to amend section 580a of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 15—An act to add a new section to the Penal Code, to be numbered 159b, relating to the solicitation of law business.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 15 were read and adopted:

Amendment No. 1.

On page 1, line 18, of the printed bill, as amended on March 27, 1935, insert a period after the word "corporation", and strike out the remainder of line 18, and all of lines 19 to 22, inclusive.

Amendment No. 2.

Add the following to said printed bill, as amended March 27, 1935: "Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction punished by fine not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding one year, or both. The superior court shall have original jurisdiction of all violations of this section."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 464—An act to amend sections 3046 to 3065b, inclusive, of the Civil Code, relating to liens.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 464 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "sections 3046 to 3065b, inclusive," and insert in lieu thereof the following: "section 3051".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "3046", and insert in lieu thereof the following: "3051".

Amendment No. 3.

On page 1, line 3, of the printed bill, strike out "3046.", and insert in lieu thereof the following:

"3051. Every person who, while lawfully in possession of an article of personal property renders any service to the owner thereof, by labor or skill, employed for the protection, improvement, safekeeping, or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service; a person who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for the balance due for such work done and materials furnished, and may retain possession of the same until the charges are paid; and livery or boarding or feed stable proprietors, and persons pasturing horses or stock, have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, or pasturing such horses or stock; and foundry proprietors and persons conducting a foundry business, have a lien, dependent on possession, upon all patterns in their hands belonging to a customer, for the balance due them from such customers for foundry work; and laundry proprietors and persons conducting a laundry business, have a general lien, dependent on possession, upon all personal property in their hands belonging to a customer, for the balance due them from such customer for laundry work; and veterinary proprietors and veterinary surgeons shall have a lien dependent on possession, for their compensation in caring for, boarding, feeding, and medical treatment of animals; and keepers of garages for automobiles shall have a lien, dependent on possession for their compensation in caring for and safekeeping, and for making repairs and performing any labor upon or furnishing supplies or materials for such automobiles; provided, however, that where the possession of, or lien upon, any automobile held under a claim of lien hereunder is lost by reason of fraud, trick or device, the repossession of said automobile by said garage keeper shall revive the lien so lost; provided, further, that any lien thus revived shall be subordinate to any sale, lien, encumbrance, right, title or interest in such automobile acquired or exercised in good faith and for value by any person between the time of loss of possession and the time of repossession."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 347—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 134 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 12.01 relating to definitions, 12.07 relating to bonds of officers and employees, 13.16 relating to liquidation by the Building and Loan Commissioner, 13.17 relating to assessments for salaries and expenses and 15.16 relating to borrowers' mutual building and loan associations; and adding to said act new sections to be numbered 12.04a relating to foreign building and loan associations and 14.09 relating to liability for acts done or omitted in conformity with any rule, regulation, approval, consent, order, direction or other act of the Building and Loan Commissioner.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Loan Associations, the following amendments to Senate Bill No. 347 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in the last two lines of the title, strike out "and 15.16 relating to borrowers' mutual building and loan associations" and in lieu thereof insert the following: "6.06 relating to payments entitled to preference, 12.04 relating to foreign associations, 13.13 relating to the commissioner's powers upon taking possession and 13.15 relating to schedules of property".

Amendment No. 2.

On page 2 of the printed bill, in the first line of the title, after the word "numbered", insert the following: "8.09 relating to dividends".

Amendment No. 3.

On page 4 of the printed bill, strike out all of lines 41 to 46, both inclusive, and in lieu thereof substitute the following: "doubtful debts or claims, or to borrow money, or to sell, convey or transfer real or personal property. If a purchaser for any property or any bad or doubtful debt or claim can not be obtained and it appears improbable in the case of any such bad or doubtful debt or claim that recovery thereon can be had, and that the cost of action to enforce collection of the same would probably be lost, the court may direct that suit thereon need not be brought, and if in the case of any such property it appears improbable that anything can be realized therefrom and that the cost of maintaining, preserving or protecting said property would probably be lost, the court may direct the commissioner to abandon the same."

Amendment No. 4.

On page 5, line 44, of the printed bill, strike out the following: "All claims of creditors, investors or other", and strike out all of lines 45 to 49, both inclusive, and "forever barred;" in line 50, and in lieu thereof insert the following: "All claims, demands or causes of action of whatever nature, and regardless of whether or not a suit shall be pending to enforce the same at the time of the taking possession of the assets of the association by the commissioner, of creditors, investors or other persons against the association or against any property owned or held by it in trust or otherwise, must be presented to the commissioner in writing, verified by the claimant, or some one in his behalf, within the period limited in the above mentioned notice for the presentation of claims; and the commissioner shall have no power to approve any claim not so presented, and any such claim, demand or cause of action not so presented shall be forever barred;"

Amendment No. 5.

On page 6, line 18, of the printed bill, strike out the following: "From the net realization", and strike out all of lines 19 to 22, both inclusive, and "other creditors;" in line 23, and in lieu thereof insert the following: "From the net realization of assets in excess of such salaries, compensation and expenses, the commissioner shall first pay all claims heretofore or hereafter approved by him in the sum of less than ten dollars, other than the claims of shareholders or stockholders, and other than the claims of certificate holders or other creditors who shall object in writing to such payment. Such claims of less than ten dollars shall be paid at their surrender value as estimated by the commissioner and fixed and determined by the court on the same basis as claims are received in payment of real property as provided for by section 13.16a, and all such claims shall thereupon be canceled. The commissioner shall then pay all claims approved in the sum of ten dollars or more, other than the claims of shareholders and stockholders, without distinction or preference as between the claims of certificate holders and other creditors;"

Amendment No. 6.

On page 6 of the printed bill, after the period in line 40, insert the following: "Where the commissioner shall have taken possession of an association and commenced paying dividends in liquidation prior to the effective date of this section, as amended, he shall nevertheless pay the claims of certificate holders or other creditors approved in the original sum of less than ten dollars, as hereinabove provided for, before paying other dividends in liquidation to those claimants whose claims were originally approved in the sum of ten dollars or more."

Amendment No. 7.

On page 8 of the printed bill, strike out all of lines 7 to 17, both inclusive; and in lieu thereof, insert the following:

SEC. 7. Section 6.06 of said act, as amended, is hereby amended to read as follows:

Sec. 6.06. Payments Entitled to Preference. In the event of the liquidation or dissolution of any association, then notwithstanding anything to the contrary in section 13.16 of this act or elsewhere in this act, all sums heretofore or hereafter paid in to such association on investment certificates or shares while such association shall have been on a pro rata basis and all sums which shall hereafter be paid in to such association on investment certificates or shares prior to the expiration of the emergency period as hereinafter in this section 6.06 defined, shall be repaid in full to all investors filing claims therefor regardless of whether such claims shall have been filed within the period provided for by section 13.16 of this act before any payments shall be made to other certificate holders or other creditors or other shareholders, or to stockholders, unless after the receipt of such money and prior to the liquidation or dissolution of such association, there shall have been a period of six consecutive months within which such association shall have had no matured withdrawal claims (except claims for the payment of which funds shall have been set aside by the association). An association which has issued and outstanding both shares and investment certificates shall not accept any money on account of free shares if such money might be entitled to a preference under the provisions of this section 6.06. No association shall accept any money on account of investment certificates or shares, except investment certificates and shares pledged to such association in connection with loans secured by real property, if such money might be entitled to preference pursuant to this section 6.06, if the commissioner in writing shall have directed the association not to accept such money. The term "emergency period" as used in this section 6.06 shall mean the period commencing March 10, 1933, and ending September 1, 1935; provided, however, that said emergency period may be terminated at any time prior to September 1, 1935, by order of the commissioner.

SEC. 9. Section 1204 of said act, as amended, is hereby amended to read as follows:

SEC. 1204. *Foreign Associations.* No foreign association formed for the purpose of conducting and carrying on a business similar to that authorized by this act, or whose by-laws, rules, prospectus, contracts or methods of business provide for the conducting or carrying on the business of accumulating the periodical payments or savings of its shareholders, stockholders, members or investors in the amount of association, or as authorized and provided in this act, shall enter the State of California for the transaction of business or for selling its shares, stock, and investment certificates or shall sell any of its shares, stock, or investment certificates, or otherwise transact any of its business of a character similar to that authorized by this act unless it shall have first (a) complied with all the requirements of the laws of this State relative to associations as defined in this act and more immediately hereof and supplemental hereto; and (b) applied for and received from the commissioner a license to transact business in this State as required of a domestic association; and (c) deposited with the State Treasurer the money or securities hereinafter in this section required for the transaction of such business within this State. Every such association transacting business in this State of a character similar to that authorized by this act or in such subject as might lead the public to believe that its business is that of a banking and trust association, shall become subject to the supervision of the commissioner and shall conduct all its business in accordance with the statutes governing domestic associations.

Every foreign association mentioned or referred to in the preceding paragraph of this section desiring to enter the State of California for the transaction of business or for selling its shares, stock or investment certificates must first deposit with the State Treasurer not less than one hundred thousand dollars in lawful money of the United States, or in bonds or other securities referred to in subdivisions (1), (4) and (5) of section 9002 of this act, or in such thereof of temporary value in such amount secured by first mortgages or first deeds of trust upon improved real property located in this State satisfactory to the commissioner, all duly assigned or endorsed in blank, to be held by him as a guarantee fund for the protection and indemnity of residents of this State who shall invest in any of its shares, stock or investment certificates, or with whom it shall do business. In the event mortgages or deeds of trust shall be deposited, the association shall be required to make all collections thereon, and to do such acts as may be necessary or proper to protect and preserve the security thereof, and shall make monthly reports to the commissioner of the status thereof. Whenever any foreign association shall have outstanding shares and investment certificates issued to residents of this State of an aggregate value in excess of two million dollars, the deposit above mentioned in money or security of the character above mentioned shall be increased and at all times maintained in a sum at least equal to five per cent of such aggregate value. With the consent of the commissioner, any of the securities deposited as herein provided may be withdrawn at any time upon the substitution and deposit of others of the form and character herein specified and of like or greater net value so long as the aggregate net value of all equals or exceeds the amount named herein. The fund thus created is not to be foreclosed or realized upon when the association is out in the hands of the commissioner, except for the liquidation of a fund in payment in favor of residents of California who were investors in such association or with whom it shall have done business, and then only after certified proof thereof has been filed with the State Treasurer. Where the association is in the hands of the commissioner for liquidation as provided for by this act, the fund may be withdrawn by the commissioner at any time for distribution by him in favor of residents of California who were investors of such association or with whom it shall have done business. Except as above provided, securities deposited as herein specified shall not be withdrawn until satisfactory proof of the liquidation of all liabilities to residents of this State, approved by the commissioner, shall be filed with the State Treasurer, when all may then be withdrawn. Only those persons who have resided in the State of California continuously from the time of investing in or doing business with such association to the time of securing a final judgment or to the determination by the commissioner to liquidate such association, shall be entitled to participate in the fund provided for by this section.

Any person who, as principal, agent, salesman, solicitor or in any other capacity, shall solicit or conduct in this State the business of selling, disposing of or taking or soliciting subscriptions for the sale of any of the shares, stock, or investment certificates of any foreign association which has not complied with all the requirements of this section and which is not at that time the lawful holder of a license to transact business in this State issued by the commissioner and then in force shall be guilty of a public offense and shall be punished by imprisonment in the State prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

No foreign association issuing any securities other than shares, stock and investment certificates shall be entitled to a license to transact business in this State and no foreign association transacting business in this State shall issue any securities

except shares, stock and investment certificates. The term "securities," as used in this paragraph, shall not include borrowings permitted by sections 9.05 or 9.06 of this act or instruments executed in connection therewith.

SEC. 9. Section 13.13 of said act, as amended, is hereby amended to read as follows:

Sec. 13.13. Powers Upon Taking Possession. Upon taking possession of the business, property and assets of any association, the commissioner may under his hand and official seal appoint a custodian, require from him a good and sufficient bond and place him in charge as his representative. Upon taking such possession, the commissioner shall have authority to collect all moneys due to such association and to give full receipt therefor, and to do such other acts as are necessary or expedient to collect, conserve or protect its business, property and assets. Unless the commissioner shall be enjoined from further proceedings and directed to surrender such business, property and assets or unless such association shall with the consent of the commissioner resume business, then the commissioner shall proceed to liquidate the affairs of such association as hereinafter provided. Whenever the commissioner shall be in possession of the business, property and assets of any association, and regardless of whether or not he shall be liquidating the affairs of such association, the commissioner may in his discretion (1) apply to the superior court of the county in which the principal office in this State of such association is located for an order confirming any action theretofore taken by the commissioner, or authorizing the commissioner to do any act or to execute any instrument not expressly authorized by this act, which order shall be given and made after a hearing on such notice as the court shall prescribe; (2) pay and discharge any secured claims against such association, whether or not such claims shall theretofore have been presented for payment or have become barred from presentation by the expiration of the time limit hereinafter specified; provided that no such claim shall be paid in an amount larger than the then value of the security therefor; (3) pay such administrative or current expenses incurred prior to the taking of possession by the commissioner as may be necessary or convenient to the orderly or economic liquidation or preservation of the assets, and pay all wages or salaries, not exceeding two hundred fifty dollars per month to any one person, earned within six months prior to the taking of possession by the commissioner, whether or not claims for such expenses, wages or salaries shall theretofore have been presented for payment, or shall have become barred from presentation by the expiration of the time limit hereinafter specified; or (4) within six months after obtaining knowledge of the existence thereof, disaffirm any executory contracts (including leases) to which such association is a party, and disaffirm any partially executed contracts (including leases) to the extent that they remain executory.

SEC. 10. Section 13.15 of said act, as amended, is hereby amended to read as follows:

Sec. 13.15. Officers Must Furnish Schedule of Property. Upon taking possession of the property, business and assets of any association, the commissioner shall require the president and secretary of such association to, and such officers shall, make a schedule of all its property and assets and of all collateral held by it as security for loans and make oath that such schedule sets forth all such property, assets and collateral and shall deliver such schedule, and the possession of any and all such property, assets and collateral as may not have been so previously delivered, to the commissioner, who may at any time examine under oath such president and secretary, or other officers of such association, or the directors, agents or employees thereof, to determine whether or not all such property, assets or collateral have been transferred and delivered into his possession. The power of the commissioner to issue subpoenas and to require attendance of parties for examination under this section shall be as provided for in section 13.08 of this act.

SEC. 11. A new section is hereby added to said act as amended, to be numbered 8.09a and to read as follows:

Sec. 8.09a. Dividends payable subject to approval of commissioner. Notwithstanding anything to the contrary contained in section 8.09 of this act, an association may, with the prior approval of the commissioner in each case, pay dividends on stock from that part of its net profits after dividends on shares, computed in accordance with accounting practices prescribed or approved by the commissioner, as shall not have resulted either (a) from the reduction, pursuant to the provisions of said section 8.09, of interest on its investment certificates or dividends on its shares, below the contractual rate or rates thereof or (b) from the acceptance, pursuant to the provisions of section 6.07 of this act, of its investment certificates or shares in payment for property sold by such association. In no case shall the commissioner approve the payment of dividends from such net profits unless he shall have caused a notice of such intended action to be published, at least five days before such intended action is taken, in a newspaper of general circulation published in the county or city and county in which such association's principal office in this State is located."

Amendment No. 8.

On page 8, line 18, of the printed bill, strike out the numeral "8", and insert in lieu thereof the numeral "12".

Amendment No. 9.

On page 5 of the printed bill, strike out lines 50 to 52, inclusive, and on page 6, strike out lines 1 and 2, and insert in lieu thereof the following: "Sovereign barred. Any investor, without presenting a claim, shall be entitled, as to any dividends hereafter declared, to share in such dividends to the extent, and in the proper relative order of priority, of any claim shown by the books of the association to exist in his favor against the association."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 670—An act to establish a board to be known as the Rector Dam Authority, to prescribe its duties, powers, functions and jurisdiction; to authorize the authority to construct a dam in Rector Canyon to impound the waters of Rector Creek and to sell and distribute said waters; to authorize the authority to issue and sell revenue bonds to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues received from the sale and distribution of such waters; authorizing the Department of Public Works of the State of California to operate and maintain such dam and all property appurtenant thereto; authorizing the board to acquire and hold real property necessary for its purposes, and to enter into agreements with State, Federal, and local officers and agencies, and political subdivisions, municipalities, and public districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Conservation, the following amendments to Assembly Bill No. 670 were read and adopted:

Amendment No. 1.

On page 2, line 39, of the printed bill, as amended, after the word "bonds", insert the following: "to the Federal Government."

Amendment No. 2.

On page 2, line 43, of the printed bill, as amended, strike out the period, and add the following: "or to accept gifts, grants or donations to assist in the construction of said dam."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 992—An act to amend section 11 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the definition of dentistry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 897—An act to amend section 487 of the Agricultural Code, relating to guaranteed milk.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 525—An act to add sections 285, 285.1, 285.2, 285.3, and 285.4 to the Agricultural Code, relating to brands to be used on apiary equipment.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 973—An act to amend section 803 of the Agricultural Code, relating to peaches.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 975—An act to amend section 804 of the Agricultural Code, relating to pears.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 976—An act to amend section 806 of the Agricultural Code, relating to plums and fresh prunes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1242—An act to add Chapter 2a to Division V of the Agricultural Code, to consist of sections 840, 841, 841.1, 842, 842.1, 842.2, 842.3, 842.4, 842.5, 843, 843.1, 843.2, 843.3, 844, 845, 845.1, and 845.2, inclusive, relating to the standardization of, and standards for, honey.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1741—An act relating to the Sixth District Agricultural Association.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 920—An act to amend sections 1261, 1263, 1264, 1265, 1267, 1268, 1269, 1273, of and to add a new section to be numbered 1268.5 to the Agricultural Code, relating to persons licensed to deal in farm products.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 920 were read and adopted:

Amendment No. 1.

On page 2, line 10, of the printed bill, as amended in Assembly May 10, 1935, strike out the word "retailers", and insert in lieu thereof the following: "retail merchants having a fixed or established place of business in this State".

Amendment No. 2.

On page 4, line 33, of the printed bill, as amended in Assembly May 10, 1935, strike out the word "credits", and insert in lieu thereof the word "creditors".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 972—An act to amend section 791 of the Agricultural Code, relating to apricots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 99—An act to add a new section to the Code of Civil Procedure to be known as section 1872 thereof, relating to and providing for requiring persons bringing actions for damages for personal injuries to submit to an examination of their persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1755—An act to amend sections 1466, 1467, 1468 and 1469 of the Penal Code, and to repeal sections 1468a and 1470 of the Penal Code, all relating to appeals to the superior court in criminal cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1056—An act to amend section 290 of the Code of Civil Procedure, relating to exemptions from jury duty.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 819—An act to amend sections 2167, 2167a, 2169, 2172 and 2175 of, to repeal sections 2168, 2170, 2171 and 2181 of, and to add new sections numbered 2168, 2168.1, 2168.2, 2168.3, 2168.4, 2168.5, 2168.6, 2168.7, 2168.8, 2171, 2185.1, 2185.2, 2185.3, 2185.4, 2185.5, 2185.6 and 2185.7 to the Political Code, relating to persons mentally disordered or otherwise incompetent.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1141—An act to add section 11a to and to amend section 23 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 336—An act to amend sections 530, 539a, 539, 539.539, 540, 542, 581, 594, 618, 629, 650, 659a, 667a, 681, 953a, 978a, 980, 983, 983a, 988a, 988b, 988c, 988d, 989, 990, 1005 and 1010 of the Code of Civil Procedure, and to add section 655 thereto, all relating to civil actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 456—An act to amend sections 830, 834 and 1533 of the Probate Code, relating to the borrowing of money by executors, administrators and guardians and the execution by them of mortgages, deeds of trust and pledges to secure the same and the limitation upon recovery on deficiency judgments in such cases.

Amendment from the Floor.

During second reading of Assembly Bill No. 456, the following amendment, offered by Senator Hays, was read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended, strike out "or interest", and insert in lieu thereof the following: "or interests".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1486—An act authorizing suit against the State of California to quiet title against it to certain real property in the city of Newport Beach, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1656—An act to amend the Vehicle Code by adding thereto section 416, relating to vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 291—An act to add a new chapter to Title XIV of Part IV of Division Third of the Civil Code to be known as Chapter III-A thereof, in relation to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform

the law relating thereto and to amend section 2988 of the Civil Code relative to the lien of the pledgee.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 291 were read and adopted:

Amendment No. 1.

On page 1, line 10, of the printed bill, as amended, strike out "Short Title."

Amendment No. 2.

On page 1, line 12, of the printed bill, as amended, strike out "Definitions."

Amendment No. 3.

On page 1, line 18, of the printed bill, as amended, strike out "of", and insert in lieu thereof the following: "or".

Amendment No. 4.

On page 3, lines 30 and 31, of the printed bill, as amended, strike out "What constitutes trust receipt transaction and trust receipt."

Amendment No. 5.

On page 3, line 32, of the printed bill, as amended, put parentheses around "1".

Amendment No. 6.

On page 3, line 38, of the printed bill, as amended, after "to", insert the following: "the".

Amendment No. 7.

On page 4, line 15, of the printed bill, as amended, put parentheses around "2".

Amendment No. 8.

On page 4, line 21, of the printed bill, as amended, put parentheses around "3".

Amendment No. 9.

On page 4, lines 38 and 39, of the printed bill, as amended, strike out "Attempted creation or continuance of pledge without delivery or retention of possession.", and put parentheses around "1".

Amendment No. 10.

On page 5, line 3, of the printed bill, as amended, put parentheses around "2".

Amendment No. 11.

On page 5, line 7, of the printed bill, as amended, put parentheses around "3".

Amendment No. 12.

On page 5, line 14, of the printed bill, as amended, strike out "Contract to Give Trust Receipt.", and put parentheses around "1".

Amendment No. 13.

On page 5, line 22, of the printed bill, as amended, put parentheses around "2".

Amendment No. 14.

On page 5, line 27, of the printed bill, as amended, strike out "Validity Between the Parties."

Amendment No. 15.

On page 5, line 33, of the printed bill, as amended, strike out "Repossession, and Entruster's Rights on Default."

Amendment No. 16.

On page 5, line 34, of the printed bill, as amended, put parentheses around "1".

Amendment No. 17.

On page 5, line 37, of the printed bill, as amended, put parentheses around "2".

Amendment No. 18.

On page 5, line 41, of the printed bill, as amended, put parentheses around "3".

Amendment No. 19.

On page 6, line 12, of the printed bill, as amended, put parentheses around "4".

Amendment No. 20.

On page 6, line 15, of the printed bill, as amended, put parentheses around "5".

Amendment No. 21.

On page 6, lines 26 and 27, of the printed bill, as amended, strike out "General Effect of Entruster's Filing or Taking Possession.", and put parentheses around "1".

Amendment No. 22.

On page 6, line 39, of the printed bill, as amended, put parentheses around "2"

Amendment No. 23.

On page 6, line 43, of the printed bill, as amended, strike out "Validity Against Creditors", and put parentheses around "1"

Amendment No. 24.

On page 7, line 5, of the printed bill, as amended, put parentheses around "2"

Amendment No. 25.

On page 7, line 9, of the printed bill, as amended, put parentheses around "3"

Amendment No. 26.

On page 7, lines 19 and 20, of the printed bill, as amended, strike out "Limitations on Entruster's Protection Against Purchasers", and put parentheses around "1".

Amendment No. 27.

On page 7, line 41, of the printed bill, as amended, put parentheses around "2"

Amendment No. 28.

On page 8, line 23, of the printed bill as amended put parentheses around "3"

Amendment No. 29.

On page 8, line 31, of the printed bill, as amended, strike out "Entruster's Right to Proceeds."

Amendment No. 30.

On page 9, line 4, of the printed bill, as amended, strike out "Liens in Course of Business Good Against Entruster."

Amendment No. 31.

On page 9, line 14, of the printed bill, as amended, strike out "Entruster Not Responsible on Sale By Trustee."

Amendment No. 32.

On page 9, lines 20 and 21, of the printed bill, as amended, strike out "Filing and Refiling Concerning Trust Receipt Transactions Covering Documents or Goods", and put parentheses around "1"

Amendment No. 33.

On page 9, line 36, of the printed bill, as amended, put parentheses around "2"

Amendment No. 34.

On page 10, line 1, of the printed bill, as amended, put parentheses around "3"

Amendment No. 35.

On page 10, line 8, of the printed bill, as amended, put parentheses around "4"

Amendment No. 36.

On page 10, line 16, of the printed bill, as amended, put parentheses around "5"

Amendment No. 37.

On page 10, line 27, of the printed bill, as amended, strike out "Limitations on Extent of Obligation Secured"

Amendment No. 38.

On page 10, line 36, of the printed bill, as amended, strike out "Chapter Not Applicable to Certain Transactions."

Amendment No. 39.

On page 10, line 48, of the printed bill, as amended, strike out "Election Among Filing Statutes."

Amendment No. 40.

On page 11, line 7, of the printed bill, as amended, strike out "Cases Not Provided For."

Amendment No. 41.

On page 11, line 12, of the printed bill, as amended, strike out "Uniformity of Interpretation."

Amendment No. 42.

On page 11, line 15, of the printed bill, as amended, strike out "Constitutionality."

Amendment No. 43.

On page 11, line 21, of the printed bill, as amended, strike out "Provisions of Chapter Controlling."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 64—An act to amend sections 1206 and 1207 of the Code of Civil Procedure, relating to preferred claims for work or personal services.

Bill read second time, and ordered on file for third reading.

Assembly Constitutional Amendment No. 77—A resolution to propose to the people of the State of California an amendment to section 14 of Article I of the Constitution of said State, relating to the rights of private property.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Constitutional Amendments, the following amendment to Assembly Constitutional Amendment No. 77 was read and adopted:

Amendment No. 1.

On page 1 of the printed measure, strike out all of lines 8 to 27, inclusive, and insert in lieu thereof the following:

"SEC. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for the owner, and no right of way or lands to be used for reservoir purposes shall be appropriated to the use of any corporation, except a municipal corporation or a county or the State or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation or district until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; provided, that in any proceeding in eminent domain brought by the State, or a county, or a municipal corporation, or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation or district, or corporation operating, managing and controlling any exposition or fair in aid of which the granting of public moneys or other things of value have been authorized by the Constitution or laws of this State, the aforesaid State or municipality or county or public corporation or district or corporation aforesaid may take immediate possession and use of any right of way or property or lands required for a public use whether the fee thereof or an".

Assembly Constitutional Amendment No. 77 ordered to reprint, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Perry:

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to pay the claim of the South Fork Union High School District against the State of California.

Respectfully submitted.

SENATOR PERRY.

Request referred to Committee on Rules.

Third Reading of Senate Bills.

Senate Bill No. 1082—An act to authorize boards of supervisors to pay certain claims.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1082 passed by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Gordon, Hays, Helms, Keough, King, Knowland, McCormack, Metzger, Olson, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, and Wagy—21.

NOES—None.

Title read and approved.

Senate Bill No. 1082 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 2

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, being an amendment of section 1 of Article II of said Constitution, relative to elections and eligibility of voters, disabilities and absent voters.

Resolved by the Senate, the Assembly concurring: That the Legislature of the State of California hereby proposes to the people of the State of California that section 1 of Article II of the Constitution of said State be amended to read as follows:

SECTION 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under the terms of the Treaty of Queretaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State three years next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the district precinct 40 days, shall be entitled to vote at all elections which are held or duly regulated or authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 40 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election; provided, further, no alien entitled to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an constitutional qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and over on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 2 adopted by the following vote:

AYES—Senators Biggar, Difuni, Duval, Edwards, Fletcher, Gordon, Hays, Helms, Keough, King, Knowland, McCall, McCormack, McGovern, Metzger, Miller, Plummer, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing-Tickle, and Wagy—28.

NOES—Senators Garrison, McGovern, and Olson—3.

Senate Constitutional Amendment No. 2 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 2383, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Assembly Bill No. 2383—An act to prohibit and declare void certain contracts, conditions, agreements and understandings in connection with the sale or contract to sell motor vehicles by manufacturers or wholesale distributors thereof, and prohibiting the giving or payment

of any thing or service of value by any manufacturer or wholesale distributor of motor vehicles to any one engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles, and the acceptance or receipt thereof by any such person when competition in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles may be lessened or eliminated, or a monopoly created or tended to be created, and prohibiting from doing business in this State any one engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles who so accepts or receives any thing or service of value from any manufacturer or wholesale distributor of motor vehicles, and prescribing penalties, forfeitures, and recoveries for the violation thereof.

Bill read third time.

Previous Question Moved.

Senator Stow moved the previous question.

Motion carried.

Motion to Reconsider.

Senator Olson moved to reconsider the vote whereby the previous question was carried.

The question being on the motion to reconsider.

Motion carried.

Amendment from the Floor.

During third reading of Assembly Bill No. 2383 the following amendment, offered by Senator Olson, was read:

Amendment No. 1.

On page 4 of the printed bill, as amended, between lines 2 and 3, insert the following:

"Sec. 6j. It shall be unlawful for any person who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this State to accept or receive, or contract or agree to accept or receive, either directly or indirectly, in excess of six per cent (6%) per annum on the principal amount secured by such sales contract, chattel mortgage or lease."

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Edwards, and Crittenden on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Biggar, Fletcher, Olson, and Schottky—4.

NOES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Jepsen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Stow, Swing, Tickle, Wagy, Williams, and Young—28.

Further Amendments from the Floor.

During third reading of Assembly Bill No. 2383, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 3, lines 15 and 16, of the printed bill, as amended, strike out the words "other than an automobile dealer or automobile distributor".

Amendment No. 2.

On page 3, lines 20 and 21, of the printed bill, as amended, strike out the words "other than an automobile dealer or automobile distributor".

Amendment No. 3.

On page 3, lines 29 and 30, of the printed bill, as amended, strike out the words "other than an automobile dealer or automobile distributor".

Amendment No. 4.

On page 3, lines 44 and 45, of the printed bill, as amended, strike out the words "other than an automobile dealer or an automobile distributor".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, McGovern, and Williams on the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Bigger, McGovern, Olson, and Perry—4.

NOES—Senators Crittenden, Denel, Difani, Duval, Edwards, Keough, King, Knowland, McColl, McCormack, McGinness, Metzger, Mixer, Pienowich, Rich, Schottky, Scollan, Snyder, Swing, Williams, and Young—21.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2383, the following amendment, offered by Senator Olson, was read:

Amendment No. 1.

On page 4 of the printed bill, as amended, between lines 2 and 3, insert the following:

"SEC. 64. It shall be unlawful for any person, who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this State to accept or receive, or contract or agree to accept or receive, either directly or indirectly, in excess of eight per cent (8%) per annum on the principal amount secured by such sales contract, chattel mortgage or lease."

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, McGovern, and Crittenden, on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Bigger, Crittenden, Fletcher, Garrison, Jespersen, McGovern, Olson, Perry, Schottky, and Slater—10.

NOES—Senators Denel, Difani, Duval, Edwards, Gordon, Hays, Keough, King, Knowland, McColl, McGinness, Metzger, Mixer, Parkman, Pienowich, Rich, Sharkey, Snyder, Stow, Swing, Wagy, Williams, and Young—23.

Previous Question Moved.

Senator McColl moved the previous question.

Motion carried.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2383 passed by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, McCormack, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pienowich, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—Senators Bigger, Knowland, McGovern, Schottky, and Williams—5.

Title read and approved.

Assembly Bill No. 2383 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Assembly Bill No. 206.

Senator Mixer moved that Assembly Bill No. 206 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Education.

Motion carried, and such was the order.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McCormack to introduce a bill entitled—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
DIFANI.
KNOWLAND.
SLATER.
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—32.

NOES—None.

Further Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Perry to introduce a bill entitled—An act making an appropriation to pay the claim of the South Fork union high school district against the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
DIFANI.
KNOWLAND.
SLATER.
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator McCormack: Senate Bill No. 1108—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Perry: Senate Bill No. 1109—An act making an appropriation to pay the claim of the South Fork union high school district against the State of California.

Bill read first time, and referred to Committee on Finance.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 933. An act to amend section 473 of the Penal Code, relating to punishment for forgery.

Amendments from the Floor.

During third reading of Senate Bill No. 933, the following amendments, offered by Senator Gordon were read, and ordered printed in the Journal:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "489," insert a comma and the following: "672".

Amendment No. 2.

On page 11 of the printed bill, after line 33, add the following:

"Sec. 2. Section 672 of the Penal Code is hereby amended to read as follows: 672. Upon a conviction for any crime punishable by imprisonment in jail or prison, in relation to which no fine is herein prescribed, the court may, in addition to the imprisonment prescribed, impose a fine on the offender not exceeding—

- (a) Two hundred dollars if the offense is a misdemeanor; or
- (b) Three times the amount of the damage to person or property or person and property found by the court to have been directly injured or damaged by the commission of the offense, if the offense is a felony.

Bill and proposed amendments ordered held on file.

Report of Special Joint Committee.

The following report, offered by the Special Joint Committee on Revenue and Taxation, was ordered printed in the Journal:

To the Honorable Members of the Senate and the Assembly:

Senate Concurrent Resolution No. 25, providing for the appointment of a select committee of fourteen members of the Senate and Assembly, authorized us to confer on revenue and tax measures and to make recommendations to the Legislature. We have made our studies and submit our report.

The three major problems have been considered: (1) a balanced budget for the next biennium, (2) adequate provision for unemployment relief, and (3) the present deficit.

I.

THE 1935-1937 BUDGET

The original estimate of the budget deficit for the coming biennium was

\$205,000,000 00

This amount may be reduced by three items:

(a) Revised estimate of gross premium tax on insurance companies at present rate	\$4,000,000 00
(b) Increase in liquor licenses to be assessed by the State Board of Equalization under provisions of existing law	2,000,000 00
(c) Reduction of the proposed emergency appropriation from \$1,500,000 to \$1,000,000	500,000 00
	\$6,500,000 00

6,500,000 00

Revised estimate of deficit..... \$89,100,000 00

EXPLANATION OF REDUCTIONS.

(a) The measure of 1935-1937 revenue from the gross premium tax on insurance companies in 1934-1935 business. In 1934 there was a marked increase in insurance written in the State. The first four months of 1935 show further increase. With these known figures, the committee is satisfied that the State revenue from this source will be about \$4,000,000 more than originally estimated. Sixteen months of the 24 are already completed. This is assured revenue. The increase in the revenue from the existing insurance tax is about one-third above the preceding biennium. Since insurance activity represents a fair cross section of general business, this figure is not without value in reflecting the present trend in California.

(b) Under existing law the State Board of Equalization has power to levy liquor licenses and to fix the rate. In the opinion of the committee, \$2,000,000 more for the biennium should be raised from this source.

(c) The budget fixes the emergency appropriation fund at \$1,500,000. It is recognized that circumstances justify an increase over previous years but the committee believes that the fund should not exceed \$1,000,000. The budget estimate is accordingly reduced by the sum of \$500,000.

II.

PROPOSED SOURCES OF ADDED REVENUE.

The proposals of the committee are set out in the following table in order that the measures and their effect may be briefly summarized.

	Added revenue
(1) Sales tax at 3 per cent (with essential foods exempt under Assembly Bill No. 122)-----	\$35,500,000 00
(2) Additional sales tax revenue, under Assembly Bills Nos. 1271 and 1273-----	4,800,000 00
(3) Additional bank and corporation franchise tax (4 per cent to 8 per cent)-----	17,000,000 00
(4) Personal income tax-----	17,500,000 00
(5) Spirituous liquor tax (80 cents a proof gallon)-----	9,000,000 00
(6) Revision of inheritance tax rates and exemptions--	3,000,000 00
(7) Revision of truck tax-----	2,000,000 00
(8) Real estate transfer tax-----	6,000,000 00
(9) State tax on motor vehicles in lieu of present local tax -----	18,000,000 00
	\$112,800,000 00
Revised budget deficit-----	89,100,000 00
Balance available for unemployment relief-----	\$23,700,000 00

EXPLANATION OF NEW REVENUE ESTIMATE.

(1) and (2). Sales Tax. It is recommended that the sales tax rate be fixed at 3 per cent, with the act enforced under the present measure. It is also recommended that essential foodstuffs be exempt, as provided in Assembly Bill No. 122, and that Assembly Bill No. 1271 and Assembly Bill No. 1273 be adopted in order to reach certain purchases and transactions not now taxable.

The committee has studied the operation of the sales tax and the yield from it over the past two years and has tried to make a reasonable estimate of what may be expected in the next biennium. There is a definite upswing in prospect, both in volume and price. The receipts from the first quarter of this year are about 15 per cent above those in the first quarter of last year. Indications are that the increase will continue for the next two years. Considering governmental and trade reports, and the present trend, the committee feels justified in counting upon at least a 10 per cent increase over present levels for the next two years.

The deduction in revenue on account of the exemption of foods has been liberally estimated. Any steps that may be taken by the Legislature in restricting the exemption to foodstuffs that may properly be called essential, will be reflected in a corresponding increase in revenue.

The budget estimate of the sales tax at 2 per cent, with no exemptions, for the coming biennium was \$84,000,000. The committee's estimate for the 3 per cent rate with food exempt is \$119,500,000. The net additional revenue from this source is therefore \$35,500,000.

The estimate of the yield under Assembly Bills Nos. 1271 and 1273 is an additional \$4,800,000.

Added revenues to be derived under Assembly Bills Nos. 1271 and 1273 are conservatively estimated. No figures are available to fix a formula. The committee has therefore taken an amount which is well under the first estimate made by the sponsors of the bill. It is not unlikely that the yield from this source may be much greater than any estimate yet made.

(3) Bank and Corporation Franchise Tax. The present rate on general corporations is 2 per cent and on banks 6 per cent. It is proposed to increase the corporate rate to 4 per cent and the bank rate to 8 per cent. The new rates are to apply to 1934 income, returnable in 1935.

As in the case of insurance premiums and retail sales there is a substantial increase in current corporate franchise tax returns. In addition, public utilities will hereafter be subject to the Franchise Tax Act. The combined effect of increased rates on banks and corporations, the inclusion of utilities, the upswing in returns, and the elimination of consolidated returns, should supply additional revenue from this tax in the sum of \$17,000,000.

(4) Personal Income Tax. The committee recommends a personal income tax at State rates which will equal 20 per cent of the present Federal rates. The normal rate for persons in the lowest bracket will be eight-tenths of 1 per cent with surtax increasing on a graduated scale to 11.8 per cent.

The Federal income tax is not applicable to officials and employees of the State and its political subdivisions, but the State act will include them. Based upon current Federal returns and the projection of the present curve for next year it is

estimated that the State income tax for the biennium will yield not less than \$17,500,000.

In order that this amount may be realized, it is recommended that the tax become immediately effective and that the tax to be paid in 1935 shall be upon one-half of the income of 1934. Thereafter the tax will be based on full annual income. Enough time should be allowed for filing returns this year. The committee feels administration, the Federal method of computing net income should be followed as far as possible.

When the tax on intangible personal property was adopted in 1929, it was represented that this unsatisfactory form of taxation should eventually be superseded by an income tax. The committee now recommends that the income tax law be in lieu of the intangible tax.

(5) **Spirituuous Liquor Tax.** A tax of 80 cents a proof gallon should be levied. This is comparable to the tax imposed by other States. The estimate of the revenue to be derived from this source which were submitted to the committee ranged from \$7,000,000 to \$17,000,000. This is a new tax levy and no accurate State record is available for precise computation. The committee feels however that an estimate of \$9,000,000 is reasonable and strongly recommends provision for strict enforcement.

(6) **Inheritance Tax.** The committee recommends that there be a revision of the rates and exemptions in the Inheritance Tax Act which will yield an increase of \$3,000,000.

(7) **Truck Tax.** The committee recommends that there be a revision of the existing tax on trucks to yield an increase of \$2,000,000.

(8) **Real Estate Transfer Tax.** The committee recommends a tax on conveyances of real property, with the basis the same as in the Federal law, but with the rate fixed at 1 per cent. For unmortgaged property the tax will be measured by the full amount of the consideration. For property mortgaged at the time of sale the tax will be measured by the equity. The estimated yield from this source is \$2,000,000.

(9) **State Tax on Motor Vehicles in Lieu of Local Tax.** It is recommended that motor vehicles be eliminated from the local tax rolls and that they be taxed solely for State purposes. The return of the public utility properties to the local polls will benefit the counties to the extent of at least \$50,000,000 a biennium. Two years ago a further benefit of \$80,000,000 a biennium was provided for the counties when the sales tax was adopted and the State assumed a larger part of the school costs.

It is estimated that a rate approximating 1 1/2 per cent, applied to the standard and annually adjusted "Blue book" value of motor vehicles, with proper allowance for make and age, and with a minimum of \$1 a car, will yield \$18,000,000 for the biennium. The committee recommends the adoption of this measure with an expiration date of December 31, 1937.

The committee further recommends that the first revenue received from this tax be earmarked and applied to the payment of interest and amortization charges on State highway bonds. For the 1935-1937 biennium this will amount to \$8,100,000 and will, if continued thereafter, decrease each biennium until bonds are retired.

UNEMPLOYMENT RELIEF

It appears from the table previously incorporated in this report that after deducting the revised budget deficit from the proposed sources of revenue there is a balance available for relief of about \$24,000,000. The committee recommends that the money raised by the State for relief, \$10,000,000 be allocated to employment of labor in making permanent and necessary improvements to State institutions.

The Federal authorities have suggested that it may be necessary before the biennium is ended to supply an additional \$24,000,000 in order that the State may avail itself of its full quota of Federal aid.

The added revenue to be derived from the proposed measures, and the exact amount of the Federal requirements over the next two years, can not now be determined with certainty. Several potential factors, not fully taken into account in the committee's estimates, may increase the revenue return and supply a further part of the later Federal requirements.

California has never failed to meet promptly the suggestion that Federal aid be adequately matched. It has recognized its obligation and will not fail to meet it again. The committee does not believe it now necessary or advisable to propose any further emergency tax burden, and recommends that the solution of the remainder of the problem, if there be one, be postponed until the early part of next year. The committee feels assured that the Legislature will readily respond in special session to the Governor's call to survey the situation when it crystallizes and when the need is known. If it be the will of the Legislature, the committee will be glad to continue to serve in the interim in its present capacity.

If the Legislature concurs in the committee's recommendations, it may adjourn shortly with the assurance that the budget is balanced and that the maximum Federal requirements for the first year of the biennium have been met. Timely and advised action to meet future needs can be taken whenever occasion requires. A State ad valorem tax is no part of the program contemplated by the committee.

IV.

THE PRESENT DEFICIT.

The deficit for the current biennium will be about \$25,000,000 on June 30, 1935. The committee has been advised that early in June it will be necessary to transfer

about \$7,000,000 from cash balances of special funds to the general fund under section 15 of Article XIII of the Constitution. The major part will come from the gas tax fund. If this amount be not restored to the special fund the general fund deficit will be reduced to about \$18,000,000.

The committee considered on several occasions the advisability of proposing for the coming two years the application of \$8,100,000 from the gas tax fund to the servicing of highway bonds. It decided, however, against such a recommendation, being influenced in part by the suggestion of the State Department of Public Works that the funds proposed to be taken from the gas tax fund in June might not be replaced.

The committee is assured that if its recommendations be adopted, the present deficit can be funded through tax anticipation warrants or some other form of short term paper with a fixed maturity. This will put the State again on a cash basis. The interest rate payable under the plan proposed would probably not exceed 1 per cent in the present market, in place of the 5 per cent paid on warrants. In addition, the cost and nuisance of registering warrants and the uncertainty arising out of the absence of a fixed due date would be eliminated. The adoption of Senate Constitutional Amendment No. 18 and Senate Bill No. 708 with such amendments as may be deemed necessary, will make this recommendation effective.

The committee recommends that the Legislature call a special election at a time to be fixed by it and submit Senate Constitutional Amendment No. 18 to the people. It is further recommended that at the same election, the Legislature submit to the voters a bond issue to provide necessary money for permanent State institutions, including the purchase of a prison site in southern California. The proposed bond issue should also cover an amount sufficient to reimburse the general fund in the sum now provided in the Governor's budget for permanent improvements to State institutions. The total amount of the proposed issue should not, however, exceed \$12,000,000.

Respectfully submitted.

WALTER H. DUVAL, Chairman.
HARRY B. RILEY, Secretary.
WILLIAM F. KNOWLAND.
THOMAS F. SCOLLAN.
RALPH E. SWING.
CHARLES A. HUNT.
HUBERT B. SCUDDER.
RAY WILLIAMSON.
W. P. RICH.
EDGAR W. STOW.
C. C. COTTRELL.
ALFRED W. ROBERTSON.
RODNEY L. TURNER.

Senator Schottky in the Chair.

At four o'clock and twenty-five minutes p.m., Senator Schottky of the Twenty-fourth District was called to the chair.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 838—An act to amend the Streets and Highways Code, by adding to Division I thereof a new chapter, to be numbered 6, relating to proceedings to change the grade or to establish the boundaries of State highways, and other proceedings affecting private property—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 237—An act to amend section 487 of, to add section 641 to, and to repeal section 493 of, the Streets and Highways Code, relating to State highways—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 650—An act to amend the title of and sections 5 and 6 of an act entitled "An act regulating the making of openings or the placing of structures or the change or renewal of any structure and the planting or removal of trees or shrubs on the placing of obstructions on or on State roads and highways," providing for the issuance of permits by the State Department of Public Works relative thereto, and for the laying or placing pipes, conduits, sewers, poles, wires, railways, obstructions and other objects, and for the planting, trimming or removal of trees or shrubs on or on State roads and highways, providing for the requirement of bonds from applicants before the issuance of such permits, and prescribing the penalty for violations of the provisions of this act," approved April 23, 1935, as amended, in preparing for the relative rights of the State and cities, cities and counties, and counties in respect to franchises granted in highways subsequently declared to be State highways—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Assembly Bill No. 2437—An act to reorganize certain corporations as agencies and instrumentalities of the United States, declaring the approval thereof, and providing for the taking effect immediately thereof—has had the same under consideration, and respectfully reports the same back with amendments. And recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

SCHOTTKY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Senate Bill No. 533—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative corporations, who may organize, purpose and powers, distribution of benefits, and more, and consisting of sections 653.1 to 653.16—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

SCHOTTKY, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, MAY 8, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 729—An act to amend section 1482 of the Penal Code relating to the dismissal of prosecutions—has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 1432—An act to amend sections 1060, 1127, 1323, and 1439 of the Penal Code, relating to instructions and comment in criminal cases—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 1098—An act to add section 1924 to the Penal Code, relating to the securing of the attendance of witnesses in criminal prosecutions, and to make uniform the law with reference thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 515—An act to add sections 95, 95.1, 95.2, 95.3, 95.4, 95.5, 95.6, 95.7, and 95.8 to the Agricultural Code, relating to agricultural district bonds;

Also: Senate Bill No. 541—An act to amend the law relating to the Department of Agriculture;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bills be re-referred to this committee.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 395—An act to amend Chapter 286, Statutes of 1927, entitled "An act authorizing the Department of Finance to appropriate waters in connection with the utilization and conservation of the water resources of the State in the development of a general or coordinated plan; authorizing the State Department of Finance to release or assign such appropriations; authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the State," approved April 29, 1927, as amended, by amending section 1 thereof, relating to appropriation of waters by the State Department of Finance;

Also: Assembly Bill No. 768—An act to amend section 11 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927, relating to admissions to practice;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 642—An act to add section 21.4 to the Fish and Game Code, relating to damages for destruction of fish and game—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—16; committee vote: Ayes—9; absent—7.

MCCOLL, Chairman.

On Civil Service.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Assembly Bill No. 2420—An act to provide for reduction of salaries of officers and employees of the State in the State civil service which are in excess of the maximum salary limits of the respective positions;

Also: Assembly Bill No. 1392—An act to amend the title of, and to revise the act known as, the State Civil Service Act, relating to State civil service, including the adoption thereof to Article XXIV of the State Constitution and the extension of certain of the provisions of the act to apply to officers and employees of the State who are not in the State civil service, declaring the urgency of this act and providing that it shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that bill do pass as amended.

Committee membership—5; committee vote: Ayes—3; noes—1; absent—1.

KEOUGH, Chairman.

Also:

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Senate Bill No. 973—An act to amend the "State Civil Service Act"—has had the same under consideration, and respectfully reports the same back with amendments, and recommends the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

KEOUGH, Chairman.

Adjournment.

On motion of Senator Rich, at four o'clock and thirty minutes p.m., Senator Schottky, in the chair, declared the Senate adjourned, until ten o'clock a.m., Thursday, May 16, 1935.

F. E. DALIN, Minute Clerk

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Thursday, May 16, 1935

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair
Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Rigger, Crittenden, Deuel, Difant, Doyal, Edwards, Fletcher, Garrison, Gordon, Hays, Hulise, Jorgensen, Keough, King, Knowland, McClure, McGowan, McGovern, McGuinness, Metzger, Minter, Olson, Parkinson, Peery, Piersanti, Powers, Reindollar, Rich, Schottky, Sullivan, Seawell, Sharkey, Slater, Snyder, Stow, Strong, Tickle, Wagy, Williams, and Young—40

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats

Reading of the Journal.

During the reading of the Journal of Wednesday, May 15, 1935, the further reading was dispensed with, on motion of Senator Slater

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2135—An act to amend an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 29, 1919 (Statutes 1919, page 7821), by amending sections 1 and 6 thereof, relating to county employee retirement systems.

Also: Assembly Bill No. 1546—An act to add section 4 to an act entitled "An act limiting the liability of supervisors, city trustees, city councils, boards of education and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in certain instances and providing for the payment of costs of actions in certain instances," approved June 13, 1923, relating to the liability of counties, municipalities and school trustees.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 223—An act to amend section 852 of, and to add a new section to be numbered 852c to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class.

Also: Assembly Bill No. 341—An act to amend sections 21.1, 53, 54, 63, 64, 105, 133, 135d and 139 of the Bank Act, and to add two new sections thereto to be numbered 16d and 51.1.

Also: Assembly Bill No. 2205—An act to add section 599.5 to the Vehicle Code, relating to unlawful displays on vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 488—An act to add a new section to the Insurance Code of the State of California to be numbered 12629, relating to mortgage insurers, including but not being limited to the rehabilitation, readjustment or reorganization of mortgage insurers or of all or of any part of the business, properties and assets of such insurers, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such insurers or trusts; to provision for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurers, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received;

Also: Assembly Bill No. 489—An act to add a new section to the Civil Code of the State of California, to be numbered section 453.15, relating to the rehabilitation, readjustment or reorganization of mortgage insurance companies or of all or of any part of the business, properties and assets of such companies, and to the revision, modification or termination of mortgage participation trusts, mortgage participation certificates and policies of mortgage insurance and to the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of, and persons interested in, such companies or trusts; providing for the kinds of securities issuable in connection therewith and exempting such securities from the provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies, banks, banking institutions and trust companies and officers of the State of California to consent to a plan, as defined in said section, to exchange mortgage participation certificates, shares of stock, bonds, notes, debentures or other rights or claims for securities issued pursuant to such plan and to continue to hold as legal investment any securities so received.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1651—An act to amend the Vehicle Code by amending sections 618, 621, 623, 625, 633, 634, 635, 637, 639, 640, and 670; to renumber section 663 to be section 664; to repeal Chapter 4 of Division X embracing sections 645 to 658 inclusive, sections 661, 662 and 677; to add sections 623.5, 638, 677, a new Chapter 4 to Division X, embracing sections 645 to 656 inclusive, 660, 661, 662, 663 and 692, relating to vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 260—An act to amend sections 12422, 12423, 12427, 12442, 12484, 12486, 12488 and 12543 of the Insurance Code and to add a new section to said code to be numbered 12490, all relating to mortgage insurers;

Also: Assembly Bill No. 56—An act to add section 3.43 to the School Code, relating to required instruction in the schools;

Also: Assembly Bill No. 621—An act to amend sections 2240 and 2255 of the Political Code, relating to the clothing, transportation, dental work, eye care, operations and hospitalization of pupils enrolled in the California School for the Deaf and the California School for the Blind;

Also: Assembly Bill No. 1481—An act providing for the organization and government of horticultural protection districts for the purpose of protecting horticultural products and the vines, trees and shrubs whereon the same are grown against diseases, insects and pests; defining the powers of such districts and authorizing any such district to eradicate, remove or prevent the spread of any disease, insect or pest injurious to the horticultural product which such district is organized to protect; to provide for the levying and collection of taxes to pay the costs and expenses of administering such districts and carrying on their operations; defining the duties and powers of county agricultural commissioners, and other county

officers in connection with such districts; to provide for including lands within and excluding lands from any such district, and to provide a method of dissolving such districts;

Also: Assembly Bill No. 1370—An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, by amending one title and sections 37 and 40 thereof, and adding a new section to be designated section 97, to authorize the borrowing or procuring of money by drainage districts from the United States or any agency thereof, and declaring the act in force.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 965—An act to amend section 423 of the Agricultural Code, relating to fire trucks on highways.

Also: Assembly Bill No. 947—An act to amend Chapter 703 Statutes of 1929, approved June 10, 1929, as amended by Chapter 401 Statutes of 1931, approved May 25, 1931, and as amended by Chapter 10 Statutes of 1932, approved January 20, 1932, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 2, 6, 9, 11, 14, 16, 20 and 21, and by adding thereto new sections numbered 4, 5, 5½, 5¾, 8, 8½, 9½, 9¾, 12, 13, 14, 15 and 16, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereafter, and providing that this act become effective immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 35—Relative to the approval of amendments to the charter of the city of Tulare.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 35 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 60—A resolution to propose to the people of the State of California amendments to Article XI of the Constitution of said State by adding sections 4 and 7½ thereto, relating to the consolidation of counties, cities and counties, and cities.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendment No. 60 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following: Assembly Bill No. 626—An act to amend sections 86 and 87 of the Fish and Game Code, relating to fish and game districts.

Also: Assembly Bill No. 2421—An act to amend sections 1, 2, 3, and 4 of an act entitled "An act to establish salesrooms and industrial workshops for the blind, providing for the management, government and administration thereof, and making an appropriation for the establishment of a revolving fund therefor," approved June 18, 1929, relating to salesrooms and workshops for blind and physically handicapped persons.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 626 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2421 read first time, and referred to Committee on Hospitals and Asylums.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1782—An act to amend sections 1142 and 1257a of the Political Code, relating to the elections and the canvass and counting of the ballots cast at elections;

Also: Assembly Bill No. 2019—An act to amend section 2289 of the Political Code, relating to State aid to indigent orphans;

Also: Assembly Bill No. 762—An act to add a new section to the School Code to be numbered 2.123.1, relating to the payment of the cost of food and lodging for certain elementary school pupils from the unapportioned county elementary school fund;

Also: Assembly Bill No. 1339—An act to add a new division to the Vehicle Code, to be numbered IXa, relating to vehicular crossings constructed or owned by the State, the control and policing thereof, and the regulation of traffic thereon;

Also: Assembly Bill No. 1124—An act amending sections 554 and 671 of the Vehicle Code, relating to authorized emergency vehicle;

Also: Assembly Bill No. 999—An act to add a new article to Chapter IX of Part III of Division V of the School Code, to be known as Article IV, consisting of sections 5.792 to 5.799b inclusive, relating to a merit system for employees in positions other than those requiring certification qualifications.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1782 read first time, and referred to Committee on Elections.

Assembly Bill No. 2019 read first time, and referred to Committee on Unemployment.

Assembly Bill No. 762 read first time, and referred to Committee on Education.

Assembly Bills Nos. 1339 and 1124 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 999 read first time, and referred to Committee on Civil Service.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 289—An act to add section 1724 to the Code of Civil Procedure, relating to establishing the fact of death of a joint tenant;

Also: Assembly Bill No. 826—An act to add a new section to the Code of Civil Procedure to be numbered 336a and to amend section 337 thereof, relating to the periods prescribed for the commencement of actions;

Also: Assembly Bill No. 733—An act to amend section 1032 of the Code of Civil Procedure, relating to costs in civil actions.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 289, 826 and 733 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 774—An act to amend section 1197 of the Political Code, relating to election ballots;

Also: Assembly Bill No. 2351—An act to amend sections 146 and 154 of the Vehicle Code, and to add sections 146.5, 180.5, and 371.5 to said Vehicle Code, all relating to vehicles previously registered outside this State, and the registration and transfer thereof within this State;

Also: Assembly Bill No. 2264—An act to amend section 658 of the Fish and Game Code, relating to salmon;

Also: Assembly Bill No. 527—An act to provide for the creation, organization and government of river port districts in one or more counties, to enumerate the powers thereof; to authorize the incurring of indebtedness, the borrowing of money and the issuance of bonds, and other evidences of indebtedness of such district and

to provide for the mortgaging, pledging or hypothecating of property of such districts and the issuance of revenue notes, certificates or warrants payable solely and exclusively from the revenues to be realized from a particular utility or property acquired or to be acquired with the proceeds of such obligations; to provide for the levy and collection of taxes by such districts and the redemption, mortgage, pledge, or hypothecation of the revenues of such districts or any property of such districts; to authorize river port districts to enter into agreement with the State of California or any political subdivisions thereof or with the United States of America, and to authorize river port districts to do and perform all acts and things necessary or appropriate to carry out the purposes of this act.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 774 read first time, and referred to Committee on Elections.

Assembly Bill No. 2354 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2264 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 527 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 8—Relative to house of confinement of persons on interstate railways.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 8 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 566—An act to provide means for making applicable to judges of the superior courts the provisions of section 26 of Article VI of the Constitution of this State, relating to the method of selecting judges.

Also: Senate Bill No. 830—An act to amend sections 13 and 13a of the Motor Vehicle Fuel License Tax Act, relating to the disposition of funds received under said act.

Also: Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration.

Also: Senate Bill No. 122—An act to amend sections 156, 159 and 160 of the Vehicle Code, relating to registration of vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 566, 830, 118, and 122 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 828—An act to amend section 2737 of the Political Code, relating to bridges and highways.

Also: Senate Bill No. 1102—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, declaring the urgency of this act, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 828 and 1102 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 529—An act to amend section 1426a of and to add sections 1426da, 1426db, 1426dc, and 1426e to the Civil Code, relating to discovery locations and to discovery shafts on lode and placer mining locations;

Also: Senate Bill No. 584—An act to add a new section to the Political Code to be known as section 3663d, relating to the assessment of property by the State Board of Equalization and the allocation of the assessed value of such property to the various taxing jurisdictions of the State and to provide that this act shall take effect immediately;

Also: Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 529, 584, and 81 ordered on file as unfinished business.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 77—An act to add section 3a to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health; defining its power and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to agreements between counties and deposits of funds;

Also: Senate Bill No. 1075—An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes;

Also: Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency;

And reports that the same have been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 483—An act to add a new chapter to the Insurance Code, to be numbered Chapter 13 of Part 2 of Division 2 thereof, comprising sections 11525 to 11533, inclusive, relating to the voluntary mutualization of incorporated life insurers or life and disability insurers having a share capital and issuing nonassessable policies on a reserve basis;

Also: Senate Bill No. 535—An act to amend the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood

control district to be called 'Los Angeles County Flood Control District', to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the maintenance of property necessary to authorize the incurring of indebtedness, and the levying, assessing and collecting of taxes, and the levying and collecting of taxes by said district, to provide for the government and control of said district, and to define the powers and duties of the officers thereof, approved June 12, 1915, as amended, and by adding thereto amendments to and repealing numbered sections 3a, 3b, and 3c, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district:

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 15—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business, and reports that the same has been correctly engrossed.

METZGER, Chairman.

Unfinished Business.

Consideration of Senate Amendments to Assembly Bill No. 81.

Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 81?

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Sensors Crittenden, Duval, Edwards, Fletcher, Goring, Hulse, Keene, King, Knowland, McGovern, Moxter, Olson, Perry, Rosendall, Schottky, Seaton, Strauss, Snyder, Stow, Tickle, Wagy, and Young—22.

The Secretary announced the absentees.

Time, ten o'clock and twenty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator McColl:

SENATE CHAMBER, SACRAMENTO, MAY 16, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 738.5 and 957 of the Fish and Game Code, relating to fish.

Respectfully submitted.

SENATOR McCOLL.

Request referred to Committee on Rules.

Unfinished Business—(Resumed).

Senate Bill No. 467—An act to amend sections 2.411, 2.418 and 2.419 of the School Code, relating to disincorporation of high school districts.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 467.

Amendment No. 1.

In line 4 of the printed bill, strike out the word "twice."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 467?

The roll was called, and Assembly amendment to Senate Bill No. 467 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McGovern, McGuinness, Mixer, Olson, Perry, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Senate Bill No. 467 ordered to enrollment.

Senate Bill No. 826—An act to amend sections 363a and 363bb of the Political Code, and to add section 363s thereto, relating to the Department of Public Works.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 826.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out ", 363s".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, after the comma, insert the following: "and to add section 363s thereto,".

Amendment No. 3.

On page 1 of the printed bill, strike out line 23, and in line 24, strike out "amended", and insert in lieu thereof the following:

"SEC. 3. Section 363s is hereby added to the Political Code,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 826?

The roll was called, and Assembly amendments to Senate Bill No. 826 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Gordon, Hulse, Keough, King, Knowland, McGovern, McGuinness, Mixer, Olson, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Senate Bill No. 826 ordered to enrollment.

Senate Bill No. 4—An act to amend sections 2, 3, and 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 4.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "of", insert a comma and the following: "and to add section 5a to."

Amendment No. 2.

On page 1 of the printed bill, as amended, in the last line of the title, strike out the period, and insert in lieu thereof a comma and the following: "and claims in consequence thereof."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 4?

The roll was called, and Assembly amendments to Senate Bill No. 4 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hulse, Keough, King, Knowland, McGovern, McCormack, Mixer, Olson, Peters, Reed, Schottky, Seollan, Sewall, Slater, Snyder, Snow, Tinkle, Wagy, Williams, and Young—27.

NOES—None.

Senate Bill No. 4 ordered to enrollment.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Constitutional Amendment No. 1 was adopted.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 1 was adopted was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued until the next legislative day.

Motion to Reconsider Waived.

Senator Olson waived his motion to reconsider the vote whereby Senate Bill No. 959 was passed.

Senate Bill No. 959 ordered transmitted to the Assembly.

Consideration of Daily File.**Third Reading of Senate Bills.**

Senate Bill No. 1075—An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1075 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuin-

ness, Metzger, Mixter, Olson, Parkman, Perry, Rich, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—31.
NOES—None.

Title read and approved.

Senate Bill No. 1075 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 722.

Senator Williams moved that Senate Bill No. 722 be re-referred to Committee on Insurance.

Motion carried, and such was the order.

Senate Bill No. 1097—An act to amend sections 2 and 3 of an act entitled "An act for the preservation of the public health of the people of the State of California and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, amended April 1, 1911, June 13, 1913, and May 24, 1917, so as to prevent the construction and use of sewer wells extending into subterranean water-bearing strata used or intended to be used, or suitable for, a source of water supply for domestic purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1097 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.
NOES—None.

Title read and approved.

Senate Bill No. 1097 ordered transmitted to the Assembly.

Senate Meets as a Committee of the Whole.

Senator Duval moved that the Senate resolve itself into a Committee of the Whole for the purpose of discussing the report offered by the Special Joint Committee on Revenue and Taxation.

Motion carried.

At ten o'clock and thirty minutes a.m., the Senate met as a Committee of the Whole.

Committee of the Whole Rises.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair.

At ten o'clock and thirty-eight minutes a.m., on motion of Senator Olson, the Committee of the Whole arose.

In Senate.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and forty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The Secretary was directed to call the roll of the Senators who had not answered to their names.

The roll was called, and the Senate finally refused to recede from Senate amendments to Assembly Bill No. 81 by the following vote:

AYES—Senator Olson—1

NOES—Senators Crittenden, Dond, Dayal, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Kroyner, McCracken, McConville, McGowan, Metzger, Mixter, Parkman, Perry, Richmond, Rich, Schuler, Smith, Searles, Slater, Snyder, Stow, Swang, Telle, Wagon, Williams, and Young—32

Appointment of Committee on Conference.

The President announced the appointment of Senators Seidman, Hays, and Olson as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 81.

Consideration of Special Order Deferred.

The hour having arrived for the consideration of Senate Bill No. 1090, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the consideration of the same was continued until the consideration of the Report of the Special Joint Committee on Revenue and Taxation be concluded.

Consideration of the Report of the Special Joint Committee on Revenue and Taxation.

The Senate considered the report of the Special Joint Committee, and the hour of recess having arrived, postponed further consideration until later in the day.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 16, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 26—An act to add section 615.1 to the Fish and Game Code, relating to fish in districts 3 and 3A.

Also: Senate Bill No. 32—An act to amend section 1310 of the Fish and Game Code, and to add thereto section 1340.6, relating to fur-bearing mammals.

Also: Senate Bill No. 51—An act to amend section 441 of the Political Code, relating to rates of interest on registered warrants.

Also: Senate Bill No. 106—An act to amend sections 798.6 and 801 of the Fish and Game Code, relating to abalones.

Also: Senate Bill No. 143—An act to amend section 737aa of the Political Code, relating to salaries of judges.

Also: Senate Bill No. 173—An act to amend sections 652, 655, 656 and 665 of the Fish and Game Code, relating to salmon.

Also: Senate Bill No. 174—An act to amend section 730 of the Fish and Game Code, relating to fish.

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of May, 1935, at twelve o'clock m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 243—An act to repeal sections 3.284 and 3.285 of the

School Code, relating to the maintenance of high school courses in elementary schools;

Also: Senate Bill No. 329—An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act;

Also: Senate Bill No. 429—An act to amend section 1341 of the Fish and Game Code, relating to rabbits;

Also: Senate Bill No. 537—An act to add section 1354 to the Fish and Game Code, relating to the taking of frogs for educational and scientific purposes;

Also: Senate Bill No. 1079—An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts; and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of May, 1935, at twelve o'clock m.

METZGER, Chairman.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 1098—An act to add section 1334 to the Penal Code, relating to the securing of the attendance of witnesses in criminal prosecutions, and to make uniform the law with reference thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendments to Senate Bill No. 1098 were read and adopted:

Amendment No. 1.

On page 1, line 18, of the printed bill, strike out the word "two", and insert in lieu thereof "one".

Amendment No. 2.

On page 2, line 4, of the printed bill, strike out the word "five", and insert in lieu thereof "ten".

Amendment No. 3.

On page 2, line 27, of the printed bill, strike out the word "five", and insert in lieu thereof "ten".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 533—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative corporations, who may organize, purpose and powers, distribution of benefits, and vote and consisting of sections 653.1 to 653.16.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 237—An act to amend section 487 of, to add section 641 to, and to repeal section 493 of, the Streets and Highways Code, relating to State highways.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 237 were read and adopted:

Amendment No. 1.

On page 9 of the printed bill, between lines 43 and 44, insert the following: "(c) Route 26 near Whitewater to Montage Valley."

Amendment No. 2.

On page 9, line 45, of the printed bill, strike out the words "hereby amended" and insert the following: "hereby amended to read as follows: '1935. Route 36 is from Route 43 at Corona northwesterly to Route 19.'"

Amendment No. 3.

On page 1, line 3 of the title of the printed bill, strike out the word "Report" and insert in lieu thereof the word "Amend."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 642—An act to add section 214 to the Fish and Game Code, relating to damages for destruction of fish and game.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 642 was read and adopted:

Amendment No. 1.

On page 1, line 18, of the printed bill, as amended, after "except," insert a comma and the following: "to the destruction of fish by judgment, traps, or works or irrigation drainages, or to the destruction of birds or mammals killed while damaging crops as provided by law."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 515—An act to add sections 95, 95.1, 95.2, 95.3, 95.4, 95.5, 95.6, 95.7, and 95.8 to the Agricultural Code, relating to agricultural district bonds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 515 were read and adopted:

Amendment No. 1.

On page 6 of the printed bill, as amended, strike out lines 7 to 43, inclusive, and insert in lieu thereof the following:

"95. In addition to the powers heretofore granted by any act of the Legislature of the State of California to any existing district agricultural association there are by this section granted such additional powers as are hereinafter enumerated, set forth in separate sections and such additional powers as hereinafter enumerated shall by this reference thereto be added to any agricultural district heretofore formed under any act of the Legislature of the State of California, and nothing in this act or in the Agricultural Code, shall not limit the powers heretofore granted to any district agricultural association heretofore formed under any act of the Legislature of the State of California."

Amendment No. 2.

On page 6 of the printed bill, as amended, strike out lines 48 to 52, inclusive, and on page 7, lines 1 to 29, inclusive, and insert in lieu thereof the following:

"95.1. Any agricultural district, by and through its district agricultural association, may incur indebtedness, and as evidence thereof may issue revenue bonds in an aggregate amount not in excess of one per cent of the assessed value of all taxable real and personal property within its territorial limits; provided, however, that said bonds shall only be issued for the purpose of raising money to acquire and construct revenue-producing improvements of a self-liquidating character, which said district is authorized to acquire and maintain.

Whenever any district agricultural association of any agricultural district in the State of California, determines that it is advisable or necessary to acquire and construct revenue-producing improvements of a self-liquidating character such as said agricultural district is authorized to acquire and maintain, said agricultural district may incur indebtedness therefor, and as evidence thereof may issue revenue bonds in an aggregate amount not in excess of one per cent of the assessed value of all taxable real and personal property within its territorial limits.

The determination of said district agricultural association to issue said revenue bonds shall be evidenced by the adoption by a majority of the board of directors of such district agricultural association declaring the advisability and necessity of acquiring and constructing such revenue-producing improvements and authorizing the issuance of revenue bonds in an amount therein specified to provide for such acquisition or construction.

All such bonds so authorized shall be issued in the name of the agricultural district for which said district agricultural association is acting and shall be identified as agricultural district bonds and shall contain a recital of the fact thereof that the payment or redemption of said bonds and the payment of interest thereof is secured only by the revenues received from the operation of the revenue-producing improvements of such agricultural district, and that neither the payment of the principal nor any part thereof, nor any interest thereon constitute a debt or general obligation of the State of California; that all of said revenue bonds shall contain the further recital written or printed thereon that the said district agricultural association reserves the right to retire and buy from any funds that may be available therefor all or any part of any issue of said bonds which may be outstanding after the expiration of five years from the date of the issuance thereof, such bonds to be so retired at not less than par, or at such other amount in excess of par as said district agricultural association may determine and recite on the face of said bonds when issued."

Amendment No. 3.

On page 7 of the printed bill, as amended, following section 2, as amended, and preceding line 30, insert the following:

"SEC. 3. Section 95.2 is hereby added to the Agricultural Code to read as follows:

95.2. All revenue bonds authorized under the terms of this act shall be issued and sold from time to time by the district agricultural association authorizing the issuance of the same as and when money is needed for the acquisition or construction of any such revenue-producing improvements and to pay interest on outstanding bonds of any particular issue during the period of actual construction of any such revenue-producing improvements, and for a period of six months thereafter and the proceeds thereof are hereby made available for such purpose.

The district agricultural association authorizing the issuance of said bonds shall determine the form, conditions and denominations, except that no bond shall be of a denomination less than one hundred dollars nor of a greater denomination than one thousand dollars, and they shall be payable in lawful money of the United States, and from time to time, as the sale of any portion of the bonds authorized for the construction of any particular revenue-producing improvements are to be issued and sold, said district agricultural association shall determine the dates which the bonds so to be sold shall bear, and the interest rate thereon, which rate shall be fixed by said district agricultural association according to the then prevailing market conditions, but shall at no time exceed six per cent per annum, and the determination of said district agricultural association as to the rate of interest shall be conclusive as to the then prevailing market conditions; and the said district agricultural association shall also fix the time of maturity of all such bonds issued and the time and place of payment of interest and principal thereon; provided, however, that such bonds shall be payable within thirty years from their date and shall mature serially at such times that may be fixed by the board of directors of such district agricultural association, and provided further that the earliest maturity of the principal of such bonds shall be fixed at a date not more than ten years from the issuance of such bonds. The said bonds shall contain such registration privileges as the board of directors may determine.

All such bonds shall be signed by the president of the board of directors of such district agricultural association, and countersigned by the secretary thereof, and shall bear the corporate seal of said district agricultural association. The coupons attached to each of said bonds shall be numbered consecutively and signed by the president of said board of directors which said signature may be facsimile.

In case any of such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser thereof such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

All bonds issued under the terms of this act shall be negotiable instruments under the law merchant."

Amendment No. 4.

On page 7 of the printed bill, as amended, strike out all of lines 30 and 31, and the figure "95.2", at the beginning of line 32, and insert in lieu thereof the following:

"SEC. 4. Section 95.3 is hereby added to the Agricultural Code to read as follows: 95.3."

Amendment No. 5.

On page 7 of the printed bill, as amended, strike all of lines 40 and 41, and the figure "95.3", at the beginning of line 42, and insert in lieu thereof the following:

"SEC. 5. Section 95.4 is hereby added to the Agricultural Code to read as follows: 95.4."

Amendment No. 6.

On page 7 of the printed bill, as amended, strike out that portion of line 49 beginning with the word "and" after the word "comp", and ending with the word "of" in said line 49; also strike out all of lines 50 and 51, and strike out the word "including" in line 22, on page 8, and in line 23, the words "taxes on land".

Amendment No. 7.

On page 8 of the printed bill, as amended, strike out all of lines 25 and 26 and the figure "95.4" at the beginning of line 27, and insert in line 27 the following: "Sec. 6. Section 95.5 is hereby added to the Agricultural Code to read as follows: 95.5."

Amendment No. 8.

On page 8 of the printed bill, as amended, strike out all of lines 33 to 52, inclusive, and on page 9, strike out all of lines 1 to 15, inclusive.

Amendment No. 9.

On page 10 of the printed bill, as amended, strike out all of line 12 after the figures "95.8", and strike out all of lines 13, 14, 15, 16, 17 and 18, and the words "or of any board of supervisors" in line 22, and strike out the words "the board of supervisors and or" in line 24, and the words "the board of supervisors or" in line 29, and the words "the election authorizing the incurring of such indebtedness and" in line 34, all as shown on page 10 of said bill.

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 541—An act to amend the law relating to the Department of Agriculture.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 541 were read and adopted:

Amendment No. 1.

On page 1, in the title of the printed bill, strike out the words "the law relating to the Department of Agriculture", and insert in lieu thereof the following: "Sections 228, 228.1 and 231 of and to add section 228.1 to the Agricultural Code, relating to bovine tuberculosis."

Amendment No. 2.

On page 1, line 1, of the printed bill, immediately following the period, add the following: "Section 223 of the Agricultural Code is hereby amended to read as follows:

223. The department may designate veterinarians, as approved veterinarians, to buy, possess or use tuberculin, and may suspend or revoke such designation. It is a misdemeanor punishable by imprisonment in the county jail for not less than ninety days, without alternative of a fine in any case, for any person other than an approved veterinarian to buy, possess, or use tuberculin.

Sec. 2. Section 228 of the Agricultural Code is hereby amended to read as follows:

228. It is unlawful to:

(a) Obstruct, attack, or interfere with, or permit to be obstructed, attacked, or interfered with, the department or an approved veterinarian conducting a tuberculin test.

(b) Neglect or fail to properly secure and restrain any bovine animal to be tuberculin tested, or under tuberculin test, for examination, injection, observation, or other procedures pertaining to a tuberculin test.

Sec. 3. Section 228.1 is hereby added to the Agricultural Code, to read as follows:

228.1. It is a misdemeanor punishable by imprisonment in the county jail for not less than ninety days, without the alternative of a fine in any case, to attempt to defeat, obstruct, or interfere with the application of a tuberculin test.

Sec. 4. Section 231 of the Agricultural Code is hereby amended to read as follows:

231. Every reactor shall, immediately upon the determination of such reaction, be permanently branded on the left jaw by its owner or his agent, under the supervision of the approved veterinarian conducting the tuberculin test. The brand shall be the letter "T", not less than three (3) inches in length from top to bottom, and two (2) inches wide at the top."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 973—An act to amend the "State Civil Service Act."

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Civil Service, the following amendments to Senate Bill No. 973 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out everything except "An act", and insert in lieu thereof the following: "relating to the State civil service and declaring the urgency thereof and that this act shall take effect immediately."

Amendment No. 2.

On page 1, line 1, of the printed bill, after the period, insert the following: "No person mentioned in section 5, other than subdivision (f) thereof, of Article XXIV of the Constitution of this State and who has been in the employ of the State for not less than four years preceding December 20, 1934, shall after the effective date of this act be dismissed, removed, demoted, suspended, reprimanded, or in any manner disciplined except after charges filed, hearing held, and procedure taken, all in the way and manner prescribed in section 14 of the State Civil Service Act as said section existed on January 1, 1935, for any such action against the persons in said section 14 mentioned.

SEC. 2. Every person mentioned in section 5, other than subdivision (f) thereof, of Article XXIV of the Constitution of this State, and who has been in the employ of the State for not less than four years preceding December 20, 1934, against whom any appointing power or other officer or person in charge of him, between the effective date hereof and November 6, 1934, has taken or purported to take any action mentioned in section 1 hereof without charges filed, hearing held, and procedure taken, all in the way and manner prescribed in section 14 of the State Civil Service Act as the same existed on January 1, 1935, shall be forthwith reinstated without regard to such purported action as of the date of such purported action in and to the position he held on the effective date of said Article XXIV of the Constitution; provided, that such person is not entitled to any salary, compensation or emolument for the period during which he was separated from State employment.

SEC. 3. Every person desiring to accept the benefits of section 2 of this act must, within thirty days from the effective date of this act, file with the executive officer of the State Personnel Board a notice of his acceptance of reinstatement and a copy thereof with the appointing power or other officer or person theretofore in charge of him and a copy thereof with the State Controller and thereupon his reinstatement shall be complete. Any person failing to file the notice of acceptance provided for in this section shall be deemed to have waived the benefits of section 2 of this act. Every such notice of acceptance of reinstatement must contain the name of the employee, the name of the appointing power, the date of the purported dismissal, removal, demotion, suspension, reprimand, or other disciplinary action, the position held, the rate of compensation paid, and the elapsed period of time since last paid. Such notice may be filed in person or by registered mail and the copy filed with the State Controller must contain proof of filing such notice with the other persons in this section mentioned.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting such necessity are as follows:

The civil service constitutional amendment, Proposition Number 7, adopted by vote of the people on November 6, 1934, and effective December 20, 1934, granted rights thereunder to certain persons in the State service who became subject to the amendment. Existing laws do not adequately recognize or cover the status thus newly created nor do they adequately provide for disciplinary proceedings concerning such persons or the review of such proceedings by an appropriate administrative agency. The purpose of this act is to correct such defects, to avoid multiple suits, unwarranted salary claims against the State, and to facilitate the effective operation of the constitutional amendment and thereby improve the State service and the proper and adequate performance of State functions. It is therefore necessary that this act take effect immediately."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 729—An act to amend section 1382 of the Penal Code, relating to the dismissal of prosecutions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1132—An act to amend sections 1093, 1127, 1323, and 1439 of the Penal Code, relating to instructions and comments in criminal cases.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revision of Criminal Law and Procedure, the following amendment to Assembly Bill No. 1132 was read and adopted:

Amendment No. 1.

On page 2, line 14, of the printed bill, after the period, insert the following: "All instructions given, except such as may incidentally be given during the admission of evidence, shall be in writing, unless both parties request the giving of an oral instruction, or consent thereto."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2437—An act to recognize certain corporations as agencies and instrumentalities of the United States, declaring the urgency thereof, and providing for the taking effect immediately thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Corporations and Extrajudicial Institutions, the following amendments to Assembly Bill No. 2437 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "subsequently," and insert in lieu thereof the following: "or under an act of the Congress of the United States, by an agency of the United States Government."

Amendment No. 2.

On page 1, line 4, of the printed bill, after "of," insert the following: "hereinafter."

Amendment No. 3.

On page 1, line 11, of the printed bill, strike out the period, and insert in lieu thereof the following: "as agencies of the United States Government."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 838—An act to amend the Streets and Highways Code, by adding to Division I thereof a new chapter, to be numbered 6, relating to proceedings to change the grade or to establish the boundaries of State highways, and other proceedings affecting private property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 650—An act to amend the title of and section 8 of an act entitled "An act regulating the making of openings or the placing of structures or the change or renewal of any structure and the planting or removal of trees or shrubs or the placing of obstructions in or on State roads and highways: providing for the issuance of permits by the State Department of Public Works relative thereto, and for the laying or placing pipes, conduits, sewers, poles, wires, railways, obstructions and other objects, and for the planting, trimming or removal of trees or shrubs in or on State roads and highways: providing for the require-

ment of bonds from applicants before the issuance of such permits; and prescribing the penalty for violations of the provisions of this act," approved April 23, 1915, as amended, to provide for the relative rights of the State and cities, cities and counties, and counties in respect to franchises granted in highways subsequently declared to be State highways.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Assembly Bill No. 650 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out the title, and insert in lieu thereof the following:

"An act to add two new sections to Article 2 of Chapter 3 of Division I of the Streets and Highways Code, relating to franchises in highways."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out all of line 1 following the words "SECTION 1.", and strike out lines 2 to 12, inclusive, and on page 2, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following: "A new section is hereby added to Article 2 of Chapter 3 of Division I of the Streets and Highways Code, to be numbered 680, and to read as follows:

680. Whenever a franchise shall have been granted by any county or city in any public highway which has been or is subsequently constituted a State highway, the department may enforce any obligations of the grantee or holder of such franchise in respect to the repair of the highway. The department may require any person who has placed and maintained any pole, pole line, pipe, pipe line, conduit, street railroad or railroad tracks, or other structures or facilities upon any State highway, whether under such or any franchise, to move the same at his own cost and expense to such different location in the highway as is specified in a written demand of the department, which demand may be made by the department whenever necessary to insure the safety of the traveling public or to permit of the improvement of the highway. The department shall specify in the demand a reasonable time within which the work of relocation must be commenced and the grantee or owner must commence such relocation within the time specified in said demand and thereafter diligently prosecute the same to completion.

The department may likewise serve such a demand on the owner of any encroachment to require its removal entirely from the right of way, where the owner does not have an existing franchise right to place and maintain the same therein.

In case the owner fails to comply with any such demand, the encroachments specified in the demand become subject to the provisions of Article 3 of this chapter."

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 9 to 47, inclusive, and insert in lieu thereof the following:

"SEC. 2. A new section is hereby added to Article 2 of Chapter 3 of Division I of the Streets and Highways Code, to be numbered 681, and to read as follows:

681. Whenever a franchise shall have been granted by any county or city in any public highway heretofore or hereafter constituted a State highway, all of the rights of the grantor under such franchise, including the right to collect and receive tolls, charges or payments thereunder other than the rights transferred to the department by section 680, are reserved to such county or city."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 395—An act to amend Chapter 286, Statutes of 1927, entitled "An act authorizing the Department of Finance to appropriate waters in connection with the utilization and conservation of the water resources of the State in the development of a general or coordinated plan; authorizing the State Department of Finance to release or assign such appropriations; authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the State," approved April 29,

1927, as amended, by amending section 1 thereof, relating to appropriation of waters by the State Department of Finance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 768.—An act to amend section 11 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927, relating to admissions to practice.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2420.—An act to provide for reduction of salaries of officers and employees of the State in the State civil service which are in excess of the maximum salary limits of the respective positions.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Civil Service, the following amendment to Assembly Bill No. 2420 was read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, strike out "and in effect from August 1, 1935" and insert in lieu thereof the following: "by the State Personnel Board."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1392.—An act to amend the title of, and to revise the act known as, the State Civil Service Act, relating to State civil service, including the adaptation thereof to Article XXIV of the State Constitution and the extension of certain of the provisions of the act to apply to officers and employees of the State who are not in the State civil service, declaring the urgency of this act and providing that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Civil Service, the following amendments to Assembly Bill No. 1392 were read and adopted:

Amendment No. 1.

On page 2, line 18, of the printed bill, as amended, after "(4).", insert the following: "(5), (6).".

Amendment No. 2.

On page 2, line 25, of the printed bill, as amended, after "office", and before the comma, insert the following: "and special agents and investigators appointed by the Attorney General".

Amendment No. 2-a.

On page 4, line 12, of the printed bill, as amended, after "trains", and before the period, insert the following: "and may designate one or more of its own members for such purpose".

Amendment No. 2-b.

On page 5, line 45, of the printed bill, as amended, after the semicolon, insert the following: "or who is addicted to the use of narcotic drugs".

Amendment No. 2-c.

On page 5, line 46, of the printed bill, as amended, strike out "crime", and insert in lieu thereof the following: "felony or misdemeanor involving moral turpitude".

Amendment No. 2-d.

On page 6, lines 10 and 11, of the printed bill, as amended, strike out "The board may establish separate eligible lists for various sections of the State and", and insert in lieu thereof the following: "For the purpose of securing a fair and equitable distribution of employment among the residents of the various parts of the

State, the board may divide the State into districts and establish rules and regulations governing eligible lists therefor and may establish a separate eligible list for each of such districts and may establish".

Amendment No. 2-e.

On page 6, line 18, of the printed bill, as amended, after "lists", insert the following: "in each district".

Amendment No. 3.

On page 6, line 52, of the printed bill, as amended, strike out "for reasons", and insert in lieu thereof a comma and the following: "the reasons therefor to be".

Amendment No. 4.

On page 7, line 36, of the printed bill, as amended, strike out the comma following "resignation", and insert in lieu thereof the following: "or".

Amendment No. 5.

On page 7, line 37, of the printed bill, as amended, strike out "or otherwise,".

Amendment No. 6.

On page 8, line 19, of the printed bill, as amended, after "reports", where said word first occurs in said line, insert the following: "or ratings".

Amendment No. 7.

On page 8 of the printed bill, as amended, between lines 44 and 45, insert the following:

"The board shall have general power to ascertain the methods of operation of any State department, board, institution, commission, agency or office and the duties of each position therein, for the purpose of making recommendations concerning such changes as will result in economy and increased efficiency in the conduct of the business of the State."

Amendment No. 8.

On page 11, line 4, of the printed bill, as amended, after "physical", insert the following: "or mental".

Amendment No. 9.

On page 11, line 15, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "the board, any member of the board or the executive officer of".

Amendment No. 10.

On page 11, line 28, of the printed bill, as amended, strike out "shall be suspended", and insert in lieu thereof the following: "may be suspended by the appointing power".

Amendment No. 11.

On page 11, line 51, of the printed bill, as amended, after "witnesses", insert the following: "for the accuser, and".

Amendment No. 12.

On page 12, line 31, of the printed bill, as amended, strike out "minor".

Amendment No. 13.

On page 13, line 35, of the printed bill, as amended, strike out "in", and insert in lieu thereof the following: "as between two or more such employees who have the same combined score, their respective efficiency ratings shall be considered and such employee or employees having the lowest efficiency rating or ratings shall be first laid off. In".

Amendment No. 14.

On page 18, line 10, of the printed bill, as amended, strike out "officer or employee (in the State civil service)", also strike out line 11; and in line 12, strike out "service)", and insert in lieu thereof the following: "person aggrieved".

Amendment No. 15.

On page 19, line 14, of the printed bill, as amended, strike out "97.", and insert in lieu thereof the following: "3."

Bill read second time, ordered to reprint, and on file for third reading.

Further Consideration of the Report Offered by the Joint Committee on Revenue and Taxation.

Senator Duval requested that the report which was printed in the previous day's Journal be read to the members of the Senate, and that each subdivision of the report be discussed separately.

The report was read, and each subdivision was discussed separately.

Motion.

Senator Swing moved the adoption of the report of the Special Joint Committee on Revenue and Taxation.

Substitute Motion.

Senator Olson moved, as a substitute motion for the motion made by Senator Swing, that the Special Joint Committee on Revenue and Taxation be extended a vote of thanks for their report, that the report be received and printed in the Journal, and that the committee be discharged.

Point of Order.

Senator Swing raised the point of order that, "The report had been received and printed in the Journal the previous legislative day, and the motion was therefore out of order."

Decision on Point of Order.

The President announced his decision, declared the point of order well taken, and the substitute motion, offered by Senator Olson, out of order.

Substitute Motion Withdrawn.

Consent granted. Senator Olson withdrew his previous substitute motion.

Substitute Motion.

Senator Olson thereupon offered the following substitute motion: that the report of the Special Joint Committee on Revenue and Taxation be acknowledged as received, printed in the Journal, and discussed by the Senate, that the committee be extended a vote of thanks for their report, and the effort required in the presentation at same.

Motion to Lay on Table.

Senator Rich moved that the substitute motion offered by Senator Olson be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Jespersen and Difani on the adoption of the motion to lay the substitute motion offered by Senator Olson, on the table.

The roll was called, and the motion to lay on the table adopted by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Edwards, Gordon, Hays, Knowland, McColl, McCormack, Metzger, Mixer, Parkman, Perry, Powers, Reed-dollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tieble, Wagy, Williams, and Young—28.

NOES—Senators Biggar, Jespersen, King, McGovern, Olson, Pierovich, and Schortky—7.

Substitute Motion.

Senator Swing moved, as a substitute for his previous original motion, that the report of the Special Joint Committee on Revenue and Taxation be approved; that the committee continue in existence until

discharged by action of the Senate; and that the committee continue to consider revenue and taxation measures, reporting to the Senate from time to time, until formally discharged by the Senate.

Previous Question Moved.

Senator Deuel moved the previous question.

Motion carried.

Ayes and Noes Demanded.

A roll call was demanded by Senators Swing, Young and Crittenden, on the substitute motion by Senator Swing, approving the report of the Special Joint Committee on Revenue and Taxation.

The roll was called, and the motion approving the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—30.

NOES—Senators Jespersen, McGovern, Olson, Pierovich, Schottky, and Seawell—6.

Notice of Motion to Reconsider.

Senator Seawell gave notice that on the next legislative day he would move to reconsider the vote by which the report of the Special Joint Committee was approved.

Recess.

On motion of Senator Rich, at five o'clock p.m., the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 16, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 533—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative corporations, who may organize, purpose and powers, distribution of benefits, and vote and consisting of sections 653.1 to 653.16;

Also: Senate Bill No. 263—An act to add section 6a to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to habit-forming, narcotic and other dangerous drugs;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 347—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the

investments, loans and borrowings of such associations, and their audits, statements and advertising. To create and maintain the files of the Loan Commissioner, provided for and under the 1944 Act, the State and the Commissioner and his assistants and employees are authorized to receive and by such associations, their directors, officers, agents, auditors, accountants, and by other persons and corporations, in general, File NY 1 in Part IV of Division I of the Code of Corporate Law of the State of 1911 and in the history thereof and supplemental thereto, Chapter 1 of the Statutes of 1917 and all other acts and parts of any statute, lawfully amended, on May 5, 1941, amended, by amending section 1307 of the Code of 1909, as amended, to read as follows: "1307. The Loan Commissioner shall maintain, by the filing of the same, the following records: 1307.1 relating to the collection and expenses of the 13.12 relating to payments received on deposits; 1307.2 relating to the 13.13 relating to the commission on payments; 1307.3 relating to the 13.14 relating to schedules of property and value on each year, made up by the 8.09 relating to deposits; 12.04 relating to the 13.15 relating to the 13.16 and 14.00 relating to liability for acts done or omitted in conformity with any regulation approved by the State Board of Finance and the Banking and Loan Commissioner, and reports that the same are made by the 13.17 and 13.18

METHYLLINE 475-0000

Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll

The roll was called, and the following answered to their names:

Senators Bigger, Fletcher, Keough, King, McGowan, Miller, Pugh, J. Rich, and Wags. 10

The Secretary announced the absentees

Time, eight o'clock and thirty-five minutes was

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate

Re-reference of Assembly Constitutional Amendment No. 62

Senator Young moved that Assembly Constitutional Amendment No. 62 be re-referred to Committee on Constitutional Amendments.

Motion carried, and such was the order.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SARAJEVO, MAY 15, 1997

MR. PRESIDENT: I am directed to inform your honorable body that the Association on this day adopted Assembly Concurrent Resolution No. 29, Relating to naming Will Rogers and Irvin S. Cobb to attend the session of the Assembly at California.

By FRED J. DESCH, Assistant Clerk

Consideration of Assembly Concurrent Resolution No. 39.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 39, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 39.

Inviting Will Rogers and Irvin S. Cobb to attend the session of Assembly of California.

WHEREAS, It has come to the attention of the Assembly of the State of California that two of the foremost authors and actors of our time will be in Sacramento, Friday, May 17, 1935, and for a week thereafter; and

WHEREAS, The Assembly has had the pleasure of receiving one of said authors at a previous time and has profited from his words: now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring. That we extend a heartfelt invitation to Will Rogers and Irvin S. Cobb to attend the session of the Assembly at a date convenient for them and to give it the benefit of their advice.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 39 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

NOES—None.

Assembly Concurrent Resolution No. 39 ordered transmitted to the Assembly.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 345—An act to amend section 3480d of the Political Code, relating to reclamation districts, declaring the urgency thereof and providing that this act shall take effect immediately.

The Senate took up for consideration Assembly amendments to Senate Bill No. 345.

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 2 to 11, inclusive, of the title, and insert in lieu thereof the following: "to reclamation districts, declaring the urgency thereof and providing that this act shall take effect immediately."

Amendment No. 2.

On page 2, line 46, of the printed bill, as amended, strike out "unto", and insert in lieu thereof the following: "to".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 345?

The roll was called, and Assembly amendments to Senate Bill No. 345 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Swing, Wagy, Williams, and Young—28.

NOES—None.

Senate Bill No. 345 ordered to enrollment.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator McColl:

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 611.6, 613, 738.5 and 957 of the Fish and Game Code, relating to fish.

Respectfully submitted.

SENATOR MCCOLL.

Request referred to Committee on Rules.

Consideration of Daily File. Third Reading of Senate Bills.

Senate Bill No. 535—An act to amend the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District', to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor, to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district, to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1913, as amended, and by adding three new sections to said act to be numbered sections 21, 22, and 23, relating to and providing for the government and control of said district by a board of directors, defining the powers and duties of said board and for the appointment of certain officers by said board, and dividing said district into five divisions for the election of a director from each of such divisions, and providing for the performance of certain duties by Los Angeles County officers for said district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 535 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCall, MacConnell, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Ransdell, Robt. Scherkey, Sharkey, Slater, Snyder, Swing, Wagz, Williams, and Young—32

NOES—None.

Title read and approved.

Senate Bill No. 535 ordered transmitted to the Assembly.

Senate Bill No. 15—An act to add a new section to the Penal Code, to be numbered 159b, relating to the solicitation of law business.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 15 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Edwards, Fletcher, Garrison, Gordon, Hulse, Jepsen, Keough, King, Knowland, McCall, MacConnell, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Ransdell, Robt. Scherkey, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagz, Williams, and Young—34

NOES—None.

Title read and approved.

Senate Bill No. 15 ordered transmitted to the Assembly.

Consideration of Special Order.

Consideration of Senate Bill No. 1090, heretofore set as a special order for eleven o'clock and thirty minutes a.m., at which time consideration was deferred, was declared in order by the President of the Senate.

Senate Bill No. 1090—An act to amend section 50 of the "State Housing Act," approved June 15, 1923, relating to the character and construction of fire escapes.

Bill read third time.

Amendments from the Floor.

During third reading of Senate Bill No. 1090, the following amendments, offered by Senator Young, were read:

Amendment No. 1.

On page 2 of the printed bill, strike out line 11, and insert in lieu thereof the following: "matic stairway or with an automatic ladder. Said automatic stairway or automatic ladder shall be so equipped".

Amendment No. 2.

On page 2, line 16, of the printed bill, after the word "stairway", insert the following: "or automatic ladder".

Amendment No. 3.

On page 2 of the printed bill, strike out line 17, and insert in lieu thereof the following: "to an iron frame connected therewith in such a manner that when released the automatic stairway or automatic ladder shall reach the ground or street and, if a stairway, shall be so arranged".

Amendment No. 4.

On page 2, line 19, of the printed bill, after the word "it", insert the following: "shall be inclined or it".

Ayes and Noes Demanded.

A roll call was demanded by Senators Reindollar, Young and McColl on the adoption of amendments submitted by Senator Young.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Deuel, Difani, Duval, Gordon, Hays, Hulse, Keough, McColl, Metzger, Olson, Rich, Scollan, Sharkey, Snyder, Wagy, Williams, and Young—17.

NOES—Senator Reindollar—1.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 534—An act relating to persons in private psychopathic institutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 534 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 534 ordered transmitted to the Assembly.

Senate Bill No. 77—An act to add section 3a to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health; defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of

California," approved June 12, 1915, relating to agreements between counties and deposits of funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 77 passed by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Difoni, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jepserson, Keough, King, Knowland, McCall, McGovern, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Readley, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Snow, Swing, Tucke, Wazy, and Williams—36.

NOES—None.

Title read and approved.

Senate Bill No. 77 ordered transmitted to the Assembly.

Senate Bill No. 471—An act to amend the Insurance Code by adding thereto a new chapter to Part 2 of Division 2 of said code and to re-numbered Chapter 13, relating to medical and hospital service insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 passed by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Difoni, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jepserson, Keough, King, Knowland, McCall, McGovern, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Readley, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Snow, Swing, Tucke, Wazy, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 471 ordered transmitted to the Assembly.

Senate Bill No. 483—An act to add a new chapter to the Insurance Code, to be numbered Chapter 13 of Part 2 of Division 2 thereof, relating to the voluntary mutualization of incorporated life insurers or life and disability insurers having a share capital and issuing nonassessable policies on a reserve basis.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 passed by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Difoni, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jepserson, Keough, King, Knowland, McCall, McGovern, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Readley, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Snow, Swing, Tucke, Wazy, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 483 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Bill No. 451—An act to add section 303 to the Penal Code, relating to alcoholic beverages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 451 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—36.

NOES—Senator Swing—1.

Title read and approved.

Assembly Bill No. 451 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and fifteen minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2172—An act to add section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2172 refused passage by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Hulse, King, McGovern, Mixer, Olson, Perry, Pierovich, Reindollar, Schottky, Scollan, Tickle, Williams, and Young—16.

NOES—Senators Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, Metzger, Parkman, Powers, Rich, Sharkey, Slater, Snyder, Stow, and Wagy—21.

Notice of Motion to Reconsider.

Senator Powers gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2172 was refused passage.

Assembly Bill No. 2406—An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to sessions of the superior court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2406 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—35.

NOES—Senator Tickle—1.

Title read and approved.

Assembly Bill No. 2406 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

Assembly Bill No. 879—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 879 passed by the following vote:

AYES: Senators Bigger, Crittenden, Donald, Hedford, Deval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jorgensen, Koenigs, King, Knudsen, McCull, McCormick, McGovern, Metzger, Mixer, Olson, Parham, Perry, Peterson, Powers, Remdollar, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wag, Williams, and Young—36.

NOES: None.

Title read and approved.

Assembly Bill No. 879 ordered transmitted to the Assembly.

Assembly Bill No. 29—An act to amend section 1057 of the Probate Code, relating to accounts of guardian.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 29 passed by the following vote:

AYES: Senators Bigger, Crittenden, Donald, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jorgensen, Koenigs, King, Knudsen, McCull, McCormick, McGovern, Metzger, Mixer, Olson, Parham, Perry, Peterson, Powers, Remdollar, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wag, Williams, and Young—35.

NOES: None.

Title read and approved.

Assembly Bill No. 29 ordered transmitted to the Assembly.

President Pro Tempore in the Chair.

At ten o'clock and thirty five minutes p. m., Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.

Assembly Bill No. 528—An act to amend sections 4750 and 4751 of the School Code, relating to the computation of average daily attendance of school districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 3. This measure is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and as such shall take effect immediately.

The reasons constituting such necessity are as follows:

Under School Code section 4751 as it now exists, whenever the records of a school district for any school year have been lost or destroyed or the average daily attendance thereof has been materially affected by a public calamity, the average daily attendance of the district is determined by adding to or subtracting from the average daily attendance of the district for the preceding school year the average yearly increase or decrease, as the case may be, for the next preceding three school years. In no case has the average daily attendance for any year in a district been decreased by the operation of the existing law. The attendance in practically every school district increases yearly. Under the existing law, if the attendance of a district is materially affected by a public calamity for two or more successive school years there is a pyramiding of the attendance computed under the present law. During the current school year 1934-1935 the school districts comprising one school system alone received about \$1,039,000 more from State funds than it would normally have been entitled to receive. This sum was taken from the general fund of the State. To prevent a recurrence of this situation during the next school year 1935-1936, which begins July 1, 1935, and thereafter, it is necessary that this measure take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—36.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 528 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 528 ordered transmitted to the Assembly.

Assembly Bill No. 1205—An act to add a new part to Division II of the School Code to be known as Part VI, relating to the formation, government, support, control, functions, maintenance, and administration of unified school districts created from elementary and high school districts, and of elementary, high school and junior college districts having coterminous boundaries and governing boards of identical personnel.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1205 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1205 ordered transmitted to the Assembly.

Minute Clerk Francis E. Dalin at the Desk.

Assembly Bill No. 1751—An act to amend section 4.923 of the School Code, relating to computation of pupils' attendance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1751 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1751 ordered transmitted to the Assembly.

Assembly Bill No. 490—An act to amend section 1857 of the Political Code, relating to absent voters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 490 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Dufail, Edwards, Fletcher, Garrison, Gordon, Hays, Huber, Jaspersen, Keough, King, Kneeland, MacCall, McCosmick, McGovern, Metzger, Meyer, Olson, Parkman, Parry, Pomeroy, Powers, Reindollar, Rich, Seollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—34.
NOES—None.

Title read and approved.

Assembly Bill No. 490 ordered transmitted to the Assembly.

Assembly Bill No. 286—An act to amend section 10 of an act entitled "An act to provide for and regulate municipal elections in the cities of the fifth and sixth class," approved May 27, 1919, relating to registrations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 286 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Dufail, Edwards, Fletcher, Garrison, Gordon, Hays, Huber, Jaspersen, Keough, King, Kneeland, MacCall, McCosmick, McGovern, Metzger, Meyer, Olson, Parkman, Parry, Pomeroy, Powers, Reindollar, Rich, Seollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—35.
NOES—None.

Title read and approved.

Assembly Bill No. 286 ordered transmitted to the Assembly.

Assembly Bill No. 1150—An act to amend section 4 of an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, relating to canvassing returns.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1150 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Dufail, Duvall, Edwards, Fletcher, Garrison, Gordon, Hays, Huber, Jaspersen, Keough, King, Kneeland, MacCall, McCosmick, McGovern, Metzger, Meyer, Olson, Parkman, Parry, Pomeroy, Powers, Reindollar, Rich, Seollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—36.
NOES—None.

Title read and approved.

Assembly Bill No. 1150 ordered transmitted to the Assembly.

Assembly Bill No. 2048—An act to amend the title and sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911 (Stats. 1911, Chap. 92), as amended, providing that evidences of indebtedness for wages must be payable upon demand and providing penalties for violation of the provisions thereof.

Amendments from the Floor.

During third reading of Assembly Bill No. 2048, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 1, line 8 of the title of the printed bill, as amended, after "demand", insert the following: "and issued against sufficient funds or credit to cover the same".

Amendment No. 2.

On page 1, line 5, of the printed bill, as amended, strike out "both paid and".

Amendment No. 3.

On page 1, line 6, of the printed bill, as amended, before the first word in the line, insert the following: "providing that such evidence of indebtedness must be issued against sufficient funds or credit to cover same".

Amendment No. 4.

On page 1, line 13, of the printed bill, as amended, before "memorandum", insert the following: "draft, note,".

Amendment No. 5.

On page 1, line 14, of the printed bill, as amended, strike out "both".

Amendment No. 6.

On page 1, line 15, of the printed bill, as amended, strike out "and paid".

Amendment No. 7.

On page 1, lines 16 and 17, of the printed bill, as amended, strike out "and no person, firm, association, or corporation", and insert in lieu thereof the following: "and the name and address of the drawee shall appear upon the face of the order, check, draft, note, memorandum, or other acknowledgment of indebtedness. At the time of the issuance of same the maker or drawer shall have sufficient funds in, or credit with, the bank or other drawee for the payment of same. Where such order, check, draft, note, memorandum, or other acknowledgment of indebtedness is protested or dishonored, on the ground of insufficiency of funds or credit, the notice or memorandum of protest or dishonor thereof shall be admissible as proof of presentation, nonpayment and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with such drawee.

The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other drawee for the payment of such order, check, draft, note, memorandum, or other acknowledgment of indebtedness.

No person, firm, association or corporation, or agent or officer thereof,".

Amendment No. 8.

On page 2, line 9, of the printed bill, as amended, strike out "; provided, however, that the", and insert in lieu thereof a period and the following: "The".

Amendment No. 9.

On page 2, line 16, of the printed bill, as amended, after the word "violate", insert the following: "or omit to comply with".

Amendment No. 10.

On page 2, line 23, of the printed bill, as amended, before the first word in the line, insert the following: "draft, note,".

Amendment No. 11.

On page 2, lines 24 and 25, of the printed bill, as amended, strike out "was dishonored if made payable at such latter place", and insert in lieu thereof the following: "is made payable".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 322 —An act to amend "An act to establish free employment bureaus under the control and management of the Commissioner of the Bureau of Labor Statistics, and making an appropriation therefor," approved May 17, 1915, by adding section 2a thereto, relating to free employment bureaus.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 322 passed by the following vote:

AYES. Senators Biggar, Crutcher, Deuel, DeWald, David, Edwards, Fletcher, Garrison, Hays, Hulse, Jernigan, Keating, Kinn, Kunkland, McCall, McGowan, McGovern, Metzger, Olson, Peterson, Perry, Peterson, Powers, Randall, Ray, Rich, Schottky, Seashan, Sharkey, Senter, Snyder, Stone, Tabor, Wagon, and Young—41.
NOES. None.

Title read and approved.

Assembly Bill No. 322 ordered transmitted to the Assembly.

Assembly Bill No. 1919—An act to add section 3a to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Amendments from the Floor.

During third reading of Assembly Bill No. 1919, the following amendments, offered by Senator Snyder, were read and adopted:

Amendment No. 1.

On page 2, line 29, of the printed bill, as amended May 14, 1935, strike out "first".

Amendment No. 2.

On page 2, line 33, of the printed bill, as amended, strike out "near".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 840—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands, and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and the levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial revenue and determination of the validity of the proceedings in connection with such contract, and to provide for construction of works by the district, to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and or the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof, approved May 5, 1917, as amended, by amending the title thereof and amending sections 1 and 11 thereof, relating to powers.

Amendments from the Floor.

During third reading of Assembly Bill No. 840, the following amendments, offered by Senator Metzger, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out the period at the end of the title, and insert in lieu thereof the following: "and adding a new section, to be numbered 6a, thereto."

Amendment No. 2.

On page 2, line 25, of the printed bill, as amended, after the semicolon, insert the following: "to declare that certain county water districts shall be deemed irrigation districts for the purpose of assessment of public lands of the United States";.

Amendment No. 3.

On page 3, line 4, of the printed bill, as amended, after the paragraph ending with the word "law.", insert the following:

"Sec. 3. A new section is hereby added to said act, as amended, to be numbered 6a and to read as follows:

Sec. 6a. All county water districts organized and existing under the County Water District Act of this State, as amended, which have heretofore executed or shall hereafter execute a contract or contracts with the United States for the construction of works, whether for irrigation, drainage, flood control or for the development of electric or other power or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States, are hereby declared to be and shall be deemed irrigation districts organized and created under the irrigation district laws of this State within the meaning of the act of Congress approved August 11, 1916, entitled 'An act to promote the reclamation of arid lands' and of the act of Congress approved May 15, 1922, entitled 'An act to provide for the application of the Reclamation Law to irrigation districts' and public lands of the United States within any such district shall be subject to assessment and taxation for all purposes of said district to the extent provided in said acts of Congress upon full compliance therewith by the district."

Amendment No. 4.

On page 3, line 5, of the printed bill, as amended, strike out the section number "3", and insert in lieu thereof the section number "4".

Bill read, ordered to reprint, and on file for third reading.

Senator Deuel in the Chair.

At eleven o'clock p.m., Senator Deuel of the sixth district was called to the chair.

Assembly Bill No. 99—An act to add a new section to the Code of Civil Procedure to be known as section 1872 thereof, relating to and providing for requiring persons bringing actions for damages for personal injuries to submit to an examination of their persons.

Amendments from the Floor.

During third reading of Assembly Bill No. 99, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 1, lines 2 and 3 of the title of the printed bill, as amended, strike out "relating to and providing for".

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, strike out "On", and insert in lieu thereof the following: "During".

Amendment No. 3.

On page 1, line 7, of the printed bill, as amended, strike out "therein", and insert in lieu thereof the following: "thereto".

Amendment No. 4.

On page 1, line 8, of the printed bill, as amended, strike out "of the person injured".

Amendment No. 5.

On page 1, line 9, of the printed bill, as amended, after "surgeons," insert the following: "of the person injured,".

Amendment No. 6.

On page 1, lines 13 and 14, of the printed bill, as amended, strike out the comma and "provided this act", and insert in lieu thereof a period and the following: "This section".

Amendment No. 7.

On page 1, lines 15 and 16, of the printed bill, as amended, strike out the period and "provided that", and insert in lieu thereof a comma and the following: "but".

Bill read, ordered to reprint, and on file for third reading.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers—reports that it has met a like committee of the Assembly, consisting of Assemblymen Frazier, Maloney, and Minard, and reports that the Committee on Free Conference has agreed

to recommend the following: That the Senate concur in the Assembly amendment and that the bill be further amended as follows:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 20 to 25, inclusive, and insert in lieu thereof the following:

"(1) That a document purporting to be not comply with the requirements for any license to it of a certificate of authority, or that the certificate of authority has been revoked;"

Amendment No. 2.

On page 14, line 28, of the printed bill, as amended, after the period, insert the following: "In addition to the fees specified or prescribed by law, and for the examination of such books and accounts, such books and accounts shall be examined at the time of the retirement from office of the commissioner. The expense of examining and exporting the books and accounts of the commissioner, as conservator or liquidator under this article or under Article 8, Chapter 2, Part 6 of Division 2 of this code shall be paid out of the insurance fund in the State Treasury and shall, when notice of the court or courts before which the proceedings under such accounts are pending, be paid or reimbursed to said insurance fund out of the assets of the estate administered by the commissioner as conservator or liquidator under this article or under Article 8, Chapter 2, Part 6 of Division 2 of this code."

McCOYMAC,
WILLIAMS,
DIFANI,

Senate Committee on Free Conference.

FRAZIER,
MINARD,
MALONEY,

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Denel, Difani, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Kewwood, McCall, McCracken, Metzger, Mixer, Olson, Parkman, Perry, Powers, Powers, Remick, Robt. Scottky, Sharkey, Slater, Snyder, Stow, Wagv, Williams, and Young—42.

NOES—None.

Senate Bill No. 472 ordered on file as unfinished business.

Unfinished Business—(Resumed).

Consideration of Assembly Amendment.

Senate Bill No. 96—An act to amend sections 1081, 1082, 1083, 1085, 1087, 1088, 1089, 1090, and 1091 of, and to add sections 1081.1, 1081.1, 1083.3 and 1083.5 to the Agricultural Code, relating to commercial feeding stuffs.

The Senate took up for consideration Assembly amendment to Senate Bill No. 96.

Amendment No. 1.

On page 2, line 34, of the printed bill, as amended in Senate April 11, 1935, strike out the word "manufacturers", and insert in lieu thereof the word "manufatures".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 96?

The roll was called, and Assembly amendment to Senate Bill No. 96 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Kewwood, McCall, McCracken, Metzger, Mixer, Olson, Parkman, Perry, Powers, Powers, Remick, Robt. Scottky, Scollan, Sharkey, Slater, Snyder, Stow, Wagv, and Young—33.

NOES—None.

Senate Bill No. 96 ordered to enrollment.

Senate Bill No. 58—An act to add section 3653.5 to the Political Code, relating to county assessors.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 58.

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, add an "s" to "assessor".

Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, strike out the comma after "assessor".

Amendment No. 3.

On page 1, line 11, of the printed bill, as amended, strike out "the" after "of", and insert in lieu thereof the following: "any".

Amendment No. 4.

On page 1, lines 12 and 13, of the printed bill, as amended, strike out "of any governmental or other taxing", and insert in lieu thereof the following: "property for any governmental".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 58?

The roll was called, and Assembly amendments to Senate Bill No. 58 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Wagy, and Young—31.

NOES—None.

Senate Bill No. 58 ordered to enrollment.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 43—Relative to memorializing Congress to furnish aid to the construction of check dams in the Salinas River Valley—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3; absent—2.

WAGY, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, May 15, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 95—An act to add sections 602, 602.5, 602.6 and 602.7 to the Streets and Highways Code, establishing additional secondary State highways—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 1042—An act to amend section 13 of the "Motor Vehicle Fuel License Tax Act," approved May 29, 1933, relating to the expenditure of funds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SALEM, ORE., May 15, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 847—An act to amend sections 31, 31a and 31b of "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to issue bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended. Committee membership—11; committee vote: Ayes—8; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 663—An act to amend the title and section 15 and to add section 22 to an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments and reassessments for the payment of such refunding bonds, to enforce the liens of such assessments, reassessments, to provide for the proceedings to test the validity of such refunding and reassessments, and to provide for contributions of public funds to assist in such refunding," approved June 5, 1933, relating to the refunding of bonds payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—2.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 665—An act to amend an act originally entitled "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund the indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1927, and the title of which was amended by act approved May 26, 1927, to read as follows: "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund indebtedness thereof, or of any department, board or agency thereof, and to issue bonds therefor and to provide for the payment of the same," by amending sections 1, 2 and 3 thereof relating to refunding bonds and to the use of Federal courts in municipal bankruptcy or refunding proceedings—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 662—An act to provide for the refunding of bonds issued under the "Improvement Bond Act of 1915" and for the levy of reassessments and the extension of liens of assessments and the collection and enforcement of such assessments and reassessments and the payment of said bonds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 667—An act to provide for the refunding of bonds issued under an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities, for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of such improvements," approved April 20, 1915, and bonds issued under the Municipal Improvement District Act of 1927, and providing procedure therefor—has had the same under con-

sideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1236—An act to amend an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, by amending the title and sections 1, 2 and 3 thereof, relating to bonds to be purchased and the use of the funds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 823—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, as amended, by amending section 862 of, and to add sections 862.1 to 862.6, inclusive, to the act, relating to the powers of sixth class cities—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 1107—An act to amend the title and sections 1, 2, 3, 4 and 5 of, and to add section 6 to, an act entitled "An act to authorize municipal corporations to issue bonds for the purpose of investing the proceeds arising from the sale thereof in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired, declaring the urgency hereof and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 541—An act to amend section 9 of an act entitled "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, relating to city owned bonds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 397—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 427—An act authorizing the legislative body of a municipality to vacate, abandon and close any public street, highway, road, boulevard, avenue, alley, way, lane, court or place, or any part thereof, either to the whole extent of the public right therein or to any partial extent, and prescribing a procedure therefor—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 384—An act for the relief of special assessment districts and for the adjustment, refunding or liquidation of the bonded indebtedness of such districts, and for the purpose of compensating existing owners of such districts, to adjust, refund or cancel said indebtedness and to make conformable to such districts the provisions of the Federal Bankruptcy Laws and any and all laws of the State of California for the relief of special assessment districts, and to declare the urgency of this act to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 2434—An act to amend the Los Angeles County Flood Control Act by adding thereto a new section to be numbered 10, relating to compliance with requirements of the United States of any department or agency thereof, in the performance of public work funded in whole or in part from Federal funds, and declaring the urgency thereof, the act to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 50—An act to add section 5.5 to an act entitled "An act to provide for the formation, powers, government, operation, and dissolution of garbage disposal districts to facilitate the disposal of garbage and other refuse matter, and increasing thereof, and to provide for the assessment, levy, collection, and disbursement of taxes thereon," approved April 20, 1927, relating to authority for collection and disposal of garbage—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 825—An act to provide for the regulation of sewer districts within counties, cities and counties and municipalities for the inspection or construction of sanitary sewage works or improvements for the inspection and payment of bonds of such districts, for the assessment, collection, distribution and operation of such improvements, and for the levy, collecting and distribution of revenues, rates and charges for the use of the sewage works or improvements—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 265—An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to terms of the said act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, MAY 16, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 2431—An act to prohibit marathons, migration races, walkathons, skatathons, and other mental and physical endurance contests and

prescribing penalties for the violation thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

(Signed out)

DIFANI, Chairman.
MIXTER.
PARKMAN.
McGOVERN.
TICKLE.
YOUNG.
WILLIAMS.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 70—An act to add section 3757 to the Political Code providing for the rejection of all fractions of a cent by auditors and tax collectors when computing taxes, penalties for delinquencies or interest and percentages on redemption;

Also: Assembly Bill No. 1129 -An act amending section 3897 of the Political Code, relating to the procedure for the sale of property devoted to the State in payment of delinquent taxes, if not otherwise disposed of under section 3897a or section 3897b of the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1264 -An act to add a new section to the Political Code of the State of California, to be numbered 3719, authorizing the temporary borrowing of money by counties, cities and school districts upon the credit of revenue in course of collection, and the issuing of tax anticipation notes or warrants as evidence of such indebtedness;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—11; absent—2.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to the Committee on Finance.

Committee membership—13; committee vote: Ayes—11; absent—2.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 285—An act to provide, in accordance with the provisions of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," for the allocation and apportionment of balances in the "Fair and exposition fund," approved June 5, 1933, for the benefit of State institutions of learning providing vocational training in agriculture, animal husbandry and kindred subjects—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

On Oil Industries.

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Senate Bill No. 780—An act to amend the title and sections 2, 3, 4, 5, 6 and 7 of an act entitled "An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil illegally produced and of gasoline, distillate, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded in whole or in part, from crude petroleum oil or gas illegally produced; providing for certificates to be filed with the State Superintendent of Weights and Measures, Department of Agriculture, at the time of bringing into this State of any crude

petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to be paid therefor, and prescribing penalties for violation of this act," approved June 5, 1933, and to provide for the succession to the duties, powers and funds then under of the Division of Weights and Measures of the State Department of Agriculture, by the State Board of Equalization.

Also, Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil, regulating the distribution and sale of such products; defining the powers and duties in relation thereto, of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, those persons and those officers, defining 'gasoline' and prescribing specifications for products and oil offered for sale as 'gasoline', prescribing penalties for the violation of the provisions hereof, and repealing acts and parts of acts inconsistent herewith," approved June 5, 1933, as amended, and to provide for the succession to the duties, powers and funds then under of the Division of Weights and Measures of the Department of Agriculture, by the State Board of Equalization.

Also, Senate Bill No. 782—An act to repeal an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline, distillate, and lubricating oil, regulating the distribution and sale of such products, defining the powers and duties of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized thereof in relation thereto, prescribing penalties for the violation of the provisions hereof, repealing acts and parts of acts inconsistent herewith, and making an appropriation to carry out the provisions of this act," approved June 5, 1933. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote, Ayes—7, nays—2.

STOW, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, MAY 15, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 251—An act to amend sections 3, 5, 10, 12, 13 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, coming in horse racing—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Revenue and Taxation.

Committee membership—14; committee vote, Ayes—11, nays—3.

SWING, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, MAY 16, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 728—An act to amend sections 11, 12, 18, 19, 20, 23, 29, 31 and 39 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, relating to compensation, awards, proceedings, jurisdiction and insurance under the Workmen's Compensation Act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote, Ayes—7, absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1300—An act to regulate the location, construction, occupancy and operation of hat cleaning and blocking establishments, or agencies thereof, and private schools and colleges of hat cleaning and blocking; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement; and providing penalties for violations—has had the same under consideration, and

respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1363—An act to amend section 1530 of the Insurance Code and to add section 1281a to Article 1, Chapter 3, Part 2, Division 7 thereof, relating to reciprocal or interinsurance exchanges—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; noes—1; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 943—An act to amend the title and sections of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, relating to workmen's compensation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 312—An act to amend section 2 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, relating to the duties of the State Fire Marshal—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—17; absent—2.

SHARKEY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1106—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately;

Also: Senate Bill No. 1081—An act making an appropriation to renovate certain portions of the State Capitol Building;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—17; absent—2.

SHARKEY, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 713—An act to amend section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts

of nets in conflict herewith," approved June 9, 1933, but suspended, relating to employ labor, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; Nays—1.

REINHOLLAR, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, MAY 17, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 287—An act to amend the legislation of labor of that committee for certain trades and industries within this State, to amend the existing laws, and to provide that this act shall take effect immediately.

Also: Senate Bill No. 1068—An act to amend sections 7444 of the Code of Civil Procedure, relating to condemnation;

Has had the same under consideration, and respectfully reports the same back, with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—14; committee vote: Ayes—14.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 643—An act to add sections 7447 to the Code of Civil Procedure, relating to damages in connection with fraud and deceit, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—14.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2411—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the county of Contra Costa, State of California;

Also: Assembly Bill No. 1857—An act to amend sections 270 and 271 of the Code of Civil Procedure, relating to the perpetration, dissemination and communication of phonographic reporters;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—14.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2292—An act to amend sections 18 and 20 of the California Business Law, relating to restrictions upon barber shops or saloons in this State;

Also: Assembly Bill No. 2122—An act to postpone proceedings to enforce the lien, or any guaranty in connection therewith, arising out of the levy of any special assessment or special assessment tax, or arising out of the levying of any special assessment bond, or ad valorem district bonds or direct assessment district bonds, levied or issued to pay the cost of the maintenance or construction of canals, for public purposes, declaring the urgency thereof, and providing that it shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—9; Nays—5.

SWING, Chairman.

Adjournment.

On motion of Senator Rich, at eleven o'clock and fifteen minutes p.m., Senator Deuel, in the chair, declared the Senate adjourned, until nine o'clock and thirty minutes a.m., Friday, May 17, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, May 17, 1935.

The Senate met at nine o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators—Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Thursday, May 16, 1935, the further reading was dispensed with, on motion of Senator McCormack.

Leaves of Absence.

Senator Difani was, on motion of Senator Tickle, granted leave of absence for this day.

Senator McGuinness was, on motion of Senator Keough, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

As a guest of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Samuel McNabb.

On request of Senator Edwards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fred Rowland, Mrs. Cora Stephenson, Mrs. C. C. Fuller, and Mrs. Susan Rutherford of Santa Ana.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. F. V. Custer, instructor, Castlemont High School, and the following students: Earl Akin, Horace Below, Jack Bishop, Bill Branin, Helen Brown, James Brown, Anna Dare Buckley, Ursula Burr, Dorothea Cannon, Barbara Cook, Bernice Craig, Jean Dickson, Roberta Doty, Quaintance Davidson, Blanche Dildine, Jean Dildine, Margaret Doyle, Tom Dudley, Maxine Everson, Winnifred Gaff, Marjorie Hallert, Lillian Heiduska, Marymelda Hoffmaster, Robert Hubbard, Jack Jones, Fred Kapp, Robert Keller, Clifford Kendall, Don Kiernan, Betty Larson, Winnifred Lewis, Cleo Lyon, Clarice Machado, Tom McGovern, Melvin Miller, Mary Moffatt, Winifred Molitor, Thomas Morgan, Nora Moser, Edward Nyberg, Robert Perez, Otis Platt, Jean Reay, Maxine Ricker, Violet Robello, Howard Schetter, Ernest Stones, Sylvia Sparr, Jeanne Tappan, Marion Thomas, and Frances Van O'eyen.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. John R. Quinn of Los Angeles.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Samuel R. Yoho of San Francisco, Mr. Ernest L. Finley of Santa Rosa, Mr. Chas. P. Scott, county treasurer, Santa Rosa; Mr. Olney G. Pedigo, county auditor, Santa Rosa; and Howard Knight, chairman, board of supervisors, Sonoma County.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. I. M. Peekham of San Francisco, and Mrs. K. M. Whitman of San Francisco.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George L. Schofield of San Diego.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. David Alexander Craig and John Craig of Paris, France.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Warricken, and Miss Doran, teachers, and the following members of the graduating class of the Fruit Ridge School: Mildred Abner, Elsie Allen, Katherine Ban, Earlyne Barkhurst, Marcella Bonas, Betty Byrne, Phyllis Camomile, Alice Cole, Mary Flynn, Jane Fruits, Doreas Dudson, Lorraine Garibaldi, Evelyn Jacobson, Anita King, Cara Louise King, Doris Kelley, Vona Keyes, June Lausten, Marie Monchosa, Ester Moroni, Louise Paethal, Ernestine Rogers, Jewel Rogers, Annie Segeiff, Dona Slaughter, Helen Vartanian, Lorraine Vennewitz, Mildred Vennewitz, Margaret Bates, Lucille Young, Phillip Armo, George Ball, Frank Caselli, Buddy Daley, Donald Gorton, James Hadden, Jack Hume, Luis Layola, Shigeru Muraoka, Arthur Nicholas, William Rivett, George Santieh, Loring Seidner, Lawrence Seidner, Clifford Smith, Clifford Strapp, Richard Williams, Walter Wilson, Jack Young, Adolph Zastera, and Mervin Zantgraph.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. B. O. Wilson, county superintendent of schools of Contra Costa County, Miss Juanita Wilson and Miss Betty Kemp of Martinez.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. A. McMillin of Sutter County, and Mr. Horace Thomas of Marysville.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senator Healy of Denver, State Senator of Colorado.

Resolution.

The following resolution was offered:

By Senator Tickle:

Cost of Medical and Hospital Care.

WHEREAS, The development of more adequate health services at rates within reasonable reach of self-supporting individuals and families of small and moderate incomes is essential to promote the comfort, health, safety, economic security and general welfare of the people of the State of California; and,

WHEREAS, The committee appointed by the Senate April 19, 1933, composed of Senators Williams, Tickle, Difani and its Coordinator Secretary, Dr. Celestine J. Sullivan, have performed a distinguished public service by devoting two years of disinterested and arduous work at their own expense to the study of health insurance and the investigation of the high cost of sickness and the preparation of a very valuable report published in the Senate Daily Journal, April 12, 1935; and,

WHEREAS, The useful data assembled by the committee show the complexity and magnitude of the questions involved and the fundamental importance of vital underlying problems which affect the life of the commonwealth to such an extent that further study is deemed desirable in order that laws passed by this session or previous sessions of the California Legislature, relating to medical care, may be revised to suit changed conditions and made to conform to reasonable amounts which the taxpaying public can afford; now, therefore, be it

Resolved, That a committee of five members of the Senate be appointed by the President of the Senate to continue the study of present methods of medical and hospital care and the economic order under which they operate and the practical application of such laws as now exist or be adopted at the fifty-first session of the California Legislature so that accurate and up-to-date information may be available for the 1937 session of the Legislature; and be it further

Resolved, That said committee shall proceed to organize by the election of one of its members as chairman and by the selection of a coordinator secretary and the adoption of such rules as it shall deem necessary or advisable to enable it to carry into full force and effect the duties herein imposed; and be it further

Resolved, That said committee is authorized to hold public hearings at any place in the State of California at which hearings the people shall have opportunity to present their views to the committee; and be it further

Resolved, That said committee is hereby authorized and empowered to do all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of records, books, agreements, contracts, fee schedules, documents and papers of every kind; to issue subpoenas and to compel attendance of witnesses and to procure testimony. Each of the members of said committee and the coordinator secretary chosen by the committee is hereby authorized to administer oaths and all the provisions of Article VIII, of Chapter II, Title I, Part III of the Political Code of the State, relative to the attendance and assemblage of witnesses before the Legislature and committees thereof and during the interval between sessions; and be it further

Resolved, That the committee in order to make a comprehensive investigation of the problem, may accept donations from philanthropic persons, foundations and others interested in the study and investigation and shall expend such donations in carrying out the purposes hereof; and be it further

Resolved, That said committee shall report and make recommendations to the fifty-second session of the Legislature during the session commencing in January, 1937, before the constitutional recess thereof.

A. L. PIEROVICH.
JOHN B. MCCOLL.
HAROLD J. POWERS.
HARRY L. PARKMAN.
HENRY MCGUINNESS.
D. JACK METZGER.
WILLIAM F. KNOWLAND.
FRANK L. GORDON.
BEN HULSE.
JERROLD L. SEAWELL.
BERT B. SNYDER.
HARRY A. PERRY.
GEORGE M. BIGGAR.
J. I. WAGY.
NELSON T. EDWARDS.
ANDREW R. SCHOTTKY.
CHARLES H. DEUEL.
THOMAS P. SCOLLAN.
CHARLES KING.

ED FLETCHER.
EDGAR W. STOW.
EDWARD H. TICKLE.
CULBERT L. OLSON.
CHARLES F. REINDOLLAR.
B. S. CRITTENDEN.
WILL R. SHARKEY.
L. J. DIFANI.
J. C. GARRISON.
SANBORN YOUNG.
RAY W. HAYS.
FRANK W. MINTER.
HERBERT W. SLATER.
THOMAS MCCORMACK.
KARL P. KEOUGH.
RALPH E. SWING.
CHRIS N. JESPERSEN.
W. P. RICH.
WALTER H. DUVAL.

Resolution read, and on motion of Senator Tickle adopted.

Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Tickle, Difani, Knowland, Williams, and Pierovich.

Resolution.

The following resolution was offered:

By Senate Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$350 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

KING, Chairman.

Resolution read.

The question being on the adoption of the resolution.

Assembly Bill No. 313 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1398 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1586 read first time, and referred to Committee on Insurance.

Assembly Bill No. 2021 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 71—An act relating to the disciplining or discharging any employee upon a report by a special agent, detective or so-called spotter, and repealing an act relating to the same subject;

Also: Assembly Bill No. 1279—An act to add section 3366a to the Political Code, relating to license taxes.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 71 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1279 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1426—An act to amend section 3820 of the Political Code, relating to assessor to collect taxes not secured by real property;

Also: Assembly Bill No. 1816—An act to amend sections 19 and 20 of the "State Liquor Control Act," approved June 3, 1933, relating to licenses;

Also: Assembly Bill No. 2218—An act to amend section 484 of the Penal Code, relating to thefts and fraud;

Also: Assembly Bill No. 2219—An act to amend section 1 of an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, relating to property as a substitute for a bond;

Also: Assembly Bill No. 2408—An act to add a new section to the Code of Civil Procedure to be numbered 3494, relating to the limitation of the time within which actions, for trespass, use or occupancy of real property by oil or gas wells, and for damages by reason thereof, and for the conversion or for the taking or removing of oil, gas or other liquid or fluids by means of any such well, may be commenced, fixing the measure of damages in certain of such cases, and defining oil and gas for the purposes of this act.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1426 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1816 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 2218 and 2219 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2408 read first time, and referred to Committee on Oil Industries.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 606—An act to add a new section to the Political Code, to be numbered 2699, authorizing boards of supervisors to temporarily close any public highway, road, street, avenue, alley, lane or place for exposition purposes;

Also: Assembly Bill No. 732—An act to amend section 2280 of the Civil Code, relating to trusts;

Also: Assembly Bill No. 943—An act to amend section 688 of the Political Code relating to claims against the State of California in respect to damages inflicted to vehicles;

Also: Assembly Bill No. 1067—An act to amend section 1007 of the Civil Code relating to title by prescription and adverse possession against the State, counties, cities and counties or municipal corporations (Chapter 5);

Also: Assembly Bill No. 1167—An act authorizing the Director of Finance to provide for the sale of certain lands situated in county of Yuba, State of California;

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 606 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 732, 943 and 1067 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1167 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 142—An act to amend section 32 of the Penal Code, relating to the definition of an accessory;

Also: Assembly Bill No. 294—An act to amend section 403 of the Vehicle Code, relating to liability for injuries of guests;

Also: Assembly Bill No. 487—An act to amend section 692 of, and to add a new section to be numbered 692a to the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust;

Also: Assembly Bill No. 315—An act to amend section 284 of the Code of Civil Procedure, relating to substitution of attorneys and fees of same;

Also: Assembly Bill No. 604—An act to add a new section to the Political Code, to be numbered 4052d, authorizing boards of supervisors to grant temporary use, possession, management and control of public parks for exposition and fair purposes.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 142 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 294 read first time, and referred to Committee on Motor Vehicles.

Assembly Bills Nos. 487 and 315 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 604 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 239—An act providing for contracts for fire protection between county fire protection districts and municipalities and relating to liability in connection therewith;

Also: Senate Bill No. 1080—An act to add section 798.7 to the Fish and Game Code, relating to abalones.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 239 and 1080 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1067—An act to amend sections 5 and 24 of Chapter 690, Statutes of 1913, entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the Direct Primary Law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said Direct Primary Law, and also to repeal all other acts or

parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of State central committees and county central committees;

Also: Senate Bill No. 1087—An act to amend section 870 of the Agricultural Code, relating to the standardization of canned foods;

Also: Senate Bill No. 1089—An act to amend section 19x23 of the Juvenile Court Law, relating to the probation officer.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 1067, 1087 and 1089 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 485—An act to amend sections 12350, 12352, 12353, 12355, 12356, and 12357 of the Insurance Code, relating to title insurers;

Also: Senate Bill No. 662—An act to add a new section to the Penal Code to be numbered 597b, relating to cruelty to animals;

Also: Senate Bill No. 697—An act to amend section 2 of the "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, as amended, relating to the operation and maintenance of certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District;

Also: Senate Bill No. 886—An act to add two new sections to the School Code to be numbered 6.223 and 6.224, relating to the sale of property of a school district, declaring the urgency thereof, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 485, 662, 697 and 886 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases;

Also: Senate Bill No. 320—An act to amend section 11 of and to add a new section to be numbered section 12 to an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874, relating to the compensation and powers of officers of said district;

Also: Senate Bill No. 475—An act to amend sections 970, 972 and 974 of the Insurance Code, relating to security for the payment of taxes and other obligations of insurers;

Also: Senate Bill No. 479—An act to amend section 10482 of the Insurance Code, relating to valuation of life policies.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 71, 320, 475 and 479 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference concerning Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes—Assemblymen Lyon, Burns and Johnson.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 509—An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof;

Also: Assembly Bill No. 2383—An act to prohibit and declare void certain contracts, conditions, agreements and understandings in connection with the sale or contract to sell motor vehicles by manufacturers or wholesale distributors thereof, and prohibiting the giving or payment of any thing or service of value by any manufacturer or wholesale distributor of motor vehicles to any one engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles, and the acceptance or receipt thereof by any such person when competition in the business of financing the purchase

or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles may be obtained or obtained or a mortgage created or intended to be created, and prohibiting from doing business in this State any individual in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles who are exempt or receives any thing or service of value from any manufacturer or wholesaler, distributor of motor vehicles, and prescribing penalties, forfeitures, and remedies for the violation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESER, Assistant Clerk.

The Senate Bills in following messages from the Assembly were ordered on file as unfinished business:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 743—An act to amend section 498 of the Political Code, relating to the duties of the Secretary of State, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 749—An act to amend the Vehicle Code by amending sections 141, 147, 150, 151, 152, 160, 161, 167, 184, 186, 205, 206, 207, 211, 215, 230, 252, 275, 276, 278, 282, and 283, by adding section 234, relating to vehicles.

Also: Senate Bill No. 670—An act to amend the Insurance Code by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new Chapter 8 to Part 2 of Division 2, thereof, comprising sections 10810 to 10819, inclusive, and by repealing section 1700 thereof, all relating to life insurance, particularly policies and business, and matters connected therewith by inserting therein 114 amendments.

Also: Senate Bill No. 585—An act to amend section 2609 of the Political Code, relating to the assessment of property by the State Board of Equalization, and to provide that this act shall take effect immediately.

Also: Senate Bill No. 450—An act to repeal Chapter 9 of Part 2 of Division 2 of the Insurance Code, and to add a new Chapter 9, comprising sections 10810 to 10910, inclusive, to Part 2 of Division 2 of the Insurance Code, relating to business transacting life and disability insurance on the separated premium plan with provision for assessment;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 742—An act to amend section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animals, chattels, mining equipment and machinery, and bailment or foster agreements relating to live stock and other animals, chattels, and prescribing rights and remedies in connection therewith.

Also: Senate Bill No. 742—An act to amend section 2984 of the Civil Code, relating to mortgages in general and providing for the recording of certain subordination agreements and waivers relating to mortgages of, liens upon and interests in personal property;

Also: Senate Bill No. 741—An act to amend sections 2955, 2956, 2957, 2962, 2965 and 2966; and to repeal section 2959 of the Civil Code, and to add to said code new sections numbered 2959a, 2974, 2975, 2976, 2977 and 2978, relating to mortgages of personal property, and including provisions for the continuity of the liens thereof, the securing of additional advances and obligations thereunder, mortgaging of natural increase of live stock and other animate chattels, and of after acquired and consumable property, and providing for the recording of floating mortgages and the inclusion of the provisions thereof in other mortgages by reference, and constructive notice of such mortgages by the recording thereof;

Also: Senate Bill No. 748—An act to amend sections 4130 and 4140 of the Political Code, relating to county recorders, their duties and penalty for neglect thereof or for misconduct;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 750—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State;

Also: Senate Bill No. 751—An act to amend section 4300c of the Political Code, relating to the fees of county recorders;

Also: Senate Bill No. 1007—An act to amend section 994 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to capri figs and their diseases, the elimination of fig endosepsis, and authorizing boards of supervisors to accept donations for the enforcement of the provisions of said sections;

Also: Senate Bill No. 586—An act to amend section 3063a of the Political Code, relating to the assessment of property by the State Board of Equalization and to provide that this act shall take effect immediately;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 37—An act providing for the creation, organization, and government of joint districts composed of two or more counties, and of districts composed of a single county, for the purpose of maintaining joint county road camps and providing that persons confined in the county jail of any such county under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public work or public highways in any of such counties;

Also: Senate Bill No. 116—An act to amend section 1125 of the Code of Civil Procedure, relating to costs in election contests;

Also: Senate Bill No. 230—An act to add a new article to Chapter II of Part I of Division II of the School Code, to be known as Article X, relating to the inclusion of Indian reservations of the United States Government in elementary school districts;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 237—An act to amend section 487 of, to add section 641 to, and to amend section 493 of, the Streets and Highways Code, relating to State highways—and reports that the same has been correctly re-engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1106—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately;

Also: Senate Bill No. 642—An act to add section 21.4 to the Fish and Game Code, relating to damages for destruction of fish and game;

Also: Senate Bill No. 884—An act to add section 321.5 to the Agricultural Code, relating to meat inspection;

And reports that the same have been correctly engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 21—Relative to exemption from taxation of bonds issued by governmental agencies and memorializing the President and Congress of the United States to take immediate steps for the termination of the exemption of such securities from taxation—and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 17, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 19, Relative to reconstituting the Secretary of State of the United States to maintain the present tariff rate on barley and barley malt imports.

Also: Senate Bill No. 187—An act to validate the organization and existence of municipal improvement districts.

Also: Senate Bill No. 439—An act to amend sections 3727 and 3728 of the Political Code, relating to the entering of copies and foreclosures in the assessment book and the preparation of duplicate statistical statements of assessments.

Also: Senate Bill No. 588—An act providing for the exemption from taxation of personal property brought within the State of California exclusively for purposes of use, display or exhibition at expositions, fairs, carnivals or public exhibits of literary, scientific, educational, religious or artistic works, and for claim of exemption.

Also: Senate Bill No. 762—An act granting to the City of Pacific Grove the title to certain portions of the water front of said city together with certain submerged lands in the bay of Monterey contiguous thereto.

Also: Senate Bill No. 763—An act to remove the debris and snags from the Sacramento River between Chico Landing and the sand bar navigation near Red Bluff, to provide a survey for the work required to provide for the forwarding of necessary funds therefor by the Federal Emergency Administration of Public Works, and to provide for the conduct of the necessary work by the State Emergency Relief Administration;

And reports that the same have been correctly enrolled and presented to the Governor on the sixteenth day of May, 1935, at five o'clock p.m.

WILLIAMS, Vice-Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 770—An act to amend sections 1, 2, 3, 4, 6, and 19 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions, and reports that the same has been correctly enrolled and presented to the Governor on the sixteenth day of May, 1935, at five o'clock p.m.

WILLIAMS, Vice-Chairman.

Introduction, First Reading and Reference of Bills.

By Senator Crittenden: Senate Constitutional Amendment No. 25—Relative to issuance and sale of State bonds.

Senate Constitutional Amendment No. 25 referred to Committee on Revenue and Taxation.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 686—An act relating to the redemption and sale of property sold to a county treasurer, as trustee of a reclamation district or of the bond fund, or to a reclamation district for delinquent assessments and installments thereof.

The Senate took up for consideration Assembly amendments to Senate Bill No. 686.

Amendment No. 1.

On page 2, line 21, of the printed bill, strike out "(a)".

Amendment No. 2.

On page 2, line 25, of the printed bill, strike out "(b)", and insert in lieu thereof the following: "(a)".

Amendment No. 3.

On page 2, line 28, of the printed bill, strike out "(c)", and insert in lieu thereof the following: "(b)".

Amendment No. 4.

On page 2, line 30, of the printed bill, strike out "(d)", and insert in lieu thereof the following: "(c)".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 686?

The roll was called, and Assembly amendments to Senate Bill No. 686 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Fletcher, Hays, Hulac, Jespersen, Keough, McCall, McCormack, McGovern, Mixer, Olson, Perry, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, and Young—25.

NOES—None.

Senate Bill No. 686 ordered to enrollment.

Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 353.

Amendment No. 1.

On page 13 of the printed bill, as amended in Assembly May 1, 1935, after line 26, in section 13, add a new subdivision to be numbered "6", to read as follows: "Nothing in this act contained shall apply to common carriers subject to the Railroad Commission or the Interstate Commerce Commission."

Amendment No. 2.

On page 15 of the printed bill, as amended, in section 16, after subdivision "(d)" thereof, add a new subdivision to be entitled "(e)", as follows: "(e) nothing contained in this act shall prohibit the voluntary donation or contribution of agricultural products for charitable purposes nor to prohibit the barter or exchange of such products for human labor."

Amendment No. 3.

On page 14, line 5, of the printed bill, as amended, strike out the words "powers of a peace officer for the purpose of enforcing", and insert in lieu thereof the following: "power to carry out and enforce the provisions of".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 353?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 353 by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Hays, Jaspersen, Keough, McCall, McCormack, McGovern, Metzger, Mixer, Olson, Parkerson, Schottky, Seidlitz, Sewall, Shattuck, Sizer, Werry, and Young—24.

Assembly requested to recede and Senate Bill No. 584 ordered on file as unfinished business.

Senate Bill No. 584—An act to add a new section to the Political Code to be known as section 3663d, relating to the assessment of property by the State Board of Equalization and the allocation of the assessed value of such property to the various taxing jurisdictions of the State and to provide that this act shall take effect immediately.

Consideration of Assembly Amendments

The Senate took up for consideration Assembly amendments to Senate Bill No. 584.

Amendment No. 1.

On page 1, in the last line of the title of the printed bill, after the word "State", add the following: "and to provide that this act shall take effect immediately."

Amendment No. 2.

Strike out all of lines 3 to 13, both inclusive, of the printed bill, and insert in lieu thereof the following:

"3663d. In assessing property pursuant to section 3663 of this title the State Board of Equalization shall determine and assess as one amount, under the average amount of rolling stock which is ordinarily in this State. The amount of rolling stock located in any county, city and county, city or district of this State shall be determined by the average amount of such rolling stock which is ordinarily in said county, city and county, city or district.

The average amount of rolling stock ordinarily in this State and in any county, city and county, city or district of this State shall be determined upon the basis of car mileage, truck mileage or such other factors or combination thereof as are reasonably calculated to establish the basis of such rolling stock.

The term "rolling stock" means cars, engines or other equipment owned or designed for operation on rails, and includes motor vehicles when not operated between fixed termini or over a regular route.

The words "between fixed termini or over a regular route" mean terminal or route between or over which rolling stock is assessed on a regularly scheduled run though there may be departures from said termini or route whether such departures be periodic or irregular.

SEC. 2. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency:

In 1933 amendments to the Constitution were adopted by the people substantially changing the tax system of the State. These amendments provided among other things that properties of certain companies formerly taxed exclusively for State purposes should on and after January 1, 1935, be assessed by the State Board of Equalization and be subject to taxation to the same extent and in the same manner as other property. Unless such properties are assessed and taxed as required by the Constitution the revenue system of the State and its political subdivisions will be disrupted and the orderly functioning of government will be seriously impaired.

Among the properties so required to be assessed by said board are large amounts of rolling stock. The present law relating to the assessment of such rolling stock is ambiguous and inconsistent in many respects. Since said board must complete its work of assessment and equalization as of its current assessment date prior to a date which will be ninety days after the adjournment of the present session of the Legislature, it is essential that this act take effect immediately in order to make certain that such properties will be assessed and taxed as required by the Constitution."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 584?

The roll was called, and Assembly amendments to Senate Bill No. 584 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Hays, Hulse, Jaspersen, Keough, McCormack, McGovern, Metzger, Mixer, Olson, Park-

man, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—30.

NOES—None.

Senate Bill No. 584 ordered to enrollment.

Leave of Absence Waived.

Senator McGuinness waived his leave of absence granted for the remainder of this legislative day.

Unfinished Business—(Resumed).

Consideration of Senate Joint Resolution No. 21.

Relative to exemption from taxation of bonds issued by governmental agencies and memorializing the President and Congress of the United States to take immediate steps for the termination of the exemption of such securities from taxation.

WHEREAS, The exemption from taxation of bonds issued by the Federal, State and local governments has progressed to such a point that there are now outstanding tax exempt securities of this character amounting to the aggregate par value of approximately forty-five billion dollars; and

WHEREAS, Such securities are owned and held by a very small percentage of the population of the country and there results a great and most unjust disproportion in the bearing of the cost of government as between the owners and holders of various types and classes of property; and

WHEREAS, It is a fundamental principle of government that one group or class should not be favored as are the owners of these tax exempt securities, and all persons enjoying the order and protection which government affords should share fairly equally and equitably in bearing the cost of government; now, therefore, be it

Resolved by the Senate and Assembly of the State of California jointly. That the Legislature of this State hereby memorialize the President and Congress of the United States to consider and enact such legislation and to propose such amendment or amendments to the Constitution of the United States as may be found suitable and appropriate effectively to prevent the further exemption from taxation of any and all bonds and other evidences of indebtedness issued by the Federal, State and local governments, to the fullest extent that the President and the Congress may have power so to do, and that the members of the Senate and of the House of Representatives from California are hereby urged and requested to use all honorable means in furtherance of the consideration and enactment of such legislation; and be it further

Resolved. That copies of this resolution be forthwith transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives and the members of the House and Senate from the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 21 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Swing, Tickle, Wagy, and Young—28.

NOES—None.

Senate Joint Resolution No. 21 ordered transmitted to the Assembly.

Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as

the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau," approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 81.

Amendment No. 1.

On page 2, line 4, of the printed bill, after the word "State", add the following: "other than lands granted for school purposes".

Amendment No. 2.

On page 2, lines 4 and 5, of the printed bill, as amended, strike out "other than lands granted for school purposes".

Amendment No. 3.

On page 2, line 6, of the printed bill as amended, strike out the comma, and insert in lieu thereof the following: "other than lands held in trust for educational or other specific purposes."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 81?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 81 by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gentry, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGinness, Meyer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Sewell, Sharkey, Slater, Snodden, Stone, Strong, Tickle, Wagy, and Young—29.

Assembly requested to recede, and Senate Bill No. 81 ordered on file as unfinished business.

Consideration of Daily File.

Second Reading of Senate Bills

Senate Bill No. 95—An act to add sections 602, 602.5, 602.6 and 602.7 to the Streets and Highways Code, establishing additional secondary State highways.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 95 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out everything except "An act to".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, strike out "602.7", and insert in lieu thereof the following: "amend sections 356, 382 and 422 of, and to add sections 601, 602, 602.5, 602.6, 602.7, 604, 610, 612, 613, 614, 615, 617, 618, 621, 624, 625, 626, 627, 632, 633, 634, 635, 637, 639, 644, 645, 646, 647, 648, 649, 650, 651 and 652".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. Section 356 of the Streets and Highways Code is hereby amended to read as follows:

356. Route 56 is from:

(a) Route 2 near Los Cruces via Lompoc and Guadalupe to Route 2 near Pismo.

(b) San Luis Obispo to San Francisco along the coast via Cambria, San Simeon, Carmel and Santa Cruz.

(c) State highway near southerly end of Marin Peninsula to the Marin-Sonoma County line via the coast route.

(d) Russian River near Jenner to Route 1 near Fernbridge via Westport and Ferndale.

SEC. 2. Section 382 of the Streets and Highways Code is hereby amended to read as follows:

382. Route 82 is from Etna Mills to Tule Lake in Siskiyou County via Montague and Dorris.

SEC. 3. Section 422 of the Streets and Highways Code is hereby amended to read as follows:

422. Route 122 is from Route 41 at Gustine to Route 4 at Merced via the John C. Fremont's Ford Road.

SEC. 4. Section 601 is hereby added to the Streets and Highways Code, to read as follows:

601. There is hereby added to the State highway system a new route or portion of route from Route 65 near Plymouth to Route 65 near Diamond Springs via Aukum and Somerset.

SEC. 5. Section 602 is hereby added to the Streets and Highways Code, to read as follows:"

Amendment No. 4.

On page 1, line 6, of the printed bill, as amended, strike out "2.", and insert in lieu thereof the following: "6."

Amendment No. 5.

On page 1, line 12, of the printed bill, as amended, strike out "3.", and insert in lieu thereof the following: "7."

Amendment No. 6.

On page 2, line 6, of the printed bill, as amended, strike out "4.", and insert in lieu thereof the following: "8."

Amendment No. 7.

On page 2 of the printed bill, as amended, after line 31, add the following:

"SEC. 8a. Section 604 is hereby added to the Streets and Highways Code, to read as follows:

604. There is hereby added to the State highway system a new route or portion of route from Route 56 near Sequel to Route 5 near Woodwardia.

SEC. 8b. Section 610 is hereby added to the Streets and Highways Code, to read as follows:

610. There is hereby added to the State highway system a new route or portion of route from Route 116 near Felton to Route 5 near Scotts Valley.

SEC. 8c. Section 612 is hereby added to the Streets and Highways Code, to read as follows:

612. There is hereby added to the State highway system a new route, or portion of route, from Route 187 near Niland to Route 64 near Desert Center.

SEC. 8d. Section 613 is hereby added to the Streets and Highways Code, to read as follows:

613. There is hereby added to the State highway system a new route, or portion of route, from Route 146 at county line near Palo Verde to a point on Route 27 approximately ten miles west of Yuma.

SEC. 9. Section 614 is hereby added to the Streets and Highways Code, to read as follows:

614. There is hereby added to the State highway system a new route, or portion of route, from Route 56 near Westport to Route 1 at Laytonville via Jackson Valley.

SEC. 10. Section 615 is hereby added to the Streets and Highways Code, to read as follows:

615. There is hereby added to the State highway system a new route, or portion of route, from Route 1 near Longvale via the course of Outlet Creek to Eel River, thence down Eel River to Dos Rios, thence to the mouth of Williams Creek, east of Covelo.

SEC. 11. Section 617 is hereby added to the Streets and Highways Code, to read as follows:

617. There is hereby added to the State highway system a new route or portion of route from Route 23 near Olancha to Keeler-Darwin Road.

SEC. 12. Section 618 is hereby added to the Streets and Highways Code, to read as follows:

618. There is hereby added to the State highway system a new route or portion of route from Route 23 near Mono Lake to Nevada line via Bodie.

SEC. 13. Section 621 is hereby added to the Streets and Highways Code, to read as follows:

621. There is hereby added to the State highway system a new route or portion of route from Route 65 near Mokelumne Hill to Route 34 at Pioneer Station via Glencoe and West Point.

SEC. 13a. Section 624 is hereby added to the Streets and Highways Code, to read as follows:

624. There is hereby added to the State highway system a new route or portion of route from U. S. Highway No. 80 near Wrentham to Fort Huachuca via Fort Huachuca.

SEC. 13b. Section 625 is hereby added to the Streets and Highways Code, to read as follows:

625. There is hereby added to the State highway system a new route or portion of route from approximately two miles west of Calipatria where county paved road turns south, thence west to a point located south of Center Street in Warner County, thence southerly to Center Street to intersect with U. S. Highway No. 89 at Warner.

SEC. 13c. Section 626 is hereby added to the Streets and Highways Code, to read as follows:

626. There is hereby added to the State highway system a new route or portion of route from a point on Route 202 approximately six miles south of Seeley to run due east through Hobbs to a point on Route 187 approximately one mile east of Holtville.

SEC. 13d. Section 627 is hereby added to the Streets and Highways Code, to read as follows:

627. There is hereby added to the State highway system a new route or portion of route from a point on Route U. S. Highway No. 187 approximately one mile north of Brawley, thence east on Kesteven Road to a point on Route 187 approximately one mile north of Holtville.

SEC. 14. Section 632 is hereby added to the Streets and Highways Code, to read as follows:

632. The following named and described highways or routes are hereby declared to be and are hereby classified as secondary State highways and the Department of Public Works is hereby authorized and directed to lay out and construct such highways by the most direct and practicable location, as determined by the California Highway Commission, between the termini stated herein, and to improve and maintain the same subject to the provisions of this code as applicable:

Del Mar via Lake Hodges to Escondido.

From National City via Otay Lake to a connection with Campo Road:

Mission to Rose Canyon via Campo Road.

San Ysidro to El Cajon Avenue via Campo Vista, National City and Fairmount Avenue.

Campo to Buckman Springs cut off.

Otay east across Otay Dam to a connection with H. C. R.

Imperial Avenue via El Centro east to a connection with Ocean Road at Juntura, English Street National City to a connection with the Campo Road.

Spring Valley via Rossmore Street via San Jacinto to Brawley.

Old Town via Camp Kearney Mesa to Highway 77.

Upper to Lower Otay west side.

El Cajon south to a connection with Campo Road.

J Street, Chula Vista, via Telegraph Canyon to Escondido, Camino.

Lower railroad grade across Otay river and at Brawley extension cut off to a connection with Campo Road about one mile.

Alvarado Canyon via State College to El Cajon Avenue.

SEC. 15. Section 633 is hereby added to the Streets and Highways Code, to read as follows:

633. The following named and described highways or routes are hereby declared to be and are hereby classified as secondary State highways and the Department of Public Works is hereby authorized and directed to lay out and construct such highways by the most direct and practicable location, as determined by the California Highway Commission, between the termini stated herein, and to improve and maintain the same subject to the provisions of this code as applicable:

Fairmount Avenue, from the north city limits southerly to and Fairmount Avenue and on Forty-seventh Street to Logan Avenue, thence westerly on Logan to Highland Avenue, thence southerly on Highland Avenue to the southerly limits of the city.

Home Avenue, from Fairmount Avenue to Broadway Extension.

Market Street, from its intersection with Twelfth Avenue, easterly to San Jacinto Street, thence south on Seventeenth to Imperial Avenue, thence east on Imperial Avenue to the east city limits:

University Avenue extension, beginning at the intersection of University Avenue with Front Street, thence northwesterly to Douglas Street, thence westerly on Douglas Street to Ibis Street, thence southwesterly along the slope of the canyon to Andrews Street, thence westerly on Andrews Street to Harasthy Street, thence westerly on Harasthy Street to Atlantic Boulevard or the 101 Highway.

SEC. 16. Section 634 is hereby added to the Streets and Highways Code, to read as follows:

634. The following named and described highways or routes are hereby declared to be and are hereby classified as secondary State highways and the Department of Public Works is hereby authorized and directed to lay out and construct such highways by the most direct and practicable location, as determined by the California Highway Commission, between the termini stated herein, and to improve and maintain the same subject to the provisions of this code as applicable:

Rosecrans Street from Lytton Street to Taylor Street, thence on Taylor to San Diego River bridge at Old Town, thence easterly along southerly side of San Diego

River to easterly city limits, thence to a connection with the Bostonia highway adjoining and to the north of Murray Lake.

SEC. 17. Section 635 is hereby added to the Streets and Highways Code, to read as follows:

635. The following named and described highways or routes are hereby declared to be and are hereby classified as secondary State highways and the Department of Public Works is hereby authorized and directed to lay out and construct said highways by the most direct and practicable location, as determined by the California Highway Commission, between the termini stated herein, and to improve and maintain the same subject to the provisions of this code as applicable:

Beginning at the intersection of Barnett Avenue with Ingraham Street; thence northwesterly and northerly along Ingraham Street to its termination in Foothill Boulevard; thence northwesterly along Foothill Boulevard to its termination in Turquoise Street; thence westerly along Turquoise Street to its intersection with La Jolla Boulevard; thence northwesterly and northerly along La Jolla Boulevard to its intersection with Prospect Street; thence northeasterly, easterly and south-easterly along Prospect Street to its intersection with Torrey Pines Road; thence easterly and northerly along Torrey Pines Road to its intersection with Rose Canyon Highway.

SEC. 18. Section 637 is hereby added to the Streets and Highways Code to read as follows:

637. There is hereby added to the State highway system a new route or portion of route on San Felipe Valley Road connecting Warners Ranch and Sentenac Canyon.

SEC. 19. Section 639 is hereby added to the Streets and Highways Code, to read as follows:

639. The routes or portions of routes described in this section are hereby added to the State highway system.

(a) In the City and County of San Francisco:

Army Street from Potrero to San Jose Avenue.

San Jose Avenue from Army Street to Bernal Avenue.

Bernal Avenue from Randall Street to Monterey Boulevard.

San Jose Avenue from Monterey Boulevard to Alemany Boulevard.

Van Ness Avenue South (or parallel route) from Fell Street to Army Street.

Bryant Street Extension from Tenth Street to Van Ness Avenue South.

Duboce Avenue from Harrison Street to Funston Avenue.

Clipper Street from Twenty-sixth Street to Portola Drive.

Divisional Highway from Lombard Street to Bernal Avenue.

(b) In the county of Marin:

San Quentin to Olema via Kentfield (Sir Francis Drake Highway). (Route 1 to Route 56.)

Black Point to Point Reyes via Novato. (Route 8 to Route 1 to Route 56.)

(c) In the county of Sonoma:

Balance of Shoreline Highway from Marin County line at Valley Ford to Jenner Bridge. (Would become part of Route 56.)

Sebastopol to Bodega. (Route 104 to Route 56.)

West Side route from Healdsburg along the Russian River to Guerneville. (Route 1 to Route 104.)

Mark West lateral from the Redwood Highway to Calistoga, Napa County, via Petrified Forest. (Route 1 to Route 49.)

Petaluma to Valley Ford, connecting with Shoreline Highway. (Route 1 to Route 56.)

Approach to Sears Point toll road from Stage Gulch to Black Point cut-off near Lakesville. (Route 8 to Route 104.)

Freestone to Monte Rio, via Occidental and Camp Meeker.

(d) In the county of Napa:

Petrified Forest Road from Calistoga to Santa Rosa. (Route 49 to Route 1.)

Butts Canyon Highway from intersection with State Highway Route 102 to the Lake County line, southeast of Middletown.

From the intersection with State Highway Route 102 south of Monticello to Lake County line north of Knoxville.

(e) In the county of Lake:

Lower Lake to intersect Route 89, Middletown to Upper Lake Highway through county.

Inclusion of the Lucerne cut-off road, via Rodman Bridge. (Route 15 to Route 89.)

Butts Canyon Road, Middletown to Napa County line.

Upper Lake to forest boundary, via Middle Creek.

(f) In the county of Mendocino:

The road between DeHaven and Laytonville. (Between Routes 1 and 56.)

Fort Bragg-Rockport road where it joins the Shoreline Highway, otherwise known as the Hollow Tree Road. (Between Shoreline and Redwood Highways.)

The Willits-Fort Bragg Road, from Noyo Hill near Fort Bragg to Willits. (Between Routes 1 and 56.)

McDonald (Mountain House) to the "Y" intersection with new Clatskanie-Hopland unit at North Clatskanie.

(g) In the county of Del Norte.

That portion of old road from Lindert's Bench to Last Chance Slide. (Portion of Route 1, later to be abandoned.)

Elk Valley cross road connecting Routes 1 and 71.

Mill Creek Drive, from intersection with Route 1 just south of Crescent City to Old Convict Bridge spanning the Smith River, thence intersecting Route 1. (Via Mill Creek State Park.)

From the intersection of Route 1 south of Douglas Memorial Bridge around by Ed Chapman's, thence to intersection again with Route 1.

Sec. 20. Section 644 is hereby added to the Streets and Highways Code to read as follows:

644. There is hereby added to the State highway system a new route or portion of route from Trinity Center in Trinity County to Route 20 via the Trinity River on a water grade.

Sec. 21. Section 645 is hereby added to the Streets and Highways Code to read as follows:

645. There is hereby added to the State highway system a new route or portion of route from Route 3 near Harborside to the California-Oregon State Line via Klamath River.

Sec. 22. Section 646 is hereby added to the Streets and Highways Code to read as follows:

646. There is hereby added to the State highway system a new route or portion of route from Route 24 near Union to Route 26 near Vada.

Sec. 23. Section 647 is hereby added to the Streets and Highways Code to read as follows:

647. There is hereby added to the State highway system a new route or portion of route from Vina westerly to a point on the east boundary of the National Forest near Paskenta.

Sec. 24. Section 648 is hereby added to the Streets and Highways Code to read as follows:

648. The following new routes or portions of routes are hereby added to the State highway system:

Rio Linda Boulevard from the north city limits of North Sacramento easterly to the county line.

A portion of the Garden Highway along the easterly side of the Sacramento River from the Paintersville Bridge to the Georgiana Slough Bridge, passing the ruins of Vorden, Locke, and Walnut Grove.

Sec. 25. Section 649 is hereby added to the Streets and Highways Code to read as follows:

649. There is hereby added to the State highway system a new route or portion of route from Route 29 near Beckwith to Route 83 near Calpine.

Sec. 26. Section 650 is hereby added to the Streets and Highways Code to read as follows:

650. There is hereby added to the State highway system a new route or portion of route from Route 64 at Desert Center to Route 146 near Vahol.

Sec. 27. Section 651 is hereby added to the Streets and Highways Code to read as follows:

651. The following new routes or portions of routes are hereby added to the State highway system:

Carson Street from Route 168, Carritos Avenue, to Route 167, Atlantic Boulevard.

Sunset Boulevard in the city of Los Angeles.

Cypress Avenue in the county of Los Angeles.

From the northwesterly city limits of Glendale to the southerly city limits thereof via Glenoaks Boulevard and Brand Boulevard.

From Route 165 near the Figueroa Street Tunnel to Route 161 in Pasadena via the Arroyo Seco and Broadway Avenue in Pasadena.

Sec. 28. Section 652 is hereby added to the Streets and Highways Code to read as follows:

652. The following routes or portions of routes are hereby added to the State highway system:

Divisional Highway in the City and County of San Francisco, from the entrance of the Golden Gate Bridge to Junipero Serra Boulevard.

Nineteenth Avenue from Sloat Boulevard to Lincoln Way."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 847—An act to amend sections 31, 51a and 51b of "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded

indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Senate Bill No. 847 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "sections 31, 51a and 51b", and insert in lieu thereof the following: "section 31 and to amend and renumber sections 51a and 51b as added by chapter 999 of the Statutes of 1933".

Amendment No. 2.

On page 1, line 1, of the printed bill, after "SECTION 1.", strike out "Subdivision (11) of section 31 of said act is", and insert in lieu thereof the following: "Section 31 of the act cited in the title hereof is".

Amendment No. 3.

On page 1 of the printed bill, between lines 2 and 3, insert the following:

"SEC. 31. (1) Whenever any petition or petitions, each signed by electors of the district equal in number to fifteen per centum of all the votes cast within the territory of the district at the last preceding general election held for the election of State and county officers, shall be presented to the board of directors asking for the construction, completion or acquisition of the public utility or utilities or public utility works therein named, it shall be the duty of the clerk of the district to immediately proceed to examine and verify the signatures to such petition or petitions and to certify the result of such examination to the board of directors. If the required number of signatures be found to be genuine, the clerk shall transmit to the president of the board of directors an authentic copy of such petition or petitions, without the signatures thereto.

(2) Upon receiving the petition or petitions, with the certificate of the clerk stating that it or they contain the required number of signatures, the board of directors shall formulate for submission to the electors of the district at a general district election or at a special election called for that purpose, a separate proposition for the construction, completion, or acquisition of each public utility or public utility works named in such petition or petitions.

In the formulation of the proposition or propositions the board of directors must procure plans and estimates of the cost of original construction and completion by the district of such public utility or public utilities or in the case of the proposed acquisition of an existing utility works the cost of original construction and completion by the district of similar works. The board of directors must also procure an estimate of the revenues that can be expected to be derived from the public utility or utilities or public utility works named in said petition or petitions.

In securing estimates of the cost of original construction and completion of waterworks by the district, the board of directors must procure and place on file plans and estimates of the cost of obtaining, from such sources as the board of directors may find and designate as available, a sufficient supply of good, pure water for the district.

(3) Before submitting propositions to the electors for the acquisition, by condemnation or otherwise, the construction or completion of any public utility or utilities or utility works, the board of directors must solicit and consider offers for the sale to the district of existing utilities, or utility works of the same character, or such portion thereof, as would be useful to the district, in order that the district may have the benefit of acquiring the same at the lowest possible cost thereof. The board of directors may apply to the Railroad Commission of the State of California to ascertain the value of such existing utility works for the purpose of submitting to the electors estimates of the cost of acquiring such public utility or utilities or public utility works. Such valuation by the Railroad Commission shall be made in accordance with the provisions of section 47 of the Public Utilities Act of the State of California, and said Railroad Commission shall have power upon such application, and it shall be its duty, to make such valuation without delay. When the Railroad Commission shall have made and filed its findings and decision, the board of directors of the public utility district may have said findings reviewed,

as in sections 47 and 70 of said Public Utilities Act provided; or such board of directors may immediately adopt such findings and decisions as the basis of its estimate of the cost of acquiring such public utility or utilities or public utility works by purchase or by condemnation.

(4) Upon the filing of the plans and estimates, as heretofore provided, the board of directors shall determine whether the cost of the public utility or public utilities or public utility works proposed for acquisition, construction or completion can be paid from revenues of the district from the operation of its public utilities in addition to the other necessary expenses of the district.

(5) When the cost of any public utility or utilities or public utility works named in such petition or petitions can be paid out of the revenues of the district derived from the operation of the public utilities, in addition to the other necessary expenses of the district, each proposition, petition, or petitioners, shall specify the cost of the public utility or public utility works chosen proposed for acquisition, construction, or completion by the district, the proposed method and manner of payment thereof, and the board of directors shall submit thereon to the electors the question whether the same shall be accepted or not.

(6) If, however, the cost of any public utility or public utilities or public utility works named in such petition or petitions shall so far exceed the revenues of the district derived from the operation of its public utilities in addition to the other necessary expenses of the district, so as to require it to raise, in some district bonded indebtedness therefor, each such proposition shall specify the amount of the bonded indebtedness necessary therefor, and the rate of interest thereon, and the board of directors shall submit to the electors, at such meeting, the question of whether such bonded indebtedness shall be incurred.

(7) At the next regular meeting after the submission of the proposition or propositions for the acquisition, construction or completion of the public utility or utilities or public utility works named in said petition, the board of directors of the district by ordinance shall submit the proposition or propositions to the electors of the district at a general district election or at a special district election called for the purpose.

All propositions formulated under the provisions of subsections two of this section shall be submitted within six months after the filing of such petition or petitions, unless more time is required by reason of the making of a valuation applied for to the Railroad Commission under the provisions of subsection three of this section, in which case the said proposition or propositions shall be submitted as soon as may be possible after such valuation shall have been made and become final.

(8) The affirmative vote of a majority of the electors voting upon the proposition shall be necessary to accept any proposition submitted under the provisions of subdivision 5 of this section. Whenever a proposition is submitted under subsection 6 of this section the affirmative vote of at least two-thirds of the electors voting at such election upon the proposition shall be necessary to approve the construction, completion or acquisition of any public utility or utilities or public utility works and to warrant the issuance of district bonds therefor.

(9) At as early a date after the determination of the result of such election as the board of directors shall deem for the best interests of the district, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition, construction or completion of any public utility or utilities or public utility works named in any proposition or propositions approved by the majority of the electors voting thereon at such election.

(10) Whenever the board of directors shall determine that the public interest or necessity of the district demands the acquisition, construction or completion of any public utility or utilities or public utility works, it shall specifically declare such determination by a resolution."

Amendment No. 4.

On page 1 of the printed bill, strike out lines 8 and 9, and insert in lieu thereof the following:

"(12) When the cost of such public utility or utilities or public utility works can be paid out of the revenues of the district, derived from the operation of its public utilities, in addition to the other necessary expenses of the district, the board of directors shall, as soon after the filing of the plans and estimates as it may deem for the best interests of the district by ordinance determine to acquire, construct or complete such utility or utilities or public utility works. Such ordinance shall be published for at least two weeks in some newspaper or newspapers of general circulation printed and published in the district or, if there be no such newspaper in the district, then in some newspaper of general circulation printed and published in the county where such district or some part thereof is situated, and shall state the proposed cost of such acquisition, construction or completion and the proposed method and manner of payment therefor; and provided, further, that no such ordinance, in case it involves the expenditure of more than one hundred thousand dollars, shall become effective before thirty days from and after its final passage."

Amendment No. 5.

On page 2 of the printed bill, between lines 20 and 21, insert the following:

"(14) Whenever under the provisions of section 31 of this act, of which this subdivision is a part, a special election is called for the purpose of submitting to the electors a proposition or propositions, the board of directors shall pass an ordinance calling such election.

At such special election all propositions formulated under the provisions of this section may be submitted to the electors of the district, but no question other than such propositions shall be submitted at such special election.

The ordinance calling such election shall set forth the purposes for which it is called, the estimated cost of each utility or utility works proposed for acquisition, construction or completion by the district, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election, and the manner of voting for or against each proposition thereat submitted to the electors; and if it shall be necessary to incur a district indebtedness for any utility or utilities or public utility works therein proposed, the ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the district shall issue for the payment of the cost of such utility or utilities or public utility works, as in said ordinance set forth if the proposition or propositions therefor be accepted by the electors. Such election shall be held as provided for holding elections in the district."

Amendment No. 6.

On page 2 of the printed bill, strike out lines 21 to 50, inclusive, and insert in lieu thereof the following:

"Sec. 2. Section 51a, as added by Chapter 999 of the Statutes of 1933, is hereby renumbered 51.5, and amended to read as follows:

Sec. 51.5. Unincorporated territory contiguous to the district may be annexed to said district in the manner following:

(1) A petition signed by not less than fifteen per cent of the qualified electors residing in the territory proposed to be annexed, describing said territory and asking that proceedings be taken for its annexation, may be addressed to the board of directors and filed with the secretary of the district. Thereupon the secretary shall compare the signatures of said petition with the affidavits of registration on file with the county clerk of the county or counties wherein said territory proposed to be annexed is situated, and if he finds that said petition has been signed by the required number of electors he shall attach his signature thereto and present said petition to the board of directors of the district.

(2) If the board of directors shall determine that the annexation of said territory will facilitate the acquisition, construction or completion or operation of any public utility, public utilities or public utility works of the district, or will be for the advantage of the said district, and that the territory proposed to be annexed will be benefited by such annexation, then said board shall determine the terms and conditions upon which said annexation should be made. In the terms and conditions so determined provision may be made, among other things, for the payment of special taxes within the territory to be annexed in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals and charges differing from those fixed, or existing elsewhere, within the utility district, the incurring or assumption of indebtedness or the making of a payment or payments, or the transfer of property, real or personal, or other assets to said utility district by the territory proposed to be annexed, in such manner as the board of directors shall deem just for the purpose of equalizing the proportionate obligations, expenditures and costs of operation between the territory within the district and the territory proposed to be annexed. Such terms and conditions shall become effective and be binding upon the utility district and upon the territory to be annexed when approved in the manner hereinafter set forth.

The boundaries of the territory proposed to be annexed need not be coterminous with any election precincts.

(3) The board of directors of said utility district shall by ordinance describing the territory proposed to be annexed, and setting forth such terms and conditions at length, declare its intention of approving such annexation and terms and conditions. Said ordinance, together with a notice fixing the time and place for hearing thereon, and notifying all persons interested in or that may be affected by the proposed annexation of said territory within the district to appear at such meeting and show cause in writing, if any they have, why said territory or any of it should not be annexed as proposed in said petition, shall be published in a newspaper of general circulation printed and published in said utility district, or if there be no such newspaper then in some newspaper of general circulation printed and published in the county where such district or some part thereof is situated. A copy of said ordinance and notice shall be filed with the secretary of said utility district. The time fixed for such hearing shall be not less than thirty nor more than sixty days from the date of the first publication of said ordinance. Said notice and ordinance shall be posted in three public places in the territory proposed to be annexed at least thirty days before the date set for said meeting.

At such hearing any person interested may file with the board of directors of the utility district written protest to the proposed annexation or to the approval of such terms and conditions. Upon such hearing the board of directors of the utility district shall hear and determine all protests so filed and all evidence presented thereto; said board shall thereupon determine whether said territory shall be annexed and shall determine upon what terms and conditions, if any, said annexation shall be made.

Failure of any person interested in said utility district or in the matter of the proposed annexation on the terms and conditions set forth in said ordinance to show cause by written protest as aforesaid, shall be deemed and taken as an assent on his part to a change in the boundaries in the utility district upon the terms and conditions, if any, set forth.

Any such hearing may be adjourned from time to time or from place to place by the board of directors without further notice other than an order to be entered upon the minutes of the meeting at the time of adjourning fixing the time and place that such meeting shall reconvene.

In the event that the board of directors after such hearing by resolution approves the proposed annexation of the territory described in said petitions or such part thereof as the board shall determine will be benefited by annexation, with or without terms or conditions, and said annexation is also approved either by a written consent containing a description of the territory proposed to be annexed and setting forth the terms and conditions, if any, of such annexation signed by a majority of the electors who were registered in the territory to be annexed at the date of the presentation of the petition or petitions for annexation, which written consent is filed with the secretary of the board who shall thereupon verify the signatures thereon in the same manner as the signatures to the petitions for annexation are required to be verified by the provisions of subdivision (1) of this section, or by a majority vote in favor of annexation at an election called and held as hereinafter in this section, provided within the territory proposed to be annexed; it shall make an order describing the boundaries of said territory proposed to be annexed and also describing the exterior boundaries of the district as they shall exist after said annexation. For the purposes of said order the board may cause a survey to be made of said boundaries or such portions thereof as may be deemed necessary. Said order shall also set forth in detail the conditions and terms, if any, of the annexation. Said order shall be set forth in full upon the minutes of the board.

(4) The board of directors, after its approval of said annexation by resolution as hereinbefore provided, may call an election to determine whether said annexation is approved by the electors of said territory proposed to be annexed, but before calling such election it may require an undertaking with sufficient security from the petitioners for the annexation, conditioned that the petitioners or their sureties will pay all costs to the district of such election in case such annexation be disapproved by such election.

In calling such election the board shall fix the time at which such election shall be held and cause notice thereof to be given and published. Such notice shall be given and published and such election shall be held and conducted and returns thereof shall be made and canvassed and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said act in case of a special election to determine whether bonds of a public utility district shall be issued. The ballots cast at such election shall contain the words "for change of boundary" or "against change of boundary" or words equivalent thereto. The notice of election shall describe the territory proposed to be annexed in such manner that it can be readily understood and shall set forth the terms and conditions if any of such annexation.

At such election only electors registered at the time of the presentation of the petition for annexation and who at the time of said election are still electors in said territory shall be qualified to vote. If at such election a majority of all the votes cast on the proposition shall be against such annexation the board shall order that the petition be denied and shall proceed no further in that matter, but if a majority of such votes be in favor of such annexation the board shall thereupon in the manner provided in subdivision (3) of this section order that the annexation be made.

(5) Upon the making of such order changing the boundaries of the district as aforesaid a copy of the order of the board of directors ordering such change certified by the president and secretary of the board shall be filed for record in the recorder's office in each county within which the district and any part thereof and within which the territory annexed or any part thereof is situated, and thereupon the district, including the territory annexed, shall be and remain a public utility district as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries as aforesaid has been included therein at the original organization of the district, except that this provision shall not modify or impair the terms and conditions upon which said annexation shall be made.

(6) Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition

aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

(7) In case land is annexed to any district as aforesaid, the board of directors thereof shall, but not less than thirty days before any election in such district, reestablish the boundaries of the units and election precincts within such district, so as to include such land therein in the same manner and with the same effect as set forth in section 12 hereof. In case of the annexation of any land less than thirty days before an election within such district, the inhabitants of the lands so included shall not be entitled to vote at such election.

Sec. 3. Section 51b, as added by Chapter 999 of the Statutes of 1933, is hereby renumbered to be 51.6 and amended to read as follows:

Sec. 51.6. No contest of any thing or matter herein provided shall be made other than within the time and manner herein specified, and in any such action all findings of facts or conclusions of said board of directors, or of the board of supervisors upon all matters, shall be conclusive, unless such action was instituted within six months after such finding or conclusion was made."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 285—An act to provide, in accordance with the provisions of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," for the allocation and apportionment of balances in the "Fair and exposition fund," approved June 5, 1933, for the benefit of State institutions of learning providing vocational training in agriculture, animal husbandry and kindred subjects.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 285 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "provide, in accordance with the provisions of an act", and insert in lieu thereof the following: "amend sections 12, 13 and 16 of an act".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 9 to 14, inclusive, of the title, and insert in lieu thereof the following: "constitutional amendment ratifying its provisions", relating to horse racing".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 1 to 15, inclusive, and strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. Section 12 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 12. The license fee to be paid by licensees shall be four per cent of all money handled in the pari-mutuel pools; payment of same shall be made by said licensee, daily, during each racing meeting; each application for a license to conduct such racing meeting shall be accompanied by a certified check payable to the Treasurer of the State of California, as ex officio Treasurer of the Racing Board in either of the following sums, dependent upon the classification of the county where the said meeting is to be held.

Counties of the first class-----	\$10,000
Counties of the second class-----	10,000

Counties of the third class, at the rate of fifty dollars (\$50) per day for such race meeting.	
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When the meeting for which said license is granted has terminated, and the licensee has fully paid said four per cent of said money handled in said pools, the said sum so deposited with such application for a license shall be returned to said licensee; in the event said licensee fails, refuses or neglects to pay said four per cent

of said money handled in said pools, the amount thereof shall be deducted from said sum so deposited with such application for a license and the balance, if any, shall be returned to said licensee.

If by reason of any cause beyond control, and through no fault or neglect of any licensee, and when such licensee is not in default, it should become impossible for such licensee to hold or conduct racing upon any date or dates licensed by the board, the board in its discretion and at the request of such licensee shall have power to return the fine paid by such licensee for racing upon the date upon which it is possible for such licensee to hold or conduct racing at its facility on any other day or days which will replace the date omitted and to take them over. No license fee shall be required for horse race meetings conducted by a State or county fair or by a district agricultural association.

Sec. 2. Section 13 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 13. All fees, commissions and other moneys received by the board shall be paid into the State treasury, notwithstanding upon receipt of the same and credited to a special fund hereby created to be known as the "Fair and exposition fund." All such moneys, to the extent of twenty-five per cent of the total amount received, are hereby appropriated to be used to defray the expenses of the board and to pay the salaries and expenses of the officers and employees of the board. The remainder of all moneys in said fund are hereby apportioned as follows: one dollar, one hundred thousand dollars thereof for the support of the California State Fair and seventy-five thousand dollars thereof for payment to and use of the Los Angeles County fair; of the balance of said moneys, after all of the above mentioned have been made, two per cent for payment to and use of the State Marine Agricultural Association for the purpose of holding a promotional campaign and of citrus products and of all the industries and industrial enterprises, resources and products of every kind or nature of the State; three per cent of said balance for payment to and use of those certain citrus fruit fairs and county, district and combined fairs defined in section 24 of the Agricultural Code and which are not fair or agricultural association or any county fairs. Said three per cent to be apportioned between such citrus fruit fairs and expositions from the base of the percentage of the several counties in which such fairs and expositions are held; and if only one such fair and exposition is held, then it shall receive all of said three per cent; fifteen per cent of such balance after the payments for the support of the board and the support of the California State fair and for payment to and use of the Los Angeles County fair, for the encouragement of county, district or combined county and district agricultural fairs (exclusive of the Los Angeles County fair, the Sixth District Agricultural Association, and combination fairs, county and district fairs), to be apportioned by and expended under the jurisdiction of the State Department of Finance in the manner and for the purpose provided by section 94 of the Agricultural Code and other applicable provisions of law; and one per cent of such balance or combined county and district agricultural fair shall be and one per cent greater than forty thousand dollars from the fair and exposition fund. The balance of said moneys in said fund after all of the above mentioned have been made is hereby transferred to the credit of the general fund of the State treasury and is hereby appropriated for the benefit permanent improvements and support of State educational institutions devoted to agricultural and practical training in animal husbandry and for the purpose of unemployment relief. One third of such funds is hereby appropriated, allocated and apportioned to the State Emergency Relief Administration for the relief of unemployment within the State of California; one third of such funds is hereby appropriated, allocated and apportioned to the California Polytechnic School; and one third of such funds is hereby appropriated, allocated and apportioned to the University of California.

The funds hereby appropriated, allocated and apportioned for the relief of unemployment within the State of California and for the benefit of the California Polytechnic School and the University of California are in addition to any other funds heretofore or hereafter appropriated for such purposes and for such institutions.

The funds appropriated, allocated and apportioned for the benefit of the California Polytechnic School and the University of California shall be used exclusively by such institutions to provide vocational training in agriculture, animal husbandry and kindred subjects.

Sec. 3. Section 16 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 16. No license or excise tax or fee in excess of one hundred dollars (\$100) for each racing day, except as provided in this act shall be assessed or collected from any licensee by the State or by any town, district, city, township, village or any other body having the power to assess or collect a tax, license or fee; and no tax, license or fee shall be assessed or collected from any State, district agricultural

association or any county fair conducting horse race meetings, except when such meetings are conducted by a private person, firm or corporation."

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 1107—An act to amend the title and sections 1, 2, 3, 4, and 5 of, and to add section 6 to, an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 265—An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Municipal Corporations, the following amendment to Senate Bill No. 265 was read and adopted:

Amendment No. 1.

On page 4, line 49, of the printed bill, strike out the words "and/or for indigent relief", and insert in lieu thereof a period.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 780—An act to amend the title and sections 2, 3, 4, 5, 6 and 7 of an act entitled "An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil illegally produced and of gasoline, distillate, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded in whole or in part, from crude petroleum oil or gas illegally produced; providing for certificates to be filed with the State Superintendent of Weights and Measures, Department of Agriculture, at the time of bringing into this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced, and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to be paid therefor, and prescribing penalties for violation of this act," approved June 5, 1933, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the State Department of Agriculture, by the State Board of Equalization.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled

"An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate and lubricating oil, regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture and persons authorized by it, sealers of weights and measures, their deputies and other officers, defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline', prescribing penalties for the violation of the provisions hereof, and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 782—An act to repeal an act entitled "An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil, regulating the distribution or sale of such products; defining the powers and duties of the Division of Weights and Measures, Superintendent of Weights and Measures, Department of Agriculture and officers and employees thereof in relation thereto; prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent herewith and making an appropriation to carry out the provisions of this act," approved June 5, 1929.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 251—An act to amend sections 3, 5, 10, 12, 13 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 251 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, following the figure "3", strike out the figure "5", and the comma.

Amendment No. 2.

On page 2, line 10, of the printed bill, as amended, strike out the word "All", and strike out all of lines 11, 12 and 13.

Amendment No. 3.

On page 3 of the printed bill, as amended, strike out all of lines 10 to 44, inclusive.

Amendment No. 4.

On page 3 of the printed bill, as amended, strike out "Sec. 3", and insert in lieu thereof "Sec. 2".

Amendment No. 5.

On page 4 of the printed bill, as amended, strike out all of lines 35 to 39, both inclusive.

Amendment No. 6.

On page 4, line 40, of the printed bill, as amended, strike out "SEC. 4", and insert in lieu thereof "SEC. 3".

Amendment No. 7.

On page 4 of the printed bill, as amended, strike out all of line 43, and insert in lieu thereof the following: "six per cent of all money handled in the pari-mutuel pools, and the odd cents of all redistributions to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten; at any horse race meeting in any county having a population of over one million, and four per cent of all moneys handled in the pari-mutuel pools at any horse race meeting in any county having a population of less than one million".

Amendment No. 8.

On page 5, line 22, of the printed bill, as amended, strike out "SEC. 5", and insert in lieu thereof "SEC. 4".

Amendment No. 9.

On page 5 of the printed bill, as amended, strike out all of lines 32 to 36, inclusive, and the words "formia State Fair", in line 37, and insert in lieu thereof the following:

"The balance of all moneys in said fund are hereby annually appropriated as follows: One hundred thousand dollars (\$100,000) thereof for the support of the California State Fair; fifty thousand dollars (\$50,000) thereof for payment to and use of those certain citrus fruit fairs described and defined in section 94 of the Agricultural Code, and if only one such fair and exposition is held, then it shall receive all of said fifty thousand dollars (\$50,000)".

Amendment No. 10.

On page 6, line 1, of the printed bill, as amended, strike out the words "a sum equal to two and one half per cent", and insert in lieu thereof the words and figures: "Seventeen thousand, five hundred dollars (\$17,500)".

Amendment No. 11.

On page 6, line 11, of the printed bill, as amended, strike out the words "a sum equal to three and one-", and strike out all of lines 12 to 18, both inclusive, and insert in lieu thereof the following:

"Eighty-two thousand, five hundred dollars (\$82,500) thereof for payment to Los Angeles County fair; twenty-five thousand dollars thereof for payment to San Joaquin County fair; to any duly established county or district fair there shall be allotted a minimum of five thousand dollars per year or a maximum of fifteen thousand dollars per year, to be allocated in with the five thousand dollars at the rate of one thousand dollars additional for each ten thousand inhabitants; provided, there shall not be more than one fair or exposition in any such county.

(a) To any county or city and county having a population of over six hundred thousand and less than one million, which may establish a permanent fair or exposition, there shall be allotted fifty thousand dollars (\$50,000) per year beginning with the year when such county or city and county shall have established such fair or exposition and shall have expended therefor not less than two hundred and fifty thousand (\$250,000) dollars.

(b) To any county or city and county having a population of over one hundred fifty thousand and less than six hundred thousand, which may establish a permanent fair or exposition, there shall be allotted twenty-five thousand dollars (\$25,000) per year beginning with the year when such county or city and county shall have established such fair or exposition and shall have expended therefor not less than two hundred and fifty thousand (\$250,000) dollars."

Amendment No. 12.

On page 6 of the printed bill, as amended, strike out all of lines 19 to 36, inclusive, and insert in lieu thereof the following:

"The balance after the deductions for the support of the racing board and the support of the California State Fair, the Sixth District Agricultural Association, said certain citrus fairs, said San Joaquin County fair, and said other district and county fairs, and such county fairs and expositions as may be established in cities and counties having a population of over six hundred thousand and less than one million and of cities and counties having a population of over one hundred fifty thousand and less than six hundred thousand, shall be appropriated as follows: One hundred thousand dollars (\$100,000) for payment to and use and benefit of the California Polytechnic School; two hundred thousand dollars (\$200,000) for payment to University of California for vocational training in agriculture, animal husbandry and kindred subjects, and all of the balance of said fund after the foregoing deductions shall go into the general fund."

Amendment No. 13.

On page 7, line 37, of the printed bill, as amended, strike out "Sec. 6", and insert in lieu thereof "Sec. 5".

Amendment No. 14.

On page 7, line 5, of the printed bill, as amended, strike out the words "and except in the case of district", and strike out all of lines 6 to 9, both inclusive, and insert in lieu thereof the following: "but shall not exceed eight per cent on the gross amount of money handled. The said amount so deducted shall be in addition to the moneys to be paid to the State from the gross amount of said money handled, as provided for in section 12 hereof. In

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 728. An act to amend sections 11, 12, 18, 19, 20, 26, 29, 31 and 59 of the "Workmen's Compensation Insurance and Safety Act of 1917," approved May 23, 1917, relating to compensation, awards, proceedings, jurisdiction and insurance under the Workmen's Compensation Act.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Senate Bill No. 728 was read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after "Sec. 11", insert the following: "(a) The right to compensation for disability under this act shall be enjoyed unless a claim therefore is filed within one year after the injury, and the right to compensation for death shall be enjoyed unless claim thereon is filed one year after the death except that if payment of compensation has been denied without an award on account of such injury or death, a claim may be filed within one year after the date of the last payment.

(b) Notwithstanding the provisions of subsection (a), failure to file a claim within the period prescribed in such subsections shall not be a bar to such right unless objection to such failure is made by answer to such claim as provided in this act.

(c) If a person who is entitled to compensation under this act is mentally incompetent or a minor, the provisions of subsection (a) shall not be applicable so long as such person has no guardian or other authorized representative, but shall be applicable in the case of a person who is mentally incompetent, or a minor from the date of appointment of such guardian or representative, or in the case of a minor, if no guardian is appointed, before he becomes of age, from the date he becomes of age.

(d) Where recovery is denied to any person in a suit brought at law to recover damages in respect to injury or death on the ground that such person was not employee and that the defendant was an employer within the meaning of this act and that such employer had secured compensation to such employee under this act, the limitation of time prescribed in subsection (a) shall begin to run only from the date of the termination of such suit.

(e) Upon its own motion on the ground of error or mistake, or upon petition of any party or parties interested in the proceedings on the ground of a change of conditions, the commission may at any time after notice of hearing to the parties interested, review any award, and on such review may make an award ending, diminishing, maintaining or increasing the compensation previously awarded subject to the maximum and minimum compensation provided in this act and shall state its conclusions of facts and rulings of law and shall immediately send to the parties a copy of the award. No such review shall affect such award as regards any moneys already paid, provided that no award of compensation shall be rescinded, altered or amended unless petition therefor or notice of intention so to do shall be filed with the commission within two hundred forty-five weeks from the date of injury.

Sec. 2. Section 18 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 18. (a) If any defendant disclaims any interest in the subject matter of the claim in controversy or considers that the application is in any respect inaccurate or incomplete or desires to bring any fact, paper or document to the attention of the commission as a defense to the claim or otherwise he shall, within five days after the service of the application upon him file with or mail to the commission his answer setting forth the particulars in which the application is inaccurate or

incomplete and the facts upon which he intends to rely. A copy of such answer must be served upon all adverse parties. Upon proper showing in writing made within the time fixed therefor the commission may extend the time for filing such answer not exceeding ten days at any one time. Evidence before said commission shall be limited to the issues presented in said answer.

(b) If the defendant fails to appear or answer, no default shall be taken against him, but the commission shall proceed to the hearing of the matter upon such terms and conditions as it may deem proper. Such defendant failing to appear or answer, or subsequently contending that no service was made upon him, or claiming to be aggrieved in any other manner by want of notice of the pendency of the proceedings, may apply to the commission for relief substantially in accordance with the provisions of section four hundred seventy-three of the Code of Civil Procedure, and the commission is hereby authorized to afford such relief. No right to relief, including the claim that the findings and award of the commission or judgment entered thereon are void upon their face, shall accrue to such defendant in any court unless prior application shall have been made to the commission in accordance with this subsection, and in no event shall any application to any court be allowed except as prescribed in sections sixty-seven and sixty-eight of this act.

(c) If upon the filing of an application, such application shows upon its face that the applicant is not entitled to compensation, the commission may, upon its own motion or upon the motion of the adverse party, and after opportunity to the applicant to be heard orally or in writing, and upon good cause appearing therefor, dismiss the application prior to any hearing thereon. The pendency of such motion or notice of intended dismissal shall not, unless otherwise ordered by the commission, delay the hearing upon the application upon its merits.

(d) Upon the filing of an application by or on behalf of an injured employee or his dependents or any other party in interest, the commission may, in its discretion, in the cases mentioned in section four hundred twelve of the Code of Civil Procedure (or in any case where the employer has failed to secure the payment of compensation as required by section twenty-nine of the Workmen's Compensation, Insurance and Safety Act of 1917, as amended by chapter four hundred seventy-one of the Laws of 1919), direct the county clerk of any county or city and county to issue writs of attachment authorizing the sheriff to attach the property of the defendant in an amount not to exceed the greatest probable award against him in such matter, to be fixed by the commission, as security for the payment of any compensation which may thereafter be awarded. The provisions of part two, title seven, chapter four, of the Code of Civil Procedure of this State, as far as applicable to proceedings before the commission, shall govern the proceedings upon attachment, and the commission shall be substituted for the superior court in said provisions for the purpose of this act. No writ of attachment shall be issued except upon the order of the commission or a commissioner, and such order shall not be made where it appears from the application or affidavit in support thereof that the employer was, at the time of the injury to the employee, insured against liability imposed by this act in any insurance carrier licensed to do business in the State of California. If it should at any time after the levying of an attachment be made to appear that such employer was so insured, and the requisites for dismissing said employer from the proceeding and substituting the insurance carrier as defendant under any of the methods prescribed under section thirty (c) of this act be established, the commission must forthwith discharge the attachment. In levying such attachment, preference must be given to the real property of the employer.

SEC. 3. Section 19 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 19. (a) No pleadings, other than the application and answer, shall be required. The hearing on the application may be adjourned from time to time and from place to place in the discretion of the commission or commissioner or referee holding such hearing. Either party shall have the right to be present at any hearing, in person or by attorney or by any other agent, and to present such testimony as shall be pertinent under the pleadings, but the commission may, with or without notice to either party, cause testimony to be taken, or inspection of the premises where the injury occurred to be made, or the time-books and pay roll of the employer to be examined by any commissioner or referee appointed by the commission, and may from time to time direct any employee claiming compensation to be examined by a regular physician; the testimony so taken and the results of any such inspection or examination to be reported to the commission for its consideration.

(b) The parties to a controversy may stipulate the facts relative thereto in writing and file such stipulation with the commission. The commission may thereupon make its findings and award based upon such stipulation, or may in its discretion set the matter down for hearing and take such further testimony or make such further investigations as may be necessary to enable it to completely determine the matter in controversy.

(c) The commission may receive as evidence, either at or subsequent to a hearing, and use as proof of any fact in dispute, the following matters, in addition to sworn testimony presented in open hearing:

- (1) Reports of attending or examining physicians.
- (2) Reports of investigators appointed by the commission.
- (3) Reports of employers, including copies of time sheets, book accounts or other records.

(4) Hospital records relating to the case of the injured or deceased employee, provided, however, that the commission may, by rule, prescribe that reports of attending or examining physicians or hospital records shall be filed with the commission not less than five days prior to the hearing to be held upon the case to which such reports shall refer, copies of all such reports to be served upon the opposite party or parties in interest.

(d) The burden of proof lies upon the party holding the affirmative of the issue. The following are affirmative defenses, and the burden of proof shall rest upon the employer to establish them:

- (1) That an injured person claiming to be an employee is an independent contractor or otherwise excluded from the protection of this act, where there is proof that such injured person was at the time of his injury actually performing service for the alleged employer.
- (2) Intoxication of an employee causing his injury.
- (3) Wilful misconduct of an employee causing his injury.
- (4) Aggravation of disability by unreasonable conduct of the employee.
- (5) Prejudice to the employer by failure of the employee to give notice as required by section fifteen.

(e) Where it is represented to the commission, either before or after the filing of an application, that an employee has died as a result of injuries sustained in the course of his employment, the commission may require an autopsy, and the report of the physician performing such autopsy may be received in evidence in any proceedings thereunder or thereafter brought. If at the time such autopsy is requested the body of such employee be in the custody of the coroner, the coroner must, upon the request of the commission or of any party interested, afford reasonable opportunity for the attendance of any physicians named by the commission at any autopsy ordered by him. If the coroner should not require, or shall have already performed such autopsy, he shall permit an autopsy or reexamination to be performed by physicians named by the commission. No fee shall be charged by the coroner for any service arranged, ordered or permission given by him.

If the body is not in the custody of the coroner, the commission shall have authority to authorize the performance of such autopsy and the examination of the body for such purpose if necessary. If the dependents, or a majority thereof, of any such deceased employee, having the custody of the body of such deceased employee, shall refuse to allow the performance of such autopsy, such autopsy shall not be held, but upon the hearing of any application for compensation it shall be a disputable presumption that the injury or death was not due to causes entitling the claimants to benefits under this act.

SEC. 4. Section 20 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 20. (a) After final hearing by the commission, it shall, within thirty days, make the file (1) its findings upon all facts involved in the controversy and (2) its award which shall state its determination as to the rights of the parties.

(b) The commission in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability payment to be made and order payment thereof during the continuance of such disability.

(c) If, in any proceeding under sections six to thirty-one, inclusive, of this act, it is proved that an injury has been suffered for which the employer would be liable to pay compensation if disability had resulted therefrom, but it is not proved that any incapacity had resulted, the commission may, instead of dismissing the application, award a nominal disability indemnity, if it appears that disability is likely to result at a future time.

(d) The commission shall have continuing jurisdiction over all its orders, decisions and awards made and entered under the provisions of sections 6 to 31, inclusive, of this act and may at any time, upon notice, and after opportunity to be heard is given to the parties in interest, rescind, alter or amend any such order, decision or award made by it on good cause appearing therefor, such power including the right to review, grant or regrant, diminish, increase or terminate, within the limits prescribed by this act any compensation awarded, upon the grounds that the disability of the person in whose favor such award was made has either recurred, increased, diminished or terminated; provided that no award of compensation shall be rescinded, altered or amended unless petition therefor shall be filed within two hundred forty-five weeks from the date of the injury. Any order, decision or award rescinding, altering or amending a prior order, decision or award shall have the same effect as is herein provided for original orders, decisions or awards.

SEC. 5. Section 26 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 26. If an employee entitled to compensation under this act be injured or killed by the negligence or wrong of another not in the same employ, such injured employee, or in the case of death, his dependents, shall, before filing any claim under this act, elect in writing whether to take compensation under this act or to pursue his remedy against such third party. Such election shall be evidenced in such manner as the commission may by rule or regulation prescribe. If such injured employee, or in the case of death, his dependents, elect to take compensation under this act, the awarding of compensation shall operate as and be an assignment of the cause of action against such other to the State Compensation Insurance Fund, if compensation be payable by the State Compensation Insurance Fund, and otherwise to the person, association, corporation or insurance carrier liable for the payment of such compensation; however, said insurance carrier shall not be entitled to recover any sum in excess of the amount of compensation for which said carrier is liable under this act to the injured employee, but to that extent said carrier shall be subrogated to the rights of the injured employee against said third party causing the injury. If the injured employee elects to proceed against such third party, he may, notwithstanding such election, file his application with the Industrial Accident Commission, and proceedings thereon shall be held in abeyance until such time as he shall have finally disposed of his action against such third party, in which case the State Compensation Insurance Fund, person, association, corporation or insurance carrier, as the case may be, shall contribute only the deficiency, if any, between the amount of the recovery against such third party actually collected and the compensation provided by this act in such case. A compromise of any such cause of action by the employee or his dependents at an amount less than the compensation provided for by this act shall be made only with the written approval of the commission if the deficiency of compensation would be payable by the State Compensation Insurance Fund, and otherwise with the written approval of the person, association, corporation or insurance carrier liable to pay the same. Whenever an employee is killed by the negligence or wrong of another not in the same employ, and the dependents of such employee entitled to compensation under this act are minors, such election to take compensation and the assignment of the cause of action against such other and such notice of election to pursue remedy against such other shall be made by such minor, or shall be made on his behalf by a parent of such minor or by his next friend or duly appointed guardian as the commission may determine by rule in each case.

SEC. 6. Sec. 29 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 29. Every employer subject to the provisions of this act shall secure compensation for his employees in one of the following ways which shall be deemed to be compliance with the insurance requirements of this act.

(a) By insuring and keeping insured the payment of such compensation in the State Compensation Insurance Fund; or

(b) By insuring and keeping insured the payment of such compensation with any stock or mutual corporation authorized to transact the business of workmen's compensation insurance in California. If insurance be so effected in such stock or mutual corporation, the employer or insured shall forthwith file with the commission in form prescribed by it a notice specifying the name of the insured and the insurer, the business and place of business of the insured and the effective and termination dates of the policy, also when requested a copy of the contract and policy of insurance.

(c) By securing from the commission a certificate of consent to self-insure, which may be given upon his furnishing proof satisfactory to the commission of ability to carry his own insurance and pay any compensation that may become due to his employees, the commission may, in its discretion, require such employer to deposit with the State Treasurer a bond or securities, but not both a bond and securities, approved by the commission, in an amount to be determined by the commission. Such certificate may be revoked at any time for good cause shown after hearing had, such good cause including among others things, the impairment of the solvency of said employer, the practice by such employer or his agent in charge of the administration of his obligations under the Workmen's Compensation Act of any of the acts denounced by sections 596b or 633 of the Political Code, with respect to the conduct of insurance companies, their officers or agents. So long as the certificate of consent to self-insure has not been revoked, and the self-insurer has deposited with the State Treasurer such bond or securities, the self-insurer shall not be required or obliged to pay into the State Compensation Insurance Fund any sums covering liability for compensation, excepting life pensions; but shall be permitted, and such permission is hereby given the self-insurer, to fully administer any and all such compensation benefits assessed against the said insurer. The Industrial Accident Commission shall have complete authority, in the event that the surety on such bond becomes liable for payment thereunder, or resort must be had to the deposited securities, to direct the order, manner and amounts of payment due the beneficiaries; and payment by the surety pursuant to the order of the commission or when ratified by the commission shall constitute a full release of his liability under the bond to the extent of such payment, and shall entitle the surety to full reimbursement by the principal or his estate, including necessary attorney fees and other costs and expenses, without prior claim or proceedings on

the part of the injured employee or other beneficiary. The assets making payment of compensation hereunder shall have the same preference over the other debts of the principal or his estate as is given by law to the person directly entitled to such compensation.

(d) If any employer shall fail so to secure the payment of compensation, any injured employee or his dependents may proceed against such employer by filing an application for compensation with the commission, such as before, then, such injured employee or his dependents may bring an action or law against such employer for damages, the same as if they had not applied and shall be entitled to such action to the right to attach the property of the employer at any time prior or after the institution of such action, in an amount to be fixed by the court, to secure the payment of any judgment which may ultimately be obtained. Such judgment shall include a reasonable attorney's fee to be fixed by the court. The provisions of the Code of Civil Procedure, except in so far as they may be inconsistent with this act, shall govern the issuance of and proceedings upon such attachments, provided, that if as a result of such action for damages a judgment is obtained against such employer in excess of the compensation awarded under this act, the compensation awarded by the commission, if paid, or if so set aside approved by the court to grant the payment, shall be credited upon such judgment, provided, further, that in such action it shall be presumed that the injury to the employee was a direct result and grew out of the negligence of the employer, to secure the presumption of negligence. It shall be a defense to the employer that the employee was here and guilty of contributory negligence, or assumed the risk of the hazard concerned or that the injury was caused by the negligence of a fellow servant. No recovery of lost wages shall be allowed to accrue to the employee or to the surviving dependents, provided, however, that the State itself and such county, city, town, township, district, water and school district thereto, and such public institutions, and every administrative board thereof shall at all times insure and keep insured the payment of such compensation in the State Compensation Insurance Fund.

SEC. 7. Section 31 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 31. Every contract for the institution of compensation and benefits as herein provided or against liability therefor shall be deemed to be made subject to all the provisions of this act, but all provisions of such contract for insurance inconsistent with the provisions of this act shall be void. Any contract of insurance issued hereunder by any insurance company, including such as a paid compensation and the State Compensation Insurance Fund may include and cover any benefits of any employee on account of personal injury sustained by him or death occurring therefrom to any employee as such. No employer shall be required to carry more than one compensation insurance policy, and no insurance company shall operate a policy of insurance covering the liability under this act of any employer except on a form that has been previously filed with and approved by the Industrial Accident Commission, nor shall there be attached to said policy, contract or insurance any endorsement, rider, letter or other document affecting such contract unless the same has been filed with, and the form thereof approved by said commission, which form shall be similar to that used by the commission. The Industrial Accident Commission shall, from time to time, approve and procure a standard or a universal form as nearly as possible for every contract or policy of insurance, endorsement, rider, letter or other document affecting such contract for use in insuring the compensation hereby provided.

SEC. 8. Section 39 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 39. (a) Hearings arising under this act may be held before the commission or any referee of the commission or any commissioner as referee, when said commissioner has been specially appointed by the commission to hold any such hearing. The commission shall appoint one or more referees, and any referee shall have power and authority to call, preside at and conduct hearings, including the power to issue subpoenas. At the conclusion of each hearing the referee shall make a summary order allowing or denying said claim without being required to make known the findings of fact. If compensation benefits be granted, it shall be sufficient to specify the amount or amounts thereof, the disability for which compensation benefits are granted, by whom and to whom such benefits should be paid, and the method and time of such payments. Such order of the referee shall be in writing, and a copy of such order shall be furnished to each of the parties in interest, the original of which shall be a part of the records in such case. Said order shall be the final order of the commission unless a petition for rehearing is filed as in this act provided. All referees shall be appointed and hold their office subject to the provisions of the Civil Service Laws of the State of California and shall receive such compensation for their services as may be fixed by the commission, provided, however, that referees who have served more than two years as a referee shall receive a salary of not less than four thousand two hundred dollars per annum.

(b) Any party in interest in any hearings held before the commission may object to any person acting as referee upon any one or more of the grounds specified in section 641 of the Code of Civil Procedure, and such objections must be heard and disposed of by the commission.

(c) Before entering upon his duties, the referee must be sworn before an officer authorized to administer oaths faithfully and fairly to hear the matters and issues referred to him and to make just findings and decisions according to his understanding. All such oaths of office shall be filed with the Secretary of State."

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 943—An act to amend the title and sections of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, relating to workmen's compensation.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 943 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "the title and sections", and insert in lieu thereof the following: "section 29".

Amendment No. 2.

On page 1, line 1, of the printed bill, after the period, insert the following: "Section 29 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 29. (a) Every employer as defined in section 7 hereof, except the State and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways:

1. By insuring and keeping insured against liability to pay compensation in the State Compensation Insurance Fund. Policies of such insurance with a private insurer, heretofore written, shall not be carried beyond next anniversary date.

2. By securing from the commission a certificate of consent to self-insure, which may be given upon his furnishing proof satisfactory to the commission of ability to carry his own insurance and pay any compensation that may become due to his employees, the commission may, in its discretion, require such employer to deposit with the State Treasurer a bond or securities, but not both a bond and securities, approved by the commission, in an amount to be determined by the commission. Such certificate may be revoked at any time for good cause shown after hearing had, such good cause including among other things, the impairment of the solvency of said employer, the practice by such employer or his agent in charge of the administration of its obligations under the Workmen's Compensation Act of any of the acts denounced by sections 596 (b) or 633 of the Political Code, with respect to the conduct of insurance companies, their officers or agents. So long as the certificate of consent to self-insure has not been revoked, and the self-insurer has deposited with the State Treasurer such bond or securities, the self-insurer shall not be required or obliged to pay into the State Compensation Insurance Fund any sums covering liability for compensation, excepting life pensions; but shall be permitted, and such permission is hereby given the self-insurer, to fully administer any and all such compensation benefits assessed against the said insurer. The Industrial Accident Commission shall have complete authority, in the event that the surety on such bond becomes liable for payment thereunder, or resort must be had to the deposited securities, to direct the order, manner and amounts of payment due the beneficiaries; and payment by the surety pursuant to the order of the commission or when ratified by the commission shall constitute a full release of his liability under the bond to the extent of such payment, and shall entitle the surety to full reimbursement by the principal or his estate, including necessary attorney fees and other costs and expenses, without prior claim or proceedings on the part of the injured employee or other beneficiaries. The surety making payment of compensation hereunder shall have the same preference over the other debts of the principal or his estate as is given by law to the person directly entitled to such compensation.

(b) If any employer shall fail so to secure the payment of compensation, any injured employee or his dependents may proceed against such employer by filing an application for compensation with the commission, and, in addition thereto, such injured employee or his dependents may bring an action at law against such employer for damages, the same as if this act did not apply, and shall be entitled in such action to the right to attach the property of the employer, at any time upon or after the institution of such action, in an amount to be fixed by the court, to secure the payment of any judgment which may ultimately be obtained. Such judgment shall include a reasonable attorney's fee to be fixed by the court. The provisions of the Code of Civil Procedure, except in so far as they may be inconsistent with this act, shall govern the issuance of and proceedings upon such attachment; provided, that if as a result of such action for damages a judgment is obtained against such employer in excess of the compensation awarded under this act, the compensation awarded by the commission, if paid, or if security approved by the court be given for its payment, shall be credited upon such judgment; provided further, that in

such action it shall be presumed that the injury to the employee was a direct result and grew out of the negligence of the employer, and the burden of proof shall rest upon the employer, to rebut the presumption of negligence. In such proceeding it shall not be a defense to the employer that the employee may have been guilty of contributory negligence, or assumed the risk of the hazard complained of, or that the injury was caused by the negligence of a fellow servant. No contract, rule or regulation shall be allowed to restore to the employer any of the foregoing defenses.

(c) Failure to secure the payment of compensation as heretofore provided shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both. In case of the willful failure by an employer to secure the payment of compensation as herein provided, the amount of compensation otherwise recoverable for injury or death as provided in this act shall be increased ten per cent. any of the provisions of this act as to maximum payments or otherwise to the contrary notwithstanding. Provided, however, that said increase of award shall in no event exceed one thousand dollars. Failure of the employer to secure the payment of compensation as herein provided shall be prima facie evidence of willfulness on his part.

(d) The commission may require any employer to furnish a written statement at any time showing the manner in which the employee has complied with the provisions of this section. Failure of the employer for a period of ten days to furnish such written statement shall constitute presumptive evidence that such employer has failed or neglected in respect to the matters so required. In any proceeding under this section, the burden of proof shall be upon the defendant to show that he has secured the payment of compensation in one of the two ways set forth in paragraph (a) hereof.

Bill read second time, ordered to reprint, and re-referred to Committee on Insurance.

Senate Bill No. 919.—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages, to levy an excise tax on the sale of alcoholic beverages, to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages, to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act, to take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 919 were read and adopted:

Amendment No. 1.

On page 2, line 23, of the printed bill, as amended, strike out the word "twice", and insert the word "once".

Amendment No. 2.

On page 2, lines 23 and 24, of the printed bill, as amended, strike out "and such payments to be approximately six months apart".

Amendment No. 3.

On page 9, line 46, of the printed bill, as amended, after the word "amount", insert the following: "permitted annually by the license fee already paid the board."

Amendment No. 4.

On page 10, line 34, of the printed bill, as amended, strike out "one", and insert in lieu thereof "two".

Amendment No. 5.

On page 10, line 35, of the printed bill, as amended, strike out the word "for", and insert the word "on".

Amendment No. 6.

On page 10, line 35, of the printed bill, as amended, strike out "three", and insert in lieu thereof "five".

Amendment No. 7.

On page 10, line 37, of the printed bill, as amended, strike out "five", and insert in lieu thereof "ten".

Amendment No. 8.

On page 10, line 38, of the printed bill, as amended, strike out "eight", and insert in lieu thereof "sixteen".

Amendment No. 9.

On page 10, line 40, of the printed bill, as amended, strike out "ten", and insert in lieu thereof "twenty".

Amendment No. 10.

On page 10, line 42, of the printed bill, as amended, strike out "twenty", and insert in lieu thereof "forty".

Amendment No. 11.

On page 10, line 43, of the printed bill, as amended, strike out "forty", and insert in lieu thereof "eighty".

Amendment No. 12.

On page 16, line 42, of the printed bill, as amended, strike out the word "immediately".

Amendment No. 13.

On page 16, line 46, of the printed bill, as amended, after "Act.", add the following: "In the case of distilled spirits delivered to premises for which an off sale distilled spirits license or an off sale license for liquor other than beer or wine is issued, the stamps shall be attached prior to the sale of the distilled spirits by the licensee to whom such licenses are issued. In the case of distilled spirits delivered to premises for which an on sale distilled spirits license or an on sale license for liquor other than beer or wine is issued, the stamps shall be attached immediately after delivery to such premises."

Amendment No. 14.

On page 17, line 7, of the printed bill, as amended, after "34.", insert "On and after July 1, 1935,".

Amendment No. 15.

On page 17, line 8, of the printed bill, as amended, strike out the words "on or off-sale", and insert in lieu thereof "on sale".

Amendment No. 16.

On page 17, line 9, of the printed bill, as amended, strike out the words "on or off-sale", and insert in lieu thereof "on sale".

Amendment No. 17.

On page 17, line 13, of the printed bill, as amended, strike out "containers", and insert in lieu thereof "packages".

Amendment No. 18.

On page 17, line 14, of the printed bill, as amended, strike out "containers", and insert in lieu thereof "packages and canceled as herein required".

Amendment No. 19.

On page 17 of the printed bill, as amended, between lines 14 and 15, insert the following: "On and after July 1, 1935, it shall be unlawful for any person holding an off sale distilled spirits license issued under the act to sell under such license any distilled spirits unless the stamps required by this act to be attached to the packages of such distilled spirits are so attached to said packages, and canceled as herein required."

Amendment No. 20.

On page 17 of the printed bill, as amended, between lines 25 and 26, insert the following:

"The board may seize and summarily destroy any distilled spirits found upon any premises in violation of this section."

Amendment No. 21.

On page 24, line 50, of the printed bill, as amended, after the word "decorations", add the following: "paintings or signs other than signs for interior use of not to exceed in area six hundred thirty square inches".

Amendment No. 22.

On page 25, line 5, of the printed bill, as amended, after the word "fixtures", add the following: "signs, except signs for interior use mentioned in subdivision (d) herein".

Amendment No. 23.

On page 25 of the printed bill, as amended, after the word "street", strike out all of lines 32 to 35, inclusive.

Amendment No. 24.

On page 25 of the printed bill, as amended, strike out lines 18 to 27, inclusive, and insert in lieu thereof the following:

"SEC. 55. No sign or signs, which in whole or in part advertise any alcoholic beverage, and exceed in area six hundred thirty square inches and no sign using

the words "bar," "bar room," "saloon," "cocktail bar" or "lounge" or words of like or similar import, shall be maintained, located, used or placed upon or adjacent to the outside of any building and its connection with and premises thereon licensed to sell alcoholic beverages at retail for consumption on such premises."

Amendment No. 25.

On page 26, line 17, of the printed bill, as amended, after the word "demonstrator", insert the following: "provided that the programers they are agents to the sale of ale, porter, brown and stout or bottles, bearing labels properly denoting the contents, under any license, other than an ale house license, issued under this act or the State Liquor Control Act."

Amendment No. 26.

On page 26, lines 47 and 48, of the printed bill, as amended, strike out the words "engaged in the business of selling or serving alcoholic beverages"

Amendment No. 27.

On page 26, line 50, of the printed bill, as amended, strike out the word "or", before the words "any part", and insert in its stead the word "and".

Bill read second time, ordered to reprint, and referred to Committee on Finance.

Senate Bill No. 1042—An act to amend section 13 of the "Motor Vehicle Fuel License Tax Act" approved May 29, 1933, relating to the expenditure of funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 1042 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill strike out everything except "Act get to", and in line 2, strike out everything except "relating to the roads", and insert in lieu thereof the following: "add sections 1622.1, 1622.2, 1622.3, 1622.4, 1622.5 and 1622.6 to the Streets and Highways Code."

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, after "or", insert the following "highway".

Amendment No. 3.

On page 1, line 1, of the printed bill strike out everything except "Section 4" and strike out all of lines 2 to 27, inclusive, and on page 2, strike out all of lines 1 to 21, inclusive, and insert in lieu thereof the following: "Section 1622.1 is hereby added to the Streets and Highways Code, to read as follows:

1622.1 All expenditures from the special road improvement fund shall be under the exclusive control of the board of supervisors.

Sec. 2. Section 1622.2 is hereby added to the Streets and Highways Code, to read as follows:

1622.2 Expenditures from the special road improvement fund shall be limited to that portion of the highway or bridge available for use by vehicular traffic except that such funds may be expended for pedestrian underpasses or pedestrian crossings, crossings and the installation and maintenance of traffic control devices, but such funds shall not be expended for street lighting, nor for the construction or maintenance of sidewalks, nor, except as hereinafter expressly authorized, for the construction or maintenance of any structure or facility in, over or under the highway or bridge which is not of direct and primary service in providing a way for vehicular traffic. Sidewalks may be constructed with such funds to replace those removed or damaged by construction or improvement of the highway or bridge.

No moneys shall be expended by the county from such fund except for items specified in the budget and approved by the department as required in this article.

Sec. 3. Section 1622.3 is hereby added to the Streets and Highways Code, to read as follows:

1622.3 It shall be the duty of the board of supervisors of each county, on or before the first day of June of each year, to prepare and to submit to the department a budget on such forms as the department may specify, showing the estimated expenditure of such funds recommended to be made during the ensuing fiscal year.

The department may refuse to approve any such budget or any item thereof if in the opinion of the department the work proposed to be done or the expenditures proposed to be made, as outlined therein, do not comply with the requirements of this article as to the purposes for which such funds may be expended. The department may also refuse to approve any such budget or any item thereof if in the opinion of

the department the proposed expenditure or expenditures are excessive for the work to be done.

SEC. 4. Section 1622.4 is hereby added to the Streets and Highways Code, to read as follows:"

Amendment No. 4.

On page 2, line 22, of the printed bill, strike out "Any expenditure from said", and insert in lieu thereof the following: "1622.4. Any expenditure from the special road improvement".

Amendment No. 5.

On page 2, line 26, of the printed bill, strike out "road," and insert in lieu thereof the following: "highway,".

Amendment No. 6.

On page 2, line 29, of the printed bill, strike out "for same".

Amendment No. 7.

On page 2 of the printed bill, strike out lines 31 to 52, inclusive, and strike out all of page 3, and insert in lieu thereof the following:

"Sec. 5. Section 1622.5 is hereby added to the Streets and Highways Code, to read as follows:

1622.5. Before expending any such funds for construction or improvement of any street, except for preliminary engineering, the board of supervisors shall furnish to the department for approval such surveys, plans, specifications, and estimates of cost therefor as the department may require. When the department has approved the plans, specifications, and estimates, the board of supervisors may proceed to advertise for bids. The written consent of the department must be secured before any contract may be awarded for an amount in excess of the estimates of cost, or to other than the low bidder on the grounds that the low bidder is not responsible, or before the work may be done by day's labor.

The written consent of the department must likewise be obtained before the amount of any item specified in the budget for maintenance or acquisition of real property is exceeded.

Sec. 6. Section 1622.6 is hereby added to the Streets and Highways Code, to read as follows:

1622.6. Each county shall file with the department annually, at such time as the department may designate, a report showing all expenditures made for maintenance in such detail as the department may require.

Within sixty days after the completion by any county of any project for the acquisition of real property for, or for the construction or improvement of, any highway, bridge or culvert, such county shall file with the department a final report in respect thereto, in such detail as the department may require."

Bill read second time, ordered to reprint, and re-referred to Committee on Roads and Highways.

Senate Bill No. 633—An act to add section 3343 to the Civil Code, relating to damages in connection with fraud and deceit.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 287—An act to authorize the adoption of codes of fair competition for certain trades and industries within this State, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 287 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "to authorize", and insert in lieu thereof the following: "relating to".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out the comma and "to", and insert in lieu thereof a period, and strike out lines 3 and 4 of the title.

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out "A", and insert in lieu thereof the following: "The existence of a".

Amendment No. 4.

On page 1, line 4, of the printed bill, after "fare", strike out "exists", and insert in lieu thereof the following: "of the people of this State is hereby recognized."

Amendment No. 5.

On page 1, line 6, of the printed bill, after "sale", strike out "of merchandise" and insert in lieu thereof a comma and the following: "manufacture or transportation of merchandise or commodities."

Amendment No. 6.

On page 1, line 16, of the printed bill, after "trades", insert the following: "The term 'service trade' or 'service industry' as used herein shall include any business in which the principal feature is the sale of services as distinguished from the manufacture, sale, transportation or distribution of merchandise and/or commodities, except the hotel industry, which is hereby declared to be exempt from the provisions of this act."

Amendment No. 7.

On page 1, line 21, of the printed bill, strike out "eighty", and insert in lieu thereof the following "seventy."

Amendment No. 8.

On page 2, line 8, of the printed bill, after "each", strike out the period and insert in lieu thereof a comma and the following: "and shall contain such fair trade practice provisions as conditions in the industry require."

Amendment No. 9.

On page 2 of the printed bill, strike out lines 14 to 17, inclusive, and insert in lieu thereof the following: "and the provisions thereof shall become the standards of fair competition for such trade or industry within such city, city and county, or county as the case may be, and the violation of such standards shall be deemed to be an unfair method of competition and a violation of this act."

Amendment No. 10.

On page 2, line 26, of the printed bill, after "National", insert the following: "or State".

Amendment No. 11.

On page 2, line 27, of the printed bill, after "Congress", insert the following: "or the Legislature of California".

Amendment No. 12.

On page 2, line 30, of the printed bill, strike out "a State code", and insert in lieu thereof the following: "State codes".

Amendment No. 13.

On page 2, line 32, of the printed bill, after the first "and", strike out the balance of the line, and strike out lines 33 to 35, inclusive, and insert in lieu thereof the following: "if any of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, and the application of such provisions to other persons or circumstances, shall not be affected thereby."

Amendment No. 14.

On page 2 of the printed bill, between lines 35 and 36 insert the following: "SEC. 10. This act shall cease to be in effect on and after September 1, 1937."

Amendment No. 15.

On page 2, line 36, of the printed bill, strike out "10", and insert in lieu thereof the following: "11".

Amendment No. 16.

On page 2 of the printed bill, strike out lines 43 to 51, inclusive, and on page 3, strike out lines 1 to 6, inclusive.

Amendment No. 17.

On page 2, line 30, of the printed bill, after the period after "trades", insert the following: "Nothing in this act shall be deemed to apply to funeral directors or cemeteries."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 1038—An act to amend section 1241 of the Code of Civil Procedure, relating to condemnation.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 1038 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections 1240 and".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 28, inclusive; also strike out all of page 2, and insert in lieu thereof the following:

"SECTION 1. Section 1240 of the Code of Civil Procedure is hereby amended to read as follows:

1240. The private property which may be taken under this title includes:

1. All real property belonging to any person;

2. Lands belonging to this State, including tide and submerged lands, not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use; provided, that all sixteenth and thirty-sixth sections, both surveyed and unsurveyed, owned by the State or the United States, which may now or may hereafter be included within the exterior boundaries of a National reservation, or of a reserve, or within the exterior boundaries of lands withdrawn from public entry, shall be and hereby are withheld from the operation of this title and shall not be condemned as against the State or the United States;

3. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has already been appropriated; provided, that where any such property has been so appropriated by any individual, firm or private corporation, the use thereof for a State highway or a public street or highway of the State, or a county, city and county, or incorporated city or town, joint highway district, or the use thereof by the State or a county, city and county, incorporated city or town, joint highway district, or irrigation or municipal water district, for the same public purpose to which it has been so appropriated, or for any other public purpose, shall be deemed more necessary uses than the public use to which such property has already been appropriated; and provided further, that where property already appropriated to a public use or purpose, by any person, firm or private corporation, is sought to be taken by the State, a county, city and county, incorporated city or town, joint highway district, irrigation or municipal water district, for another public use or purpose, which is consistent with the continuance of the use of such property or some portion thereof for such existing purpose, to the same extent as such property is then used, or to a less or modified extent, then the right to use such property for such proposed public purpose, in common with such other use or purpose, either as then existing, or to a less or modified extent, may be taken by the State, such county, city and county, incorporated city or town, joint highway district, or irrigation or municipal water district, and the court may fix the terms and conditions upon which such property may be so taken, and the manner and extent of the use thereof for each of such public purposes, and may order the removal or relocation of any structures, or improvements therein or thereon, so far as may be required by such common use.

4. Property appropriated to any public use by any irrigation district, may be taken by another irrigation district for another public use and purpose, which is consistent with the use of such property for such existing purposes to the same extent as such property is then used; provided, that the right to such limited use in common shall include the right to enlarge, change or improve the property so taken; provided further, that such enlargement, change or improvement shall not interfere with the original use or any necessary extension or enlargement of such use.

5. Franchises for any public utility, and all kinds of property of any nature whatsoever used, either during the existence of or at the termination of said franchise, to supply and furnish the service of such public utility, but such franchise or property shall not be taken except for a more necessary public use.

6. All rights of way for any and all the purposes mentioned in section 1238, and any and all structures and improvements on, over, across or along such rights of way, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by or embraced within any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections, and connections shall be made in manner most compatible with the greatest public benefit and least private injury.

7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law.

8. Proceedings to condemn lands belonging to this State are hereby authorized, and must be maintained and conducted in the same manner as are other condemna-

tion proceedings provided for in this title, except that in such proceedings the commissions and a copy of the complaint must be served on the Governor, Attorney General, and Surveyor General of this State.

Sec. 2. Section 1241 of the Code of Civil Procedure is hereby amended to read as follows:

1241. Before property can be taken, it must appear:

1. That the use to which it is to be applied is as authorized by law;

2. That the taking is necessary to such use; provided, when the board of directors of an irrigation district, of a public utility district, or of a water district or the legislative body of a county, city and county, or an incorporated city or town, which by resolution or ordinance, supported by one of two-thirds of all its members, have found and determined that the public interest and community require the improving, reconstruction or completion, for such county, city and county, or incorporated city or town, or irrigation, public utility, or water district, of any proposed public works, or any public improvement, and that the property described in such resolution or ordinance is necessary therefore, such resolution or ordinance shall be conclusive evidence; (a) of the public necessity of such proposed public utility or public improvement; (b) that such property is necessary therefor; and (c) that such proposed public utility or public improvement is proposed or needed in the manner which will be most compatible with the greatest public good, and the least private injury; provided, that such resolution or ordinance shall not be conclusive evidence in the case of the taking by any county, city and county, or incorporated city or town, or irrigation, public utility, or water district, of grounds located outside of the territorial limits thereof.

3. If already appropriated to some public use, that the public use to which it is to be applied is a more necessary public use; provided, that when such property has been so appropriated by any county, city and county, or incorporated city or town, for a public street or highway of the State, or county, city and county, or an incorporated city or town, or water district, or an irrigation district, or a public utility district, or a municipal water district, or an irrigation district, or a public utility district, or a water district for the same purposes to which it has been appropriated or for the public purpose, shall be deemed a more necessary use than the public use to which such property has been already appropriated; and provided further, that property of any character, whether already appropriated to some use or not, including the rights of any nature in water, owned by any person, shall not be taken or appropriated by any county, city and county, or any incorporated city or town, or a municipal water district, or an irrigation district, or a public utility district, or a water district, for the purpose of supplying water or electricity for power, lighting or heating purposes in such county, city and county, or incorporated city or town, or municipal water district, or an irrigation district, a public utility district, or a water district, or the inhabitants thereof, or for the purpose of supplying and other public utility, or for any other public use. And such taking may be made either in through a separate and distinct supply of such water, and such company for power, lighting or heating purposes, or to provide for any such separate and distinct other public utility or other public use; to furnish such a supply of water for any such other public utility or other public use in conjunction with and other supply or with any other public utility or other public use that may have been theretofore provided for or that may thereafter be provided for in so supplying or providing for such county, city and county, or incorporated city or town, or municipal water district, or an irrigation district, a public utility district, or a water district, or the inhabitants thereof; or in conjunction with any other supply or with any other public utility or other public use that may have been theretofore determined upon or that may thereafter be determined upon in accordance with law by the people of any such county, city and county, incorporated city or town, or municipal water district, or an irrigation district, a public utility district, or a water district. Nothing herein provided shall be construed as in any way limiting such rights as may be given by any other law of this State to counties, cities and counties, incorporated cities or towns, or municipal water districts or irrigation districts, public utility districts, or water districts."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 1051—An act making an appropriation to renovate certain portions of the State Capitol Building.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to, the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 561 was read and adopted:

Amendment No. 1.

On page 4, line 36, of the printed bill, as amended, after the word "cities", strike out the balance of the line, and in line 37, strike out the words "such city is located", and insert in lieu thereof the following: "in this State".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 663—An act to amend the title and section 15 and to add section 33 to an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments and reassessments for the payment of such refunding bonds, to enforce the liens of such assessments, reassessments, to provide for the proceedings to test the validity of such refunding and reassessment, and to provide for contributions of public funds to assist in such refunding," approved June 5, 1933, relating to the refunding of bonds payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 663 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out the words and figures "Sec. 15", and insert in lieu thereof the words and figures "sections 1, 2, 6, 9, 11, 12, 13, 15, 30, 31 and 32".

Amendment No. 2.

On page 2 of the printed bill, as amended, following line 9, insert the following: Sec. 2. Section 1 of the act designated in the title hereof is hereby amended to read as follows:

Section 1. All bonded indebtedness consisting of outstanding unpaid bonds and outstanding unpaid interest coupons of bonds issued by or for any special improvement district the bonds of which are payable from taxes or special assessments levied wholly or partly in accordance with the assessed value of lands may be funded or refunded under and pursuant to the provisions of this act. At least two of the interest coupons on the refunding bonds must be at a rate of interest less than the interest rate on the bonds to be refunded, and the rate of interest on the refunding bonds shall not exceed the rate of interest on the bonds to be refunded. The legislative body of the city or county or city and county which conducts the refunding proceedings may negotiate and contract with the holders of bonds for such refunding and to aid in such refunding may appropriate moneys from the general fund or from any available fund of the city or county or city and county. Also, any county in which the district lies, whether the district be entirely or partly within a city or cities, or entirely or partially within unincorporated territory of the county, is hereby authorized to appropriate moneys from its general fund, road fund or any available fund to assist in such refunding. In refunding such indebtedness under this act, the total amount of the reassessments to be levied under this act plus contributions,

if any, of public money to aid in such refunding shall be less than the total amount of the outstanding unpaid bonds and the outstanding due and unpaid interest coupons which are to be refunded.

SECT. 3. Section 2 of the act designated in the title hereof is hereby amended to read as follows:

SECT. 2. Whenever the legislative body of any city or county or city and county of this State determines by resolution that the public interest, convenience or necessity require the refunding of the indebtedness of any special improvement district which it is given jurisdiction to refund under the provisions of this act, said legislative body shall by resolution declare its intention to refund such bonds and shall determine the total maximum principal amount for which a reassessment shall be levied in the refunding proceedings, and shall determine the term of any refunding bonds to be issued to represent unpaid assessments as herein provided and the rate or rates of interest of such bonds. The rate of interest during the entire term of such bonds need not be the same but different rates may be stated for one or more interest payments of such bonds. If such different rates of interest are proposed, each rate and the time during which such rate shall be paid shall be designated in such resolution. The amount of any proposed contribution of public funds to be made to assist in such refunding shall be stated in such resolution, but this shall not prevent said legislative body making additional contributions thereto at any time. In said resolution and legislative body it shall state the total amount of the outstanding indebtedness to be refunded (which shall be deemed to be the principal amount of outstanding unpaid bonds and the amount of due and unpaid interest coupons), the amount of the principal of bonds included therein, and the amount of due and unpaid interest coupons included therein, all as of the date said resolution is adopted. No error or mistake in the computation of the amount of unpaid principal or unpaid interest shall affect the validity of the refunding proceedings, and no error or mistake in any statement of the amount of such principal or interest in any notice, resolution or order in the course of the proceedings shall operate in any way the reassessment or the refunding bonds or the refunding proceedings, provided that the total sum of the reassessment levied in the refunding proceedings plus any contribution or contributions of public funds made to aid in such refunding shall not exceed the sum of the principal amount of the bonds to be refunded and the amount of the due and unpaid interest coupons to be refunded. Said resolution shall contain a statement that for any reassessment not paid within thirty days from the date of recordation thereof a bond will issue in the manner and form provided in this act (designating the act by title or other suitable reference).

Said resolution shall also contain a date, time and place for the hearing of objections to said refunding, and the date fixed for said hearing shall not be less than twenty (20) days nor more than sixty (60) days subsequent to the date of adoption of said resolution. Said resolution shall also contain a statement that the refunding shall not be authorized unless the written consent of the owners of a majority in area of the land in the district subject to assessment to pay the principal and interest of the outstanding bonds is filed with the clerk of the legislative body, and that any owner of land in said district may file his written consent to such refunding at any time prior to the adoption of the resolution ordering the refunding.

SECT. 4. Section 3 of the act designated in the title hereof is hereby amended to read as follows:

SECT. 3. The resolution shall be published once a week for at least two (2) weeks in a newspaper of general circulation in the city of the refunding proceedings are conducted by the legislative body of a city or in the county (if the refunding proceedings are conducted by the legislative body of a county). In the event no newspaper of general circulation is published in the city, then publication may be made in any newspaper of general circulation published in the county. Copies of such resolution headed "Notice of refunding and reassessment" shall also be posted upon all open streets within the district of lands proposed to be reassessed in the refunding proceedings. Such notices shall be not more than three hundred (300) feet in distance apart and not less than three (3) of such notices shall be posted. The heading upon such posted notices must be in letters at least one inch in height and such notices shall be posted on or before the date of the first publication of said notice. A copy of the resolution as published shall be mailed, postage prepaid, by the clerk of the legislative body to each person to whom land in the assessment district is assessed as shown on the last equalized assessment roll of the county in which said district lies, at his address as shown upon such roll, and to any person, whether owner in fee or having a lien upon or legal or equitable interest in any land within said district, whose name and address and a designation of the land in which he is interested is on file in the office of said clerk. No error, failure or mistake in the mailing or posting of such notices or any of them and no failure of any owner or person interested in any land within the district to receive such mailed notice shall in any way affect the validity of the proceedings hereunder and the clerk's affidavit of mailing shall be conclusive evidence that all notices have been mailed as required by this act. Affidavits of publication, posting and mailing shall be filed in the office of the clerk of the legislative body. The date of the first publication of the resolution of intention, the date of the posting of copies of such resolution, and the date of mailing copies of such resolution (which dates need not be

the same) shall be at least twenty (20) days prior to the date of hearing fixed in said resolution.

Any owner of land within the district subject to tax or assessment for payment of the principal and interest of the outstanding bonds may file his consent in writing to the refunding and reassessment upon the terms stated in said resolution. Such consent need not be in any particular form and no error or informality thereof shall in any manner vitiate the proceedings. Owners of land within the meaning of this section are those, and those only, who appear to be such upon the records in the office of the county recorder of the county in which the district is situated on the day that said consents are filed with the clerk of said legislative body. Executors, administrators, special administrators, and guardians may consent for any property of the estate represented by them. Any trustee of an express trust in land, other than as security for the payment of money, may consent for all or any part of the land held in such trust. A trustee in bankruptcy may consent for all or any part of the property of the bankrupt. Such executors, administrators, guardians and trustees are deemed owners of land within the meaning of this act. The written consent of the owners of a majority in area of the lands in the district subject to reassessment in the refunding proceedings shall be binding upon the owners of the minority in area of the lands in such district.

At any time not later than the hour set for hearing objections to the proposed refunding, any person interested and any owner of property which is subject to reassessment in the refunding proceeding may file his written objection against the proposed refunding with the clerk of the legislative body. Such objection must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and shall set forth the nature of each signer's interest therein, and shall be delivered to the clerk of said legislative body at or before the time set for hearing, and no other protests or objections shall be considered. At the time and place fixed for the hearing of objections, or at any time to which the hearing thereof may be adjourned, the legislative body shall hear and consider all objections so filed. The hearing may be continued from time to time, by order of the legislative body to be entered upon its minutes. Any objection or protest to such refunding not made at the time and in the manner hereinbefore provided shall be deemed to be waived voluntarily by any person who might have made such protest or objection, and such person shall be deemed to have consented to the proposed refunding. The legislative body may sustain or deny any or all objections and protests and its determination thereon shall be entered upon the minutes and shall be final and conclusive. Said legislative body shall also at said hearing, as originally fixed or as adjourned, by resolution entered upon the minutes, determine whether the written consent of the owners of a majority in area of the lands in the district subject to reassessment has been filed or not, and if it determines that such consent has been filed it shall thereupon acquire jurisdiction to proceed further under this act.

The validity, sufficiency, or genuineness of said consents, or any thereof, or the finding and determination of the legislative body thereon, shall not be contested in any action, suit or proceeding unless the same shall be commenced within three months after the determination of said legislative body has been made, and thereafter no person in any action, suit or proceeding may plead or prove that said consents or any thereof, or the finding or determination of the legislative body thereon, was in any way defective, invalid, or insufficient.

After the legislative body has determined that the written consent of the owners of such majority in area has been filed, it may by resolution entered upon the minutes order the refunding and reassessment.

Sec. 4. Section 6 of the act designated in the title hereof is hereby amended to read as follows:

Sec. 6. The total amount for which said reassessment shall be levied shall not exceed the total principal amount of such reassessment as stated in the resolution of intention; but may be for a smaller amount. Said reassessment shall be made upon all such lots, pieces or parcels of land within the assessment district as are subject to tax or assessment to pay the principal and interest of the outstanding bonds to be refunded. The total amount to be reassessed shall be apportioned upon said lots, pieces and parcels of land in the manner hereinafter set forth, to wit: To the total principal amount of the reassessment proposed to be levied shall be added the total sum of all of the amounts (including such interest and penalties as go into such fund) paid into the interest and sinking fund of such district on or prior to the date the resolution of intention in the refunding proceedings was adopted, upon taxes or assessments levied upon any lot, piece or parcel of land subject to reassessment in the refunding proceeding to raise funds to pay the principal and or interest of the bonds of said district which are to be refunded. The total amount of the two sums shall be apportioned as an assessment upon all such lots, pieces or parcels of land within the assessment district as are subject to tax or assessment to pay the principal and interest of the bonds to be refunded. The person making the reassessment shall proceed to estimate upon the lots, pieces or parcels of land within the assessment district and, subject to reassessment under

the terms of this act, the benefits arising from the acquisition or improvement or acquisition and improvement, for which the bonds to be refunded were issued, shall be received by each such lot, piece or parcel of land, and shall thereupon accrue upon and against the said lands the total amount of the two sums mentioned in this section mentioned and it is hereby shall assess the said total amount upon the several lots, pieces or parcels of land in said assessment district subject to reassessment in the manner following, to wit:

First, each lot, piece or parcel of land, proportionately by participating in the numerous benefits received by such such lot, piece or parcel of land from the acquisition or improvement, or the acquisition and improvement, for which the bonds to be refunded were issued.

When said total amount has been ascertained upon each of the lots, pieces or parcels of land to be reassessed there shall be deducted from the amount so ascertained upon any lot, piece or parcel of land any sum constituting amount and principal of any bond paid into the interest and sinking fund of the district for the purpose for the debt of redemption of the assessment of interest on the foregoing participating water or gas or assessment based upon any such lot, piece or parcel of land to pay the principal and interest on bonds of said district. In case any such lot, piece or parcel of land was a portion of a larger parcel of land the whole of which was previously assessed the portion of such payment to be deducted from the amount assessed against such smaller lot, piece or parcel of land shall be that proportion of such payment which the amount assessed against such smaller lot, piece or parcel of land bears to the total amount assessed against all of the parcels which composed such larger parcel of land. After all of the amounts of taxes and assessments, including tax payable and interest paid into the interest and sinking fund, have been deducted from the amount assessed to each such lot, piece or parcel of land, the amount remaining assessed against each such lot, piece or parcel of land shall be deemed assessed amount and shall comprise the total reassessment to be levied and shall be levied against the sum stated in said resolution of intending to be refunded sum. If in any case the amount paid as and for any taxes or assessments upon any parcel of land should exceed the amount assessed as benefits against said parcel, no refund shall be made to any property owner.

Sec. 5. Section 9 of the act designated in the title hereof is hereby amended to read as follows:

Sec. 9. When said reassessment has been filed with the clerk, the legislative body shall direct said clerk to give notice of the filing of said reassessment, and of the time and place when and where all persons interested in said such reassessment shall be heard by said legislative body. Such notice shall be in substantially the following form:

(Fill in blanks.)

Notice of hearing on proposed reassessment for refunding of bonds of _____ District No. _____ of city or county of _____

Notice is hereby given that a reassessment for the refunding of the bonds of the above entitled district has been filed with the clerk of the _____ (naming the legislative body) of _____ (city or county) and that it is expected to be heard by said body interested. The acquisition or improvement, or acquisition and improvement, for which the bonds of the foregoing words and hereof to pay the costs and expenses in which said bonds were issued, was made pursuant to _____ (resolution or ordinance) of intention No. _____ (if numbered) 19____, and reference is hereby made to such _____ (resolution or ordinance) of intention for a description of the _____ (acquisition or improvement or acquisition and improvement).

The district of lands benefited by said acquisition or improvement, or acquisition and improvement (using the appropriate words), is described in general terms as follows: (Here insert a description in general terms of the district as shown upon the plat or diagram attached to the reassessment, excepting therefrom any lands not to be reassessed.)

Reference is hereby made to the diagram contained in said reassessment for the boundaries and extent of the said assessment district, and said diagram shall govern for all details as to the extent thereof. Said diagram shows each lot, piece or parcel of land reassessed and said reassessment shows the amount proposed to be reassessed upon each lot, piece or parcel of land.

Notice is further given that it is proposed to levy said reassessment for the refunding of the bonds of said district. The total amount of the proposed reassessment is the sum of \$_____.

Notice is further given that on the _____ day of _____ 19____, at the hour of _____ o'clock, _____ m., at the chambers of the _____ (designating the legislative body) of the _____ (city or county) in the city of _____ is the time and place the said _____ (designating legislative body) will hold the hearing on said reassessment. Protests or objections to said reassessment or to any proceedings taken in the refunding of said bonds and the levying of a reassessment therefore or to any part of such proceedings or to any specific reassessment upon any ground whatsoever must be filed in writing with the clerk of _____ (designating legislative body) at or before the time of said hearing. Upon the recording of said reassessment, the respective

amounts reassessed shall be immediately due and payable. The reassessment proceedings are under and serial bonds shall be issued in the manner and form provided in (here set out the title of this act and its date of approval or refer to the act by other appropriate reference) to represent each reassessment remaining unpaid after the expiration of thirty days from the date of recording said reassessment. Said bonds shall bear interest at the rate (or rates) of ----- per cent from the date of recording of such reassessment and shall be payable in ----- installments extending over a period of ----- years from the second day of January next succeeding the fifteenth day of next November following their date.

Clerk of the (designate legislative body)

of (designate name of city or county).

SEC. 6. Section 11 of the act designated in the title hereof is hereby amended to read as follows:

Sec. 11. Protests or objections to the said reassessment or to any of the reassessments upon the respective lots, pieces or parcels of land reassessed or to any action or determination in the making of said reassessment or in the proceedings for said reassessment and refunding, including objections to the amounts of the reassessments, or to the validity or legality of any of the proceedings for said reassessment and refunding must be made in writing and filed with the clerk of said legislative body at or before the time fixed for the hearing on said reassessment. Such protests or objections may be made by any person interested in the reassessment and refunding proceedings. It is the intent of this section that protests or objections upon any ground whatsoever not theretofore waived may be made as provided by this section. Such protests or objections need not be in any particular form, but if protest against or objection to the regularity or legality of the proceedings for the reassessment or refunding is made, such protest must clearly set forth the particular alleged irregularities or invalidities. Any objection or protest upon any ground whatsoever not made at the time and in the manner herein provided shall be deemed to be waived voluntarily by any person who might have made such a protest or objection, and the proceedings for the said reassessment and refunding may not thereafter be attacked upon any ground not stated in an objection or protest so filed, and any land owner or any person otherwise interested in any lands within the said district or in the reassessment and refunding proceedings shall be estopped to attack the said reassessment and refunding proceedings upon any ground not stated in a protest filed by him in accordance with the provisions of this section. At the time fixed for the hearing any person interested may appear and be heard upon any of the matters set forth in his protest or objection. Protests and objections may be taken up in such order as the legislative body deems advisable and any evidence offered thereon by any property owner or person otherwise interested in the proceedings for said reassessment and refunding shall be heard by said legislative body. Said legislative body may also hear any evidence offered in support of the said reassessment and refunding proceedings. If, at the hearing, it appears that the owners of more than one-half of the area of the lands assessed in the refunding proceeding have filed protest or objection to the refunding as proposed, in its entirety, the legislative body shall, by resolution to be entered upon its minutes, so find, and shall abandon such refunding, and no resolution of intention for the refunding of the indebtedness of said district under this act may be adopted within a period of six months from the date of such abandonment. In order that such protests or objections operate as a bar they must specifically state that the objection is to the refunding in its entirety. The determination of said legislative body upon any of the matters presented in any of said protests or objections and upon all matters involved in said reassessment and refunding proceedings and upon the reassessment shall be final and conclusive. Said hearing may be adjourned from time to time by an order entered upon the minutes of the legislative body; provided, that the hearing must be finally completed within sixty days from the date thereof stated in the published notice of hearing. At the said hearing said legislative body shall have power to revise, correct or modify the said reassessment in such manner as may be just and in accordance with the facts and so that the assessment may be apportioned according to benefits. Said reassessment may be confirmed as filed or as revised, corrected or modified. Confirmation of said reassessment shall be made by resolution of the legislative body entered upon its minutes and such resolution shall declare the findings of said legislative body. If no changes are made in any of the matters contained in said reassessment, it shall be sufficient in said resolution to declare that said reassessment is confirmed, but if any changes are made such changes shall be mentioned in said resolution of confirmation and said resolution shall declare that the said reassessment as revised, corrected or modified by the said changes is confirmed. Said legislative body shall also have power at said hearing to correct any of its previous actions, determinations, resolutions or orders and any of the proceedings for the reassessment and refunding. The findings and determinations of said legislative body upon all matters herein mentioned and upon all matters in connection with said reassessment and refunding proceedings shall be final and conclusive upon all persons and in all actions or proceedings as to all matters expressly found and determined and as to the regularity

and sufficiency of the reassessment and refunding proceedings, and said resolution confirming the said reassessment shall be conclusive evidence that such reassessment and all proceedings prior thereto are valid and sufficient. No defect in the form of such reassessment and no omission, failure or neglect of, or delay in the execution of any officer, body or person in the reassessment and refunding proceedings and no error in the amounts to be reassessed upon any of the lots, pieces or parcels of land shall invalidate the said reassessment or any of the reassessments therein contained, and each of the reassessments in said reassessment shall become a lien upon the property upon which the same is levied, notwithstanding any money before or becoming therein or in any of the proceedings therefor and notwithstanding that the proceedings for the making of said reassessment are not in full conformity with the provisions of this statute, and any action or determination, necessary or convenient in the making of said reassessment or in the refunding and reassessment proceedings not expressly set forth in this statute is hereby authorized and the same when made shall be valid and sufficient.

Sec. 7. Section 12 of the act designated in the title hereof is hereby amended to read as follows:

Sec. 12. If the refunding proceedings are conducted by the legislative body of a city, said reassessment as conducted shall be recorded with the superintendent of streets of said city. If the refunding proceedings are conducted by the legislative body of a county, said reassessment as conducted shall be recorded with the county surveyor of said county. The reassessment shall not be recorded until the payment of all outstanding bonds and coupons have constituted to exchange such bonds and coupons in the refunding proceedings, or if all holders of outstanding bonds and coupons do not so contract, the reassessment shall not be recorded until a separate provision has been made as required in this act for the settlement of payments of the bonds and coupons of nonconsenting holders. When so recorded the assessed amounts reassessed upon the lots, pieces or parcels of land in said reassessment shall be a lien thereon as of the date of such recordation. Said lien shall constitute said reassessment and all interest and penalties thereon and shall be a lien in like priority over all special assessment liens created against the same property subsequent to the date of such recordation. After foreclosure of said reassessment lien or sale of property for said lien shall convey the said property to the purchaser free and clear of all encumbrances except taxes and such special assessment liens as at the date of the creation of said lien, are by law required to run in connection with the said reassessment. From and after the date of the said recording of said reassessment all persons shall be deemed to have notice of the contents thereof. The amount assessed in said reassessment shall be payable to the said superintendent of streets or county surveyor with whom said reassessment is recorded, and said superintendent of streets or county surveyor is authorized to receive the amount due him, and to receive and give a good and sufficient discharge therefor, provided a bond has not been issued to represent such reassessment. The officer with whom said reassessment is recorded shall give notice by publication for ten days in a daily newspaper of general circulation printed and published in the county in which the same reassessment is or by three successive insertions in a weekly newspaper of general circulation printed in such county that said reassessment has been recorded in his office and that all sums assessed therein became due and payable upon the recordation of said reassessment, stating the date of such recordation and that the payment of the said sums is to be made to him within thirty days after the date of such recordation. Said notice shall also contain a statement that for any reassessment not paid before the expiration of said thirty days, a bond will issue in the manner and form provided in this act and shall state the period over which said bond shall extend and the rate of interest which shall be payable thereon. Notice shall also be given by mailing a post card to the owner of such lot, piece or parcel of land reassessed according to the name and address appearing on the last equalized assessment roll for county taxes prior thereto or as known to the superintendent or surveyor, provided that a failure of the superintendent or surveyor to give such notice by mailing or of the person addressed to receive the same shall not affect the validity of the proceedings or the validity of the lien of any reassessment or of any bond issued thereon. Upon payment of any reassessment, the superintendent of streets or the county surveyor with which the said reassessment is recorded shall mark upon the said reassessment note of the said payment and shall cancel the said reassessment, and upon request, said superintendent of streets or county surveyor shall also give a receipt to the person paying the said reassessment. Any reassessment upon public property shall be paid by the officer or board having charge of the disbursement of the funds of the owner of such property, and said reassessment shall be an enforceable obligation against the owner of or the governing body controlling the said property. If for any reason there are no moneys available for the payment of said reassessment, then the board or officer whose duty it is to levy taxes for the said owner of said public property shall include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to pay said reassessment and the interest thereon from the date the reassessment is recorded at the rate to be stated in the refunding bonds, and when the moneys received from said tax levy are available, said reassessment and such interest thereon shall be paid by the officer or board having

charge of the disbursement of the funds of the owner of such land. Any reassessment upon public property not in use in the performance of a public function may be foreclosed in the manner provided in section 27 of the "Improvement Act of 1911" as amended; provided, however, that the notice to be given upon the tax bill need not be given or made and that such action may be brought at any time after thirty days after the recording of such reassessment, and in any such foreclosure action the said reassessment and diagram with proof of nonpayment shall be prima facie evidence of the right of plaintiff to recover in the action. Said action shall be brought in the name of the city or county the legislative body of which levied said reassessment upon the request of any person entitled to any portion of the moneys to be derived from said reassessment. The person requesting that said foreclosure action be brought must advance the plaintiff's costs and expenses thereof and said action may be brought by any competent attorney appointed by the legislative body which levied said reassessment. In any case in which the reassessment is levied by the legislative body of a county, the same shall be foreclosed as hereinbefore provided, except that the various officers designated in said section 27 shall be the corresponding county officers as designated in the County Improvement Act of 1921 as amended. No refunding bond shall issue against public property, and the list of unpaid reassessments to be filed with the treasurer shall not include any unpaid reassessment upon public property.

SEC. 8. Section 13 of the act designated in the title hereof is hereby amended to read as follows:

SEC. 13. No action, suit or proceeding to set aside, cancel, avoid, annul or correct any reassessment hereunder or to review any of the proceedings, acts or determinations made in the proceedings for said reassessment and refunding or to question the validity of or enjoin the collection of said reassessment or any reassessment therein or to enjoin the issuance of any bond or bonds to represent the same shall be maintained by any person unless such action or actions shall have been commenced within ninety days after the date of confirmation of said reassessment, and thereafter all persons shall be barred from any such action, suit or proceeding or any defense of the invalidity of said reassessment or any of the reassessments therein contained or any bonds issued thereon.

In any action, suit, or proceeding brought after said ninety days has expired, to enforce any reassessment or bond issued to represent said reassessment no person may urge, plead or prove the invalidity of any reassessment or bond issued to represent said reassessment and in any action to foreclose a bond issued hereunder, said bond shall be conclusive evidence of the regularity and validity of the reassessment proceedings and reassessment, and the bond."

Amendment No. 3.

On page 2, line 10, of the printed bill, as amended, strike out the figure "2", and insert in lieu thereof the figure "9".

Amendment No. 4.

On page 2, line 12, of the printed bill, as amended, strike out all of the language following "15.", and strike out all of lines 13 to 49, inclusive, and insert in lieu thereof the following:

"If the holders of all of the outstanding bonds agree to refund their bonds as proposed in the refunding proceeding, then all refunding bonds, all moneys collected on the reassessments levied in the refunding proceeding, and all public contributions (if any) shall be paid and delivered to the holders of the outstanding bonds, in such amounts and proportions as may be fixed by contract with such bondholders. Any contract with the holder of any bond may provide such terms and conditions of exchange as may be agreed upon by the holder and the legislative body, and may contain such terms and conditions relating to time of performance, conditions precedent thereto, and the method and mode of performance, as may be agreed upon by said parties. Whenever the refunding bonds and moneys, if any, are delivered to said bondholders, said bondholders must concurrently deliver to the legislative body or its representative the outstanding unpaid bonds which are refunded and all outstanding unpaid interest coupons, constituting the entire indebtedness of said district, and the same shall forthwith be canceled.

In the event that the holders of one or more of the outstanding bonds do not enter any contract with the legislative body to refund the same, nevertheless if the holders of seventy-five per cent or more of the outstanding bonds do contract with the legislative body which conducts the refunding proceedings for the refunding of the bonds owned or held by them, said legislative body shall have authority to refund all of the bonds of said district under the provisions of this act, but in such event, prior to recording the reassessment levied under this act, sufficient moneys to adequately provide for the retirement or payment of the bonds of the nonconsenting holders must be provided and set aside in the proper fund for that purpose. Any city or county or city and county which is authorized under this act to appropriate moneys to aid in refunding the bonds of the district, may make an advancement or contribution or an additional contribution in order to provide moneys to pay or retire bonds of such nonconsenting holders. Whenever any city or county or city

and county or any person or corporation advances moneys to provide for the payment or retirement of the bonds of non-assessing holders, the legislative body may deliver at par all or any portion of the refunding bonds which are due to be delivered to consenting bondholders to the person, corporation, city, county or city and county making such advance or advances, or sell at par all or any part of such refunding bonds not to be delivered to consenting bondholders, and from the proceeds received reimburse such person, corporation, city, county or city and county, entirely or partially, and may contract to make such sale or delivery. If the legislative body makes all or any part of such advancement in any manner, the city, county or city and county of which it is the legislative body, actually or partially by selling all or any part of such refunding bonds at par. And such contract or advancement and not required to pay consenting bondholders with cash or with any security in whole or in part any person, corporation, city, county or city and county making such advance or advances, and the legislative body may contract to do so, by any cash. Any other method of selling bonds for the payment or retirement of the bonds of non-assessing bondholders which was prior to the date the advancement is recorded under this act is hereby given the same priority for such payment or retirement as bonds purchased. Whenever any money was placed in any fund for the retirement or payment of the bonds of non-assessing holders, the said money shall be used only for that purpose and after all of the bonds of said non-assessing holders have been paid or retired any sum remaining in said fund shall be returned to the city or county or city and county which advanced the same.

If the contract with the bondholders as provided said legislative body may sell all of the refunding bonds for cash and pay said bondholders in cash at a price to be fixed in said contract.

In the event that the discharge of the bonds of non-assessing holders at less than the par value thereof has been authorized by any final decree or order confirming a plan of readjustment under any bankruptcy law of the United States of America in any proceedings initiated under the authority of this act, said legislative body is authorized to do and perform all acts and things necessary for the discharge of such bonds in accordance with said decree or order.

Wherever the word "bond" or "bonds" is used hereinafter in this section or referring to the outstanding bonds the word shall be deemed to include and shall be construed to mean also any certificate or other financial receipt or receipt of any bond or bonds of the district, and the word "bondholder" or "bondholders" as used hereinbefore in this section shall be deemed to include and shall be construed to mean also any holder or holders of outstanding receipt or receipts of bonds of the district.

After the date of the adoption of the resolution of intention in the refunding proceeding all sums paid for any parcel of land into the district and county fund for the payment of principal and interest of the bonds to be refunded shall be credited upon the reassessment levied in the refunding proceeding upon such parcel and shall be applied as moneys paid upon such reassessment.

Upon the resolution of the reassessment in the refunding proceeding of special taxes or special assessment taxes levied to pay principal and interest of the bonds refunded and all penalties and interest thereon shall be deemed assessed and annulled, and the clerk of the legislative body which conducted such refunding proceedings shall notify the proper city officials or the proper county officials as the case may be, that the bonds of said district have been refunded and that said taxes or said special assessment taxes, penalties and interest are assessed and annulled and such officials shall thereupon proceed to make the necessary entries showing the cancellation thereof."

Amendment No. 5.

On page 2 of the printed bill, as amended following line 49 insert the following:

"Sec. 10 Section 30 of the act designated in the title hereof is hereby amended to read as follows:

Sec. 30. At any time within ninety days after the confirmation of the reassessment, any person interested in any of the bonds to be refunded or in any of the lands reassessed may bring an action in the superior court of the county the legislative body of which conducted the refunding proceedings, or the county in which the city, the legislative body of which conducted the refunding proceedings has, to determine the validity or invalidity of such reassessment. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for four weeks in a newspaper of general circulation published in the county where the action is pending such notice to be designated by the court having jurisdiction of the proceedings. Said summons shall contain a general description of the boundaries of the district of the bonds upon which said reassessment is or is to be levied. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such reassessment or uphold the same. Such action shall be specially tried and judgment rendered declaring such matter so contested either valid or invalid. Either party shall have the right to appeal to the Supreme Court at

any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. The motion for a new trial of any such proceeding must be heard and determined within ten days from the filing of the notice of intention.

The court hearing the said proceeding, in inquiring into the regularity, legality or correctness of such reassessment, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to the proceeding herein provided for. The costs of the legal proceedings provided for in this section may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. After said reassessment has been confirmed, it shall not be contested in any way other than at the time and in the manner specified in this section, and in any such action all findings, conclusions and determinations of the legislative body which conducted the reassessment proceedings shall be conclusive in the absence of actual fraud.

If any reassessment or any refunding bond is held illegal or invalid in any action, suit or proceeding upon any ground which would apply to the entire reassessment or the entire issue of refunding bonds, then the unpaid bonds refunded, remain in full force and effect, and if said unpaid bonds have been canceled, the treasurer of the city or county which conducted the invalid refunding or reassessment proceeding shall issue new bonds of the same tenor, force and effect as such canceled unpaid bonds, and all of the provisions of the act under which the original bonds were issued (notwithstanding that said act may have been repealed in whole or in part subsequent to the issuance of such bonds) relative to the payment of the bonds issued thereunder and the levy, collection and enforcement of taxes or special assessment taxes therefor shall apply to such unpaid bonds, and to any bonds issued to replace such unpaid bonds. Until all unpaid bonds which might be refunded hereunder have been fully paid or funds set aside for their payment in full or have been legally refunded, it shall be and remain the duty of the legislative body empowered and directed to levy taxes or the special assessment taxes for the payment of such bonds to proceed under the provisions of the act under which said bonds were issued to levy the said taxes or special assessment taxes provided in said act in accordance with the provisions of said act. The validity of any refunding bonds issued under this act shall not be contested in any action, suit or proceeding unless such action, suit or proceeding shall have been brought within three months after the issuance of such bonds.

SEC. 11. Section 31 of the act designated in the title hereof is hereby amended to read as follows:

SEC. 31. Wherever all or any part of the lands in any district, the bonds of which are proposed to be refunded, lie in another district which has outstanding bonds payable by taxes or assessments levied wholly or partly in accordance with the assessed value of the lands therein, one reassessment may be levied and one issue of refunding bonds issued under the provisions of this act to refund the indebtedness of all of said districts. It is the intent of this section to permit but not to require the refunding in one proceeding of the indebtedness of all districts which wholly or partially overlap. Such refunding shall be had and the reassessment shall be levied under the provisions of this act as in this section modified. Said districts need not be formed under the same act, but if formed under any act under which taxes or assessments are levied wholly or partly in accordance with the assessed value of the lands, may refund their indebtedness in one reassessment proceeding hereunder. The total amount of the reassessment shall be fixed by the legislative body. If the owners of a majority in area of the lands included within the exterior boundaries of the area which comprises the said several districts the bonds of which are to be refunded shall in writing agree to such refunding as provided in this act, then the legislative body shall be authorized to proceed with such refunding and to make a reassessment therefor as in this act provided. The reassessment shall be spread over all lands subject to tax or assessment for the bonds refunded in the area comprising all of the districts. To the total sum of the reassessment shall be added the total sum of all taxes upon land and all assessments including interest and penalties paid into the interest and sinking fund of any of the districts for the payment of principal and/or interest of any bonds of the same issue as the bonds to be refunded. The total amount thus ascertained shall be assessed against all of the lands in the area comprised by the districts in accordance with the benefits derived from the acquisitions or improvements or acquisitions and improvements to pay for which the said bonds to be refunded were issued. From the assessment thus made upon each lot, piece or parcel of land shall be deducted the amounts of such taxes upon land and all assessments including interest and penalties, if any, levied upon such lot, piece or parcel of land to pay principal and/or interest of any bonds of the same issue as the bonds refunded as have been paid into the interest and sinking fund of any of said districts. The amounts remaining after such deductions have been made shall be and constitute the reassessments and the total amount of such reassessments shall be the total sum of the reassessment stated in the landowner's assent, or a smaller sum.

SEC. 12. Section 32 of the act designated in the title hereof is hereby amended to read as follows:

SEC. 32. Special improvement district bonded indebtedness which is payable from taxes levied upon all property or upon all taxable property in the improvement district may be refunded under this act. The proceeding for refunding such indebtedness shall

be the same as for refunding other indebtedness under this act and in making the reassessment hereunder, to the total sum of the proposed reassessment shall be added the total sum of all of the amounts (including such penalties and interest as go into such fund) paid into the interest and sinking fund of the district on or prior to the date the resolution of intention in the refunding proceedings is adopted upon taxes levied upon any lot, piece or parcel of land subject to reassessment in the refunding proceeding to raise funds to pay principal or interest of the bonds to be refunded, and the total of the two sums shall be apportioned upon the lands subject to reassessment according to benefits as heretofore provided in this act and from the amounts so apportioned to any lot, piece or parcel of land shall be deducted any sums paid into the interest and sinking fund of the district on or prior to the date said resolution of intention is adopted upon any tax levied upon such lot, piece or parcel of land to pay principal or interest of the bonds to be refunded."

Amendment No. 6.

On page 2, line 50 of the printed bill, as amended, strike out the figure "3", and insert in lieu thereof the figures "13".

Amendment No. 7.

On page 3, line 1, of the printed bill, as amended, strike out all of the language following "33", and strike out all of lines 2 to 17, inclusive, and insert in lieu thereof the following:

"The word 'improvement' where used in the phrase 'special improvement district' in this act shall mean any public improvement of any nature whatsoever, including any acquisition of lands, rights of way or easements for public use and acquisition or construction of buildings, structures or public works of any kind or nature, or a combination of any or all of the foregoing, and the word shall be given the broadest and most liberal construction as including all acquisitions of land and all acquisition and construction of public works authorized under any law of the State of California, including particularly the Acquisition and Improvement Act of 1925, the Road District Improvement Act of 1907 and the Municipal Improvement District Acts of 1915 and 1927.

This act shall be known as and whenever mentioned, cited, referred to or amended may be designated as the "Assessment Bond Refunding Act of 1935" and be such designation shall be sufficiently identified in any proceeding hereunder or in any court action or proceeding, and whenever under the procedure set forth in this act the title of the act is to be stated in any resolution, notice or order, it shall be sufficient to designate the act as provided in this paragraph.

The legislative body which conducts the refunding proceedings is authorized to pay any incidental expenses of such proceedings from any available funds of the city or county, or city and county, but no such incidental expenses of such proceedings shall be assessed upon lands in the district.

This act shall in no wise affect any other act or acts now existing or which may hereafter be passed covering the same subject matter, or apply to any proceedings thereunder, but is intended to and does provide an alternative system for the refunding of bonds, and, when in the discretion of any legislative body proceedings are commenced under this act the provisions of this act only shall apply thereto.

Whenever the requisite number of property owners in any district or districts have filed their written consent to the refunding of the indebtedness of such district, any city or county, or city and county, is authorized to file a petition and take all proceedings required under any bankruptcy law or laws of the United States of America now or hereafter enacted, for any district, the bonds of which are authorized to be refunded under this act, or to bring any action, suit or proceeding authorized under the equity powers of any court for the purpose of refunding the bonds of such district.

No bond, coupon, reassessment or installment thereof or of the interest or penalties thereon, and no certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on same, provided the error be found to be comparatively negligible or be found to be in favor of the owner of real property affected thereby.

The bonded indebtedness of special assessment districts payable from ad valorem assessments is so great in many instances that the refinancing of such indebtedness is one of the most important problems of this State. In many of such districts both general taxes and special assessments are delinquent and have been delinquent for several years. The property can not be sold for a sufficient sum to pay the delinquent taxes in view of the large amounts of delinquent special assessments thereon, which are on a parity with the general taxes.

The accumulation of delinquent assessments, penalties and interest, and delinquent taxes, penalties and interest, has discouraged the owners of property in such districts and such property has become almost entirely unproductive of revenue for school, city and county purposes. The immediate refinancing of the obligations of these districts and the restoration of the property to the tax rolls so that it may bear its just burden of city, county and school taxes and so that property owners may be given relief is declared to be the policy of this State.

This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not

affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 662—An act to provide for the refunding of bonds issued under the "Improvement Bond Act of 1915" and for the levy of reassessments and the extension of liens of assessments and the collection and enforcement of such assessments and reassessments and the payment of said bonds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 662 were read and adopted:

Amendment No. 1.

On page 2, line 17, of the printed bill, as amended, strike out all of the language following the period, and strike out all of lines 18 to 27, both inclusive; and on page 2, line 39, strike out the comma.

Amendment No. 2.

On page 2, line 46, of the printed bill, as amended, following the words "amount of", strike out the word "the", and insert in lieu thereof the word "each".

Amendment No. 3.

On page 2, line 47, of the printed bill, as amended, strike out the language down to and including the period, and insert in lieu thereof the following: "upon which such reassessment is proposed to be levied. The amount of the reassessment upon any lot, piece or parcel of land shall be computed in the following manner: Subtract from the total amount of unpaid assessments including interest and penalties thereon, if any, on all lands to be reassessed, the amount of the total proposed reassessment, and prorate the amount of the remainder so ascertained by subtraction, among the respective parcels to be reassessed in accordance with the amounts assessed against each of said parcels in the original assessment. The amount so prorated upon any lot, piece or parcel of land shall be subtracted from the total amount of the unpaid assessment, with interest and penalties thereon, if any, on the said parcel and the remainder shall constitute the proposed reassessment on such parcel."

Amendment No. 4.

On page 3, line 5, of the printed bill, as amended, strike out the words "liable for the payment of the refunding bonds", and insert in lieu thereof the words "upon which reassessments are proposed to be levied."

Amendment No. 5.

On page 3, line 8, of the printed bill, as amended, following the period, insert the following: "Said resolution shall state the total amount of the outstanding bonds, the amount of the due and unpaid interest coupons, the total amount of unpaid assessments including therein interest and penalties on unpaid installments, if any, the amount of the proposed public contribution, if any, the total amount of the proposed reassessment, the time the refunding bonds shall run, the rate or rates of interest thereon, and shall refer all parties interested to the report on file with the city clerk for the amount of the reassessment proposed to be levied on each lot, piece or parcel of land and for further details."

Amendment No. 6.

On page 3, line 27, of the printed bill, as amended, following the period, insert the following: "Such notice must describe the property upon which the owner elects to continue to pay sufficiently to identify the same. In the event any property owner or owners so elect to continue to pay assessments, the proposed reassessment upon any lot, piece or parcel of land as set forth in the statement on file shall be marked 'Not to be levied' and no reassessment shall be levied on such parcel in the refunding proceeding. The assessments upon property upon which such written notice has been given shall be paid and collected with interest and penalties thereon as provided by the proceedings and statute under which the bonds to be refunded were issued, and outstanding bonds payable serially as the assessments are payable, and in principal amount equal to the principal of the assessments included in said written notices shall not be cancelled in the refunding proceeding but, with interest, shall be payable as provided in the original proceedings. If in order that the principal amount of bonds payable annually and interest thereon

shall equal the principal amount of such assessments payable periodically and interest thereon, it is necessary to reduce the amount of any bond or interest coupon to appropriate notation showing the amount of such reduction shall be written, printed or stamped upon the face of each bond or coupon printed in duplicate, and the remaining amount of such bond or coupon shall be payable, mature and enforceable in accordance with the provisions of said Improvement Bond Act of 1915."

Amendment No. 7.

On page 3, line 30, of the printed bill, as amended, following the period, insert the following: "Any owner of land subject to reassessment may have recourse to writing to the refunding and reassessment upon individually the terms set forth in said resolution. Such consent need not be in any particular form and no error or informality thereof shall in any manner vitiate the proceedings. Questions of fact within the meaning of this section are those and those only which appear to be such upon the records in the office of the county recorder of the county in which the district is situated on the day that said consent was filed with the clerk of said legislative body. Executions, administrative, judicial, administrative and guidelines may consent for any property of the estate represented by them. Any transfer of an express trust of land other than an mortgage for the payment of money may consent for all or any part of the land both in such trust. A trustee in bankruptcy may consent for all or any part of the property of the bankrupt. Such executors, administrators, guidelines and trustees are deemed consent of land within the meaning of this act. The written consent of any owner of a majority in area of the lands subject to reassessment must be filed with the clerk of the legislative body before said legislative body shall have jurisdiction to modify said reassessment under this act. At the hearing hereof provided and legislative body shall determine whether the written consent of the owner of a majority in area of the lands subject to reassessment has been filed or not and if it determines that such consent has been filed it shall have jurisdiction to modify the reassessment."

The validity, enforceability or consummation of any contract or any threat as to the finding and determination of the legislative body thereon, shall not be subject to any action, suit or proceeding unless the same shall be commenced within three months after the determination of said legislative body has been made and thereafter no person in any action, suit or proceeding may plead or assert that such consents, or any thereof, or the finding and determination of the legislative body thereon, was in any way defective, invalid or inoperative."

Amendment No. 8.

On page 3, line 43, of the printed bill, as amended, strike out all of the language beginning with the parenthesis and in line 44, strike out all of the language down to and including the close of the parenthesis.

Amendment No. 9.

On page 3, line 46, of the printed bill, as amended, following the word "confirmed", insert the words "by resolution entered upon the minutes", and in the same line, following the period, insert the following: "The resolution of confirmation shall designate by reassessment number or other appropriate designation or description the lots, pieces or parcels of land in the statement on file with the city clerk upon which the reassessments are confirmed and levied."

Amendment No. 10.

On page 4, line 12, of the printed bill, as amended, strike out the word "assessment", and insert in lieu thereof the word "assessments"; in the same line following the word "levied", insert the word "thereon"; in the same line, following the word "and", strike out the words "the assessment", and insert in lieu thereof the words "such assessments".

Amendment No. 11.

On page 4, line 14, of the printed bill, as amended, strike out the word "assessment", and insert in lieu thereof the word "reassessments"; on the same page, line 18, strike out the word "reassessment", and insert in lieu thereof the word "reassessments"; on the same page, line 20, strike out the word "reassessment", and insert in lieu thereof the word "reassessments".

Amendment No. 12.

On page 4, lines 29 to 36, inclusive, of the printed bill, as amended, strike out the sentence which begins in line 29, with the words "Such reassessments".

Amendment No. 13.

On page 4 of the printed bill, as amended, strike out the language in line 37 following the figure "7."; strike out all of lines 38 and 39, and in line 40, strike out the words "day period, bonds", and insert in lieu thereof the word "Bonds"; in the same line, strike out the word "unpaid"; and on page 4, line 41, strike out the word "unpaid".

Amendment No. 14.

On page 5, line 8, of the printed bill, as amended, following the period, insert the following: "Said refunding bonds and the interest thereon shall be paid at the office of the city treasurer. Said treasurer shall keep a redemption fund designated by the name of said bonds, into which he shall place all sums received by him from the collection of the reassessments made for such refunding and upon the security of which the said refunding bonds are issued and all interest and penalties thereon. From such fund he shall disburse and pay the said refunding bonds and the interest due thereon upon presentation of the proper bonds and coupons, and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said treasurer shall keep a register in his office which shall show the series, number, date, amount, rate of interest and last known holder of each bond and the number and amount of each interest coupon paid by him and shall cancel and file each bond and coupon so paid."

Amendment No. 15.

On page 6, line 44, of the printed bill, as amended, following the word "bonds", insert the following: ", except as to any sum payable from assessments which property owners have by written notice elected to pay,".

Amendment No. 16.

On page 7 of the printed bill, as amended, following line 11, insert the following:

"In the event that the holders of one or more of the outstanding bonds do not enter any contract to refund the same, nevertheless, if the holders of seventy-five per cent or more of the outstanding bonds do contract for the refunding of the bonds owned or held by them the city shall have authority to refund all of the outstanding bonds of said issue under the provisions of this act, but in such event prior to recording the reassessment levied under this act sufficient moneys to adequately provide for the retirement or payment of the bonds of the nonconsenting holders must be provided and set aside in the proper fund for that purpose. The city which is conducting the refunding proceedings may make an advancement or contribution or an additional contribution in order to provide moneys to pay or retire the bonds of such nonconsenting holders. In the event the city makes all or any part of such advancement it may reimburse itself entirely or partially by taking all or any part of such refunding bonds at par. If any person or corporation advances money to provide for the payment or retirement of the bonds of nonconsenting holders the legislative body may deliver at par all or any portion of the refunding bonds which are not to be delivered to consenting bondholders to the person or corporation making such advance or advances or may sell at par all or any part of such refunding bonds not to be delivered to consenting bondholders and from the proceeds thereof reimburse such person or corporation and may contract to make such sale or delivery. Any other methods of raising funds for the payment or retirement of the bonds of nonconsenting holders which will prior to the time the assessment is recorded under this act adequately provide the moneys necessary for such payment or retirement is hereby authorized. Whenever any moneys are placed in any fund for the retirement or payment of the bonds of nonconsenting holders the said money shall be used only for that purpose and after all of the bonds of said nonconsenting holders have been paid or retired any sum remaining in said fund shall be returned to the city, person or corporation which advances the same.

In the event that the discharge of the bonds of any nonconsenting holders at less than the par value thereof has been authorized by any final decree or order confirming a plan of readjustment under any bankruptcy laws of the United States of America in any proceedings initiated under the authority of this act or otherwise said legislative body is authorized to do and perform all acts and things necessary for the discharge of such bonds in accordance with said decree or order. The reassessment shall not be recorded until adequate provision has been made in accordance with the terms of this section for the payment or retirement of bonds of nonconsenting holders."

Amendment No. 17.

On page 7 of the printed bill, as amended, following line 47, insert the following:

"Sec. 11. (a) In the event of such refunding bonds being so issued, then the reassessments and any reassessments which may be issued thereon or in lieu thereof, together with interest thereon, shall remain and constitute a trust fund for the redemption and payment of said refunding bonds and for the interest which may be due thereon. Such reassessments and each installment thereof and the interest and penalties thereon shall be and shall continue to constitute a lien against the lots and parcels of land on which made, until the same be paid, but for a period not exceeding the time within which an action might be brought on the last series of refunding bonds issued upon the security of such unpaid reassessments; provided, however, that unmaturing installments, interest and penalties shall not be deemed to be within the terms of any general warranty of title. Any foreclosure of said reassessment lien or sale of property for said lien shall convey the said property to the purchaser free and clear of all encumbrances except such taxes and special assessment liens as are by law equal or superior to said reassessment lien. Such lien shall be superior

to and have priority over all special assessment liens created against the same property subsequent to the date of recordation of the reassessment.

(b) In the event of nonpayment of any reassessment or installment thereof or of any interest thereon, together with any penalties and other charges accruing under the laws or ordinances of the city and not later than four years after the due date of the last installment of principal, as a cumulative remedy, the same when due and delinquent may by order of the legislative body be collected by suit brought in the superior court to foreclose the lien thereof. The costs shall be fixed and allowed by the court and shall include reasonable attorney's fees, interest, penalties and other charges and advances as herein provided, and when so fixed and allowed by the court shall be included in the judgment. The court shall have the power to adjudge and decree a lien against the lot or parcel of land covered by the reassessment for the amount of the judgment and to order and prescribe to be sold on execution as in other cases of the sale of real estate for the payment of said amount, with the same rights of redemption. On appeal, the appellate courts shall have the same power to adjudge and decree a lien and order such proceeds to be sold on execution as is herein provided for the superior court. The foreclosure suit shall be governed and regulated by the provisions hereof, and also where not in conflict herewith by the codes of this State. The city shall have the right to advance and pay county or other taxes whenever necessary to protect its interest in property against which there is a delinquent reassessment. It may also, at its discretion temporarily transfer moneys into the redemption fund from other funds in which such moneys are not immediately needed, the moneys so transferred to be used to pay some due from such redemption fund and to be retransferred therefrom out of the first available receipts. Upon the ordering of any such foreclosure under the tax collector's sale shall be credited upon the assessment roll then in his hands with the amount charged against him on account of such reassessments ordered to suit and be relieved of further duty in regard thereto.

(c) Such action shall be brought in the name of the city and may be brought at any time prior to the expiration of four years subsequent to the date of delinquency of the last installment of reassessment due or to become due thereunder. The complaint may be brief and include substantially only the following allegations with reference to the reassessments sought to be collected: That on a date stated the legislative body passed its resolution or ordinance authorizing to refund certain bonds which had been issued for certain improvement work (the improvement work need not be described); that a reassessment for the purpose of refunding said bonds was duly given and made; that said reassessment was recorded in a stated date; that certain property describing it was thereon reassessed a stated amount; that bonds upon the security of such reassessment were duly issued, giving the date of said bonds, the interest rate and the number of years the last installment of same were to run, and that the same were duly issued under this act, but it shall be unnecessary to state the amount, number, denomination or other term thereof; that on a date stated a certain sum came due on said property on said reassessment and had not been paid and that the legislative body had directed the action to foreclose. The amount of penalties, costs and interest due shall be calculated as hereinafter set forth in sections 13 and 15 hereof up to the date of judgment. In such action plaintiff upon recovering judgment shall be entitled to reasonable counsel fees to be allowed by the court and taxed as costs.

SEC. 12. Interest on all unpaid reassessments shall begin to run from the date of recordation of the reassessment and shall be computed at the same rate or rates as is specified in the bonds secured by such reassessments. Such interest shall be payable annually or semiannually according as the city taxes on real property with which the reassessments are collected are payable annually or semiannually. For each year the interest shall be computed and collected up to the next second day of July succeeding, no deduction being made by reason of any installment of such reassessment being due or paid prior thereto in such year.

Whenever it shall appear to the legislative body that according to the dates when taxes are collected in the city there will be an insufficient amount on hand to pay the interest then due, according to the method of collection provided in this act, then said legislative body may direct that such interest or some portion of the same be collected in the year preceding that in which the same would otherwise be collected under this act, and thereupon such interest or portion thereof shall be extended on the rolls for such preceding year and be due and collected therein.

SEC. 13. A copy of the resolution of the legislative body confirming the reassessments upon the security of which the refunding bonds are issued, shall be filed in the office of the auditor of the city. The auditor shall keep a record in his office showing the several installments of principal and interest on said reassessments which are to be collected in each year during the term of said bonds. The auditor shall annually enter in his assessment roll on which taxes will next become due, opposite each lot or parcel of land affected in a space marked "public improvement assessment," or by other suitable designation, the several installments of such reassessment coming due during the fiscal year covered by such assessment roll, including in each case the interest due on such total unpaid reassessments as herein

provided, and also including a percentage of one-fourth of one per cent of the amount of such installments and of such interest so entered. Such percentages when collected shall belong to the city and shall cover the expenses and compensation of the city treasurer incurred in the collection of such reassessments, and of the interest and penalties thereon. No other percentage shall be claimed for any such collections. In the event that such collections are made by the county officials the county auditor shall at the close of the tax collecting season promptly render to the city auditor a detailed report showing the amounts of such installments, interest, penalties and percentages so collected on each proceeding and from what property collected, and also giving a statement of the percentages retained for the expenses of making such collections. Taxpayers shall have the like right to pay such reassessment as so entered with interest, and any penalties thereon, under protest as they have to pay general municipal taxes under protest, but in making such payment under protest must accompany the payment with their written protest. In the event of the lot or parcel of land affected by any reassessment not being separately assessed on said roll so that the installment to be collected can be conveniently entered thereon, then said auditor shall enter on said roll a description of the lot or parcel affected, with the name of the owners if known, but otherwise described as "unknown owners," and extend the proper installment opposite same.

Sec. 14. Any interested owner may release and pay any such unpaid reassessment by depositing with the treasurer of the city the total unpaid balance of any such reassessment together with the total interest which would become due on such reassessment were it paid in the regular way; provided, that if and when such funds are used for the purchase or call of a bond the person paying such assessment shall be entitled to credit and reimbursement of his proportion of the interest saved by such purchase or call, less his proportion of any costs incurred for publishing or serving any notice of purchase or call for redemption.

Sec. 15. If the refunding bonds are payable in annual series such reassessments shall be payable in annual series corresponding in number to the number of series of bonds issued and an even annual proportion of each reassessment shall be payable in each year preceding the date of maturity of each of the several series of bonds so issued. If the refunding bonds all mature in one year, the unpaid reassessment shall be payable annually and an even annual proportion of each reassessment shall be payable each year preceding the July interest payment. Such annual proportion of each reassessment coming due in any year, together with the annual interest on such reassessment, shall in turn be payable in annual or semiannual installments according as the general taxes of such city on real property are payable in annual or semiannual installments, and such installments and said annual interest shall be payable and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as do the general taxes on real property of said city. Upon default in payment, the lands securing such installments and reassessments shall be sold in the same manner in which real property in such city is sold, for the nonpayment of general taxes, and be subject to redemption within one year from date of sale in the same manner as such real property is redeemed from such delinquent sale, and upon failure of such redemption shall in like manner pass to the purchaser. The city must be the purchaser at any delinquent sale in like manner in which it becomes or may become the purchaser of property sold for nonpayment of the general property tax, and shall pay and transfer into said redemption fund the amount of the delinquent reassessment and of the delinquent interest thereon upon which said sale is made. In cases where the municipal property tax is collected by county officials and sales for nonpayment of such taxes are made to the State, the State shall be the purchaser at any such sale hereunder, but shall hold the title acquired at such sale upon behalf of the city and shall account to the city for any moneys received upon redemption or from the sale of such property, the city, for the purposes of this act, being deemed the real purchaser. In the event of there being no available funds in the treasury with which to make such payment, the tax collector shall delay the entry of the certificate of sale until such funds are available, making demand in the meantime upon the legislative body that a suitable amount be included in the next tax levy for the purpose of providing funds with which to make such payment; provided, however, that the period of redemption from such tax sale shall not be extended thereby nor the rights or privileges of the property owner be thereby in anywise affected. In the event of such purchase being made by the city and of any succeeding installment of such reassessment or of such interest not being paid in any future year, the property shall not be sold unless there has previously been a redemption from such sale or unless under the law it is then being sold for delinquent taxes. The city shall nevertheless, unless a resale has been made by it, from time to time, when due pay and transfer into said redemption fund the amount of any such future delinquent reassessment and interest pending redemption, and no redemption shall be made until any such subsequent payments, with interest and penalties, shall also be paid. The purchaser, whether at tax collector's sale or at resale by the city in the event of the city having become the purchaser, or at foreclosure sale by order of

court, shall take the property subject to all unpaid installments, interest and penalties under the same recording.

Sec. 16. The legislative body may, and in the event it deigned by the tax collector therefore as provided in section 15, based upon, at the time of fixing the annual tax rate and levying the taxes to be collected for general municipal purposes, levy a special tax upon the taxable property in the city for the purpose of making for the lands purchased or to be purchased in such tax sales for the purpose of paying installments of the assessments or of interest upon the city is indebted to any under the provisions of section 15 based, but not to exceed the same district, the bonds of which are referred to, or to such one hundred dollars of residential property. Such special tax shall be in addition to any other taxes levied for municipal purposes and shall be assessed, interest and penalties in the same manner and by the same persons and at the same time and with the same penalties and interest as are other taxes of the city.

As to all lands of which any city is deemed the real purchaser under the provisions of this section, such city and all of the interests therein shall have all of the rights, powers, duties and obligations granted, imposed or incurred by this act.

Sec. 17. In the event of sale by the tax collector of any lot or parcel of land for nonpayment of taxes and of any installment of the assessments thereon, or of the penalties, interest or costs or of any sale or lot purchased by any installment, penalties, interest or costs, then any certificate of such sale or lot shall be prima facie evidence of the regularity of all proceedings thereon and such shall be conclusive evidence of all things of which there would upon the records thereof be conclusive evidence, and shall have the effect of the regularity of all proceedings subsequent to the issuance of the deed and such deed, when given to the grantee the absolute title to the lands described therein, free of all encumbrances except unpaid installments, interest and penalties under the same provisions and except taxes and public improvement assessments which by law are imposed or paid to the reassessment on which sale is made.

Amendment No. 18.

On page 7, line 48, of the printed bill, as amended, strike out the figures "11" and insert in lieu thereof the figures "18".

Amendment No. 19.

On page 9, line 3, of the printed bill, as amended, strike out the figure "7" and insert in lieu thereof the figure "5", and on page 9, line 3 and 4, strike out the words and figures "the Improvement Bond Act of 1915," and insert in lieu thereof the words "this act".

Amendment No. 20.

On page 9 of the printed bill, as amended, following line 26, insert the following: "The validity of any refunding bonds issued under this act shall not be questioned in any action, suit or proceeding unless such action, suit or proceeding shall have been brought within three months after the issuance of such bonds."

Amendment No. 21.

On page 9, line 27, of the printed bill, as amended, strike out the figure "27" and insert in lieu thereof the figure "9", and on the same page, following line 26, insert the following:

"No defect in the form of any reassessment levied hereunder and no statutory defect in any of the proceedings relating to the reassessment and refunding shall in any way invalidate any reassessment or any proceeding hereon and any and every action or determination made necessary by reason of constitutional requirements or otherwise, or any action or determination which is necessary in the making of the reassessment, or in the refunding and reassessment proceedings, which is not expressly set forth in this statute is hereby authorized and the same when made shall be valid and sufficient.

The incidental expenses of any refunding and reassessment herein authorized shall be paid by the city in which the district lies.

No bond, coupon, assessment or installment thereof or of the interest or penalties thereon, and no certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on same, provided the error be found to be comparatively negligible or be found to be in favor of the owner of real property affected thereby.

The term "city auditor" as used in this act shall be held to mean and include any person who, under whatever name or title, is charged with the duty of extending taxes upon the assessment rolls and lists. The term "tax collector" as used in this act shall be held to mean and include any person who, under whatever name or title, is charged with the duty of collecting taxes, advertising delinquent lists of unpaid taxes, selling lands thereunder and executing certificates of sale and deeds thereon."

Amendment No. 22.

On page 9, line 34, of the printed bill, as amended, strike out the word "Any", and insert in lieu thereof the following:

"Whenever the owners of a majority in area of the lands to be reassessed in any proceeding hereunder have consented to the refunding and reassessment any".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2431—An act to prohibit marathons, marathon dances, walkathons, skatathons, and other mental and physical endurance contests and prescribing penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 70—An act to add section 3757 to the Political Code providing for the rejection of all fractions of a cent by auditors and tax collectors when computing taxes, penalties for delinquencies or interest and percentages on redemption.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1129—An act amending section 3897 of the Political Code relating to the procedure for the sale of property deeded to the State in payment of delinquent taxes, if not otherwise disposed of under section 3897a or section 3897b of the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1264—An act to add a new section to the Political Code of the State of California, to be numbered 3719, authorizing the temporary borrowing of money by counties, cities and school districts upon the credit of revenue in course of collection, and the issuing of tax anticipation notes or warrants as evidence of such indebtedness.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 665—An act to amend an act originally entitled "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, and the title of which was amended by act approved May 26, 1933, to read as follows: "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund indebtedness thereof, or of any department, board or agency thereof, and to issue bonds therefor and to provide for the payment of the same," by amending sections 1, 2, and 3 thereof relating to refunding bonds and to the use of Federal courts in municipal bankruptcy or refunding proceedings.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 665 were read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended, following the word "at", insert the following: ", after".

Amendment No. 2.

On page 4, line 54, of the printed bill, as amended, strike out the word "and", and insert in lieu thereof the word "any".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 667—An act to provide for the refunding of bonds issued under an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of such improvements," approved April 20, 1913, and bonds issued under the Municipal Improvement District Act of 1927, and providing procedure therefor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 667 were read and adopted:

Amendment No. 1.

On page 1, line 12, of the printed bill, as amended, preceeding the word "indebtedness", strike out the word "the", and insert in lieu thereof the word "any".

Amendment No. 2.

On page 2, line 2, of the printed bill, as amended, following the word "resort", insert the following: "the amount of the principal of the bonds to be refunded."

Amendment No. 3.

On page 2, line 24, of the printed bill, as amended, following the word "any", insert a comma; and on the same page, line 28, following the word "cost", insert a comma; and on the same page, line 40, following the word "bonds", insert a comma.

Amendment No. 4.

On page 3 of the printed bill, as amended, strike out all of lines 4 to 9, inclusive, and on the same page, line 10, strike out the figure "0", and insert in lieu thereof the figure "4".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1236—An act to amend an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, by amending the title and sections 1, 2 and 3 thereof, relating to bonds to be purchased and the use of the funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 1236 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, following the word "amend", insert the words "the title and sections 1, 2, 3, 4 and 5, and to add section 6 to"; and in lines 5 and 6 of the title, strike out the following: "by amending the title and sections 1, 2 and 3 thereof."; and in line 6 of the title, strike out the words "bonds to be purchased and the use of", and in line 7, strike out the words "the funds", and insert in lieu thereof the following: "the issuance, sale, or exchange, and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired".

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, strike out all of the line following the word "of", and strike out all of lines 5 to 8, inclusive, and insert in

lieu thereof the following: "acquiring other general obligation bonds of the municipal corporation, or bonds issued by or for districts therein or bonds issued for street work or other public improvements, and providing for acquiring such bonds, and the levy or collection of taxes and assessments to pay principal and interest of bonds acquired, the use of funds derived from bonds issued under this act or acquired under this act and the payment of bonds issued under this act."

Amendment No. 3.

On page 1, line 12, of the printed bill, as amended, strike out the words "provide a fund", strike out all of line 13, and in line 14, strike out the words "be invested or reinvested in", and insert in lieu thereof the word "acquire"; and on the same page, line 15, preceding the word "any", insert the words "by or for"; and on the same page, line 16, following the word "improvements", insert the words "in the municipal corporation"; and on the same page, line 18, following the word "improvements", insert the following: ", or the issuance of bonds to represent or be secured by assessments levied for such work or improvements."

Amendment No. 4.

On page 2, line 4, of the printed bill, as amended, strike out the word "pyramiding", and insert in lieu thereof the word "increasing"; and on the same page, line 7, following the word "districts", insert the following: ", or for the purpose of providing means whereby district indebtedness or assessments represented by or securing bonds may be reduced".

On the same page, line 10, strike out the word "The", and insert in lieu thereof the following: "Except as herein modified, the"; and on page 2, following line 18, insert the following: "The interest rate on the bonds need not be the same during the entire term thereof but different rates may be fixed for one or more interest payments on such bonds."

On page 2, lines 19 and 20, strike out the words "provide funds for the purchase of", and insert in lieu thereof the word "acquire".

On page 2, line 33, following the word "act", insert the following: "; provided, however, that where any issue of bonds under this act is to mature at one time the amount of the taxes to be levied annually shall be as provided in section 5 of this act".

On page 2, line 39, following the word "all", insert the word "other".

On page 2, line 40, following the word "funds", insert the words "in a fund to be called 'general improvement fund,'".

On page 2, line 45, following the word "to", insert the words "acquire or to".

On page 2, line 52, following the word "act", insert the words "for the purpose of acquiring such outstanding bonds".

Amendment No. 5.

On page 3, line 6, of the printed bill, as amended, strike out the words "as aforesaid", and insert in lieu thereof the following: ", or, where under the provisions hereinbefore in this section contained such reinvestment is not permitted, shall be used to pay principal and interest of the bonds issued under this act for the purpose of acquiring the bonds so sold".

Amendment No. 6.

On page 3 of the printed bill, as amended, all of the language following the period in line 6, shall be placed in a new section which shall be added hereto and headed as follows:

"SEC. 5. Section 4 of said act is hereby amended to read as follows:
Sec. 4."

On page 3 of the printed bill, as amended, following line 18, insert the following:

"Where any bonds acquired pursuant to the provisions of this act are acquired at less than the par value thereof, the legislative body may, in its discretion, reduce the total principal amount of any issue of bonds so acquired and held by it to a total principal amount which it may fix by ordinance; provided such reduced total principal amount of any issue shall not be less at par than the total purchase price of the total principal amount of the bonds of such issue acquired by said legislative body. The ordinance shall designate the issue of bonds to be so reduced, the total principal amount of the bonds of such issue acquired, the purchase price paid therefor, the principal amount of the proposed reduction, the numbers, denominations and maturity dates of the bonds to be canceled and the time and place of the proposed cancellation. Such ordinance shall be subject to referendum as are other ordinances of the city. At the time and place fixed, unless prevented by referendum, the bonds shall be publicly canceled and the city clerk shall enter on the minutes of the legislative body a record of the bonds canceled sufficient to identify the same and the fact and date of the cancellation thereof. If the bonds canceled are issued under the Improvement Bond Act of 1915 the legislative body shall reduce the principal amount of the assessments securing such bonds to the total principal amount of the unpaid and uncanceled bonds of the same issue. Such reduction of assessments shall be carried out by cancelling such proportion of the assessments as may be necessary therefor and the legislative body is empowered to provide procedure for such cancellation in compliance with constitutional requirements. The uncanceled portion

of the assessments shall be valid and collected in accordance with the terms of the statutes under which the original assessments were issued and bonds issued.

SEC. 6. Section 5 of said act is hereby amended to read as follows:

SEC. 5. Any issue of bonds under this act prior to the expiration of the legislative body of the city be made to mature at one time, provided such time shall not exceed twenty years from the date of issue of such bonds. In the event that the bonds mature at one time the amount that very shall be sufficient to pay the interest on such bonds as it comes due and to create a sinking fund for the payment of the principal thereof on or before maturity. The sum to be raised each year and placed in the sinking fund for the payment of the principal of the bonds shall not be less than an amount obtained by dividing the total principal amount of the bonds issued by the total number of years the bonds are to run. In the event the entire issue of bonds is to mature at one time, such bonds may be called for redemption, in numerical order at par and accrued interest on any interest payment date prior to their final maturity, and a statement to that effect must be set forth in each bond. No bond issued hereunder shall be callable or redeemable prior to its stated maturity date unless a statement that the bond is callable is contained in the bond. At least once each year, within sixty days prior to an interest payment date, if the sinking fund contains sufficient available moneys to pay one or more of the outstanding bonds, the legislative body shall, by notice published once a week for two consecutive weeks in some newspaper published in the city and, in the alternative, in one or more newspapers, paper or newspapers, invite sealed proposals for the right to the city of any bonds for payment of which the sinking fund moneys are available. Such notice shall state the amount available for the redemption of said bonds and shall specify the time, place and the place where such proposals may be opened. At such time and place all proposals shall be opened in public. Any or all of such proposals may be accepted at the discretion of the legislative body. No proposal shall be accepted unless the sale price is less than par and accrued interest. If no proposals are received or if those received are rejected or are insufficient to redeem the amount available for the redemption of bonds, the legislative body shall not be compelled under such understanding bonds as can be redeemed from the moneys available for that purpose. Notice of the call of such bonds for redemption shall be published once a week for two weeks in a newspaper of general circulation in said city. The first publication shall be not less than thirty days prior to the date fixed for such redemption. Upon the date fixed for such redemption the bonds so called shall be redeemed at par and accrued interest to that date. If any bonds so called are not presented for redemption on the date fixed therefore, then on the day following such date a sum sufficient for the payment of the principal of such bonds and accrued interest to said date of redemption shall be placed in a special fund for that purpose and interest on the bonds for which such provision is made shall cease on said redemption date.

SEC. 7. A new section is hereby added to said act, to be numbered section 6, and to read as follows:

SEC. 6. This act shall in no wise affect any order, act or acts now existing or which may hereafter be passed concerning the same subject matter, or apply to any proceedings thereunder, but is intended to and does provide an alternative system for the issuance of bonds, and, when in the discretion of any legislative body proceedings are commenced under this act, the provisions of this act shall govern all procedure to be taken.

This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or invalid."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 825—An act to provide for the formation of sewer districts within counties, cities and counties and municipalities for the acquisition or construction of sanitary sewage works or improvements, for the issuance, sale and payment of bonds of such districts, for the acquisition, construction, maintenance and operation of such improvements, and for the fixing, collecting and application of revenues, rates and charges for the use of the sewage works or improvements.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 427—An act authorizing the legislative body of a municipality to vacate, abandon and close any public street, highway, road, boulevard, avenue, alley, way, lane, court or place, or any part

thereof, either to the whole extent of the public right therein or to any partial extent, and prescribing a procedure therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 823—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, as amended, by amending section 862 of, and to add sections 862.1 to 862.6, inclusive, to the act, relating to the powers of sixth class cities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 541—An act to amend section 9 of an act entitled "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, relating to city owned bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 397—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 384—An act for the relief of special assessment districts and for the adjustment, refunding or cancellation of the bonded indebtedness of such districts, and for the purpose of empowering legislative bodies of such districts to adjust, refund or cancel said indebtedness and to make available to such districts the provisions of the Federal Bankruptcy Laws and any and all laws of the State of California for the relief of special assessment districts, and to declare the urgency of this act to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2434—An act to amend the Los Angeles County Flood Control Act by adding thereto a new section to be numbered 15a, relating to compliance with requirements of the United States or any department or agency thereof, in the performance of public work financed in whole or in part from Federal funds, and declaring the urgency thereof, the act to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 59—An act to add section 5.5 to an act entitled "An act to provide for the formation, powers, government, operation, and dissolution of garbage disposal districts to facilitate the disposal of garbage and other refuse matter, and annexation thereto, and to provide for the assessment, levy, collection and disbursement of taxes therein," approved April 20, 1927, relating to contracts for collection and disposal of garbage.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1309—An act to regulate the location, construction, occupancy and operation of hat cleaning and blocking establishments, or agencies thereof, and private schools and colleges of hat cleaning and blocking; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire

Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement; and providing penalties for violations.

Consideration of Committee Amendments

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 1201 were read and adopted:

Amendment No. 1.

On page 4, line 23, of the printed bill, as amended, after "employees", insert a comma and the following: "subject to the civil service laws."

Amendment No. 2.

On page 7, line 24, of the printed bill, as amended, strike out "except", and insert in lieu thereof the following: "ten."

Bill read second time, ordered to reprint and re-referred to Committee on Insurance.

Assembly Bill No. 1363—An act to amend section 1530 of the Insurance Code and to add section 1281a to Article 1, Chapter 3, Part 2, Division 1 thereof, relating to reciprocal or inter-insurance exchanges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 312—An act to amend section 2 of an act entitled "An act to create the office of State Fire Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, relating to the duties of the State Fire Marshal.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Assembly Bill No. 312 was read and adopted:

Amendment No. 1.

On page 1, line 16, of the printed bill, as amended, after "abatement", insert a comma and the following: "which shall not exceed five thousand dollars per annum, or so much thereof as may be necessary."

Bill read second time, ordered to reprint and referred to Committee on Finance.

Assembly Bill No. 713—An act to amend section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, as amended, relating to convict labor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2292—An act to amend sections 18 and 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State.

Amendment from the Floor.

During second reading of Assembly Bill No. 2292, the following amendment, offered by Senator Tickle, was read and adopted:

Amendment No. 1.

On page 2, line 51, of the printed bill, as amended in the Assembly April 26, 1935, add the following:

"Nothing in this section shall be deemed to apply to barber shops operated by or in hotels and resorts for the accommodation of guests."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2122—An act to postpone proceedings to enforce the lien, or any guaranty in connection therewith, arising out of the levy of any special assessment or special assessment tax, or arising out of the issuance of any special assessment bond, or ad valorem district bonds or direct assessment district bonds, levied or issued to pay the cost of the improvement or acquisition of property for public purposes, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2411—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the county of Contra Costa, State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1837—An act to amend sections 269 and 271 of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters.

Bill read second time, and ordered on file for third reading.

Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Olson asked consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 1 was adopted.

Reconsideration Refused.

The question being on the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Jespersen, McGovern, Olson, and Powers—4.

NOES—Senators Biggar, Donel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Reindollar, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Swing, Tickle, Wag, and Young—28.

Senate Constitutional Amendment No. 1 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued until the next legislative day.

Withdrawal and Re-reference of Assembly Bill No. 1770.

Senator Young moved that Assembly Bill No. 1770 be withdrawn from Committee on Judiciary, and referred to Committee on Irrigation.

Motion carried, and such was the order.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Powers moved to reconsider the vote whereby Assembly Bill No. 2172 was refused passage.

The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Halse, Jaspersen, King, King, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Scollan, Seward, Sharkey, Slater, Stow, Wagg, and Young—25.

NOES—Senators Deuel, Edwards, Gordon, Halse, McColl, McGuinness, Metzger, Rich, Snyder, Stow, and Swing—11.

Consideration Postponed.

On motion of Senator Powers, further consideration of Assembly Bill No. 2172 was deferred until the next legislative day.

Resolution.

The following resolution was offered, referred, printed in the Journal, and held at the desk as unfinished business:

By Senator Young:

Resolved by the Senate of the State of California: That the Special Senate Committee on Civil Service appointed pursuant to a resolution adopted by the Senate on April 30, 1935, shall have power to gather information and to conduct investigations concerning personnel matters of the State, whether civil service or not, and concerning the methods of operation of any State department, board, institution, commission, agency or office and the duties of each position therein, and to report thereon, together with its recommendations as to needed changes in the law, to the Senate at the fifty-first session and at the fifty-second session, if necessary, and be it further:

Resolved, That in carrying out the above objects and commission is authorized to use all of the powers and authority conferred upon it by said resolution passed April 30, 1935.

Consideration of Daily File.**Third Reading of Senate Bills.**

Senate Bill No. 263—An act to amend an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to habit forming, narcotic and other dangerous drugs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Gordon, Jaspersen, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Stow, Swing, Tickle, Wagg, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 263 ordered transmitted to the Assembly.

Senate Bill No. 364—An act to amend section 580a of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 364 passed by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Jespersen, King, McColl, McGovern, McGuinness, Mixer, Olson, Perry, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, and Young—23.

NOES—Senators Deuel, McCormack, Parkman, Reindollar, Rich, Stow, and Wagy—7.

Title read and approved.

Senate Bill No. 364 ordered transmitted to the Assembly.

Senate Bill No. 533—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative corporations, who may organize, purpose and powers, distribution of benefits, and vote and consisting of sections 653.1 to 653.16.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 533 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 533 ordered transmitted to the Assembly.

Senate Bill No. 1106—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State, it is hereby declared an urgency measure and shall, under the provisions of Article IV, section 2 of the Constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1106 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness,

Mixer, Olson, Parkman, Perry, Powers, Roundtree, Rush, Scherkey, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tackle, Wagy, and Young—62
 NOES—None

Title read and approved.

Senate Bill No. 1106 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 17, 1935

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McColl to introduce a bill entitled—An act to amend sections 611.6, 611.738.5 and 957 of the Fish and Game Code, relating to fish—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5, committee vote—Ayes—4, noes—1.

(Signed out)

RICH, Chairman.

SLAYTER.

TUCKER.

KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Bigger, Crittenden, Dewal, Edwards, Fletcher, Garrison, Hays, Hulse, Jaspersen, King, Knowland, McColl, McCarty, McGowan, Mortenson, Mixer, Olson, Parkman, Perry, Powers, Roundtree, Rush, Scherkey, Sewell, Sharkey, Slater, Snyder, Swing, Tackle, Wagy, Williams, and Young—63.
 NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator McColl: Senate Bill No. 1110—An act to amend sections 611.6, 613, 738.5 and 957 of the Fish and Game Code, relating to fish—Bill read first time, and referred to Committee on Fish and Game.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

SENATE CHAMBER, SACRAMENTO, May 17, 1935

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price for the sale of jute bags.

Respectfully submitted,

SENATOR CRITTENDEN.

Request referred to Committee on Rules.

Reference of Senate Bill No. 1095.

Senator Williams moved that Senate Bill No. 1095 be referred to Committee on Insurance.

Motion carried, and such was the order.

Special Order.

Senator Olson moved that Assembly Constitutional Amendment No. 15 be made a special order for Monday, May 20, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried.

Recess.

On motion of Senator Rich, at twelve o'clock and twenty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Leave of Absence.

Senator Reindollar was, on motion of Senator Slater, granted leave of absence for the remainder of this legislative day.

Consideration of Daily File.**Third Reading of Assembly Bills.**

Assembly Bill No. 45—An act limiting the hours of labor of persons employed as personal or domestic workers and providing penalties for the violation of the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 45 refused passage by the following vote:

AYES—Senators McGovern, McGuinness, Olson, Perry, Scollan, Sharkey, Slater, Swing, Wagy, and Young—10.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Keough, King, McCormack, Metzger, Mixer, Parkman, Rich, Schottky, Snyder, and Tickle—18.

Assembly Bill No. 1554—An act to amend sections 1, 2, 3, 4, 6, 7, 8 and 14 of "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to the composition of the retirement board; time of meeting; manner of transacting business; the duties of said board and time for annual report; computation of time for retirement privilege; interest rate on contributions and deposits; time for payments; refund of sums in excess of sum necessary for prior service credit, and revising the arrangement of certain portions of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1554 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Perry, Rich, Schottky, Sharkey, Slater, Snyder, Swing, Wagy, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1554 ordered transmitted to the Assembly.

Assembly Bill No. 495—An act to amend sections 490, 504, 585, and 621 of the Agricultural Code, relating to dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 495 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Rich, Schaefer, Seasholtz, Seagwell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 495 ordered transmitted to the Assembly.

Assembly Bill No. 1135—An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the production and marketing of manufactured dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1135 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Rich, Schaefer, Seasholtz, Seagwell, Sharkey, Slater, Snyder, Stow, Tickle, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1135 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Assembly Bill No. 840—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands, and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and the levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial revenue and determination of the validity of the proceedings in connection with such contract, and to provide for construction of works by the district; to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and or the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof, approved May 5, 1917, as amended, by amending the title thereof and amending sections 1 and 11 thereof, relating to powers and adding a new section, to be numbered 6a, thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 840 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metz-

ger, Mixer, Olson, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 840 ordered transmitted to the Assembly.

Assembly Bill No. 877—An act to amend section 662 of the Code of Civil Procedure, relating to motions for new trial.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 877 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, King, McColi, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Swing, Tickle, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 877 ordered transmitted to the Assembly.

Senator Schottky in the Chair.

At two o'clock and fifty-five minutes p.m., Senator Schottky of the Twenty-fourth District was called to the chair.

Assembly Bill No. 2139—An act to amend section 281 of the Code of Civil Procedure, relating to attorneys and counsellors at law.

Amendments from the Floor.

During third reading of Assembly Bill No. 2139, the following amendments, offered by Senator Rich, were read:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out the comma, and insert in lieu thereof the following: "in any court".

Amendment No. 2.

On page 1 of the printed bill, commencing in line 5, strike out the following: "The superior court of the county in which the contempt is committed shall have original jurisdiction of proceedings under this section."

Motion to Re-refer.

Senator Stow moved that Assembly Bill No. 2139 be re-referred to Committee on Judiciary.

Previous Question.

Senator Powers moved the previous question.

Motion carried.

Reference of Assembly Bill No. 2139.

The question being on the motion to re-refer Assembly Bill No. 2139 to Committee on Judiciary.

Motion carried, and Assembly Bill No. 2139 ordered re-referred to Committee on Judiciary.

President Pro Tempore in the Chair.

At three o'clock and ten minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assembly Bill No. 121—An act, to be known as the Rehabilitation Act, declaring the policy of the State of California in relieving hardship and destitution caused by unemployment one of rehabilitation by cooperative self-help, production for consumption and exchange of

labor for surplus commodities, prescribing duties of State Relief Administrator hereunder, providing funds for administration of relief hereunder; directing cooperative activity be noncompetitive, fixing status of cooperative institutions and their members; fixing title to property hereunder; providing for its constitutional construction; repealing conflicting laws.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bigger, Crittenden, Donald, Dryal, Edwards, Fletcher, Garrison, Gorman, Hays, Hulse, Jaspersen, King, McGill, McGowan, McGowan, Morgan, Mather, Olson, Parkman, Perry, Pienowich, Rich, Schaeck, Seafelt, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wags, and Young—23.

The Secretary announced the absentees.

Time, four o'clock and twenty minutes p.m.

The President pro tempore directed the Sergeant at Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 457—An act to amend sections 10 and 17 of, and to add sections 3a, 5a, 18a and 21a to, the Improvement Act of 1911, relating to an alternative procedure for the doing of work under said act by receiving contributions of labor, materials or equipment from the United States Government or other governmental agencies, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall go into effect immediately.

The following is a statement of the facts constituting such necessity:

The public peace, health and safety require the immediate construction of sanitary sewers, storm drains, streets, highways and other public improvements, and public funds are not available to defray the entire cost and expense of such improvements. Legislation is necessary to authorize the contribution of labor, materials, supplies and equipment or any of them, by governmental agencies and to permit the levy of assessments against the property directly benefited by such improvements to defray the remaining cost and expense thereof. Federal funds are now available for such purpose. Therefore this bill, providing for the levy of assessments to pay a portion of such cost and expense, is urgently necessary and shall go into effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, King, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 457 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 457 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 8b authorizing the city of Los Angeles to amend its charter in certain particulars.

Amendment from the Floor.

During consideration of Assembly Constitutional Amendment No. 32, the following amendment, offered by Senator Olson, was read and adopted:

Amendment No. 1.

On page 1, line 17, of the printed measure, as amended, strike out "and staging".

Assembly Constitutional Amendment No. 32 ordered to reprint, and on file for third reading.

Assembly Bill No. 1819—An act to add a new section to the Probate Code, to be numbered 1558, providing for allowances by the court to next of kin of an insane or incompetent person out of surplus income of said insane or incompetent person.

Amendments from the Floor.

During third reading of Assembly Bill No. 1819, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, at the first of the line, insert the following: "1558."

Amendment No. 2.

On page 1, lines 3 and 4, of the printed bill, strike out "of any person interested in the estate", and insert in lieu thereof the following: "next of kin".

Amendment No. 3.

On page 1, line 11, of the printed bill, strike out "; provided, however, that", and insert in lieu thereof the following: "; but".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 78—An act granting to the city of Sacramento certain lands lying within the city of Sacramento.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 78 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 78 ordered transmitted to the Assembly.

Assembly Bill No. 1487—An act to establish the line of ordinary high tide in and for a part of Newport Bay in the city of Newport Beach, Orange County, California, and to establish and declare that the land adjacent to said line was upland on and prior to May 25, 1912, and was not tidelands or submerged lands on said date, but was situated above the line of mean high tide of the Pacific Ocean on said date.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1487 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, McCall, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seolian, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—41.

NOES—None.

Title read and approved.

Assembly Bill No. 1487 ordered transmitted to the Assembly.

Assembly Bill No. 340—An act to amend section 6916 of the Fish and Game Code, relating to bass.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 340 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, McCall, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seolian, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 340 ordered transmitted to the Assembly.

Assembly Bill No. 865—An act to amend section 797 of the Fish and Game Code, relating to abalone.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 865 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McCall, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seolian, Seawell, Sharkey, Stow, Swing, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 865 ordered transmitted to the Assembly.

Assembly Bill No. 429—An act to provide that school authorities of certain public and private schools shall be equipped to render first medical aid to injured children and students, and providing a penalty for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 429 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 429 ordered transmitted to the Assembly.

Assembly Bill No. 1262—An act to amend section 1 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, relating to the investment of surplus money.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1262 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McColl, McCormack, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1262 ordered transmitted to the Assembly.

Assembly Bill No. 897—An act to amend section 487 of the Agricultural Code, relating to guaranteed milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 897 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Snyder, Swing, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 897 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At five o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 121 refused passage by the following vote:

AYES—Senators Jaggard, Fletcher, Garrison, Jepsen, King, McCall, McGinness, Olson, Perry, Seelien, Sewell, and Slater—12.

NOES—Senators Crittenden, Jewell, David, Edwards, Gordon, Hays, Holbo, Kessigh, McCormick, Metzger, Mixer, Parkman, Potosich, Parsons, Rich, Schatzky, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—24.

Notice of Motion to Reconsider.

Senator Swing gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 121 was refused passage.

The following report was received, read, and ordered printed in the Journal:

Minority Report of Special Joint Committee on Revenue and Taxation, Appointed Pursuant to Senate Concurrent Resolution No. 25.

The committee report printed in Senate Journal of May 15th, recommends as follows:

(1) Sales tax at 3 per cent (with essential foods exempt under Assembly Bill No. 122).....	\$25,500,000 00
(2) Additional sales tax revenue, under Assembly Bills Nos. 1271 and 1273.....	4,800,000 00
(3) Additional bank and corporation franchise tax (4 per cent to 8 per cent).....	17,000,000 00
(4) Personal income tax.....	17,500,000 00
(5) Spirituous liquor tax (80 cents a proof gallon).....	9,000,000 00
(6) Revision of inheritance tax rates and exemptions....	3,000,000 00
(7) Revision of truck tax.....	2,000,000 00
(8) Real estate transfer tax.....	6,000,000 00
(9) State tax on motor vehicles in lieu of present local tax.....	18,000,000 00
	<hr/>
	\$112,800,000 00
Revised budget deficit.....	\$9,100,000 00

Balance available for unemployment relief.....\$ 23,700,000 00

Nos. 1 and 2—After careful consideration, I am forced to the conclusion that the estimate of \$40,300,000 additional revenue from the sales tax, with food exempted as provided under Assembly Bill No. 122, is too high. It will probably be nearer \$25,000,000, than the estimated \$40,300,000.

No. 4—The personal income tax of \$17,500,000 is based on rates of 20 per cent of the Federal rates. The rate levied by the State should be fixed to yield \$25,000,000, for remember that this is a tax on net income. The majority report also recommended the repeal of the present tax on intangibles, which now yields approximately \$2,000,000. I am informed on good and sufficient authority that a State income tax based on 20 per cent of the Federal rates, will yield \$16,000,000. If the tax on intangibles is repealed this will leave a net gain of only \$14,000,000.

No. 8—Provides for a tax on real estate transfers at a rate of 1 per cent, which is estimated will yield \$6,000,000. I can not subscribe to a real estate transfer tax, unless such tax also includes transfers of stocks and bonds. Most transfers of real estate, during the past few years, have been of distressed property, i. e., property with little or no income. This will undoubtedly be the case to some extent in the future. Stocks and bonds which are active in the market are, as a rule, income producing, and are in the majority of cases largely speculative. Such transfers should be taxed at a low rate, especially if real estate is to suffer a tax on transfers. I consider the singling out of real estate for this treatment as extremely unjust.

No. 9—A State tax on motor vehicles in lieu of present local taxes will remove from local tax rolls all motor vehicles, and is in fact an indirect ad valorem tax. The majority report, if the estimated revenue is correct, estimates that there will be a balance available for unemployment relief in the sum of \$23,700,000. The Federal authorities have suggested that it may be necessary before the biennium is ended, for the State to supply a total of \$44,000,000 for unemployment relief in order that the State may avail itself of its full quota of Federal aid.

The majority report recommends that of the \$23,700,000 which they estimate will be available for unemployment relief, \$10,000,000 should be "allocated to employment of labor in making permanent and necessary improvements to State institutions." This means that there will be available to match Federal aid only \$14,000,000. I am fearful that, unless more money is provided by the State for the matching of Federal funds, that the burden may be shifted to the counties of the State, and I earnestly suggest that before final action is taken, definite information shall be obtained from Federal authorities.

The committee gave scant consideration to the possibilities of a severance tax upon irreplaceable natural resources, namely those resources which once taken from the earth can never be replaced. This tax at a low rate, levied upon oil, natural gas and other hydrocarbon substances, would yield from \$15,000,000 to \$20,000,000, and based upon the experience of other States, would not be a hardship. One of the most justifiable taxes which the State can levy is a severance tax.

Before returns from new tax laws become available, the State will have outstanding \$50,000,000 of registered warrants. The Controller is conscripting special funds at the present time to provide constitutional requirements of our schools. If the yields of the new revenue laws recommended by the majority report do not approximate the estimate we may find that our registered warrants will not be acceptable to the banks, and I am fearful that both our schools and our institutions will be out of money.

The majority report recommends calling a special election to submit to the voters a bond issue to provide necessary money for permanent State institutions, not to exceed the sum of \$12,000,000. I urge very strongly that additional revenue be provided at this session, or that the proposed bond issue be for not less than \$40,000,000; and further that these bonds be paid off within fifteen years.

The above statement contains my reasons for declining to sign the committee report.

(Signed)

CHRIS N. JESPERSEN.

Recess.

On motion of Senator Swing, at five o'clock and ten minutes p.m., the President pro tempore of the Senate declared recess until eight o'clock p.m.

Reconvened.

At eight o'clock p.m., the Senate reconvened.

Hon William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 633—An act to add section 3343 to the Civil Code, relating to damages in connection with fraud and deceit;

Also: Senate Bill No. 780—An act to amend the title and sections 2, 3, 4, 5, 6 and 7 of an act entitled "An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil illegally produced and of gasoline, distillate, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded in whole or in part, from crude petroleum oil or gas illegally produced; providing for certificates to be filed with the State Superintendent of Weights and Measures, Department of Agriculture, at the time of bringing into this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced, and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to be paid therefor, and prescribing penalties for violation of this act," approved June 5, 1933, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the State Department of Agriculture, by the State Board of Equalization;

Also: Senate Bill No. 782—An act to repeal an act entitled "An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating the distribution or sale of such products; defining the powers and duties of the Division of Weights and Measures, Superintendent of Weights and Measures, Department of Agriculture and officers and employees thereof in relation thereto; prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent herewith and making an appropriation to carry out the provisions of this act," approved June 5, 1929;

Also: Senate Bill No. 1081—An act making an appropriation to renovate certain portions of the State Capitol Building;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1090—An act to amend section 50 of the "State Housing Act," approved June 15, 1923, relating to the character and construction of fire escapes—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 973—An act relating to the State Civil Service and declaring the urgency thereof and that this act shall take effect immediately.

Also: Senate Bill No. 1098—An act to add section 13234 to the Penal Code relating to the securing of the attendance of witnesses in criminal prosecutions, and to make uniform the law with reference thereto;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 8—Relative to issues of employment of persons on interstate carriers—and reports that the same has been correctly enrolled, and presented to the Governor on the seventeenth day of May, 1935, at four o'clock and ten minutes p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 34—Approving certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held thereon on the twenty-third day of April, 1935.

Also: Senate Bill No. 18—An act relating to tare allowances on fruit, grain, and wool sold in bags;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of May, 1935, at two o'clock and forty-five minutes p.m.

METZGER, Chairman.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 326—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county road district and special district budgets and to the levy of taxes and prescribing limitations on county expenditures; declaring the urgency of this act, to go into immediate effect.

Amendments from the Floor.

During third reading of Senate Bill No. 326, the following amendments, offered by Senator Mixer, were read and adopted:

Amendment No. 1.

On page 1, lines 4 and 5 of the title of the printed bill, strike out the following: "; declaring the urgency of this act, to go into immediate effect".

Amendment No. 2.

On page 1, line 7, of the printed bill, after "irrigation", insert a comma and the following: "water, water conservation".

Amendment No. 3.

On page 9 of the printed bill, between lines 9 and 10, insert the following:

"9. The provisions of this section shall not extend nor apply to counties of the eighth class nor to the officers thereof as counties are now classified by section 4006 of the Political Code."

Amendment No. 4.

On page 9, line 10, of the printed bill, strike out "9", and insert in lieu thereof the following: "10".

Amendment No. 5.

On page 9, line 10, of the printed bill, strike out "section".

Amendment No. 6.

On page 9, line 11, of the printed bill, strike out "act", and insert in lieu thereof the following: "section".

Amendment No. 7.

On page 9, line 18, of the printed bill, strike out "10", and insert in lieu thereof the following: "11".

Amendment No. 8.

On page 9 of the printed bill, strike out lines 20 to 27, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 2232—An act to amend section 4295 of the Political Code, relating to official services without fees.

Amendment from the Floor.

During third reading of Assembly Bill No. 2232, the following amendment, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 3 of the printed bill, after line 22, insert a new subsection to read as follows:

"(5) No county or city and county or any public officer, board or body acting in his or its official capacity on behalf of any such county or city and county shall collect, demand or receive any fee or compensation for the recording or filing of any abstract or transcript of judgment rendered in any case in which relief is granted to or in favor of the United States of America."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 395—An act to amend Chapter 286, Statutes of 1927, entitled "An act authorizing the Department of Finance to appropriate waters in connection with the utilization and conservation of the water resources of the State in the development of a general or coordinated plan; authorizing the State Department of Finance to release or assign such appropriations; authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the State," approved April 29, 1927, as amended, by amending section 1 thereof, relating to appropriation of waters by the State Department of Finance.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Mixer moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Duell, Fletcher, Garrison, Hays, Hulse, Jespersen, King, Knowland, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Rich, Scollan, Sharkey, Slater, Snyder, Wagy, and Young—22.

The Secretary announced the absentees.

Time, eight o'clock and fifteen minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1122—An act to accept the provisions of an act of the Congress of the United States effective June 6, 1933, entitled "An act to provide for the establishment of a National employment system and for cooperation with the States in the promotion of such system, and for other purposes."

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1122:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 9, 1935

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Assembly Bill No. 1122—An act to accept the provisions of an act of the Congress of the United States effective June 6, 1933, entitled "An act to provide for the establishment of a National Employment System and for cooperation with the States in the promotion of such system, and for other purposes."

In my opinion said Assembly Bill No. 1122 constitutes an emergency bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1122 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Fletcher, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Muxter, Olson, Parkman, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1122 ordered transmitted to the Assembly.

Assembly Bill No. 1194—An act amending the title and sections 31, 32 and 33, of the "Improvement Act of 1911," approved April 7, 1911, as amended, relating to public improvements and the repair and reconstruction of portions of improved streets, avenues, lanes, alleys, courts or places, bulkheads, retaining walls or other works for the protection of the same and to the payment of the costs thereof and establishing a procedure for the same.

Amendments from the Floor.

During third reading of Assembly Bill No. 1194, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 2, line 33, of the printed bill, as amended, strike out the following: "that it consti-".

Amendment No. 2.

On page 2, line 34, of the printed bill, as amended, strike out the following: "tutes a public nuisance and".

Amendment No. 3.

On page 3, lines 21 and 22, of the printed bill, as amended, strike out the following: "the abating of said nuisance", and insert in lieu thereof the following: "such repair".

Amendment No. 4.

On page 3, line 33, of the printed bill, as amended, strike out the words: "abating said nuisance", and insert in lieu thereof the following: "making such repair".

Bill read, ordered to reprint, and on file for third reading.

Re-reference of Assembly Bills.

Senator McCormack moved that Assembly Bills Nos. 972, 973, 975, and 976 be re-referred to Committee on Agriculture and Live Stock. Motion carried, and such was the order.

Assembly Bill No. 1486—An act authorizing suit against the State of California to quiet title against it to certain real property in the city of Newport Beach, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1486 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, and Young—29.

NOES—Senator Olson—1.

Title read and approved.

Notice of Motion to Reconsider.

Senator Garrison gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1486 was passed.

Assembly Constitutional Amendment No. 77—A resolution to propose to the people of the State of California an amendment to section 14 of Article I of the Constitution of said State, relating to the rights of private property.

Amendments from the Floor.

During consideration of Assembly Constitutional Amendment No. 77, the following amendments, offered by Senator Wagy, were read and adopted:

Amendment No. 1.

On page 2, line 9, of the printed bill, as amended, after the word "or", and before the word "public", strike out the word "similar", and in the same line, after the word "district", and before the word "until", insert the following: "or State agency".

Amendment No. 2.

On page 2, line 19, of the printed bill, as amended, after the word "or", and before the word "public", strike out the word "similar".

Amendment No. 3.

On page 2, line 20, of the printed bill, as amended, after the word "district", and before the word "or", strike out the comma, and insert the following: "or State agency,".

Amendment No. 4.

On page 2, line 25, of the printed bill, as amended, after the word "district", and before the word "or", insert the following: "or State agency".

Assembly Constitutional Amendment No. 77 ordered to reprint, and and on file.

Assembly Bill No. 729—An act to amend section 1482 of the Penal Code, relating to the dismissal of prosecutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 729 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, King, Knowland, McCormack, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 729 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 43.

Relative to memorializing Congress to furnish aid in the construction of check dams in the Salinas River Valley.

WHEREAS, The water level of the Salinas Valley is rapidly declining and the salt water is beginning to encroach inwardly from the ocean; and

WHEREAS, The cost of power is making it almost prohibitive for agricultural pursuits in the Salinas Valley, due to the low water level; and

WHEREAS, Erosion is taking place and the soils are rapidly being put in danger because of the lack of proper soil and water protection; and

WHEREAS, The people of Salinas Valley are aware of this and are desirous of having the Federal government remedy these defects to save the Salinas Valley for future generations to conduct agricultural pursuits and to continue to increase the inhabitation of the Salinas Valley; and

WHEREAS, The water for domestic use may soon be jeopardized if the population of the Salinas Valley increases; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States be urged to provide a Federal government survey and plan for the construction of check dams and a soil erosion prevention project, and be it further

Resolved, That the Congress be urged to take action in this regard immediately so that the water and soils of the Salinas Valley may be preserved for future generations that may inhabit the Salinas Valley; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed forthwith to transmit copies of this resolution to the President of the United States, and to the President of the Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives from California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 43 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, King, Knowland, McCormack, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Swing, Wagy, and Young—30.

NOES—None.

Assembly Joint Resolution No. 43 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1098—An act to add section 1334 to the Penal Code, relating to the securing of the attendance of witnesses in criminal prosecutions, and to make uniform the law with reference thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1098 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 1098 ordered transmitted to the Assembly.

Senate Bill No. 237—An act to amend section 487 of, to add section 641 to, and to repeal section 493 of, the Streets and Highways Code, relating to State highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 237 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 237 ordered transmitted to the Assembly.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 620—An act to amend section 4307 of the Political Code, relating to county charges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 620 passed by the following vote:

AYES—Senators Crittenden, Difani, Fletcher, Garrison, Jespersen, Keough, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—21.

NOES—Senators Biggar, Deuel, Duval, Edwards, Gordon, Hays, Hulse, King, Knowland, Parkman, Rich, Schottky, Stow, and Tickle—14.

Title read and approved.

Assembly Bill No. 620 ordered transmitted to the Assembly.

Assembly Bill No. 1531—An act to amend section 3491 of the Political Code, relating to reclamation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1531 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuin-

ness, Mixter, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 1531 ordered transmitted to the Assembly.

Assembly Bill No. 610—An act amending section 1463 of the Penal Code, relating to the disposition of fines collected in municipal courts.
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 610 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 610 ordered transmitted to the Assembly.

Assembly Bill No. 1342—An act to amend section 1429 of the Penal Code, relating to the entering of pleas by a defendant.
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1342 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1342 ordered transmitted to the Assembly.

Assembly Bill No. 1034—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817c3 and 3817i2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: Due to the widespread depression, many taxpayers have been unable to pay their taxes, or to redeem their property from sale to the State for delinquency. By permitting redemption without penalties, many taxpayers will be enabled to redeem their property, restore the same to the tax rolls, and thereby add revenue for the operation and maintenance of government.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, King, Knowland, McCormack, McGuin-

ness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—Senators Keough and Seawell—2.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1034 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—35.

NOES—Senator Schottky—1.

Title read and approved.

Assembly Bill No. 1034 ordered transmitted to the Assembly.

Assembly Bill No. 618—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to make an appropriation therefor.

Amendments from the Floor.

During third reading of Assembly Bill No. 618, the following amendments, offered by Senator Stow, were read and adopted:

Amendment No. 1.

On page 3, line 35, of the printed bill, as amended, after "Governor", insert the following: "by and with the consent of the Senate".

Amendment No. 2.

On page 3, line 36, of the printed bill, as amended, after the period, insert the following: "The members first appointed after this act takes effect shall be appointed by the Governor and shall hold office only until the next session of the Legislature."

Amendment No. 3.

On page 6 of the printed bill, as amended, between lines 39 and 40, insert the following:

"If in any city or city and county or in the unincorporated area of a county, a majority of the electors voting thereon vote against the issuance of licenses for conducting meetings therein, all such licenses theretofore issued for the conduct of meetings therein shall be deemed revoked forthwith and no new license shall be issued for conduct of a meeting therein unless and until a majority of the electors of the city, city and county, or of the unincorporated area of the county, voting thereon, vote in favor of the issuance of such licenses. Such a proposition may be submitted to the electors of any city or city and county or of the unincorporated territory of any county, by the legislative body of the city, city and county or county at any general or special election held therein. As to issuance of such licenses for the conduct of meetings in the unincorporated area of a county, such proposition shall be submitted solely to the electors of said unincorporated area; as to such licenses for conduct of meetings in a city, solely to the electors of the city; as to such licenses for conduct of meetings in a city and county, solely to the electors of the city and county."

Further Amendments from the Floor.

During third reading of Assembly Bill No. 618, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 7, line 5, of the printed bill, as amended, strike out the word "four", and insert in lieu thereof the word "six".

Amendment No. 2.

On page 8, line 8, of the printed bill, as amended, strike out the word "eight", and insert in lieu thereof the word "six".

Amendment No. 3.

On page 8, line 11, of the printed bill, as amended, strike out the word "ten", and insert in lieu thereof the word "one".

Amendment No. 4.

On page 8, line 12, of the printed bill, as amended, strike out the word "four", and insert in lieu thereof the word "six".

Amendment No. 5.

On page 8, lines 22 and 23, of the printed bill, as amended, strike out the words and figures "twenty-five dollars (\$25)", and insert in lieu thereof the words and figures "fifty dollars (\$50)".

Amendment No. 6.

On page 8, line 26, of the printed bill, as amended, after the word "for" insert the following: "At any meeting where the total tax on the amount of money bet is more than twice the total value of the purses and stakes, there shall be an additional tax of two per cent paid by said association to the general fund and in addition all unclaimed tickets after one year shall be paid to the general fund."

Motion to Lay On the Table.

Senator Stow moved that Senator Olson's amendments be laid on the table.

The question being on the motion to lay on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Tickle, Olson and Parkman, on the motion to lay on the table.

The roll was called, and the motion carried by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Davis, Edwards, Hays, Hulse, Knowland, McGinness, Metzger, Parkman, Prescott, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—23.

NOES—Senators Biggar, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Mixer, Olson, Perry, Scollan, and Wagy—12.

Bill read, ordered to reprint, and on file for third reading

Assembly Bill No. 2294—An act to repeal sections 327, 330, 331, 332, 333, 334 and 335 of the Fish and Game Code, relating to game refuges.
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2294 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGinness, Mixer, Olson, Parkman, Perry, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2294 ordered transmitted to the Assembly.

Assembly Bill No. 525—An act to add sections 285, 285.1, 285.2, 285.3, and 285.4 to the Agricultural Code, relating to brands to be used on apiary equipment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 525 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 525 ordered transmitted to the Assembly.

Assembly Bill No. 1242—An act to add Chapter 2a to Division V of the Agricultural Code, to consist of sections 840, 841, 841.1, 842, 842.1, 842.2, 842.3, 842.4, 842.5, 843, 843.1, 843.2, 843.3, 844, 845, 845.1, and 845.2, inclusive, relating to the standardization of, and standards for, honey.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1242 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1242 ordered transmitted to the Assembly.

Assembly Bill No. 64—An act to amend sections 1206 and 1207 of the Code of Civil Procedure, relating to preferred claims for work or personal services.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 64 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 64 ordered transmitted to the Assembly.

Assembly Bill No. 768—An act to amend section 11 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the State Board of Barber Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927, relating to admissions to practice.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 768 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 768 ordered transmitted to the Assembly.

Assembly Bill No. 576—An act to repeal section 924 of the Political Code, relating to certain affidavits of public officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 576 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, Knowland, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pirovich, Rich, Schottky, Scollan, Senwell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 576 ordered transmitted to the Assembly.

Assembly Bill No. 440—An act to amend section 18a of the "Street Opening Act of 1903," relating to assessments and contribution of costs by municipalities.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 440 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difand, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McGuinness, Metzger, Mixer, Parkman, Perry, Pirovich, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

NOES—Senator Senwell—1.

Title read and approved.

Assembly Bill No. 440 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 884—An act to repeal sections 301 to 317, inclusive, of Article I, Chapter 1 of Division III of the Agricultural Code and to add thereto new sections to be numbered 301 to 320, inclusive, relating to meat inspection.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 884 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difand, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jaspersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pirovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 884 ordered transmitted to the Assembly.

Senator Schottky in the Chair.

At ten o'clock and fifty-five minutes p.m., Senator Schottky of the Twenty-fourth District was called to the chair.

Re-reference of Senate Bill No. 1099.

Senator Gordon moved that Senate Bill No. 1099 be referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Mixer.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 395 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 395 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Crittenden to introduce a bill entitled "An act to amend section 1 of an act entitled 'An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same,' approved May 19, 1927, relating to the price for the sale of jute bags—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—3; absent—2.

(Signed out)

RICH, Chairman.

TICKLE.

SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—32.

NOES—None.

Introduction, First Reading and Reference of Bill.

By Senator Crittenden: Senate Bill No. 1111—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price for the sale of jute bags.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 2029—An act to add a new section to the Civil Code, to be numbered section 1972, relative to transportation expenses and return transportation expenses, for workers brought into or sent out of the State to render personal services—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent 4.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 2023—An act to amend the title and sections 1, 2 and 3 of, and to add a new section, to be numbered section 4, to an act entitled "An act to provide

for a day of rest from labor," approved February 27, 1893 (Stats. 1893, Chap. 41), relative to the scope of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and prescribing penalties for violation of the provisions thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 942—An act to amend sections 2, 3 and 21 of, to add section 22 to, and to repeal sections 4 and 5 of the Old Age Security Act of the State of California, relating to the protection, welfare and assistance of aged persons and the payment of pensions thereto—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 1094—An act to add section 19a to the Public Utilities Act, relating to charges for heat, light, or power by a public utility—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; absent—5.

BIGGAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Concurrent Resolution No. 5—Providing for the appointment of a joint legislative committee to investigate and report upon the feasibility and practicability of the centralization of public ownership of public utilities in the State of California—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to Committee on Contingent Expenses.

Committee membership—11; committee vote: Ayes—6; absent—5.

BIGGAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Bill No. 2268—An act to amend section 1 of an act entitled "An act providing for the supervision and regulation of the transportation of property for compensation over any public highway by auto trucks; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1937, relating to the transportation of the operation of auto trucks by transportation companies;

Also: Assembly Bill No. 944—An act regulating the use of public highways by motor vehicles operated thereon for the transportation of property for compensation, conferring powers upon the Railroad Commission with respect thereto, providing penalties for the violations of this act and repealing all acts inconsistent with the provisions of this act;

Also: Assembly Bill No. 2180—An act to amend section 17 of the Public Utilities Act, relating to discrimination in relation to transportation by common carriers.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

BIGGAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 19j, relating to wharfingers—has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—11; committee vote: Ayes—6; absent—5.

BIGGAR, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 305—An act to amend section 1357 of the Political Code, relating to absentee voters;

Also: Assembly Bill No. 774—An act to amend section 1197 of the Political Code, relating to election ballots;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

POWERS, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 1085—An act to amend section 25 of the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—6; absent—1.

MIXTER, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 962—An act to amend the School Code by amending sections 5.650, 5.651, 5.652, 5.653, 5.654, 5.661, and by repealing sections 5.655, 5.656, 5.657, 5.658, 5.659, 5.660, 5.662, 5.663, all relating to the employment and dismissal of persons employed in school districts in positions requiring certification qualifications;

Also: Assembly Bill No. 988—An act to amend sections 5.125 and 5.161 of the School Code, relating to the issuance of high school credentials and certificates;

Also: Assembly Bill No. 1754—An act to amend sections 4.962, 4.963, 4.964, 4.1010, and to add new sections to be known as 4.967 and 4.968 of the School Code, relating to bond elections;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 961—An act to amend sections 5.400, 5.402, 5.403, 5.408, 5.420, 5.500, 5.502, 5.503, 5.510, 5.520, 5.521, 5.640, 5.680, 5.690, 5.691, 5.710, 5.711 and 5.712 of the School Code, relating to tenure, and to add four new sections to the School Code, to be numbered 5.409, 5.505, 5.506, 5.666 and 5.667, all relating to the employment, classification, dismissal and resignation of persons employed in school districts in positions requiring certification qualifications;

Also: Assembly Bill No. 1753—An act to amend sections 2.876, 2.877, 2.878, 2.885, 2.890, 2.891, and to repeal 2.868 of the School Code, relating to school district elections;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—13; absent—2.

JESPERSEN, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 55—Relative to memorializing Congress to erect a memorial to Mrs. A. Sherman Hoyt—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

WAGY, Chairman.

On Military Affairs.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Bill No. 710—An act to establish a Military Code, thereby revising and consolidating the law relating to the armed forces and militia of the State and relating to military and veterans' affairs, aid and welfare, institutions, and buildings and to repeal certain acts and parts of acts therein specified—has had the same

under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote Ayes—8

(Signed out)

McGUINNESS, Chairman
SCOLLAN,
MIXTER
McCOLL
POWERS
PERRY,
HAYS

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 1104—An act granting certain tide-lands and submerged lands of the State of California to the county of Santa Cruz.

Also: Senate Bill No. 1108—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions;

Also: Assembly Bill No. 660—An act authorizing public and private corporations of and in the State of California to make applications for the right to establish, operate and maintain, and to establish, operate and maintain foreign-trade zones in or adjacent to ports of entry in this State;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote Ayes—6; absent—3

PARKMAN, Chairman.

Adjournment.

On motion of Senator Rich, at eleven o'clock and ten minutes p.m., Senator Schottky, in the chair, declared the Senate adjourned, until ten o'clock a.m., Monday, May 20, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Monday, May 20, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pionovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Friday, May 17, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ella M. Harvey,

Elise Schwarz, and N. Steinmetz of San Diego; R. M. Allen of Bonita, and C. E. Toberman of Hollywood.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 17, 1935, adopted Assembly Joint Resolution No. 60—Relative to memorializing Congress to allocate to the Pacific Coast a fair portion of Federal ship building.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 60 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1281—An act to amend sections 4, 6, 13, 14, 20 and 21 of, and to add a new section to be numbered 8a to, an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulteration, mislabeling, misbranding, false advertising and sale of food and the powers of the State Board of Health in relation thereto;

Also: Assembly Bill No. 1282—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 19 and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices and to the powers of the State Board of Public Health in relation thereto;

Also: Assembly Bill No. 2087—An act to add section 171b to the Code of Civil Procedure, relating to the qualification of judges;

Also: Assembly Bill No. 1382—An act to amend section 5.682 of the School Code, relating to tenure of position for teachers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 1281 and 1282 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2087 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1382 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2042—An act to amend sections section 5.682 of the School Code, relating to teachers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2042 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 16, 1935, passed Assembly Bill No. 1165—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, and 16 of, and to add section 144 to, an act entitled "An act providing an additional and or alternative method for financing the acquirement, construction, development, improvement, reconstruction, extension and repair of waterworks systems by any political subdivision or public agency of the State authorized by law to own and operate such waterworks systems by the issuance and sale to the United States Government or any agency of said government of revenue bonds payable solely

out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues; providing for a structure, location, mules acquired, constructed, improved, reconstructed, extended or required under the provisions of this act; providing for the use of the power of eminent domain by municipal corporations and public agency proceeding under this act; defining the terms, powers, subdivisions and public agencies as included herein; and providing a title for the enactment of said act," approved May 27, 1933, relating to public-owned public utilities.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1165 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 19—Relative to recommending the President and Congress to adopt legislation for the employment of jobs in the mining of chromium and tin deposits of the United States.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 10 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 64—An act to amend section 8418 of the Political Code, relating to segregation of property on the assessment rolls;

Also: Senate Bill No. 139—An act to provide for the burning of the brush and debris on a watershed for experimental purposes.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 64 and 139 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 276—An act authorizing certain cities, towns and counties, and boards or departments thereof, in issuing revenue bonds or other evidences of indebtedness, payable solely from revenues, or from any other source, bond, to issue the same as negotiable instruments, to provide for certain signatures, namely by facsimile, for making the same payable at places outside the State of California, and for the registration thereof;

Also: Senate Bill No. 432—An act to amend section 859 of the Civil Code, relating to trusts.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 276 and 432 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 248—An act to amend section 1030 of the Political Code, relating to office hours;

Also: Senate Bill No. 306—An act to amend section 1111 of the Code of Civil Procedure, relating to contest of elections;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 248 and 306 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 3720, relating to the filing by county clerks with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts;

Also: Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests;

Also: Senate Bill No. 822—An act to amend section 27 of the Streets and Highways Code, relating to the maintenance of highways;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 443, 772 and 822 ordered on file as unfinished business.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Stow:

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits.

Respectfully submitted.

SENATOR STOW.

Request referred to Committee on Rules.

Resolution.

The following resolution offered the previous day by Senator Young was considered:

Resolved by the Senate of the State of California. That the Special Senate Committee on Civil Service appointed pursuant to a resolution adopted by the Senate on April 30, 1935, shall have power to gather information and to conduct investigations concerning personnel matters of the State, whether civil service or not, and concerning the methods of operation of any State department, board, institution, commission, agency or office and the duties of each position therein, and to report thereon, together with its recommendations as to needed changes in the law, to the Senate at the fifty-first session and at the fifty-second session thereof; and be it further

Resolved. That in carrying out the above objects said committee is authorized to use all of the powers and authority conferred upon it by said resolution adopted April 30, 1935.

Resolution read, and on motion of Senator Young, adopted.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to, the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 265—An act to amend section 862 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class;

Also: Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17 and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline'

and prescribing specifications for products sold or offered for sale as 'gasoline', prescribing penalties for the violation of the provisions hereof, and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization;

Also: Senate Bill No. 1107—An act to amend the title and sections 1, 2, 3, 4 and 5 of, and to add section 6 to, an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired during the urgency hereof and providing that this act shall take effect immediately. And reports that the same have been correctly engrossed.

METZGER, Chairman

Also:

MR. PRESIDENT: Your Committee on Engraving, Binding and Printing has examined Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 194, relating to wharfingers;

Also: Senate Bill No. 942—An act to amend sections 2, 3 and 21 of, to add section 9a to, and to repeal sections 4 and 5 of the Old Age Security Act of the State of California, relating to the protection, welfare and assistance of aged persons and the payment of pensions thereto;

Also: Senate Bill No. 1094—An act to add section 19a to the Public Utilities Act, relating to charges for heat, light, or power by a public utility;

Also: Senate Bill No. 1104—An act granting certain tidelands and submerged lands of the State of California to the county of Santa Cruz;

Also: Senate Bill No. 1108—An act relating to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions;

And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 1007—An act to amend section 994 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to Capri figs and their diseases, the elimination of fig endospermis, and authorizing boards of supervisors to accept donations for the enforcement of the provisions of said sections.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1007.

Amendment No. 1.

On page 2, line 9, of the printed bill, as amended in Senate May 8, 1935, immediately after the word "purposes", insert a comma.

Amendment No. 2.

On page 2, line 10, of the printed bill, as amended in Senate May 8, 1935, after the word "orchards", strike out the comma.

Amendment No. 3.

On page 2, line 11, of the printed bill, as amended in Senate May 8, 1935, after the word "figs", strike out the comma.

Amendment No. 4.

On page 2, line 12, of the printed bill, as amended in Senate May 8, 1935, after the word "therein", insert a comma.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1007?

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Metzger moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Duval, Edwards, Fletcher, Garrison, Gordon, King, McColl, McGovern, McGuinness, Metzger, Parkman, Reindollar, Rich, Seawell, Slater, Snyder, Swing, Tickle, Wag, Williams, and Young—22.

The Secretary announced the absentees.

Time, ten o'clock and twenty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Unfinished Business—(Resumed).

Senate Bill No. 719—An act to amend the Vehicle Code by amending sections 141, 142, 145, 147, 150, 151, 157, 159, 160, 161, 165, 184, 186, 205, 206, 207, 211, 215, 239, 252, 375, 376, 382, and 383; by adding section 234, relating to vehicles.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 719.

Amendment No. 1.

On page 2, line 43, of the printed bill, strike out "5", and insert in lieu thereof "4".

Amendment No. 2.

On page 7, line 17, of the printed bill, strike out "4", and insert in lieu thereof "5".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 719?

The roll was called, and Assembly amendments to Senate Bill No. 719 concurred in by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Garrison, Gordon, King, McColl, McGovern, McGuinness, Metzger, Mixter, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wag, Williams, and Young—25.

NOES—None.

Senate Bill No. 719 ordered to enrollment.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 933—An act to amend section 473 of the Penal Code, relating to punishment for forgery.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 933 passed by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 933 ordered transmitted to the Assembly.

Senate Bill No. 325—An act to amend sections 1026, 1550, 1551, and 1552, of, and to repeal sections 1600 to 1605, inclusive, of the Streets and Highways Code, relating to road district taxes and the expendi-

ture from county general funds of moneys for road district purposes by the board of supervisors.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 325 passed by the following vote:

AYES—Senators Bigger, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McCall, McCormack, McGovern, McGowan, Metzger, Parkman, Perry, Reindollar, Rich, Schottky, Seasholtz, Seawell, Slater, Stow, Tickle, Wagy, Williams, and Young—29

NOES—None.

Title read and approved.

Senate Bill No. 325 ordered transmitted to the Assembly.

Senate Bill No. 633—An act to add section 3441 to the Civil Code relating to damages in connection with fraud and deceit.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 633 passed by the following vote:

AYES—Senators Bigger, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McCall, McCormack, McGovern, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seawell, Slater, Stow, Tickle, Wagy, and Young—28

NOES—None.

Title read and approved.

Senate Bill No. 633 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and fifty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Metzger.

The Secretary was directed to call the roll of the Senators who had not answered to their names.

The roll was called, and Assembly amendments to Senate Bill No. 1007 concurred in by the following vote:

AYES—Senators Bigger, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McCall, McCormack, McGovern, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seasholtz, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Senate Bill No. 1007 ordered to enrollment.

Unfinished Business—(Resumed).

Senate Bill No. 670—An act to amend the Insurance Code by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new Chapter 8 to Part 2 of Division 2, thereof, comprising sections 10640 to 10880, inclusive, and by repealing section 1700 thereof, all relating to life insurance principals, practice and business, and matters incidental thereto by mutual benefit life associations.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 670.

Amendment No. 1.

On page 5, line 4, of the printed bill, as amended, after the word "thereto", strike out the period and insert the following: "and costs of defending disputed claims in

litigation not in excess of twenty per cent of the face value of the certificate sued upon."

Amendment No. 2.

On page 6, line 7, of the printed bill, as amended, strike out the word "six", and insert in lieu thereof the following: "twelve."

Amendment No. 3.

On page 6, line 12, of the printed bill, as amended, after the word "dollars", insert the following: "per thousand dollars, or fraction thereof, of insurance."

Amendment No. 4.

On page 6, line 19, of the printed bill, as amended, after the word "notice", strike out the balance of line 19, and strike out lines 20, 21, 22, 23, 24, and the words "by registered mail, return receipt demanded", in line 25, and insert in lieu thereof the following: "Unless the payment is made on or before the time so stated in any notice or notices of such assessment, the association shall send to the member a final notice, by registered mail, return receipt demanded, requiring the payment of such assessment within ten days following the date of mailing such final notice. The association may include a charge of not to exceed twenty per cent of the amount of such assessment as a penalty for the member's failure to pay the assessment within the time specified in the original notice. A member's certificate shall not be lapsed for the failure of a member to pay any assessment, membership fees or dues unless the final notice by registered mail shall have been given in the manner hereinbefore provided in this section."

Amendment No. 5.

On page 6, line 27, of the printed bill, as amended, after the word "penalty", insert a comma and the following: "if required."

Amendment No. 6.

On page 6, line 29, of the printed bill, as amended, after the word "lapse", and the period, insert the following: "Where advance payments have been made from which assessments are to be deducted, then the notices hereinabove specified shall not be necessary as to such members."

Amendment No. 7.

On page 7, line 43, of the printed bill, as amended, strike out the word "shall", and insert in lieu thereof the word "may".

Amendment No. 8.

On page 7, line 44, of the printed bill, as amended, after the word "fees", and the comma, insert the following: "and shall provide for the payment of the insured thereunder of".

Amendment No. 9.

On page 8, line 24, of the printed bill, as amended, after the word "assessments", insert the following: "or dues."

Amendment No. 10.

On page 8, line 26, of the printed bill, as amended, after the word "war", strike out the period, insert a comma in lieu thereof, and add the following: "and suicide."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 670?

The roll was called, and Assembly amendments to Senate Bill No. 670 concurred in by the following vote:

AYES—Senators Crittenden, Edwards, Fletcher, Garrison, Hays, King, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Reindollar, Rich, Schotky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—25.

NOES—None.

Senate Bill No. 670 ordered to enrollment.

Senate Bill No. 37—An act providing for the creation, organization, and government of joint districts composed of two or more counties of the State of California for the purpose of maintaining joint county road camps and providing that persons confined in the county jail of any such county under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public work or public highways in any such counties.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 37.

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, strike out "of the State of California", and insert in lieu thereof the following: ", and of districts composed of a single county."

Amendment No. 2.

On page 6 of the printed bill, as amended, strike out line 25, and in line 26, strike out "and or counties", and insert in lieu thereof the following: "The board of supervisors of such county or the boards of supervisors of such counties".

Amendment No. 3.

On page 6, line 28, of the printed bill, as amended, after "welfare", insert the following: "and".

Amendment No. 4.

On page 6, line 34, of the printed bill, as amended, strike out "and or", and insert in lieu thereof the following: "or".

Amendment No. 5.

On page 6, line 35, of the printed bill, as amended, strike out "and or", and insert in lieu thereof the following: "or".

Amendment No. 6.

On page 6, line 41, of the printed bill, as amended, after "camp", insert the following: "or camps".

Amendment No. 7.

On page 6, line 43, of the printed bill, as amended, after "camp", insert the following: "or camps".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 37?

The roll was called, and Assembly amendments to Senate Bill No. 37 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, McCormack, McGovern, Metzger, Minter, Olson, Perry, Ronald, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—26
NOES—None.

Senate Bill No. 37 ordered to enrollment.

Senate Bill No. 741—An act to amend sections 2955, 2956, 2957, 2963, 2965 and 2966; and to repeal section 2959 of the Civil Code; and to add to said code new sections numbered 2959a, 2974, 2975, 2976, 2977 and 2978, relating to mortgages of personal property, and including provisions for the continuity of the liens thereof, the securing of additional advances and obligations thereunder, mortgaging of natural increase of live stock and other animate chattels, and of after acquired and consumable property, and providing for the recording of fictitious mortgages and the inclusion of the provisions thereof in other mortgages by reference, and constructive notice of such mortgages by the recording thereof.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 741.

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out the following: "What personal property may be mortgaged."

Amendment No. 2.

On page 2, line 3, of the printed bill, as amended, strike out the following: "Form of personal property mortgage."

Amendment No. 3.

On page 2, line 23, of the printed bill, as amended, strike out the following: "When void as to third persons."

Amendment No. 4.

On page 4, line 39, of the printed bill, as amended, strike out the following: "Mortgagee may take possession, when."

Amendment No. 5.

On page 4, lines 48 and 49, of the printed bill, as amended, strike out the following: "Continuity of liens of certain mortgages of personal property and crops."

Amendment No. 6.

On page 5, lines 35, 36 and 37, of the printed bill, as amended, strike out the following: "Additional indebtedness or obligations incurred subsequent to execution of mortgages of personal property or crops to be secured thereby."

Amendment No. 7.

On page 6, lines 15 and 16, of the printed bill, as amended, strike out the following: "Mortgaging natural increase of live stock and other animate chattels in general terms."

Amendment No. 8.

On page 6, lines 28 and 29, of the printed bill, as amended, strike out the following: "Mortgaging live stock and other animate chattels to be acquired."

Amendment No. 9.

On page 6, line 47, of the printed bill, as amended, strike out the following: "Mortgage of consumable property."

Amendment No. 10.

On page 7, line 4, of the printed bill, as amended, strike out the following: "Repeal."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 741?

The roll was called, and Assembly amendments to Senate Bill No. 741 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Jespersen, Keough, King, McCall, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—29.

NOES—None.

Senate Bill No. 741 ordered to enrollment.

Senate Bill No. 751—An act to amend section 4300e of the Political Code, relating to the fees of county recorders.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 751.

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 15, 16, 17, 18, 19 and 20, and insert in lieu thereof the following: "indexing and making the necessary entries on any conditional sale contract, bailment or feeder contract, lease or mortgage of personal property or crops shall be fifty cents, and the minimum fee for filing for record, recording and indexing and making the necessary entries on any assignment, release, waiver or subordination which is designated on its face as being an assignment, release, waiver or subordination of a conditional sale contract, bailment or feeder contract, lease or mortgage of personal property or crops, shall be fifty cents."

Amendment No. 2.

On page 2, line 25, of the printed bill, strike out the words "fifty cents", and insert in lieu thereof the following: "one dollar".

Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, strike out the following: "Recorder's Fees."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 751?

The roll was called, and Assembly amendments to Senate Bill No. 751 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, McColl, McCormack, McGovern, Metzger, Miller, Olson, Parkman, Perry, Reindollar, Rich, Schottky, Seaman, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Young—29.

NOES—None.

Senate Bill No. 751 ordered to enrollment.

Senate Bill No. 743—An act to amend section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animate chattels, mining equipment and more livery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 743.

Amendment No. 1.

On page 1, lines 3 and 4, of said printed bill, as amended, strike out the following: "Conditional sales, leases, etc., of animate chattels, etc."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 743?

The roll was called, and Assembly amendment to Senate Bill No. 743 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Jespersen, Keough, King, McColl, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Young—26.

NOES—None.

Senate Bill No. 743 ordered to enrollment.

Senate Bill No. 742—An act to amend section 2934 of the Civil Code, relating to mortgages in general and providing for the recording of certain subordination agreements and waivers relating to mortgages of, liens upon and interests in personal property.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 742.

Amendment No. 1.

On page 2, lines 1 and 2 of said printed bill, as amended, strike out the following: "Recording of assignment, etc., of mortgage or beneficial interest."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 742?

The roll was called, and Assembly amendment to Senate Bill No. 742 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagv—31.

NOES—None.

Senate Bill No. 742 ordered to enrollment.

Senate Bill No. 750—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 750.

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out "Fees of Secretary of State."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 750?

The roll was called, and Assembly amendment to Senate Bill No. 750 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Duell, Fletcher, Garrison, Hays, Jespersen, Keough, King, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Senate Bill No. 750 ordered to enrollment.

Senate Bill No. 748—An act to amend sections 4130 and 4140 of the Political Code, relating to county recorders, their duties and penalty for neglect thereof or for misconduct.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 748.

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out "Duties of recorder."

Amendment No. 2.

On page 9, line 36, of the printed bill, as amended, strike out "Penalty for neglect or misconduct."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 748?

The roll was called, and Assembly amendments to Senate Bill No. 748 concurred in by the following vote:

AYES—Senators Crittenden, Duell, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—31.

NOES—None.

Senate Bill No. 748 ordered to enrollment.

Senate Bill No. 586—An act to amend section 3663a of the Political Code, relating to the assessment of property by the State Board of Equalization.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 586.

Amendment No. 1.

On page 1 of the printed bill, after "Equalization", in the last of the title, insert "and to provide that this act shall take effect immediately".

Amendment No. 2.

On page 1, line 7, of said printed bill, after "meridian", insert the following: "; provided, however, that in the case of property situated within the limits of any city having an assessment date other than the first Monday in March, the board shall also assess such property at its actual value on the assessment date of such city".

Amendment No. 3.

On page 1, lines 25 and 26, of the printed bill, strike out "between the first Monday in March and the first Monday in April of each year".

Amendment No. 4.

On page 2, lines 13 and 14, of the printed bill, strike out "on or before the first Monday in June," and insert in lieu thereof "at such times and".

Amendment No. 5.

On page 2, lines 16 and 17, of the printed bill, strike out "on the first Monday in March at twelve o'clock meridian".

Amendment No. 6.

On page 2 of the printed bill, between lines 22 and 23, insert the following:

"The board shall complete the assessment of all property required to be assessed by it as of the first Monday in March of any year, on or before the first Monday in August of said year. Between the first Monday in August and the third Monday in August of each year, the assessments made by the board shall be open for inspection by all persons interested. At any time prior to the third Monday in August the owner of any property assessed by the board, or the one to whom it is assessed may be heard by the board upon a petition for reassessment.

Immediately after the third Monday in August the board shall transmit to the auditor of each county and city and county an assessment roll showing the assessments made by the board upon all property located in such county or city and county and in each district, and city in such county or city and county.

The board shall also immediately transmit to the auditor or other chief accounting officer of each city the assessment date of which is the first Monday in March an assessment roll showing the assessments made by the board upon all property located in such city and in each district in such city.

In the case of property situated within the limits of any city having an assessment date other than the first Monday in March, the board, upon the completion of the assessment of such property as of such other assessment date, shall give notice to those to whom it is assessed either by mail, in the manner prescribed by section 1913 of the Code of Civil Procedure, or by publication in a newspaper of general circulation published in the municipality where such property is located, that the assessment of such property as of such other assessment date has been completed and the time when, and place where, those to whom such property is assessed may be heard on a petition by them for reassessment of such property. Immediately after the time specified in such notice the board shall transmit to the auditor or other chief accounting officer of such municipality an assessment roll showing the assessment made by the board upon all property located in such city.

All such property shall be subject to taxation to the same extent and in the same manner as other property.

In the event that any property required to be assessed by the board escapes assessment for any year, such property when discovered shall immediately be assessed by the board, and a statement of the value of such property shall be transmitted by the board to the officer of the county, city and county, or city required by law to assess property escaping assessment. The property so assessed by the board and returned to such officer shall thereupon be entered upon the assessment roll of such county, city and county, or city and shall be subject to the same taxes and assessment levies with the same penalties added thereto as if such property had been assessed by such officer."

Amendment No. 7.

On page 2 of the printed bill, after line 26, add the following:

"SEC. 2. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency:

Several cities within California have, under special charter provisions, assessment dates other than the first Monday in March. Unless the law is immediately amended to permit the State Board of Equalization to assess such property as is required to be assessed by such board under the provisions of section 14 of Article XIII of the Constitution of this State as of the same date as other property subject to municipal taxation in such cities, grave inequalities in tax burden will result threatening the stability of the public revenues for such cities. Under existing law said board is required to complete all assessments under said section of the Constitution by the third Monday in June. Said board is also required to equalize its assessments with those made locally, and since equalization of local assessments is not completed normally until August, it would be impossible to provide for an equitable assessment of property by the State Board of Equalization unless the existing law requiring the board to complete its assessments by the third Monday in June should be amended. Consequently, unless this act goes into effect immediately grave inequalities in assessments for tax purposes will result, since an act which would not become effective until ninety days following adjournment of the Legislature could not accomplish the necessary changes in time to correct the injustices which would otherwise occur."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 586?

The roll was called and Assembly amendments to Senate Bill No. 586 concurred in by the following vote:

AYES—Senators Rogers, Cunningham, Donald, Edwards, Fletcher, Hays, Jaspersen, Knecht, King, Mayall, McManus, McManus, Metzger, Olson, Parkman, Perkins, Peterson, Rasmussen, Schuchter, Schuchter, Senator, Snyder, Stone, Tinkle, and Wagon—29.

Senate Bill No. 586 ordered to enrollment.

Senate Bill No. 749—An act to amend section 408 of the Political Code, relating to the duties of the Secretary of State.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 749.

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "Dates of Secretary of State."

Amendment No. 2.

On page 1, lines 20 and 21, of the printed bill, strike out "Superintendent of State Printing," and insert in lieu thereof the following: "State Printer."

Amendment No. 3.

On page 2, line 40, of the printed bill, strike out the sentence and insert in lieu thereof a period.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 749?

The roll was called, and Assembly amendments to Senate Bill No. 749 concurred in by the following vote:

AYES—Senators Rogers, Cunningham, Donald, Edwards, Fletcher, Hays, Jaspersen, Knecht, King, Mayall, McManus, McManus, Metzger, Olson, Parkman, Perkins, Peterson, Rasmussen, Schuchter, Schuchter, Senator, Snyder, Stone, Stone, Tinkle, Wagon, and Young—29.

NAVES—None.

Senate Bill No. 749 ordered to enrollment.

Special Order.

Senator Olson moved that Senate Bill No. 742 be made a special order for Tuesday, May 21, 1935, at two o'clock and thirty minutes p.m.

Motion carried and such was the order.

Motion to Reconsider.

Pursuant to the notice given by Senator Swing on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage was committed until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Garrison moved to reconsider the vote whereby Assembly Bill No. 1486 was passed.

Postponement of Reconsideration.

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1486 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued until the next legislative day.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1090. "An act to amend section 50 of the "State Housing Act," approved June 15, 1923, relating to the character and construction of fire escapes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1090 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dand, Duval, Fletcher, Jaspersen, Kough King, McColl, McCormack, McGovern, McGowan, McMillan, Meyer, Mixer, Olson, Parkman, Pierovich, Remdollar, Schottky, Seelien, Sewell, Sharkey, Slater, Soderstrom, Swing, Tickle, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 1090 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Constitutional Amendment No. 15, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 3, 4 and 5 of Article IV of the Constitution, relating to the Legislative Department.

Amendments from the Floor.

During reading of Assembly Constitutional Amendment No. 15 the following amendments, offered by Senator McGovern, were read:

Amendment No. 1.

On page 1, of the printed measure, as amended, strike out lines 3, 4 and 5 of the title, and insert in lieu thereof the following: "ment to the Constitution of said State by adding to Article IV thereof, a new section to be numbered 37, relating to the legislative department of the State."

Amendment No. 2.

On page 1 of the printed measure, as amended, strike out lines 6 to 24, inclusive, and insert in lieu thereof the following: "the State of California, that the Constitution of said State be amended by adding to Article IV thereof a new section, to be numbered 37, and to read as follows:

SEC. 37. (a) Commencing with the regular session of the Legislature to be held in January, 1939, the legislative authority of the State shall be vested in a

Legislature of forty members, consisting of one chamber, to be known as "The Legislature of the State of California." The people reserve for themselves, however, the powers of the initiative and the referendum, as hereinabove provided. All authority now vested by the Constitution or laws of the State in the Senate, the Assembly, or joint session thereof, in so far as applicable, shall be and hereby is vested in said Legislature of one chamber. All provisions in the Constitution and laws of the State relating to the Legislature, the Senate, the Assembly, joint sessions of the Senate and Assembly, Senator or member of the Assembly, shall, in so far as said provisions are applicable, apply to and mean said Legislature of one chamber hereby created, and the members thereof. All references to clerk of Assembly or Secretary of Senate shall mean, when applicable, the Secretary of the Legislature of one chamber. All references to Speaker of the Assembly or President of the Senate shall mean President of the Legislature. Wherever any provision of the Constitution requires submission of any matter to, or action by, the Assembly, the Senate or joint session thereof, or the members of either body or both bodies, it shall, after January 1, 1939, be construed to mean the Legislature herein provided for.

(b) At the regular session of the Legislature held in the year 1937, the Legislature shall divide the State into districts in proportion to population, except as herein otherwise provided. In creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be, composed of contiguous and compact territory.

After the creation of such districts, beginning in 1938, one member of the Legislature shall be elected from each such district, and shall serve for four years; provided, however, that at the election to be held in 1938, members from each odd numbered district shall be elected for a period of only two years, but thereafter for a period of four years. The basis of apportionment shall be the population, excluding aliens, as shown by the next preceding Federal census. In like manner, when necessary to correction of any qualities in the population of such districts, the State may be redistricted from time to time, but no oftener than once in ten years; provided, however, that in no event shall any one county have more than twenty-five per cent of the members of said one chamber Legislature.

(c) The Legislature shall meet in regular session at twelve o'clock noon on the second day in January in the year ensuing the election of the members thereof. The Lieutenant Governor shall preside, and shall be known as the President of the Legislature but shall vote only when the Legislature is equally divided.

(d) All provisions of the Constitution and all provisions of law in conflict herewith are hereby repealed."

Amendment No. 3.

On page 2 of the printed measure, as amended, strike out all of lines 1 to 41, inclusive.

Motion to Lay on the Table.

Senator Stow moved that the amendments offered by Senator McGovern be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators McGovern, Reindollar and Crittenden, on the adoption of motion to lay the amendments on the table.

The roll was called, the motion to lay on the table was adopted by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Gordon, Hays, Keough, King, McColl, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—27.

NOES—Senators Crittenden, Deuel, McGovern, Olson, Reindollar and Schottky—6.

Further consideration of Assembly Constitutional Amendment No. 15 was deferred until later in the day.

Explanation of Vote.

Senator Crittenden asked for, and was granted, unanimous consent to have the following explanation of his vote on the motion by Senator Stow, to table proposed amendments by Senator McGovern, printed in the Journal:

I voted against the motion to table because I thought Senator McGovern should have had the right to close his debate. I had previously spoken severely against his amendments and would have voted against them but I felt that he should have had the privilege of making such statement as he desired in closing his debate.

B. S. CRITTENDEN.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Introduction, First Reading and Reference of Bills.

By Senator Sharkey: Senate Concurrent Resolution No. 36—Relating to the termination of the probationary period of all persons employed on the staff of the State Board of Equalization and mentioned in subdivision (c) of Article XXIV of the Constitution of this State.

Consideration of Senate Concurrent Resolution No. 36.

Senator Sharkey asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 36, without reference to committee, for purpose of adoption.

Resolution ordered to print, and on file.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Stow to introduce a bill entitled—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits, has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote—Ayes—4; absent—1.

(Signed out)

RICH, Chairman
KNOWLAND
SLATER
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Duval, Edwards, Gordon, Hays, Jepsen, Keough, King, Knowland, McColl, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Remdollar, Rich, Schotzky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Williams—31.

NOES—None.

Introduction, First Reading and Reference of Bill.

By Senator Stow: Senate Bill No. 1112—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits.

Bill read first time, and referred to Committee on Revenue and Taxation.

Re-reference of Assembly Bill No. 1392.

Senator Jespersen moved that Assembly Bill No. 1392 be re-referred to Committee on Civil Service.

Motion carried, and such was the order.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Seawell:

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 487.5 to the Fish and Game Code, relating to the use of certain bait to take fish, and declaring the urgency thereof, and that this act shall take effect immediately.

Respectfully submitted.

SENATOR SEAWELL.

Request referred to Committee on Rules.

Senator Pierovich in the Chair.

At two o'clock and forty-five minutes p.m., Senator Pierovich of the ninth district was called to the chair.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 942—An act to amend sections 2, 3 and 21 of, to add section 9a to, and to repeal sections 4 and 5 of the Old Age Security Act of the State of California, relating to the protection, welfare and assistance of aged persons and the payment of pensions thereto.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1094—An act to add section 19a to the Public Utilities Act, relating to charges for heat, light, or power by a public utility.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 19½, relating to wharfingers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Concurrent Resolution No. 5—Providing for the appointment of a joint legislative committee to investigate and report upon the feasibility and practicability of the centralization of public ownership of public utilities in the State of California.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Concurrent Resolution No. 5 were read and adopted:

Amendment No. 1.

On page 2, line 13, of the printed measure, strike out "seven", and insert in lieu thereof the following: "six".

Amendment No. 2.

On page 2, line 14, of the printed measure, strike out "the Lieutenant Governor, and".

Senate Concurrent Resolution No. 5 ordered to reprint, and re referred to Committee on Contingent Expenses.

Senate Bill No. 1104—An act granting certain tidelands and submerged lands of the State of California to the county of Santa Cruz.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1108—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1085—An act to amend section 25 of the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 1085 were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, as amended, add an "s" to the word "section", and after the figure "25", insert the following: "and 32".

Amendment No. 2.

On page 13, line 29, of the printed bill, as amended, strike out all of said line 29 and lines 30 and 31, and to the word "all", in line 32.

Amendment No. 3.

On page 13, line 47, of the printed bill, as amended, strike out all of said line 47 and the word "water", in line 48.

Amendment No. 4.

On page 13, line 50, of the printed bill, as amended, strike out "for use of", and all of line 51, and insert in lieu thereof the following: "other than from a subterranean stream flowing through known and definite channels."

Amendment No. 5.

On page 13 of the printed bill, as amended, following line 51, insert the following:

"SEC. 2. Section 32 of said act is hereby amended to read as follows:

Sec. 32. At the time of submission of proof of appropriation, the State Water Commission shall collect from each claimant a fee of five (5) dollars for each proof of appropriation filed by such claimant. At the time of, or as soon as practicable after the mailing of its order of determination as provided in section 36 of this act the State Water Commission shall compute the entire expense it has incurred in performing the duties prescribed in sections 26 to 36 of this act, both inclusive, including salaries, wages, traveling expenses, and all costs of whatever character which are properly chargeable to said proceedings. Should the total amount of said entire expense exceed the total amount received from claimants at the time of submission of proofs of appropriation, said excess expense shall be equitably apportioned by the State Water Commission against the parties to the proceeding and a statement setting forth said expense and said apportionments thereof against the respective parties shall be sent by registered mail to each of said parties. The apportionments so made and set forth in said statement shall become due and payable to the State Water Commission by the respective parties, or their successors in interest, in the amounts so allocated, thirty (30) days subsequent to the date of mailing of said statement; provided, however, that upon application in writing by any party aggrieved within said thirty (30) day period, the court shall after expiration of said period set a hearing for the determination of any objection or objections to said expense or to the apportionments thereof and the clerk of the court shall, at least ten days prior to the date of such hearing, give notice thereof

by mail to all parties; and provided further, that upon the filing of an objection or objections to said expense or the apportionments thereof, said apportionments shall not become due and payable until said objection or objections shall have been determined as hereinafter provided. Parties failing to so object to said expense or the apportionments thereof within said period shall be conclusively deemed to have waived all objections thereto. Upon the hearing of an objection or objections to said expense or the apportionments thereof the court shall determine the issues relative thereto, and enter an order determining said expense and its allocation as the court may deem equitable. Said order shall become final upon the expiration of thirty (30) days after entry thereof and all apportionments included therein shall then become due and payable to the State Water Commission by the respective parties, or their successors in interest, in the amounts so allocated. Any apportionments of said expense which remain unpaid shall be included in any findings of fact and conclusions of law which may be filed by the court and if unpaid at time of entry of judgment and decree shall be included therein. All moneys paid to or collected by said commission, as in this section provided, shall be paid, at least once each month, accompanied by a detailed statement thereof, into the cash revolving fund of the State Water Commission in the State treasury. If the funds available for use by the State Water Commission are inadequate to enable it to undertake the expense of any proceeding under sections 25 to 36g, both inclusive, of this act, or if in the judgment of the commission its reimbursement for the expense of any such proceeding will not be reasonably certain, it may refuse to proceed with its investigation as provided for in section 27 of this act and to undertake said proceeding, unless and until such provision shall have been made by persons interested as may be satisfactory to said commission and deemed by it sufficient to secure reimbursement or payment to it for its expenses."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 2023—An act to amend the title and sections 1, 2 and 3 of, and to add a new section, to be numbered section 4, to an act entitled "An act to provide for a day of rest from labor," approved February 27, 1893 (Stats. 1893, Chap. 41), relative to the scope of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for violation of the provisions thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Assembly Bill No. 2023 were read and adopted:

Amendment No. 1.

On page 2, line 5, of the printed bill, as amended, strike out the words "engaged in interstate commerce".

Amendment No. 2.

On page 2, line 12, of the printed bill, as amended, before the word "nor", insert the following: "nor to watchmen, nor to the operating force of any hotel, restaurant, boarding house, lodging house, apartment house, auto camp, bungalow court or office or loft building, nor to employees in any employment who are allowed at least four full days of rest in every period of twenty-eight consecutive days."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2039—An act to add a new section to the Civil Code, to be numbered section 1972, relative to transportation expenses and return transportation expenses for workers brought into or sent out of the State to render personal services.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2268—An act to amend section 1 of an act entitled "An act providing for the supervision and regulation of the transportation of property for compensation over any public highway by auto trucks; defining transportation companies and providing for the super-

vision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act." approved May 10, 1917, relating to the determination of the operation of auto trucks by transportation companies.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Public Utilities, the following amendment to Assembly Bill No. 2268 was read and adopted:

Amendment No. 1.

On page 2, line 13, of the printed bill, after the word "fact", add the following: "and the findings of the Railroad Commission thereon shall be subject to review."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 944—An act regulating the use of public highways by motor vehicles operated thereon for the transportation of property for compensation; conferring powers upon the Railroad Commission with respect thereto; providing penalties for the violations of this act and repealing all acts inconsistent with the provisions of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Assembly Bill No. 944 were read and adopted:

Amendment No. 1.

On page 5 of the printed bill, as amended, after line 44, add the following new section to be numbered section 19, and to read as follows:

"SEC. 19. Nothing in this act contained shall apply to a passenger stage corporation as the same is defined in section 24 of the Public Utilities Act engaged in transporting express when such transportation is incidental to the transportation of passengers."

Amendment No. 2.

On page 5, line 45, of the printed bill, as amended, change the figures "19" to "20."

Amendment No. 3.

On page 6, line 1, of the printed bill, as amended, change the figures "20" to "21."

Amendment No. 4.

On page 6, line 6, of the printed bill, as amended, change the figures "21" to "22."

Amendment No. 5.

On page 6, line 8, of the printed bill, as amended, change the figures "22" to "23."

Amendment No. 6.

On page 3, line 26, of the printed bill, as amended, after the word "on", strike out the word "not".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2180—An act to amend section 17 of the Public Utilities Act, relating to discrimination in relation to transportation by common carriers.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Assembly Bill No. 2180 were read and adopted:

Amendment No. 1.

On page 3, line 8, of the printed bill, strike out the word "shall", and insert the word "may".

Amendment No. 2.

On page 3, line 9, of the printed bill, strike out the word "shall", and insert the word "may".

Amendment No. 3.

On page 3, lines 12 and 13, of the printed bill, strike out the words "shall not exceed the current fare", and insert in lieu thereof the words "may be fixed at not to exceed the current fare for an individual".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 305—An act to amend section 1357 of the Political Code, relating to absentee voters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 774—An act to amend section 1197 of the Political Code, relating to election ballots.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 710—An act to establish a Military Code, thereby revising and consolidating the law relating to the armed forces and militia of the State and relating to military and veterans' affairs, aid and welfare, institutions, and buildings and to repeal certain acts and parts of acts therein specified.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 961—An act to amend sections 5.400, 5.402, 5.403, 5.408, 5.420, 5.500, 5.502, 5.503, 5.510, 5.520, 5.521, 5.640, 5.680, 5.690, 5.691, 5.710, 5.711 and 5.712 of the School Code, relating to tenure, and to add four new sections to the School Code, to be numbered 5.409, 5.505, 5.506, 5.666 and 5.667, all relating to the employment, classification, dismissal and resignation of persons employed in school districts in positions requiring certification qualifications.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 961 were read and adopted:

Amendment No. 1.

On page 3, line 42, of the printed bill, as amended, strike out the word "certificated", and insert in lieu thereof the word "permanent".

Amendment No. 2.

On page 4, line 28, of the printed bill, as amended, after the comma, insert the following: "or if a permanent employee has reached the age of sixty-five years."

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 1753—An act to amend sections 2.876, 2.877, 2.878, 2.885, 2.890, 2.891, and to repeal 2.868 of the School Code, relating to school district elections.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 1753 were read and adopted:

Amendment No. 1.

On page 3, line 14, of the printed bill, as amended, strike out "March", and insert in lieu thereof the following: "June".

Amendment No. 2.

On page 3 of the printed bill, as amended, strike out line 31, and insert in lieu thereof the following: "school district, ----- county, on June -----, 19----."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 962—An act to amend the School Code by amending sections 5.650, 5.651, 5.652, 5.653, 5.654, 5.661, and by repealing sections 5.655, 5.656, 5.657, 5.658, 5.659, 5.660, 5.662, 5.663, all relating to the employment and dismissal of persons employed in school districts in positions requiring certification qualifications.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 988—An act to amend sections 5.125 and 5.161 of the School Code, relating to the issuance of high school credentials and certificates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1754—An act to amend sections 4.962, 4.963, 4.964, 4.1010, and to add new sections to be known as 4.967 and 4.968 of the School Code, relating to bond elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 660—An act authorizing public and private corporations of and in the State of California to make applications for the right to establish, operate and maintain, and to establish, operate and maintain foreign trade zones in or adjacent to ports of entry in this State.

Bill read second time, and ordered on file for third reading.

Further Consideration of Assembly Constitutional Amendment No. 15.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Assembly Constitutional Amendment No. 15 were read and adopted:

Amendment No. 1.

On page 2, line 10, of the printed measure, strike out "No" and insert in lieu thereof the following: "Except in the case of a vacancy in the office for which he is a candidate, no".

Amendment No. 2.

On page 2, line 13, of the printed measure, strike out "off", and insert in lieu thereof the following: "in".

Assembly Constitutional Amendment No. 15 ordered to reprint, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Jespersen:

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act imposing a tax for the privilege of severing petroleum, natural gas and natural gasoline from the earth, providing for the issuance of permits to producers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, and providing this act shall take effect immediately.

Respectfully submitted,

SENATOR JESPERSEN

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Seawell to introduce a bill entitled—An act to add section 487.5 to the Fish and Game Code, relating to the use of certain bait to take fish, and declaring the urgency thereof, and that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

(Signed out)

RICH, Chairman.
TICKLE.
KNOWLAND.
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Seawell: Senate Bill No. 1113—An act to add section 487.5 to the Fish and Game Code, relating to the use of certain bait to take fish, and declaring the urgency thereof, and that this act shall take effect immediately.

Consideration of Senate Bill No. 1113.

Senator Seawell asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1113, without reference to committee for purpose of passage.

Bill read first time, ordered to print, and on file.

Third Reading of Assembly Bills.

Assembly Bill No. 1194—An act amending the title and sections 31, 32 and 33, of the "Improvement Act of 1911," approved April 7, 1911, as amended, relating to public improvements and the repair and reconstruction of portions of improved streets, avenues, lanes, alleys, courts or places, bulkheads, retaining walls or other works for the protection of the same and to the payment of the costs thereof and establishing a procedure for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1194 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1194 ordered transmitted to the Assembly.

Assembly Bill No. 1055—An act to amend sections 400 and 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1055 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Perry, Perovich, Powers, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Young—35.
NOES—None.

Title read and approved.

Assembly Bill No. 1055 ordered transmitted to the Assembly.

Assembly Bill No. 1337—An act to amend section 4200g of the Political Code, relating to witness fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1337 passed by the following vote:

AYES—Senators Biggar, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Perovich, Powers, Reindollar, Rich, Schottky, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Young—33.
NOES—None.

Title read and approved.

Assembly Bill No. 1337 ordered transmitted to the Assembly.

Assembly Bill No. 387—An act to amend sections 1031 and 1032 of the Code of Civil Procedure, relating to costs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 387 passed by the following vote:

AYES—Senators Biggar, Denel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Perry, Perovich, Powers, Reindollar, Rich, Schottky, Slater, Snyder, Stow, Swing, Tickle, Wagv, and Young—31.
NOES—None.

Title read and approved.

Assembly Bill No. 387 ordered transmitted to the Assembly.

Assembly Bill No. 1819—An act to add a new section to the Probate Code, to be numbered 1558, providing for allowances by the court to next of kin of an insane or incompetent person out of surplus income of said insane or incompetent person.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1819 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter,

Olson, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, and Young—31.

NOES—Senators Duval, McGovern, and Snyder—3.

Title read and approved.

Assembly Bill No. 1819 ordered transmitted to the Assembly.

Senator Tickle in the Chair.

At three o'clock and twenty minutes p.m., Senator Tickle of the twenty-fifth district was called to the chair.

Assembly Bill No. 618—An act to provide for the regulation and licensing of greyhound racing and race meetings, and to permit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Hays, Hulse, King, McColl, McCormack, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—Senators Difani, Edwards, Fletcher, Jespersen, Keough, Knowland, McGovern, McGuinness, Olson, and Sharkey—10.

Title read and approved.

Assembly Bill No. 618 ordered transmitted to the Assembly.

Assembly Bill No. 2030—An act to amend sections 1625.5 and 1626 of the Streets and Highways Code, relating to expenditures by boards of supervisors of moneys received by the counties from the motor vehicle fuel fund or from moneys received by the county for vehicle registration license fees and authorizing contributions to ad valorem special assessment proceedings, or the purchase, cancellation and retirement of bonds issued in any ad valorem acquisition or improvement district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2030 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, King, Knowland, McColl, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 2030 ordered transmitted to the Assembly.

Assembly Bill No. 848—An act to amend section 2.60 of the School Code, relating to the correction and relocation of boundaries of school districts.

Amendments from the Floor.

During third reading of Assembly Bill No. 848, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 1, line 17, of the printed bill, as amended, strike out "location", and insert in lieu thereof the following: "relocation".

Amendment No. 2.

On page 1, lines 19 and 20, of the printed bill, as amended, strike out "location or fixing of said boundary lines", and insert in lieu thereof the following: "district in which such parcel or property shall be located".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 992—An act to amend section 11 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the definition of dentistry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 992 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jorgensen, King, Knowland, McGill, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reed, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 992 ordered transmitted to the Assembly.

Assembly Bill No. 99—An act to add a new section to the Code of Civil Procedure to be known as section 1872 thereof, requiring persons bringing actions for damages for personal injuries to submit to an examination of their persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 99 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Keough, King, Knowland, McGill, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 99 ordered transmitted to the Assembly.

Assembly Bill No. 336—An act to amend sections 396, 396a, 399, 539, 540, 542, 581, 594, 618, 629, 650, 659a, 667a, 689, 953a, 978a, 980, 983, 983a, 988a, 988b, 988e, 988h, 989, 990, 1005 and 1010 of the Code of Civil Procedure, and to add section 655 thereto, all relating to civil actions.

Amendments from the Floor.

During third reading of Assembly Bill No. 336, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 15, line 41, of the printed bill, as amended, after "after", insert the following: "the clerk has given notice to the stenographic reporter that".

Amendment No. 2.

On page 15, line 46, of the printed bill, as amended, after the semicolon, insert the following: "provided, however, that said twenty (20) day period shall not com-

mence to run until appellant has fully complied with the provisions of section 953b of this code. The stenographic reporter shall not postpone the filing of the transcript except upon order of the court, upon affidavits filed with the court by the reporter, stating facts and not conclusions, which affidavits before any continuance is granted shall be served upon the attorneys appearing in said cause, which service shall be made by United States mail, postage prepaid, addressed to said attorneys at their respective offices, not less than three (3) days, unless the court shall otherwise order, prior to the making of said order of continuance."

Amendment No. 3.

On page 15, line 47, of the printed bill, as amended, strike out "upon the same", and insert in lieu thereof the following: "Upon the transcript".

Amendment No. 4.

On page 16, line 16, of the printed bill, as amended, after the period, insert the following: "Said bill of exceptions so settled and allowed shall be printed and filed with the clerk of the court to which the appeal is taken, within twenty days after said bill is settled and allowed."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1656—An act to amend the Vehicle Code by adding thereto section 416, relating to vehicles.

Amendment from the Floor.

During third reading of Assembly Bill No. 1656, the following amendment, offered by Senator McGovern, was read and adopted:

Amendment No. 1.

On page 4 of the printed bill, as amended, strike out lines 17 to 23, inclusive, and insert in lieu thereof the following:

"(b) The trial court may order the payment of a judgment in installments only upon the written consent of the judgment creditor. Such order shall fix the amounts and times of payment of the installments and shall be without prejudice to any other legal remedies available to the judgment creditor."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2437—An act to recognize certain corporations as agencies and instrumentalities of the United States, declaring the urgency thereof, and providing for the taking effect immediately thereof.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and it shall therefore go into immediate effect. The facts constituting the necessity are as follows:

Due to the widespread depression many citizens of this State find themselves in distressed circumstances and in need of immediate relief which can be obtained only from corporations, which, although not incorporated by act of Congress, are wholly owned by agencies or instrumentalities of the United States including corporations wholly owned by the United States. Said corporations may not undertake the work of furnishing such relief unless their status as agents and instrumentalities of the United States is unequivocally recognized by this State.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Tickle, Wag, Williams, and Young—33.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2437 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seolian, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagv, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2437 ordered transmitted to the Assembly.

Assembly Bill No. 838—An act to amend the Streets and Highways Code, by adding to Division I thereof a new chapter, to be numbered 6, relating to proceedings to change the grade or to establish the boundaries of State highways, and other proceedings affecting private property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 838 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seolian, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagv, and Williams—33.

NOES—None.

Title read and approved.

Assembly Bill No. 838 ordered transmitted to the Assembly.

Assembly Bill No. 174—An act to amend the title of Part I of Division V of the School Code, and to amend sections 5.1, 5.2, 5.10, 5.61 and 5.101 thereof, relating to State colleges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 174 passed by the following vote:

AYES—Senators Crittenden, Donel, Fletcher, Garrison, Hays, Jespersen, King, McGovern, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Seolian, Seawell, Sharkey, Stow, Swing, Williams, and Young—21.

NOES—Senators Difani, Gordon, Knowland, McCormack, McGuinness, Metzger, Mixer, Reindollar, Rich, Slater, Snyder, Tickle, and Wagv—13.

Title read and approved.

Assembly Bill No. 174 ordered transmitted to the Assembly.

Assembly Bill No. 248—An act to amend sections 3051, 3051a and 3052 of the Civil Code, relating to liens on aircraft and other personal property.

Amendments from the Floor.

During third reading of Assembly Bill No. 248, the following amendments, offered by Senator Stow, were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out "thereto", and insert in lieu thereof the following: "thereon".

Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, strike out the semicolon and "a", and insert in lieu thereof a period and the following: "A".

Amendment No. 3.

On page 1, lines 13 and 14, of the printed bill, as amended, strike out the semicolon and "and delivery", and insert in lieu thereof a period and the following: "Livery".

Amendment No. 4.

On page 1, line 17, of the printed bill, as amended, strike out the semicolon and "and laundry", and insert in lieu thereof a period and the following: "Laundry".

Amendment No. 5.

On page 1, line 21, of the printed bill, as amended, strike out the semicolon and "and veterinary", and insert in lieu thereof a period and the following: "Veterinary".

Amendment No. 6.

On page 1, line 22, of the printed bill, as amended, strike out "shall".

Amendment No. 7.

On page 2, line 1, of the printed bill, as amended, strike out the semicolon and "and keepers", and insert in lieu thereof a period and the following: "Keepers".

Amendment No. 8.

On page 2, line 2, of the printed bill, as amended, strike out "shall".

Amendment No. 9.

On page 2, line 7, of the printed bill, as amended, strike out "shall".

Amendment No. 10.

On page 2, line 16, of the printed bill, as amended, strike out the semicolon and "provided, further, that", and insert in lieu thereof a comma and the following: "but".

Amendment No. 11.

On page 2, line 20, of the printed bill, as amended, before "loss", insert the following: "time of".

Amendment No. 12.

On page 2, line 28, of the printed bill, as amended, after "commencing", insert the following: "any".

Amendment No. 13.

On page 2, line 34, of the printed bill, as amended, strike out the comma and "as", and insert in lieu thereof the following: "to be".

Amendment No. 14.

On page 2, line 38, of the printed bill, as amended, strike out "section 57", and insert in lieu thereof the following: "sections 438 and 439".

Amendment No. 15.

On page 2, line 39, of the printed bill, as amended, strike out "'California Vehicle Act'", and insert in lieu thereof the following: "Vehicle Code".

Amendment No. 16.

On page 2, line 43, of the printed bill, as amended, strike out "as", and insert in lieu thereof the following: "to be the".

Amendment No. 17.

On page 2 of the printed bill, as amended, strike out lines 50 and 51, and insert in lieu thereof the following: "or any place of registration of aircraft in this State which may be".

Amendment No. 18.

On page 3, line 8, of the printed bill, as amended, strike out "and by", and insert in lieu thereof the following: "after".

Amendment No. 19.

On page 3, line 15, of the printed bill, as amended, strike out the semicolon and "provided, however, that prior", and insert in lieu thereof a period and the following: "Prior".

Amendment No. 20.

On page 3, line 18, of the printed bill, as amended, after "such", insert the following: "vehicle or aircraft".

Amendment No. 21.

On page 3, line 37, of the printed bill, as amended, strike out "through", and insert in lieu thereof the following: "to".

Amendment No. 22.

On page 3 of the printed bill, as amended, strike out lines 38 and 39, and insert in lieu thereof the following: "Department of Motor Vehicles, by registered letter. In the case of aircraft licensed, registered or identified".

Amendment No. 23.

On page 3, line 43, of the printed bill, as amended strike out "Division" and insert in lieu thereof the following: "Department".

Amendment No. 24.

On page 3, line 47, of the printed bill, as amended strike out the comma and "and providing, further that within", and insert in lieu thereof a period and the following: "Within".

Amendment No. 25.

On page 4, line 2, of the printed bill, as amended, after "sold" insert the following: "of any property sold under this section".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2431—An act to prohibit marathons, marathon dances, walkathons, skatathons, and other mental and physical endurance contests and prescribing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2441 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, DeFoli, Edwards, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tinkle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 2431 ordered transmitted to the Assembly.

Assembly Bill No. 70—An act to add section 3757 to the Political Code providing for the rejection of all fractions of a cent by auditors and tax collectors when computing taxes, penalties for delinquencies or interest and percentages on redemption.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 70 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tinkle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 70 ordered transmitted to the Assembly.

Assembly Bill No. 1264—An act to add a new section to the Political Code of the State of California, to be numbered 3719, authorizing the temporary borrowing of money by counties, cities and school districts upon the credit of revenue in course of collection, and the issuing of tax anticipation notes or warrants as evidence of such indebtedness.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1264 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Hays, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer,

Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1264 ordered transmitted to the Assembly.

Assembly Bill No. 397—An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 397 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Hays, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wagy, Williams and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 397 ordered transmitted to the Assembly.

Assembly Bill No. 713—An act to amend section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith." approved June 9, 1923, as amended, relating to convict labor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 713 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jaspersen, King, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 713 ordered transmitted to the Assembly.

Assembly Bill No. 2122—An act to postpone proceedings to enforce the lien, or any guaranty in connection therewith, arising out of the levy of any special assessment or special assessment tax, or arising out of the issuance of any special assessment bond, or ad valorem district bonds or direct assessment district bonds, levied or issued to pay the cost of the improvement or acquisition of property for public purposes, declaring the urgency thereof, and providing that it shall take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 2122, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the words "the lien, or".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out the following: "in connection therewith arising out of the levy."

Amendment No. 3.

On page 1, line 7 of the title of the printed bill, following the word "purpose," insert the following: "in cases in which proceedings to enforce such assessments, bonds, or taxes are postponed by law."

Amendment No. 4.

On page 1 of the printed bill, strike out all of lines 1 to 18, inclusive, and insert in lieu thereof the following:

"SECTION 1. No suit, action or other proceeding shall be begun or prosecuted upon or to enforce any guaranty of the payment of oil or any portion of any special assessment, special assessment tax, special assessment bond or other assessment or tax, levied to pay the cost of the construction of any public improvement or the acquisition of any property for public use, during the time that any proceeding, act or other remedy provided for the enforcement of any such assessment, tax or bond is postponed, delayed or prohibited by any statute or other provision of law; and, no suit, action or other proceeding shall be begun or prosecuted upon or to enforce any guaranty of the payment of any instrument or bond issued to represent or which is secured by any such assessment, tax or bond during the time that any proceeding, act or other remedy provided for the enforcement of any such assessment, tax or bond is postponed, delayed or prohibited by any statute or other provision of law."

SEC. 2. The periods of time prescribed by sections 581, 581a, 581b and 583 of the Code of Civil Procedure or prescribed by any other provision of law for the commencement of any action or proceeding to foreclose or enforce any special assessment, special assessment tax, special assessment bond or other assessment or tax levied or issued to pay the cost of the construction of any public improvement or the acquisition of any property for public use and the periods of time prescribed by any of said sections of the Code of Civil Procedure or other provisions of law for the commencement of any action to enforce any guaranty of the payment of any such special assessment, special assessment tax, special assessment bond or other assessment or tax of any bond or other instrument issued to represent or which is secured by any such assessment or tax, is hereby extended for such period of time as any proceeding, action or other remedy provided for the enforcement of any such assessment tax or bond is postponed, delayed or prohibited by any statute or other provision of law."

Amendment No. 5.

On page 2 of the printed bill, strike out all of lines 1 to 52, inclusive.

Amendment No. 6.

On page 3 of the printed bill, strike out lines 1 to 16, inclusive.

Amendment No. 7.

On page 3, line 17, of the printed bill, strike out the following: "8", and insert in lieu thereof the following: "3".

Bill read, and on motion of Senator Olson, ordered to reprint, and re-referred to Committee on Judiciary.

Assembly Bill No. 2411—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the county of Contra Costa, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2411 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, King, McColl, McCormack, McGovern, McGuinness, Mixter, Parkman, Perry.

Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.
NOES—None.

Title read and approved.

Assembly Bill No. 2411 ordered transmitted to the Assembly.

Appointment of Committee on Conference.

The President announced the appointment of Senators Crittenden, Duval and McCormack, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 353.

Appointment of Committee on Conference.

The President announced the appointment of Senators Knowland, Deuel and Olson, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Constitutional Amendment No. 58.

Third Reading of Senate Bills.

Senate Constitutional Amendment No. 13.—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 1, 4, 4b, 4c, 10, 18, 23, and 24 of Article VI, and by adding sections 4d, 4e, and 4f to said Article VI of the Constitution, relating to the judicial power of the State.

Amendments from the Floor.

During consideration of Senate Constitutional Amendment No. 13, the following amendments, offered by Senator Swing, were read and adopted:

Amendment No. 1.

On page 7 of the printed bill, between lines 44 and 45, insert the following: "Tenth. Section 19 of Article IV is hereby amended to read as follows:

Sec. 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, hold or accept any office, trust, or employment under this State; provided, that this provision shall not apply to any elective office, nor to any office which may be filled by election by the people."

Amendment No. 2.

On page 7, line 45, of the printed bill, strike out the word "Tenth", and insert in lieu thereof the word "Eleventh".

Amendment No. 3.

On page 8, line 3, of the printed bill, strike out the word "Eleventh", and insert in lieu thereof the word "Twelfth".

Senate Constitutional Amendment No. 13, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 1107.—An act to amend the title and sections 1, 2, 3, 4 and 5 of, and to add section 6 to, an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising for the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

Sec. 8. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning

of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting its necessity are as follows:

Due to the existence of delinquencies of large amount in the payment of bonds issued by municipal corporations for street work or other public improvements, or for other public purposes, and due to the magnitude of the obligations transmitted by said bonds, and due to the present economic situation of great hardship cast upon the owners of real and taxable property, and many such owners have been unable to make payments thereon, and it is advisable and necessary that municipal corporations be authorized to issue bonds for the purpose of acquiring such other bonds in the manner provided by this act.

Urgency clause read.

The question being on the adoption of the urgency clause:

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Gordon, Jorgensen, King, Knowland, McGill, McCormack, McGovern, McGuinness, Meyer, Olson, Parkman, Perry, Pierovich, Powers, Remondell, Rief, Schettler, Smith, Seaton, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—31.

NOES—None.

The question being on the passage of the bill:

The roll was called, and Senate Bill No. 1107 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donald, Duval, Edwards, Fletcher, Gordon, Jorgensen, King, Knowland, McCormack, McGovern, McGuinness, Meyer, Parkman, Olson, Parkman, Perry, Pierovich, Powers, Remondell, Rief, Schettler, Smith, Seaton, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, and Waggy—31.

NOES—None.

Title read and approved.

Senate Bill No. 1107 ordered transmitted to the Assembly.

Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization.

Amendments from the Floor.

During third reading of Senate Bill No. 781, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 10, line 13, of the printed bill, as amended May 3, 1935, insert the following:

"Sec. 18. Section 18 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 18. It shall be the duty of the State Board of Equalization to enforce the provisions of this act, and to appoint and employ such State inspectors and technical and clerical assistants as may be necessary therefor."

Amendment No. 2.

On page 10, line 15, of the printed bill, as amended May 3, 1935, strike out "18", and insert in lieu thereof "19".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Sharkey:

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 1106b to Political Code, relating to registration of voters.
Respectfully submitted.

SENATOR SHARKEY.

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Jespersen to introduce a bill entitled—An act imposing a tax for the privilege of severing petroleum, natural gas and natural gasoline from the earth, providing for the issuance of permits to producers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, and providing this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
KNOWLAND.
SLATER.
TICKLE.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Bill.

By Senator Jespersen: Senate Bill No. 1114—An act imposing a tax for the privilege of severing petroleum, natural gas and natural gasoline from the earth, providing for the issuance of permits to producers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, and providing this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2048—An act to amend the title and sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and

payable without discount, and providing that the same must be payable amended, providing that evidences of indebtedness for wages must be upon demand," approved March 1, 1911 (*Stats.* 1911, Chap. 92), as payable upon demand and issued against sufficient funds or credit to cover the same and providing penalties for violation of the provisions thereof.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2048 passed by the following vote:

AYES—Senators: Bigger, Christensen, Donald, Duffell, Donald Edwards, Peterson, Hays, Jaspersen, King, Knowland, McGovern, Mixer, Olson, Paffhausen, Perry, Platonovich, Powers, Remdollar, Rich, Schottky, Sullivan, Sewell, Slater, Snider, Stein Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None

Title read and approved.

Assembly Bill No. 2048 ordered transmitted to the Assembly.

Assembly Bill No. 1919—An act to amend section 2 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Amendment from the Floor.

During third reading of Assembly Bill No. 1919, the following amendment, offered by Senator Olson, was read and adopted:

Amendment No. 1.

On page 1, line 21, of the printed bill, as amended, after the period, insert the following: "Such hernia so developing or manifesting itself in such cases shall be conclusively presumed to arise out of and in the course of the employment. In all other cases the term 'injury' includes hernia and there shall be a rebuttable presumption that a hernia developing or manifesting itself during the course of the employment arises out of the employment."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 442—An act to repeal sections 1270, 1271, 1271.5 and 1272 of the Fish and Game Code, and to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer.

Amendments from the Floor.

During third reading of Assembly Bill No. 442, the following amendments, offered by Senator Powers, were read and adopted:

Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, as amended, strike out "repeal section 1270, 1271, 1271.5 and 1272 of the Fish and Game Code, and to"

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, strike out "24".

Amendment No. 3.

On page 1, line 7, of the printed bill, as amended, after "State", insert a comma and the following: "except as otherwise provided in this section."

Amendment No. 4.

On page 1, line 8, of the printed bill, as amended, at the end of the line insert the following: "In Humboldt County in district 14, and in district 24, deer may be taken between September 1st and October 15th."

Bill read, ordered to reprint, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1792—An act validating the purchase of bonds by municipalities under the Improvement Act of 1911 and the Improvement Act of 1915 from the proceeds of the delinquent street assessment fund provided for in said act—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

(Signed out)

McGOVERN, Chairman.
McGUINNESS.
BIGGAR.
SCOLLAN.
YOUNG.
OLSON.
SCHOTTKY.
METZGER.
KEOUGH.
HAYS.

Also:

SENATE CHAMBER, SACRAMENTO, May 17, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1526—An act to add a new section to be numbered 18.5 to the "Improvement Act of 1911," approved April 7, 1911, relating to contributions of moneys or materials, declaring the urgency thereof and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7.

(Signed out)

McGOVERN, Chairman.
SCOLLAN.
BIGGAR.
McGUINNESS.
METZGER.
HAYS.
KEOUGH.

Also:

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1165—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, and 16 of, and to add section 14½ to, an act entitled "An act providing an additional and or alternative method for financing the acquisition, construction, development, improvement, reconstruction, extension and repair of waterworks systems by any political subdivision or public agency of the State authorized by law to own and operate such waterworks systems by the issuance and sale to the United States Government or any agency of said government of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues, providing for a statutory lien on works acquired, constructed, improved, reconstructed, extended or repaired under the provisions of this act; providing for the use of the power of eminent domain by political subdivisions or public agency proceeding under this act; defining the terms political subdivisions and public agencies as included herein, and providing a time for the expiration of said act," approved May 27, 1933, relating to publicly-owned public utilities—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8.

(Signed out)

McGOVERN, Chairman.
SCOLLAN.
SCHOTTKY.
KEOUGH.
McGUINNESS.
BIGGAR.
OLSON.
METZGER.

On Education.

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 206—An act to amend section 1 of Chapter 339 of the Statutes of 1933,

entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the construction of certain words and phrases used in said act.

Also, Assembly Bill No. 439—An act to add a new section to the School Code to be numbered 6492, relating to the payment by school districts of subscriptions to periodicals.

Also, Assembly Bill No. 622—An act to amend sections 172 and 173 of the School Code, relating to the transportation of public school pupils.

Has had the same under consideration, and respectfully reports the same back and recommends that they do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 166—An act to amend section 1 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection, and supervision of the construction, reconstruction or alteration of or addition to public school buildings and for the inspection of existing school buildings, defining the powers and duties of the State Department of Architecture in respect thereto, providing for the collection and disposition of fees, authorizing penalties for violation thereof and declaring the urgency of the act to take effect immediately," approved April 10, 1933, relating to the buildings and work subject to the provisions of said act.

Also, Assembly Bill No. 450—An act to repeal Article V of Chapter I of Part III of Division IV, embracing sections 4320 to 4334, inclusive, of the School Code, and to repeal Article VI of Chapter I of Part III of Division IV, embracing sections 4340 to 4353 of the School Code, and to enact in lieu thereof a new article to be numbered V, embracing sections 4320 to 4332 inclusive, all relating to payments from district funds.

Also: Assembly Bill No. 762—An act to add a new section to the School Code to be numbered 21231, relating to the payment of the cost of food and housing for certain elementary school pupils from the unappropriated county elementary school fund.

Also: Assembly Bill No. 1977—An act to add section 527 to the School Code, relating to vacations of teachers, officers and employees of State teachers colleges, State colleges, the California School for the Deaf, the California School for the Blind and the California Polytechnic School.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

JESPERSEN, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, May 16, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 285—An act to amend section 1361 of the Political Code, relating to canvassing boards to canvass absent voter ballots in counties having a population of one million persons or more—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

POWERS, Chairman.

Adjournment.

On motion of Senator Rich, at five o'clock and ten minutes p.m., Senator Tickle, in the chair, declared the Senate adjourned, until ten o'clock a.m., Tuesday, May 21, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Tuesday, May 21, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hattfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Roll Call.

The roll was called, and the following answered to their names :

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats :

Responsive to the Gavel.

Our Father, we recognize Thee in this legislative hall as the source of all law and order. Thou art life's great parliamentarian. May the quieting influence of Thy spirit preside over the business here during these closing days.

May we be responsive to the sound of the gavel, remembering always the rights of others. We would not allow our own personal concern to disturb the unity and harmony of our Senate. Give us that spirit of teamwork which makes possible coordinated action in the midst of confusion and rush. Strengthen our wills and fortify our self-control, that each of us may act as our own Sergeant-at-Arms. During the busiest hours of the day, may there be within the heart of each of us the stern command whispering, "Quiet, please."

Thou art our Presiding Officer, unseen and ever supreme, the abiding Source of our finer discipline. Give to us the poise that precedes noble action, the quietness that assures deliberate thinking, and that manner of courtesy and unselfish action which makes possible the achievement of much good in the midst of contrary deliberations and conflicting opinions.

Hear this, our prayer, O Lord, that we may continue peacefully, unto the end, as brothers in service, for the public welfare and toward the building of a better State. And may Thy name be praised and Thy cause advanced, for Christ's sake. Amen.

Reading of the Journal.

During the reading of the Journal of Monday, May 20, 1935, the further reading was dispensed with, on motion of Senator Deuel.

Privilege of Floor of Senate Extended.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. E. T. McCoy of Yuma, Arizona.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Willard C. Griffin and Norman W. Ford, and Miss Elizabeth Griffin of Merced.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Thomas G. Fisher of Carmel and Mrs. Claire Naftzger of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Belle Fletcher, Mrs. B. H. Taylor and Mary Catherine Fletcher of San Diego.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Tom S. Louttet of Stockton.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. H. D. Lyford of Martinez, and Wayne L. Hawkins, instructor of Antioch Union High School, and Mrs. Wayne Hawkins, Norma Marchetti, Virginia McClintock, Amelia Reis, Jane Holling, Jack Dempsey, Edythe Pizio, Peggy Bloomfield, Etty Wolfe, Blossom Ellsworth, Verl Knight, Mildred Biglow, Verna Hodgson, Mary K. Donlon, Antoinette Brakey,

Mrs. Brakey, Mrs. J. C. Williamson, Baulah Meyers, Bill Sullivan, Lyman Maas, Fred Robles, Carol Sullivan, Charles Crawford, Tom Brown, George McArdy, Gladys Hansen, Lowell Moberley, Laura Ham and Fern Wells.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1010—An act to amend sections 1, 2, 3, 4 and 5 of an act entitled "An act to regulate the conduct of inspectors to create a Division of County Inspection to carry on such regulation, to provide rules regulating the proper solicitation of businesses, under the State Board of Health," approved May 23, 1925, as amended, relating to the inspection of businesses, the State Board of Public Health and to the private and public health.

Also: Assembly Bill No. 2144—An act to amend section 4242 of the Political Code, and to add thereto sections 4242.1, 4242.2, 4242.3, relating to the compensation of county and township officers in counties of the third-class cities.

Also: Assembly Bill No. 2305—An act to add sections 9a to the State Medical Practice Act, relating to chiroprasy.

Also: Assembly Bill No. 1666—An act to amend sections 2 and 7 of an act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1010 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2144 read first time, and referred to Committee on County Government.

Assembly Bill No. 2305 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1666 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 403—An act to amend "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, by adding section 11b thereto and repealing section 11½ thereof, relating to the fees of private employment agencies.

Also: Assembly Bill No. 406—An act to add a new article to Chapter I of Part I of Division I of the School Code to be known as Article VII, embracing section 1.45, relating to the participation of pupils in public exhibitions.

Also: Assembly Bill No. 702—An act to amend section 159a of the Code of Civil Procedure, relating to qualifications of justices of the peace.

Also: Assembly Bill No. 955—An act to amend the title and sections 1 and 24, and to add section 8a to the "Storm-water District Act of 1909," approved March 13, 1909, as amended, relating to the formation of districts for the purpose of controlling soil erosion and protecting the lands in such district from damage by storm-water or other waters.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 403 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 406 read first time, and referred to Committee on Education.

Assembly Bill No. 702 read first time, and referred to Committee on County Government.

Assembly Bill No. 955 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's veto on Assembly Bill No. 756—An act to amend section 865 of the Fish and Game Code, relating to nets, and declaring the urgency hereof;

Also: Assembly Bill No. 766—An act to add Chapter 9, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 490—An act to amend section 1357 of the Political Code, relating to absent voters;

Also: Assembly Bill No. 495—An act to amend sections 460, 504, 585, and 621 of the Agricultural Code, relating to dairy products;

Also: Assembly Bill No. 528—An act to amend sections 4.750 and 4.751 of the School Code, relating to the computation of average daily attendance of school districts, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 840—An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and the levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial revenue and determination of the validity of the proceedings in connection with such contract, and to provide for construction of works by the district; to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and/or the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof, approved May 5, 1917, as amended, by amending the title thereof and amending sections 1 and 11 thereof, relating to powers and adding a new section, to be numbered 6a, thereto.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 879—An act to add a new section to the Code of Civil Procedure, to be numbered 597, relating to the separate trial of any one or more of the issues joined;

Also: Assembly Bill No. 1135—An act to add Chapter 11 to Division IV of the Agricultural Code, relating to the production and marketing of manufactured dairy products;

Also: Assembly Bill No. 29—An act to amend section 1657 of the Probate Code, relating to accounts of guardian;

Also: Assembly Bill No. 877—An act to amend section 662 of the Code of Civil Procedure, relating to motions for new trial;

Also: Assembly Bill No. 1205—An act to add a new part to Division II of the School Code to be known as Part VI, relating to the formation, government, support, control, functions, maintenance, and administration of unified school districts, created from elementary and high school districts, and of elementary, high school and junior college districts having coterminous boundaries and governing boards of identical personnel.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to assent to an amendment to Senate Bill No. 253—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, pickers, dispatchers, shippers, marketers, handlers, processors and others dealing in agriculturally, viticulturally, horticultural, animal and poultry products and of any competing commodity or product thereof, to recognize make effective and provide for the enforcement in this State of marketing agreements and business issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Department of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suppress all anti-trust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to promote, maintain, rights, duties and penalties with respect to violations hereof and license; to provide ways, means and moneys for the enforcement and enforcement of said State and Federal marketing agreements and business; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately; and appointed Assemblymen Phillips, Corwin and Desmond, as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed, as a Committee on Free Conference concerning Assembly Constitutional Amendment No. 58—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by providing section 8 of Article XI thereof, relating to the preparation and adoption of changes in laws, counties and cities and counties. Assemblymen Johnson, Delap and Cunningham, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 15, 1935, adopted the report of the Committee on Free Conference concerning Senate Bill No. 256—An act to amend sections 251, 304, 307, 323, 348, 364, 374, and 465 of the Streets and Highways Code, relating to State highways.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Resolution.

The following resolution was offered.

By Senator Tickle:

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of the work of May 18, 1935:

	Per day
Sabert Keough, Assistant Sergeant-at-Arms.....	\$5 00
Jimmie Hays, Page.....	2 50

Resolution read, and on motion of Senator Tickle adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

WHEREAS, Various officers and employees of the State have filed official bonds with the State in accordance with requirements of laws, the premiums upon which are paid by the State; and

WHEREAS, The State is expending a sum estimated at \$30,000 each biennium on account of premiums upon such official bonds; and

WHEREAS, A number of companies now issuing such bonds have increased the premiums upon certain official bonds which in some instances are double the premiums formerly charged upon such bonds; and

WHEREAS, It is believed that it would be to the interest of the State to have a survey made by the Department of Finance of the State of California to enable the Senate to conduct a study to determine whether there would be a financial saving to the State should such official bonds no longer be required; now, therefore, be it

Resolved by the Senate of the State of California, That the Department of Finance be and is hereby authorized and directed to conduct a survey of all and singular, the facts, information and data relating to the costs of premiums to the State upon official bonds of officers and employees of the State, the losses, if any, for the past few years to the State on account of unfaithful performance of the duties of officers and employees of the State, and the practices in other States with respect to the requirement of official bonds, and to furnish the Senate with a report of such survey and to report thereon to the fifty-second session of the Legislature or at any special session of the Legislature which may be called prior thereto.

Resolution read, and on motion of Senator Tickle adopted.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 529—An act to amend section 1426a of and to add sections 1426da, 1426db, 1426de, and 1426ra to the Civil Code, relating to discovery locations and to discovery shafts on lode and placer mining locations.

The Senate took up for consideration Assembly amendments to Senate Bill No. 529.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "add three new sections", and insert in lieu thereof the following: "amend section 1426a of and to add sections 1426da, 1426db, 1426de, and 1426ra".

Amendment No. 2.

On page 1, lines 1 and 2 of the title of the printed bill, as amended, strike out "to be numbered 1426d $\frac{1}{2}$, 1426d $\frac{3}{4}$ and 1426d $\frac{5}{8}$ ".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 1 to 23, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1426a of the Civil Code is hereby amended to read as follows:

1426a. The locator or locators of any lode mining claim must define the boundaries of such claim so that they may be readily traced, but, in no case, shall the claim extend more than fifteen hundred feet along the course of the vein or lode, nor more than three hundred feet on either side thereof as measured from the center line of the vein at the surface. On all lode mining claims made after this act takes effect and within sixty days after the location of the claim, the locator or locators shall erect at each corner of the claim and at the center of each end line, or the nearest accessible points thereto, a post not less than four inches in diameter, or a stone monument at least eighteen inches high.

SEC. 2. Section 1426da is hereby added to the Civil Code to read as follows:

1426da. On every lode mining or placer claim, located after this act takes effect, the locator or locators thereof shall, within ninety days after the date of location, sink a discovery shaft upon such claim at the point of discovery to a depth of at least ten feet from the lowest part of the rim of such shaft at the surface, exposing the deposit upon which discovery and location is based, or shall drive a tunnel, adit, or open cut upon such claim at the discovery point to at least ten feet below the surface, exposing the deposit upon which such discovery and location is based.

SEC. 3. Section 1426db is hereby added to the Civil Code to read as follows:

1426db. On all placer mining locations containing more than twenty acres, located after this act takes effect, the locators thereof shall, within ninety days after the date of location, perform at least one dollar's worth of work for each acre included in such claim. This work may all be done at one place on the claim if so desired, and must be actual mining development work exclusive of cabins, buildings, or other surface structures. Nothing in this section shall be construed as a modification of the requirements of section 1426da of this code.

SEC. 4. Section 1426de is hereby added to the Civil Code to read as follows:

1426de. The relocation of any lode or placer mining location which is subject to relocation shall be made in the same way as an original location is herein required by law to be made, except that the relocater may either sink a new shaft upon the

ground relocated at the discovery point to the depth of at least ten feet from the lowest part of the rim of such shaft to the surface, exposing the deposit upon which location is based, or drive a new tunnel, adit, or open cut upon such deposit at the point of discovery to at least ten feet below the surface, exposing the deposit upon which location is based, or the relocater may sink the original discovery shaft ten feet deeper than it is at the time of relocation, or drive the original tunnel, adit, or open cut upon such claim ten feet further.

Sec. 5. Section 1426a is hereby added to the Civil Code to read as follows:

1426a. The failure or neglect of the locator or locators to comply with the requirements of sections 1426, 1426a, 1426b, 1426c, or 1426d of this code shall render such location null and void and no portion of the area within such location shall be subject to relocation by the same locator or locators within the period of three years from the date of such void location.

Amendment No. 4

Strike out page 2 of the printed bill, as amended.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 529?

The roll was called, and Assembly amendments to Senate Bill No. 529 concurred in by the following vote:

AYES—Senators Biggar, Dond, Difant, David Edwards, Fletcher, Garrison, Hays, Jepsen, King, Knowland, McGill, McGovern, Olson, Peterson, Seallan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagz and Young—23.

NOES—None.

Senate Bill No. 529 ordered to enrollment.

Senate Bill No. 116—An act to amend section 1125 of the Code of Civil Procedure, relating to costs in election contests.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 116.

Amendment No. 1.

On page 1, line 13, of the printed bill, after "city," insert the following: "or other political subdivision."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 116?

The roll was called, and Assembly amendment to Senate Bill No. 116 concurred in by the following vote:

AYES—Senators Biggar, Difant, Edwards, Fletcher, Garrison, Jepsen, King, Knowland, McGill, McGovern, Olson, Peterson, Reed, Schaefer, Seallan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagz, and Young—24.

NOES—None.

Senate Bill No. 116 ordered to enrollment.

Senate Bill No. 230—An act to add a new article to Chapter II of Part I of Division II of the School Code, to be known as Article X, relating to the inclusion of Indian reservations of the United States Government in elementary school districts.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 230.

Amendment No. 1.

On page 1, line 1, of the printed bill, as amended, strike out "Chapter I", and insert in lieu thereof the following: "Chapter II".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 230?

The roll was called, and Assembly amendment to Senate Bill No. 230 concurred in by the following vote:

AYES—Senators Biggar, Difani, Edwards, Garrison, Gordon, Hays, Jespersen, King, McColl, McGovern, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Swing, Tickle, and Wagy—23.
NOES—None.

Senate Bill No. 230 ordered to enrollment.

Senate Bill No. 470—An act to repeal Chapter 9 of Part 2 of Division 2 of the Insurance Code, and to add a new Chapter 9, comprising sections 10810 to 10940, inclusive, to Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 470.

Amendment No. 1.

On page 8, line 11, of the printed bill, as amended, change the word "stipuated", to "stipulated".

Amendment No. 2.

On page 8, line 22, of the printed bill, as amended, change the word "addition", to "additional".

Amendment No. 3.

On page 11, line 10, of the printed bill, as amended, change "pany", to "ply".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 470?

The roll was called, and Assembly amendments to Senate Bill No. 470 concurred in by the following vote:

AYES—Senators Biggar, Difani, Fletcher, Garrison, Gordon, Hays, King, McColl, McGovern, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Swing, Tickle, Wagy, and Young—21.
NOES—None.

Senate Bill No. 470 ordered to enrollment.

Senate Bill No. 248—An act to amend section 1030 of the Political Code, relating to office hours.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 248.

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, strike out the following: "and the State Treasurer".

Amendment No. 2.

On page 1, line 8, of the printed bill, strike out the word "when", and insert in lieu thereof the following: "which are not legal holidays".

Amendment No. 3.

On page 1, line 9, of the printed bill, after the word "noon", insert a comma and the following: "provided that the State Treasurer may close his office at four o'clock p.m."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 248?

The roll was called, and Assembly amendments to Senate Bill No. 248 concurred in by the following vote:

AYES—Senators Biggar, Difani, Edwards, Garrison, Gordon, Hays, Jespersen, King, McColl, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Snyder, Swing, Tickle, Wagy, and Young—24.
NOES—None.

Senate Bill No. 248 ordered to enrollment.

Senate Bill No. 306—An act to amend section 1111 of the Code of Civil Procedure, relating to contest of elections.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 306.

Amendment No. 1.

On page 1, line 16, of the printed bill, after "board" insert the following: "by conducting the election or".

Amendment No. 2.

On page 1 of the printed bill, strike out line 17 and insert in line thereof the following: "returns, sufficient to change the result of the election to be said person."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 306?

The roll was called, and Assembly amendments to Senate Bill No. 306 concurred in by the following vote:

AYES—Senators Biggar, Difano, Edwards, Garrison, Gordon, Hays, Jorgensen, King, McGovern, Mixer, Perry, Rich, Schmitke, Scollan, Seawell, Sharkey, Slater, Swing, Tickle, Wagy, Williams, and Young—22.

NOES—None.

Senate Bill No. 306 ordered to enrollment.

Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 3720, relating to the filing by county clerks with county assessors and the State Board of Equalization of certificates of new districts and changes in the boundaries of existing districts.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 443.

Amendment No. 1.

On page 1 of the printed bill, as amended in Senate May 7, 1935, between lines 22 and 23, insert the following: "and the tax levy of which is entered on the regular county or city and county assessment roll."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 443?

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 443 by the following vote:

AYES—None.

NOES—Senators Biggar, Denel, Difano, Edwards, Garrison, Gordon, Hays, Jorgensen, King, Knowland, McGovern, Metzger, Mixer, Olson, Perry, Poyers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—26.

Assembly requested to recede and Senate Bill No. 443 ordered on file as unfinished business.

Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 772.

Amendment No. 1.

On page 2, line 2, of the printed bill, strike out the comma after the word "in", and add a comma after the word "pests".

Amendment No. 2.

On page 2, line 3, of the printed bill, after the word "State", strike out the period, and add the following: "wherever such control method or methods might be destructive to bees when gathering nectar or pollen in an orchard or other crop area."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 772?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 772 by the following vote:

AYES—None.

NOES—Senators Biggar, Deuel, Edwards, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, Metzger, Mixter, Parkman, Perry, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—25.

Assembly requested to recede and Senate Bill No. 772 ordered on file as unfinished business.

Senate Bill No. 822—An act to amend section 27 of the Streets and Highways Code, relating to the maintenance of highways.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 822.

Amendment No. 1.

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "relating to the maintenance of highways."

Amendment No. 2.

On page 1, lines 4 and 5, of the printed bill, strike out "and particularly with reference to the expenditure of State highway fund money."

Amendment No. 3.

On page 1, line 12, of the printed bill, strike out the period, and insert in lieu thereof the following: "and weed control."

Amendment No. 4.

On page 1 of the printed bill, strike out lines 19 and 20.

Amendment No. 5.

On page 1 of the printed bill, between lines 17 and 18, insert the following:

"(e) Such illumination of streets, roads, highways and bridges which in the judgment of the body authorized to expend such funds is required for the safety of persons using the said streets, roads, highways and bridges."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 822?

The roll was called, and Assembly amendments to Senate Bill No. 822 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Gordon, Hays, Jespersen, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Williams—23.

NOES—None.

Senate Bill No. 822 ordered to enrollment.

Consideration of Report of Committee on Free Conference.

Senate Bill No. 256—An act to amend sections 251, 304, 307, 323, 348, 364, 374, 463 and 465 of the Streets and Highways Code, relating to State highways.

Report of Committee on Free Conference read on May 14.

The question now being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Deuel, Difant, Duval, Edwards, Fletcher, Gordon, Hays, Jepsen, King, Knowland, McColl, McGovern, Pirovich, Rich, Schoettky, Sordani, Senwell, Slater, Stow, Swing, Tickle, Wagy, and Young—22.

NOES—None.

Senate Bill No. 256 ordered to enrollment.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage was continued until the next legislative day.

Motion to Reconsider Waived.

Senator Garrison waived reconsideration of Assembly Bill No. 1486. Assembly Bill No. 1486 ordered transmitted to the Assembly.

Consideration of Daily File.

Second Reading of Assembly Bills.

Assembly Bill No. 1526—An act to add a new section to be numbered 18.5 to the "Improvement Act of 1911," approved April 7, 1911, relating to contributions of moneys or materials, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1792—An act validating the purchase of bonds by municipalities under the Improvement Act of 1911 and the Improvement Act of 1915 from the proceeds of the delinquent street assessment fund provided for in said act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1165—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, and 16 of, and to add section 14½ to, an act entitled "An act providing an additional and or alternative method for financing the acquirement, construction, development, improvement, reconstruction, extension and repair of waterworks systems by any political subdivision or public agency of the State authorized by law to own and operate such waterworks systems by the issuance and sale to the United States Government or any agency of said government of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues, providing for a statutory lien on works acquired, constructed, improved, reconstructed, extended or repaired under the

provisions of this act; providing for the use of the power of eminent domain by political subdivisions or public agency proceeding under this act; defining the terms political subdivisions and public agencies as included herein, and providing a time for the expiration of said act," approved May 27, 1933, relating to publicly-owned public utilities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 206 --An act to amend section 1 of Chapter 339 of the Statutes of 1933, entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the construction of certain words and phrases used in said act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 439—An act to add a new section to the School Code to be numbered 6.492 relating to the payment by school districts of subscriptions to periodicals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 622—An act to amend sections 1.72 and 1.73-1 of the School Code, relating to the transportation of public school pupils.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 166—An act to amend section 1 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection, and supervision of the construction, reconstruction or alteration of or addition to public school buildings and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act to take effect immediately," approved April 10, 1933, relating to the buildings and work subject to the provisions of said act.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Assembly Bill No. 166 was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out "two thousand (\$2,000)", and insert in lieu thereof the following: "four thousand (\$4,000)".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 450 --An act to repeal Article V of Chapter I of Part III of Division IV, embracing sections 4.320 to 4.334, inclusive, of the School Code, and to repeal Article VI of Chapter I of Part III of Division IV, embracing sections 4.340 to 4.353 of the School Code, and to enact in lieu thereof a new article to be numbered V, embracing sections 4.320 to 4.332, inclusive, all relating to payments from district funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 450 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, beginning in line 10, strike out the following: "at least two members", and insert in lieu thereof the following: "a majority".

Amendment No. 2.

On page 3 of the printed bill, as amended, after line 24, insert the following:

"4233. Whenever any warrant legally drawn by the funds of a school district shall be lost or destroyed before the same shall have been paid by the county treasurer, the amount due thereon may be recovered by the legal owner or claimant thereof, by filing with the county auditor:

First—An affidavit setting forth the fact of the loss or destruction of such warrant, giving the number, date, amount and name of the party, together with all material facts relative to the loss or destruction of the same.

Second—A bond of indemnity, with two good and sufficient sureties, in double the amount of the face of the personal warrant, which bond shall be returned to the county auditor and to the district attorney, county clerk, or other officer who is the legal adviser of the governing board of the school district, for approval or rejection.

It shall be the duty of the county auditor and of the district attorney, county counsel or other officer who is the legal adviser of the governing board of the school district to examine and to sign upon the endorsement of said bond and to approve or reject the same within thirty days after it shall have been filed with the county auditor.

Upon the filing of the approved bond, the county auditor is hereby authorized and directed to issue and deliver to the legal owner or claimant, on demand, a duplicate warrant for the full amount of the original warrant, and the county treasurer is hereby authorized and directed to pay the duplicate, in lieu of the original warrant.

The auditor and the treasurer shall each make the proper entries thereon, showing such warrants to have been lost or destroyed and the issuance of duplicate warrants in lieu thereof."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 762—An act to add a new section to the School Code to be numbered 2123.1, relating to the payment of the cost of food and lodging for certain elementary school pupils from the unapportioned county elementary school fund.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Assembly Bill No. 762 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out all of lines 3, and in line 4 strike out the following: "2123 of this Code, the", and insert in lieu thereof the following: "2123.1. The".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1977—An act to add section 527 to the School Code, relating to vacations of teachers, officers and employees of State teachers colleges, State colleges, the California School for the Deaf, the California School for the Blind and the California Polytechnic School.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 1977 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "527", and insert in lieu thereof the following: "528".

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out "527", and insert in lieu thereof the following: "528".

Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, strike out "5.27", and insert in lieu thereof the following: "5.28".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 285—An act to amend section 1361 of the Political Code, relating to counting boards to canvass absent voter ballots in counties having a population of one million persons or more.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Elections, the following amendments to Assembly Bill No. 285 were read and adopted:

Amendment No. 1.

On page 1, line 20, of the printed bill, after the word "held," strike out the word "shall", and insert in lieu thereof the word "may".

Amendment No. 2.

On page 1 of the printed bill, strike out the rest of line 24 after the words "and provided further that".

Amendment No. 3.

On page 1, line 25, of the printed bill, strike out the following words: "of one million persons or more,".

Bill read second time, ordered to reprint, and on file for third reading.

Re-reference of Senate Bill No. 942.

Unanimous consent granted, the President ordered Senate Bill No. 942 referred to Committee on Finance.

Third Reading of Senate Bills.

Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to, the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 561.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 17, 1935.

*To the Honorable Members of the Senate, State of California,
Sacramento, California.*

GREETINGS: Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to, the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor.

In my opinion said Senate Bill No. 561 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Motion to Postpone.

Senator Stow moved that consideration of Senate Bill No. 561 be continued until the next legislative day.

Ayes and Noes Demanded.

A roll call was demanded by Senators Knowland, Jespersen, and Young on the adoption of the motion to continue.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Biggar, Hulse, Keough, McColl, McGinness, Perry, Pierovich, Powers, Reindollar, Rich, Stow, Swing, and Williams—13.

NOES—Senators Crittenden, Denel, Duval, Edwards, Gordon, Hays, Jespersen, King, Knowland, McCormack, McCormick, Metzger, Mixer, Olson, Parkman, Schottky, Seidlun, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, and Young—25.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 561 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McCormack, McCormick, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seidlun, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—Senator McColl—1.

Title read and approved.

Notice of Motion to Reconsider.

Senator Seawell gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 561 was passed.

Senate Bill No. 1094—An act to add section 19a to the Public Utilities Act, relating to charges for heat, light, or power by a public utility.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1094 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Fletcher, Hays, Jespersen, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Seidlun, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 1094 ordered transmitted to the Assembly.

Senate Bill No. 1104—An act granting certain tidelands and submerged lands of the State of California to the County of Santa Cruz.

Amendments from the Floor.

During third reading of Senate Bill No. 1104, the following amendments, offered by Senator Snyder, were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out "west", and substitute "east".

Amendment No. 2.

On page 1, line 10, of the printed bill, strike out "east", and substitute "west".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1108—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1108 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 1108 ordered transmitted to the Assembly.

Senate Bill No. 347—An act to amend the act entitled “An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following; to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith,” approved May 5, 1931, as amended, by amending sections numbered 1.01 relating to definitions, 12.07 relating to bonds of officers and employees, 13.16 relating to liquidation by the Building and Loan Commissioner, 13.17 relating to assessments for salaries and expenses, 6.06 relating to payments entitled to preference, 12.04 relating to foreign associations, 13.13 relating to the commissioner’s powers upon taking possession and 13.15 relating to schedules of property; and adding to said act new sections to be numbered 8.09 relating to dividends, 12.04a relating to foreign building and loan associations and 14.09 relating to liability for acts done or omitted in conformity with any rule, regulation, approval, consent, order, direction or other act of the Building and Loan Commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 347 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McGowan, McGowan, Moxley, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—32.

NOES—Senator Olson—1.

Title read and approved.

Senate Bill No. 347 ordered transmitted to the Assembly.

Senate Bill No. 428. An act to authorize the Governor of the State of California to grant an easement or title to state-owned land to the United States of America in aid of public work, relief or other projects aiding recovery.

Amendments from the Floor

During third reading of Senate Bill No. 428, the following amendments, offered by Senator Rich, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 2 of the title and insert in lieu thereof the following: "To execute and deliver to the United States of America all necessary deeds or other conveyances on behalf of the State of California, in any case where the Legislature shall order."

Amendment No. 2.

On page 1, line 2, of the printed bill, strike out "to grant", and insert in lieu thereof the following: "To execute and deliver to the United States of America all necessary deeds or other conveyances on behalf of the State of California, in any case where the Legislature shall order."

Amendment No. 3.

On page 1 of the printed bill, strike out lines 4 and 5, and insert in lieu thereof the following: "State of California, to execute the"

Amendment No. 4.

On page 1, line 7, of the printed bill, as amended, strike out "to carry down to be"; also strike out line 8, and insert in lieu thereof the following: "are intended to aid in the economic rehabilitation of the people of the State of California."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Secretary Joseph A. Beek at the Desk.

Introduction, First Reading and Reference of Bill.

By Senator Stow. Senate Concurrent Resolution No. 37—Relative to approving a certain amendment to the charter of the city of Santa Barbara, a municipal corporation in the county of Santa Barbara, State of California, duly voted for and ratified by the qualified electors of said city at an election held therein on the seventh day of May, 1935.

Consideration of Senate Concurrent Resolution No. 37.

Senator Stow asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 37, without reference to print, committee or file, for purpose of adoption.

Resolution read, and considered correctly engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 37 adopted by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCall, Moxley, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, and Williams—32.

NOES—None.

Senate Concurrent Resolution No. 37 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read :

On Rules.

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Sharkey to introduce a bill entitled—An act to add section 1106b to the Political Code, relating to registration of voters—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
KNOWLAND.
SLATER.
TICKLE.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote :

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, King, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Metzger:

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act making an appropriation to the Department of Public Works for the removal of debris and snags from the Sacramento River between Chico Landing and the head of navigation near Red Bluff, to declare the urgency and to take effect immediately.

Respectfully submitted.

SENATOR METZGER.

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read :

On Rules.

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Metzger to introduce a bill entitled—An act making an appropriation to the Department of Public Works for the removal of debris and snags from the Sacramento River between Chico Landing and the head of navigation near Red Bluff, to declare the urgency and to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH.
KNOWLAND.
DIFANI.
SLATER.
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote :

AYES: Senators Riggall, Crittenden, Donel, Difam, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jorgensen, Keough, King, Knowland, McCall, McGowan, McGuinness, Metzger, Mixer, Olson, Packman, Pincusich, Rich, Seaman, Seayel, Sharkey, Slater, Stow, Swing, Tottle, Wags and Young—22.

NOES: None.

Introduction, First Reading and Reference of Bills

By Senator Sharkey: Senate Bill No. 1115. An act to add section 1106b to Political Code, relating to regulation of voters.

Bill read first time, and referred to Committee on Elections.

By Senator Metzger: Senate Bill No. 1116. An act making an appropriation to the Department of Public Works for the removal of debris and snags from the Sacramento River between Chico Landing and the head of navigation near Red Bluff, to declare the urgency and to take effect immediately.

Bill read first time, and referred to Committee on Finance.

Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator Olson:

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 44.5 to the Civil Code, relating to liability for statements broadcasted over a radio or radio broadcasting system.

Respectfully submitted,

SENATOR OLSON

Request referred to Committee on Rules.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 53—An act to amend section 690a of the School Code, relating to junior college buildings:

Also: Senate Bill No. 58—An act to add section 3653.5 to the Political Code, relating to county assessors:

Also: Senate Bill No. 131—An act to amend section 683 of the Civil Code, relating to joint tenancy:

Also: Senate Bill No. 123—An act to add section 3401 to the School Code, relating to tuition fees of students in junior colleges:

Also: Senate Bill No. 260—An act to amend sections 2870, 2871, 2872, 2885, 2887, 2890, 2914, 2917, 2940, 2941, 21055, 21090, 21152 and 21199 of the School Code of the State of California, to amend and renumber section 2990 thereof to be section 2991, and to add thereto section 2751, relating to election of school governing boards:

Also: Senate Bill No. 308—An act to add a new section to the School Code to be numbered 3232, relating to the establishment of junior high schools:

Also: Senate Bill No. 345—An act to amend section 3480d of the Political Code, relating to reclamation districts, declaring the urgency thereof and providing that this act shall take effect immediately:

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-first day of May, 1935, at eleven o'clock a.m.

METZGER, Chairman.

On Rules.

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Olson to introduce a bill entitled—An act to add section 44.5 to the Civil Code, relating to the liability for statements broadcasted over a radio or radio broadcasting

system—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—3; absent—2.

(Signed out)

RICH, Chairman.
TICKLE.
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—None.

Introduction, First Reading and Reference of Bill.

By Senator Olson: Senate Bill No. 1117—An act to add section 44.5 to the Civil Code, relating to liability for statements broadcasted over a radio broadcasting system.

Bill read first time, and referred to Committee on Judiciary.

Report of Standing Committee.

The following report of standing committee was received and read:

On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, MAY 21, 1935.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred Senate resolution referring to an Interim Committee to investigate the economic and marketing problems of agriculture and to investigate various enactments and laws affecting the agricultural industry and authorizing the cooperation with certain State agencies—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—3; committee vote: Ayes—3.

KING, Chairman.

Consideration of Senate Resolution.

Agricultural Marketing Investigation.

Senator Crittenden asked for, and was granted, unanimous consent for the consideration of the Senate resolution recommended for adoption by the Committee on Contingent Expenses.

The following amendments from the floor offered by Senator Crittenden, were read and adopted:

Amendment No. 1.

In paragraph 7 of the resolution, as printed in the Journal of May 14, 1935, following the words "and in other local markets", in line 7, insert the words: "to investigate the effect of mass buying and distribution upon the prices of agricultural products, to investigate the effect upon consumption of agricultural products of various methods of selling and distribution of agricultural products, and to inspect generally the Department of Agriculture".

Amendment No. 2.

Following paragraph 7 of the resolution, as printed in the Journal of May 14, 1935, add a new paragraph as follows:

"Resolved, further, That said committee is hereby authorized and empowered to use such agencies of the University of California, the State Department of Agriculture and other governmental agencies as may be available to aid it in making studies and developing facts to be used in its investigations."

Motion by Senator Crittenden.

Senator Crittenden moved the adoption of the Senate resolution, as printed in the Journal of May 14, 1935, with the amendments this day adopted.

Senate Resolution, as Amended.

By Senators Crittenden and Metzger.

WHEREAS, The agricultural industry is the basic industry of the State of California and the prosperity and happiness of all of the people of the State are dependent thereon and, during the recent period of depression, an intolerable burden has been placed upon the agricultural industry; and

WHEREAS, The cost to the consumer of agricultural products is excessively high as compared to the producer's return; and

WHEREAS, The agricultural industry of the State of California is carrying a burden of an elaborate system of inspection and there is some complaint, particularly by the prune, peach and apricot growers, that this inspection is insufficient; and

WHEREAS, There are now in effect, and pending, many regulations affecting the marketing of agricultural products, many of which are experimental; and

WHEREAS, It is necessary that in the future there be enacted perpetuating what is good of such regulations and eliminating those features which are bad; and

WHEREAS, A Senate committee was appointed on January 6, 1935, to study marketing methods and conditions and, for lack of time, was unable to complete its investigations; now, therefore, be it

Resolved by the Senate of the State of California, That the President of the Senate appoint a committee of seven members to investigate the matters hereinbefore set forth and to determine the effect of the laws and regulations now in effect or hereafter to become effective relating to the marketing of agricultural products and the differential between the price paid to the producer and the price paid by the consumer, the price paid to California producers of agricultural products as compared with the price paid in the local markets and in other markets to investigate the effect of mass buying and distribution upon the prices of agricultural products, to investigate the effect upon consumption of agricultural products of various methods of selling and distribution of agricultural products, and to report generally to the Department of Agriculture and to investigate complaints in regard to the inspection of agricultural products, to study the operation of cooperative marketing in this State and in other States, and to report during the first week of the next ensuing session of the Legislature with recommendations as to needed legislation; and be it further

Resolved, That said committee is hereby authorized and empowered to use such agencies of the University of California, the State Department of Agriculture and other governmental agencies as may be available to aid it in making studies and developing facts to be used in its investigations.

Resolved, That said committee shall be and is hereby authorized and empowered to do all things necessary to make a full and complete investigation of the matters hereinbefore set forth in order to enable the Senate to act judiciously and wisely upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports and records of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter 2, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee, and that said committee be, and it is hereby given leave to sit during the sessions of the Legislature of 1935 and the sessions of 1937, and between said times to hold meetings throughout the State at such places as may be convenient to the committee, and to the witnesses and parties interested. Said committee may hold a public or executive meeting as may be necessary or desired; and be it further

Resolved, That the sum of \$2,500 be and the same is hereby made available for the purpose of defraying the expenses of such committee, said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of the said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, as amended.

The question being on the adoption of the resolution, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagly, and Young—29.

NOES—None.

Approval of Journals.

The Senate Journals of Monday, May 6, 1935; Tuesday, May 7, 1935; Wednesday, May 8, 1935; Thursday, May 9, 1935, and Friday, May 10, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 12—An act to amend sections 2, 3, 4, 6, 7, 10, 14, 15 and 21 and to repeal sections 5, 9, and 18; of the Old Age Security Act of the State of California, relating to aid to the aged—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—17; absent—2.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—17; absent—2.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1029—An act to provide for a claim against the State in favor of Superior Judge Anthony Caminetti, Jr., of Amador County—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—17; absent—2.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists, clinical pathologists and clinical laboratory technicians, for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—19; committee vote: Ayes—17; absent—2.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 998—An act making an appropriation for predatory animal control—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—19; committee vote: Ayes—17; absent—2.

SHARKEY, Chairman.

On Civil Service.

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Assembly Bill No. 999—An act to add a new article to Chapter IX of Part III

of Division V of the School Code, to be known as Article IV, consisting of sections 5792 to 5799b, inclusive, relating to a merit system for employees in positions other than those requiring certification qualifications—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—3; absent—2.

KEOUGH, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, MAY 20, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 277—An act to amend section 163 of the Civil Code, relating to community property—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 287—An act relating to the adoption of codes of fair competition, for certain trades and industries within this State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—8; noes—4; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 464—An act to amend section 3051 of the Civil Code, relating to estates—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 904—An act to amend section 600 of the Probate Code, relating to executors and appraisement of estates—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

On Building and Loan Associations.

SENATE CHAMBER, SACRAMENTO, MAY 21, 1935.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations as legal investments for trust and other funds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

KNOWLAND, Chairman.

Also:

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 228—An act to add section 609 to the Building and Loan Association Act, relating to building and loan associations—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

KNOWLAND, Chairman.

Adjournment.

On motion of Senator Rich, at one o'clock and five minutes p.m., the President of the Senate declared the Senate adjourned, until nine o'clock and thirty minutes a.m., Wednesday, May 22, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, May 22, 1935.

The Senate met at nine o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difanti, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Tuesday, May 21, 1935, the further reading was dispensed with, on motion of Senator Slater,

Leave of Absence.

Senator Gordon was, on motion of Senator Williams, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Edward T. Koford, city attorney of Santa Rosa; Rev. Father Charles H. Philipp, Rector St. Sebastian's Church of Sebastopol; Mr. and Mrs. J. Harry Gwinn of Petaluma, Mr. Douglas Chisholm of Windsor, Judge Edward Quinn of Healdsburg, Mr. Ben Foster of Lakeville, Mr. Fred W. McConnell of Santa Rosa, and Hon. Ray Ingels, former State Senator, now a member of the California Highway Commission.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1085—An act to amend sections 25 and 32 of the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights;

Also: Senate Bill No. 847—An act to amend section 31 and to amend and renumber sections 51a and 51b as added by Chapter 299 of the Statutes of 1933 of "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory;

And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 46, Relating to the termination of the probationary period of all persons employed in the staff of the State Board of Equalization and mentioned in subdivision (c) of Article XXIV of the Constitution of this State;

Also Senate Bill No. 464—An act to amend section 3051 of the Civil Code relating to liens;

And reports that the same have been correctly engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 15—A proposition to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 1, 4, 4b, 4c, 10, 18, 23 and 24 of Article VI, and by adding sections 4d, 4e, and 4f to said Article VI of the Constitution, relating to the judicial power of the State.

Also Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil, regulating the distribution and sale of said products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sellers of weights and measures, their suppliers, and other persons dealing 'gasoline' and prescribing specifications for products and so referred to as 'gasoline'; prescribing penalties for the violation of the provisions herein; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization;

And reports that the same have been correctly engrossed.

WILLIAMS, Vice Chairman.

Consideration of Daily File

Second Reading of Senate Bills.

Senate Bill No. 464—An act to amend section 3051 of the Civil Code, relating to liens.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 287—An act relating to the adoption of codes of fair competition for certain trades and industries within this State.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 287 was read and adopted:

Amendment No. 1.

On page 2, line 3, of the printed bill, as amended May 17th, strike out the word "seventy", and insert in lieu thereof the word "eighty".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 228—An act to add section 609 to the Building and Loan Association Act, relating to building and loan associations.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Loan Associations, the following amendments to Senate Bill No. 228 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "6.09", and insert in lieu thereof the following: "8.09b".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 25, inclusive; also strike out pages 2 and 3, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the act cited in the title hereof, to be numbered section 8.09b, and to read as follows:

Sec. 8.09b. Any association which since March 10, 1933, has paid, credited, declared or allowed interest or dividends upon investment certificates or shares, pursuant to section 8.09 of this act, in any amount less than at the rate of four per cent per year, or which, during any period since March 10, 1933, has failed to pay, credit, declare or allow such interest or dividends, shall, out of future profits and prior to payment or declaration of any dividends on stock, pay on all investment certificates and shares then outstanding on which, in the absence of section 8.09, the rate of return would have been equal to or greater than four per cent per year, an amount equal to the difference between four per cent per year from and after March 10, 1933, and the amount of all interest or dividends actually paid, credited, declared or allowed on such investment certificates or shares in respect to the period from and after March 10, 1933."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 277—An act to amend section 164 of the Civil Code, relating to community property.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 277 were read and adopted:

Amendment No. 1.

On page 1, line 17, of the printed bill, as amended May 8, 1935, strike out the words "referred to", and insert in lieu thereof "described".

Amendment No. 2.

On page 1, line 17, of the printed bill, as amended May 8, 1935, after the word "wife", insert the following: ", unless a different intention is expressed in the instrument."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 998—An act making an appropriation for predatory animal control.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 998 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out "sixty", and insert in lieu thereof the following: "eighty".

Amendment No. 2.

On page 1 of the printed bill, as amended, after line 13, insert the following paragraph:

"In the event that section 327 of the Fish and Game Code is repealed, or modified in such a manner as to make unavailable, in whole or in part, the moneys from which this appropriation is made, a sum equal to that so made unavailable shall be paid from any moneys in the fish and game preservation fund."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists, clinical pathologists and clinical laboratory technicians, for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing

the State Board of Health to make rules and regulations thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance the following amendments to Senate Bill No. 392 were read and adopted:

Amendment No. 1.

On page 1, lines 2 and 3 of the title of the printed bill, strike out the words "clinical pathologists".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, strike out the comma and insert in lieu thereof the following: "and the issuance of permits to physicians and surgeons conducting clinical laboratories".

Amendment No. 3.

On page 1, line 4, of the printed bill, after the word "immediate", insert the words "supervision and".

Amendment No. 4.

On page 1, line 1, of the printed bill, insert a comma after the word "firm".

Amendment No. 5.

On page 1, line 5, of the printed bill, strike out the words "clinical pathologist" and all of line 6, and the word "health" in line 7, and insert in lieu thereof the following: "person holding a valid and unrevoked physician's and surgeon's certificate licensing the holder thereof to practice medicine and surgery in this State".

Amendment No. 6.

On page 1, line 11, of the printed bill, after the word "issued", insert the following: "one year from and after the date this act becomes effective".

Amendment No. 7.

On page 1, line 15, of the printed bill, strike out "or clinical pathologist", and insert in lieu thereof the following: "issued ninety days from and after the date this act becomes effective, or is the holder of a valid and unrevoked physician and surgeons certificate entitling him to practice medicine and surgery in this State".

Amendment No. 8.

On page 2, line 2, of the printed bill, insert the following:

"It shall be unlawful for any physician and surgeon to conduct, maintain and/or operate a clinical laboratory as herein defined without possessing an unrevoked permit issued by the State Board of Public Health, authorizing him to do so, except as provided in section 7 of this act."

Amendment No. 9.

On page 2, line 4, of the printed bill, strike out the comma at the end of the line, and insert in lieu thereof the following: "or department".

Amendment No. 10.

On page 2, line 11, of the printed bill, after the word "arts", insert the following: "or other person".

Amendment No. 11.

On page 2, line 16, of the printed bill, strike out the word "eight", and insert in lieu thereof the following: "five".

Amendment No. 12.

On page 2, line 19, of the printed bill, change the semicolon at the end of the line to a comma.

Amendment No. 13.

On page 2 of the printed bill, strike out all of line 20, and insert in lieu thereof the following: "one year of which immediately preceding passage of this act shall have been spent in directing a clinical laboratory in the State".

Amendment No. 14.

On page 2, line 24, of the printed bill, strike out the word "California", and insert in lieu thereof the word "State".

Amendment No. 15.

On page 2, line 26, of the printed bill, after the word "or", insert the following: "A physician and surgeon,".

Amendment No. 16.

On page 2, line 27, of the printed bill, strike out the words "clinical pathologist".

Amendment No. 17.

On page 2, line 35, of the printed bill, strike out the word "California", and insert in lieu thereof the word "State".

Amendment No. 18.

On page 2, line 37, of the printed bill, strike out the words "or as clinical pathologist".

Amendment No. 19.

On page 2, line 41, of the printed bill, strike out the words "or clinical pathologist".

Amendment No. 20.

On page 2, line 41, of the printed bill, strike out the period, and insert in lieu thereof the following: "and to issue within ninety days after this act takes effect, a permit to each physician and surgeon operating and conducting a clinical laboratory at the time of passage of this act."

Amendment No. 21.

On page 2, line 52, of the printed bill, strike out the comma and the words "and it shall be unlawful for".

Amendment No. 22.

On page 3 of the printed bill, strike out all of line 1.

Amendment No. 23.

On page 3, line 2, of the printed bill, strike out the words "as a clinical pathologist, after".

Amendment No. 24.

On page 3, line 6, of the printed bill, strike out the words "clinical pathologist", and insert in lieu thereof the following: "physician and surgeon conducting, maintaining and/or operating a clinical laboratory".

Amendment No. 25.

On page 3 of the printed bill, strike out all of lines 12 and 13, and insert in lieu thereof the following: "Nonprofit hospitals, nonprofit hospital associations, or nonprofit hospital departments any of which are chiefly maintained by dues or contributions from employees of a common employer or of a group of affiliated employers, the services of which are confined to such employees, their dependents and members of their families and persons disabled in or by reason of the operations of the employer or group of employers, or by".

Amendment No. 26.

On page 3 of the printed bill, strike out all of line 17.

Amendment No. 27.

On page 3, line 18, of the printed bill, strike out the word "city,".

Amendment No. 28.

On page 3, line 22, of the printed bill, strike out "and/or clinical pathologist".

Amendment No. 29.

On page 3, line 23, of the printed bill, after the period, insert the following: "Any physician and surgeon conducting, maintaining and/or operating a clinical laboratory shall display in a prominent place in said clinical laboratory the permit issued by the State Board of Health to conduct, maintain and/or operate the same."

Amendment No. 30.

On page 3 of the printed bill, strike out all of line 26 after the word "a", and insert in lieu thereof the following: "person or group of persons, each holding a valid and unrevoked physician's and surgeon's certificate licensing him or them to practice medicine and surgery in the State of California."

Amendment No. 31.

On page 3, line 27, of the printed bill, strike out the following words: "of regularly licensed practitioners of the healing arts".

Amendment No. 32.

On page 3, line 28, of the printed bill, after the word "such", insert the following: "physicians and surgeons".

Amendment No. 33.

On page 3, line 29, of the printed bill, strike out the following words: "practitioner or practitioners".

Amendment No. 34.

On page 3, line 31, of the printed bill, strike out the words "practitioner or practitioners", and insert in lieu thereof the following: "physicians and surgeons".

Amendment No. 35.

On page 3, line 32, of the printed bill, strike out the word "practitioner" and insert in lieu thereof the following: "physician and surgeon or of one or more of the physicians and surgeons".

Amendment No. 36.

On page 3, line 33, of the printed bill, strike out the words "or of one or more of the practitioners".

Amendment No. 37.

On page 3, line 38, of the printed bill, strike out all of said line after the first comma, and insert in lieu thereof the following: "and from each physician and surgeon applying for a permit to conduct, maintain and/or operate a clinical laboratory".

Amendment No. 38.

On page 3, line 41, of the printed bill, after the word "certificate", insert the following: "or permit".

Amendment No. 39.

On page 3, line 42, of the printed bill, after the word "which", insert the following: "Such certificate or permit is issued on".

Amendment No. 40.

On page 3, line 45, of the printed bill, strike out the word "over", and insert in lieu thereof the word "exceeding".

Amendment No. 41.

On page 3, line 47, of the printed bill, strike out the entire line after the word "technologist", and insert in lieu thereof the following: "and each physician and surgeon holding a permit to maintain, conduct and/or operate a clinical laboratory and a fee not exceeding".

Amendment No. 42.

On page 3 of the printed bill, strike out all of lines 48, 49, 50, 51 and 52, and insert in lieu thereof the following: "one dollar for each holder of a certificate as clinical laboratory technician to be paid within sixty days after the commencement of each calendar year. The amounts of the fees set forth in this paragraph shall be fixed within the limits provided in this act by the State Board of Public Health and shall be collected and paid to the State board. Failure to pay the personal license or permit fee within sixty days after the commencement of the year of which it is due shall automatically cancel such certificate or permit, subject here".

Amendment No. 43.

On page 4, line 2, of the printed bill, after the word "of", insert the following: "Public".

Amendment No. 44.

On page 4, line 2, of the printed bill, after the word "certificate", insert the following: "or a permit".

Amendment No. 45.

On page 4, line 21, of the printed bill, after the word "all", insert the following: "other".

Amendment No. 46.

On page 4, line 22, of the printed bill, after the period, insert the following: "Nothing in this act shall be construed as authorizing any corporation or any person other than the holder of a valid and unrevoked physician's and surgeon's certificate, to practice medicine and surgery or to furnish the services of physicians for the practice of medicine and surgery, or to modify, alter, repeal or in any manner affect any provision of the State Medical Practice Act."

Amendment No. 47.

On page 4 of the printed bill, strike out all of lines 35 and 36, and insert in lieu thereof the following:

"Sec. 12. The State Board of Public Health shall make and promulgate such reasonable regulations to require that all clinical laboratories be conducted, maintained and/or operated without injury to the public health and for the enforcement of this act as may be necessary".

Amendment No. 48.

On page 4, line 39, of the printed bill, strike out the words "a clinical pathologist".

Amendment No. 49.

On page 4, line 39, of the printed bill, after the word "act", insert the following: "and physicians and surgeons holding permits to conduct, maintain and/or operate clinical laboratories".

Amendment No. 50.

On page 4, line 42, of the printed bill, strike out the words "clinical pathologist", and insert in lieu thereof the following: "physician and surgeon".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Senate Bill No. 1029—An act to provide for a claim against the State in favor of Superior Judge Anthony Caminetti, Jr., of Amador County.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 1029 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following: "An act making an appropriation to pay the claim of Anthony Caminetti, Jr., against the State of California."

Amendment No. 2.

On page 1, line 1, of the printed bill, after "SECTION 1.", insert the following: "The sum of one thousand nine hundred twenty-eight dollars and nineteen cents is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the claim of Anthony Caminetti, Jr., against the State of California."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 12—An act to amend sections 2, 3, 4, 6, 7, 10, 14, 15 and 21 and to repeal sections 5, 9, and 18½ of the Old Age Security Act of the State of California, relating to aid to the aged.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 12 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "4", insert the following: "5".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, strike out "5, 9.", and insert in lieu thereof the following: "9".

Amendment No. 3.

On page 1, line 22, of the printed bill, as amended, strike out "ten", and insert in lieu thereof the following: "nine".

Amendment No. 4.

On page 2, line 4, of the printed bill, as amended, strike out the semicolon, and insert in lieu thereof a comma and the following: "until he has resided in the county for one year;"

Amendment No. 5.

On page 2, line 24, of the printed bill, as amended, strike out the words "be less", and all of lines 25 and 26, and insert in lieu thereof the following: "exceed a total of one dollar per day; provided, that if, when and during such time as funds are provided or made available by the United States Government for such aid in this

State, the amount of aid to which any such person shall be entitled shall not exceed twice the amount provided or made available by such United States Government for any such person."

Amendment No. 6.

On page 2, line 26, of the printed bill, as amended, after the period, insert the following: "The term 'income' shall include cash income, income referred to in section 5 of this act, and the reasonable value of necessities of life furnished the applicant by a relative or friend."

Amendment No. 7.

On page 2 of the printed bill, as amended, between lines 33 and 34, insert the following:

"Sec. 4. Section 5 of said act is hereby amended to read as follows:

Sec. 5. The annual income of any property of an applicant for aid which does not produce a reasonable income shall be computed at three per cent of the value of such property."

Amendment No. 8.

On page 2, line 34, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "5".

Amendment No. 9.

On page 3, line 10, of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "6".

Amendment No. 10.

On page 3, line 40, of the printed bill, as amended, strike out "6", and insert in lieu thereof the following: "7".

Amendment No. 11.

On page 4, line 11, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "8".

Amendment No. 12.

On page 4, line 20, of the printed bill, as amended, after "wherein" insert the following: "the amount of aid requested in".

Amendment No. 13.

On page 4, line 21, of the printed bill, as amended, after "superiority," insert the following: "or the amount of aid granted is reduced."

Amendment No. 14.

On page 4, lines 35 and 36 of the printed bill, as amended, strike out "No aid shall be granted until such and be approved by the Department of Social Welfare."

Amendment No. 15.

On page 4, line 50, of the printed bill, as amended, strike out "8", and insert in lieu thereof the following: "9".

Amendment No. 16.

On page 5, line 26, of the printed bill, as amended, strike out "9", and insert in lieu thereof the following: "10".

Amendment No. 17.

On page 5, line 34, of the printed bill, as amended, after "act", strike out the period, and insert a comma and the following: "and in accordance with regulations now or hereafter made by the State Department of Social Welfare."

Amendment No. 18.

On page 5, line 39, of the printed bill, as amended, strike out "10", and insert in lieu thereof the following: "11".

Amendment No. 19.

On page 5, line 39, of the printed bill, as amended, strike out "5, 9," and insert in lieu thereof the following: "9".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 904—An act to amend section 600 of the Probate Code, relating to inventory and appraisalment of estates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations as legal investments for trust and other funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Loan Associations, the following amendments to Assembly Bill No. 816 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended in Assembly May 11, 1935, after the word "associations", insert the following: ", and building and loan associations".

Amendment No. 2.

On page 1 of the printed bill, as amended in Assembly May 11, 1935, strike out all of lines 1 to 12, inclusive, and insert in lieu thereof the following:

"SECTION 1. All shares issued by any duly chartered Federal savings and loan association shall be legal investments for the funds of executors, administrators, guardians, and trustees of every kind and nature and for the funds of all insurance companies, cemetery associations and savings banks; provided such association shall be an "insured institution" as defined in Title IV of the National Housing Act."

Amendment No. 3.

On page 1 of the printed bill, as amended in Assembly May 11, 1935, between lines 12 and 13, insert a new section to be known as section 2, to read as follows:

"SEC. 2. All shares issued by any building and loan association duly licensed to transact business by the Building and Loan Commissioner of this State shall be legal investments for the funds of executors, administrators, guardians, and trustees of every kind and nature and for the funds of all insurance companies and of all cemetery associations; provided such association shall be an "insured institution" as defined in Title IV of the National Housing Act; and, provided further, that such association shall not have any investment certificates outstanding issued or assumed by such association."

Amendment No. 4.

On page 1, line 13, of the printed bill, as amended in Assembly May 11, 1935, strike out the numeral "2", and insert in lieu thereof the numeral "3".

Amendment No. 5.

On page 1, line 18, of the printed bill, as amended in Assembly May 11, 1935, after the comma following "paines", insert the following: "cemetery associations".

Amendment No. 6.

On page 1, line 22, of the printed bill, as amended in Assembly May 11, 1935, strike out the numeral "3", and insert in lieu thereof the numeral "4".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 999—An act to add a new article to Chapter IX of Part III of Division V of the School Code, to be known as Article IV, consisting of sections 5.792 to 5.799b, inclusive, relating to a merit system for employees in positions other than those requiring certification qualifications.

Bill read second time, and ordered on file for third reading.

President Pro Tempore in the Chair.

At ten o'clock a.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 584—An act to add a new section to the Political Code to be known as section 3663d, relating to the assessment of property by the State Board of Equalization and the allocation of the assessed value of such property to

the various taxing jurisdictions of the State and to provide that this act shall take effect immediately.

Also: Senate Bill No. 884. An act to add two new sections to the School Code to be numbered 6,222 and 6,224, relating to the sale of property of a school district, declaring the urgency thereof, and providing that this act shall take effect immediately.

Also: Senate Bill No. 1102. An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the production and marketing of food stock and food crops, declaring the urgency of this act to take effect immediately. And reports that the same have been carried, read, and passed on the first error on the twenty-first day of May, 1935, at three o'clock and twenty minutes p.m.

WINTER, Vice Chairman.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 42—Relative to amending certain amendments to the charter of the city of Monterey.

ARTHUR A. OHNIMES, Chief Clerk.
By FRANK J. FISCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 42.

Senator Tickle asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 42 without reference to committee or file for purpose of adoption.

Assembly Concurrent Resolution No. 42. Relative to approving certain amendments to the charter of the city of Monterey.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Tickle moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Duval, Keough, King, Knowland, McCormack, McGowan, Meyer, Parkman, Perry, Powers, Roubellar, Rich, Schuck, Seeling, Sewell, Slater, Swing, Tickle, Wagy, and Young. 20.

The Secretary announced the absentees.

Time, ten o'clock and fifteen minutes a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 246. An act for the regulation and control of corporations organized for the purpose of operating nonprofit hospital service plans.

Also: Assembly Bill No. 1569. An act to amend section 4 of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to

repeal an act approved March 20, 1905, entitled "An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the Board of Regents of the University of California, and to provide penalties for violation thereof," approved June 12, 1913, relating to schools of nursing.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 246 and 1569 read first time, and referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2386—An act to add Chapter 8 to Division VI of the Agricultural Code, relating to the marketing of milk and other dairy products;

Also: Assembly Bill No. 2102—An act providing for the formation of nonprofit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute energy to the inhabitants of the State at the lowest cost consistent with sound economy and the prudent management of the business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect;

Also: Assembly Bill No. 2077—An act to amend section 1065 of the Fish and Game Code, relating to sardines.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2386 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 2102 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2077 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 112—An act to amend sections 104 and 159a of the Code of Civil Procedure, relating to justices' courts;

Also: Assembly Bill No. 197—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire;

Also: Assembly Bill No. 338—An act to add section 731a to the Code of Civil Procedure, relating to the use of the injunction in industrial or commercial zones;

Also: Assembly Bill No. 1134—An act to amend section 2 and section 3 of an act entitled, "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office."

approved March 20, 1906," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 112 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 197 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 338 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1134 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 422—An act to amend section 110 of the Code of Civil Procedure, and to add sections 690.1 to 690.4, inclusive, 690.6 to 690.10, inclusive, and 690.50, thereto, relating to property exempt from execution or attachment;

Also: Assembly Bill No. 437—An act to amend section 112 of the Code of Civil Procedure, relating to the jurisdiction of justice courts;

Also: Assembly Bill No. 669—An act to add section 837 to the Penal Code, relating to taxation, declaring the urgency hereof and providing that this act shall take immediate effect;

Also: Assembly Bill No. 1189—An act to amend sections 110, 116, 274, 437, 477, 594, 632, 639, 652, 655, 664, 674, 698, 670, 974, 976, 1041, 1052, 1134 and 1135 of the Code of Civil Procedure, and to add sections 35 and 182a thereto, relating to civil actions;

Also: Assembly Bill No. 1192—An act to amend section 80 of the Agricultural Code, relating to agricultural districts, and including provisions for the exhibition of live stock in southern California;

Also: Assembly Bill No. 1596—An act to make shares (issued by Federal savings and loan associations, and by building and loan associations, legal investments for the funds of executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 422 and 437 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 669 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1189 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1192 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 1596 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1215—An act to amend section 11 of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry;

Also: Assembly Bill No. 1349—An act to amend section 817 of the Penal Code, relating to peace officers;

Also: Assembly Bill No. 1684—An act to amend section 28, and to repeal section 24 of 'An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts

necessary to carry out the purposes of this act: and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the granting of leases and easements to extract oil, gas and other hydrocarbons by means of wells drilled from littoral lands into State lands;

Also: Assembly Bill No. 1794—An act to amend the title of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred" (Chapter 1020, Statutes of 1931), to repeal sections 51 to 54 inclusive, and to add new sections to be numbered 51 to 80 inclusive, relating to exclusion of lands from water conservation districts and to improvement districts within water conservation districts" (Chapter 906, Statutes of 1933), to amend sections 18, 36 and 53 of said act and to add a new section to said act to be known as section 36a, relating to revenue bonds.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1215 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1349 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1684 read first time, and referred to Committee on Oil Industries.

Assembly Bill No. 1794 read first time, and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 457—An act to amend sections 10 and 17 of, and to add sections 3a, 5a, 18a and 21a to, the Improvement Act of 1911, relating to an alternative procedure for the doing of work under said act by receiving contributions of labor, materials or equipment from the United States Government or other governmental agencies, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 64—An act to amend sections 1206 and 1207 of the Code of Civil Procedure, relating to preferred claims for work or personal services;

Also: Assembly Bill No. 610—An act amending section 1463 of the Penal Code, relating to the disposition of fines collected in municipal courts;

Also: Assembly Bill No. 1262—An act to amend section 1 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, relating to the investment of surplus money;

Also: Assembly Bill No. 1342—An act to amend section 1429 of the Penal Code, relating to the entering of pleas by a defendant.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 16, 1935, adopted the report of the Committee on Free Conference concerning Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 1 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 472 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1034—An act to amend sections 3817d, 3817f, 3817g and 3817h of, and to add

sections 381742 and 381743 to the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and granting the urgency thereof, to take effect immediately, and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESER, Assistant Clerk.

Message on Assembly Bill No. 1044 ordered on file as unfinished business.

Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senator Duval:

SENATE CHAMBER, SACRAMENTO, MAY 22, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value and providing for the administration and enforcement thereof.

Respectfully submitted

SENATOR DUVAL.

Request referred to Committee on Rules.

By Senator Duval:

SENATE CHAMBER, SACRAMENTO, MAY 22, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to call a special election to be held on the thirtieth day of July, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifth first regular session, and to provide that this act shall take effect immediately.

Respectfully submitted

SENATOR DUVAL.

Request referred to Committee on Rules.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and twenty-five minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Tickle.

The Secretary was directed to call the roll, on the adoption of the resolution, of the Senators who had not answered to their names.

The roll was called, and Assembly Concurrent Resolution No. 42 finally adopted by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seashan, Sewell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Assembly Concurrent Resolution No. 42 ordered transmitted to the Assembly.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 585—An act to amend section 3663b of the Political Code, relating to the assessment of property by the State Board of Equalization.

The Senate took up for consideration Assembly amendments to Senate Bill No. 585.

Amendment No. 1.

In the last line of the title of the printed bill, after "Equalization", insert "and to provide that this act shall take effect immediately".

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 3 after "3663b", and all of lines 4 to 27, both inclusive; and on page 2, strike out all of lines 1 to 28, both inclusive, and insert in lieu thereof the following:

"The board shall have the power to equalize the assessments made by it pursuant to section 3663a of this code, of property located in any city where property is not assessed for city purposes by the assessor of the county in which such city is located, with the assessed value of other property therein. Such equalized value shall be set forth upon the assessment roll transmitted by the board to the auditor or other chief accounting officer of such city pursuant to section 3663a of this code. Immediately following the close of the period for equalizing assessments of property in each city where property is not assessed for city purposes by the assessor of the county in which such city is located, it shall be the duty of the city auditor or other chief accounting officer of such city to notify the State Board of Equalization of the total assessed value of property assessed by the city assessor, after equalization by the city equalization body. In case the board is not so notified of such assessed values in any such city the board need not equalize the assessments made by it of property in such city with such assessed values.

SEC. 2. This act is hereby declared an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency:

In many cities in the State of California, the ratio between the assessed value as determined for the purposes of municipal taxation and the true value of the taxable property differs materially from the corresponding ratio of the assessed value as determined by the county assessor. Under section 14 of Article XIII of the Constitution of this State the State Board of Equalization is required to assess certain property for all tax purposes and unless said board is authorized to equalize such assessments with the assessed value of other property subject to municipal taxation, serious inequalities will result threatening the revenues of many cities of the State. Since said board must complete its work of assessment and equalization as of the current assessment date prior to a date which will be ninety days after the adjournment of the present session of the Legislature, it is essential that this act take effect immediately in order to avert such consequences which will be subversive to the public peace, health and safety."

Amendment No. 3.

On page 2, line 46, of the printed bill, as amended May 9, 1935, after the period following the word "body", insert the following: "Notice shall be given by the board to such city of the final date for the filing with said board of such total assessed value."

Amendment No. 4.

On page 2, line 47, of the printed bill, as amended May 9, 1935, after the word "city", insert the following: "prior to such final date".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 585?

The roll was called, and Assembly amendments to Senate Bill No. 585 concurred in by the following vote:

AYES—Senators Biggar, Douel, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—31.

NOES—None.

Senate Bill No. 585 ordered to enrollment.

Second Reading of Senate Bill No. 1113.

Senate Bill No. 1113—An act to add section 587.5 to the Fish and Game Code, relating to the use of certain bait to take fish, and declaring the urgency thereof and that this act shall take effect immediately.

Bill read second time.

Resolution.

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bill No. 1113 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Ducl, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—34.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provision of section 15, Article IV, of the Constitution suspended, and ordered Senate Bill No. 1113 read the third time and placed upon its passage.

Third Reading of Senate Bill No. 1113.

Senate Bill No. 1113.—An act to add section 487.5 to the Fish and Game Code, relating to the use of certain bait to take fish, and declaring the urgency thereof, and that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution necessary for the immediate preservation of the public peace, health and safety and as such shall take effect immediately. The following is a statement of facts constituting such necessity: The use of fresh fish roe or spawn as bait is found to be rapidly depleting the fish supply in several localities in this State, and it is therefore necessary that this act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Ducl, Difani, Edwards, Fletcher, Garrison, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Wagy—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1113 passed by the following vote:

AYES—Senators Biggar, Ducl, Difani, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, and Swing—30.

NOES—None.

Title read and approved.

Senate Bill No. 1113 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage was continued until the next legislative day.

Reconsideration Waived.

Senator Seawell waived reconsideration of Senate Bill No. 561. Senate Bill No. 561 ordered transmitted to the Assembly.

Third Reading of Senate Bills.

Senate Bill No. 326—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county road district and special district budgets and to the levy of taxes and prescribing limitations on county expenditures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 326 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—29.

NOES—None.

Title read and approved.

Senate Bill No. 326 ordered transmitted to the Assembly.

Senate Bill No. 1104—An act granting certain tidelands and submerged lands of the State of California to the county of Santa Cruz.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1104 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1104 was passed.

Reference of Senate Bill No. 271.

Senator McGuinness moved that Senate Bill No. 271 be referred to Committee on Judiciary.

Motion carried, and such was the order.

Senate Bill No. 428—An act to authorize the Governor of the State of California to execute and deliver deeds or other conveyances of lands, rights of way or other easements granted to the United States of America in aid of public work, relief or other projects aiding recovery.
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 428 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGeever, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 428 ordered transmitted to the Assembly.

Senate Bill No. 525—An act to amend section 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the transportation of persons or property for hire or compensation.
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 525 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Jespersen, Keough, King, Knowland, McCall, McCormack, Mixer, Olson, Parkman, Pierovich, Powers, Remdollar, Rich, Schotky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—31.

NOES—Senator Hays—1.

Title read and approved.

Senate Bill No. 525 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by repealing section 14 of Article XIII thereof, relating to bonds exempt from taxation.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Fletcher moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGeever, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Remdollar, Rich, Schotky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—33.

The Secretary announced the absentees.

Time, eleven o'clock and twenty-five minutes a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization.

Amendments from the Floor.

During third reading of Senate Bill No. 781, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 8, line 14, of the printed bill, as amended May 3, 1935, after "it," insert the following: "each county sealer and deputy county sealer, each city and county sealer and deputy thereof, and every sealer and deputy sealer of each incorporated city and town, in the State of California,".

Amendment No. 2.

On page 8, line 36, of the printed bill, as amended, after "it," insert the following: ", each county sealer and deputy county sealer, each city and county sealer and deputy thereof, and every sealer and deputy sealer of each incorporated city and town, in the State of California,".

Amendment No. 3.

On page 9, line 4, of the printed bill, as amended, after "representative," insert the following: "or the city sealer of the city or town in which the premises are situated, or if said premises be not situated in a city or town, or if such city or town has no sealer, then to the sealer of the county or city and county in which the premises are situated,".

Amendment No. 4.

On page 10, line 13, of the printed bill, as amended, insert the following:

"SEC. 18. Section 18 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 18. (a) It shall be the duty of the State Board of Equalization to enforce the provisions of this act, and to appoint and employ such State inspectors and technical and clerical assistants as may be necessary therefor.

(b) Each county sealer, each deputy county sealer, each city and county sealer and deputy thereof, and each sealer and deputy sealer of each incorporated city and town, in the State of California, and each person authorized and empowered by law to inspect the petroleum products herein referred to, at any place where the same are kept or stored for sale within the State of California, are each hereby also authorized and directed to enforce the provisions of this act."

Amendment No. 5.

On page 10, line 14, of the printed bill, as amended, strike out "18", and insert in lieu thereof "19".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Resolution.

The following resolution was offered:

By Senators Garrison, Jaspersen, Metzger, Parkman, Duval, Rach, Perry, Powers, Schottky, Crittenden, McCormack, McColl, Knowland, Mixter and Sharkey:

WHEREAS, Chapter 59, Statutes of 1933, provides for the safety of design and construction of public school buildings under the supervision of the Division of Architecture in the Department of Public Works; and

WHEREAS, The application of said act has worked hardship on the school authorities, taxpayers, and pupils; and

WHEREAS, There have been many complaints as to the operation and administration of this act, now, therefore, be it

Resolved, That the President of the Senate appoint a committee of three members to investigate the operation and administration of said act; and be it further

Resolved, That said committee shall be and is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matter above referred to in order to enable the Senate to act intelligently and advisedly upon such matters; and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of persons, books, documents, reports and records of every kind, to issue subpoenas and take all necessary means to compel the attendance of witnesses and to preserve testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Personal Code of this State, relative to the attendance and representation of members before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power likewise; the Sergeant-at-Arms of the Senate is hereby authorized and directed to execute and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and the and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate or during the recess, at such times, place or places as the committee may determine. Such committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further

Resolved, That said committee report the results of said investigation, together with its recommendations as to the needed changes in the law to the Senate, and make suggestions as to needed changes or improvements in the administration of said act to the Governor; and be it further

Resolved, That the sum of \$500, or so much thereof as may be necessary be and the same is hereby appropriated from the contingent fund of the Senate for such incidental expenses as the committee may necessarily incur, including securing of transcript of such of its proceedings as it may deem necessary to preserve. Such items of expense are to be paid to the persons entitled thereto upon certification to the Controller by the chairman of said committee.

Resolution read, and ordered referred to Committee on Contingent Expenses.

Unfinished Business.

Senate Concurrent Resolution No. 36—Relating to the termination of the probationary period of all persons employed on the staff of the State Board of Equalization and mentioned in subdivision c) of Article XXIV of the Constitution of this State.

Amendment from the Floor.

During reading of Senate Concurrent Resolution No. 36, the following amendment to the title, offered by Senator Sharkey, was read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed measure, before "Article", insert the following: "section 5 of".

Senate Concurrent Resolution No. 36.

Relating to the termination of the probationary period of all persons employed on the staff of the State Board of Equalization and mentioned in subdivision (c) of section 5 of Article XXIV of the Constitution of this State.

WHEREAS, There are more than eight hundred persons employed on the staff of the State Board of Equalization, holding positions subject to the provisions of

Article XXIV of the Constitution for more than six months immediately preceding the effective date of said article, viz, December 20, 1934, who have now been continuously in the State service for a minimum period of at least eleven months; and

WHEREAS, All such persons hold such positions subject to a probationary term commencing on December 20, 1934, of not less than two months nor more than eight months, in the class or grade assigned, as the State Personnel Board may fix; and

WHEREAS, All such persons have now been in the State service for a period almost twice the length of the normal and usual probationary term of six months; and

WHEREAS, It is deemed in the best interests of the State of California that such probationary term should be forthwith terminated; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the State Personnel Board be requested to fix the probationary term of each of such employees commencing December 20, 1934, at a period of five months, to wit, a period ending May 20, 1935, to the end that all such persons be given permanent status from and after the date last mentioned; and be it further

Resolved. That the Secretary of the Senate is directed to send copies of this resolution to the members of the State Personnel Board and the executive officer thereof.

Resolution read, as amended.

The question being on the adoption of the resolution, as amended.

The roll was called, and Senate Concurrent Resolution No. 36 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hulse, Jepsen, Keough, King, Knowland, McCall, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagay, Williams, and Young—34.

NOES—None.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Concurrent Resolution No. 36 was adopted.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 847—An act to amend section 31 and to amend and renumber sections 51a and 51b as added by Chapter 999 of the Statutes of 1933 of "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

Amendments from the Floor.

During third reading of Senate Bill No. 847, the following amendments, offered by Senator Seawell, were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, after "1933", insert the following: "and to add a new section to be numbered section 5.1 to an act entitled".

Amendment No. 2.

On page 1 of the printed bill, strike out line 1, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the act cited in the title hereof to be numbered section 5.1 and to read as follows:

Sec. 5.1. Whenever a petition for the incorporation of a public utility district in unincorporated areas is filed with the board of supervisors of any county, and the holder of title, or evidence of title, to sixty per cent (60%) or more of the lands situated within the limits of the proposed public utility district, either in quantity, or in value, as such value is shown on the last equalized assessment roll of such county, is any county, city and county, or municipality of this State, the

written consent of such county, city and county, or municipality, given to the board of supervisors in the case of such county, or city and county, or the governing legislative body of any municipality, to the inclusion of its lands within the limits of the proposed public utility district shall be filed with said board of supervisors prior to the publication of such petition as provided for herein.

Amendment No. 3.

On page 6 line 23, of the printed bill, delete the following: "Sec. 2," and insert in lieu thereof the following: "Sec. 3."

Amendment No. 4.

On page 9 line 41, of the printed bill, delete the following: "Sec. 3," and insert in lieu thereof the following: "Sec. 4."

Bill read, ordered to reprint, reengrossment, and on file for third reading.

Senator Schottky in the Chair.

At eleven o'clock and thirty-five minutes p.m., Senator Schottky of the twenty-fourth district was called to the chair.

Introduction, First Reading and Reference of Bills.

By Senator Rich, Senate Concurrent Resolution No. 38—Relative to leaves of absence of the Governor, Lieutenant Governor, and the members of the Senate and Assembly.

Consideration of Senate Concurrent Resolution No. 38.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 38, without reference to print or committee for purpose of adoption.

Senate Concurrent Resolution No. 38.

Relative to leaves of absence of the Governor, Lieutenant Governor, and the members of the Senate and Assembly.

Resolved by the Senate, the Assembly concurring: That leave of absence from the State for a longer period than 60 days during their terms of office, is hereby granted to His Excellency, Frank F. Merriam, Governor of the State of California; to George J. Hatfield, Lieutenant Governor of the State of California; and to the following members of the Senate and Assembly of the fifty-first session of the Legislature of the State of California:

Sensors: George M. Biggar, Bradford S. Calhoun, Charles H. Deane, Leonard Joseph Difani, Walter H. Duval, Nelson T. Edwards, Ed Fletcher, J. C. Garrison, Frank L. Gordon, Ray W. Hays, Ben Hulse, Chris N. Jansson, Karl P. Knech, Charles King, William F. Knowland, John B. McColl, Thomas McCormack, Walter McGovern, Henry McGuinness, D. Jack Metzger, Frank W. Mixter, Calbert L. Olson, Harry L. Parkman, Harry A. Perry, A. I. Pionavich, Harold J. Powers, Charles F. Reindollar, W. P. Rich, Andrew R. Schottky, Thomas P. Sallin, Jerrold L. Seawell, William Richard Sharkey, Herbert W. Slater, Bert R. Snyder, Edgar W. Stow, Ralph E. Swing, Edward H. Tickle, J. I. Wagy, Dan E. Williams, and Sanborn Young.

Assemblymen: H. Dewey Anderson, Godfrey A. Andrews, James J. Boyle, Arthur H. Breed, Jr., James F. Brennan, Michael J. Burns, James M. Cassidy, Ford A. Charters, John G. Clark, Gordon W. Corwin, C. C. Cottrell, Edward Craig, Mervyn I. Cronin, Ernest C. Crowley, Thomas J. Cunningham, Kenneth B. Dawson, T. H. DeLap, Earl D. Desmond, Leon M. Donahue, Hugh P. Donnelly, Herbert J. Evans, Ralph W. Evans, C. Don Field, Charles W. Fisher, Gene Flint, J. E. Frazier, Clinton J. Fulcher, James D. Garibaldi, Lee E. Geyer, Wilbur E. Gilbert, Joseph P. Gilmore, A. Franklin Glover, Augustus F. Hawkins, S. L. Heisinger, William B. Hornblower, Charles A. Hunt, Gardiner Johnson, Wm. Mosley Jones, Clifford R. Kallam, E. V. Latham, Frank E. Laughlin, Elmer E. Lore, Charles W. Lyon, J. J. McBride, John D. McCarthy, Patrick J. McMurray, Thomas A. Maloney, Frank G. Martin, Jesse M. Mayo, Henry P. Meehan, Eleanor Miller, Claude Minard, Godfrey F. Morgan, Roy J. Nielsen, John H. O'Donnell, Ellis E. Patterson, John B. Pelletier, Frederick Peterson, Jefferson E. Peyser, John P. Phillips, Fred Reaves, Kent H. Redwine, Paul A. Richie, Harry B. Riley, Alfred W. Robertson, Ben Rosenthal, Hubert B. Scudder, Charles W. Stream, James E. Therp, Rodney L. Turner, James B. Utt, Ernest O. Voigt, Charles J. Wagner, Clarence R. Walker,

Ralph W. Wallace, Frank J. Waters, Ralph L. Welsh, Ray Williamson, Frank W. Wright, and Charles M. Weber.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 38 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—36.

NOES—Senator McGovern—1.

Senate Concurrent Resolution No. 38 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Assembly Bill No. 955.

Senator Crittenden moved that Assembly Bill No. 955 be withdrawn from Committee on Agriculture and Live Stock, and referred to Committee on Conservation.

Motion carried, and such was the order.

Re-reference of Senate Bill No. 1055.

Senator Mixter moved that Senate Bill No. 1055 be referred to Committee on Finance.

Motion carried, and such was the order.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Fletcher.

The Secretary was directed to call the roll, on the adoption of the amendment, of the Senators who had not answered to their names.

The roll was called, and Senate Constitutional Amendment No. 19 finally refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Hulse, Keough, King, McColl, McGovern, McGuinness, Mixter, Olson, Perry, Pierovich, Powers, Schottky, Scollan, Sharkey, Slater, and Williams—19.

NOES—Senators Deuel, Difani, Duval, Edwards, Garrison, Hays, Jespersen, Knowland, McCormack, Metzger, Parkman, Reindollar, Rich, Seawell, Snyder, Stow, Swing, Tickle, Wagy, and Young—20.

Remarks.

The following remarks, offered by Senator Fletcher, were ordered printed in the Journal:

Mr. President and My Friends of the Senate.

In discussing my Senate Constitutional Amendment No. 19 today, I ask you to forget the appeal of special interests and to consider only what is best for the large majority of the people of this State and Nation.

Over \$45,000,000,000 of tax-exempt bonds are now outstanding. In a comparatively short time this stupendous sum will be \$100,000,000,000, unless some early legislation is enacted.

I am unalterably opposed to tax-exempt bonds for the reason that their issuance is un-American and the principle is fundamentally unsound. While it appears to be a Federal question eventually, yet some State must start the fight and why not California?

Money is not sacred and the time is at hand when the future best interests of this country must have first consideration.

More and more the wealthy are buying these tax-exempt bonds, using money that should be put into industry. There is a vast accumulation of wealth in the hands of a few; 3,600,000 people today are paying 90 per cent of the income tax of this Nation. The wealthy are sitting pretty with tax-exempt bonds in their possession.

With 70 per cent to 80 per cent of the people practically broke the last five years, owing to the depression, there is a growing feeling of resentment and radicalism against those better off than themselves, which feeling must be changed.

I do not want to be considered an alarmist, love my country and consider myself a conservative. My ancestor, Robert Fletcher, came to Massachusetts in 1592. I have in my possession a commission signed by George III before the Revolutionary War making my great grandfather a British officer. At the head of his company he took part in the battle of Bunker Hill. Let me tell you that, with increased taxation on the masses while the rich go free with tax-exempt bonds, more and more the burden is unbearable. It is history repeating itself. I refer to the Boston Tea Party and the French Revolution. In both cases it was a violent protest against unjust or unequal taxation.

I anticipate no action of that kind in this country and trust that the law will solve this problem of all paying their just proportion of taxation at all times.

The opposition claims that we with here to take a chance upon the bonds of our exempt. Possibly so, but, like insurance, you pay for what you get.

If you pass today Senate Constitutional Amendment No. 19 you are not taking any responsibility, you are making it possible for the people of this State to vote on the question of whether or not tax-exempt bonds shall be issued in this State in the future. Why should you take this responsibility? Why should you not let them have an opportunity to express their opinion? Anyone who votes against this bill is assuming a great deal and is taking himself too seriously, for you are the servants of the people and the people should decide.

Let the State of California set an example against tax-exempt bonds that will cross the continent. In time Federal laws will be enacted that will give a national assurance of faith to the masses in this country for justice and equitable taxation.

I plead with you, my brother Senators, to forget all personal politics, feel free your responsibility to your neighbor and country, that your consciences may give an expression by the ballot of their attitude toward one of the most vital problems that confront our citizenship today.

ED FLETCHER

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 21, 1935, refused passage to Assembly Bill No. 1596. An act to make certain issued by Federal savings and loan associations, and by building and loan associations, legal investments for the funds of executors, administrators, guardians, trustees, trustees, insurance companies and cemetery associations. This bill was inadvertently forwarded to the Senate. Will you kindly return the same to the Assembly.

ARTHUR A. OHNIMUS, Chief Clerk
By Fred J. Dusen, Assistant Clerk.

Motion by Senator Swing.

Senator Swing moved that Assembly Bill No. 1596 be returned to the Assembly.

Motion carried, and such was the order.

Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senator Swing:

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor.

Respectfully submitted.

SENATOR SWING.

Request referred to Committee on Rules.

By Senator Metzger:

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to conserve and prorate the production of an irreplaceable and exhaustive natural resource of the State of California, to wit, petroleum oil; to define the policy of the State of California relating thereto; to define waste and provide for the prevention thereof; to create a Committee of Oil Producers and provide for

the election thereof; to define the duties of such committee and for the recall of the members thereof; to create a Petroleum Commission and provide for its nomination and appointment; to provide that the Director of Natural Resources shall be a member thereof; to define the duties of said commission and of the members thereof; to provide for the recall of said commissioners except the Director of Natural Resources; to provide for the appointment of an Oil Umpire, and define his duties; to provide for the levy and collection of assessments from the producers of crude oil in the State of California to pay the expenses of enforcement of this act; to provide for actions and proceedings in the courts of the State of California for the enforcement of orders made by said commission; fixing a penalty for violation of this act or of the orders of said commission; to provide a short title for this act; to provide a limitation upon the term for which this act is passed.

Respectfully submitted.

SENATOR METZGER.

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Duval to introduce a bill entitled—An act to call a special election to be held on the thirtieth day of July, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifty-first regular session, and to provide that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5.

(Signed out)

RICH, Chairman.
KNOWLAND.
SLATER.
TICKLE.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—34.

NOES—None.

Further Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Duval to introduce a bill entitled—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5.

(Signed out)

RICH, Chairman.
TICKLE.
KNOWLAND.
DIFANI.
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Deuel, Garrison, Hays, Hulse, Jespersen, King, Knowland, McColl, McCoskey, Metzger, Mixer, Olson, Parkman, Perry, Powers, Roundell, Schatzky, Seamon, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Further Report of Standing Committee

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Swing to introduce a bill entitled, "An act to provide for certain social construction and improvements by the State, including the construction of a State prison, certain other construction and improvements, and the issue of bonds therefor," has had the same under consideration, and respectfully reports the same back and recommends that said request be granted.

Committee membership—5.

(Signed out)

RICH, Chairman.
DIFANI.
TICKLE.
KNOWLAND.
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Deuel, Garrison, Hays, Jespersen, King, Knowland, McColl, McCoskey, Metzger, Metzger, Mixer, Olson, Parkman, Perry, Powers, Roundell, Schatzky, Seamon, Sewell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Further Report of Standing Committee

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Metzger to introduce a bill entitled, "An act to conserve and regulate the production of an irreplaceable and exhaustible natural resource of the State of California, to wit, petroleum oil; to define the policy of the State of California relating thereto; to define waste and provide for the prevention thereof; to create a Committee of Oil Producers and provide for the election thereof; to define the duties of such committee and for the recall of the members thereof; to create a Petroleum Commission and provide for its nomination and appointment; to provide that the Director of Natural Resources shall be a member thereof; to define the duties of said commission and of the members thereof; to provide for the recall of said commissioners except the Director of Natural Resources; to provide for the appointment of an Oil Umpire, and define his duties; to provide for the levy and collection of assessments from the producers of crude oil in the State of California to pay the expenses of enforcement of this act; to provide for actions and proceedings in the courts of the State of California for the enforcement of orders made by said commission; fixing a penalty for violation of this act or of the orders of said commission; to provide a short title for this act; to provide a limitation upon the term for which this act is passed," has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5.

(Signed out)

RICH, Chairman.
DIFANI.
TICKLE.
KNOWLAND.
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Hays, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Sharkey, Slater, Stow, Swing, Tickle, Waggy, Williams, and Young—30.

NOES—None.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Olson:

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to provide for a State fire insurance fund and for the insurance of publicly owned or publicly supported property therein.

Respectfully submitted.

SENATOR OLSON.

Request referred to Committee on Rules.

Introduction, First Reading and Reference of Bills.

By Senator Duval: Senate Bill No. 1118—An act to call a special election to be held on the thirtieth day of July, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifty-first regular session, and to provide that this act shall take effect immediately.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Duval: Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Swing: Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senators Scollan, Duval, Jespersen, Knowland, Rich, Stow, and Swing: Senate Constitutional Amendment No. 26—Proposed amendment to Article XVI of the Constitution by adding section 11 thereto, relative to a bond issue for certain major construction and improvements.

Referred to Committee on Revenue and Taxation.

By Senator Metzger: Senate Bill No. 1121—An act to conserve and prorate the production of an irreplaceable and exhaustible natural resource of the State of California, to wit, petroleum oil; to define the policy of the State of California relating thereto; to define waste and

provide for the prevention thereof; to create a Committee of Oil Producers and provide for the election thereof; to define the duties of such committee and for the recall of the members thereof; to create a Petroleum Commission and provide for its nomination and appointment; to provide that the Director of Natural Resources shall be a member thereof; to define the duties of said commission and of the members thereof; to provide for the recall of said commissioners except the Director of Natural Resources; to provide for the appointment of an Oil Umpire, and define his duties; to provide for the levy and collection of assessments from the producers of crude oil in the State of California to pay the expenses of enforcement of this act; to provide for actions and proceedings in the courts of the State of California for the enforcement of orders made by said commission; fixing a penalty for violation of this act or of the orders of said commission; to provide a short title for this act; to provide a limitation upon the term for which this act is passed.

Bill read first time, and referred to Committee on Oil Industries.

Recess.

On motion of Senator Rich, at twelve o'clock and fifteen minutes p.m., Senator Schottky, in the chair, declared recess until twelve o'clock and thirty five minutes p.m., for the purpose of expressing birthday felicitations to Senator J. C. Garrison and Hon. Thomas Maloney, Assemblyman and former State Senator.

His Excellency, Hon. Frank F. Merriam, Governor of the State of California, expressed birthday greetings in the behalf of the State of California.

Reconvened.

At twelve o'clock and thirty five minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 475—An act to amend sections 970, 972 and 974 of the Insurance Code, relating to security for the payment of taxes and other obligations of insurers;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-second day of May, 1935, at eleven o'clock and forty five minutes a.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 21—An act to regulate the production and distribution of serums, vaccines, bacterial cultures, and viruses, to provide for the licensing of persons manufacturing and preparing the same, and to provide penalties for the violation of the provisions of this act;

Also: Senate Bill No. 55—An act to add section 675.5 to the Vehicle Code, relating to safety glass on motor vehicles;

Also: Senate Bill No. 71—An act to amend section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases;

Also: Senate Bill No. 99—An act to amend sections 4161 and 4221 of the School Code, all relating to unapportioned county school funds;

Also: Senate Bill No. 118—An act relating to the registration of vessels and requiring a tax clearance as the prerequisite for registration;

Also: Senate Bill No. 171—An act to amend section 478 of the Agricultural Code, relating to cream;

Also: Senate Bill No. 210—An act to amend sections 1150 and 1151 of the Insurance Code, relating to purchasing, holding and conveying of real estate by insurers;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of May, 1935, at eleven o'clock and forty five minutes a.m.

METZGER, Chairman.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Banking.

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Banking, to which was referred Senate Bill No. 514—An act relating to the administration and liquidation of banks and amending an act entitled "An act to define and regulate the business of banking" known as the "Bank Act" and relating to such business—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and without recommendation as to the final disposition of the bill.

Committee membership—9; committee vote: Ayes—5; noes—1; absent—3.

TICKLE, Chairman.

Also:

MR. PRESIDENT: Your Committee on Banking, to which was referred Assembly Bill No. 624—An act to amend section 61 of the Bank Act, making flood control bonds legal for savings bank investments—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

TICKLE, Chairman.

On Hospitals and Asylums.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Assembly Bill No. 2421—An act to amend sections 1, 2, 3, and 4 of an act entitled "An act to establish salesrooms and industrial workshops for the blind, providing for the management, government and administration thereof, and making an appropriation for the establishment of a revolving fund therefor," approved June 18, 1929, relating to salesrooms and workshops for blind and physically handicapped persons—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

SLATER, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653 and 655 thereof, relating to fish—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—16; committee vote: Ayes—9; noes—3; absent—4.

MCCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 521—An act to amend sections 83 and 883 of the Fish and Game Code, relating to fishing in district 15;

Also: Senate Bill No. 700—An act to add Article 6 to Chapter 5, of Part 2, of Division IV, of the Fish and Game Code, relating to permits for the operation of salmon preparation plants, the taxing of salmon prepared or received by such plants, and the establishment of salmon hatcheries;

Also: Senate Bill No. 1110—An act to amend sections 611.6, 613, 738.5 and 957 of the Fish and Game Code, relating to fish;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—16; committee vote: Ayes—11; absent—5.

MCCOLL, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, MAY 22, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 1677—An act to add section 8a to an act entitled "An act to provide for the formation, management and dissolution of county water districts, to provide for supplying the inhabitants thereof with water, for supplying and controlling waters in property in such districts; and for the issuance of county water bonds during bonds and the payment thereof," approved June 13, 1913, relating to reforestation bonds.

Also, Assembly Bill No. 2104—An act to amend the County Water District Act, approved June 10, 1913, by adding to said act, as amended, a new section, to be numbered as preceding for the election of directors by districts instead of at large, if authorized by election.

Also, Assembly Bill No. 1769—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4, absent—3.

MINTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 1770—An act establishing and validating the organization and existence of water districts;

Also, Assembly Bill No. 1771—An act to repeal section 100 of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigations districts;

Also, Assembly Bill No. 1794—An act to amend the title of an act entitled "An act to provide for the creation, organization and amendment of water conservation districts, defining their powers and prescribing the method of exercising the same, repealing and continuing in force the provisions of Chapter 106 of the Statutes of 1929 known as the Water Conservation Act of 1929, and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred" (Chapter 1029, Statutes of 1931), to repeal sections 51 to 54 inclusive, and to add new sections to be numbered 51 to 80 inclusive, relating to exclusion of lands from water conservation districts and to improve districts within water conservation districts" (Chapter 906, Statutes of 1933), to amend sections 18, 26, and 30 of said act and to add a new section to said act to be known as section 23a, relating to revenue bonds;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4, absent—3.

MINTER, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, MAY 22, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 2426—An act to amend section 1293 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6.

(Signed out)

YOUNG, Chairman.
McGOVERN.
RIGGAR.
SCHOTTKY.
DEUEL.
PIEROVICH.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, MAY 22, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 630—An act to amend sections 71, 72, 73, 104, 135, 136, 160, and 194, to add sections 100.5, 101.5, 104.5, 104.5 and 233 to, to add a new chapter, to be numbered 5, to Division I, and to repeal section 112 of the Streets and Highways Code, relating to public ways—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 2422—An act accepting a retrocession of jurisdiction over the rights of way of the Golden Gate Bridge and Highway District through the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation in Marin County—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 739—An act to amend section 1702 of the Streets and Highways Code, to define "maintenance" as including illumination—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—9; noes—6; absent—2.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 2416—An act to regulate the caravaning of motor vehicles upon the public highways of this State, defining the term "caravaning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—16; absent—1.

EDWARDS, Chairman.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 527—An act to provide for the creation, organization and government of river port districts in one or more counties, to enumerate the powers thereof; to authorize the incurring of indebtedness, the borrowing of money and the issuance of bonds, and other evidences of indebtedness of such district and to provide for the mortgaging, pledging, or hypothecating of property of such districts and the issuance of revenue notes, certificates or warrants payable solely and exclusively from the revenues to be realized from a particular utility or property acquired or to be acquired with the proceeds of such obligations; to provide for the levy and collection of taxes by such districts and the allocation, mortgage, pledge, or hypothecation of the revenues of such districts or any property of such districts; to authorize river port districts to enter into agreement with the State of California or any political subdivisions therein or with the United States of America; and to authorize river port districts to do and perform all acts and things necessary or appropriate to carry out the purposes of this act;

Also: Assembly Bill No. 1185—An act authorizing the Board of State Harbor Commissioners to make application for the privilege of establishing, maintaining and operating a foreign trade zone on property now or which may hereafter be under the jurisdiction and control of said board in the City and County of San Francisco, and to establish, maintain and operate such zone, pursuant to the act of Congress of June 18, 1934 (48 U. S. Statutes at Large, Chapter 590);

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—8; absent—1.

PARKMAN, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 985—An act relating to the purchase of bonds which are in default, and actions by the purchaser for the foreclosure, collection, or enforcement of such bonds, and limiting the amount of judgments rendered in an action relating to such bonds;

Also: Senate Bill No. 1038—An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to condemnation;

Also: Senate Bill No. 688—An act to amend sections 336 and 341 and to repeal section 685 of the Code of Civil Procedure, relating to limitation of actions and deficiency judgments;

Also: Senate Bill No. 944—An act to amend section 690 of the Code of Civil Procedure, relating to exemptions of property from execution or attachment;

Has had the same under consideration, and respectfully reports the same back with

amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, MAY 17, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1345—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending sections numbered 5, 7, 12 and 25 of said act, as amended, and by repealing section 52 of said act, as amended, and by adding to said act, as amended, new sections, to be numbered and entitled as follows: to wit: Section 16a, relating to refunding bonds; section 25a, relating to addition of a county water district of lands situate in a county contiguous to two counties in which such district was organized; section 25b, relating to conditions upon addition of land to the district; and section 52, adding to the district lands privately owned which were public lands when the district was organized.

Also: Assembly Bill No. 236—An act to amend section 4307 of the Political Code, relating to county charges.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1929—An act to amend section 4044 of the Political Code.

Also: Assembly Bill No. 2130—An act amending section 4076 of the Political Code, relating to county government.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—7; absent—2.

HULSE, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, MAY 22, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 955—An act to amend section 37, of the Political Code, relating to the Department of Natural Resources—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 541—An act to amend the law relating to the Department of Agriculture—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 435—An act to amend section 13 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the reinstatement of expired certificates of registration—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 390—An act to amend sections 15b and 15a of and to add section 25 to an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act:

to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, relating to vital statistics—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent 2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1344—An act providing for the grant of certain lands to the United States of America for the creation of a National park or monument—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; noes—1; absent—4.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1009—An act to amend section 9 of "An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act," approved June 5, 1933, relating to annual fee for permits—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9; absent 2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1340—An act authorizing the Governor to execute a compact with the State of Nevada, for the purpose of promoting comity and good will between California and Nevada with reference to the Boulder Canyon Project, and of adjusting matters pertaining to the proposed taxation of property located in Nevada and owned by the State of California or any political subdivision thereof;

Also: Assembly Bill No. 1362—An act to amend section 3669e of the Political Code of the State of California, relating to powers of State Board of Equalization;

Also: Assembly Bill No. 1550—An act to add section 32a to "An act creating a State Land Settlement Board, and defining its powers and duties, and making an appropriation in aid of its operations," approved June 1, 1917, as amended, and to ratify and confirm certain acts of the Director of Finance with respect to the disposition of properties at the Delhi State Land Settlement and Durham State Land Settlement;

Also: Assembly Bill No. 1774—An act to amend the title and sections 2 and 3e and to amend and to renumber section 20k of, and to add sections 19a and 20l to the California Real Estate Act, relating to the regulation and licensing of real estate brokers and salesmen, and to the inspection and regulation of subdivisions, to provide for the enforcement of said act and penalties for the violation thereof;

Also: Assembly Bill No. 1846—An act to amend sections 19 and 20 of the "State Liquor Control Act," approved June 3, 1933, relating to licenses;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—9; absent 2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 61—An act to amend section 2 of an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal

all acts or parts of acts in conflict with this act," approved May 15, 1921, relating to exemptions.

Also: Assembly Bill No. 902—An act to amend section 9 of and to add section 9a to an act entitled "An act to reserve all interests in State lands, to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take any such minerals, to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the powers of the Surveyor General now the Chief of the Division of State Lands; for the purpose of taking gold or other minerals from and granting of easements to remove gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams;

Also: Assembly Bill No. 1130—An act to amend section 3444 of the Political Code, to empower the Director of Finance to promulgate rules and regulations governing the use of certain State lands and the enforcement of such rules and regulations;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership: 11; committee vote: Ayes: 9; absent: 2.

HAYS, Chairman.

Resolution.

The following resolution was offered:

By Senator Jespersen:

WHEREAS, Today is the natal day of Senator J. C. Garrison, a member of the Senate, and of the Honorable Thomas A. Maloney, formerly a member of the Senate, now a member of the Assembly; and

WHEREAS, These two distinguished gentlemen have served with great distinction and honor, both to the State of California, and to their constituents; and

WHEREAS, It is the desire of the Senate that due recognition be given to these distinguished members of the Legislature in honor of the date of their birthday, therefore, be it

Resolved, That when the Senate adjourns today, that it do so in honor of the Honorable J. C. Garrison and the Honorable Thomas A. Maloney, be it further

Resolved, That the Secretary of the Senate be instructed to present to each of these gentlemen a copy of this resolution.

Resolution read.

The question being on the adoption of the resolution.

Resolution adopted unanimously by a rising vote of the Senate.

Adjournment.

On motion of Senator Swing, at twelve o'clock and forty-five minutes p.m., the President pro tempore of the Senate declared the Senate adjourned in honor of the birthday of Senator J. C. Garrison, and of Hon. Thomas A. Maloney, Assemblyman and former State Senator, until ten o'clock a.m., Thursday, May 23, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Thursday, May 23, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack,

McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, May 22, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. R. M. Mack, secretary San Bernardino Chamber of Commerce, San Bernardino.

On request of Senator Schotky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alfred A. Never, mayor of Atwater, and Messrs. Frank Valladar, J. J. Pimental, and E. L. Walter of Atwater.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. S. C. Wells, Mrs. Gertrude Jones, and Miss Mary Smith, all of Martinez.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Crescent Nebeker, county treasurer of Tehama County, Red Bluff.

Communication.

The following communication was received, read, ordered printed in the Journal, and referred to Committee on Judiciary:

LOS ANGELES BAR ASSOCIATION.

LOS ANGELES, CALIFORNIA, May 21, 1935.

*Hon. George J. Hatfield, President of the Senate of the State of California, and to the Members of the Senate of the State of California,
Senate Chambers, Capitol Building, Sacramento, California.*

DEAR MR. PRESIDENT AND MEMBERS OF THE SENATE: I have been directed by the trustees of the Los Angeles Bar Association to transmit to you the enclosed copy of a unanimous resolution of the board of trustees of the Los Angeles Bar Association, to the effect that Judge Gavin W. Craig, one of the Justices of the Second District Court of Appeal of California, Division Two, sitting in Los Angeles, should, in the public interest immediately resign from office.

Judge Craig has not resigned.

Your attention is directed to section 10, Article VI of the Constitution of the State of California, which provides:

"Justices of the Supreme Court, and of the District Court of Appeal, and judges of the superior courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except justices of the peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the Journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the Journal."

For the reasons stated in the attached resolution, it is the opinion of the trustees of the Los Angeles Bar Association that Judge Craig should be removed from office by a concurrent resolution of the Senate and Assembly of this State, as above provided for.

A like communication is this day being addressed and forwarded to the Speaker of the Assembly of the State of California, and to the members of said Assembly.

Respectfully submitted.

JOE CRIDER, JR., President,
Los Angeles Bar Association.

Be it resolved, by the Board of Trustees of the Los Angeles Bar Association: That the proper administration of justice, on which the security of the people so greatly depends, not only requires that the judges who are entrusted therewith be beyond reproach, in all things pertaining to the duties of their high calling, but also that they shall at all times enjoy the full and complete confidence of the people.

Any public reproach attaching to their names, based on well-founded facts regarding their conduct in office, whether such conduct be condemned by formal votes or by the common standards of right, impairs the respect and confidence in which the judicial system rests, and constitutes an interference and impediment to which such conduct involves their disqualification from discharge by unimpaired authority.

Application of the foregoing principles is now necessary in the public situation existing in the case of Judge Gavin W. Craig, one of the Justices of the District Court of Appeal of California, Second Division, sitting at Los Angeles.

Judge Craig has been ordered by a Federal Grand Jury, seated and composed by a Federal Jury, and sentenced by a Federal Court, to sit the United States District Court for the Southern District of California, for obstructing judicial justice.

The transaction involved was, in its most favorable aspect, foreign to his work as a Judge of the District Court of Appeal, and time and attention were thereby necessarily diverted from that work, and since his indictment, he has ceased to devote any appreciable time or attention to the work of his office, while continuing to receive his salary therefor.

He has taken an appeal from his conviction, and will pending the decision thereon, and if he retains his office, receive his salary, and at the same time be occupied with said appeal, to an extent incompatible with the full performance of the duties of his office, for which he is paid, and to the extent that he may perform those duties, he will do so under the public reproach attaching to him by reason of his conviction upon a charge of obstructing judicial justice.

It is highly essential, in the public interest, that his court function not only with the devoted cooperation of all its members, but with the respect and confidence of the public; and these necessary conditions, in the opinion of this Senate, have been and are rendered impossible by his situation.

Whatever may be the result of his appeal, it is obvious to this board that his usefulness as a Justice of said court has been destroyed, and that his continuance as a member thereof subjects the judiciary as a whole to question, and impairs the court of which he is a member in the performance of its functions.

In the opinion of this board, Judge Craig should, in the public interest, immediately resign.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 423—An act to provide for the sale and conveyance of certain swamp and overflowed, salt marsh and tidal lands lying in the county of Contra Costa, State of California.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 423 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 710—An act to amend the Vehicle Code by amending sections 37, 38, 96, 97, 73 and 135 by repealing section 44; by adding sections 44, 73.5 and 76, relating to vehicles.

Also Senate Bill No. 1101—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto numbered section 2a, providing for securing the written consent of political subdivisions owning sixty per cent or more in area or value of the lands to be incorporated.

Also: Senate Bill No. 361—An act to add a new section to the Code of Civil Procedure, to be numbered 675b, relating to the discharge of a bankrupt from payment.

Also: Senate Bill No. 1113—An act to add section 487.5 to the Fish and Game Code, relating to the use of certain bait to take fish, and declaring the urgency thereof, and that this act shall take effect immediately;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Above reported bills ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2438—An act to amend sections 13, 14, 14a and 14b of, to add sections 21, 22, 23, 24 and 25 to, and to repeal sections 15 and 16 of, The Planning Act, relating to State, regional, county, and city planning;

Also: Assembly Bill No. 2452—An act to add section 1238.5 to the Code of Civil Procedure, relating to eminent domain;

Also: Assembly Bill No. 413—An act to amend sections 60 and 62 of an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, Statutes 1911, page 730, as amended;

Also: Assembly Bill No. 2433—An act to provide for the administration of highway work for or in cooperation with the United States by the State of California, amending the Streets and Highways Code in accordance therewith, and declaring the urgency thereof;

Also: Assembly Bill No. 1826—An act to amend section 865 of the Fish and Game Code, and to add thereto section 865.5, relating to fish.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 2438 and 2452 read first time, and referred to Committee on County Government.

Assembly Bill No. 413 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2433 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1826 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 301—An act to amend section 7 of an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to taxes of such districts;

Also: Assembly Bill No. 2425—An act to add a new section to the Political Code, to be numbered 363m, relating to the Division of Water Resources revolving fund;

Also: Assembly Bill No. 104—An act to amend section 103 of, and to add sections 103.1, 103.2, 103.3, 103.4, 103.5, 103.6, 103.7 and 103.8 to, the Code of Civil Procedure, relating to courts of justice;

Also: Assembly Bill No. 2460—An act to amend section 612 of the Fish and Game Code, relating to steelhead trout;

Also: Assembly Bill No. 2043—An act to add a new section to be known as section 5.724 to the School Code, relating to resignations, dismissals and leaves of absence of certificated employees;

Also: Assembly Bill No. 93—An act to amend section 69 of the Civil Code, relating to marriage licenses.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 301 read first time, and referred to Committee on County Government.

Assembly Bill No. 2425 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 104 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2460 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2043 read first time and referred to Committee on Education.

Assembly Bill No. 93 read first time and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 86. Proposed amendment to Article IV, section 23a, of the Constitution, relative to legislative hearing.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendment No. 86 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed from Assembly amendments to Senate Bill No. 772. An act to amend section 150 of the Agricultural Code, pertaining to the notification and certification of persons engaging for hire in the business of eradicating or controlling pests.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 772 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 99. An act to add a new section to the Code of Civil Procedure to be known as section 1872 thereof, requiring persons bringing actions for damages for personal injuries to submit to an examination of their persons.

Also: Assembly Bill No. 440. An act to amend section 185 of the "Senate Opening Act of 1903," relating to assessments and contribution of costs by taxpayers.

Also: Assembly Bill No. 618. An act to provide for the regulation and licensing of greyhound racing and race meetings, and to prohibit wagering on the results thereof; to create the California Greyhound Racing Board for the regulation, licensing and supervision of greyhound racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to make an appropriation therefor.

Also: Assembly Bill No. 1122. An act to amend the provisions of an act of the Congress of the United States effective June 6, 1923, entitled "An act to provide for the establishment of a National Employment System and for cooperation with the States in the promotion of such system, and for other purposes."

Also: Assembly Bill No. 1194. An act amending the title and sections 31, 32 and 33, of the "Improvement Act of 1911," approved April 7, 1911, as amended, relating to public improvements and the repair and reconstruction of portions of improved streets, avenues, lanes, alleys, courts or places, boulevards, retaining walls or other works for the protection of the same and to the payment of the costs thereof and establishing a procedure for the same.

Also: Assembly Bill No. 1531. An act to amend section 2491 of the Political Code, relating to reclamation districts.

Also: Assembly Bill No. 1819. An act to add a new section to the Probate Code, to be numbered 1558, providing for allowances by the court to next of kin of an insane or incompetent person out of surplus income of said insane or incompetent person.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1055—An act to amend sections 400 and 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Message ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 3720, relating to the filing by county clerks with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts—and appointed Assemblymen Utt, Walker and Laughlin, as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Appointment of Committee on Conference.

The President announced the appointment of Senators Edwards, Biggar and Deuel, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 443.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 81—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property—and appointed Assemblymen Mayo, Charters and Donnelly, as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Appointment of Committee on Conference.

The President announced the appointment of Senators Seawell, Pierovich and McCormack, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 81.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 514—An act relating to the administration and liquidation of banks and amending an act entitled "An act to define and regulate the business of banking" known as the "Bank Act" and relating to such business.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Banking, the following amendments to Senate Bill No. 514 were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, as amended, after "act", insert the following: "to add sections 135d to 135d12 (inclusive) to the Bank Act."

Amendment No. 2.

On page 1, line 1 of the title of the printed bill, as amended, after "banks" insert a period, and strike out lines 2, 3 and 4 of the title.

Amendment No. 3.

On page 1, line 4 of the printed bill, as amended, strike out "135d11", and insert in lieu thereof the following: "135d12 (inclusive)".

Amendment No. 4.

On page 1, line 6, of the printed bill, as amended, strike out "holder", and insert in lieu thereof: "holders".

Amendment No. 5.

On page 1, line 7, of the printed bill, as amended, after "it", strike out "the".

Amendment No. 6.

On page 1, line 8, of the printed bill, as amended, strike out "preferred and unsecured creditors" and insert in lieu thereof the following: "secured and unsecured creditors".

Amendment No. 7.

On page 1, line 22, of the printed bill, as amended, strike out "for such purposes."

Amendment No. 8.

On page 1 of the printed bill, as amended, after line 23, add the following: "If he approves the plan he shall apply to the court having jurisdiction for approval thereof as provided in this act."

Amendment No. 9.

On page 2 of the printed bill, as amended, strike out line 5, and insert in lieu thereof the following: "he may, without further petition by the depositors or creditors, cause to be selected by the depositors and creditors, if desirable."

Amendment No. 10.

On page 2, line 18, of the printed bill, as amended, strike out "and/or", and insert in lieu thereof the following: "and".

Amendment No. 11.

On page 2, line 24, of the printed bill, as amended, strike out "claimants", and insert in lieu thereof the following: "creditors."

Amendment No. 12.

On page 3, lines 32 and 33, of the printed bill, as amended, strike out "for said purpose".

Amendment No. 13.

On page 4, line 26, of the printed bill, as amended, strike out "shall".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 521—An act to amend sections 83 and 883 of the Fish and Game Code, relating to fishing in District 15.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 521 were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out "three", and substitute in lieu thereof "two and one-half".

Amendment No. 2.

On page 1, line 9, of the printed bill, strike out "twenty-five", and substitute in lieu thereof "twenty".

Amendment No. 3.

On page 1, line 10, of the printed bill, strike out "twenty-five", and substitute in lieu thereof "twenty".

Amendment No. 4.

On page 1, line 12, of the printed bill, strike out "seven", and substitute in lieu thereof "six and one-half".

Amendment No. 5.

On page 1, line 21, of the printed bill, before "in district", insert the following: "Drift gill nets of not less than seven inch mesh may be used in District 15 during the months of July, August, and September."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 700—An act to add Article 6 to Chapter 5 of Part 2, of Division IV, of the Fish and Game Code, relating to permits for the operation of salmon preparation plants, the taxing of salmon prepared or received by such plants, and the establishment of salmon hatcheries.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 700 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to amend sections 1015 and 1016 of the Fish and Game Code and to add thereto sections 670 and 1016.5, relating to fish."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 25, inclusive; all of page 2, and all of page 3, and insert in lieu thereof the following:

"SECTION 1. Section 1015 of the Fish and Game Code is hereby amended to read as follows:

1015. Except as otherwise provided herein, every person operating under a license as provided in this article shall, in addition to the license fee, pay a privilege tax of two and one-half cents for each one hundred pounds, or fraction thereof, of fish other than salmon, purchased, received or taken by him. Persons who receive salmon from fishermen shall, in addition to any other license fee imposed by this code, pay a privilege tax of one-half cent per pound, based on the weight of the salmon in the round. Fish, excepting mollusks and crustaceans, so taken or received, which are utilized for human consumption in a fresh state, shall not be subject to such tax.

SEC. 2. Section 1016 of the Fish and Game Code is hereby amended to read as follows:

1016. All privilege taxes provided for in this article shall be paid monthly to the commission or some one authorized by it, within thirty days after the close of each month. Upon failure of any person operating under a license as provided in this article to pay such privilege tax within thirty days after the close of any month, his license shall be deemed immediately forfeited. All unpaid taxes as herein provided constitute a lien upon the plant and real property wherein and whereon said packing operations shall have been conducted.

SEC. 3. Section 670 is hereby added to the Fish and Game Code to read as follows:

670. Any cannery or packing plant in which salmon are canned, must stamp on the top of each can the words "Not for Resale" in letters of such size as to be clearly legible. Any violation of this section is punishable by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars.

SEC. 4. Section 1016.5 is hereby added to the Fish and Game Code, to read as follows:

1016.5. All moneys received as a privilege tax by persons who receive salmon from fishermen under the provisions of this section shall be used only for the purpose of propagating salmon."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1110—An act to amend sections 611.6, 613, 738.5 and 957 of the Fish and Game Code, relating to fish.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Senate Bill No. 1110 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the words "and 957", and insert in lieu thereof "957, and 1343."

Amendment No. 2.

On page 1, line 9, of the printed bill, strike out "February 28", and insert in lieu thereof the following: "December 31."

Amendment No. 3.

On page 1, line 10, of the printed bill, strike out "February 28", and insert in lieu thereof the following: "December 31."

Amendment No. 4.

On page 1 of the printed bill, strike out lines 13 and 14, and insert in lieu thereof the following:

"613. In district 5 and in the Klamath River and Trinity River excluding their tributaries, steelhead trout."

Amendment No. 5.

On page 1 of the printed bill, after line 20, insert the following:

"Sec. 5. Section 1343 of the Fish and Game Code is hereby amended to read as follows:

1343. California sea lions (*Zalophus Californicus*) may be taken at any time in all districts except 19, 19A, 20, 20A, and on the islands and in the waters adjacent thereto located in district 18."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 631, 632, 633 and 634 thereof, relating to fish.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Senate Bill No. 436 was read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out the figure "6", and insert in lieu thereof the figure "2".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 985—An act relating to the purchase of bonds which are in default, and actions by the purchaser for the foreclosure, collection, or enforcement of such bonds, and limiting the amount of judgments rendered in an action relating to such bonds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 985 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "to the purchase", and insert in lieu thereof the following: "to adjustment in lieu of enforcement".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 2, 3 and 4 of the title, and insert in lieu thereof the following: "when the bonds are secured by a lien on or interest in real property situated in this State, and limiting the enforcement of".

Amendment No. 3.

On page 1, line 1, of the printed bill, after the period, insert the following: "Whenever bonds have been sold to the public, payment of which is secured by a trust deed or mortgage upon property located in this State, and the bonds are in default as to payment of the principal or interest, a petition for an adjustment of the indebtedness of which the bonds are evidence, and all instruments and obligations relating thereto or in connection therewith may be filed with the Commissioner of Corporations."

SEC. 2. Such petition may be filed by the owner of the property as to which the mortgage or trust deed is a lien or evidences an interest, by any tenant having a lease upon substantially the entire property covered by the mortgage or trust deed, by the trustee under the trust deed, by the owner of substantially the entire property, or by bondholders representing one per cent in face amount of the entire bond issue or bond issues outstanding, the payment of which is secured by a mortgage or trust deed covering the property. If the petition is signed by bondholders, the owner of the property, or the lessee, and the payment of the bonds is secured by deed of trust, the commissioner shall forthwith, by registered mail, notify the trustee of the filing of the petition and shall require that the trustee, within ten days after the date of mailing such notice, file with the commissioner a list containing the names and addresses of all the bondholders whose bonds are so secured. Such list shall be verified by the trustee or by one of the officers of such trustee. No proceeding for foreclosure of the mortgage or trust deed or for sale of the property upon which such instrument is a lien may be commenced or continued from and after the date of the filing of the petition with the commissioner. The commissioner may require any person having such a list to produce the same before him.

SEC. 3. Upon the filing of the list of bondholders with him, the commissioner shall forthwith mail notice to the owner of the property, the trustee, the lessee, and the bondholders, stating that the petition has been filed with him, that at a time and place therein named, he will hear all persons having an interest who desire to appear and show cause why a plan of adjustment of the indebtedness and the liens or interest thereunder should not be adopted. The time stated in the notice shall be not less than ten nor more than forty days from and after the date of the filing of the list of bondholders with the commissioner.

SEC. 4. The meeting specified in the notice shall be held by the commissioner and at such meeting he shall hear any person interested and shall permit such person to present any relevant matters which may tend to show cause why the indebtedness, and the bonds secured thereby, should not be adjusted as provided in this act.

SEC. 5. At such meeting the commissioner shall hear objections to the continuance of the proceeding under this act. If in his opinion, there is no cause or reason for adjustment of the indebtedness and the liens securing the same, he shall dismiss the proceeding and thereafter no such proceeding involving the same indebtedness or liens may be filed with him within the period of one year from and after the dismissal. Upon such dismissal, and at any time thereafter, the provisions of the bonds relating to collection of principal or interest in case of default may be enforced.

SEC. 6. Unless the commissioner dismisses the proceeding, the commissioner shall file a petition for adjustment of the indebtedness in the superior court of the county in which the property is located, or if the property is located in more than one county, then with the superior court of the county in which, in his opinion, the largest amount in value of the property is located.

SEC. 7. Such petition shall state the following:

- (a) The date upon which the petition for adjustment was filed with him.
- (b) That the trustee has filed with him the list of the bondholders, in the case of bonds secured by a trust deed.
- (c) The fact that due and proper notice was mailed to bondholders whose names appeared on such list.
- (d) The fact that he has held a hearing on the petition and that in his opinion the matter is one in which an adjustment of the indebtedness or interest and the bonds secured thereby is advisable.

SEC. 8. Thereupon the court shall set a date upon which any plan submitted by the commissioner and any amendments thereto proposed by any person interested will be heard by it. Such date shall be not less than sixty nor more than ninety days from and after the date of the filing of the petition with the court. Within thirty days from and after the date of the filing of the petition with the court, the commissioner shall file with the court a plan of adjustment of the indebtedness, the bonds evidencing the same, and the liens or interests securing such bonds or indebtedness.

SEC. 9. The owner or lessee of the property, the trustee, or any bondholder may file with the commissioner any plan which he considers advisable, or any matters which he feels should be considered in relation to such plan. Such plan for readjustment of the indebtedness and liens shall be filed by the commissioner in the office of the county clerk not less than thirty days before the date set for hearing, and any person entitled to submit a plan to the commissioner, may not less than ten days before such hearing submit any alternative plan or any amendments or changes in the plan submitted by the commissioner which such person feels to be desirable.

SEC. 10. The commissioner shall publish a statement containing the following in one daily newspaper of general circulation in the county in which the property affected is located, not less than thirty nor more than sixty days before the court hearing.

- (a) That the petition was filed with him and the names of the signers.
- (b) That he held the requested hearing thereon, and the date of such hearing.
- (c) The county in which the court hearing will be held and the date thereof.
- (d) That upon such hearing the court will consider a plan of readjustment, specifying the parties entitled to submit such plan and the last date upon which a plan may be submitted.

On the date set for hearing the court shall hear any arguments or objections by the commissioner or by the proponents of any alternative plan of change in or amendments to the commissioner's plan, and give testimony in private session. Thereafter the court shall dismiss the proceedings or shall render judgment, setting forth in full or by reference, the plan of readjustment to be submitted to the bondholders. The court may, prior to rendition of such judgment, modify or change any plan submitted and may in the judgment submit any plan submitted or any change or modification thereof.

SEC. 11. The court may, at any time thereafter, upon petition of the commissioner and notice published by the commissioner in the manner specified in section 10 hereof, and a further hearing, make any changes or amendments to the plan approved by it. Upon the consent in writing filed with the county clerk of the holders of not less than seventy-five per cent of the bonds outstanding affected by such plan, the plan shall become effective and the adjustments and changes of the indebtedness, the bonds embracing the indebtedness, and to her debt or interest in the property made thereby shall take immediate effect.

SEC. 12. The plan may provide for exchange of outstanding bonds for new bonds, with the approval of the commissioner and pursuant to his approval.

SEC. 13. From and after the date this act takes effect it shall be a misdemeanor for any person or persons owning or having an interest in any bond or bonds secured by a mortgage or trust deed which constitutes a lien on real property to, for compensation, represent or act on behalf of any bondholder of bonds secured by the same lien or interest, in respect to such bonds so secured.

SEC. 14. From and after the date of filing of a petition with the commissioner, no enforcement may be had of any remedy at law or otherwise for claims in payment of principal or interest on any bond affected thereby until dismissal of the proceeding by the commissioner or the court, or until the lapse of one year after the approval of the plan without the plan becoming effective. Such period shall be excluded thereafter in determining when suit may be brought on such bond.

SEC. 15. For his services under such plan, the commissioner shall charge as follows:

(1) For the filing of a petition for readjustment, two hundred fifty dollars.

(2) For all other services in connection with such plan a reasonable sum estimated by the commissioner and paid to him within five days after filing the petition with him, sufficient to cover the expense of the commissioner in connection with the proceeding.

SEC. 16. No petition may be filed with the commissioner pursuant to this act on or after February 1, 1937. The Legislature hereby declares that this act is enacted in pursuance of the police power, for an emergency upon occasion with the effective date hereof and ending February 1, 1937, and that this act is made necessary by the extraordinary economic conditions now existing and which have, by reason of the decline in investment values, made readjustments of bonded indebtedness secured by liens on or interests in real property advisable and necessary.

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 1038.—An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to condemnation.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 1038 were read and adopted:

Amendment No. 1.

On page 3, line 52 of the printed bill, as amended, after the period, insert the following: "But property appropriated to the use of any county, city and county, incorporated city or town, or municipal water district, may not be taken by any other county, city and county, incorporated city or town, or municipal water district, while such property is so appropriated and used for the public purposes for which it has been so appropriated, in any case where said county, city and county, incorporated city or town, or municipal water district files a written objection to such takings with the other county, city and county, incorporated city or town, or municipal water district, desiring to take such property."

Amendment No. 2.

On page 6 of the printed bill, as amended, following line 15, insert the following:
 "But private property appropriated to the use of any county, city and county, incorporated city or town, or municipal water district, or irrigation district, or public utility district, or water district, may not be taken by any other county, city and county, incorporated city or town, or municipal district, or irrigation district, or public utility district, or water district, while such property is so appropriated and used for the public purposes for which it has been so appropriated, in any case where said county, city and county, incorporated city or town, municipal water district, irrigation district, public utility district, or water district files a written objection to such taking with the other county, city and county, incorporated city or town, municipal water district, irrigation district, public utility district, or water district desiring to take such property."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 688—An act to amend sections 336 and 341 and to repeal section 685 of the Code of Civil Procedure, relating to limitation of actions and deficiency judgments.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 688 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "and 341 and to repeal", and insert in lieu thereof the following: "341, 681 and".

Amendment No. 2.

On page 2 of the printed bill, strike out lines 5 and 6, and insert in lieu thereof the following:

"SEC. 3. Section 681 of the Code of Civil Procedure is hereby amended to read as follows:

681. The party in whose favor judgment is given may, at any time within five years after the entry thereof, have a writ of execution issued for its enforcement, except in case of judgment for a deficiency after sale on foreclosure of a mortgage or deed of trust on real property, in which case no execution may be issued after the expiration of six months from the entry thereof. If, after the entry of the judgment, the issuing of execution thereon is stayed or enjoined by any judgment or order of court, or by operation of law, the time during which it is so stayed or enjoined must be excluded from the computation of the time within which execution may issue.

SEC. 4. Section 685 of the Code of Civil Procedure is hereby amended to read as follows:

685. In all cases, except judgments for deficiency after sale under foreclosure of a mortgage or deed of trust, the judgment may be enforced or carried into execution after the lapse of five years from the date of its entry, by leave of the court, upon motion, and after due notice to the judgment debtor accompanied by an affidavit or affidavits setting forth the reasons for failure to proceed in compliance with the provisions of section 681 of this code. The failure to set forth such reasons as shall, in the discretion of the court, be sufficient, shall be ground for the denial of the motion.

Judgment in all cases may also be enforced or carried into execution after the lapse of five years from the date of its entry, by judgment for that purpose founded upon supplemental proceedings; but nothing in this section shall be construed to revive a judgment for the recovery of money which shall have been barred by limitation at the time of the passage of this act.

A judgment, heretofore rendered, for deficiency after sale under foreclosure of a mortgage or deed of trust, must be enforced within six months after the effective date of this amendment.

A judgment hereafter rendered for deficiency after sale under foreclosure of a mortgage or deed of trust must be enforced within six months of the date such judgment becomes final."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 944—An act to amend section 690 of the Code of Civil Procedure, relating to exemptions of property from execution or attachment.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 744 was read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, after "Section 1.", insert the following: "Section 690 of the Code of Civil Procedure is hereby amended to read as follows—

690. The following property is exempt from execution or attachment, except as herein otherwise specially provided:

1. Chairs, tables, desks and books, to the value of one hundred dollars belonging to the judgment debtor.

2. Necessary household, table and kitchen furniture belonging to the judgment debtor, including one sewing machine, stove, refrigerator and furniture, wearing apparel, beds, bedding and bedsteads, heating apparatus, and provisions not otherwise drawn or granted by any member of the family, and family pictures and photographs, frames, provisions and fuel actually provided for individual or family use sufficient for three months, and three cows and their suckling calves, four pigs and four suckling pigs, and food for such cows and pigs for one month; also one piano, one organ and one rifle.

3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; also the team of two horses or two mules, and their harness, one cart or buggy, and cow wagon, and food for such cows, horses or mules, for one month; also all seed grain or vegetation actually growing, reserved or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars; and seventy-five bushels; and tractors and motor vehicles used by farmers in the production and marketing of their farm products and motor vehicles used by other persons in their business, one horse and vehicle belonging to any person who is disabled or crippled, and the same is necessary in his business.

4. The tools or implements of a mechanic or artisan, necessary to carry on his trade; the notarial seal, records and other furniture of a justice of the peace; the instruments and chest of a surgeon, physician, surgeon or dentist, necessary to the exercise of their profession, with their professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers and music teachers, and their necessary office furniture; including one safe and one typewriter; also the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps and other furniture of a searcher of records necessary to be used in his profession; also the type-writers or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also one bicycle when the same is used by the owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business.

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also his clothes, pipes, hose, windlass, derrick, cap, pump, tools, implements and appliances necessary for carrying on any mining operation, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules or oxen with their harness, and food for such horses, mules or oxen for one month, when necessary to be used on any whim, windlass, derrick, cap pump or hoisting gear; and also his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars.

6. Two horses, two oxen or two mules, and their harness, and one cart or wagon, one dray or truck, overshoe, one hack or carriage, for one or two drivers, for the use of which a cartman, driver, coachman, peddler, bookman, peddler, peddler, peddler or other laborer habitually earns his living; and one motor vehicle used by a physician, surgeon or other licensed practitioner, lawyer, constable or minister in the usual practice of his profession and one motor vehicle used by a truckman, bookster, peddler or other laborer in his usual work for a livelihood; and one house with vehicle and harness or other equipments, used by a physician, surgeon, minister or minister of the gospel, in the legitimate practice of his profession or business; with food for such oxen, horses or mules for one month.

7. One fishing boat and net, not exceeding the total value of two hundred dollars, the property of any fisherman, by the lawful use of which he earns his livelihood.

8. Poultry not exceeding in value seventy-five dollars.

9. The wages and earnings of all seamen, seamen, seamen and seamen not exceeding three hundred dollars, regardless of where or when earned, and in addition to all other exemptions otherwise provided by any law.

10. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise, that such earnings are necessary for the use of his family, residing in this State, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family for the common necessities of life, or have been incurred at a time when the debtor had no family residing in this State, supported in whole or in part by his labor, or incurred for personal services rendered by any employee, or former employee, the one-half of such earn-

ings above mentioned is nevertheless subject to execution, garnishment or attachment to satisfy debts so incurred;

11. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars if the person holding the shares is not the owner of a homestead under the laws of this State;

12. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel;

13. All fire engines, hooks and ladders, with the carts, trucks and carriages, hose buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State;

14. All arms, uniforms, and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor;

15. All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers, and appurtenances belonging to the jail and public offices belonging and appertaining to any county of this State; and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State;

16. All material not exceeding one thousand dollars in value, purchased in good faith for use in the construction, alteration or repair of any building, mining claim or other improvement as long as in good faith the same is about to be applied to the construction, alteration or repair of such building, mining claim or other improvement;

17. All machinery, tools and implements, necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also the engines necessary for operating such machinery, implements, tools, etc.; also all trucks necessary for the transportation of such machinery, tools, implements, engines, etc.; provided, that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars;

18. All moneys, benefits, privileges, or immunities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars, and if they exceed that sum a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid;

All moneys, benefits, privileges or annuities accruing or in any manner growing out of any nonparticipating, single premium, life annuity to the extent of six hundred dollars per annum for the head of a family.

19. Shares of stock in any building and loan association to the value of one thousand dollars;

20. All money received by any person, a resident of the State as a pension from the United States government, whether the same shall be in the actual possession of such pensioner, or deposited, loaned or invested by him.

21. All money held, controlled or in process of distribution by the State or a city, county, city and county or other political subdivision of the State, derived from contributions from the State or such city, county, city and county, or other political subdivision, or by any officer or employee thereof for retirement or pension purposes or the payment of death benefits.

No article, however, or species of property, mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 935—An act to amend section 13 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the reinstatement of expired certificates of registration.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Senate Bill No. 935 was read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, after "SECTION 1.", insert the following: "Sec. 13. (a) Any certificate issued under the provisions of this act shall remain in effect until the thirtieth (30th) day of June following the date of issuance.

(b) Every civil engineer registered under this act who desires to continue the practice of his profession beyond the thirtieth (30th) day of June following the date of issuance of his original certificate shall on or before the thirtieth (30th) day of

June of each year pay to the secretary of the board a fee of five dollars (\$5) to be retained by the board, for which fee a renewal certificate of registration for the current year shall be issued. Contribution of registration which has not complied for failure to pay renewal fee may be reinstated within one year after the date of expiration under rules and regulations prescribed by the board, upon application and payment of the annual renewal fee of five dollars (\$5). An unexpired, unexpired or unexpired certificate and endorsement of rights made as provided in this act shall be presumptive evidence in all courts and places that the person named thereon is legally registered."

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 541.—An act to amend sections 224, 225 and 241 of and to add section 248 1 to the Agricultural Code, relating to having tuberculosis.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 955.—An act to amend section 373 of the Political Code, relating to the Department of Natural Resources.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 955 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "575", and insert in lieu thereof the following: "374."

Amendment No. 2.

On page 1, line 1, of the printed bill, after "Section 1", insert the following: "Section 373 of the Political Code is hereby amended to read as follows:

373. For the purpose of disseminating information relating to the activities, powers, duties, or functions possessed or exercised by the Department of Natural Resources, said department, with the approval of the Department of Finance, may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the Director of Natural Resources may best tend to disseminate such information.

All moneys received by the Department of Natural Resources from the sale of publications, exclusive of moneys received by any separate division of said department from the sale of publications, shall be paid into the special account or the credit of the Department of Natural Resources printing revolving fund which fund is hereby created. Said fund shall be used and is hereby appropriated for the use of said department, in addition to such other funds as may be from time to time appropriated by the Legislature, for the printing and distribution of any publication pertaining to the activities of said department."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 624.—An act to amend section 61 of the Bank Act, making flood control bonds legal for savings bank investments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2421.—An act to amend sections 1, 2, 3, and 4 of an act entitled "An act to establish salesrooms and industrial workshops for the blind, providing for the management, government and administration thereof, and making an appropriation for the establishment of a revolving fund therefor," approved June 18, 1929, relating to salesrooms and workshops for blind and physically handicapped persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1677—An act to add section 8a to an act entitled "An act to provide for the formation, management and dissolution of county water works districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county water works district bonds and the payment thereof," approved June 13, 1913, relating to refunding bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2104—An act to amend the county water district act, approved June 10, 1913, as amended by adding to said act, as amended, a new section, to be numbered 4a, providing for the election of directors by divisions, instead of at large, if authorized by election.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1769—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1770—An act establishing and validating the organization and existence of water districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1771—An act to repeal section 109a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1794—An act to amend the title of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred" (Chapter 1020, Statutes of 1931), to repeal sections 51 to 54 inclusive, and to add new sections to be numbered 51 to 80 inclusive, relating to exclusion of lands from water conservation districts and to improvement districts within water conservation districts (Chapter 906, Statutes of 1933), to amend sections 18, 36 and 53 of said act and to add a new section to said act to be known as section 36a relating to revenue bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2426—An act to amend section 1326 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 630—An act to amend sections 71, 72, 73, 104, 135, 136, 160, and 194, to add sections 100.5, 101.5, 104.5, 136.5 and

233 to, to add a new chapter, to be numbered 5, to Division I, and to repeal section 112 of the Streets and Highways Code, relating to public ways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2422—An act accepting a retrocession of jurisdiction over the rights of way of the Golden Gate Bridge and Highway District through the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation in Marin County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 739—An act to amend section 1702 of the Streets and Highways Code, to define "maintenance" as including illumination.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2416—An act to regulate the caravaning of motor vehicles upon the public highways of this State, defining the term "caravaning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Assembly Bill No. 2416 were read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended, section 3, strike out the words "twenty-five", after the word "of", and insert in lieu thereof the word "fifteen".

Amendment No. 2.

On page 2, line 43, of the printed bill, as amended, after the word "treasury" add the following:

"Said department shall file with the Controller on or before February first and August first of each year a detailed account of the receipts of said department from this source for the six months next preceding. The moneys so derived by the State are intended to reimburse the State treasury for the added expense which the State may incur in the administration and enforcement of this act and the added expense of policing the highways over which such caravaning may be conducted, so as to provide for the safety of traffic on such highways where caravaning is being conducted."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 527—An act to provide for the creation, organization and government of river port districts in one or more counties, to enumerate the powers thereof; to authorize the incurring of indebtedness, the borrowing of money and the issuance of bonds, and other evidences of indebtedness of such district and to provide for the mortgaging, pledging, or hypothecating of property of such districts and the issuance of revenue notes, certificates or warrants payable solely and exclusively from the revenues to be realized from a particular utility or property acquired or to be acquired with the proceeds of such obligations; to provide for the levy and collection of taxes by such districts and the allocation, mortgage, pledge, or hypothecation of the revenues of such districts or any property of such districts; to authorize river port districts to enter into agreement with the State of California or any political subdivisions therein or with the United States

of America; and to authorize river port districts to do and perform all acts and things necessary or appropriate to carry out the purposes of this act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1185—An act authorizing the Board of State Harbor Commissioners to make application for the privilege of establishing, maintaining and operating a foreign trade zone on property now or which may hereafter be under the jurisdiction and control of said board in the City and County of San Francisco, and to establish, maintain and operate such zone, pursuant to the act of Congress of June 18, 1934 (48 U. S. Statutes at Large, Chapter 590).

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1345—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending sections numbered 5, 7, 12 and 25 of said act, as amended, and by repealing section 52 of said act, as amended, and by adding to said act, as amended, new sections, to be numbered and providing as follows, to wit: section 16a, relating to refunding bonds; section 25a, relating to addition to a county water district of lands situate in a county contiguous to the county in which such district was organized; section 25b, relating to conditions upon addition of land to the district; and section 52, adding to the district lands privately owned which were public lands when the district was organized.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1345 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 4 to 18, inclusive, of the title, and insert in lieu thereof a comma and the following: "and repealing section 52, thereof, and adding sections 16a, 25a, 25b, and 52 thereto, relating to county water districts."

Amendment No. 2.

On page 15, line 38, of the printed bill, as amended, after the sentence ending in the word "notice", insert the following:

"The Secretary shall, within two days after first publication of said notice, send a copy thereof by mail to each person who has not signed the petition, to whom any lands proposed to be added to the district were assessed on the last equalized county assessment roll, at the address of such person appearing on said assessment roll. Irregularity or defect in mailing, or failure to mail such copies shall not in any manner impair nor invalidate the addition of such lands to the district."

Amendment No. 3.

On page 15, line 39, of the printed bill, as amended, after the word "publication", insert the words "and mailing".

Amendment No. 4.

On page 15, line 42, of the printed bill, as amended, after the word "publish", insert the words "nor mail".

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 236—An act to amend section 4307 of the Political Code, relating to county charges.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 236 was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 14 and 15, and insert in lieu thereof the following: "measures by the Vehicle Code."

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 1929—An act to amend section 4041k of the Political Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2130—An act amending section 4076 of the Political Code, relating to county government.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1130—An act to amend section 3444 of the Political Code, to empower the Director of Finance to promulgate rules and regulations governing the use of certain State lands and the enforcement of such rules and regulations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 61—An act to amend section 2 of an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns, to provide for the securing and issuance of permits and fees therefor, to provide for the administration of this act by the Director of Public Works, to create a special fund to assist in the administration of this act, to provide for the disposition of fees and penalties collected thereunder, to provide for the enforcement of this act, to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties, and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to exemptions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 902—An act to amend section 9 of and to add section 9a to an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the powers of the Surveyor General now the Chief of the Division of State Lands; for the purpose of taking gold or other minerals from and granting of easements to recover gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1816—An act to amend sections 19 and 20 of the "State Liquor Control Act," approved June 3, 1933, relating to licenses. Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1362—An act to amend section 3669e of the Political Code of the State of California, relating to powers of State Board of Equalization.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1550—An act to add section 32a to "An act creating a State Land Settlement Board, and defining its powers and duties, and making an appropriation in aid of its operations," approved June 1, 1917, as amended, and to ratify and confirm certain acts of the Director of Finance with respect to the disposition of properties at the Delhi State Land Settlement and Durham State Land Settlement.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1774—An act to amend the title and sections 2 and 3e and to amend and to renumber section 20k of, and to add sections 19a, and 20l to the California Real Estate Act, relating to the regulation and licensing of real estate brokers and salesmen, and to the inspection and regulation of subdivisions, to provide for the enforcement of said act and penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1340—An act authorizing the Governor to execute a compact with the State of Nevada, for the purpose of promoting comity and good will between California and Nevada with reference to the Boulder Canyon Project, and of adjusting matters pertaining to the proposed taxation of property located in Nevada and owned by the State of California or any political subdivision thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1009—An act to amend section 9 of "An act defining clinics and dispensaries, providing for the operation, conduct, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act," approved June 5, 1933, relating to annual fee for permits.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1344—An act providing for the grant of certain lands to the United States of America for the creation of a national park or monument.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 1344 was read and adopted:

Amendment No. 1.

On page 2, line 22, of the printed bill, after the word "beginning", insert the following: "excepting therefrom and reserving to the State of California all mineral and oil

in or contained in said lands, together with the right to enter, extract and take the same, and excepting and reserving to the State of California title to each and every section within the boundaries hereinafore described in which mineral or oil is discovered within a period of twenty years from the date of the adoption of this act and reserving and excepting therefore all lands which the State of California shall have heretofore contracted to sell or dispose of.

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 390. An act to amend sections 15b and 15a of and to add section 25 to an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics, the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics, to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act, to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same, to repeal all acts and parts of acts in conflict herewith," approved May 19, 1916, relating to vital statistics.

Consideration of Committee Amendments:

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 390 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "sections 15b and", and insert in lieu thereof the following: "sections".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections 15aa and".

Amendment No. 3.

On page 2, line 13, of the printed bill, as amended, strike out "15b", and insert in lieu thereof the following: "15aa".

Amendment No. 4.

On page 2, line 15, of the printed bill, strike out "15b", and insert in lieu thereof the following: "15aa".

Bill read second time, and ordered to reprint, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Perry:

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 92 of the Agricultural Code, relating to agricultural fairs.

Respectfully submitted.

SENATOR PERRY.

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read :

On Rules.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Olson to introduce a bill entitled—An act to provide for a State fire insurance fund and for the insurance of publicly owned or publicly supported property therein—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

(Signed out)

RICH, Chairman.
DIFANI.
KNOWLAND.
SLATER.

On motion of Senator Olson, request ordered re-referred to Committee on Rules.

Resolution.

The following resolution was offered:

By Senator Jespersen:

Resolved, That Assembly Bill No. 2365 be withdrawn from the Committee on Revenue and Taxation, and placed on the second reading file.

Resolution read.

Motion to Table.

Senator Hays moved that the resolution offered by Senator Jespersen to withdraw Assembly Bill No. 2365 from Committee on Revenue and Taxation be tabled.

Ayes and Noes Demanded.

A roll call was demanded by Senators Williams, Jespersen and Crittenden on the adoption of the motion to table.

The roll was called, and the motion to table was refused adoption by the following vote:

AYES—Senators Deuel, Hays, Hulse, Knowland, Rich, Sharkey, Tickle, and Wagy—8.

NOES—Senators Crittenden, Difani, Fletcher, Gordon, Jespersen, Keough, King, McGovern, McGuinness, Mixer, Olson, Perry, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Williams, and Young—20.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Gordon, Jespersen, Keough, King, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Tickle, Williams, and Young—24.

NOES—Senators Deuel, Hays, Hulse, Knowland, Parkman, Rich, Sharkey, Stow, and Wagy—9.

Assembly Bill No. 2365 ordered withdrawn from Committee on Revenue and Taxation, and placed on file for second reading.

Explanation of Vote.

Senator McColl asked for, and was granted, unanimous consent to have the following explanation of his failure to vote on the resolution to withdraw Assembly Bill No. 2365 from committee printed in the Journal:

At the time the vote was taken on this bill I had no knowledge that it would be called up so early in the day. I was at that moment testifying as a witness in the superior court of the county of Sacramento. The Sergeant-at-Arms of the Senate had been notified of my whereabouts, so had my seatmate, Senator Powers, Senator Pierovich and others.

Had I been present I would have voted to withdraw the bill from consideration.
 Hereunder is a copy of subpoena commanding and process at the hour of ten o'clock a.m., May 23rd, 1935, in court:

JOHN B. MCCOLL,
 State Senator, Tenth District.

(JURY)

IN THE SUPERIOR COURT

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

THE PEOPLE OF THE STATE OF CALIFORNIA, Dep. 4

VS.

CEPHUS AKINS

V. SUPPOENA

The People of the State of California, to Senator John B. McColl:

YOU ARE HEREBY COMMANDED to appear and attend before the Superior Court of the County of Sacramento, State of California, in the Court House, in the City of Sacramento, on the 23rd day of May A. D. 1935, at 10:00 o'clock A. M., then and there to testify in a cause in which the People of the State of California are Plaintiffs, and Cephus Akins is Defendant.

For a failure to attend you will be deemed guilty of Contempt of Court, and be punished accordingly.

Given under my hand and the Seal of said Court, this 17th day of May 1935.

OTIS D. BAYBROOK

District Attorney of Sacramento, State of California

By J. FRANK O'SHEA,

Chief Deputy District Attorney

Motion to Reconsider

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage, was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 1104 was passed.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1104 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Concurrent Resolution No. 36 was adopted.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Senate Concurrent Resolution No. 36 was adopted was continued until the next legislative day.

Unfinished Business.

Consideration of Senate Amendments to Assembly Bill No. 1034.

Assembly Bill No. 1034—An act to amend sections 3817d, 3817f, 3817g and 3817h of, and to add sections 3817b3 and 3817c3 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1034?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1034 by the following vote:

AYES—Senator Olson—1.

NOES—Senators Biggar, Crittenden, Difani, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Sharkey, Slater, Stow, Swing, Wagy, and Young—27.

Appointment of Committee on Conference.

The President announced the appointment of Senators Fletcher, Hays, and Olson as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1034.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senators Rich and Hays:

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act providing for the submission at the general election to be held in November, 1936, of a certain question herein provided, for the purpose of ascertaining the wish of the people of the State relative to the licensing of stores in this State.

Respectfully submitted.

SENATOR RICH.
SENATOR HAYS.

Request referred to Committee on Rules.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 37—Approving a certain amendment to the charter of the city of Santa Barbara, a municipal corporation in the county of Santa Barbara, State of California, duly voted for and ratified by the qualified electors of said city at an election held therein on the seventh day of May, 1935;

Also: Senate Concurrent Resolution No. 38—Relative to leaves of absence of the Governor, Lieutenant Governor, and the members of the Senate and Assembly;

Also: Senate Bill No. 228—An act to add section 8.00b to the Building and Loan Association Act, relating to building and loan associations;

Also: Senate Bill No. 287—An act relating to the adoption of codes of fair competition for certain trades and industries within this State;

Also: Senate Bill No. 541—An act to amend sections 223, 228 and 231 of and to add section 228.1 to the Agricultural Code, relating to bovine tuberculosis; And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 5—Providing for the appointment of

a joint legislative committee to investigate and report upon the feasibility and practicality of the centralization of public ownership of public utilities in the State of California;

Also: Senate Bill No. 277—An act to amend section 164 of the Civil Code, relating to community property.

Also: Senate Bill No. 1029—An act making an appropriation to pay the claims of Anthony Caminetti, Jr., against the State of California.

And reports that the same have been correctly engrossed.

MINTIER, Vice Chairman.

Third Reading of Senate Bills.

Senate Constitutional Amendment No. 13.

A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 1, 4, 4b, 4c, 19, 18, 20, and 24 of Article VI, and by adding sections 4d, 4e, and 4f to said Article VI of the Constitution, relating to the judicial power of the State.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its fifty-first session, commencing on the seventh day of January, 1935, two-thirds of all members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that sections 1, 4, 4b, 4c, 19, 18, 20 and 24 of Article VI of the Constitution be amended, and sections 4d, 4e and 4f be added to said Article VI, to read as follows:

First. Section 1 of Article VI is hereby amended to read as follows:

Section 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, Court of Criminal Appeals, District Courts of Appeal, superior courts, such municipal courts as may be established in any city or city and county, and such inferior courts in the Legislature may establish in any incorporated city or town, township, county or city and county.

Second. Section 4 of Article VI is hereby amended to read as follows:

Sec. 4. The Supreme Court shall have appellate jurisdiction on appeal from the superior courts in all cases in equity, except where an action is founded on justices' courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine; also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases, where a question of death has been rendered, wherein an appeal has been taken to said Supreme Court prior to the forty-fifth day after the adoption by the people of this section by amendment. The said court shall also have appellate jurisdiction in all cases, matters and proceedings pending before a District Court of Appeal, which shall be ordered by the Supreme Court to be transferred to itself for hearing and decision, at its own discretion. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to grant writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, other than being held in custody pursuant to any writ, warrant, or process in a criminal case or action, or for a violation of a criminal statute of this State, and may make such writs returnable before himself or the Supreme Court or before any District Court of Appeal or before such justice thereof, or before any superior court in the State, or before any judge thereof.

Third. Section 4b of Article VI is hereby amended to read as follows:

Sec. 4b. The District Courts of Appeal shall have appellate jurisdiction on appeal from the superior courts (except in cases in which appellate jurisdiction is given to the Supreme Court) in all cases at law in which the superior courts are given original jurisdiction; also, in all cases of forcible or unlawful entry or detainer (except such as arise in municipal, or in justices' or other inferior courts); in proceedings in insolvency; in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, prohibition, usurpation of office, removal from office, contesting elections, eminent domain, and in such other special proceedings as may be provided by law; also, on questions of law alone, in all criminal cases prosecuted by indictment or information, except where judgment of death has been rendered, wherein an appeal has been taken to a District Court of Appeal prior to the forty-fifth day after the adoption by the people of this section by amendment.

The said courts shall also have appellate jurisdiction in all cases, matters and proceedings pending before the Supreme Court which shall be ordered by the Supreme Court to be transferred to a District Court of Appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such

writs returnable before himself or the District Court of Appeal of his district, or before any superior court within his district, or before any judge thereof.

Fourth. Section 4c of Article VI is hereby amended to read as follows:

Sec. 4c. The Supreme Court shall have power to order any cause pending before the Supreme Court to be heard and determined by a District Court of Appeal, and to order any cause pending before a District Court of Appeal to be heard and determined by the Supreme Court. The order last mentioned may be made before judgment has been pronounced by a District Court of Appeal, or within fifteen days in criminal cases, or thirty days in all other cases, after such judgment shall have become final therein. The judgment of the District Courts of Appeal shall become final therein upon the expiration of fifteen days in criminal cases, or thirty days in all other cases, after the same shall have been pronounced. Provided, that in any criminal case where a judgment has been pronounced by a District Court of Appeal after this section has been adopted by the people by amendment such criminal cause shall not be transferred for hearing to the Supreme Court but the court of criminal appeals shall have power, in such instances, to order such cause to be transferred to the Court of Criminal Appeals for hearing and determination within thirty days after such judgment shall have become final in such District Court of Appeal.

The Supreme Court shall have power to order causes pending before a District Court of Appeal for one district to be transferred to the District Court of Appeal for another district, or from one division thereof to another, for hearing and decision.

Fifth. A new section to be numbered 4d of Article VI is hereby added to said Constitution to read as follows:

Sec. 4d. The Court of Criminal Appeals shall consist of a chief justice and four associate justices. The court shall always be open for the transaction of business. The presence of three justices shall be necessary to transact any business, except such as may be done at chambers and the concurrence of three justices shall be necessary to pronounce a judgment. The chief justice may convene the court at any time and shall be the presiding justice of the court when so convened. The concurrence of three justices present at the argument shall be necessary to pronounce a judgment; but if three justices so present do not concur in a judgment then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of three justices shall be necessary; provided, however, that if less than the five justices shall sit at the argument of any cause and it be stipulated that the absent justices may participate in the decision then and in that event the concurrence of three justices shall be sufficient to render a judgment irrespective of whether any one or more of such justices was not present at the argument. In the determination of causes all decisions of the court shall be given in writing and grounds of decision shall be stated. In case of the absence of the chief justice from the place at which the court is held, or his inability to act, the associate justices shall select one of their own number to perform the duties and exercise the powers of the chief justice during such absence or inability to act. Upon the adoption by the people of this section the Governor shall forthwith appoint one person to act as chief justice and four persons to act as associate justices of the Court of Criminal Appeals.

The term of office of each justice of the Court of Criminal Appeals shall be twelve years from and after the first Monday after the first day of January next succeeding their election or selection; provided, that the term of office of the chief justice of said court first appointed by the Governor hereunder shall be and shall continue until the first Monday after the first day of January following the sixth general election next after his appointment and the term of office of two of said associate justices first appointed by the Governor hereunder shall be and continue until the first Monday after the first day of January following the second general election next after their appointment and the term of office of the remaining two associate justices hereunder shall be and continue until the first Monday after the first day of January following the fourth general election next after their appointment. After the appointment of the first chief justice and the first four associate justices of the Court of Criminal Appeals by the Governor and the qualifying of such appointees, vacancies thereafter occurring in the office of justice of the Court of Criminal Appeals shall be filled and successors to such justices so first appointed shall be selected and elected, including the right of any justice to succeed himself, in the manner now provided by section 26 of Article VI of this Constitution for the selection and election of justices of the Supreme Court and filling of vacancies in the office of justice of the Supreme Court.

The salary of the chief justice of the Court of Criminal Appeals and the salaries of the associate justices of the Court of Criminal Appeals shall at all times be the same as the respective salaries of the chief justice and the associate justices of the Supreme Court. Whenever any justice of the Court of Criminal Appeals is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the justices of a District Court of Appeal to act pro tempore in the place of the justice so disqualified or unable to act.

Sixth. A new section to be numbered 4c of Article VI is hereby added to said Constitution to read as follows:

Sec. 4c. The Court of Criminal Appeals shall have appellate jurisdiction on appeal from the superior courts, on questions of law alone, in all criminal cases presented by indictment or information, wherein an appeal has been taken on or after the forty-fifth day from the adoption by the people of this section. This said court shall also have power to issue writs of habeas corpus, writs of mandamus, certiorari, prohibition and habeas corpus and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in custody, custody pursuant to any writ, warrant, or process in a criminal case or action or fine or execution of a criminal statute of this State, and may make such writs returnable before himself or the Court of Criminal Appeals or before any District Court of Appeal or before any judge thereof or before any superior court in the State or before any judge thereof. Said court shall have the power to adopt rules for the regulation of the procedure before said court and for the manner in which appeals may be taken and perfected to said court, provided that until the adoption of such rules appeals may be taken to said court in the same manner that appeals in criminal cases are now taken to the Supreme Court. In all matters arising under the provisions of section 146d of the Penal Code where an appeal in habeas corpus proceedings is allowed to the Supreme Court or an application for hearing in the Supreme Court is allowed, such appeal shall be taken to and such application for hearing shall be made in the Court of Criminal Appeals instead of said Supreme Court. The Court of Criminal Appeals shall hold regular sessions for the hearing of cases at the Capital of the State, at the City and County of San Francisco or the city of Los Angeles, and at the city of Fresno, the times to be fixed by an order of said court and special sessions at either of the above named places or at any other place in the State of California, as the interest of justice may require if such place or any be specified by the justices thereof. The Court of Criminal Appeals shall be a court of record.

The Court of Criminal Appeals shall have appellate jurisdiction on appeals from the judgments of appellate departments of the superior courts in criminal cases where the validity of any law or statute of the State, or any municipal, county or city ordinance is directly involved and for a conviction of which the case was originally instituted, provided the validity of such law, statute or ordinance was raised before the appellate department of the superior court; and further provided that on such appeal the Court of Criminal Appeals shall not determine any other question except the validity of such law, statute or ordinance.

It shall be the duty of the justices of the Court of Criminal Appeals to report to the Legislature at the opening of each regular session any questions, doubts or inconsistencies in the laws relating to crimes, the punishment of crimes, procedure or evidence in criminal cases, that has come to their attention, and also any proposed changes in such laws which, in their opinion, should be made in the interests of justice.

In any case where the defendant has been acquitted of a crime which he is divided into degrees or of which has necessarily included within itself some crime or more lesser or other crimes of which the defendant could have been convicted upon his trial the Court of Criminal Appeals, if on other facts in the case appears in the record, and if it determines that the evidence was sufficient to justify the conviction and further determines that the evidence was sufficient to justify a conviction of said crime in a lesser degree or to justify a conviction of a lesser or other crime necessarily included within the one the defendant was convicted on committing and for which he could have been convicted upon his trial, may modify the judgment by reducing the conviction to such crime in a lesser degree or to such lesser or other crime. In such event, the judgment shall be affirmed as modified and no new trial shall be had of the cause.

Seventh. A new section to be numbered 4f of Article VI is hereby added to said Constitution to read as follows:

Sec. 4f. The salaries of the Justices of the Court of Criminal Appeals shall be paid by the State at the times and in the manner that the salaries of the Justices of the Supreme Court are paid.

The clerk of the Supreme Court, the chief deputy clerk of the Supreme Court, and the deputy clerks of the Supreme Court shall respectively be the clerk of the Court of Criminal Appeals, the chief deputy clerk of the Court of Criminal Appeals and the deputy clerks of the Court of Criminal Appeals. The clerk of the Court of Criminal Appeals must perform such duties as are now prescribed by law to be performed by the clerk of the Supreme Court and such additional duties as may be required of him by the rules and practice of the Court of Criminal Appeals. The Legislature shall provide for the speedy publication of such opinions of the Court of Criminal Appeals as such court may deem expedient, and all opinions shall be free for publication by any person. The reporter and assistant reporters of the decisions of the Supreme Court shall be the reporter and assistant reporters of the

decisions of the Court of Criminal Appeals. All reports of decisions of the Court of Criminal Appeals shall be published in the same manner and under the same conditions as the reports of the decisions of the Supreme Court, and all provisions of law relative to the publication of the reports of the Supreme Court now in effect or hereinafter adopted shall apply to the publication of the reports of the Courts of Criminal Appeals. The Court of Criminal Appeals shall have power and authority to appoint and employ during its pleasure such phonographic reporters, assistants, secretaries, and other employees as it may deem necessary for the performance of the duties and exercise of the powers conferred by law upon said court and the members thereof and to determine the duties and fix and pay the compensation of all such officers and employees. All salaries and expenses incurred under the provisions of this section shall be paid from the funds appropriated for the use of said court when approved by the order or orders of said court and audited by the Board of Control. The State shall supply proper rooms in which to hold the court and for the accommodation of the officers thereof together with furniture, fuel, lights, and stationery suitable and sufficient for the transaction of business and if such things are not provided by the State the court, or any three justices thereof, may direct the clerk of the Court of Criminal Appeals to provide such rooms, furniture, fuel, lights, and stationery and the expenses thereof certified by any three justices to be correct shall be paid out of the State treasury for which expenses a sufficient sum shall be annually appropriated out of any funds in the State treasury not otherwise appropriated.

Eighth. Section 10 of Article VI is hereby amended to read as follows:

Sec. 10. Justices of the Supreme Court, and justices of the Court of Criminal Appeals, and of the District Courts of Appeal, and judges of the superior courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except justices of the peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the Journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the Journal.

Ninth. Section 18 of Article VI is hereby amended to read as follows:

Sec. 18. The justices of the Supreme Court and of the Court of Criminal Appeals, and of the District Court of Appeal, and the judges of the superior courts and the municipal courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected or appointed, and no justice or judge of a court of record shall practice law in or out of court during his continuance in office; provided, however, that a judge of the superior court or of a municipal court shall be eligible to election or appointment to a public office during the time for which he may be elected, and the acceptance of any other office shall be deemed to be a resignation from the office held by said judge.

Tenth. Section 19 of Article IV is hereby amended to read as follows:

Sec. 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, hold or accept any office, trust, or employment under this State; provided, that this provision shall not apply to any elective office nor to any office which may be filled by election by the people.

Eleventh. Section 23 of Article VI is hereby amended to read as follows:

Sec. 23. No person shall be eligible to the office of a justice of the Supreme Court, or of the Court of Criminal Appeals, or of a District Court of Appeal, or of a judge of a superior court, or of a municipal court, unless he shall have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding his election or appointment to such office.

Twelfth. Section 24 of Article VI is hereby amended to read as follows:

Sec. 24. No justice of the Supreme Court, nor of the Court of Criminal Appeals, nor of a District Court of Appeal, nor any judge of a superior court nor of a municipal court shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undetermined that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the Supreme Court, of the Court of Criminal Appeals and of the District Courts of Appeal shall be given in writing, and the grounds of the decision shall be stated."

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Senate Constitutional Amendment No. 13 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer,

Parkman, Perry, Purovich, Powers, Remdollar, Rich, Schottky, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—31
 NOES—Senators Olson, and Seelun—2

Senate Constitutional Amendment No. 13 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 109.

Senator Difani moved that Senate Bill No. 109 be re-referred to Committee on Military Affairs.

Motion carried, and such was the order.

Re-reference of Senate Bill No. 454.

Senator Williams moved that Senate Bill No. 454 be re-referred to Committee on Public Health and Quarantine.

Motion carried, and such was the order.

Senate Bill No. 277—An act to amend section 164 of the Civil Code, relating to community property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 277 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Garrison, Gashen, Hays, Jespersen, King, Knowland, McCall, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Purovich, Powers, Remdollar, Schottky, Seelun, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—31
 NOES—None

Title read and approved.

Senate Bill No. 277 ordered transmitted to the Assembly.

Senate Bill No. 464—An act to amend section 3051 of the Civil Code, relating to liens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 464 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Garrison, Gashen, Hays, Jespersen, King, Knowland, McCall, McGowan, McGowaness, Metzger, Olson, Parkman, Perry, Purovich, Powers, Remdollar, Rich, Schottky, Seelun, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32
 NOES—None.

Title read and approved.

Senate Bill No. 464 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read.

On Rules.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Perry to introduce a bill entitled—An act to amend section 92 of the Agricultural Code, relating to agricultural fairs—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
 KNOWLAND.
 TICKLE.
 SLATER.
 DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, and Wagy—30.

NOES—None.

Further Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senators Rich and Hays to introduce a bill entitled "An act providing for the submission at the general election to be held in November, 1936, of a certain question herein provided, for the purpose of ascertaining the wish of the people of the State relative to the licensing of stores in this State" has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
KNOWLAND.
SLATER.
TICKLE.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, and Wagy—32.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Perry: Senate Bill No. 1122—An act to amend section 92 of the Agricultural Code, relating to agricultural fairs.

Bill read first time, and referred to Committee on Agriculture and Live Stock.

By Senators Rich and Hays: Senate Bill No. 1123—An act providing for the submission at the general election to be held in November, 1936, of a certain question herein provided, for the purpose of ascertaining the wish of the people of the State relative to the licensing of stores in this State.

Bill read first time, and referred to Committee on Governmental Efficiency.

Communication.

The following communication, signed by 413 persons, was, on request of Senator Crittenden, received, read, and ordered printed in the Journal:

STOCKTON, CALIFORNIA, Tuesday, May 21, 1935.

Senator B. S. Crittenden, Senate Chambers,
California State Capitol, Sacramento, California.

Subject: Senate Bill No. 447.

DEAR SENATOR CRITTENDEN: We, the undersigned 413 citizens of Stockton and San Joaquin County, are definitely against Senate Bill No. 447, because this bill is extremely unfair, and can only be of small and unjustified benefit to publicly owned wharfingers. It is certainly contrary to the interests of the State as

a whole. The business of privately owned terminals is already subject to complete regulation of the Railroad Commission, and such terminals pay taxes to the Federal, State and local governments. Publicly owned terminals pay no taxes and are not regulated by the Railroad Commission.

The charge has been made that Encinal Terminals has been guilty of certain unfair trade practices. These charges are entirely unfounded. The activities of Encinal Terminals being subject to the complete scrutiny of the Railroad Commission, no single unfair trade practice or other illegal act can occur without the immediate condemnation of that body, yet no complaint has ever been made to that body that any of the Encinal Terminals activities are unfair or illegal, or violate any of the provisions of the Public Utilities Act.

We expect you, as Senator from this district, to at least make known to the entire Senate body that you have received this petition, so that they will be fully informed that Stockton as a whole is not in favor of this bill.

Yours very truly,

CITIZENS OF STOCKTON AND SAN JOAQUIN COUNTY
A. CARRAL, 320 South Sierra Nevada Street,
and 412 others.

Recess.

On motion of Senator Rich, at twelve o'clock and twenty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1219—An act to amend Section 3664 of the Political Code, relating to high-type printing.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. THORP, Assistant Clerk.

Assembly Bill No. 1219 read first time, and referred to Committee on Roads and Highways.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 662—An act to provide for the refunding of bonds issued under the "Improvement Bond Act of 1915" and for the levy of reassessments and the extension of liens of assessments and the collection and enforcement of such assessments and reassessments and the payment of said bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Deuel, Garrison, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Pierovich, Rich, Scollan, Slater, Snyder, Tinkle, and Young—19.

The Secretary announced the absentees.

Time, two o'clock and thirty minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 427—An act authorizing the legislative body of a municipality to vacate, abandon and close any public street, highway, road, boulevard, avenue, alley, way, lane, court or place, or any part thereof, either to the whole extent of the public right therein or to any partial extent, and prescribing a procedure therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 427 passed by the following vote:

AYES - Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Scollan, Slater, Snyder, Tickle, Wagy, and Williams—28.

NOES—None.

Title read and approved.

Assembly Bill No. 427 ordered transmitted to the Assembly.

Assembly Bill No. 541—An act to amend section 9 of an act entitled "An act for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, relating to city-owned bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 541 passed by the following vote:

AYES - Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—33.

NOES - None.

Title read and approved.

Assembly Bill No. 541 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Assembly Bill No. 2434—An act to amend the Los Angeles County Flood Control Act by adding thereto a new section to be numbered 15a, relating to compliance with requirements of the United States or any department or agency thereof, in the performance of public work financed in whole or in part from Federal funds, and declaring the urgency thereof, the act to take effect immediately.

Bill read third time.

Urgency Clause.

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall

therefore go into effect immediately. The facts constituting the necessity are as follows:

A disastrous forest fire occurred in November, 1933, completely denuding approximately seven square miles of the mountainous watershed above the towns of La Crescenta, Montrose and La Canada, in Los Angeles County, thereby permitting boulders, debris and dirt to wash down upon the populous communities lying below said watershed. The immediate construction of debris dams at the mouths of various canyons below said burned-over watershed and the construction of channels below said debris basins are necessary in order to protect the lives of persons living in said communities and to protect the homes and other property from destruction. The Seventy-third Congress of the United States adopted an act known as "H. R. 7599," appropriating \$5,000,000 to be loaned by the Reconstruction Finance Corporation for the repair or reconstruction of flood control systems and other property damaged or destroyed by floods or other catastrophes in the year 1933 and in the months of January and February, 1934, and said corporation has agreed to loan a portion of said funds to the Los Angeles County Flood Control District for the construction of said debris basins and channels in said area, provided the said district will agree to award contracts for the construction of said work to those persons only possessing certificates of compliance with the National Industrial Recovery Administration rules, and in the employment of labor to give preference to veterans with dependents. The district is further authority to agree to said provisions unless they are amended in such a way as to make said money available at once with which to perform said work prior to the rainy season of 1935-1936, it is necessary that this act go into effect immediately.

Urgency clause read

The question being on the adoption of the urgency clause:

The roll was called, and the urgency clause adopted by the following vote:

AYES.—Senators Biggar, Crittenden, Denel, Duval, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Powers, Reindollar, Rich, Schottky, Seawall, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—32.

NOES.—None.

The question being on the passage of the bill:

The roll was called, and Assembly Bill No. 2434 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Denel, Duval, Fletcher, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Powers, Reindollar, Rich, Schottky, Seawall, Sharkey, Slater, Snyder, Swing, Tickle, Williams, and Young—30.

NOES.—None.

Title read and approved.

Assembly Bill No. 2434 ordered transmitted to the Assembly.

Assembly Bill No. 59—An act to add section 5.5 to an act entitled "An act to provide for the formation, powers, government, operation, and dissolution of garbage disposal districts to facilitate the disposal of garbage and other refuse matter, and annexation thereto, and to provide for the assessment, levy, collection and disbursement of taxes therein," approved April 20, 1927, relating to contracts for collection and disposal of garbage.

Bill read third time.

The question being on the passage of the bill:

The roll was called, and Assembly Bill No. 59 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Denel, Duval, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky,

Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 59 ordered transmitted to the Assembly.

Assembly Bill No. 774 -An act to amend section 1197 of the Political Code, relating to election ballots.

Amendments from the Floor.

During third reading of Assembly Bill No. 774, the following amendments, offered by Senator McColl, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, between lines 20 and 21, insert the following:

"The name of the incumbent shall appear first upon a list of all candidates for any office and if two or more positions are to be filled at the same time and more than one incumbent is running, the name of each of the incumbents shall appear in alphabetical order for that Assembly district which is lowest in numerical order of any Assembly districts in which such candidates are to be voted on; and thereafter for each succeeding Assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

The names of all other candidates for election for any office shall appear subsequent to the names of all incumbents and shall be determined in the following manner:".

Amendment No. 2.

On page 2, line 7, of the printed bill, as amended, after the last word in the line, insert the following: "other".

Amendment No. 3.

On page 10 of the printed bill, as amended, in the first column of the ballot, under the heading "State", strike out the word "Incumbent", under the name of "Walter Perry, Democrat".

Amendment No. 4.

On page 10 of the printed bill, as amended, in the third column of the ballot, under the heading "Legislative", under the name "M. B. Harris, Republican, Progressive," strike out the word "realtor", and insert in lieu thereof the following: "Incumbent".

Amendment No. 5.

On page 10 of the printed bill, as amended, in the third column of the ballot, under the heading "Legislative", under the name "Samuel Murphy, Democrat", strike out "Incumbent".

Amendment No. 6.

On page 10 of the printed bill, as amended, in the third column of the ballot, under the heading "Member of the Assembly Seventy-second District", under the name "Frederick Head, Prohibition," strike out "Incumbent".

Amendment No. 7.

On page 11 of the printed bill, as amended, in the first column of the ballot, under the heading "Secretary of State", under the name of "Arch Denny, Socialist", strike out "Incumbent".

Amendment No. 8.

On page 11 of the printed bill, as amended, in the first column of the ballot, under the heading "Controller", under the name "John Madison, People's Party", strike out "Incumbent".

Amendment No. 9.

On page 11 of the printed bill, as amended, in the first column of the ballot, under the heading "Treasurer", under the name "Frederick Lukens, Republican, Democrat," strike out "Incumbent".

Amendment No. 10.

On page 11 of the printed bill, as amended, in the second column of the ballot, under the heading "Attorney General", under the name "John Masters, Socialist", strike out the word "Incumbent".

Bill read, ordered to reprint, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With

At three o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 662 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Jespersen, Keough, King, Knowland, McGill, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 662 ordered transmitted to the Assembly.

Assembly Bill No. 961—An act to amend sections 5 400, 5 402, 5 403, 5 408, 5 420, 5 500, 5 502, 5 503, 5 510, 5 520, 5 521, 5 640, 5 680, 5 690, 5 691, 5 710, 5 711 and 5 712 of the School Code, relating to tenure, and to add four new sections to the School Code, to be numbered 5 409, 5 505, 5 506, 5 666 and 5 667, all relating to the employment, classification, dismissal and resignation of persons employed in school districts in positions requiring certification qualifications.

Amendment from the Floor.

During third reading of Assembly Bill No. 961, the following amendment to the title, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 1, lines 3 and 4 of the title of the printed bill, as amended, strike out "relating to tenure, and to add four", and insert in lieu thereof the following: "and to add".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 961 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Hays, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved, as amended.

Assembly Bill No. 961 ordered transmitted to the Assembly.

Assembly Bill No. 988—An act to amend sections 5 125 and 5 161 of the School Code, relating to the issuance of high school credentials and certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 988 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, King, Knowland, McCormack, McGovern, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 988 ordered transmitted to the Assembly.

Assembly Bill No. 962—An act to amend the School Code by amending sections 5.650, 5.651, 5.652, 5.653, 5.654, 5.661, and by repealing sections 5.655, 5.656, 5.657, 5.658, 5.659, 5.660, 5.662, 5.663, all relating to the employment and dismissal of persons employed in school districts in positions requiring certification qualifications.

Amendments from the Floor.

During third reading of Assembly Bill No. 962, the following amendments, offered by Senator Olson, were read :

Amendment No. 1.

On page 1, lines 5, 6 and 7, of the printed bill, as amended, strike out the words : "or aiding or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919."

Amendment No. 2.

On page 1, line 11, of the printed bill, as amended, strike out the word "school".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, McCormack and Duval, on the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote :

AYES—Senator Olson—1.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 962 passed by the following vote :

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 962 ordered transmitted to the Assembly.

Assembly Bill No. 1754—An act to amend sections 4.962, 4.963, 4.964, 4.1010, and to add new sections to be known as 4.967 and 4.968 of the School Code, relating to bond elections.

Amendments from the Floor.

During third reading of Assembly Bill No. 1754 the following amendments, offered by Senator Olson, were read and adopted :

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, strike out "bond elections", and insert in lieu thereof the following: "school district bonds".

Amendment No. 2.

On page 2, line 20, of the printed bill, as amended, strike out "of the School Code is hereby amended", and insert in lieu thereof the following: "is hereby added to the School Code".

Amendment No. 3.

On page 2, line 29, of the printed bill, as amended, strike out "of the School Code is hereby amended", and insert in lieu thereof the following: "is hereby added to the School Code".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 660—An act authorizing public and private corporations of and in the State of California to make applications for the right to establish, operate and maintain, and to establish, operate and maintain foreign trade zones in or adjacent to ports of entry in this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 660 passed by the following vote:

AYES.—Senators Riggan, Critchfield, Daniel, Dittus, Dorst, Edwards, Fletcher, Garrison, Hays, Hulse, Keough, King, Keweenaw, McCarroll, McGovern, Metzger, Miller, Olson, Perry, Prosser, Powers, Richmond, Rock, Seawell, Senter, Sargent, Shaw, Swing, Tickle, Wagy, Williams, and Young—32.

NOES.—None.

Title read and approved.

Assembly Bill No. 660 ordered transmitted to the Assembly.

President of the Senate in the Chair.

At three o'clock and fifty five minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Assembly Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State, by amending section 2a thereof relating to computation, refunding and collection of excess and deficiency taxes on unsecured real property.

Amendments from the Floor.

During reading of Assembly Constitutional Amendment No. 42 the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed measure, strike out "to computation," and insert in lieu thereof the following: "to the computation of".

Amendment No. 2.

On page 1, line 5 of the title of the printed measure, strike out "refundng and collection of excess and deficiency".

Amendment No. 3.

On page 1, line 6 of the title of the printed measure, strike out "real".

Amendment No. 4.

On page 1, line 10, of the printed measure, strike out the second "upon".

Amendment No. 5.

On page 1, line 11, of the printed measure, strike out the first "of", and insert in lieu thereof the following: "upon".

Amendment No. 6.

On page 1, line 13, of the printed measure, strike out "where the same", and insert in lieu thereof the following: "which".

Amendment No. 7.

On page 1, line 14, of the printed measure, strike out "the", and insert in lieu thereof the following: "their".

Amendment No. 8.

On page 1 of the printed measure, strike out line 15, and insert in lieu thereof the following: "shall be based upon the rates for taxes".

Assembly Constitutional Amendment No. 42 ordered to reprint, and on file.

Assembly Bill No. 668—An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of

which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 668 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Garrison, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Olson, Perry, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Swing, and Tickle—21.

NOES—Senators Deuel, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, McColl, Mixter, Parkman, Pierovich, Powers, Rich, Snyder, Stow, Wagy, and Williams—18.

Title read and approved.

Notice of Motion to Reconsider.

Senator Tickle gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 668 was passed.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 35—Relative to the approval of amendments to the charter of the city of Tulare, and reports that the same has been correctly enrolled, and presented to the Governor on the twenty-third day of May, 1935, at four o'clock and thirty minutes p.m.

METZGER, Chairman

Recess.

On motion of Senator Rich, at four o'clock and forty-five minutes p.m., the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Difani, Duval, King, McGovern, McGuinness, Metzger, Perry, Rich, Scollan, Swing, and Young—12.

The Secretary announced the absentees.

Time, eight o'clock and thirty five minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 10—Relating to recommending the President and Congress to adopt legislation for the engraving of coins and medals in the name of chromium and tin deposits of the United States.

Also: Senate Bill No. 290—An act to amend an act of the Legislature of the State of California entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927, as amended, by adding a new section therein to be numbered section 21 relating to the expenditure of the proceeds of harbor district bonds by the United States of America or any department, officer or agency thereof, and relating expenditures of such bond funds and work in the United States of America to any department, officer or agency thereof;

And reports that the same have been carefully studied and recommended to the Governor on the twenty-third day of May, 1935, at twelve o'clock and thirty minutes p.m.

METZGER, Chairman.

Reports of Committees on Free Conference.

The following reports of Committees on Free Conference were received and read:

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 5720, relating to the filing by county clerks with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts—reports that it has met a like committee of the Assembly, consisting of Assemblymen Utt, Walker and Laughlin, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "the filing by county clerks with", and also strike out lines 3 to 5, inclusive, of the title, and insert in lieu thereof the following: "Taxation."

DEUEL,
BIGGAR,
EDWARDS

Senate Committee on Free Conference.

UTT,
WALKER,
LAUGHLIN.

Assembly Committee on Free Conference.

Report ordered on file as unfinished business.

Also:

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Constitutional Amendment No. 58—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 9 of Article XI thereof, relating to the preparation and adoption of charters by cities, counties and cities and counties—reports that it has met a like committee of the Assembly, consisting of Assemblymen Cunningham, DeLap and Johnson, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 5 of the title of the printed measure, as amended, strike out "counties".

Amendment No. 2.

On page 1, line 8, of the printed measure, as amended, strike out ", county".

Amendment No. 3.

On page 1, line 14, of the printed measure, as amended, strike out ", county".

Amendment No. 4.

On page 1, line 17, of the printed measure, as amended, strike out ", county".

Amendment No. 5.

On page 1, line 20, of the printed measure, as amended, strike out ", county".

Amendment No. 6.

On page 2, line 1, of the printed measure, as amended, strike out ", county".

Amendment No. 7.

On page 2, line 4, of the printed measure, as amended, strike out ", county".

Amendment No. 8.

On page 2, line 8, of the printed measure, as amended, strike out ", county".

Amendment No. 9.

On page 2, line 13, of the printed measure, as amended, strike out ", county".

Amendment No. 10.

On page 2, line 17, of the printed measure, as amended, before "voted", insert the following: "be".

Amendment No. 11.

On page 2, line 29, of the printed measure, as amended, strike out "(1)".

Amendment No. 12.

On page 2, line 31, of the printed measure, as amended, strike out ", county".

Amendment No. 13.

On page 2, line 34, of the printed measure, as amended, strike out ", county".

Amendment No. 14.

On page 2, line 35, of the printed measure, as amended, strike out ", county".

Amendment No. 15.

On page 2, line 36, of the printed measure, as amended, strike out "(15)".

Amendment No. 16.

On page 2, line 38, of the printed measure, as amended, strike out ", county".

Amendment No. 17.

On page 2, line 41, of the printed measure, as amended, strike out ", county".

Amendment No. 18.

On page 2, line 43, of the printed measure, as amended, strike out ", county".

Amendment No. 19.

On page 2, line 47, of the printed measure, as amended, strike out ", county".

Amendment No. 20.

On page 2, line 50, of the printed measure, as amended, strike out ", county".

Amendment No. 21.

On page 3, line 2, of the printed measure, as amended, strike out ", county".

Amendment No. 22.

On page 3, line 8, of the printed measure, as amended, after "city", strike out the comma; also in line 9, strike out the first "county".

Amendment No. 23.

On page 3, line 10, of the printed measure, as amended, strike out "new".

Amendment No. 24.

On page 3, line 17, of the printed measure, as amended, strike out ", county".

Amendment No. 25.

On page 3, line 28, of the printed measure, as amended, strike out ", county".

Amendment No. 26.

On page 3, line 34, of the printed measure, as amended, strike out "county or"

Amendment No. 27.

On page 3, line 35, of the printed measure, as amended, strike out "county or"

Amendment No. 28.

On page 3, line 38, of the printed measure, as amended, strike out "county"

Amendment No. 29.

On page 3, line 45, of the printed measure, as amended, strike out "county"

Amendment No. 30.

On page 3, line 50, of the printed measure, as amended, strike out "county"

Amendment No. 31.

On page 4, line 1, of the printed measure, as amended, strike out "county"

Amendment No. 32.

On page 4, line 8, of the printed measure, as amended, strike out "county"

Amendment No. 33.

On page 4, lines 28 and 29, of the printed measure, as amended, strike out "county"

Amendment No. 34.

On page 4, line 32, of the printed measure, as amended, strike out "county"

Amendment No. 35.

On page 4, line 35, of the printed measure, as amended, strike out "county"

Amendment No. 36.

On page 4, line 37, of the printed measure, as amended, strike out "county"

Amendment No. 37.

On page 4, line 42, of the printed measure, as amended, strike out "county"

Amendment No. 38.

On page 4, line 46, of the printed measure, as amended, strike out the word "county".

CUNNINGHAM,
DeLAP,
JOHNSON,

KNOWLAND,
DEUEL,
OLSON,
Senate Committee on Free Conference.

Assembly Committee on Free Conference.

Report ordered on file as unfinished business.

Also:

SENATE CHAMBER, SACRAMENTO, MAY 23, 1935

MR. PRESIDENT: Your Committee on Free Conference, reporting Senate Bill No. 51—An act to add a new section to be numbered section 84, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties, providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property—reports that it has met a like committee of the Assembly, consisting of Assemblymen Mayo, Donnelly, and Chatters, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 2, line 3, of the printed bill, as amended, strike out "property deeded to the State for nonpay-"; also strike out lines 4 to 7, inclusive, and insert in lieu thereof the following: "any land owned by the State, including land deeded to the State for nonpayment of taxes but excluding lands granted by the United States to this State for the support of schools, for the".

Amendment No. 2.

On page 2 of the printed bill, as amended, after line 21, add the following:

"It is not the intent of this section to authorize and it shall not be construed as attempting to authorize the leasing of any land of the State, for the extraction of minerals, which it is not competent for the State to lease for such purpose under the Constitution of this State or under the Constitution and laws of the United States."

SEAWELL,
PIEROVICH,
McCORMACK.

Senate Committee on Free Conference.

MAYO,
DONNELLY,
CHATTERS,

Assembly Committee on Free Conference.

Report ordered on file as unfinished business.

Also:

SENATE CHAMBER, SACRAMENTO, May 21, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately—reports that it has met a like committee of the Assembly, consisting of Assemblymen Phillips, Corwin, and Desmond, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 6, line 4, of the printed bill, as amended, after the second word "license", in said line, add the following: "or amendment".

Amendment No. 2.

On page 6, line 13, of the printed bill, as amended, after the word "license", add the following: "or amendment".

Amendment No. 3.

On page 7 of the printed bill, as amended, strike out line 32, and insert in lieu thereof the following: "produced within this State for market of the agricultural".

Amendment No. 4.

On page 7, line 41, of the printed bill, as amended, after the word "license", strike out the period and add the following: "; provided there also then exists a corresponding State marketing agreement regulating the particular agricultural product or commodity or the particular trade or industry regulated by such license."

Amendment No. 5.

On page 11 of the printed bill, as amended, strike out lines 5 to 7, both inclusive.

Amendment No. 6.

On page 11 of the printed bill, as amended, strike out lines 33 to 40, both inclusive, and insert in lieu thereof the following:

"(2) The Director of Agriculture and his duly authorized agents shall enforce this act and are hereby vested with like powers while enforcing this act as are given by section 6 of the Agricultural Code to any person in whose enforcement of any provision of said code is vested."

Amendment No. 7.

On page 12 of the printed bill, as amended, strike out lines 18 to 21, both inclusive, and insert in lieu thereof the following:

"Sec. 16a (a) The provisions of this act shall have no application to the voluntary donation or contribution of agricultural products for charitable purposes nor to the barter or exchange of such products for similar other goods or the commercial sale of such donated, contributed, bartered or exchanged product to such."

(b) The provisions of this act shall not apply to shipments handled by a common carrier operating over a regular route or between fixed termini where such shipment is made by such common carrier in good faith and in accordance with its tariff as a common carrier and where a record of every such shipment within or from this State is kept by such common carrier showing the date of shipment, character and quantity of shipment, origin and destination of such shipment, and the names of the consignor and consignee. Such record shall be open to inspection at all reasonable hours by or on the written order of the official or representative duly authorized with the enforcement of this act or any State or Federal marketing agreement or license."

Amendment No. 8.

On page 12 of the printed bill, as amended, strike out lines 22 to 25, both inclusive, and insert in lieu thereof the following:

"Sec. 20 (a) Every State marketing agreement approved hereunder and every State license issued hereunder shall cease to be in effect on such date as the corresponding Federal marketing agreement or license ceases to be in effect."

(b) This act shall cease to be in effect on such date as the National Agricultural Adjustment Act ceases to be in effect."

Amendment No. 9.

On page 4 of the printed bill, as amended, after the word "State", in line 4a, add a new subsection as follows:

"(4) Provided that no Federal license regulating the sale or distribution of milk within an area located wholly in the State of California shall become operative under the terms of this section until such license has been accepted and approved in writing by the signatures of not less than sixty-five per cent of the persons who are then engaged in producing milk commercially for distribution or sale in such area specified in such Federal license, and by the signatures of persons who are then producing not less than sixty-five per cent of the total volume of milk then being produced commercially for distribution or sale within such area specified in such Federal license."

This subsection 4 is separable and distinct from all other portions of this act and is not a consideration or inducement for the enactment of the whole or any portion of this act. If any of the provisions of this subsection be for any reason declared invalid, the remainder of this act shall be in full force and effect and its complete operation as if this subsection had not been included herein."

MCCORMACK
CRITTENDEN
DUVAL

Senate Committee in Free Conference

CORWIN,
DESMOND,
PHILLIPS,

Assembly Committee on Free Conference

Report ordered on file as unfinished business

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 614—An act to amend section 1680 of the Streets and Highways Code, relating to extending county aid to cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 614 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Hulse, Keough, King, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Reindollar, Rich, Scollan, Snyder, Stow, Swing, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 614 ordered transmitted to the Assembly.

Assembly Bill No. 400—An act to amend section 4293 of the Political Code, relating to the disposition of county and township officers' fee records.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 400 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Keough, King, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Reindollar, Rich, Scollan, Snyder, Stow, Swing, and Young—22.

NOES—None.

Title read and approved.

Assembly Bill No. 400 ordered transmitted to the Assembly.

Assembly Bill No. 920—An act to amend sections 1261, 1263, 1264, 1265, 1267, 1268, 1269, 1273, of and to add a new section to be numbered 1268.5 to the Agricultural Code, relating to persons licensed to deal in farm products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 920 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Keough, King, McGovern, McGuinness, Metzger, Mixter, Olson, Pierovich, Reindollar, Rich, Scollan, Seawell, Snyder, Stow, Swing, and Young—22.

NOES—None.

Title read and approved.

Assembly Bill No. 920 ordered transmitted to the Assembly.

Assembly Bill No. 1056—An act to amend section 200 of the Code of Civil Procedure, relating to exemptions from jury duty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1056 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Gordon, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1056 ordered transmitted to the Assembly.

Assembly Bill No. 650—An act to add two new sections to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to franchises in highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 650 passed by the following vote:

AYES—Senators Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 650 ordered transmitted to the Assembly.

Assembly Bill No. 2420—An act to provide for reduction of salaries of officers and employees of the State in the State civil service which are in excess of the maximum salary limits of the respective positions.

Amendment from the Floor.

During third reading of Assembly Bill No. 2420, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 5, and insert in lieu thereof the following: "and in effect upon April 1, 1935."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1526—An act to add a new section to be numbered 18.5 to the "Improvement Act of 1911," approved April 7, 1911, relating to contributions of moneys or materials, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall go into effect immediately.

The following is a statement of facts constituting such necessity: The public peace, health and safety require the construction of streets, avenues, lanes, alleys, courts, places, sidewalks, rights of way and other public improvements, and such public funds are not available to defray the entire cost and expense of such improvements. Legislation is necessary to authorize the contribution of moneys, materials, supplies or equipment, or any of them, by governmental agencies. Federal funds are now available for such purpose. Therefore, this bill providing for contributions of moneys or materials to pay a portion of such cost and expense is urgently necessary and shall go into effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, and Young—34.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1526 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1526 ordered transmitted to the Assembly.

Assembly Bill No. 1792—An act validating the purchase of bonds by municipalities under the Improvement Act of 1911 and the Improvement Act of 1915 from the proceeds of the delinquent street assessment fund provided for in said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1792 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1792 ordered transmitted to the Assembly.

Assembly Bill No. 439—An act to add a new section to the School Code to be numbered 6.492 relating to the payment by school districts of subscriptions to periodicals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 439 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Rich, Sharkey, Slater, Snyder, Stow, Swing, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 439 ordered transmitted to the Assembly.

Assembly Bill No. 622—An act to amend sections 1.72 and 1.73-1 of the School Code, relating to the transportation of public school pupils.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 622 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 622 ordered transmitted to the Assembly.

Assembly Bill No. 166—An act to amend section 1 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection, and supervision of the construction, reconstruction or alteration of or addition to public school buildings and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act to take effect immediately," approved April 10, 1933, relating to the buildings and work subject to the provisions of said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 166 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reck, Schetzky, Seidlitz, Seawell, Slater, Snyder, Stow, Swing, Tinkle, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 166 ordered transmitted to the Assembly.

Minute Clerk Francis E. Dalin at the Desk.

Assembly Bill No. 762—An act to add a new section to the School Code to be numbered 2123.1, relating to the payment of the cost of food and lodging for certain elementary school pupils from the unapportioned county elementary school fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 762 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McColl, McCormack, McGovern, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reck, Schetzky, Seidlitz, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tinkle, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 762 ordered transmitted to the Assembly.

Assembly Bill No. 285—An act to amend section 1361 of the Political Code, relating to counting boards to canvass absent voter ballots in counties having a population of one million persons or more.

Amendment from the Floor.

During third reading of Assembly Bill No. 285, the following amendment to the title, offered by Senator Olson, was read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after "ballots", insert a period, and strike out the balance of line 2, and all of line 3, of the title.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 285 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern,

Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Stow, Swing, Tickle, and Wagy—32.

NOES—None.

Title read and approved, as amended.

Assembly Bill No. 285 ordered transmitted to the Assembly.

Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations as legal investments for trust and other funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 816 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 816 ordered transmitted to the Assembly.

Assembly Bill No. 1977—An act to add section 5.28 to the School Code, relating to vacations of teachers, officers and employees of State teachers colleges, State colleges, the California School for the Deaf, the California School for the Blind and the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1977 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Tickle—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1977 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

Assembly Bill No. 1656—An act to amend the Vehicle Code by adding thereto section 416, relating to vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1656 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Tickle—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1656 ordered transmitted to the Assembly.

Assembly Bill No. 1919. An act to amend section 4 of the Workmen's Compensation, Insurance and Safety Act of 1917 relating to definitions.

Amendments from the Floor.

During third reading of Assembly Bill No. 1919, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, after the words following the word "counties", insert the following: "cities and counties."

Amendment No. 2.

On page 1, line 15, of the printed bill, as amended, after "county", insert the following: "or city and county."

Bill read, ordered to reprint, and on file for third reading.

Motion to Suspend the Rules.

Senator Powers moved to suspend the Standing Rule of the Senate in order that Assembly Bill No. 2365 might be read the second time this day without reference to file.

The question being on the adoption of the motion to suspend the rules.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Powers moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Douel, Dufford, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tuck's, and Young—74.

The Secretary announced the absentees.

Time, ten o'clock and forty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 848—An act to amend section 260 of the School Code, relating to the correction and relocation of boundaries of school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 848 passed by the following vote:

AYES—Senators Biggar, Crittenden, Douel, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 848 ordered transmitted to the Assembly.

Assembly Bill No. 336—An act to amend sections 396, 396a, 399, 539, 540, 542, 581, 594, 618, 629, 650, 659a, 667a, 689, 953a, 978a, 980, 983, 983a, 988a, 988b, 988c, 988h, 989, 990, 1005 and 1010 of the Code of Civil Procedure, and to add section 655 thereto, all relating to civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 336 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 336 ordered transmitted to the Assembly.

Assembly Bill No. 442—An act to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 442 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Williams—31.

NOES—None.

Title read and approved.

Assembly Bill No. 442 ordered transmitted to the Assembly.

Assembly Bill No. 1263—An act to add a new section to the Political Code of the State of California, to be numbered 4041.27, authorizing boards of supervisors to provide for the creation and operation of a system of insurance for the benefit of physicians, nurses and other persons employed in county institutions and in county health departments, to procure group insurance for the benefit of such employees, and to provide for the payment of premiums therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1263 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1263 ordered transmitted to the Assembly.

Assembly Bill No. 568—An act to amend section 4305 of the Political Code, relating to the salary fund of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 568 passed by the following vote:

AYES—Senators Bigger, Dorel, Dufren, Edwards, Fletcher, Garrison, Gorsline, Hays, Jorgensen, Keough, King, Koonland, McCall, McGowan, McGowan, Mixer, Olson, Parkman, Piorovich, Roundell, Rich, Seasholtz, Seawell, Sharkey, Slater, Stow, Swing, and Young—28

NOES—Senator McGovern—1

Title read and approved.

Assembly Bill No. 568 ordered transmitted to the Assembly.

Assembly Bill No. 788—An act to amend section 653-1 of the Penal Code, relative to the 30 hour work on public works whether the work is done under contract or otherwise, providing penalties for violation of its provisions and declaring the urgency thereof.

Amendments from the Floor.

During third reading of Assembly Bill No. 788, the following amendments, offered by Senator Seawell, were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out the word "The" and insert in lieu thereof the following: "During the economic emergency existing when this section takes effect, the"

Amendment No. 2.

On page 1, line 17, of the printed bill as amended, strike out the word "If" and insert in lieu thereof the following: "During said emergency, if"

Amendment No. 3.

On page 3, line 50, of the printed bill, as amended, before the word "or", insert "on May 29, 1937."

Amendment No. 4.

On page 4 of the printed bill, as amended, between lines 15 and 16, insert a new paragraph reading as follows:

"For the purpose of this section the present economic emergency shall be deemed to now exist and to continue until:

(a) The Governor, at any time prior to July 1, 1937, and after such inquiry as to him seems proper, determines that the economic situation of the State is such that the said economic emergency no longer exists. Thereupon he shall by proclamation state that, in his opinion, said emergency no longer exists. Thereafter, beginning with the first day of the calendar month next ensuing after the issuance of such proclamation, the time of service of any laborer, workman, or mechanic upon any such work shall be as prescribed by section 653-1 of this code, and no limitation in this section as to the number of hours of such service in any calendar week shall be in force or effect.

(b) In case such proclamation does not issue prior to July 1, 1937, on and after that date it shall be deemed that the economic emergency no longer exists and thereon and thereafter such time of such service shall be governed as though such proclamation had issued.

(c) In the event of a final judgment of an appellate court of this State holding invalid the mode of determining the end of the economic emergency as set forth in this section, this section shall cease to be effective on July 1, 1937."

Amendment No. 5.

On page 1, lines 4 and 5 of the title of the printed bill, as amended, strike out the words "and declaring the urgency thereof".

Amendment No. 6.

On page 3, line 50, of the printed bill, as amended, before the word "or", insert "on May 29, 1937."

Amendment No. 7.

On page 4 of the printed bill, as amended, strike out all of lines 23 to 51, both inclusive.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 248—An act to amend sections 3051, 3051a and 3052 of the Civil Code, relating to liens on aircraft and other personal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 248 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 248 ordered transmitted to the Assembly.

Assembly Bill No. 663—An act to amend the title and sections 1, 2, 6, 9, 11, 12, 13, 15, 30, 31 and 32 and to add section 33 to an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments and reassessments for the payment of such refunding bonds, to enforce the liens of such assessments, reassessments, to provide for the proceedings to test the validity of such refunding and reassessment, and to provide for contributions of public funds to assist in such refunding," approved June 5, 1933, relating to the refunding of bonds payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands.

Amendment from the Floor.

During third reading of Assembly Bill No. 663, the following amendment to the title, offered by Senator Olson, was read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "2", insert the following: "3,".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 663 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—33.

NOES—None.

Title read and approved as amended.

Notice of Motion to Reconsider.

Senator Hays gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 663 was passed.

Assembly Bill No. 665—An act to amend an act originally entitled "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and

to provide for the payment of the same." approved March 9, 1897, and the title of which was amended by act approved May 26, 1933, to read as follows: "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund indebtedness thereof, or of any department, board or agency thereof, and to issue bonds therefor and to provide for the payment of the same." by amending sections 1, 2 and 3 thereof relating to refunding bonds and to the use of Federal courts in municipal bankruptcy or refunding proceedings.

Amendments from the Floor

During third reading of Assembly Bill No. 665, the following amendments to the title, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, ~~as amended, strike out "and provide for the payment of the same."~~ and strike out all of lines 2 to 7, inclusive, of the title, and in line 8 of said title, strike out "thereof," and insert in said title the following "entitled":

Amendment No. 2.

On page 1, line 13 of the title of the printed bill, as amended, immediately before "by", insert "approved March 9, 1897."

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 665 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difant, Edwards, Fletcher, Gordon, Hays, Jepsen, Keough, King, Kuusilampi, McColl, McGovern, McGowan, McGowan, Metzger, Moxley, Olson, Parkman, Perry, Pierovich, Piers, Pierovich, Piers, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—30.
NOES—None.

Title read and approved, as amended.

Assembly Bill No. 665 ordered transmitted to the Assembly.

Assembly Bill No. 667—An act to provide for the refunding of bonds issued under an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities, for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of such improvements," approved April 20, 1915, and bonds issued under the Municipal Improvement District Act of 1927, and providing procedure therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 667 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dorel, Difant, Edwards, Fletcher, Gordon, Hays, Jepsen, Keough, King, Kuusilampi, McColl, McGovern, McGowan, Metzger, Moxley, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—30.
NOES—Senators McGovern and Remdollar—2.

Title read and approved.

Assembly Bill No. 667 ordered transmitted to the Assembly.

Assembly Bill No. 823—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, as amended, by amending

section 862 of, and to add sections 862.1 to 862.6, inclusive, to the act, relating to the powers of sixth class cities.

Amendments from the Floor.

During third reading of Assembly Bill No. 823, the following amendments, offered by Senator McColl, were read and adopted:

Amendment No. 1.

On page 1, line 5 of the title of the printed bill, as amended, strike out "862.6", and insert in lieu thereof the following: "862.27".

Amendment No. 2.

On page 6, line 13, of the printed bill, as amended, strike out "property tax levy", and insert in lieu thereof the following: "moneys accruing to the general fund".

Amendment No. 3.

On page 6, line 14, of the printed bill, as amended, strike out "one".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 944—An act regulating the use of public highways by motor vehicles operated thereon for the transportation of property for compensation; conferring powers upon the Railroad Commission with respect thereto; providing penalties for the violations of this act and repealing all acts inconsistent with the provisions of this act.

Amendments from the Floor.

During third reading of Assembly Bill No. 944, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 2, line 17, of the printed bill, after the word "city", add the words "or city and county".

Amendment No. 2.

On page 2, line 39, of the printed bill, after the word "permit", add the words "not exercised".

Amendment No. 3.

On page 3, line 47, of the printed bill, after the words "any carrier", add the words "subject to this act", and strike out the rest of line 47, all of lines 48 and 49, and strike out line 1 on page 4.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 305—An act to amend section 1357 of the Political Code, relating to absentee voters.

Amendments from the Floor.

During third reading of Assembly Bill No. 305, the following amendments, offered by Senator Powers, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 8, and insert in lieu thereof the following: "any general or special municipal election (including any district election)".

Amendment No. 2.

On page 1, line 9, of the printed bill, as amended, after "town.", insert the following: "or any election conducted in a district by district officers,".

Amendment No. 3.

On page 1, line 17, of the printed bill, as amended, after "residence.", insert the following: "or in case of a district election from the officer or board charged with the duty of conducting the election,".

Amendment No. 4.

On page 1, line 18, of the printed bill, as amended, after the period, insert the following: "In the case of a district election, the duties imposed by this section upon the county clerk, registrar of voters, or city clerk shall be performed by the officer or board charged with the duty of conducting such district election."

Amendment No. 5.

On page 3, line 2, of the printed bill, as amended, after "officer", insert the following: "of this State".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 710.—An act to establish a Military Code, thereby revising and consolidating the law relating to the armed forces and militia of the State and relating to military and veterans' affairs, aid and welfare, institutions, and buildings and to repeal certain acts and parts of acts therein specified.

Amendments from the Floor.

During third reading of Assembly Bill No. 710, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill after "Military" insert the following: "and Veterans".

Amendment No. 2.

On page 1, line 3, of the printed bill after "Military" insert the following: "and Veterans".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 670.—An act to establish a board to be known as the Rector Dam Authority, to prescribe its duties, powers, functions and jurisdiction; to authorize the authority to construct a dam in Rector Canyon to impound the waters of Rector Creek and to sell and distribute said waters, to authorize the authority to issue and sell revenue bonds to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues received from the sale and distribution of such waters, authorizing the Department of Public Works of the State of California to operate and maintain such dam and all property appurtenant thereto, authorizing the board to acquire and hold real property necessary for its purposes, and to enter into agreements with State, Federal and local officers and agencies, and political subdivisions, municipalities, and public districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 670 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Garrison, Gordon, Jorgensen, Krough, King, Knowland, McColl, McCormack, McGowan, McGowaness, Metzger, Mixer, Olson, Parkman, Perry, Pineschick, Powers, Reedinger, Schottky, Seelman, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—31.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 670 ordered transmitted to the Assembly.

Assembly Bill No. 1165.—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14 and 16 of, and to add section 14½ to, an act entitled "An act providing an additional and or alternative method for financing the acquirement, construction, development, improvement, reconstruction, extension and repair of waterworks systems by any political subdivision or public agency of the State authorized by law to own and operate such waterworks systems by the issuance and sale to the United States Government or any agency of

said government of revenue bonds payable solely out of the revenue derived or to be derived therefrom; providing for the operation of such systems in case of deficiencies in revenues, providing for a statutory lien on works acquired, constructed, improved, reconstructed, extended or repaired under the provisions of this act; providing for the use of the power of eminent domain by political subdivisions or public agency proceeding under this act; defining the terms political subdivisions and public agencies as included herein, and providing a time for the expiration of said act," approved May 27, 1933, relating to publicly-owned public utilities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1165 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1165 ordered transmitted to the Assembly.

Assembly Bill No. 1741—An act relating to the Sixth District Agricultural Association.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1741 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Young—33.

NOES—Senator McGovern—1.

Title read and approved.

Assembly Bill No. 1741 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 647—An act relating to the payment of certain special assessments and providing relief for owners of property subject thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—13; committee vote: Ayes—11; absent—2.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 239—An act to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately—has had the same

under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 224—An act to amend section 2674 of the Political Code, relating to taxation—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 940—An act making an appropriation and providing for the expenditure of moneys received by the State from taxes levied specifically for financing unemployment relief—

Also: Senate Bill No. 1112—An act to amend section 2674 of the Political Code, relating to the taxation of societies and holiday events—has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 153—An act to amend sections 1 and 2 of "An act to provide for the taxation of Massachusetts business trusts, and providing that this act shall take effect immediately," approved May 1, 1924, relating to the taxation of Massachusetts business trusts, and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 285—An act to provide, in accordance with the provisions of an act entitled "An act to provide for the regulation and governing of horse racing, horse race meetings, and the wagering on the results thereof," to open the California Horse Racing Board for the regulation, licensing and supervision of and horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment entitling its provisions, for the creation and apportionment of balances in the "Fair and expediting fund," for the benefit of State institutions of learning providing vocational training in agriculture, animal husbandry and kindred subjects—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 438—An act to carry into effect the provisions of section 20 of Article XI of the Constitution, relating to limitations upon the expenditures and tax levies of counties, cities and counties, municipalities, districts and other political subdivisions of this State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately—has had the same under consideration, and respectfully reports the

same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—11; noes—1; absent—1.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 727—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, repealing an act entitled, "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and provided that this act shall take effect immediately," approved May 15, 1933, subject to certain conditions and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—12; absent—1.

DUVAL, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 2102—An act providing for the formation of nonprofit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute energy to the inhabitants of the State at the lowest cost consistent with sound economy and the prudent management of the business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1125—An act adding a new section to the Civil Code of the State of California, to be numbered 734, relating to the control of municipal property by the legislative body thereof and the right of access and use of municipal property by members of the public—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 845—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 15, 16, 17, 20, 22 and 24½ and to repeal section 3½ of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 951—An act relating to the securing of Federal aid in connection with the funding or refunding of outstanding bonds and or assessments of assessment districts in the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1987—An act to amend section 3 of 'An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works of property, and alleged to be due to the negligence or carelessness of such officers,' prescribing the duties of chairmen in such cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability,' approved June 19, 1931, relating to insurance, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 827—An act to authorize the organization and formation of municipal improvement districts formed under the Municipal Improvement District Act of 1927 and providing for the levy of annual assessment thereon to pay said bonds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 2400—An act to add a new section to be numbered 89.5 to the General Cemetery Act, relating to reinterment in cemetery alterations, and prescribing the procedure therefor—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGOVERN, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, MAY 22, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 4105—An act to amend section 1297 of the Agricultural Code, relating to the removal of officers and directors of company cooperative marketing associations, declaring the urgency thereof to take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 915—An act to amend sections 1 to 25 inclusive of, and add new sections to be numbered 18.1, 19.1, 22.5, 25.1, 27 and 28 to, and to repeal section 26 of an act entitled 'An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof,' approved June 5, 1933, relating to saving agricultural wealth, prevention of economic waste and providing for the Agricultural Prorate Commission—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 465—An act to provide for the establishment of a code or codes of fair competition for the live stock industry—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill re-referred to this committee.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 1111—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price for the sale of jute bags—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1007—An act to amend section 29 of the Workmen's Compensation, Insurance and Safety Act, relating to compensation insurance—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 2369—An act to add sections 9a to 9d, inclusive, to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to disability of members of the California Highway Patrol—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 734—An act to amend the Insurance Code, relating to insurance principles, practice, and business and matters incidental thereto—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

WILLIAMS, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 60—A resolution to propose to the people of the State of California amendments to Article XI of the Constitution of said State by adding sections 4 and 7½ thereto, relating to the consolidation of counties, cities and counties, and cities—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XIII thereof a new section to be numbered 19c, relating to motor vehicle fuel license taxes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—9; committee vote: Ayes—7; absent—2.

SNYDER, Chairman.

On Military Affairs.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Bill No. 84—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith; to make an appropriation, and to pro-

vide for the repayment thereof. Also that the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—6; noes—5.

(Signed out)

McGUINNESS, Chairman.
SCOTTAN
SNYDER
DEANI
FLETCHER
PERRY

On Oil Industries.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Senate Bill No. 398—An act to amend section 4 of an act entitled "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take away such minerals, to provide for the rents and royalties to be paid, and granting certain preference rights, to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the extension of prospecting permits for oil and gas which were in effect June 1, 1933, and upon which has been expended \$7,000 or more on the prospecting for oil and gas, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—8; noes—1.

STOW, Chairman.

Also:

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Assembly Bill No. 1608—An act to amend sections 1, 4, 5, 10, 12, 13, and 15 of an act entitled "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take away such minerals, to provide for the rents and royalties to be paid, and granting certain preference rights, to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," as approved May 25, 1921, as amended, relating to the leasing of State lands, mines, and rights under prospecting permits, leases, and sales of State mineral lands, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—9.

STOW, Chairman.

Also:

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Assembly Bill No. 2408—An act to add a new section to the Code of Civil Procedure to be numbered 3494, relating to the limitation of the time within which actions, for trespass, use or occupancy of real property by oil or gas wells, and for damages by reason thereof, and for the conversion, or for the taking or removing of oil, gas or other liquid or fluids by means of any such well, may be commenced, fixing the measure of damages in certain of such cases, and defining oil and gas for the purposes of this act;

Also: Assembly Bill No. 1684—An act to amend section 23 and to repeal section 24 of "An act to reserve all minerals in State lands, to provide for examination, classification and report on the mineral and other character of State lands, to provide for the granting of permits and leases to prospect for and take away such minerals, to provide for the rents and royalties to be paid, and granting certain preference rights, to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act, and repealing acts or parts of acts in conflict herewith, providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the leasing of State lands and acquisition and granting of easements by the State for the purpose of prospecting for or extracting, mining, capture or acquisition of oil, gas and other hydrocarbon substances on, in, within or from lands belonging to the State, over which this State has or claims or asserts any jurisdiction by means of wells drilled below ground from lands located within 2000 feet into State lands;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—9; committee vote: Ayes—8; noes—1.

STOW, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, May 20, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 718—An act to amend the Vehicle Code by amending sections 439, 440, 441, and 443; by repealing sections 425 to 432, inclusive; by adding sections 425 to 432, inclusive, relating to vehicles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1339—An act to add a new division to the Vehicle Code, to be numbered IXa, relating to vehicular crossings constructed or owned by the State, the control and policing thereof, and the regulating of traffic thereon;

Also: Assembly Bill No. 2354—An act to amend sections 146 and 154 of the Vehicle Code, and to add sections 146.5, 180.5, and 371.5 to said Vehicle Code, all relating to vehicles previously registered outside this State, and the registration and transfer thereof within this State;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—9; absent—8.

SNYDER, Vice Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 545—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 466—An act to add a new section to be numbered 2931a to the Civil Code, providing for making the State a party to an action to foreclose mortgages and other liens upon property upon which there may exist a lien securing State taxes;

Also: Assembly Bill No. 289—An act to add section 1724 to the Code of Civil Procedure, relating to establishing the fact of death of a joint tenant;

Also: Assembly Bill No. 2350—An act validating the formation, organization, existence or proceedings of municipal utility districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 1123—An act providing for the submission at the general election to be held in November, 1936, of a certain question herein provided, for the purpose of ascertaining the wish of the people of the State relative to the licensing of stores in this State—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Bill No. 545—An act to add a new section to be numbered 17.5 to an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public

utilities and their officers, and the regulation and control of persons of public utilities and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the Railroad Commission fund and appropriating the monies therein to carry out the purposes of this act, and repealing Title XV of Part IV of Division 1 of the Civil Code and all laws and parts of acts inconsistent with the provisions of this act." Approved April 23, 1935, relating to cases in which common carriers may grant free or reduced fares, and providing that this act shall take effect immediately, has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership: 11; committee vote: Ayes—7; absent—4.

BIGGAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Constitutional Amendment No. 66—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State, by amending section 22 of Article XII of the Constitution of said State, relating to creation and powers of the Railroad Commission, has had the same under consideration, and respectfully reports the same back and recommends that it be adopted.

Committee membership: 11; committee vote: Ayes—7; absent—4.

BIGGAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Bill No. 1666—An act to amend sections 2 and 7 of an act to define motor carrier transportation agent, to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof, and repealing it, as amended. An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved June 3, 1934, and all laws and parts of acts inconsistent with the provisions of this act, has had the same under consideration. And respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 11; committee vote: Ayes—7; absent—4.

BIGGAR, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, MAY 20, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 512—An act to amend an act entitled, "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof," and for the appointment of a board to be known as the California State Board of Pharmacy.

Also, Assembly Bill No. 863—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 of an act entitled "An act to provide for the proper operation condition of factories and workshops, and the preservation of the health of employees," approved February 6, 1889 (Stats. 1889, Chap. 5), as amended, relative to the sanitation, lighting and ventilation of factories, workshops and other places of employment, providing for the enforcement thereof by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for the violation thereof.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be referred to this committee.

Committee membership: 7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Report of Standing Committee.

The following report of Standing Committee was received and read:

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, MAY 23, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments—has had the same under consideration, and respectfully reports the

same back, and recommends that it do pass, and that it be re-referred to the Committee on Finance.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

Senate Bill No. 527 ordered referred to Committee on Finance.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and fifty-nine minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Powers.

The Secretary was directed to call the roll of the Senators who had not answered to their names.

Motion to Suspend Rules Refused.

The roll was called, and the motion to suspend the Rules finally refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Garrison, Gordon, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, and Young—25.

NOES—Senators Deuel, Fletcher, Hays, Knowland, McCormack, Parkman, Rich, Sharkey, Stow, Swing, and Tickle—11.

Approval of Journals.

The Senate Journals of Monday, May 13, 1935; Tuesday, May 14, 1935; Wednesday, May 15, 1935; Thursday, May 16, 1935; and Friday, May 17, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Adjournment.

On motion of Senator Rich, at twelve o'clock midnight, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, May 24, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, May 24, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—39.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

The Secret.

I met God in the morning
 When my day was at its best,
 And His presence came like sunrise,
 Like a glory in my breast.

All day long the Presence lingered,
 All day long He stayed with me,
 And we sailed in perfect oneness
 O'er a very troubled sea.

Other ships were blown and battered
 Other ships were sore distressed,
 But the winds that seemed to drive them
 Brought to us a peace and rest.

Then I thought of other meetings
 With a keen remembrance of each,
 When I too had missed the meetings
 With the Presence left behind.
 So I think I know the secret
 Learned from many a troubled way:
 You must seek Him in the morning
 If you want Him through the day.

Oh, God, we seek Thee every morning
 Be with us here this day.
 In the Father's Name, we pray.

Reading of the Journal.

During the reading of the Journal of Thursday, May 16, 1935, the further reading was dispensed with on motion of Senator McArmack.

Leave of Absence.

Senator Wagy was, on motion of Senator Rich, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. V. T. Belieu, principal of the Gustine High School, of Gustine.

On request of Senators Difani and Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Walter Gordon and Betty Gordon of Berkeley.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Frank C. Clark of San Luis Obispo, Mrs. Anna Briare of Sacramento and Mr. and Mrs. A. C. Cunningham.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. M. J. Klimovich of Angels Camp.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Burton Willis of Concord and Lieutenant Frank D. S. Muir of Idaho.

On request of Senator Pierovich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. T. R. Smedberg, Mrs. Wm. McEhan and Dorothy Sargent, history teacher, and the following students of Jackson High School: Jack Smallfield, Robert Smallfield, Jack Cuneo, Jacob Becker, Arthur Yen, Glenn Pruitt, Robert Shea, Leon Christison, Edward Tofanelli, Carl Beek,

Milton Harvey, Dan Prlia, Edward Dalenski, Betty Thompson, Dorothy Nelson, Dolores Danilovich, Lola Hamrick, Catherine Obrad, Loretta Cioni, Barbara Lee Sargent, Virginia Young, Marguerite McGhan and Joyce Sauer.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 24, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 12—An act to amend sections 2, 3, 4, 5, 6, 7, 10, 14, 15 and 21 and to repeal sections 9 and 18½ of the Old Age Security Act of the State of California, relating to aid to the aged and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization;

Also: Senate Bill No. 847—An act to amend section 31 and to amend and renumber sections 51a and 51b as added by Chapter 999 of the Statutes of 1933 and to add a new section to be numbered section 5.1 to an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory;

And reports that the same have been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653 and 655 thereof, relating to fish;

Also: Senate Bill No. 521—An act to amend sections 83 and 883 of the Fish and Game Code, relating to fishing in district 15;

Also: Senate Bill No. 700—An act to amend sections 1015 and 1016 of the Fish and Game Code and to add thereto sections 670 and 1016.5, relating to fish;

Also: Senate Bill No. 940—An act making an appropriation and providing for the expenditure of moneys received by the State from taxes levied specifically for financing unemployment relief;

Also: Senate Bill No. 1111—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price for the sale of jute bags;

Also: Senate Bill No. 1112—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Unfinished Business.

Assembly Constitutional Amendment No. 58.—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof relating to the preparation and adoption of charters by cities, counties and cities and counties.

Consideration of Report of Committee on Free Conference.

Report of Committee on Free Conference read on previous day.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES.—Senators Bigger, Difani, Duval, Edwards, Gordon, Hays, House, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Olson, Parkman, Perry, Pierovich, Reindollar, Robt., Schotky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Williams, and Young—34.

NOES.—None.

Senate Bill No. 81.—An act to add a new section to be numbered section 8a, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties, providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1914, relating to mining on State property.

Consideration of Report of Committee on Free Conference.

Report of Committee on Free Conference read on previous day.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES.—Senators Bigger, Difani, Duval, Edwards, Gordon, House, Jepsen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Olson, Parkman, Perry, Pierovich, Reindollar, Robt., Schotky, Seawell, Sharkey, Slater, Swing, Tickle, Williams, and Young—27.

NOES.—None.

Bill ordered held at the desk pending Assembly report.

Senate Bill No. 443.—An act to add a new section to the Political Code to be numbered 3720, relating to the filing by county clerks with

county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts.

Consideration of Report of Committee on Free Conference.

Report of Committee on Free Conference read on previous day.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, and Young—27.

NOES—None.

Bill ordered held at the desk pending Assembly report.

Senate Bill No. 361—An act to add a new section to the Code of Civil Procedure, to be numbered 675b, relating to the discharge of a bankrupt from judgment.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 361.

Amendment No. 1.

On page 2, line 3, of the printed bill, strike out the period, and insert in lieu thereof the following: “; provided, however, nothing herein contained shall prevent said judgment notwithstanding such discharge of record from being used as a setoff in any action in which it otherwise could be so used.”

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 361?

The roll was called, and Assembly amendment to Senate Bill No. 361 concurred in by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Hulse, Keough, King, Knowland, McCormack, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Tickle—25.

NOES—None.

Senate Bill No. 361 ordered to enrollment.

Senate Bill No. 1113—An act to add section 487.5 to the Fish and Game Code, relating to the use of certain bait to take fish and declaring the urgency thereof, and that this act shall take effect immediately.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1113.

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out “fish”, and insert in lieu thereof the following: “trout”.

Amendment No. 2.

On page 1, line 10, of the printed bill, strike out “fish”, and insert in lieu thereof the following: “trout”.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1113?

The roll was called, and Assembly amendments to Senate Bill No. 1113 concurred in by the following vote:

AYES—Senators Crittenden, Difani, Duval, Edwards, Fletcher, Hulse, Keough, King, Knowland, McCormack, Mixer, Olson, Parkman, Pierovich, Powers, Rein-

dollar, Schottky, Seollan, Seawell, Sharkey, Slater, Sander, Stow, Swing and Tickle—25

NOES—Senator McGovern—1

Senate Bill No. 1113 ordered to enrollment

Senate Bill No. 1101—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto numbered section 2a, providing for securing the written consent of political subdivisions owning sixty per cent or more in area or value of the lands to be incorporated

Consideration of Assembly Amendments

The Senate took up for consideration Assembly amendments to Senate Bill No. 1101.

Amendment No. 1.

On page 1, line 15, of the printed bill, strike out "the State of California, or"

Amendment No. 2.

On page 1 of the printed bill, strike out line 16, and in line 17, strike out "or" where it first appears in said line, and insert in lieu thereof the following: "consent of this State, the written consent of"

Amendment No. 3.

On page 1 of the printed bill, strike out line 18, and insert in lieu thereof the following: "board of"

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1101?

The roll was called, and Assembly amendments to Senate Bill No. 1101 concurred in by the following vote:

AYES—Senators Edwards, Fletcher, Gordon, Hays, Hulse, Jorgensen, Kneale, McColl, McCormack, McGovern, McGuinness, Mixter, Olson, Parkinson, Perry, Pirovich, Reindollar, Schottky, Seawell, Sharkey, Slater, Sander, Stow, Swing, Tickle and Young—26

NOES—None.

Senate Bill No. 1101 ordered to enrollment

Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and

Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately.

Consideration of Report of Committee on Free Conference.

Report of Committee on Free Conference read on previous day.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams; and Young—31.

NOES—Senator Knowland—1.

Bill ordered held at the desk pending Assembly report.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 647—An act relating to the payment of certain special assessments and providing relief for owners of property subject thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 647 were read and adopted:

Amendment No. 1.

On page 1, line 15, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 2.

On page 1, line 22, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 3.

On page 1, line 24, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 4.

On page 2, line 2, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 5.

On page 2, line 3, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 6.

On page 2, line 8, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 7.

On page 2, line 11, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Bill read second time, ordered to reprint, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 940—An act making an appropriation and providing for the expenditure of moneys received by the State from taxes levied specifically for financing unemployment relief.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1112—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 285—An act to amend sections 12, 13 and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to horse racing.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation the following amendments to Senate Bill No. 285 were read and adopted:

Amendment No. 1.

On page 3, line 2, of the printed bill, as amended, strike out the word "insert", and insert in lieu thereof the word "delete".

Amendment No. 2.

On page 3, line 16 of the printed bill, as amended, after the word "hundred", insert the following: "twenty-five".

Amendment No. 3.

On page 3, line 17, of the printed bill, as amended, strike out the following "seventy-five", and insert in lieu thereof the following: "one hundred".

Amendment No. 4.

On page 3, line 25, of the printed bill, as amended, strike out the word "three" and insert in lieu thereof the word "five".

Amendment No. 5.

On page 3, line 29, of the printed bill, as amended, strike out the word "three" and insert in lieu thereof the word "five".

Amendment No. 6.

On page 3, line 34, of the printed bill, as amended, strike out the word "fifty" and insert in lieu thereof the following: "twenty-five".

Amendment No. 7.

On page 3, line 46, of the printed bill, as amended, strike out the word "fifty", and insert in lieu thereof the word "thirty".

Amendment No. 8.

On page 3, line 47, of the printed bill, as amended, strike out the period and insert in lieu thereof the semicolon and the following: "provided, however, that if in any year said twenty-five per cent of such business is less than sixty per cent of the amount of said twenty-five per cent of such business in the year 1935 then during said year the apportionment to all fairs shall be made in the manner and upon the basis described by section 13 of Chapter 769 of the Statutes of 1933 and by section 92 of the Agricultural Code".

Amendment No. 9.

On page 4 of the printed bill, as amended, strike out all of lines 15 to 19, inclusive.

Amendment No. 10.

On page 4, line 30, of the printed bill, as amended, after the word "conducted", insert the following: "for such district agricultural association or such county fair".

Bill read second time, and on motion of Senator Seawell, ordered to reprint, and referred to Committee on Finance.

Senate Bill No. 438—An act to carry into effect the provisions of section 20 of Article XI of the Constitution, relating to limitations upon the expenditures and tax levies of counties, cities and counties, municipalities, districts and other political subdivisions of this State.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 438 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in the last line of the title, after the word "State", insert the following: "and to repeal section 3714(b) of the Political Code."

Amendment No. 2.

On page 1, line 12, of the printed bill, strike out the words "two-thirds", and insert in lieu thereof "a majority".

Amendment No. 3.

On page 1, line 13, of the printed bill, after "City and County," insert "municipality,".

Amendment No. 4.

On page 1, lines 14 and 15, of the printed bill, strike out the following: "or by a majority vote of the electors of any such municipality".

Amendment No. 5.

On page 1 of the printed bill, strike out all that portion of line 17 following "zation", and strike out all of lines 18 and 19.

Amendment No. 6.

On page 1, line 20, of the printed bill, strike out "expenditure for a succeeding year", and strike out the word "further".

Amendment No. 7.

On page 2 of the printed bill, strike out all that portion of line 4 following the word "provided,"; strike out all of line 5, and insert in lieu thereof the following: "further, that if any county, city and county, municipality, district or other political subdivision of this State does not in any fiscal year increase, or has not in each of the fiscal years ended since December 31, 1933, increased, its expenditures by five per centum over the expenditures of the preceding year, it may in the first fiscal year thereafter expend an amount equal to the expenditures of said preceding fiscal year plus ten per centum and in the second fiscal year thereafter expend an amount equal to the expenditures of said preceding fiscal year plus fifteen per centum.

No amount expended in excess of the amount which may be expended without obtaining special authorization in the manner above described shall become a part of the base for determining the maximum permissible expenditure for any subsequent year unless the State Board of Equalization, in its order authorizing the expenditure of an amount in excess of the limitation herein imposed, shall otherwise specifically provide.

Sec. 2. The limitation upon expenditures imposed or authorized by this act do not apply".

Amendment No. 8.

On page 2, line 13, of the printed bill, strike out "2", and insert in lieu thereof "5".

Amendment No. 9.

On page 2, line 23, of the printed bill, after the word "requested", insert the following: "provided that in the case of emergencies the board may accept and act upon applications even though not filed within the above specified time; provided further, that applications filed within such time shall be considered filed pursuant to this act even though filed prior to the effective date of this act".

Amendment No. 10.

On page 2, line 30, of the printed bill, after the word "application," insert the following: "or within thirty days after this act becomes effective in the case of applications filed prior to the effective date of this act,".

Amendment No. 11.

On page 2 of the printed bill, strike out that portion of line 33 following "application,"; strike out lines 34 to 38, both inclusive, and insert in lieu thereof the following:

"Sec. 4. The limitations imposed by this act shall expire June 30, 1939."

Amendment No. 12.

On page 2, line 39, of the printed bill, strike out "3", and insert in lieu thereof "5".

Bill read second time, ordered to reprint, engrossment and on file for third reading.

Senate Bill No. 727—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, repealing an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle and provided that this act shall take effect immediately," approved May 15, 1931, subject to certain conditions and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 727 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in next to the last line of the title, insert a period after "conditions", and strike out all of the remainder of the title.

Amendment No. 2.

On page 1, lines 9 and 10, of the printed bill, strike out "which on its own structure".

Amendment No. 3.

On page 2, line 5, of the printed bill, strike out "safe".

Amendment No. 4.

On page 2, line 20, of the printed bill, strike out "municipality", and insert in lieu thereof "city".

Amendment No. 5.

On page 2, line 24, of the printed bill, after "operating" insert "over any public street or highway"; and after "vehicle", strike out ", semitrailer".

Amendment No. 6.

On page 2, lines 31 and 32, of the printed bill, strike out "and for any semi-trailer drawn by any motor vehicle so propelled".

Amendment No. 7.

On page 2 of the printed bill, strike out all of lines 35 to 42, both inclusive, and insert in lieu thereof the following:

" 2½ tons or over but less than 5 tons.....	\$0.00075
5 tons or over but less than 7 tons.....	.0015
7 tons or over but less than 9 tons.....	.002
9 tons or over but less than 11 tons.....	.0025
11 tons or over but less than 13 tons.....	.003
13 tons or over but less than 15 tons.....	.0035
15 tons or over.....	.004 "

Amendment No. 8.

On page 2, line 46, of the printed bill, strike out "three", and insert in lieu thereof "two and one-half"; after "tons", insert the following: "nor shall any such license tax be required for any vehicle of the type described in this section unless such vehicle is designed, used or maintained primarily for the transportation of passengers for hire, or for the transportation of property".

Amendment No. 9.

On page 2 of the printed bill, strike out all of line 47, after "trailer", all of lines 48 and 49, and all of line 50 preceding "shall".

Amendment No. 10.

On page 3 of the printed bill, strike out all of lines 3 to 10, both inclusive, and insert in lieu thereof the following:

" 2 tons or over but less than 5 tons	\$0.0015
5 tons or over but less than 7 tons	.0025
7 tons or over but less than 9 tons	.0035
9 tons or over but less than 11 tons	.0045
11 tons or over but less than 13 tons	.005
13 tons or over but less than 15 tons	.0055
15 tons or over	.006 "

Amendment No. 11.

On page 3, line 14, of the printed bill, strike out "three", and insert in lieu thereof "two".

Amendment No. 12.

On page 3, line 16, of the printed bill, strike out "semitrailer or trailer"; and after "vehicle", strike out ", semitrailer"; and in line 17, strike out "or trailer".

Amendment No. 13.

On page 3 of the printed bill, strike out all of lines 24 to 29, both inclusive, and insert in lieu thereof the following:

" 7 tons or over but less than 9 tons	0.006
9 tons or over but less than 11 tons	.007
11 tons or over but less than 13 tons	.008
13 tons or over but less than 15 tons	.009
15 tons or over	.01 "

Amendment No. 14.

On page 3, line 33, of the printed bill, after "vehicle", insert "fuel".

Amendment No. 15.

On page 3, lines 34 and 35, of the printed bill, insert a period after "of this State", and strike out ", or to any trailer or semitrailer drawn by a motor vehicle so propelled".

Amendment No. 16.

On page 3, line 37, of the printed bill, after "operating", insert "over any public street or highway".

Amendment No. 17.

On page 3, lines 39 and 40, of the printed bill, strike out "for the privilege of operating in this State any such vehicle".

Amendment No. 18.

On page 4, lines 16 and 17, of the printed bill, strike out "and semitrailers".

Amendment No. 19.

On page 4 of the printed bill, strike out all of lines 20 to 27, both inclusive, and insert in lieu thereof the following:

" 2½ tons or over but less than 5 tons	\$5.40
5 tons or over but less than 7 tons	12.00
7 tons or over but less than 9 tons	15.00
9 tons or over but less than 11 tons	18.00
11 tons or over but less than 13 tons	22.50
13 tons or over but less than 15 tons	26.25
15 tons or over	30.00 "

Amendment No. 20.

On page 4 of the printed bill, strike out all of lines 34 to 41, both inclusive, and insert in lieu thereof the following:

" 2 tons or over but less than 5 tons	\$12.00
5 tons or over but less than 7 tons	18.00
7 tons or over but less than 9 tons	26.25
9 tons or over but less than 11 tons	33.00
11 tons or over but less than 13 tons	36.00
13 tons or over but less than 15 tons	42.00
15 tons or over	45.00 "

Amendment No. 21.

On page 4, line 45, of the printed bill, strike out "semitrailer or trailer".

Amendment No. 22.

On page 4 of the printed bill, strike out all of lines 51 and 52, and on page 5, strike out all of lines 1 to 4, both inclusive, and insert in lieu thereof the following:

" 7 tons or over but less than 9 tons	45.00
9 tons or over but less than 11 tons	50.00
11 tons or over but less than 13 tons	60.00
13 tons or over but less than 15 tons	67.50
15 tons or over	75.00

Amendment No. 23.

On page 5, line 13, of the printed bill, insert after "1935", strike out all of the remainder of said line, and all of lines 14 and 15, on said page.

Amendment No. 24.

On page 5, line 18, of the printed bill, after "be" insert the following: "declared by the operator and pursuant to such declaration"; after "shall", insert the following: "In determining the gross weight of a tractor the licensee shall add to the maximum weight thereof such part of the weight of the tractor and its load as the licensed scale will rest upon such tractor and shall make a corresponding deduction from what would otherwise be the gross weight of such tractor."

Amendment No. 25.

On page 5, line 46, of the printed bill, strike out "April 1, 1935", and insert in lieu thereof "January 1, 1936".

Amendment No. 26.

On page 5, lines 47 and 48, of the printed bill, strike out "May 1, 1935", and insert in lieu thereof "January 1, 1936"; in line 48, strike out "June 30, 1935", and insert in lieu thereof "January 1, 1936".

Amendment No. 27.

On page 5, line 52, of the printed bill, strike out "act", and insert in lieu thereof "maximum".

Amendment No. 28.

On page 6, line 11, of the printed bill, strike out "July 1, 1935" and insert in lieu thereof "January 1, 1936".

Amendment No. 29.

On page 6, line 14, of the printed bill, strike out "June 30, 1935", and insert in lieu thereof "January 1, 1936".

Amendment No. 30.

On page 6, line 18, of the printed bill, strike out "section" and insert in lieu thereof "act"; strike out the remainder of said line and all of lines 19 to 21, both inclusive.

Amendment No. 31.

On page 6, line 35, of the printed bill, strike out "fee" and insert in lieu thereof "tax".

Amendment No. 32.

On page 6, line 39, of the printed bill, after "Registration", insert the following: "; provided, however, that any motor unit composed of a tractor so constructed as not to carry any independent load and a semitrailer permanently joined to the tractor shall require but one such mileage recording device."

Amendment No. 33.

On page 7, line 1, of the printed bill, strike out "section 15 of the", and insert in lieu thereof "this".

Amendment No. 34.

On page 8, line 30, of the printed bill, strike out "5", and insert in lieu thereof "20".

Amendment No. 35.

On page 9 of the printed bill, strike out all of line 6, and insert in lieu thereof the following: "license tax measured by mileage shall pay such license tax".

Amendment No. 36.

On page 10, lines 8 and 9, of the printed bill, strike out "July 1, 1935", and insert in lieu thereof "January 1, 1936"; in lines 9 and 10, on said page, strike out "July, 1935", and insert in lieu thereof "January, 1936"; in line 13, on said page, strike out "July, 1935", and insert in lieu thereof "January, 1936".

Amendment No. 37.

On page 10 of the printed bill, strike out all of lines 14 to 23, both inclusive.

Amendment No. 38.

On page 10, line 24, of the printed bill, strike out "39", and insert in lieu thereof "38".

Amendment No. 39.

On page 10, line 41, of the printed bill, strike out "40", and insert in lieu thereof "39".

Amendment No. 40.

On page 10, line 47, of the printed bill, strike out "41", and insert in lieu thereof "40".

Amendment No. 41.

On page 11, line 11, of the printed bill, strike out "42", and insert in lieu thereof "41".

Amendment No. 42.

On page 11, line 46, of the printed bill, strike out "43", and insert in lieu thereof "42".

Amendment No. 43.

On page 12, line 14, of the printed bill, strike out "44", and insert in lieu thereof "43".

Amendment No. 44.

On page 12, line 19, of the printed bill, strike out "45", and insert in lieu thereof "44".

Amendment No. 45.

On page 12, line 24, of the printed bill, strike out "46", and insert in lieu thereof "45".

Amendment No. 46.

On page 12, line 29, of the printed bill, strike out "18", and insert in lieu thereof "23".

Amendment No. 47.

On page 12, line 32, of the printed bill, strike out "47", and insert in lieu thereof "46".

Amendment No. 48.

On page 12, line 34, of the printed bill, strike out "ten", and insert in lieu thereof "six".

Amendment No. 49.

On page 12 of the printed bill, strike out all of lines 43 to 52, both inclusive, and on page 13, strike out all of lines 1 to 3, both inclusive, and insert in lieu thereof the following:

"(c) The sum of one hundred seventy-five thousand dollars quarterly to be transferred to the State highway fund for allocation and expenditure by the State Department of Public Works, Division of Highways, within the cities of this State in the manner provided by the Streets and Highways Code. The appropriation hereby made shall be expended on streets of major importance within cities other than State highways. The Department of Public Works shall delegate the expenditures thereof to the governing body of the city if the department is satisfied that such city is equipped to conduct the particular work in an efficient and economic manner. The sum hereby appropriated shall be apportioned in an equal share to each city except that any city which imposes any license tax on any operator of a vehicle, the operation of which is subject to the provisions of this act for the privilege of operating such vehicle in that city, or which imposes on any such operator any license tax or fee of whatsoever character save and except it be a license tax or fee uniformly imposed upon those engaged in business in such city regardless of ownership of motor vehicles and in no wise discriminatory against such operator, or which imposes a license tax or other fee upon vehicles or the operators thereof operating exclusively between points outside of such city and points therein, shall not be entitled to receive any part of this appropriation, and each such city shall be excluded in apportioning the quarterly sums among the cities of this State. The first quarterly distribution to the cities of this State shall be made by the State Controller during the month of April, 1936, and other quarterly distributions shall be made by the State Controller at regular intervals thereafter."

Amendment No. 50.

On page 13 of the printed bill, between lines 4 and 5, insert the following:

"(c) The sum of one hundred seventy-five thousand dollars quarterly to be transferred to the State highway fund for allocation and expenditure by the State Department of Public Works, Division of Highways, as provided by law. The first transfer to be made by the State Controller to said fund in pursuance hereof shall be made during the month of April, 1936, and other quarterly transfers shall be made by the State Controller at regular intervals thereafter."

Amendment No. 51.

On page 13, line 5, of the printed bill, strike out "(c)", and insert in lieu thereof "(f)"; after "hundred", insert "twenty-five".

Amendment No. 52.

On page 13, line 11, of the printed bill, strike out "October, 1935", and insert in lieu thereof "April, 1936".

Amendment No. 53.

On page 13, line 13, of the printed bill, strike out "(f)", and insert in lieu thereof "(g)".

Amendment No. 54.

On page 13, line 18, of the printed bill, strike out "48", and insert in lieu thereof "47".

Amendment No. 55.

On page 13 of the printed bill, strike out all of lines 23 to 40, both inclusive.

Amendment No. 56.

On page 13, line 44, of the printed bill, strike out "50", and insert in lieu thereof "48"; in the same line, strike out "meter", and insert in lieu thereof "meter".

Amendment No. 57.

On page 14, line 6, of the printed bill, strike out "51", and insert in lieu thereof "49".

Amendment No. 58.

On page 14, line 24, of the printed bill, strike out "52", and insert in lieu thereof "50".

Amendment No. 59.

On page 14, line 30, of the printed bill, strike out "53", and insert in lieu thereof "51".

Amendment No. 60.

On page 14, line 46, of the printed bill, strike out "54", and insert in lieu thereof "52".

Amendment No. 61.

On page 15, line 8, of the printed bill, strike out "55", and insert in lieu thereof "53".

Amendment No. 62.

On page 15, line 27, of the printed bill, strike out "56", and insert in lieu thereof "54".

Amendment No. 63.

On page 15, line 38, of the printed bill, strike out "57", and insert in lieu thereof "55".

Amendment No. 64.

On page 15, line 45, of the printed bill, strike out "58", and insert in lieu thereof "56".

Amendment No. 65.

On page 16, line 8, of the printed bill, strike out "59", and insert in lieu thereof "57".

Amendment No. 66.

On page 16, line 18, of the printed bill, strike out "60", and insert in lieu thereof "58".

Amendment No. 67.

On page 16, line 34, of the printed bill, strike out "61", and insert in lieu thereof "59".

Amendment No. 68.

On page 16, line 43, of the printed bill, strike out "62", and insert in lieu thereof "60".

Amendment No. 69.

On page 16, line 48, of the printed bill, strike out "63", and insert in lieu thereof "61".

Amendment No. 70.

On page 16, line 50, of the printed bill, strike out "64", and insert in lieu thereof "62".

Amendment No. 71.

On page 17, line 3, of the printed bill, strike out "July 1, 1935", and insert in lieu thereof "January 1, 1936".

Amendment No. 72.

On page 17, line 7, of the printed bill, strike out "June 30", and insert in lieu thereof "December 31".

Amendment No. 73.

On page 17, line 12, of the printed bill, strike out "65", and insert in lieu thereof "63".

Amendment No. 74.

On page 17 of the printed bill, strike out all of lines 20 to 23, both inclusive, and insert in lieu thereof the following:

"Sec. 64. In the event that it shall be hereafter finally determined by the courts that the Legislature is without authority to provide an alternative method for the taxation of the privilege of operating vehicles over the public streets and highways of this State as contemplated by this act, then there shall be imposed upon and collected from the operators of all vehicles on the operation of which license taxes are

imposed hereunder the flat license taxes for which provision is made in sections 8, 9 and 10 of this act."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1105—An act to amend section 1207 of the Agricultural Code, relating to the removal of officers and directors of non-profit cooperative marketing associations, declaring the urgency thereof to take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 1105 were read and adopted:

Amendment No. 1.

On page 1, line 19, of the printed bill, strike out the period at the end of said line, and insert in lieu thereof a semicolon and the following: "provided that thirty days prior to any such meeting at which such action is taken, there must be filed with the secretary of the association a notice of intention that a vote will be taken on the question of the removal of any officer or director, and the secretary must give notice of such filing to all members of the association in the same manner as hereinafter provided for the giving of notice of the calling of a special district meeting."

Amendment No. 2.

On page 2 of the printed bill, strike out lines 3 to 8, inclusive, and insert in lieu thereof the following:

"In case the by-laws provide for an election of directors by districts, with primary elections in each district, then a special meeting of the members of each district may be called at any time by the president or by a majority of the board of directors or by twenty (20%) per cent of the members residing in such district; and any director elected from such district may be removed from office, and the vacancy filled at any such special meeting, by a majority vote of the members of the association residing in such district.

Notice of any such special district meeting shall be given not less than thirty days prior thereto by the person or persons calling it to members residing in such district either personally or by mail or other means of written communication, charges prepaid, addressed to such member at his address appearing on the books of the association or given by him to the association for the purpose of notice. If a member gives no address, notice shall be deemed to have been given him if sent by mail or other means of written communication addressed to the place where such special district meeting is to be held, or if published at least once in some newspaper of general circulation in the county in which such special district meeting is to be held. Any such notice shall specify the place, day and hour of the meeting and the general nature of the business to be transacted thereat.

SEC. 2. Nothing in this act shall affect any proceeding commenced under section 1207 of the Agricultural Code as it existed prior to the effective date of this act and any such proceeding may be continued with the same effect as though this act had not taken effect."

Amendment No. 3.

On page 2, line 9, of the printed bill, strike out "2", and insert in lieu thereof the following: "3".

Amendment No. 4.

On page 2 of the printed bill, strike out lines 16 to 33, inclusive, and insert in lieu thereof the following:

"The existing law provides a very complicated method for the removal of the officers and directors of nonprofit cooperative marketing associations, and it is the purpose of this act to amend the law to provide a more simple method of removal, and in so doing to make such method of removal similar to the method now provided for the removal of directors of profit corporations.

These marketing associations are about to enter upon their busiest season and to assure them of the benefits of this act during the coming year it is necessary that this act take effect immediately."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 465—An act to provide for the establishment of a code or codes of fair competition for the live stock industry.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 465 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out "live stock", and insert in lieu thereof the following: "meat".

Amendment No. 2.

On page 1, line 1 of the printed bill, strike out "Live Stock", and insert in lieu thereof the following: "Meat Sellers".

Amendment No. 3.

On page 1, line 3 of the printed bill, after "Sec. 2," insert the following: "No person shall misrepresent the type, kind or quality of a dressed carcass of any animal or part of such carcass, nor the sex, age or quantity of any animal the meat of which is sold."

SEC. 3. Any person who violates any provision of this act is guilty of a misdemeanor."

Bill read second time, ordered to reprint, and referred to Committee on Agriculture and Live Stock.

Senate Bill No. 1111—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price for the sale of jute bags.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 734—An act to amend the Insurance Code, relating to insurance principles, practice, and business and matters incidental thereto.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Senate Bill No. 734 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "amend" insert the following "sections 103, 709, 1584, and 1649 of"

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 103 of the Insurance Code is hereby amended to read as follows:

103. The terms "marine insurance" and "marine business" and "marine risks" shall mean insurance or reinsurance against any and all kinds of loss of or damage to:

(a) Vessels, craft, aircraft, cars, automobiles and vehicles of every kind (excluding aircraft and automobiles operating under their own power or while in storage not incidental to transportation), as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, moneys, bills, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property, and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same, or during any delays, storage, transshipment, or reshipment incident thereto including marine builder's risks, and all personal property floater risks.

(b) Person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage arising out of or in connection with the construction, repair, maintenance or use of the

subject matter of such insurance (but not including life insurance or surety bonds); but except as herein specified, shall not mean insurances against loss by reason of bodily injury to the person.

(c) Precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise.

SEC. 2. Section 709 of the Insurance Code is hereby amended to read as follows:

709. If the insurer is organized in any other State, it shall, prior to admission, file with the commissioner a certificate setting forth:

(a) The nature and character of its business.

(b) The location of its principal office.

(c) The names of the following parties:

(1) If the insurer is not incorporated, and there are more than ten owners of interests therein, the names of the ten persons who own the largest interests; if there are ten or less such owners, the names of all such owners.

(2) If the insurer is incorporated, the names of all officers and persons by whom the business is managed.

(d) The amount of actual capital to be employed therein.

The certificate must be verified by the affidavit of the chief officer, secretary, agent, or manager of the insurer.

SEC. 3. Section 1584 of the Insurance Code is hereby amended, to read as follows:

1584. If such deposit is not so maintained in this State such deposit shall be deemed to be in existence as required by this article only when a certificate, issued by the proper authority of the State of deposit and showing in detail the contents of the deposit, is delivered to the commissioner at least annually and whenever required by the commissioner.

SEC. 4. Section 1640 of the Insurance Code is hereby amended to read as follows:

1640. This article shall not affect:

(a) Employees of title insurers or persons engaged in the business of examining, certifying, or abstracting titles when no commission is paid such employees or persons transacting insurance.

(b) Mortgage insurers or their solicitors or agents.

(c) Fraternal benefit societies or their solicitors or agents.

(d) Reciprocal or interinsurance exchanges, or their attorneys, solicitors, agents or employees, except as provided by Chapter 3 of this part.

(e) Any insurer admitted to transact life insurance, or life and disability insurance, or the agents, solicitors or employees of any such insurer, or agents licensed under the provisions of Article 2 of this chapter.

(f) Surplus line brokers.

(g) Persons whose transaction of insurance does not include the solicitation, negotiation, or effecting of contracts of insurance."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 545—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Senate Bill No. 545 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, following the word "amend", strike out the words "sections 2 and", and insert in lieu thereof the following: "section".

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 1 to 18, inclusive.

Amendment No. 3.

On page 2 of the printed bill, strike out all of lines 1 to 52, inclusive.

Amendment No. 4.

On page 3 of the printed bill, strike out all of lines 1 to 51, inclusive.

Amendment No. 5.

On page 4 of the printed bill, strike out all of lines 1 to 51, inclusive.

Amendment No. 6.

On page 5 of the printed bill, strike out all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15.

Amendment No. 7.

On page 5, line 16, of the printed bill, strike out the words "Section 2," and insert in lieu thereof the following: "Section 1."

Amendment No. 8.

On page 5, line 21, of the printed bill, following the word "security," strike out the word "ten", and insert the following: "(except certificates of deposit or any guarantee of any security, both of which are covered in paragraphs ten and eleven of this section 26) fifteen".

Amendment No. 9.

On page 5, line 22, of the printed bill, strike out the words "One hundredth", and insert in lieu thereof the following: "Fifteen one-hundredths".

Amendment No. 10.

On page 5, line 24, of the printed bill, strike out the word "Twenty", and insert in lieu thereof the following: "five".

Amendment No. 11.

On page 5, line 26, of the printed bill, strike out the words "One twenty fifth", and insert in lieu thereof the following: "Five one-hundredths".

Amendment No. 12.

On page 5, line 29, of the printed bill, strike out the words "One fifth", and insert in lieu thereof the following: "Three one-hundredths".

Amendment No. 13.

On page 7, line 13, of the printed bill, following the word "indenture", insert the following: "or other instrument".

Amendment No. 14.

On page 7 of the printed bill, between lines 15 and 16, insert the following:

10. For filing any application for a permit to issue certificates of deposit, twenty-five dollars, plus a sum, as estimated by the commissioner, to cover the actual expense of noticing and holding any hearing held in connection therewith.

11. For filing any application for a permit to execute or issue any guarantee of any security, twenty-five dollars."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 718—An act to amend the Vehicle Code by amending sections 439, 440, 441, and 443; by repealing sections 425 to 432, inclusive; by adding sections 425 to 432, inclusive, relating to vehicles

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Senate Bill No. 718 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to amend section 439 of the Vehicle Code, relating to stored vehicles."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 25, inclusive, and strike out all of pages 2, 3 and 4, and insert in lieu thereof the following:

SECTION 1. Section 439 of the Vehicle Code is hereby amended to read as follows:

439. Report of Vehicles Known or Suspected to Have Been Abandoned or Unlawfully Stored. Whenever any vehicle of a type subject to registration hereunder has been stored in a garage for thirty days and the ownership of said vehicle is unknown to the keeper thereof said keeper shall thereupon report the presence of such vehicle to the sheriff's office of the county or the police department of the city

wherein such garage is located. At the same time, whether the name of the registered owner is known or not, said keeper shall report such fact to the department by receipted mail and the department shall at once notify the legal owner as of record."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 398—An act to amend section 4 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the extension of prospecting permits for oil and gas which were in effect June 1, 1933, and upon which has been expended twenty-five thousand dollars or more in the prospecting for oil and gas.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Senate Bill No. 398 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "section 4", and insert in lieu thereof the following: "sections 4 and 5".

Amendment No. 2.

On page 1 of the printed bill, in the third from the last line of the title, strike out "June 1, 1933", and insert in lieu thereof the following: "October 1, 1933".

Amendment No. 3.

On page 1 of the printed bill, in the next to the last line of the title, strike out "twenty-five", and insert in lieu thereof the following: "fifty".

Amendment No. 4.

On page 1, line 1, of the printed bill, strike out "said act", and insert in lieu thereof the following: "the act cited in the title hereof".

Amendment No. 5.

On page 1 of the printed bill, immediately following line 2 on said page, insert the following:

"SEC. 4. Prospecting permits for oil and gas. Exception. The Surveyor General is hereby authorized, upon the payment to him of fifty cents per acre, for each acre in area embraced within the boundaries of the lands proposed to be prospected and under such rules and regulations as he may prescribe, to grant to any person or association of persons, who are residents of the State of California and citizens of the United States and who have declared their intention of becoming such, or corporations ninety per cent of whose stockholders are citizens of the United States a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas, upon not exceeding six hundred forty acres of land wherein such deposits of oil or gas belong to the State and are not within any known geological structure of a producing oil or gas field, upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall within one year from and after the date of the permit, drill one or more wells for oil or gas to a depth of not less than one thousand feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil and gas shall be sooner discovered. The Surveyor General may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Any permittee whose permit was in good standing on October 1, 1933, and who has within four years from the date of the permit performed the drilling conditions set forth in this section and has expended fifty thousand dollars or more on said permit and has not made a discovery of valuable deposits of oil or gas within that period, and desires to further prospect, then

his permit shall be extended until June 1, 1936. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such land in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land is surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, the land to be surveyed by the Surveyor General at the expense of the applicant for a permit in such form as the Surveyor General shall deem to be in the best interest of the State; provided, however, that in case of prospecting permits and leases to river beds, lake beds, overflowed tide and submerged lands, the width or length of the prospecting permit or lease along the shore line measured on an east and west or north and south line shall not exceed one-half mile.

Preference rights established by creation of monuments and posting of notices. Recording notices. If the applicant shall cause to be erected upon the land on which a permit is sought a monument not less than four feet high in some conspicuous place thereon, and shall post a notice in writing on or near said monument stating that an application for permit will be made within thirty days after the date of posting said notice, giving the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit as to location, courses and distances from such monument and such other natural objects and permanent monument as will reasonably identify the land, showing the amount thereof in acres, he shall during the period of thirty days following such marking and posting, be entitled to a preferential right over all those to a permit for the land so identified; provided, however, that applicant shall, as a part of this application for a permit, show that within two days after the posting of the said notice, he recorded a copy of the same in the county recorder's office of the county in which the said land is situated.

Marking boundaries. Exception. Permits covering floodlands and rights of littoral owners. The applicant shall within ninety days after recording a permit mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the land covered thereby; provided, however, that where the boundaries of the land sought to be prospectured or developed under lease are wholly or partially in river or lake beds, overflowed tide and submerged lands, the notice shall be conspicuously posted on a monument or object a part of the land as possible and shall specifically describe the area to be covered by the permit and distances so that the limits of the area can be easily determined; provided further, however, that in no case shall permits or leases be granted covering tide, overflowed or submerged lands fronting on an incorporated city, or for a distance of one mile on either side thereof; provided further, however, that in case of an application for a permit or a lease covering tide, overflowed or submerged land by anyone other than the littoral or riparian proprietor, said littoral or riparian proprietor shall have six months within which to file an application for a permit or lease. If said littoral or riparian proprietor fails to comply with the requirements of this act and its rules and regulations made in pursuance hereof, his preferential rights shall thereupon cease and forever be terminated, and the applicant shall be permitted to proceed with his application; provided further, that after the approval of this act and prior to the first day of September, 1929, no monument shall be erected, or notice posted upon or notice recorded in relation to any tide, overflowed, or submerged lands of this State, or application for permit presented to or granted by the Surveyor General for or in relation to any tide, overflowed or submerged lands of this State as provided in this section; provided further, that no permit to prospect or drill for oil or gas in or upon any tide, overflowed or submerged lands shall ever be granted by the Surveyor General upon an application made between the date of approval of this act and the first day of September, 1929. Nothing contained in the two provisos last preceding this clause shall, however, be deemed or construed to prevent any littoral owner from exercising the preference right given by the terms of this section, nor as affecting the rights under this act of the holder of any permit or lease heretofore issued and now outstanding nor of any applicant therefor who has fully complied heretofore with the provisions of this act, nor as recognizing, ratifying or validating any rights so claimed.

SEC. 2. Section 5 of said act is hereby amended to read as follows:

SEC. 5. Lease. Royalty. Upon establishing to the satisfaction of the Surveyor General that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit; provided, that the permittee shall be granted a lease for as much as one hundred sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee shall be in compact form and if surveyed, to be described by the legal subdivision of the public land surveys; if unsurveyed, to be surveyed by the Surveyor General at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Surveyor General, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys;

deposits made to cover expense of survey shall be deemed appropriated for that purpose, and any excess deposit may be repaid to the person or persons making such deposits or their legal representative. Such lease shall be for a term of twenty years upon a royalty of five per centum in amount or value of the production and the annual payment in advance of a rental of one dollar per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 8 hereof; provided, however, that a lease granted to a permittee whose permit has been extended until June 1, 1936, shall be upon a royalty of twelve and one-half per centum of the amount or value of the production, instead of five per centum. No additional piers, islands, or other drilling structures shall be erected on any unfilled tide, overflowed or submerged lands under any lease hereafter granted under this section. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than twelve and one-half per centum in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this act, the bonus and royalty to be determined by competitive bidding or fixed by such other method as the Surveyor General may by regulations prescribe; provided, that the Surveyor General shall have the right to reject any and all bids."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XIII thereof a new section to be numbered 19c, relating to motor vehicle fuel license taxes.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Senate Constitutional Amendment No. 22 were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed measure, strike out the figures "19c", and insert in lieu thereof the figures "18".

Amendment No. 2.

On page 1 of the printed measure, strike out line 5 of the title, and insert in lieu thereof the following: "to revenues from taxes on motor vehicle fuel and motor vehicle registration and operation."

Amendment No. 3.

On page 1, line 8, of the printed measure, strike out the figures "19c", and insert in lieu thereof the figures "18".

Amendment No. 4.

On page 1 of the printed measure, strike out lines 10 to 22, inclusive, and insert in lieu thereof the following:

"SEC. 18 (a) From and after the effective date of this section, anything in this Constitution to the contrary notwithstanding, all moneys collected from any tax imposed by the State upon the manufacture, sale, distribution, or use of motor vehicle fuel, over and above the costs of collection, shall be used exclusively and directly for the acquisition of property for, and the construction, improvement, and maintenance of, public highways, including those within cities, and all moneys collected from motor vehicle and other vehicle registration license fees, and from any other tax imposed by the State upon motor vehicle operation, over and above the costs of collection, shall likewise be used only for such purposes, and for the additional purpose of administering and enforcing all laws regulating the use and operation of motor vehicles upon the public highways of this State.

(b) The provisions of any act of the Legislature in effect on the effective date of this amendment contrary to this section are excepted herefrom and are not repealed hereby.

(c) The provisions of this section are self-executing, but the Legislature shall have full power to appropriate such moneys, and to provide for the manner of their expenditure, for the purposes specified in subdivision (a) of this section and to enact any legislation not in conflict with said subdivision."

Amendment ordered to reprint, engrossment, and on file.

Senate Bill No. 1123—An act providing for the submission at the general election to be held in November, 1936, of a certain question herein provided, for the purposes of ascertaining the wish of the people of the State relative to the licensing of stores in this State.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 512—An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy."

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Senate Bill No. 512 were read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, strike out the words "of the character mentioned," and insert in lieu thereof "specifically named."

Amendment No. 2.

On page 1, line 12, of the printed bill, after the word "shall," insert the following: "when and during such time as a registered pharmacist is on duty as such pharmacist."

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Third Reading of Senate Bills.

Senate Bill No. 12—An act to amend sections 2, 3, 4, 6, 7, 10, 14, 15 and 21 and to repeal sections 5, 9 and 181 of the Old Age Security Act of the State of California, relating to aid to the aged.

Amendment from the Floor.

During third reading of Senate Bill No. 12, the following amendment, offered by Senator Swing, was read and adopted:

Amendment No. 1.

On page 5 of the printed bill, as amended, strike out lines 26 to 28 inclusive, and insert in lieu thereof the following: "Since the State, in addition to said sum equal to one-half of the total amount of payments made for the county or city and county, shall pay to each county or city and county one-half of the total amount of payments made to the State by the United States Government for aid in respect to aid for aged citizens who also receive aid from the county or city and county under the provisions of this act."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 642—An act to add section 214 to the Fish and Game Code, relating to damages for destruction of fish and game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 642 passed by the following vote:

AYES—Senators Difani, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGinness, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 642 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Unfinished Business—(Resumed).

Senate Bill No. 790—An act to amend the Vehicle Code by amending sections 37, 38, 66, 67, 73 and 135 by repealing section 44; by adding sections 44, 73.5 and 76, relating to vehicles.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 790.

Amendment No. 1.

On page 2, line 3, of the printed bill, after the comma following the word "town", strike out the balance of the line, and all of line 4, and insert in lieu thereof the following: "in responding to emergency calls, in traffic patrol duty, in the immediate pursuit of an actual or suspected violator of the law or in responding to fire alarms."

Amendment No. 2.

On page 2, line 18, of the printed bill, after the word "county", strike out the comma, and the balance of the line, and all of lines 19 to 26, and insert in lieu thereof the following: "where any said person operates such vehicle so owned by him in responding to emergency calls, or in the immediate pursuit of an actual or suspected violator of the law when the county does not provide publicly owned motor vehicles for such purpose and when authorized by permit issued by the Chief of the California Highway Patrol."

A vehicle publicly maintained, in whole or in part and privately owned and operated by a member of an organized municipal police department, when such vehicle has a permit from, and has affixed to said vehicle a distinguishing sign approved by the Chief of the California Highway Patrol, where said person operates such vehicle so owned by him in responding to emergency calls, in traffic patrol duty, in the immediate pursuit of an actual or suspected violator of the law or in responding to fire alarms when the city does not furnish to said member a publicly owned motor vehicle for such purpose."

Amendment No. 3.

On page 3 of the printed bill, as amended, after line 6, insert the following: "(h) A motor vehicle owned by the State when used by a fish and game warden regularly employed by the State in the immediate pursuit of an actual or suspected violator of the law."

Amendment No. 4.

On page 1 of the printed bill, as amended, in the last line of the title, strike out the period, and insert in lieu thereof a comma and the following: "and the enforcement of law in relation thereto."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 790?

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Sharkey moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seavell, Sharkey, Slater, Snyder, Stow, Swing, and Tickle—32.

The Secretary announced the absentees.

Time, eleven o'clock and ten minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 44—An act to add a new section to the Penal Code to be numbered 19663, relating to buying, receiving, concealing or withholding stolen property, and prescribing penalties for violation of the provisions thereof.

Also: Assembly Bill No. 1464—An act to amend section 182 of the Penal Code, relating to punishment for criminal conspiracy.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 43 and 1464 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Forestry and Game Commission recommending Senate Bill No. 81—An act to add a new section to be numbered section 80, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mineralogist, fixing his salary and prescribing his powers and duties, providing for the employment of officers and employees of said Bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, findings and recommendations, and the prosecuting for delinquency, swindling and cheating therein, creating a State Mining Bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of the office under the control, direction and supervision of the board of trustees of the State Mining Bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto, or in conflict herewith," approved June 16, 1914, relating to mining on State property.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 81 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to, the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 561 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 37—Approving a certain amendment to the charter of the city of Santa Barbara, a municipal corporation in the county of Santa Barbara, State of California, duly voted for and ratified by the qualified electors of said city at an election held therein on the seventh day of May, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 37 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 162—An act to limit the jurisdiction of courts over matters arising out of or involving labor disputes;

Also: Assembly Bill No. 212—An act to amend sections 137, 138 and 166 of the Fish and Game Code and to add two new sections to be numbered 171 and 172.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 162 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 212 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 62—An act to amend sections 1273 and 1274 of the Fish and Game Code, relating to deer.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 62 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed a Committee on Free Conference concerning Assembly Bill No. 1034—An act to amend sections 3817d, 3817f, 3817g and 3817h of, and to add sections 3817b3 and 3817c3 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately—and appointed Assemblymen Riley, Martin, and Phillips.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued to the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 1104 was passed.

Reconsideration Refused.

The question being on the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Garrison, Gordon, Jespersen, King, Knowland, Metzger, and Olson—7.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, McCormack, McGovern, McGowan, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Seaman, Seawell, Sharkey, Slater, Saylor, Stow, Swing, Tickle, Williams, and Young—20.

Senate Bill No. 1104 ordered transmitted to the Assembly.

Motion to Reconsider Waived.

Senator Tickle waived reconsideration of Assembly Bill No. 668.

Assembly Bill No. 668 ordered transmitted to the Assembly.

Motion to Reconsider

Pursuant to his notice given on a previous day, Senator Hays moved to reconsider the vote whereby Assembly Bill No. 663 was passed.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCormack, Metzger, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Stow, Swing, Williams, and Young—26.

NOES—Senators Difani, McGovern, Mixer, Seaman, and Tickle—5.

Assembly Bill No. 663 ordered on file for third reading.

Unfinished Business—(Resumed).

Assembly Bill No. 1055—An act to amend sections 400 and 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicle maintained by governmental bodies.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1055?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1055 by the following vote:

AYES—Senators Deuel, Hays, Hulse, Knowland, McColl, Metzger, Parkman, Seaman, and Tickle—9.

NOES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Jespersen, King, McCormack, McGovern, Mixer, Olson, Perry, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Saylor, Stow, Swing, Williams, and Young—26.

Appointment of Committee on Conference.

The President announced the appointment of Senators Olson, Seawell, and Hays, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1055.

President Pro Tempore in the Chair.

At twelve o'clock and thirty minutes p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 521—An act to amend sections 83 and 883 of the Fish and Game Code, relating to fishing in district 15.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 521 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, King, Knowland, McGovern, Mixter, Perry, Rich, Schottky, Scollan, Snyder, Swing, Williams, and Young—21.

NOES—Senators Difani, Hays, Jespersen, McColl, McCormack, Parkman, Pierovich, Powers, Reindollar, Sharkey, Slater, Stow, and Tickle—13.

Title read and approved.

Senate Bill No. 521 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and forty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Sharkey.

The Secretary was directed to call the roll of the Senators who had not answered to their names.

The roll was called, and Assembly amendments to Senate Bill No. 790 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Williams—36.

NOES—None.

Senate Bill No. 790 ordered to enrollment.

Introduction, First Reading and Reference of Bills.

By Senator Olson: Senate Concurrent Resolution No. 39—Relative to the removal of Gavin W. Craig from the office of Justice of District Court of Appeal, Second Appellate District, Division Two.

Referred to Committee on Judiciary.

Resolution.

The following resolution was offered:

By Senator Crittenden:

Senate Resolution.

Resolved by the Senate of the State of California, That the membership of the special Senate committee appointed to investigate the marketing of agricultural products as provided in the resolution adopted by the Senate May 21, 1935, be increased from seven members to nine members.

Resolution read, and on motion of Senator Crittenden, adopted.

Appointment of Special Committee.

The President announced, in accordance with the resolution offered by Senators Crittenden and Metzger, adopted as printed in the Senate Journal of Tuesday, May 21, 1935, and the above resolution, the appointment of Senators Crittenden, Stow, Perry, Edwards, Waggy, Gordon, Deuel, McCormack, and Metzger.

Recess.

On motion of Senator Schettky, at twelve o'clock and fifty minutes p.m., the President pro tempore of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

**Consideration of Daily File
Second Reading of Assembly Bills.**

Assembly Bill No. 223—An act to amend section 3649 of the Political Code, relating to taxation.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 223 were read and adopted:

Amendment No. 1.

On page 2, line 5, of the printed bill, after the word "and", insert the following: "and taxed at the current tax rate."

Amendment No. 2.

On page 2, line 12, of the printed bill, after the word "shall", insert the following: "and no further penalty shall be paid on said taxes."

Bill read second time, ordered to reprint and on file for third reading.

Assembly Bill No. 153—An act to amend sections 1 and 2 of "An act to provide for the taxation of Massachusetts or business trusts and providing that this act shall take effect immediately," approved May 1, 1933, relating to the taxation of Massachusetts or business trusts, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1182 were read and adopted:

Amendment No. 1.

On page 3 of the printed bill, as amended, between lines 17 and 18, insert the following:

"(c) The words 'trade or business' include the performance of the functions of a public office."

Amendment No. 2.

On page 5 of the printed bill, as amended, strike out lines 31 to 48, inclusive, and insert in lieu thereof the following:

"(a) There shall be levied, collected and paid for each taxable year upon the entire net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State, a normal tax of eight-tenths of one per centum of the amount of net income in excess of credits against net income provided in section 10.

(b) As used in this subsection the term "surtax net income" means the amount of the net income in excess of credits against net income provided in section 10.

There shall be levied, collected and paid for each taxable year upon the entire surtax net income of every resident of this State and upon the surtax net income of every nonresident which is derived from sources within this State a surtax as follows:

Upon a surtax net income of \$4,000 there shall be no surtax; upon surtax net incomes in excess of \$4,000 and not in excess of \$6,000, .8 per centum of such excess.

\$16 upon surtax net incomes of \$6,000; and upon surtax net incomes in excess of \$6,000 and not in excess of \$8,000, 1 per centum in addition of such excess.

\$36 upon surtax net incomes of \$8,000; and upon surtax net incomes in excess of \$8,000 and not in excess of \$10,000, 1.2 per centum in addition of such excess.

\$60 upon surtax net incomes of \$10,000; and upon surtax net incomes in excess of \$10,000 and not in excess of \$12,000, 1.4 per centum in addition of such excess.

\$88 upon surtax net incomes of \$12,000; and upon surtax net incomes in excess of \$12,000 and not in excess of \$14,000, 1.6 per centum in addition of such excess.

\$120 upon surtax net incomes of \$14,000; and upon surtax net incomes in excess of \$14,000 and not in excess of \$16,000, 1.8 per centum in addition of such excess.

\$156 upon surtax net incomes of \$16,000; and upon surtax net incomes in excess of \$16,000 and not in excess of \$18,000, 2.2 per centum in addition of such excess.

\$200 upon surtax net incomes of \$18,000; and upon surtax net incomes in excess of \$18,000 and not in excess of \$20,000, 2.6 per centum in addition of such excess.

\$252 upon surtax net incomes of \$20,000; and upon surtax net incomes in excess of \$20,000 and not in excess of \$22,000, 3 per centum in addition of such excess.

\$312 upon surtax net incomes of \$22,000; and upon surtax net incomes in excess of \$22,000 and not in excess of \$26,000, 3.4 per centum in addition of such excess.

\$448 upon surtax net incomes of \$26,000; and upon surtax net incomes in excess of \$26,000 and not in excess of \$32,000, 3.8 per centum in addition of such excess.

\$676 upon surtax net incomes of \$32,000; and upon surtax net incomes in excess of \$32,000 and not in excess of \$38,000, 4.2 per centum in addition of such excess.

\$928 upon surtax net incomes of \$38,000; and upon surtax net incomes in excess of \$38,000 and not in excess of \$44,000, 4.8 per centum in addition of such excess.

\$1,216 upon surtax net incomes of \$44,000; and upon surtax net incomes in excess of \$44,000 and not in excess of \$50,000, 5.4 per centum in addition of such excess.

\$1,540 upon surtax net incomes of \$50,000; and upon surtax net incomes in excess of \$50,000 and not in excess of \$56,000, 6 per centum in addition of such excess.

\$1,900 upon surtax net incomes of \$56,000; and upon surtax net incomes in excess of \$56,000 and not in excess of \$62,000, 6.6 per centum in addition of such excess.

\$2,296 upon surtax net incomes of \$62,000; and upon surtax net incomes in excess of \$62,000 and not in excess of \$68,000, 7.2 per centum in addition of such excess.

\$2,728 upon surtax net incomes of \$68,000; and upon surtax net incomes in excess of \$68,000 and not in excess of \$74,000, 7.8 per centum in addition of such excess.

\$3,196 upon surtax net incomes of \$74,000; and upon surtax net incomes in excess of \$74,000 and not in excess of \$80,000, 8.4 per centum in addition of such excess.

\$3,700 upon surtax net incomes of \$80,000; and upon surtax net incomes in excess of \$80,000 and not in excess of \$90,000, 9 per centum in addition of such excess.

\$4,600 upon surtax net incomes of \$90,000; and upon surtax net incomes in excess of \$90,000 and not in excess of \$100,000, 10 per centum in addition of such excess.

\$5,600 upon surtax net incomes of \$100,000; and upon surtax net incomes in excess of \$100,000 and not in excess of \$150,000, 10.4 per centum in addition of such excess.

\$10,800 upon surtax net incomes of \$150,000; and upon surtax net incomes in excess of \$150,000 and not in excess of \$200,000, 10.6 per centum in addition of such excess.

\$16,100 upon surtax net incomes of \$200,000; and upon surtax net incomes in excess of \$200,000 and not in excess of \$300,000, 10.8 per centum in addition of such excess.

\$26,900 upon surtax net incomes of \$300,000; and upon surtax net incomes in excess of \$300,000 and not in excess of \$400,000, 11 per centum in addition of such excess.

\$37,900 upon surtax net incomes of \$400,000; and upon surtax net incomes in excess of \$400,000 and not in excess of \$500,000, 11.2 per centum in addition of such excess.

\$49,100 upon surplus net incomes of \$500,000, and upon surplus net incomes in excess of \$500,000 and not in excess of \$750,000, 11.4 per centum in addition of such excess.

\$77,600 upon surplus net incomes of \$750,000, and upon surplus net incomes in excess of \$750,000 and not in excess of \$1,000,000, 11.6 per centum in addition of such excess.

\$103,600 upon surplus net incomes of \$1,000,000, and upon surplus net incomes in excess of \$1,000,000, 11.8 per centum in addition of such excess."

Amendment No. 3.

On page 6, line 42, of the printed bill, as amended, strike out "of", and insert in lieu thereof the following: "or".

Amendment No. 4.

On page 8 of the printed bill, as amended, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following:

"(4) All interest paid or accrued within the taxable year on indebtedness of the taxpayer, provided, however, in the case of any taxpayer the deduction permitted by this subdivision shall not be allowed if, and to the extent that some deduction is connected with income not taxable under this act, and provided further, no such deduction shall be allowed or taken for interest paid or accrued within the taxable year on indebtedness incurred or continued to purchase or carry securities, the interest upon which is wholly exempt from taxes imposed by this act. The proper apportionment and allocation of such deductions with respect to taxable and non-taxable income shall be determined under rules and regulations to be prescribed by the commissioner."

Amendment No. 5.

On page 10 of the printed bill, as amended, make a separate paragraph of the sentence in lines 43 to 51, inclusive.

Amendment No. 6.

On page 10, lines 45 and 46, of the printed bill, as amended, strike out "subsection 8 (1)", and insert in lieu thereof the following: "this subsection".

Amendment No. 7.

On page 10, line 50, of the printed bill, as amended, strike out "subsection 8 (1)", and insert in lieu thereof the following: "this subsection".

Amendment No. 8.

On page 11, line 2, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof the following: "subsection".

Amendment No. 9.

On page 11, lines 9 and 10, of the printed bill, as amended, strike out "subdivision (b)", and insert in lieu thereof the following: "subsection (b)".

Amendment No. 10.

On page 12, line 28, of the printed bill, as amended, strike out "Credit", and insert in lieu thereof the following: "Credits".

Amendment No. 11.

On page 12, line 31, of the printed bill, as amended, strike out "credit", and insert in lieu thereof the following: "credits".

Amendment No. 12.

On page 12 of the printed bill, as amended, between lines 31 and 32, insert the following:

"(1) All dividends allowed as a credit for the purpose of the normal tax under the Revenue Act of 1934."

Amendment No. 13.

On page 12, line 33, of the printed bill, as amended, strike out "(1)", and insert in lieu thereof the following: "(2)".

Amendment No. 14.

On page 12, line 36, of the printed bill, as amended, strike out "(2)", and insert in lieu thereof the following: "(3)".

Amendment No. 15.

On page 14, line 7, of the printed bill, as amended, strike out "where", and insert in lieu thereof the following: "when".

Amendment No. 16.

On page 15, line 20, of the printed bill, as amended, strike out "subdivisions", and insert in lieu thereof the following: "subsections".

Amendment No. 17.

On page 15, lines 37, 39, 41, 43, 45, 47 and 49, of the printed bill, as amended, strike out small letters in parentheses, and insert in lieu thereof corresponding capital letters in parentheses.

Amendment No. 18.

On page 16, line 40, of the printed bill, as amended, strike out "division", and insert in lieu thereof the following: "section".

Amendment No. 19.

On page 17, line 13, of the printed bill, as amended, strike out the period following "(1)", and insert in lieu thereof the following "; and, if no part of the income of the estate or trust is included in computing the net income of any legatee, heir, or beneficiary, then in addition the same credit against net income for dividends as is allowed by section 10(a) (1)."

(2) If any part of the income of an estate or trust is included in computing the net income of any legatee, heir, or beneficiary, such legatee, heir, or beneficiary shall, for the purpose of the normal tax, be allowed as a credit against his net income, in addition to the credits allowed to him under section 10, his proportionate share of such amounts of dividends specified under section 10(a) (1) as are, under this section, required to be included in computing his net income. Any remaining portion of such dividends specified in section 10(a) (1) shall, for the purpose of the normal tax, be allowed as a credit to the estate or trust".

Amendment No. 20.

On page 17, line 31, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof the following: "subsection".

Amendment No. 21.

On page 17, line 45, of the printed bill, as amended, after the period following the word "him", insert the following: "Such distributees shall, for the purpose of the normal tax, be allowed as credits against net income such part of the amount so distributed or made available as represents the item of dividends specified in section 10 (a) (1)".

Amendment No. 22.

On page 19, line 2, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof the following: "subsection".

Amendment No. 23.

On page 20, line 16, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof the following: "subsection".

Amendment No. 24.

On page 20, line 37, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof the following: "subsection".

Amendment No. 25.

On page 20, line 39, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof the following: "subsection".

Amendment No. 26.

On page 20, lines 44 and 45, of the printed bill, as amended, strike out "subdivisions", and insert in lieu thereof the following: "subsections".

Amendment No. 27.

On page 20, line 46, of the printed bill, as amended, strike out "subdivisions", and insert in lieu thereof the following: "subsections".

Amendment No. 28.

On page 21, line 18, of the printed bill, as amended, strike out "subdivisions (b)", and insert in lieu thereof the following: "subsections (d)".

Amendment No. 29.

On page 21, line 45, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof the following: "subsection".

Amendment No. 30.

On page 22, line 1, of the printed bill, as amended, strike out "subdivision", and insert in lieu thereof the following: "subsection".

Amendment No. 31.

On page 22, line 11, of the printed bill, as amended, strike out "subdivisions", and insert in lieu thereof the following: "subsections".

Amendment No. 32.

On page 22, line 14, of the printed bill, as amended, strike out "and revision", and insert in lieu thereof the following: "subsection".

Amendment No. 33.

On page 22, line 19, of the printed bill, as amended, strike out "and revision", and insert in lieu thereof the following: "subsection".

Amendment No. 34.

On page 22, line 28, of the printed bill as amended, strike out "section 16 of this act", and insert in lieu thereof the following: "subsection (a) of this section".

Amendment No. 35.

On page 25, line 31, of the printed bill, as amended, strike out "tax was paid", and insert in lieu thereof the following: "return was filed by the taxpayer or within two years from the time the tax was paid, whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer. If no return is filed by the taxpayer, then no credit or refund shall be allowed or made after two years from the time the tax was paid".

Amendment No. 36.

On page 28 of the printed bill as amended, between lines 26 and 27, insert the following:

"(c) The partner shall, for the purpose of the normal tax, be allowed as a credit against his net income, in addition to the credits allowed to him under section 10, his proportionate share (not in excess of the net income of the partnership) of dividends specified in section 10(a)(1) as are received by the partnership".

Amendment No. 37.

On page 29, line 8, of the printed bill, as amended, before "The", insert the following: "(c)".

Amendment No. 38.

On page 29, line 29, of the printed bill, as amended, after "but", insert a comma.

Amendment No. 39.

On page 35, line 25, of the printed bill, as amended, strike out "statutes", and insert in lieu thereof the following: "statutes".

Amendment No. 40.

On page 36, line 5, of the printed bill, as amended, before the word "This", insert the following: "(a)".

Amendment No. 41.

On page 36 of the printed bill, as amended, strike out lines 8 to 10, inclusive, and insert in lieu thereof the following: "immediately, and shall apply to one-half the net income of taxpayers taxable hereunder received or accrued during the calendar year 1934, with ratable adjustment in the case of taxpayers filing returns on a fiscal year basis, and thereafter to the full amount of the net income of taxpayers taxable hereunder.

(b) The first return to be made hereunder covering the calendar year 1934, or a fiscal year ended in 1934, or a fiscal year ended in 1935 prior to the effective date of this act, shall be filed on or before the fifteenth day of the fourth month following such effective date and the full amount of the tax shall be paid when such return is filed. Thereafter the time for filing returns and the time and method of payment of tax shall be as provided in sections 13 and 14 hereof."

Amendment No. 42.

On page 7 of the printed bill, as amended, between lines 32 and 33, insert the following:

"(g) Salaries, wages and pensions, received from the United States by officials or employees thereof, whether active or retired, including persons in the Military or Naval forces of the United States of America."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2102—An act providing for the formation of nonprofit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute energy to the inhabitants of the State at the lowest cost consistent with sound economy and the prudent management of the

business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1125—An act adding a new section to the Civil Code of the State of California, to be numbered 734, relating to the control of municipal property by the legislative body thereof and the right of access and use of municipal property by members of the public.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 845—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 15, 16, 17, 20, 22 and 24½ and to repeal section 3½ of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 951—An act relating to the securing of Federal aid in connection with the funding or refunding of outstanding bonds and or assessments of assessment districts in the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 827—An act to validate the organization and bonds of municipal improvement districts formed under the Municipal Improvement District Act of 1927 and providing for the levy of special assessment taxes to pay said bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1987—An act to amend section 3 of "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers; prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 9, 1931, relating to insurance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2400—An act to add a new section to be numbered 30.5 to the General Cemetery Act, relating to reincorporation of cemetery associations, and prescribing the procedure therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1007—An act to amend section 29 of the California Workmen's Compensation, Insurance and Safety Act, relating to compensation insurance.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 1007 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "California".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, after "Act", and before the comma, insert the following: "of 1917".

Amendment No. 3.

On page 3, lines 17 and 18, of the printed bill, strike out "and his deputies of contractors", and insert in lieu thereof the following: "of contractors and his deputies".

Amendment No. 4.

On page 3, line 14, of the printed bill, add a new sentence as follows: "The Industrial Accident Commission and all deputies and agents thereof, the Chief of the Division of Labor Statistics and his deputies, the Registrar of Contractors and his deputies and all district attorneys and city prosecutors in the State of California are hereby empowered to prosecute any employer who fails to secure payment of compensation as hereinbefore provided."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2369—An act to add sections 2a to 2d, inclusive, to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to disability of members of the California Highway Patrol.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Assembly Bill No. 2369 was read and adopted:

Amendment No. 1.

On page 1, line 22, of the printed bill, as amended, strike out "or other compensation", and insert in lieu thereof the following: "in lieu of disability payments under section 9 of this act".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 466—An act to add a new section to be numbered 2931a to the Civil Code, providing for making the State a party to an action to foreclose mortgages and other liens upon property upon which there may exist a lien securing State taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 289—An act to add section 1724 to the Code of Civil Procedure, relating to establishing the fact of death of a joint tenant.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2350—An act validating the formation, organization, existence or proceedings of municipal utility districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1339—An act to add a new division to the Vehicle Code, to be numbered IXa, relating to vehicular crossings, constructed

or owned by the State, the control and policing thereof, and the regulation of traffic thereon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2354—An act to amend sections 146 and 154 of the Vehicle Code, and to add sections 146.5, 180.5, and 371.5 to said Vehicle Code, all relating to vehicles previously registered outside this State, and the registration and transfer thereof within this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2408—An act to add a new section to the Code of Civil Procedure to be numbered 349½, relating to the limitation of the time within which actions, for trespass, use or occupancy of real property by oil or gas wells, and for damages by reason thereof, and for the conversion or for the taking or removing of oil, gas or other liquid or fluids by means of any such well, may be commenced, fixing the measure of damages in certain of such cases, and defining oil and gas for the purposes of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Oil Industries, the following amendments to Assembly Bill No. 2408 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out the word "ninety", and insert in lieu thereof the following: "one hundred and eighty".

Amendment No. 2.

On page 2, line 17, of the printed bill, strike out the word "ninety", and insert in lieu thereof the following: "one hundred and eighty".

Amendment No. 3.

On page 2, line 18, of the printed bill, strike out the word "ninety", and insert in lieu thereof the following: "one hundred and eighty".

Amendment No. 4.

On page 3, line 3, of the printed bill, strike out the word "ninety", and insert in lieu thereof the following: "one hundred and eighty".

Amendment No. 5.

On page 3, line 5, of the printed bill, strike out the word "ninety", and insert in lieu thereof the following: "one hundred and eighty".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1684—An act to amend section 23 and to repeal section 24 of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the leasing of State lands and acquisition and granting of easements by the State for the purpose of prospecting for or extracting, mining, capture or acquisition of oil, gas and other hydrocarbon substances on, in, within or from lands belonging to the State, over which this State has or claims or asserts any jurisdiction by means of

wells drilled below ground from lands located within two thousand feet into State lands.

Consideration of Committee Amendments

Pursuant to the report of the Committee on Oil Industries, the following amendments to Assembly Bill No. 1684 were read and adopted:

Amendment No. 1.

On pages 1 and 2 of the printed bill, as amended, strike out the title, and insert in lieu thereof the following: "An act to amend section 23, and to repeal section 24 of 'An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act,' approved May 25, 1921, as amended, relating to the granting of leases and easements to extract oil, gas and other hydrocarbons by means of wells drilled from littoral or adjacent lands into State lands."

Amendment No. 2.

On pages 2 to 6, inclusive, strike out all of the matter following the existing clause, and insert in lieu thereof the following:

"SECTION 1. Section 23 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 23. The State, any political subdivision of the State, any city or county of the State, or any official, or any or either of them, is hereby prohibited from granting any privilege or right of any kind whatsoever to conduct prospecting operations, or to drill for oil, gas or other hydrocarbons, or to take, extract or drain oil or gas or other hydrocarbons, by means of structures and/or machinery erected or constructed upon the surface of the tidelands, whether filled or unfilled, submerged lands, overflowed lands, or beds of navigable rivers or lakes; provided, that the Surveyor General, when it appears to be to the best interests of the State, subject only to the provisions of this section, may grant a lease or easement to a littoral owner, successor, assignee or authorized person of such littoral owner, to take and extract oil, gas or other hydrocarbons for a term not to exceed thirty (30) years, by means of wells drilled from the surface of the littoral lands, or lands adjacent thereto, with provision that the tops of any such wells, structures and machinery shall be upon littoral lands or lands adjacent thereto, onto the tidelands, whether filled or unfilled, submerged lands, overflowed lands, beds of navigable rivers and lakes, of the State, whether granted or ungranted, upon such terms, consideration and royalty as shall be determined by the Surveyor General to be just and reasonable to the State, but in no event shall such royalty or other compensation to the State be less than sixteen and two-thirds (16 2/3) per centum on amount or value of all oil, gas or other hydrocarbons produced and saved.

Any lease or easement so granted shall be free of any and all restrictions contained in this act and shall be subject only to the provisions of this section, except that the Surveyor General shall have power to promulgate proper rules and regulations to make effective the purposes of this section. Prior to granting any such lease or easement, the Surveyor General shall require a bond which in his judgment will protect the State; in lieu of such bond, the Surveyor General may accept negotiable security which shall be deposited in the custody of the State Treasurer who shall be responsible for the safe-keeping thereof.

SEC. 2. Section 24 of this act is hereby repealed."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1608—An act to amend sections 1, 4, 5, 10, 12, 13 and 15 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or

parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," as approved May 25, 1921, as amended, relating to the issuance, transfer, terms of, and rights under prospecting permits, leases, and sales of State mineral lands.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 239—An act to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendment to Assembly Bill No. 239 was read and adopted:

Amendment No. 1.

On page 3, line 25, of the printed bill, as amended, strike out the word "nine", and insert in lieu thereof the following: "eight".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 84—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith; to make an appropriation, and to provide for the repayment thereof.

Bill read second time, and ordered on file for third reading.

Assembly Constitutional Amendment No. 60—A resolution to propose to the people of the State of California amendments to Article XI of the Constitution of said State by adding sections 4 and 7½ thereto, relating to the consolidation of counties, cities and counties, and cities.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Assembly Constitutional Amendment No. 60 were read and adopted:

Amendment No. 1.

On page 1 of the printed measure, as amended, between lines 14 and 15, insert the following:

"No senatorial district shall be affected by any such consolidation, and the formation of such districts shall be governed by the county or city and county boundaries prior to consolidation."

Amendment No. 2.

On page 3, line 4, of the printed measure, as amended, after "of", strike out "Article XI of the Constitu-", also strike out line 5, and insert in lieu thereof the following: "this article, nor shall any senatorial district be affected by any consolidation hereunder, and the formation of such districts shall be governed by the county or city and county boundaries prior to consolidation."

Amendment read, ordered to reprint, and on file.

Assembly Bill No. 2365—An act requiring licenses for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor; providing for penalties for the violation of this act, providing for the enforcement of this act.

Amendments from the Floor.

During second reading of Assembly Bill No. 2365, the following amendments, offered by Senator Jepsen, were read and adopted:

Amendment No. 1.

On page 2, line 10, of the printed bill, as amended, after "of," strike out the balance of the line, and insert the following: "October 1935."

Amendment No. 2.

On page 2, line 31, of the printed bill, as amended, after "section," insert the following: "6".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1666—An act to amend sections 2 and 7 of an act to define motor carrier transportation agent, to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof, and repealing an act entitled "An act to define motor carrier transportation agent, to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Public Utilities, the following amendment to Assembly Bill No. 1666 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, after line 47, add the following new section to read as follows:

"Sec. 3. The provisions of these amendments to the act are to take effect on the date hereof, but not be, or become, effective until January 1, 1936."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 545—An act to add a new section to be numbered 17.5 to an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing Title XV of Part IV of Division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, relating to cases in which common carriers may grant free or reduced rates, and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 915—An act to amend "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of

such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor." approved June 5, 1933, by amending sections 2, 5, 8, 9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26, and adding new sections numbered 27, 28, 29.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 915 were read and adopted:

Amendment No. 1.

Strike out the title of bill, and insert in lieu thereof the following:

"An act to amend sections 1 to 20 inclusive and sections 22, 23, 24 and 25 of, and to add new sections to be numbered 18.1, 19.1, 22.5, 25.1 and 27 to, "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to the conservation of agricultural wealth and the prevention of agricultural waste and providing for the Agricultural Prorate Commission."

Amendment No. 2.

On page 2, line 43, of the printed bill, as amended, strike out the period, and add the following: "to the extent of at least one producing factor as hereinafter defined."

Amendment No. 3.

On page 3 of the printed bill, as amended, strike out all of lines 4 to 7, inclusive, and insert in lieu thereof the following:

"(k) The term "producing factor" means the unit of one acre unless the commission finds a smaller unit is required to assure reasonable control of the commodity, in which case the commission may determine the "producing factor" to be either one-half or one-fourth of an acre. In a case of a prorate program for live stock or poultry or the products thereof the producing factor shall be specified in the petition."

Amendment No. 4.

On page 4, line 34, of the printed bill, as amended, strike out the words "each month", and insert in lieu thereof the words "every ninety days".

Amendment No. 5.

On page 5, line 2, of the printed bill, as amended, strike out the words "a majority", and insert in lieu thereof the words "at least three members".

Amendment No. 6.

On page 5, line 32, of the printed bill, as amended, strike out the words "Agricultural marketing proration", and insert in lieu thereof the following: "An agricultural prorated marketing".

Amendment No. 7.

On page 5 of the printed bill, as amended, strike out line 52, and on page 6, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following: "sion, the signatures of not less than two-thirds of the qualified producers of said kind or variety of agricultural commodity and of the owners of not less than fifty-one per cent of the producing factors within".

Amendment No. 8.

On page 6, line 19, of the printed bill, as amended, strike out the word "separate", and insert in lieu thereof the word "other".

Amendment No. 9.

On page 6, line 35, of the printed bill, as amended, after the word "obtain", insert the following: "or prevent".

Amendment No. 10.

On page 8, line 19, of the printed bill, as amended, strike out the word "two-thirds", and in lieu thereof insert the following: "fifty-one per cent".

Amendment No. 11.

On page 10 of the printed bill, as amended, at the end of line 35, insert the following: "Each such zone shall constitute a separate entity and the affairs shall be managed by a program committee appointed as hereinafter provided."

Amendment No. 12.

On page 10, line 47, of the printed bill, as amended, strike out the word "pro-ration", and insert in lieu thereof the word "marketing".

Amendment No. 13.

On page 10, line 48, of the printed bill, as amended, strike out the word "marketing", and insert in lieu thereof the word "promotion".

Amendment No. 14.

On page 10, line 50, of the printed bill, as amended, strike out the semicolon and insert in lieu thereof a period.

Amendment No. 15.

On page 11 of the printed bill, as amended, strike out all of line 7, and as processor except that in line 8, and insert in lieu thereof the following: "An employee or officer of a handler or processor, except that a nonprofit cooperative organization may be represented by officers or directors who are producers, provided that no more than three such producer members of the Prorate Program Committee shall be members of the same co-profit cooperative organization."

Amendment No. 16.

On page 11, line 20, of the printed bill, as amended, after the word "committee" insert a period, and strike out the words "but the", and also strike out all of lines 21 to 27, inclusive.

Amendment No. 17.

On page 12, line 1, of the printed bill, as amended, strike out the words "and each and every employee", also in line 2, strike out the words "authorized by this act".

Amendment No. 18.

On page 12, line 13, of the printed bill, as amended, after the word "hearing" first appearing, insert the following: "upon any such program proposed by petitioners at the hearing".

Amendment No. 19.

On page 13, line 40, of the printed bill, as amended, strike out the word "through", and insert in lieu thereof the following: "by cooperating with the proper agencies in".

Amendment No. 20.

On page 14 of the printed bill, as amended, strike out all of lines 32 to 34 inclusive, and on page 15, strike out all of lines 1 to 6, inclusive.

Amendment No. 21.

On page 15 of the printed bill, as amended, strike out all of lines 40 to 42, inclusive, and insert in lieu thereof the following:

"The provisions of this act shall not apply to shipments handled by a common carrier operating over a regular route or between fixed terminal waters such shipment is made by such common carrier in good faith and in accordance with its duties as a common carrier and where a record of every such shipment within or from this State is kept by such common carrier showing the date of shipment, character and quantity of shipment, origin and destination of such shipment, and the names of the consignor and consignee. Such record shall be open to inspection at all reasonable hours by or on the written order of the official or administrative authority charged with the enforcement of this act or any marketing program instituted thereunder."

Amendment No. 22.

On page 16 of the printed bill, as amended, at the end of line 6, add the following:

"In such case, the cost of conducting such hearing shall be paid from the funds of the program to the extent that they are available and thereafter from the undertaking. In the event the petition be found insufficiently signed, the entire cost of conducting such hearing shall be paid from the undertaking. In the event of the termination of a program, any funds remaining for the use of the program committee not otherwise disposed of by the provisions of this act shall be deposited in the State treasury to the credit of the Agricultural Prorate Commission fund."

Amendment No. 23.

On page 17 of the printed bill, as amended, strike out all of lines 22 to 28, inclusive.

Amendment No. 24.

On page 17, line 29, of the printed bill, as amended, after "Sec.", at the beginning of the line, strike out the numeral "32", and insert in lieu thereof the numeral "29"; and after "section", near the end of the line, strike out the numeral "28", and insert in lieu thereof the numeral "27".

Amendment No. 25.

On page 17, line 32, of the printed bill, as amended, after "Sec.", strike out the numeral "28", and insert in lieu thereof the numeral "27".

Amendment No. 26.

On page 15, line 7, of the printed bill, as amended, after "Sec.", strike out the numeral "24", and insert in lieu thereof the numeral "23".

Amendment No. 27.

On page 15, line 24, of the printed bill, as amended, after "Sec.", strike out the numeral "25", and insert in lieu thereof the numeral "24".

Amendment No. 28.

On page 15, line 43, of the printed bill, as amended, after "Sec.", strike out the numeral "26", and insert in lieu thereof the numeral "25".

Amendment No. 29.

On page 16, line 14, of the printed bill, as amended, after "Sec.", strike out the numeral "27", and insert in lieu thereof the numeral "26".

Amendment No. 30.

On page 16, line 20, of the printed bill, as amended, after "Sec.", strike out the numeral "28", and insert in lieu thereof the numeral "27".

Amendment No. 31.

On page 16, line 40, of the printed bill, as amended, after "Sec.", strike out the numeral "29", and insert in lieu thereof the numeral "28".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 863—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 of an act entitled "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of employees," approved February 6, 1889 (Stats. 1889, Chap. 5), as amended, relative to the sanitation, lighting and ventilation of factories, workshops and other places of employment, providing for the enforcement thereof by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for the violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 863 were read and adopted:

Amendment No. 1.

On page 1, lines 8 and 9 of the title of the printed bill, as amended, strike out the words "Chief of the Division of Labor Statistics and Law Enforcement", and insert in lieu thereof the following: "Division of Industrial Accidents and Safety".

Amendment No. 2.

On page 1, lines 6 and 7, of the printed bill, as amended, strike out the words "Chief of the Division of Labor Statistics and Law Enforcement", and insert in lieu thereof the following: "Division of Industrial Accidents and Safety".

Amendment No. 3.

On page 1, lines 11 and 12, of the printed bill, as amended, strike out both lines, and insert in lieu thereof the following: "Every place of employment, as defined in the Workmen's Compensation, Insurance and Safety Act,".

Amendment No. 4.

On page 2, lines 6 and 7, of the printed bill, as amended, strike out both lines, and insert in lieu thereof the following: "Every place of employment, as defined in the Workmen's Compensation, Insurance and Safety Act,".

Amendment No. 5.

On page 2, line 13, of the printed bill, as amended, after the word "any", insert the following: "work."

Amendment No. 6.

On page 2, lines 18 and 19, of the printed bill, as amended, strike out the words "Chief of the Division of Labor Statistics and Law Enforcement", and insert in lieu thereof the following: "Division of Industrial Accidents and Safety."

Amendment No. 7.

On page 2, lines 21 and 22, of the printed bill, as amended, strike out the following: "workshop, factory, or place or location in which any person or persons shall be employed", and insert in lieu thereof the following: "place of employment as defined in the Workmen's Compensation, Insurance and Safety Act."

Amendment No. 8.

On page 2, line 25, of the printed bill, as amended, strike out the following: "factory, workshop, or other establishment", and insert in lieu thereof the following: "place of employment as defined in the Workmen's Compensation, Insurance and Safety Act."

Amendment No. 9.

On page 2, line 31, of the printed bill, as amended, strike out the following: "factory, workshop or other establishment", and insert in lieu thereof the following: "place of employment."

Amendment No. 10.

On page 2, lines 40 and 41, of the printed bill, as amended, strike out the following: "factory, workshop or other establishment where person is employed", and insert in lieu thereof the following: "place of employment."

Amendment No. 11.

On page 2, lines 44 and 45, of the printed bill, as amended, strike out both lines, and insert in lieu thereof the following: "Every place of employment, as defined by the Workmen's Compensation, Insurance and Safety Act."

Amendment No. 12.

On page 3, lines 9 and 10, of the printed bill, as amended, strike out the words "Chief of the Division of Labor Statistics and Law Enforcement", and insert in lieu thereof the following: "Division of Industrial Accidents".

Bill read second time, ordered to reprint, and re-referred to Committee on Public Health and Quarantine.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on May 22, 1935, passed as amended Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, county association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities, providing for the payment of such bonds and the interest thereon—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 78.

Amendment No. 1.

On page 1, line 7 of the title of the printed bill, as amended, after the word "extension", and before the comma, insert an "s".

Amendment No. 2.

On page 1, line 10 of the title of the printed bill, as amended, strike out the comma at the end of the line, and insert in lieu thereof: "and".

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 28 to 31, inclusive, and insert in lieu thereof the following: "The term "public" when used in this act shall mean and include the public generally, or any limited portion of the public including a person, private corporation, municipality, political subdivision and agency of the State, for which the service is performed or to which the commodity is delivered."

Amendment No. 4.

On page 3, line 52, of the printed bill, as amended, strike out the semicolon at the end of the line, and insert in lieu thereof a period.

Amendment No. 5.

On page 4 of the printed bill, as amended, strike out all of lines 1 to 7, inclusive.

Amendment No. 6.

On page 6, line 12, of the printed bill, as amended, after the word "the", and before the word "by", strike out the word "department", and insert in lieu thereof the word "commission".

Amendment No. 7.

On page 6, line 17, of the printed bill, as amended, after the word "such", and before the word "shall", strike out the word "department", and insert in lieu thereof the word "commission".

Amendment No. 8.

On page 6, line 20, of the printed bill, as amended, after the word "power", and before the word "except", strike out "of".

Amendment No. 9.

On page 6, line 22, of the printed bill, as amended, after the word "of", and before the word "The", strike out the word "Department.", and insert in lieu thereof the word "Commission."; and in line 23, strike out the words "department of" at the beginning of the line, and in the same line, after the word "utilities", and before the word "shall", insert the word "commission".

Amendment No. 10.

On page 6, line 24, of the printed bill, as amended, after the word "seal", and before the word "and", strike out the following: ", to sue and be sued,".

Amendment No. 11.

On page 6, line 25, of the printed bill, as amended, after the word "power", and before the word "and", insert a colon, and strike out the balance of the line.

Amendment No. 12.

On page 6, line 30, of the printed bill, as amended, after the word "them", strike out the following: ", and with any other", and in line 31, at the beginning of the line, strike out "public utility,".

Amendment No. 13.

On page 7, line 21, of the printed bill, as amended, after the word "controlled", strike out the semicolon, and insert in lieu thereof a period; and strike out the balance of the line, and strike out lines 22, 23, 24 and 25.

Amendment No. 14.

On page 8, line 13, of the printed bill, as amended, after the word "commission.", insert the following:

"7. To enter into any and all appropriate contracts and agreements which may be necessary, appropriate or expedient for any of the purposes of this act; to cooperate and contract with any and all Federal or State agencies, authorities or entities for any of the purposes or objects of this act; to purchase or acquire by contract or otherwise a supply of water and power, or either thereof, or any other public utility service; to exercise any and all powers incidental to the powers herein expressly authorized."

Amendment No. 15.

On page 8, line 41, of the printed bill, as amended, after the word "thereof.", insert the following:

"Notwithstanding anything in this act contained contrary hereto or in conflict herewith, the powers and duties of a commission herein provided for shall not be or constitute a limitation or restriction upon the powers as now provided, or as may hereafter be provided by law, of any city or local governmental agency availing itself of the provisions of this act, but the purpose and object of this act is, and shall be construed to be, to afford to any such city or local governmental agency, powers in addition to such powers as are now provided or as may hereafter be provided by law; provided, however, the provisions of this act shall not be construed to authorize the construction, acquisition, extension, improvement, addition, repair or replacement of any public utility, or the rendering of any public utility service, or

the engaging in any activity by a local governmental agency which it is not authorized so to do by its organic act or laws under which it operates, but any such local governmental agency may construct, acquire, extend, improve, repair or replace any public utility, or render public utility service of such nature and character as may be appropriate to its organic act or laws under which it operates, and issue revenue bonds therefor, subject to the provisions of this act.

Amendment No. 16.

On page 10, line 47, of the printed bill, as amended, after the word "thereof", and before the word "the", strike out the word "or", and insert in lieu thereof the word "and".

Amendment No. 17.

On page 12, line 17, of the printed bill, as amended, insert a period after the word "bonds", at the end of the line, and strike out all of line 18.

Amendment No. 18.

On page 12, line 35, of the printed bill, as amended, after the word "agency", and before the word "such", insert the following: "and to issue revenue bonds therefor."

Amendment No. 19.

On page 12, line 51, of the printed bill, as amended, after the word "and", and before the word "public", insert the word "the".

Amendment No. 20.

On page 13, line 37, of the printed bill, as amended, after the word "thereof", insert the following: "and the issuance of revenue bonds therefor."

Amendment No. 21.

On page 13, line 51, of the printed bill, as amended, strike out the comma after the word "under", and strike out the balance of the line, and strike out all of line 52; and on page 14, line 1, strike out the word "provided". At the beginning of the line.

Amendment No. 22.

On page 14, line 47, of the printed bill, as amended, after the word "proposed", and before the word "for", insert the following: "to issue revenue bonds."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 78?

The roll was called, and Assembly amendments to Senate Bill No. 78 concurred in by the following vote:

AYES—Senators Biggar, Donel Edwards, Fletcher, Garrison, Gurnee, Hays, Hulse, King, Knowland, McCall, McGovern, McGowan, Metzger, Perry, Rice, Schottky, Seellan, Slater, Snyder, Stow, Swing, Tuckle, and Young—24.

NOES—None.

Senate Bill No. 78 ordered to enrollment.

Leave of Absence.

Senator Reindollar was, on motion of Senator Slater, granted leave of absence for the balance of this legislative day.

Report of Standing Committee.

The following report of standing committee was received and read:

On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred the following resolution by Senators Garrison, Jepsen, Metzger, Parkman, Duval, Rich, Perry, Powers, Schottky, Crittenden, McCormack, McCall, Knowland, Mixer and Sharkey:

WHEREAS, Chapter 59, Statutes of 1933, provides for the safety of design and construction of public school buildings under the supervision of the Division of Architecture in the Department of Public Works; and

WHEREAS, The application of said act has worked hardship on the school authorities, taxpayers, and pupils; and

WHEREAS, There have been many complaints as to the operation and administration of this act; now, therefore, be it

Resolved, That the President of the Senate appoint a committee of three members to investigate the operation and administration of said act; and be it further

Resolved, That said committee shall be and is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matter above referred to in order to enable the Senate to act judiciously and advisedly upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of persons, books, accounts, reports and records of every kind; to issue subpoenas and take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate or during the recess, at such times, place or places as the committee may determine; such committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further

Resolved, That said committee report the results of said investigation, together with its recommendations as to the needed changes in the law to the Senate; and make suggestions as to needed changes or improvements in the administration of said act to the Governor; and be it further

Resolved, That the sum of \$500, or so much thereof as may be necessary be and the same is hereby appropriated from the contingent fund of the Senate for such incidental expenses as the committee may necessarily meet, including securing of transcript of such of its proceedings as it may deem necessary to preserve. Such items of expense are to be paid to the persons entitled thereto upon certification to the Controller by the chairman of said committee;

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

KING, Chairman.
STOW.
POWERS.

Consideration of Resolution.

WHEREAS, Chapter 59, Statutes of 1933, provides for the safety of design and construction of public school buildings under the supervision of the Division of Architecture in the Department of Public Works; and

WHEREAS, The application of said act has worked hardship on the school authorities, taxpayers, and pupils; and

WHEREAS, There have been many complaints as to the operation and administration of this act; now, therefore, be it

Resolved, That the President of the Senate appoint a committee of three members to investigate the operation and administration of said act; and be it further

Resolved, That said committee shall be and is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matter above referred to in order to enable the Senate to act judiciously and advisedly upon such matters, and the said committee shall hereby be empowered to summon and subpoena witnesses, require the production of persons, books, accounts, reports and records of every kind; to issue subpoenas and take all necessary means to compel the attendance of witnesses and to procure testimony; the members of such committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate or during the recess, at such times, place or places as the committee may determine; such committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further

Resolved, That said committee report the results of said investigation, together with its recommendations as to the needed changes in the law to the Senate; and

make suggestions as to needed changes or improvements in the administration of said act to the Governor, and be it further

Resolved, That the sum of \$500, or so much thereof as may be necessary be paid the same is hereby appropriated from the contingent fund of the Senate for such incidental expenses as the committee may reasonably incur, including securing of transcript of such of its proceedings as it may deem necessary to preserve. Such items of expense are to be paid to the persons entitled thereto upon certification to the Controller by the chairman of said committee.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Denel, Edwards, Fletcher, Garrison, Gibson, Hulse, Jorgensen, King, Knowland, McColl, McGovern, McQuinn, M. G. Quinn, Metzger, Perry, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tackle, and Young—24.

NOES—None.

Leave of Absence.

Senator McGovern was, on motion of Senator Seawell, granted leave of absence for the balance of this legislative day.

Third Reading of Assembly Bills.

Assembly Bill No. 823—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, as amended, by amending section 862 of, and to add sections 862.1 to 862.6, inclusive, to the act, relating to the powers of sixth class cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 823 passed by the following vote:

AYES—Senators Biggar, Denel, Dwyer, Edwards, Gibson, Hulse, King, Knowland, McColl, McGovern, McQuinn, Metzger, Meyer, Quinn, Perry, Rich, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Tackle, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 823 ordered transmitted to the Assembly.

Assembly Bill No. 1919—An act to amend section 3 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Amendments from the Floor.

During third reading of Assembly Bill No. 1919, the following amendments, offered by Senator Snyder, were read:

Amendment No. 1.

On page 2, line 2, of the printed bill, as amended, strike out "to be", and insert in lieu thereof the following: "which is".

Amendment No. 2.

On page 2, line 7, of the printed bill, as amended, strike out "conclusively".

Amendment No. 3.

On page 2, line 8, of the printed bill, as amended, strike out the period after "employment", and strike out "in all other cases the term 'injury'", and strike out all of lines 9 to 11, inclusive, on said page, and insert in lieu thereof the following: "unless there is evidence to the contrary."

Ayes and Noes Demanded.

A roll call was demanded by Senators McColl, McGovern and Olson, on the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Deuel, Duval, Hays, Hulse, Mixer, Rich, Sharkey, Stow, Swing, and Tickle—10.

NOES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Perry, Scollan, Slater, Snyder, and Young—20.

Motion to Reconsider.

Senator Snyder moved to reconsider the vote whereby the amendments offered to Assembly Bill No. 1919 were refused adoption and requested unanimous consent to postpone consideration until the next legislative day.

Unanimous Consent Refused.

Upon objection of Senator Olson, unanimous consent to postpone consideration of the motion to reconsider the vote whereby the amendments offered to Assembly Bill No. 1919 were refused adoption, was refused.

Postponement of Reconsideration.

Senator Snyder moved the further consideration of the motion to reconsider the vote whereby the amendments offered to Assembly Bill No. 1919 were refused adoption be continued until the next legislative day.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Snyder and McGovern, on the adoption of the motion to postpone consideration of the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Fletcher, Hays, Hulse, Knowland, McCormack, McGuinness, Metzger, Mixer, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—24.

NOES—Senators Biggar, Edwards, Garrison, Jespersen, King, McColl, McGovern, Olson, and Perry—9.

Assembly Bill No. 2268—An act to amend section 1 of an act entitled "An act providing for the supervision and regulation of the transportation of property for compensation over any public highway by auto trucks; defining transportation companies and providing for the supervision and regulation thereof by the Railroad Commission; providing for the enforcement of the provisions of this act and for punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, relating to the determination of the operation of auto trucks by transportation companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2268 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2268 ordered transmitted to the Assembly.

Assembly Bill No. 944—An act regulating the use of public highways by motor vehicles operated thereon for the transportation of property

for compensation; conferring powers upon the Railroad Commission with respect thereto; providing penalties for the violations of this act and repealing all acts inconsistent with the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 944 passed by the following vote:

AYES—Senators Bigger, Crittenden, Duval, Dyfunt, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, King, Knowland, McCormack, McGovern, McGuinness, Mixter, Parkman, Perry, Pirovich, Powers, Rich, Schottky, Seaman, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—33.

NOES—Senator Metzger—1.

Title read and approved.

Assembly Bill No. 944 ordered transmitted to the Assembly.

Assembly Bill No. 2180—An act to amend section 17 of the Public Utilities Act, relating to discrimination in relation to transportation by common carriers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2180 passed by the following vote:

AYES—Senators Bigger, Crittenden, Duval, Dyfunt, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pirovich, Powers, Rich, Schottky, Seaman, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2180 ordered transmitted to the Assembly.

Assembly Bill No. 305—An act to amend section 1357 of the Political Code, relating to absentee voters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 305 passed by the following vote:

AYES—Senators Bigger, Crittenden, Duval, Fletcher, Gordon, Hays, Jepsen, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pirovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 305 ordered transmitted to the Assembly.

Assembly Bill No. 710—An act to establish a Military Code, thereby revising and consolidating the law relating to the armed forces and militia of the State and relating to military and veterans' affairs, aid and welfare, institutions, and buildings and to repeal certain acts and parts of acts therein specified.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 710.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 23, 1935.

*To the Honorable Members of the Senate, State of California,
Sacramento, California.*

GREETINGS: Assembly Bill No. 710—An act to establish a Military Code, thereby revising and consolidating the law relating to the armed forces and militia of the State and relating to military and veterans' affairs, aid and welfare, institutions, and buildings and to repeal certain acts and parts of acts therein specified.

In my opinion said Assembly Bill No. 710 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the budget bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 710 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—34.
NOES—None.

Title read and approved.

Assembly Bill No. 710 ordered transmitted to the Assembly.

Assembly Bill No. 1753—An act to amend sections 2,876, 2,877, 2,878, 2,885, 2,890, 2,891, and to repeal 2,868 of the School Code, relating to school district elections.

Amendments from the Floor.

During third reading of Assembly Bill No. 1753, the following amendments, offered by Senator Young, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 5, and insert in lieu thereof the following: "Vices as such election officer, such sum as the governing board or board of education".

Amendment No. 2.

On page 1, line 6, of the printed bill, as amended, strike out "districts governed by boards of education".

Amendment No. 3.

On page 1, lines 8 and 9, of the printed bill, as amended, strike out ", and in all other districts not exceed three dollars to each officer".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1754—An act to amend sections 4,962, 4,963, 4,964, 4,1010, and to add new sections to be known as 4,967 and 4,968 of the School Code, relating to bond elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1754 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Williams and Young—27.
NOES—None.

Title read and approved.

Assembly Bill No. 1754 ordered transmitted to the Assembly.

Assembly Bill No. 386—An act to amend section 472a of the Code of Civil Procedure, relating to demurrers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 386 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difani, Dwyal, Fletcher, Hays, Hulse, Jespersen, King, Knowland, McCormack, McQuinn, McGinness, Miller, Olson, Perry, Pritchard, Rich, Seidlitz, Seidell, Sharkey, Synder, Synder, Stow, Tacke, and Williams—27.

NOES—None.

Title read and approved.

Assembly Bill No. 386 ordered transmitted to the Assembly.

Assembly Bill No. 771—An act authorizing counties to contract with cities and towns, to assume and carry on certain municipal functions thereof, providing for transfers of employees and assumption of pensions, and authorizing cities to transfer such functions to counties and to enter into contracts in relation thereto.

Amendment from the Floor.

During third reading of Assembly Bill No. 771, the following amendment, offered by Senator Seidlitz, was read and adopted:

Amendment No. 1.

On page 2, line 40, of the printed bill, as amended, strike out the period, and insert in lieu thereof a semicolon and the following: "and shall this act be deemed to repeal or affect any other act authorizing agreements or contracts between counties and cities, nor shall it affect any such agreements or contracts."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1269—An act authorizing and empowering any county, city and county, or city in the State of California to donate, convey, and grant to the State of California, or to district agricultural associations thereof, any real property owned, held and used by it for fair ground and exposition purposes, or which it may hereafter acquire hold and use for such purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1269 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, King, Knowland, McCormack, McQuinn, McGinness, Rich, Schottky, Sharkey, Slater, Synder, Stow, Tacke, and Young—23.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1269 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Assembly Bill No. 1141—An act to add section 11a to and to amend section 23 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selec-

tion of jurors therein." approved May 23, 1925, relating to municipal courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1141 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Hays, King, Knowland, McCormack, McGovern, McGuinness, Mixer, Perry, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, and Young—23.

NOES—Senator Tickle—1.

Title read and approved.

Assembly Bill No. 1141 ordered transmitted to the Assembly.

Assembly Bill No. 456—An act to amend sections 830, 834 and 1533 of the Probate Code, relating to the borrowing of money by executors, administrators and guardians and the execution by them of mortgages, deeds of trust and pledges to secure the same and the limitation upon recovery on deficiency judgments in such cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 456 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Hays, King, Knowland, McCormack, McGovern, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 456 ordered transmitted to the Assembly.

Assembly Bill No. 291—An act to add a new chapter to Title XIV of Part IV of Division Third of the Civil Code to be known as Chapter III-A thereof, in relation to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law relating thereto and to amend section 2988 of the Civil Code relative to the lien of the pledgee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 291 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, King, Knowland, McCormack, Mixer, Perry, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 291 ordered transmitted to the Assembly.

Assembly Bill No. 1132—An act to amend sections 1093, 1127, 1323, and 1439 of the Penal Code, relating to instructions and comment in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1132 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Hays, Jespersen, King, Knowland, McCormack, Olson, Parkman, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Tickle, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 1132 ordered transmitted to the Assembly.

Assembly Bill No. 904—An act to amend section 600 of the Probate Code, relating to inventory and appraisement of estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 904 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, King, Knowland, McCormack, Metzger, Mixter, Olson, Perry, Parkman, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 904 ordered transmitted to the Assembly.

Assembly Bill No. 999—An act to add a new article to Chapter IX of Part III of Division V of the School Code, to be known as Article IV, consisting of sections 5792 to 5799b, inclusive, relating to a merit system for employees in positions other than those requiring certification qualifications.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 999 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Hays, King, Knowland, McColl, McCormack, Metzger, Mixter, Olson, Parkman, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 999 ordered transmitted to the Assembly.

Assembly Bill No. 624—An act to amend section 61 of the Bank Act, making flood control bonds legal for savings bank investments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 624 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Hays, King, Knowland, McColl, McCormack, Metzger, Mixter, Olson, Parkman, Perry, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 624 ordered transmitted to the Assembly.

Assembly Bill No. 2421—An act to amend sections 1, 2, 3, and 4 of an act entitled "An act to establish salesrooms and industrial workshops for the blind, providing for the management, government and administration thereof, and making an appropriation for the establishment of a revolving fund therefor," approved June 18, 1929.

relating to salesrooms and workshops for blind and physically handicapped persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2421 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, King, McColl, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2421 ordered transmitted to the Assembly.

Assembly Bill No. 2104—An act to amend the County Water District Act, approved June 10, 1913, as amended by adding to said act, as amended, a new section, to be numbered 4a, providing for the election of directors by divisions, instead of at large, if authorized by election.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2104 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, King, McColl, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2104 ordered transmitted to the Assembly.

Assembly Bill No. 1770—An act establishing and validating the organization and existence of water districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1770 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, King, Knowland, McColl, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1770 ordered transmitted to the Assembly.

Assembly Bill No. 1771—An act to repeal section 109a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1771 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, King, Knowland, McColl, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 1771 ordered transmitted to the Assembly.

Assembly Bill No. 630—An act to amend sections 71, 72, 73, 104, 135, 136, 160, and 194, to add sections 100.5, 101.5, 104.5, 136.5 and 233 to, to add a new chapter, to be numbered 5, to Division I and to repeal section 112 of the Streets and Highways Code, relating to public ways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 630 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Jorgensen, King, Knowland, McColl, McCormack, Manager, Minter, Olson, Parkman, Perry, Pervovich, Powers, Rich, Schottky, Seawell, Sharkey, Senter, Snyder, Stow, Tickle, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 630 ordered transmitted to the Assembly.

Assembly Bill No. 739—An act to amend section 1702 of the Streets and Highways Code, to define "maintenance" as including illumination.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 739 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, King, Knowland, McColl, McCormack, McGinness, Manager, Minter, Olson, Parkman, Perry, Pervovich, Rich, Schottky, Seawell, Sharkey, Slater, Senter, Stow, Tickle, and Williams—25.

NOES—None.

Title read and approved.

Assembly Bill No. 739 ordered transmitted to the Assembly.

Assembly Bill No. 2416—An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2416 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Duval, Edwards, Fletcher, Jorgensen, King, McColl, McCormack, McGinness, Manager, Parkman, Perry, Pervovich, Powers, Rich, Schottky, Seawell, Sharkey, Senter, Snyder, Stow, Tickle, and Williams—26.

NOES—Senators Garrison, Hays, and Knowland—3.

Title read and approved.

Assembly Bill No. 2416 ordered transmitted to the Assembly.

Third Reading of Senate Bills.

Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation

of this act; to make an appropriation for the enforcement of this act; to take effect immediately.

Amendments from the Floor.

During third reading of Senate Bill No. 919 the following amendments, offered by Senator Pierovich, were read and adopted.

Amendment No. 1.

On page 6, line 34, of the printed bill, as amended, after the word "the", insert the word "principal".

Amendment No. 2.

On page 8, line 14, of the printed bill, as amended, strike out the word "retail".

Amendment No. 3.

On page 8 of the printed bill, as amended, strike out all that portion of line 18, following the word "municipality", and strike out all of lines 19 and 20, except the period in line 20.

Amendment No. 4.

On page 9, line 3, of the printed bill, as amended, after "alcohol", insert "dealers".

Amendment No. 5.

On page 9, line 30, of the printed bill, as amended, strike out "alcoholic", and insert "alcoholic".

Amendment No. 6.

On page 10 of the printed bill, as amended, strike out all of line 13, and insert "importer unless it shall be established".

Amendment No. 7.

On page 10, line 14, of the printed bill, as amended, strike out the word "board".

Amendment No. 8.

On page 14, line 29, of the printed bill, as amended, after the word "States", insert "registered".

Amendment No. 9.

On page 15, line 41, of the printed bill, as amended, after the figure "32.", insert the following as a separate paragraph:

"No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection under this act of any excise tax sought to be collected by the Controller; but after payment of any such excise tax under protest duly verified and setting forth the grounds of objection to the legality of such excise tax, the manufacturer or importer paying such excise tax may bring an action against the State Treasurer in the superior court of the county of Sacramento for the recovery of the excise tax so paid under protest."

Amendment No. 10.

On page 16, line 20, of the printed bill, as amended, strike out the word "after".

Amendment No. 11.

On page 16 of the printed bill, as amended, strike out lines 21 to 43, both inclusive, and insert in lieu thereof the following: "by the holders of on or off-sale distilled spirits licenses issued under this act and by the holders of on-sale licenses for liquor other than beer and wine issued under the State Liquor Control Act, immediately upon opening the original cases in which the distilled spirits were packed and in which such distilled spirits were purchased from the manufacturer, rectifier, importer or wholesaler. In the case of distilled spirits not in original cases at the time of purchase the stamps shall be attached immediately upon bringing such distilled spirits upon the premises for which such on or off-sale licenses are issued.

Such stamps shall be sold by the board only to persons holding valid distilled spirits manufacturer's licenses, rectifier's licenses, distilled spirits and wine importer's licenses or distilled spirits wholesaler's licenses issued under this act or the State Liquor Control Act; provided that until July 1, 1935, the board shall sell a sufficient number of such stamps, to stamp stocks of distilled spirits on hand, to persons holding valid on or off-sale licenses for liquor other than beer and wine issued under the State Liquor Control Act; provided, further, that the board may thereafter, in its discretion, sell such stamps to such holders of on or off-sale distilled spirits licenses as it may determine.

On and after July 1, 1935, all distilled spirits delivered by any manufacturer, rectifier, importer or wholesaler of distilled spirits to any person holding an on or off-sale distilled spirits license issued under this act or an on-sale license for liquor other than beer and wine issued under the State Liquor Control Act, must be accompanied by a sufficient number of stamps purchased from the board, to stamp

the packages containing such distilled spirits. Every manufacturer, rectifier, importer or wholesaler of distilled spirits who delivers distilled spirits in violation of this section shall be guilty of a misdemeanor.

Amendment No. 12.

On page 16, line 45, of the printed bill, as amended, strike out the period, and add the following: "; provided that all such stamps must be of a character, design, and process which will give the State the maximum amount of protection against counterfeiting. The board shall have full charge and control of the issuing, securing, or purchase and of the sale of all such stamps and shall keep a record of all stamps sold.

At the time such stamps are attached to the packages of distilled spirits, they shall immediately be marked by indelibly writing or stamping thereon the number of the licensee attaching the stamp and the date of application."

Amendment No. 13.

On page 16, line 47, of the printed bill, as amended, after the word "and", insert the words "or off".

Amendment No. 14.

On page 16, line 51, of the printed bill, as amended, strike out "or to sell on such premises,".

Amendment No. 15.

On page 17, line 3, of the printed bill, as amended, after "received", insert the following: "or unless such distilled spirits are still in the original cases in which such distilled spirits were purchased from the manufacturer, rectifier, importer or wholesaler, and such cases have not been opened since delivery to the premises for which such on or off sale licenses are issued."

Amendment No. 16.

On page 17 of the printed bill, as amended, between lines 9 and 10, insert the following:

"On and after July 1, 1935, it shall be unlawful for any person holding an on sale distilled spirits license issued under this act or act on sale license for liquor other than beer and wine issued under the State Liquor Control Act to serve or remove any distilled spirits from any packages at the premises for which such licenses are issued unless the stamps required by this act to be attached to the packages are so attached to said packages and marked as herein provided."

Amendment No. 17.

On page 17, line 24, of the printed bill, as amended, after "acquire", insert the following: "or the holder of a valid distilled spirits manufacturer's license, rectifier's license, distilled spirits and wine importer's license or distilled spirits wholesaler's license issued under this act or the State Liquor Control Act".

Amendment No. 18.

On page 17, line 30, of the printed bill, as amended, strike out "permit, or".

Amendment No. 19.

On page 17, line 31, of the printed bill, as amended, strike out "or permits".

Amendment No. 20.

On page 17, line 32, of the printed bill, as amended, strike out "permit".

Amendment No. 21.

On page 17, line 50, of the printed bill, as amended, strike out "expenditures", and insert in lieu thereof the following: "expenditure".

Amendment No. 22.

On page 18 of the printed bill, as amended, between lines 24 and 25, insert the following:

"6. The expenditures authorized by subdivisions 1, 2, 3 and 4 of this section shall be made exclusively from the remaining 64% per cent of monies collected from license fees and no part thereof from the fifty per cent of license fees payable to counties, cities and counties, and cities under the provisions of subdivision 5 of this section."

Amendment No. 23.

On page 18, line 25, of the printed bill, as amended, strike out "6", and insert in lieu thereof the following: "7".

Amendment No. 24.

On page 18, line 27, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "8".

Amendment No. 25.

On page 23, line 45, of the printed bill, as amended, after the word "thereto", insert the following: "; (d) distilled spirits in United States Government bonded warehouses".

Amendment No. 26.

On page 27, line 27, of the printed bill, as amended, after the period following the word "imprisonment", add the following: "All fines and forfeitures imposed for a violation of this act and collected in any court, except police courts, city justices' courts, city courts, and recorders' courts of cities or towns, must be paid to the county treasurer of the county in which the court is held; provided, that all fines and forfeitures collected in any police court, city justice's court, city court, or recorder's court, of any city or town that is maintained and the salaries of the officers thereof paid by the city shall be paid to the city treasurer of the city in which such court is located, excepting, however, all forfeitures collected by the judge of any of said courts when sitting as a committing magistrate."

Bill ordered to reprint, engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Constitutional Amendment No. 63—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 22 of Article XII of the Constitution of said State, relating to creation and powers of the Railroad Commission.

Amendments from the Floor.

During the reading of Assembly Constitutional Amendment No. 63, the following amendments, offered by Senator Deuel, were read and adopted:

Amendment No. 1.

On page 1 of the printed measure, strike out the last line of the title, and insert in lieu thereof the following: "to the creation and powers of the Public Service Commission."

Amendment No. 2.

On page 1, line 6, of the printed measure, after "that", insert the following: "section 22 of Article XII of".

Amendment No. 3.

On page 1, line 16, of the printed measure, strike out "three".

Amendment No. 4.

On page 1, line 17, of the printed measure, strike out "section", and insert in lieu thereof the following: "amendment".

Amendment No. 5.

On page 1 of the printed measure, strike out lines 18 to 25, inclusive, and insert in lieu thereof the following: "were appointed. Whenever".

Amendment No. 6.

On page 2, line 29, of the printed measure, after "commission", insert the following: "and".

Amendment No. 7.

On page 2, line 43, of the printed measure, strike out "to hear and determine", and strike out line 44, and in line 45, strike out "nies";

Amendment No. 8.

On page 2, line 49, of the printed measure, strike out "; the", and insert in lieu thereof a period and "The".

Amendment No. 9.

On page 3 of the printed measure, strike out lines 12 to 21, inclusive, and insert in lieu thereof the following: "herewith, and whenever in this Constitution or the laws of this State the term 'Railroad Commission' is used, it shall be understood to refer to the Public Service Commission."

Assembly Constitutional Amendment No. 63 ordered to reprint, and on file.

Senator Sharkey in the Chair.

At four o'clock and fifty minutes p.m., Senator Sharkey of the Seventeenth District was called to the chair.

Assembly Bill No. 1345. An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending sections numbered 5, 7, 12 and 25 of said act, as amended, and by repealing section 52 of said act, as amended, and by adding to said act, as amended, new sections, to be numbered and providing as follows, to wit: section 16a, relating to retarding banks; section 26a, relating to addition to a county water district of lands situate in a county contiguous to the county in which such district was organized; section 25b, relating to conditions upon addition of land to the district; and section 52, adding to the district lands privately owned which were public lands when the district was organized.

Amendments from the Floor.

During third reading of Assembly Bill No. 1345 the following amendments, offered by Senator Edwards, were read and adopted:

Amendment No. 1.

In the next to the last line of the title of the printed bill, strike out "AND 52", and insert in lieu thereof the following: "52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 and 65".

Amendment No. 2.

On page 13 of the printed bill, as amended, immediately following line 23, insert the following:

SEC. 9. Section 54 is hereby added to the act cited in the title hereof to read as follows:

SEC. 54. DISTRICTS MAY BE CONSOLIDATED. Two or more districts organized or existing under this act may be consolidated, as hereinafter provided, whether their boundaries are contiguous or not, and when so consolidated the consolidated district shall possess all the powers and be governed by and be subject to all of the provisions of this act (except as hereinafter otherwise provided) as though originally organized under this act.

SEC. 10. Section 55 is hereby added to the act cited in the title hereof to read as follows:

SEC. 55. PETITION. When in the judgment of the board of directors of a county water district it is for the best interests of said district that it be consolidated with one or more other districts organized or existing under this act, or when there is presented to said board a petition signed by signers equal in number and possessing the qualifications required by this act for a petition for the organization of a county water district, said board must pass a resolution stating such facts and declaring the advisability of such consolidation, and its willingness to consolidate, and forward to the State Engineer a copy thereof, duly certified to be read by the president or secretary of the district.

SEC. 11. Section 56 is hereby added to the act cited in the title hereof to read as follows:

SEC. 56. INVESTIGATION BY STATE ENGINEER. Upon the receipt of a certified copy of such resolution adopted by two or more of such districts, the State Engineer shall forthwith make or cause to be made such investigation as he may deem necessary.

SEC. 12. Section 57 is hereby added to the act cited in the title hereof to read as follows:

SEC. 57. REPORT BY STATE ENGINEER; RECOMMENDATION; REPORT FAVORABLE. Upon the completion of such examination, but not more than ninety (90) days after the receipt by him of a copy of the resolution from the board last adopting the same, the State Engineer shall submit to the board of directors of each of said districts his report thereon.

In case said State Engineer shall consider the elimination of a portion of the lands included in any of the original districts advisable, he shall recommend the same in his report, stating his reasons therefor. He shall also set out the boundaries of the consolidated district recommended.

SEC. 13. Section 58 is hereby added to the act cited in the title hereof to read as follows:

SEC. 58. ELECTION. Within ten (10) days after receiving said report, if the State Engineer deems such consolidation desirable, the board of directors of each of said districts must make an order calling a special election at which shall be

submitted to the electors of such district possessing the qualifications required of electors under this act the question whether or not said consolidation shall be effected, which said election shall be conducted and returns canvassed so far as practicable in accordance with the requirements for the general county water district election provided for in this act. The boards of directors of each of the two or more districts proposed to be consolidated shall fix a date upon which said election shall be held for the purpose of voting upon such consolidation within their respective districts, provide for the holding of such election on the day so fixed, and give notice of the holding of such election, which notice shall contain the resolution calling the election adopted by such boards of directors of said county water districts. Said boards of directors shall also each fix the boundaries of voting precincts within their respective districts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. Notice of such election shall be given for the time and in the manner, and the holding thereof shall be, so near as may be, in accordance with the provisions for the holding of elections for the issuance of bonded indebtedness, as provided by section 15 of this act. The ballots shall contain the words "Consolidation—Yes" and "Consolidation—No", or words equivalent thereto, and if a majority of the votes cast in each district are "Consolidation—Yes", then such districts shall be consolidated.

At such election there shall also be elected the directors of the consolidated district, who shall be nominated and voted for as herein provided as to the nomination and election of directors of a county water district.

SEC. 14. Section 59 is hereby added to the act cited in the title hereof to read as follows:

SEC. 59. Report of State Engineer Unfavorable: Action by Board. After receiving said report, if said State Engineer deems such consolidation not desirable, or if no report is received from said engineer within ninety (90) days after the submission to him of said copy of said resolution from the board last adopting the same, said boards of directors, if they shall determine and declare by resolution that the proposed consolidation is desirable, shall make an order calling a special election in the same manner as provided in section 5 hereof, which said election shall be conducted in the same manner and upon the same notice as provided therein.

SEC. 15. Section 60 is hereby added to the act cited in the title hereof to read as follows:

SEC. 60. Offices. Upon the voters of said districts consolidating said districts as herein provided, the directors then elected shall thereupon become the directors of such consolidated district and shall qualify, organize and elect officers in the manner provided for a newly organized district.

SEC. 16. Section 61 is hereby added to the act cited in the title hereof to read as follows:

SEC. 61. Indebtedness. The report of said engineer shall recommend the apportionment to the lands of the respective districts any outstanding indebtedness that he deems equitable, and the board of directors of the consolidated district, if such consolidation be made, shall, within sixty (60) days after such consolidation, act upon such recommendation and shall apportion to the lands of said consolidated district any outstanding indebtedness as it deems equitable.

SEC. 17. Section 62 is hereby added to the act cited in the title hereof to read as follows:

SEC. 62. Name and Powers of District. In the original resolution of consolidation, the said boards of directors of the several districts shall specify the name agreed upon for said consolidated district, and, if such consolidation is adopted at such election, then said consolidation shall be immediately effective and the districts consolidated shall cease to exist and shall be superseded by the consolidated district and the consolidated district under the said name shall immediately succeed to all of the rights, privileges, functions and properties of all of the districts participating in such consolidation and shall be deemed to assume and be subject to all of the indebtedness, bonded and otherwise, thereof, as so respectively apportioned, and all future assessments necessary shall be levied in accordance with such apportionment.

Within ten (10) days after said consolidation is made, the board of directors of said consolidated district shall make an order declaring such consolidation effective and setting out the date that the same became effective and the boundaries of said consolidated district. A copy of said order, duly certified by the president and secretary thereof, shall be forthwith filed with the Secretary of State and a like copy shall be forthwith recorded in the office of the county recorder of each county in which any lands of said consolidated district are situate.

SEC. 18. Section 63 is hereby added to the act cited in the title hereof to read as follows:

SEC. 63. Sale of Bonds. Any bonds of any county water district or districts participating in such consolidation pursuant to the provisions of this act which have been authorized by the electors of such district or districts prior to such consolidation, but which have not been issued, may, by order of the board of directors of the consolidated district, be sold or disposed of in the manner required by said

County Water District Act and the proceeds thereof applied to the purpose for which such bonds were authorized.

Sec. 19. Section 64 is hereby added to the act cited in the title thereof to read as follows:

Sec. 64. Informality Not to Invalidate. No informality in any proceeding nor informality in the conducting of any election, not substantially affecting adversely the legal rights of any officer, shall be held to invalidate the consolidation of two or more county water districts, and any proceedings, where the validity of such consolidation is denied, shall be commenced within three (3) months from the date of the recording of the order of the board of directors of the consolidated district declaring such consolidation effective, otherwise said informality and the legal existence of said consolidated county water district and all proceedings to secure thereto shall be held to be valid and in every respect legal and incontestable.

Sec. 20. Section 65 is hereby added to the act cited in the title thereof to read as follows:

Sec. 65. Rights of Creditors. Nothing herein contained shall operate or be deemed, to impair the rights of bondholders or other creditors, and each such creditor shall be entitled to enforce against said District No. Consolidated District all his rights against any district consolidated herewith in the same manner and with the same effect, except for the substitution of the consolidated district for the districts consolidated, as if the consolidation had never been effected.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1769. An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof.

Amendments from the Floor.

During third reading of Assembly Bill No. 1769, the following amendments, offered by Senator Young, were read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended, strike out "Stats. 1927, p. 1535.")".

Amendment No. 2.

On page 2, line 52, of the printed bill, as amended, after "Secretary," insert quotation marks.

Amendment No. 3.

On page 3, line 37, of the printed bill, as amended, strike out "Stats. 1929, p. 1473.")".

Amendment No. 4.

On page 4, line 21, of the printed bill, as amended, strike out "4" and insert in lieu thereof the following "5".

Amendment No. 5.

On page 4, line 29, of the printed bill, as amended, strike out "rainy".

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 121—An act to amend section 862b of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of sixth class.

Amendments from the Floor.

During third reading of Senate Bill No. 121, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out the words "amend section 861 862b of", and insert in lieu thereof the following: "add section 862.28 to".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, as amended, strike out the numeral "13", and insert in lieu thereof the numeral "18".

Amendment No. 3.

On page 1, line 3 of the title of the printed bill, as amended, after the comma following the numeral "1883", insert the following: "as amended,".

Amendment No. 4.

On page 1, line 4 of the title of the printed bill, as amended, insert after the word "of", the word "the".

Amendment No. 5.

On page 2, line 13, of the printed bill, as amended, strike out "Sec.", and insert in lieu thereof the word "Section".

Amendment No. 6.

On page 2, line 13, of the printed bill, as amended, strike out "862b", and insert in lieu thereof the numeral "862.28".

Amendment No. 7.

On page 2, line 13, of the printed bill, as amended, strike out the word "said", and insert in lieu thereof the word "the".

Amendment No. 8.

On page 2, line 13, of the printed bill, as amended, after the word "act", insert the words "cited in the title hereof".

Amendment No. 9.

On page 2 of the printed bill, as amended, strike out all of lines 15 to 30, inclusive, and insert in lieu thereof the following:

"862.28. To acquire, own, construct, maintain, and operate ferries except where prohibited under the terms of the "California Toll Bridge Authority Act."

Bill read, ordered to reprint, engrossment, and on file for third reading.

Recess.

On motion of Senator Rich, at five o'clock p.m., the Acting President of the Senate declared recess until eight o'clock p.m.

Reconvened.

At eight o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Leaves of Absence.

Senator King was, on motion of Senator Fletcher, granted leave of absence for the remainder of this legislative day.

Senator Gordon was, on motion of Senator Deuel, granted leave of absence for the remainder of this legislative day.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources;

Also: Senate Bill No. 1123—An act providing for the submission at the general election to be held in November, 1936, of a certain question herein provided, for the purpose of ascertaining the wish of the people of the State relative to the licensing of stores in this State;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic bever-

ages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately; and reports that the same has been correctly engrossed.

McCOLL, Vice Chairman.

Call of the Senate

Senator Deuel moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Jepsen, McColl, McGuinness, Olson, Perry, Powers, Rich, Scollan, Seawell, Snyder, and Young—17.

The Secretary announced the absentees:

Time, eight o'clock and fifteen minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 527—An act to provide for the creation, organization and government of river port districts in one or more counties; to enumerate the powers thereof; to authorize the incurring of indebtedness, the borrowing of money and the issuance of bonds, and other evidences of indebtedness of such district and to provide for the mortgaging, pledging, or hypothecating of property of such districts and the issuance of revenue notes, certificates or warrants payable solely and exclusively from the revenues to be realized from a particular utility or property acquired or to be acquired with the proceeds of such obligations; to provide for the levy and collection of taxes by such districts and the allocation, mortgage, pledge, or hypothecation of the revenues of such districts or any property of such districts; to authorize river port districts to enter into agreement with the State of California or any political subdivisions therein or with the United States of America; and to authorize river port districts to do and perform all acts and things necessary or appropriate to carry out the purposes of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 527 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jepsen, Knowland, McColl, McCormack, McGuinness, Mixer, Olson, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 527 ordered transmitted to the Assembly.

Assembly Bill No. 2130—An act amending section 4076 of the Political Code, relating to county government.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2130 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2130 ordered transmitted to the Assembly.

Assembly Bill No. 61—An act to amend section 2 of an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to exemptions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—26.

NOES—Senators Olson, and Perry—2.

Title read and approved.

Assembly Bill No. 61 ordered transmitted to the Assembly.

Assembly Bill No. 1550—An act to add section 32a to "An act creating a State Land Settlement Board, and defining its powers and duties, and making an appropriation in aid of its operations," approved June 1, 1917, as amended, and to ratify and confirm certain acts of the Director of Finance with respect to the disposition of properties at the Delhi State Land Settlement and Durham State Land Settlement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1550 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1550 ordered transmitted to the Assembly.

Assembly Bill No. 1340—An act authorizing the Governor to execute a compact with the State of Nevada for the purpose of promoting comity and good will between California and Nevada with reference to the Boulder Canyon Project, and of adjusting matters pertaining to the proposed taxation of property located in Nevada and owned by the State of California or any political subdivision thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1340 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Dufani, Duval, Edwards, Fletcher, Garrison, Jespersen, Knowland, McColl, McCormack, McGinness, Mixer, Olson, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Tickle—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1340 ordered transmittal to the Assembly.

Assembly Bill No. 1009—An act to amend section 9 of "An act defining clinics and dispensaries, providing for the operation, control, maintenance, examination and regulation thereof, requiring permits therefor, providing for the issuance and revocation of such permits by the State Board of Public Health, fixing the amount of and providing for the collection and disposition of annual fees for such permits, creating the clinic and dispensary fund, prescribing the powers and duties of the State Board of Public Health and of the Director of Public Health in reference to such clinics and dispensaries, and prescribing penalties for the violation of the provisions of this act," approved June 5, 1933, relating to annual fee for permits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1009 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Dufani, Duval, Edwards, Fletcher, Garrison, Jespersen, Knowland, McColl, McCormack, McGinness, Mixer, Olson, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1009 ordered transmitted to the Assembly.

Assembly Bill No. 1344—An act providing for the grant of certain lands to the United States of America for the creation of a National park or monument.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1344 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Dufani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGinness, Mixer, Olson, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1344 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 55.

Relative to memorializing Congress to erect a memorial to Mrs. A. Sherman Hoyt.

WHEREAS, Mrs. A. Sherman Hoyt, the founder of the National Desert Conservation League, has been active in the project to conserve certain portions of California's desert land for posterity; and

WHEREAS, Mrs. Hoyt's activities resulted in favorable attention by the United States of America in establishing a National monument (to be known as the "Joshua Tree National Monument") of certain desert lands of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the Assembly and the Senate hereby memorialize the President and the Congress of the United States to erect, in said "Joshua Tree National Monument" some form of memorial or tribute to Mrs. Hoyt in recognition of her unceasing efforts to establish a suitable desert park or memorial so that the desert's beauty, silence and mystery may be preserved for future generations.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 55 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—30.

NOES—None.

Assembly Joint Resolution No. 55 ordered transmitted to the Assembly.

Assembly Bill No. 390—An act to amend sections 15b and 15a of and to add section 25 to an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, relating to vital statistics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 390 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 390 ordered transmitted to the Assembly.

Assembly Bill No. 2232—An act to amend section 4295 of the Political Code, relating to official without fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2232 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Deane, Duval, Edwards, Flinn, Hays, Huber, Jorgensen, Knowland, McColl, McCormack, McGinness, Metzger, Mixer, Perry, Rich, Seadlan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Williams, and Young—28.
NOES—None.

Title read and approved.

Assembly Bill No. 2232 ordered transmitted to the Assembly.

Assembly Bill No. 2172—An act to add section 9874 to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Amendment from the Floor.

During third reading of Assembly Bill No. 2172 the following amendment, offered by Senator Deuel, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike and insert 10 to 14, inclusive, and insert in lieu thereof the following: "any criminal, such as commission of the crime or a judge thereof, may receive a reasonable compensation. The amount of compensation shall be left to the discretion of the Senate, to be paid out of the general fund of the county."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1959—An act to add sections 306 and 306a to the Penal Code, relating to minors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1959 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Hays, Jorgensen, McColl, McCormack, McGinness, Metzger, Mixer, Olson, Perry, Seadlan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—23.

NOES—Senators Deuel, Hays, Knowland, Pomero, Rich, Sharkey, and Tickle—7.

Title read and approved.

Notice of Motion to Reconsider.

Senator McColl gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1959 was passed.

Assembly Bill No. 1332—An act to add section 3306a to the Civil Code, relating to breach of contract to deliver a quitclaim deed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1332 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Jorgensen, McColl, McCormack, McGinness, Metzger, Mixer, Perry, Seadlan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Williams, and Young—24.

NOES—Garrison, and Olson—2.

Title read and approved.

Assembly Bill No. 1332 ordered transmitted to the Assembly.

Assembly Bill No. 1236—An act to amend the title and sections 1, 2, 3, 4 and 5, and to add section 6 to an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange, and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1236 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hulse, Jespersen, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1236 ordered transmitted to the Assembly.

Assembly Bill No. 1794—An act to amend the title of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred" (Chapter 1020, Statutes of 1931), to repeal sections 51 to 54 inclusive, and to add new sections to be numbered 51 to 80 inclusive, relating to exclusion of lands from water conservation districts and to improvement districts within water conservation districts" (Chapter 906, Statutes of 1933), to amend sections 18, 36 and 53 of said act and to add a new section to said act to be known as section 36a relating to revenue bonds.

Amendments from the Floor.

During third reading of Assembly Bill No. 1794, the following amendments, offered by Senator Young, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "of", insert the following: "An act to amend".

Amendment No. 2.

On page 1, line 16 of the title of the printed bill, as amended, after "districts", insert a comma and the following: "approved June 12, 1933".

Amendment No. 3.

On page 1, line 18 of the title of the printed bill, as amended, strike out "said act", and insert in lieu thereof the following: "the act amended by said act".

Amendment No. 4.

On page 1, line 19 of the title of the printed bill, as amended, before "act", insert the following: "amended".

Amendment No. 5.

On page 1 of the printed bill, as amended, in the last line of the title, strike out "revenue bonds", and insert in lieu thereof the following: "water conservation districts".

Amendment No. 6.

On page 2, line 5, of the printed bill, as amended after "relating", insert the following: "to bonds."

Amendment No. 7.

On page 2, line 6, of the printed bill, as amended, strike out "improve", and insert in lieu thereof the following: "improvement."

Amendment No. 8.

On page 2, lines 7 and 8, of the printed bill, as amended, strike out "Chapter 900, Statutes of 1933."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1929—An act to amend section 4011, of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1929 passed by the following vote:

AYES—Senators Bigger, Crutcher, Deuel, Deuel, Edwards, Fletcher, Garrison, Hays, Hulse, Jorgensen, Knowland, McColl, McGinness, McGinness, Morgan, Mixer, Olson, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Snider, Snyder, Stow, Swing, Williams, and Young. 20.

NOES—None.

Title read and approved.

Assembly Bill No. 1929 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Deuel.

Introduction, First Reading and Reference of Bill.

By Senators Mixer, Scollan, Fletcher, Hays, Dittan, Snyder, Petrovich, McColl, Perry, Powers, and McGinness: Senate Concurrent Resolution No. 40—Relative to reports of the Department of Employment and the Annual Convention of the United Spanish-American War Veterans.

Referred to Committee on Contingent Expenses.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

Concerning Assembly Bill No. 81.

SENATE CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 81—An act to amend section 11 of the Motor Vehicle Fuel License Tax Act, relating to refunds of license taxes—reports that it has not a like committee of the Assembly, consisting of Assemblymen Lyon, Johnson, and Burns, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 10, of the printed bill, as amended in Senate April 29, 1935, after the word "mail", insert the following: "and special delivery mail".

OLSON,
SCOLLAN,
HAYS,

Senate Committee on Free Conference.

LYON,
BURNS,
JOHNSON.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Knowland, McCall, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Tickle—26.
 NOES—None.

Motion to Reconsider Waived.

Senator Olson waived reconsideration of Senate Concurrent Resolution No. 36.

Senate Concurrent Resolution No. 36 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 287—An act relating to the adoption of codes of fair competition for certain trades and industries within this State.

Amendments from the Floor.

During third reading of Senate Bill No. 287, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 16 and 17; also in line 18, strike out "as service trades," and insert in lieu thereof the following: "industries herein enumerated as follows: barber shop, beauty shop, cleaning and dyeing, rug cleaning and hat renovating industries, and does not apply to the business of or to the operating forces of hotels, office or loft buildings, or apartment houses or the newspaper publishing business".

Amendment No. 2.

On page 1, line 19, of the printed bill, as amended, strike out "shall include any business in which the"; also strike out lines 20 to 26, inclusive, and insert in lieu thereof the following: "means barber shops, beauty shops, cleaning and dyeing, rug cleaning and hat renovating industries."

Amendment No. 3.

On page 2, line 2, of the printed bill, as amended, strike out "any", and insert in lieu thereof the following: "such".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Re-reference of Assembly Concurrent Resolution No. 34.

Senator Knowland moved that Assembly Concurrent Resolution No. 34 be referred to Committee on Engrossment, Enrollment and Printing.

Motion carried, and such was the order.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 730—An act to amend section 1 of an act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and

for a stipulation to this effect in the contract, and providing other penalty for violation of the provisions thereof; approved May 25, 1934 (Senate Bill No. 1094, Chapter 397), relative to the definition of public contract, duty and payment of the governing rate thereof, has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 182—An act to amend the 1933 act entitled "An act to limit the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or religious or telephone establishment or office, or to any other establishment or business, compelling each employer in any manufacturing, mercantile, mechanical establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any person, agent, superintendent, foreman or other agent of any such employer to violate the provisions of this act," approved March 29, 1934, relating to the employment of females, has had the same under consideration, and respectfully reports the same back with amendments and recommends that the amendments be adopted and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

OLSON, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, May 14, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 1115—An act to add section 1106 to the Political Code, relating to registration of voters, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7.

(Signed out)

POWERS, Chairman.
BIDGAR
DEVEL
EDWARDS
GOLLEON
SHARKEY
SWING.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, adding to Article XVI thereof a new section to be numbered 11, relating to a bond issue for certain major construction and improvement, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—7; absent—6.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 1426—An act to amend section 3820 of the Political Code, relating to assessor to collect taxes not secured by real property, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 1118—An act to call a special election to be held on the thirtieth day of July, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifty-first regular session, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof;

Also: Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor;
Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—7; absent—6.

DUVAL, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, May 23, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 1186—An act to add two new sections to the School Code to be numbered 2.807 and 5.533, relating to liability for the death of, or injury to, pupils enrolled in the public schools;

Also: Assembly Bill No. 1395—An act to amend sections 5.1100, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees by school districts, and to add a new section to be numbered section 5.1139 to the School Code;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—8; noes—5; absent—2.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 1188—An act to add a new article to Chapter II of Part II of Division IV of the School Code, to be known as Article XI, relating to school district funds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—15.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 1382—An act to amend section 5.682 of the School Code, relating to tenure of position for teachers—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—11; noes—2; absent—2.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 406—An act to add a new article to Chapter I of Part I of Division I of the School Code to be known as Article VII, embracing section 1.45, relating to the participation of pupils in public exhibitions—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—9; noes—1; absent—1; not voting—4.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 934—An act to amend section 5.63 of the School Code, relating to admission of nonresident students;

Also: Assembly Bill No. 2252—An act to amend section 5.773 of the School Code, relating to employees of school districts other than persons employed in positions requiring certification qualifications;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—15.

JESPERSEN, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 1111—An act to provide for the formation, government, operation and dissolution of library districts;

Also: Assembly Bill No. 606—An act to add a new section to the Political Code, to be numbered 26399, authorizing boards of supervisors to temporarily close any public highway, road, street or avenue, after:

Also: Assembly Bill No. 287—An act to amend section 194116 of the Political Code, relating to county rate of indigents.

Also: Assembly Bill No. 2452—An act to add section 12985 to the Code of Civil Procedure, relating to eminent domain.

Also: Assembly Bill No. 2438—An act to amend sections 16, 14, 14a and 16, of, to add sections 21, 22, 23, 24 and 25 to, and to amend sections 15 and 19 of, the Planning Act, relating to State, regional, county and city planning.

Also: Assembly Bill No. 659—An act to provide for the creation in counties and cities and counties of departments of rehabilitation, containing the agency thereof and providing that this act shall take effect immediately.

Has had the same under consideration, and respectfully requests the same back, with amendments, and recommends that the amendments be adopted and that they be passed as amended.

Committee membership: 9; committee vote: Ayes: 7; absent: 2.

HOUSE CHAIRMAN.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 301—An act to amend section 7 of an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawal therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 20, 1934, relating to taxes of such districts.

Also: Assembly Bill No. 604—An act to add a new section to the Political Code, to be numbered 4052d, authorizing boards of supervisors to grant franchises for possession, management and control of public parks for exhibition and fair purposes.

Also: Assembly Bill No. 2144—An act to amend sections 42421, 42422, 42423, of the Political Code, and to add thereto sections 42421, 42422, 42423, relating to the compensation of county and township officers in counties of the thirteenth class.

Has had the same under consideration, and respectfully requests the same back, and recommends that they do pass.

Committee membership: 9; committee vote: Ayes: 7; absent: 2.

HOUSE CHAIRMAN.

Adjournment.

On motion of Senator Swing, at ten o'clock and fifteen minutes p.m., the President pro tempore of the Senate declared the Senate adjourned until eleven o'clock a.m., Monday, May 27, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Monday, May 27, 1935.

The Senate met at eleven o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Snow, Swing, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

For Strength to Finish.

O God, Thou knowest the duties that lie ahead of us, the puzzling questions that confront us, and the weaknesses that so easily beset us in the closing days of a legislative session.

Draw our hearts to Thee with the power of Thy love, that nothing may be too hard to do or to endure if it serve Thee and the needs of Thy people.

Strengthen our wills that we may not compromise to expediency nor seek the easier, rather than the better way; reinforce our moral natures that we may not give way to weariness. Help us to finish with honor, as workmen that need not be ashamed.

And keep us diligent. May no carelessness in these days of rush undo the good work thus far accomplished. Give strength to our tired bodies, brighten our dulling minds, and quicken our finer spirits, that rightness may endure to the end, that our faith may conquer and our vision perish not—for Thy Name's sake we pray. Amen.

Reading of the Journal.

During the reading of the Journal of Friday, May 24, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of the Floor of Senate Extended.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Willis Beeson of Alameda County and Mr. Ed. Heafey of Alameda County.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. C. C. De Young of Stockton.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Victor Moitret, former Page of this Senate, of Oakland; Miss Madge Cross of San Francisco, Mrs. Margaret McFall, teacher, and the history class of Calaveras Union High School, San Andreas, as follows: Mary Lloyd, Jacqueline McFall, Victoria Bongiovanni, Floris Reinking, Helen Hagquist, Ramona Winkler, Wilma Hunt, Elda Harrison, Ernestina Mendoza, Mabel Pettengill, Gwenola Rentz, Helen Gibford, Frances Genocchio, Bonnie Skinner, Tennessee Hays, Marian Laraway, Elizabeth Young, Elsie Sandez, Violet Trengive, Esther Fox, Maude Shira, Iris Shira, Eveline Markard, Pauline Pozar, and Gladys Mellin.

On request of Senator Jaspersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lucy Wilder of Berkeley and Mrs. Nellie McArthur of Sacramento.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2330—An act to amend sections 62 and 93 of the "Fish and Game Code," approved April 11, 1933, relating to fish and game and other wild life;

Also: Assembly Bill No. 2448—An act to amend section 407 of the Streets and Highways Code, relating to State highways;

Also: Assembly Bill No. 758—An act to repeal section 52a of the California Irrigation District Act, relating to the payment of assessments with matured bonds and coupons;

Also: Assembly Bill No. 1492—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and

appointment of the judges, clerks and other officers of such courts; their terms of office, qualification and compensation; and for the adoption of "jurors therein" approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Also: Assembly Bill No. 898. An act to amend section 488 of the Agricultural Code, relating to Grade A milk.

Also: Assembly Bill No. 2288. An act to add a new section to be numbered 41 to "An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional means for levying of directors within such irrigation districts," approved January 21, 1935, relating to irrigation districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2330 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2448 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 758 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 1492 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 898 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 2288 read first time and referred to Committee on Irrigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2453—An act to add section 2553 to the School Code, relating to teachers.

Also: Assembly Bill No. 2455. An act to add sections 18 and 19 to an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to regulate the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and concealed penalties for repeated violations hereof; to authorize in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to amend Chapter 146 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to concealable weapons.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2453 read first time, and referred to Committee on Education.

Assembly Bill No. 2455 read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 43—Relative to a Commission on Interstate Cooperation.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 43 referred to Committee on Rules.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2447—An act to amend section 4041.13 of, and to add sections 4041.13a to 4041.13i, inclusive, to the Political Code, relating to county purchasing agent and assistants:

Also: Assembly Bill No. 76—An act to amend section 2924½ of the Civil Code, relating to mortgages and trust deeds:

Also: Assembly Bill No. 1956—An act to amend section 356 of the Streets and Highways Code, relating to State highways:

Also: Assembly Bill No. 1324—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the division of fire safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, relating to clothes cleaning establishments:

Also: Assembly Bill No. 1765—An act to amend section 649, 649a, 651a, 651b, 651c, and 651d of the Civil Code, relating to colleges and seminaries of learning.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2447 read first time, and referred to Committee on County Government.

Assembly Bill No. 76 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1956 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1324 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1765 read first time, and referred to Committee on Universities and Teachers Colleges.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1208—An act to amend sections 3 and 5 of, and to repeal section 7 of, an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, relating to taxation, and to provide that this act shall take effect immediately:

Also: Assembly Bill No. 516—An act establishing and authorizing an additional secondary State highway from the city of Needles easterly to the Arizona-California State line, including a bridge over the Colorado River, providing for the construction, maintenance and ownership of such bridge jointly by the States of California and Arizona, and amending the Streets and Highways Code in conformance therewith.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1208 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 516 read first time, and referred to Committee on Roads and Highways.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 662—An act to provide for the refunding of bonds issued under the "Improvement Bond Act of 1915" and for the levy of reassessments and the extension of liens of assessments and the collection and enforcement of such assessments and reassessments and the payment of said bonds:

Also: Assembly Bill No. 336—An act to amend sections 396, 396a, 399, 539, 540, 542, 581, 594, 618, 629, 650, 659a, 667a, 689, 953a, 978a, 980, 983, 983a, 988a, 988b,

988c, 988h, 989, 990, 1006 and 1010 of the Code of Civil Procedure, and to add section 655 thereto, all relating to civil actions.

Also: Assembly Bill No. 665—An act to amend an act originally entitled "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, and the title of which was amended by act approved May 26, 1934, to read as follows: "An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund indebtedness thereof, or of any department, board or agency thereof, and to issue bonds therefor and to provide for the payment of the same," by amending sections 1, 2, and 3 thereof relating to refunding bonds and to the use of Federal courts in municipal bankruptcy or refunding proceedings.

Also: Assembly Bill No. 667—An act to provide for the refunding of bonds issued under an act entitled "An act to provide for the formation of district water utilities, for the acquisition or construction of public improvements, water and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of such improvements," approved April 20, 1915, and bonds issued under the Municipal Improvement District Act of 1927, and providing procedure therefor.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 968. An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied within the district in accordance with the assessed value of lands and for the issue and sale in exchange of refunding bonds and the retirement of special district bonds and the collection of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the bonds of such assessments and reassessments, and to provide for contributions of public funds to meet the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding:

Also: Assembly Bill No. 1263—An act to add a new section to the Political Code of the State of California, to be numbered 4041.27, authorizing boards of supervisors to provide for the creation and operation of a system of insurance for the benefit of physicians, nurses and other persons employed in county institutions and in county health departments, to procure group insurance for the benefit of such employees, and to provide for the payment of premiums therefor:

Also: Assembly Bill No. 1977—An act to add section 5.28 to the School Code, relating to vacations of teachers, officers and employees of State teachers colleges, State colleges, the California School for the Deaf, the California School for the Blind and the California Polytechnic School.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's veto on Assembly Bill No. 298. An act to repeal section 4.768, relating to reports of attendance in four elementary school districts.

Also: Assembly Bill No. 314—An act to amend sections 2.203 and 2.204 of the School Code and to add a new section to said code to be numbered 2.314, all relating to the formation of elementary school districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and

Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately;

Also: Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 5720, relating to the filing by county clerks with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 353 and 443 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference concerning Assembly Bill No. 1055—An act to amend sections 400 and 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies—Messrs. Lyon, Minard and Williamson.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Amendments to Assembly Bill No. 961—An act to amend sections 5,400, 5,402, 5,403, 5,408, 5,420, 5,500, 5,502, 5,503, 5,510, 5,520, 5,521, 5,640, 5,680, 5,690, 5,691, 5,710, 5,711 and 5,712 of the School Code, relating to tenure, and to add new sections to the School Code, to be numbered 5,409, 5,505, 5,506, 5,666 and 5,667, all relating to the employment, classification, dismissal and resignation of persons employed in school districts in positions requiring certification qualifications;

Also: Assembly Bill No. 920—An act to amend sections 1261, 1263, 1264, 1265, 1267, 1268, 1269, 1273, of and to add a new section to be numbered 1268.5 to the Agricultural Code, relating to persons licensed to deal in farm products;

Also: Assembly Bill No. 762—An act to add a new section to the School Code to be numbered 2,123-1, relating to the payment of the cost of food and lodging for certain elementary school pupils from the unapportioned county elementary school fund;

Also: Assembly Bill No. 400—An act to amend section 4293 of the Political Code, relating to the disposition of county and township officers' fee records;

Also: Assembly Bill No. 2437—An act to recognize certain corporations as agencies and instrumentalities of the United States, declaring the urgency thereof, and providing for the taking effect immediately thereof;

Also: Assembly Bill No. 1656—An act to amend the Vehicle Code by adding thereto section 416, relating to vehicles;

Also: Assembly Bill No. 285—An act to amend section 1361 of the Political Code, relating to counting boards to canvass absent voter ballots in counties having a population of one million persons or more.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations, and building and loan associations, as legal investments for trust and other funds—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Message ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 166—An act to amend section 1 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection, and supervision of the construction, reconstruction or alteration of or addition to public

school buildings and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture to inspect buildings providing for the collection and disposition of fees, recommending penalties for violations thereof and declaring the urgency of the act to take effect immediately." approved April 10, 1933, relating to the buildings and work subject to the provisions of said act.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. TINSCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to assent to Senate amendments to Assembly Bill No. 650. An act to add two new sections to Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code, relating to regulations of highways and requests that your honorable body rescind therefrom.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. TINSCH, Assistant Clerk.

Message ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Citizenship concerning Assembly Constitutional Amendment No. 58. A resolution in response to the people of the State of California an amendment to the Constitution of said State by amending section 8 of Article XI thereof relating to the incorporation and adoption of charters by cities, counties and cities and counties.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. TINSCH, Assistant Clerk.

Resolution.

The following resolution was offered:

By Senator Young:

Senate Resolution.

Resolved by the Senate of the State of California: That for the purpose of paying the expenses of the Special Senate Committee on Civil Service appointed pursuant to the resolution adopted by the Senate April 30, 1935, in addition to any other sum or sums, the sum of \$5,000, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Controller drawn against said contingent fund upon written orders of the chairman of the committee, which warrants the State Treasurer is hereby directed to pay.

Resolution read, and referred to Committee on Contingent Expenses.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved: That the following named person be stricken from the list of Senate attachés, and his name be stricken from the pay roll of the Senate, to take effect on completion of the work of May 25, 1935:

Ted Reindollar, Assistant Sergeant-at-Arms	Per day \$5 00
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Resolution read, and on motion of Senator Tickle adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved: That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, six days per week, and the Controller is hereby directed

to draw his warrants for the said amount, and the Treasurer is hereby directed to pay the same:

<i>Title</i>	<i>Per diem</i>
G. G. McLaughlin, Assistant Sergeant-at-Arms-----	\$5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Reindollar, Rich, Schottky, Stow, Swing, Tickle, Wagy, Williams, and Young—25.
 NOES—None.

Resolution.

The following resolution was offered:

By Senate Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$350 in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

KING.
POWERS.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Powers, Rich, Schottky, Seawell, Sharkey, Snyder, Swing, Tickle, Wagy, Williams, and Young—29.
 NOES—None.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused adoption was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued until the next legislative day.

Motion to Reconsider Amendments Continued.

Pursuant to his motion given on a previous day, Senator Snyder asked for, and was granted, permission to continue the motion to reconsider the vote whereby his amendments to Assembly Bill No. 1919 were refused adoption.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 1118—An act to call a special election to be held on the thirtieth day of July, 1935, for the purpose of submitting to the

qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifty first regular session, and to provide that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1115—An act to add section 1106b to the Political Code, relating to registration of voters.

Bill read second time, ordered to engrossment, and on file for third reading.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 12—An act to amend sections 2, 3, 4, 5, 6, 7, 10, 14, 15 and 21 and to repeal sections 9 and 18¹ of the Old Age Security Act of the State of California, relating to aid to the aged:

Also: Senate Bill No. 121—An act to add section 902.28 to an act entitled "An act to provide for the organization, incorporation, and government of nonprofit corporations," approved March 18, 1883, as amended, relating to cities and towns of the sixth class;

Also: Senate Bill No. 287—An act relating to the adoption of codes of fair competition for certain trades and industries within this State; And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XIII thereof a new section to be numbered 18, relating to revenues from taxes on motor vehicle fuel and motor vehicle registration and operation;

Also: Senate Bill No. 438—An act to carry into effect the provisions of section 20 of Article XI of the Constitution, relating to limitations upon the expenditures and tax levies of counties, cities and counties, municipalities, districts and other political subdivisions of this State and to repeal section 3714b of the Political Code;

Also: Senate Bill No. 512—An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy";

Also: Senate Bill No. 514—An act to add sections 135d to 135d12, inclusive, to the Bank Act, relating to the administration and liquidation of banks;

Also: Senate Bill No. 545—An act to amend section 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation

thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,' approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities;
And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 718—An act to amend section 439 of the Vehicle Code, relating to stored vehicles;

Also: Senate Bill No. 1105—An act to amend section 1207 of the Agricultural Code, relating to the removal of officers and directors of nonprofit cooperative marketing associations, declaring the urgency thereof to take effect immediately;

Also: Senate Bill No. 398—An act to amend sections 4 and 5 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the extension of prospecting permits for oil and gas which were in effect October 1, 1933, and upon which has been expended fifty thousand dollars or more in the prospecting for oil and gas;

Also: Senate Bill No. 734—An act to amend sections 103, 709, 1584, and 1640 of the Insurance Code, relating to insurance principles, practice, and business and matters incidental thereto;

Also: Senate Bill No. 1110—An act to amend sections 611.6, 613, 738.5, 957, and 1343 of the Fish and Game Code, relating to fish;
And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 727—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, repealing an act entitled, "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and provided that this act shall take effect immediately," approved May 15, 1933, subject to certain conditions;

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 11, relating to a bond issue for certain major construction and improvements;
And reports that the same have been correctly engrossed.

METZGER, Chairman.

Third Reading of Senate Bills.

Senate Bill No. 34—An act to add section 903 to the Fish and Game Code, relating to nets.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Senators Biggar, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, McCormack, McGovern, McGuinness, Olson, Perry, Powers, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 34 ordered transmitted to the Assembly.

Senate Bill No. 436—An act to add section 4905 to the Fish and Game Code, and to amend sections 651, 652, 653 and 655 thereof, relating to fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 436 passed by the following vote:

AYES—Senators Biggar, Denel, Duhamel, Farnes, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCornack, McGovern, McGuinness, Mixer, Perry, Powers, Reinholdt, Ross, Scherby, Seidler, Shuckert, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—41.

NOES—Senator Perry—1.

Title read and approved.

Senate Bill No. 436 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 955.

Senator Swing moved that Senate Bill No. 735 be referred to Committee on Finance.

Motion carried, and such was the order.

Senate Bill No. 438—An act to carry into effect the provisions of section 20 of Article XI of the Constitution, relating to limitation upon the expenditures and tax levies of counties, cities and counties municipalities, districts and other political subdivisions of this State.

Amendment from the Floor.

During third reading of Senate Bill No. 438 the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 2, line 28, of the printed bill, after "water districts," insert the following: "water districts, water conservation districts."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 734—An act to amend the Insurance Code, relating to insurance principles, practice, and business and matters incidental thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 734 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duhamel, Dyal, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCornack, McGovern, McGuinness, Mixer, Perry, Powers, Reinholdt, Ross, Scherby, Seidler, Shuckert, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 734 ordered transmitted to the Assembly.

Senate Bill No. 545—An act to amend sections 2 and 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,' " approved May 18, 1917, as amended, relating to

the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 545 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Gordon, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Senate Bill No. 545 ordered transmitted to the Assembly.

Senate Bill No. 718—An act to amend the Vehicle Code by amending sections 439, 440, 441, and 443; by repealing sections 425 to 432 inclusive; by adding sections 425 to 432 inclusive, relating to vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 718 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 718 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 22.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XIII thereof a new section to be numbered 18, relating to revenues from taxes on motor vehicle fuel and motor vehicle registration and operation.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California at its fifty-first regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of said Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article XIII thereof a new section, to be numbered 18 and to read as follows:

Sec. 18. (a) From and after the effective date of this section, anything in this Constitution to the contrary notwithstanding, all moneys collected from any tax imposed by the State upon the manufacture, sale, distribution, or use of motor vehicle fuel, over and above the costs of collection, shall be used exclusively and directly for the acquisition of property for, and the construction, improvement, and maintenance of, public highways, including those within cities, and all moneys collected from motor vehicle and other vehicle registration license fees, and from any other tax imposed by the State upon motor vehicle operation, over and above the costs of collection, shall likewise be used only for such purposes, and for the additional purpose of administering and enforcing all laws regulating the use and operation of motor vehicles upon the public highways of this State.

(b) The provisions of any act of the Legislature in effect on the effective date of this amendment contrary to this section are excepted herefrom and are not repealed hereby.

(c) The provisions of this section are self-executing, but the Legislature shall have full power to appropriate such moneys, and to provide for the manner of their expenditure, for the purposes specified in subdivision (a) of this section and to enact any legislation not in conflict with said subdivision.

Senate Constitutional Amendment No. 22 read.

The question being on the adoption of the amendment.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reinollar, Slater, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—19.

The Secretary announced the absentees:

Time, twelve o'clock and two minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1112—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits.

Amendments from the Floor.

During third reading of Senate Bill No. 1112, the following amendments offered by Senator Stow were read, and ordered printed in the Journal:

Amendment No. 1.

On page 1 of the printed bill, strike out line 11, and insert in lieu thereof the following: "rate of two-tenths of one per cent. Solvent credits of the class taxable to the owner thereof, under the provisions of section 14 of Article XIII of said Constitution are hereby taxed upon their actual value at the rate of one-tenth of one per cent. The property aforesaid".

Amendment No. 2.

On page 1, line 16, of the printed bill, after "upon", insert the following: "solvent credits".

Amendment No. 3.

On page 1, line 22, of the printed bill, strike out "Solvent credits, of the class taxable", also strike out lines 23 to 28, inclusive.

Bill and proposed amendments ordered held on file.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Scollan.

The Secretary was directed to call the roll, on the adoption of Senate Constitutional Amendment No. 22, of the Senators who had not answered to their names.

The roll was called, and Senate Constitutional Amendment No. 22 was refused adoption by the following vote:

AYES—Senators Biggar, Fletcher, Hays, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Perry, Pierovich, Powers, Reinollar, Slater, Snyder, Swing, Wagy, and Williams—19.

NOES—Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hulse, Knowland, McCormack, Mixer, Olson, Parkman, Rich, Schottky, Scollan, Sharkey, Stow, Tickle, and Young—20.

Notice of Motion to Reconsider.

Senator Scollan gave notice that on the next legislative day he would move to reconsider the vote by which Senate Constitutional Amendment No. 22 was refused adoption.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1123—An act providing for the submission at the general election to be held in November, 1936, of a certain question herein provided, for the purposes of ascertaining the wish of the people of the State relative to the licensing of stores in this State.

Bill read third time.

Consideration Deferred.

On motion of Senator Biggar, further consideration of Senate Bill No. 1123 was deferred until the afternoon session.

Communication.**Referring to Assembly Bill No. 2365.**

The following communication was received, read, and ordered printed in the Journal :

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, May 27, 1935.

*Hon. Andrew R. Schottky, Senate Chamber,
State Capitol, Sacramento, California.*

Subject: A. B. 2365, as Amended in Senate May 24, 1935.

DEAR SENATOR SCHOTTKY: You direct attention to the fact that this measure contains no statement declaring when it shall take effect and request an opinion on the question of whether or not under such circumstances it would take effect immediately and whether or not it would be subject to the referendum.

In our opinion it is an act which levies a tax and as such is one which the Legislature could put into immediate effect under section 1 of Article IV of the State Constitution.

However, there being nothing in the bill declaring when it shall take effect, we believe the bill is to be read in connection with section 323 of the Political Code, which declares that

"Every statute, unless a different time is prescribed therein, takes effect on the ninety-first day after the final adjournment of the session of the Legislature which passed such statute."

In view of these provisions of said section 323, we are of the opinion that if Assembly Bill No. 2365 is adopted in its present form it would take effect on the ninety-first day after the final adjournment of this session of the Legislature and not before.

In such case we are also of the opinion that it would be subject to the referendum.

The referendum provisions of section 1 of Article IV of the State Constitution do not indicate any differentiation between various types of bills which are or may be subject to referendum except as between bills which in fact take effect immediately or which in fact do not take effect until the ninety-first day after final adjournment.

We see no reason why a referendum petition filed within 90 days after final adjournment of the Legislature could not be made to apply to and to postpone the operation of a tax measure if in fact the latter does not by its terms take effect prior to the ninety-first day after the final adjournment.

Very sincerely yours.

FRED B. WOOD, Legislative Counsel.

Joint Consideration.

On motion of Senator Jespersen, it was ordered that Senate Bill No. 1123 and Assembly Bill No. 2365 be considered jointly at the afternoon session.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m. the Senate (reconvened).
Lieutenant Governor George J. Hatfield, President of the Senate
in the chair.

Assistant Secretary Carl A. Slattery at the desk.

Request for Permission to Introduce a Bill

The following request for permission to introduce a bill was presented:

By Senator Slater:

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill the title of which is set forth below:

An act to amend sections 223, 228, and 231 of and to add section 2281 to the Agricultural Code, relating to license examinations.

Respectfully submitted

SENATOR SLATER.

Request referred to Committee on Rules.

**Consideration of Daily File
Second Reading of Assembly Bills.**

Assembly Bill No. 1426—An act to amend section 1829 of the Political Code, relating to assessor to collect taxes not assessed by said property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 182—An act to amend the title and sections 1 and 3a of "An act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company, compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment, and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, relating to the employment of females.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Labor and Capital, the following amendments to Assembly Bill No. 182 were read and adopted:

Amendment No. 1.

On page 2, line 34, of the printed bill, as amended, strike out the semicolon, and insert in lieu thereof a period.

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out line 85, and insert in lieu thereof the following: "The provisions of this section shall not apply to employees engaged in theatrical work either on the stage or in moving picture production work where their working time must necessarily follow that of a production unit, except that such working time must not exceed forty-eight hours in one week. The employees mentioned in the preceding sentence shall mean, among others, wardrobe women and assistants, costume designers, make-up artists and hairdressers, wardrobe fitters, and any other employees engaged in motion picture work, restre-

tions on whose hours of work would hinder, reduce, or delay production. The provisions of this section in relation".

Bill read second time, ordered to reprint and re-referred to Committee on Labor and Capital.

Assembly Bill No. 730—An act to amend section 1 of an act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931 (Statutes 1931, Chapter 397), relative to the definition of public contract work and payment of the prevailing rate therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 301—An act to amend section 7 of an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to taxes of such districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 604—An act to add a new section to the Political Code, to be numbered 4052d, authorizing boards of supervisors to grant temporary use, possession, management and control of public parks for exposition and fair purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2144—An act to amend section 4242 of the Political Code, and to add thereto sections 4242.1, 4242.2, 4242.3, relating to the compensation of county and township officers in counties of the thirteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1111—An act to provide for the formation, government, operation and dissolution of library districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 1111 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out line 7, and in line 8, strike out "this act, the proceeding for", and insert in lieu thereof the following: "at least fifty per cent of the number of votes cast in the territory comprising the proposed district at the last preceding general State election at which a Governor was elected. The proceeding for the".

Amendment No. 2.

On page 8 of the printed bill as amended, after line 32, insert the following:

"SEC. 40. Anything in the County Free Library Act to the contrary notwithstanding, the property in any library district created under this act is subject to taxation for county free library purposes just as though such library district had not been created."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 606—An act to add a new section to the Political Code, to be numbered 2699, authorizing boards of supervisors to temporarily close any public highway, road, street, avenue, alley

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 606 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "Political", and insert in lieu thereof the following: "Streets and Highways".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "2699", and insert in lieu thereof the following: "982".

Amendment No. 3.

On page 1, line 4 of the title of the printed bill, after "exposition", insert the following: "or fair".

Amendment No. 4.

On page 1, line 1, of the printed bill, strike out "Political", and insert in lieu thereof the following: "Streets and Highways".

Amendment No. 5.

On page 1, line 2, of the printed bill, strike out "2699", and insert in lieu thereof the following: "982".

Amendment No. 6.

On page 1, line 3, of the printed bill, strike out "2699", and insert in lieu thereof the following: "982."

Amendment No. 7.

On page 1, line 4, of the printed bill, after "close", insert the following: "all or any part of".

Amendment No. 8.

On page 1, lines 5 and 6, of the printed bill, strike out "or any part of any such road, street, avenue, alley, lane or place,".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 287—An act to amend section 4041.16 of the Political Code, relating to county care of indigents.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 287 was read and adopted:

Amendment No. 1.

On page 2, line 1, of the printed bill, immediately after the word "taxation", insert the following: "or exempted in whole or in part from taxation".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2452—An act to add section 1238.5 to the Code of Civil Procedure, relating to eminent domain.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on County Government, the following amendment to Assembly Bill No. 2452 was read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out "regional, county, or city planning," and insert in lieu thereof the following: "region, county or city,".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2438—An act to amend sections 13, 14, 14a and 14b of, to add sections 21, 22, 23, 24 and 25 to, and to repeal sections 15 and 16 of, The Planning Act, relating to State, regional, county, and city planning.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 2438 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 36 to 39, inclusive, and insert in lieu thereof the following:

"SEC. 24. Each agency of the State Government having authority over any public improvements or projects may furnish to the State Planning Board plans of such public improvements or projects. When plans of such public improvements or projects are so furnished, the State Planning Board shall implant such plans on the master plans of regional planning districts."

Amendment No. 2.

On page 3, line 24, of the printed bill, as amended, after the period, insert the following: "Each such map shall be recorded in the office of the county recorder and notice of the recording thereof shall be given by posting and publication. The notice shall contain a reference to the map and where it is recorded in the recorder's office and shall indicate the general area affected. The notice shall briefly state the effect of the filing of the map. Posting shall be made within five days of the date of the recording in conspicuous places along the proposed right of way at intervals of not to exceed two hundred feet, if the proposed right of way lies within the boundaries of a municipal corporation. If such proposed right of way is in unincorporated territory, one posting shall be made on each parcel of real property abutting on or contained in such right of way."

Publication shall be made at least once a week for three consecutive weeks in a newspaper of general circulation published in the city in which the proposed right of way is located, or in the event such proposed right of way is not within a city, within the county in which such proposed right of way is located. In the event the proposed right of way is in a city and there is no newspaper in such city, such publication shall be made in a newspaper of general circulation published in the county. The first publication shall be made within ten days of the date of the recording."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 653—An act to provide for the creation in counties and cities and counties of departments of rehabilitation, declaring the urgency thereof and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 653 were read and adopted:

Amendment No. 1.

On page 2, line 20, of the printed bill, as amended, after "city and county", insert the following: "having a population in excess of nine hundred thousand".

Amendment No. 2.

On page 2, line 24, of the printed bill, as amended, strike out the second "the", and insert in lieu thereof the following: "such".

Amendment No. 3.

On page 2, line 25, of the printed bill, as amended, strike out the word "the", and insert in lieu thereof the following: "and".

Amendment No. 4.

On page 2, line 34, of the printed bill, as amended, after "county", strike out "county and", and insert in lieu thereof the following: "such county as".

Amendment No. 5.

On page 2, line 38, of the printed bill, as amended, strike out "states", and insert in lieu thereof the following: "and".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 934—An act to amend section 563 of the School Code, relating to admission of nonresident students.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 934 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, after the word "schools", insert the following: "to State teachers colleges".

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 3 to 24, inclusive, and insert in lieu thereof the following:

"563. Any person submitting application of general qualifications and not a resident of the State of California may be admitted to a State teachers college upon payment of the nonresident tuition fee. Each such nonresident student is required to pay a tuition fee of seventy-five dollars for the first semester or part of a semester for which he registers, and a fee of thirty-seven dollars and fifty cents for each semester attended consecutively thereafter. In any State teachers college in which the school year is divided into three periods, consecutively referred to as quarters, each such nonresident student must be required to pay a tuition fee of thirty-seven dollars and fifty cents for each such period or part of a period, provided that the tuition fee for each nonresident student who has completed and paid tuition fees for three such periods consecutively shall thereafter be twenty-two dollars for each such period.

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2252—An act to amend section 5773 of the School Code, relating to employees of school districts other than persons employed in positions requiring certain qualifications.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Education, the following amendment to Assembly Bill No. 2252 was read and adopted:

Amendment No. 1.

On page 1, lines 4 and 5, of the printed bill, as amended, strike out the following: "chartered city having the population of a".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 406—An act to add a new article to Chapter I of Part I of Division I of the School Code to be known as Article VII, embracing section 1.45, relating to the participation of pupils in public exhibitions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1382—An act to amend section 5.652 of the School Code, relating to tenure of position for teachers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1188—An act to add a new article to Chapter II of Part II of Division IV of the School Code, to be known as Article XI, relating to school district funds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1395—An act to amend sections 5.1100, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees by school districts, and to add a new section to be numbered section 5.1139 to the School Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1186—An act to add two new sections to the School Code to be numbered 2.807 and 5.533, relating to liability for the death of, or injury to, pupils enrolled in the public schools.

Bill read second time, and ordered on file for third reading.

Re-reference of Assembly Bill No. 1182.

Senator Duval moved that Assembly Bill No. 1182 be referred to Committee on Finance.

Motion carried, and such was the order.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 25, 1935, adopted Senate Concurrent Resolution No. 36—Relating to the termination of the probationary period of all persons employed on the staff of the State Board of Equalization and mentioned in subdivision (e) of Article XXIV of the Constitution of this State.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 36 ordered to enrollment.

**Further Consideration of Senate Bill No. 1123 and
Assembly Bill No. 2365 Jointly.**

Consideration of Senate Bill No. 1123 and Assembly Bill No. 2365 was resumed, having been continued from the morning session.

Amendment from the Floor.

During third reading of Senate Bill No. 1123, the following amendment, offered by Senator Biggar, was read:

Amendment No. 1.

On page 1, line 10, of the printed bill, strike out "as", and strike out all of lines 11 to 19, inclusive, and insert in lieu thereof the following: "such licenses to be graduated so that an increasingly larger license is required for each additional store over and above two stores.

The following shall be exempt from such licenses:

(1) Any place or places of business commonly known as filling stations, or gasoline bulk plants, engaged primarily in the sale or distribution of gasoline or other petroleum products.

(2) Any branch, depot, warehouse or other facility owned and maintained by a manufacturer for distribution of his product to consumers."

Ayes and Noes Demanded.

A roll call was demanded by Senators Rich, Waggy and Crittenden, on the adoption of the amendment offered by Senator Biggar.

The roll was called, and amendment refused adoption by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, King, McColl, McGuiness, McGuinness, Metzger, Perry, Pierovich, Seallan, Snyder, Stow, and Williams—25.
NOES—Senators Crittenden, Donel, Garrison, Gordon, Hays, Hulse, Keough, Keough, Knowland, McCormack, Moxter, Olson, Parkman, Powers, Reinollar, Rich, Schottky, Sharkey, Slater, Swing, Tickle, Wagy, and Young—23.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1123 passed by the following vote:

AYES—Senators Biggar, Donel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGovern, Olson, Parkman, Rich, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—24.

NOES—Senators Crittenden, Duval, Keough, McColl, McGuinness, Metzger, Moxter, Perry, Pierovich, Powers, Reinollar, Schottky, Seallan, and Slater—14.

Title read and approved.

Notice of Motion to Reconsider.

Senator McGovern gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1123 was passed.

Third Reading of Assembly Bill No. 2365.

Assembly Bill No. 2365—An act requiring licenses for the operation, maintenance or establishment of stores in this State, providing for the license and filing fees to be paid therefor, providing for penalties for the violation of this act, providing for the enforcement of this act.

Amendment from the Floor.

During third reading of Assembly Bill No. 2365, the following amendment, offered by Senator Stow, was read:

Amendment No. 1.

On page 1, line 15, of the printed bill, as amended, strike out the word, and insert in lieu thereof a comma and the following: "and provided further that the term 'store' shall not include any place or places of business primarily devoted to filling stations, or gasoline bulk plants, engaged primarily in the sale or distribution of gasoline or other petroleum products."

Ayes and Noes Demanded.

A roll call was demanded by Senators Stow, Tickle and Reinollar, on the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Utman, Duval, Edwards, Fletcher, Hulse, King, McCormack, McGovern, McGuinness, Moxter, Parkman, Pierovich, Reinollar, Seallan, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—Senators Garrison, Gordon, Hays, Jespersen, Keough, Knowland, Metzger, Olson, Perry, Powers, Rich, and Schottky—12.

By unanimous consent, further consideration of Assembly Bill No. 2365 was deferred until the evening session.

Recess.

On motion of Senator Rich, at four o'clock and fifteen minutes p.m., the President of the Senate declared recess until nine o'clock p.m.

Reconvened.

At nine o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Call of the Senate.

Senator Stow moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Edwards, Fletcher, Knowland, Powers, and Stow—5.

The Secretary announced the absentees.

Time, nine o'clock and two minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1101—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto numbered section 2a, providing for securing the written consent of political subdivisions owning sixty per cent or more in area or value of the lands to be incorporated;

Also: Senate Bill No. 1113—An act to add section 487.5 to the Fish and Game Code, relating to the use of certain bait to take fish, and declaring the urgency thereof, and that this act shall take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of May, 1935, at three o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 585—An act to amend section 3663b of the Political Code, relating to the assessment of property by the State Board of Equalization and to provide that this act shall take effect immediately;

Also: Senate Bill No. 586—An act to amend section 3663a of the Political Code, relating to the assessment of property by the State Board of Equalization and to provide that this act shall take effect immediately;

Also: Senate Bill No. 470—An act to repeal Chapter 9 of Part 2 of Division 2 of the Insurance Code, and to add a new Chapter 9, comprising sections 10810 to 10840, inclusive, to Part 2 of Division 2 of the Insurance Code, relating to insurers transacting life and disability insurance on the stipulated premium plan with provision for assessment;

Also: Senate Bill No. 670—An act to amend the Insurance Code by repealing Chapter 8 of Part 2 of Division 2 thereof and adding a new Chapter 8 to Part 2 of Division 2, thereof, comprising sections 10640 to 10880, inclusive, and by repealing section 1700 thereof, all relating to life insurance principals, practice and business, and matters incidental thereto by mutual benefit life associations;

Also: Senate Bill No. 822—An act to amend section 27 of the Streets and Highways Code, relating to the maintenance of highways;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of May, 1935, at three o'clock p.m.

METZGER, Chairman.

Communication.

The following telegram, received by Senator Fletcher, was read, and ordered printed in the Journal by the President of the Senate:

Col. Ed Fletcher, Francisco Apartments, Apartment 302.

Because of your activity in pioneering financing and building of original Yuma Road, Ford Motor Company cordially invites you to drive first car over its roads of the Pacific, one of which is an accurate reproduction of a portion of that trail. At

dedicatory ceremony of the Ford Exposition at San Diego, Wednesday afternoon, two thirty.

FORD MOTOR CO.

Leave of Absence.

Senator Fletcher was granted leave of absence Tuesday evening May 28, 1935, and Wednesday, May 29, 1935, by unanimous consent.

Further Consideration of Assembly Bill No. 2365.

Consideration of Assembly Bill No. 2365 resumed.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2365 the following amendment, offered by Senator Bizzar, was read:

Amendment No. 1.

On page 1, line 15, of the printed bill, as amended, strike out the period at the end of amendment number one, adopted on motion of Senator Stow, and insert in lieu thereof a comma and the following: "and provided further, the term 'store' shall not apply to any branch, place, warehouse, or other facility owned and maintained by a manufacturer for distribution at the present commodity in process."

Ayes and Noes Demanded.

A roll call was demanded by Senators Bizzar, Olson and Crittenden on the adoption of the amendment.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Bizzar, Donel, Edwards, Fletcher, Hoise, McGill, McGinness, Parkman, Seallan, Shatkey, Stow, Tickle, and Wray—11.

NOES—Senators Crittenden, Duffay, Duffay, Gordon, Jaspersen, Keough, Knowland, McGovern, Metzger, Mixon, Olson, Parry, Pomeroy, Powers, Rensdollar, Rich, Schotky, Slater, Snyder, Swing, Williams, and Young—22.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2365, the following amendment, offered by Senator Donel, was read:

Amendment No. 1.

On page 1 of the printed bill, strike out the period at the end of Amendment No. 1 adopted on motion of Senator Stow, and insert a comma and the following: "or to any store or establishment when it is the only store or establishment of the kind in the city, town or community."

Ayes and Noes Demanded.

A roll call was demanded by Senators Donel, Gordon and Jaspersen on the adoption of the amendment.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Bizzar, Donel, Duffay, Edwards, Fletcher, Hoise, McGill, McCormick, Parkman, Seallan, Shatkey, Stow, Tickle, and Wray—14.

NOES—Senators Crittenden, Garrison, Gordon, Jaspersen, Keough, Knowland, McGovern, McGinness, Metzger, Mixon, Olson, Parry, Pomeroy, Powers, Rensdollar, Rich, Schotky, Slater, Snyder, Swing, Williams, and Young—22.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2365, the following amendment, offered by Senator Olson, was read:

Amendment No. 1.

On page 1, line 20, of the printed bill, after the word "and" and the brackets, insert the following: "Any consumer's cooperative or any cooperative organization engaged in the sale and exchange of commodities for the use of its members, or to".

Motion to Print and Refer.

Senator Stow moved that the amendment offered by Senator Olson be printed in the Journal, and that consideration of said amendment be deferred until the next legislative day.

Motion to Table.

Senator Jespersen moved that the motion, made by Senator Stow, to print and defer consideration of the amendment offered by Senator Olson be tabled.

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Jespersen and Metzger, on the adoption of motion to table.

The roll was called, and the motion to table was carried by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Schottky, Scollan, Swing, Williams, and Young—19.

NOES—Senators Deuel, Difani, Edwards, Gordon, Knowland, McColl, Parkman, Powers, Rich, Sharkey, Slater, Snyder, Stow, Tickle, and Wagy—15.

Motion to Table Amendment.

Senator Powers moved that the amendment offered by Senator Olson be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Powers, Stow and Olson, on the adoption of the motion to table.

The roll was called, and the motion to table the amendment offered by Senator Olson was carried by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Sharkey, Snyder, Stow, Swing, and Young—25.

NOES—Senators Duval, Fletcher, Gordon, McColl, McGovern, Olson, Reindollar, Schottky, Slater, Tickle, Wagy, and Williams—12.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2365 the following amendment, offered by Senator Crittenden, was read:

Amendment No. 1.

On page 2, line 9, of the printed bill, as amended, after the period following the word "newspapers", insert the following: "Nor shall this act be construed to apply to persons whose principal business is the marketing of fresh fruits and vegetables at wholesale, and who in connection with said marketing, supply growers and producers with materials necessary for the production and harvesting of crops."

Motion to Table Amendment.

Senator Jespersen moved that the amendment offered by Senator Crittenden be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Jespersen, Crittenden and Young, on the adoption of the motion to table.

The roll was called, and the motion to table was refused adoption by the following vote:

AYES—Senators Difani, Garrison, Gordon, Jespersen, Keough, McColl, McGovern, McGuinness, Metzger, Olson, Perry, Powers, Scollan, Slater, Swing, Williams, and Young—17.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hulse, Knowland, McCormack, Mixter, Parkman, Pierovich, Reindollar, Rich, Schottky, Sharkey, Snyder, Stow, Tickle, and Wagy—20.

Senator Crittenden moved the adoption of the amendment.

Ayes and Noes Demanded.

A roll call was demanded by Senators Jespersen, Garrison and Crittenden, on the adoption of the amendment offered by Senator Crittenden.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Hulse, Mixer, Parkman, Schottky, Sharkey, Slater, and Stow—12.

NOES—Senators Deuel, Difani, Garrison, Gordon, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Seollan, Snyder, Swing, Waggy, Williams, and Young—24.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2365, the following amendment, offered by Senator Edwards, was read:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, after "however" insert the following: "that the words 'at retail' shall not be construed to cover transactions in which the producer of agricultural products purchases from a manufacturer to whom he delivers his products like products to those which he delivers or derivatives thereof; and provided that"

Ayes and Noes Demanded.

A roll call was demanded by Senators Metzger, Jespersen and Difani, on the adoption of the amendment offered by Senator Edwards.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Hulse, McCormack, Mixer, Parkman, and Stow—9.

NOES—Senators Crittenden, Deuel, Difani, Garrison, Gordon, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—25.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2365, the following amendment, offered by Senator Difani, was read:

Amendment No. 1.

On page 2 of the printed bill, as amended, between lines 9 and 10, insert the following:

"(c) This act shall not be construed to apply to nor include any place or places of business commonly known as theatres, motion picture theatres or cinemas."

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Jespersen and Difani, on the adoption of the amendment offered by Senator Difani.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, McColl, McGovern, McGuinness, Mixer, Parkman, Pierovich, Powers, Reindollar, Schottky, Stow, Tickle, and Waggy—17.

NOES—Senators Deuel, Edwards, Garrison, Gordon, Hulse, Jespersen, Keough, Knowland, McCormack, Metzger, Olson, Perry, Rich, Seollan, Sharkey, Slater, Snyder, Swing, Williams, and Young—20.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2365, the following amendment, offered by Senator Waggy, was read:

Amendment No. 1.

On page 1, line 15, of the printed bill, as amended, strike out the period following Amendment No. 1, adopted on the motion of Senator Stow, add a semicolon and the following: "and provided further, the term 'store' shall not apply to any

branch, depot, warehouse, or other facility owned and maintained by a manufacturer of ice for distribution of his product to consumers."

Ayes and Noes Demanded.

A roll call was demanded by Senators Wagy, Jespersen and Garrison, on the adoption of the amendment offered by Senator Wagy.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, McColl, McCormack, McGuinness, Mixer, Parkman, Powers, Schottky, Sharkey, Stow, Tickle, Wagy, and Williams—19.

NOES—Senators Garrison, Gordon, Hulse, Jespersen, Keough, Knowland, Metzger, Olson, Perry, Pierovich, Reindollar, Rich, Scollan, Slater, Snyder, Swing, and Young—17.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2365, the following amendment, offered by Senator Duval, was read:

Amendment No. 1.

On page 2, line 9, of the printed bill, as amended, strike out the period, and insert in lieu thereof a semicolon and the following: "nor shall the provisions of this act apply to any shop, store, or establishment engaged in the sale of goods, wares or merchandise of any kind sold at retail which is merely incidental to the rendering of personal services."

Ayes and Noes Demanded.

A roll call was demanded by Senators Duval, Gordon and Williams, on the adoption of the amendment offered by Senator Duval.

The roll was called, and the amendment was adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hulse, Keough, McColl, McGuinness, Mixer, Olson, Parkman, Pierovich, Powers, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Williams—23.

NOES—Senators Garrison, Gordon, Jespersen, Knowland, McCormack, Metzger, Perry, Reindollar, Rich, Schottky, Scollan, Slater, and Young—13.

Motion to Reconsider

Senator Knowland moved to reconsider the vote whereby the amendment offered by Senator Difani to Assembly Bill No. 2365 was refused adoption.

Ayes and Noes Demanded.

A roll call was demanded by Senators Difani, McColl and Powers on the adoption of the motion to reconsider.

Reconsideration Granted.

The roll was called, and the motion to reconsider was carried by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—29.

NOES—Senators Garrison, Hulse, Jespersen, Olson, Perry, and Young—6.

Consideration of Amendment as Previously Offered by Senator Difani.

Senator Difani moved the adoption of the following amendment, previously offered and refused adoption:

Amendment No. 1.

On page 2 of the printed bill, as amended, between lines 9 and 10, insert the following:

"(b) This act shall not be construed to apply to nor include any place or places of business commonly known as theatres, motion picture theatres or cinemas."

Ayes and Noes Demanded.

A roll call was demanded by Senators McCall, Powers and Difani, on the adoption of the amendment offered by Senator Difani.

The roll was called, and the amendment was adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deed, Latta, Darral, Edwards, Hunter, Gordon, McCall, McGovern, McGinness, Metzger, Morley, Perkins, Powers, Powers, Remondollar, Schottky, Sharkey, Snyder, Stow, Strong, Tamm, Wagg, and Williams—25.

NOES—Senators Garrison, Hulse, Jepsen, Knevel, McCann, O'Connell, Perry, Rich, Seollan, Slater, and Young—11.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and thirty nine minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

Motion to Reconsider.

Senator Difani moved to reconsider the vote whereby the amendment to Assembly Bill No. 2365, offered by Senator Crittenden, was refused adoption.

Postponement of Reconsideration.

On motion of Senator Difani, the further consideration of the motion to reconsider the vote whereby the amendment to Assembly Bill No. 2365, offered by Senator Crittenden, was refused adoption, was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator McCall moved to reconsider the vote whereby Assembly Bill No. 1959 was passed.

Postponement of Reconsideration.

On motion of Senator McCall, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1959 was passed was continued until the next legislative day.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Building and Construction.

SENATE CHAMBER, SACRAMENTO, May 22, 1935.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred Assembly Bill No. 1833—An act to amend section 1 of "An act to regulate the construction of buildings in the State of California, in respect to resistance to horizontal forces, providing penalties for the violation thereof and providing that this act become effective immediately," approved May 26, 1933, relating to construction of buildings—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

GORDON, Chairman.

On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 1532—An act to amend the Political Code by amending sections 3456, 3466a and 3491, relating to reclamation districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—3; absent—2.

McCORMACK, Chairman.

Adjournment.

On motion of Senator Stow, at eleven o'clock and forty minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock Tuesday, May 28, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, May 28, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary J. A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

Singing in the Rain.

Oh Lord, we praise Thee for the joy of hard work. We are weary toilers but not despondent toilers. We are not "galley slaves scourged to the dungeon" of our servitude, but free men happy in our task.

We thank Thee that this is so. Help us to sing during the heat of the day. If we can't sing we will whistle. We respond not to the rasp and wear of a swan song or broken instruments, but to the clear trumpet call of duty. A call not to riot but to march!

During these last days, as worthy men at a worthy task, may we, as we sing, plow straight and deep, no matter how long the furrow; and may we cover the field before night falls on our labors.

Hear our prayer, Oh Lord, as Thy workers and as servants in the soil of public welfare. Amen.

Reading of the Journal.

During the reading of the Journal of Monday, May 27, 1935, the further reading was dispensed with, on motion of Senator Swing.

Privilege of Floor of Senate Extended.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Notre Dame School, Chico, California, as follows: Sister Superior and Sister Sylvester, Mrs. J. Honodel, Mrs. J. Brattan, Mrs. F. M. Long, Clifford Long and the following eighth grade pupils: Audrey Winters, Kathlene Long, Johana Honodel, Jean Brattan, Joe Brattan, Tommy Kunze, Lawrence Gianella, Paul Hoefling, Fred Rabo, Tommy Hollinger and Enrico Cinnini.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Arthur L. Jones of Sacramento.

Message from the Governor.

The following message from the Governor, received on May 27, 1935, was read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 9, 1935.

To the Honorable Members of the Senate,
State of California, Sacramento, California.

GREETINGS: Assembly Bill No. 1135. An act to add Chapter 10 to Division IV of the Agricultural Code, relating to the production and marketing of manufactured dairy products.

In my opinion said Assembly Bill No. 1135 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1319. An act to amend section 27 of the "State Civil Service Act," relating to preferences to veterans and the widows of veterans.

Also: Assembly Bill No. 1830.—An act to amend sections 802, 804, 810, 812, 814 and 815 of the Military Code, relating to the extension of economic rights for loan grants on homes and farms.

Also: Assembly Bill No. 2429.—An act to provide for the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts, defining the powers of the board of supervisors and the county engineer relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 1319 and 1830 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 2429 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1579.—An act to amend section 911 of the Insurance Code, relating to insurance practice regarding financial statements of insurers, and matters incidental thereto.

Also: Assembly Bill No. 308.—An act to amend section 230a of the Penal Code, relating to the possession or control of gambling devices.

Also: Assembly Bill No. 1925.—An act to amend sections 4 and 7 of "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, relating to the use of dead bodies.

Also: Assembly Bill No. 2013.—An act to add section 379.5 to the Vehicle Code, relating to seizure and sale of vehicles.

Also: Assembly Bill No. 2217.—An act to amend section 402c of the Penal Code, relating to safety measures.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1579 read first time, and referred to Committee on Insurance.

Assembly Bill No. 308 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1925 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2013 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 2217 read first time, and referred to Committee on Building and Construction.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1022—An act to add section 17 to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915:

Also: Assembly Bill No. 1294—An act to amend section 515 of the Vehicle Code, relating to motor vehicles;

Also: Assembly Bill No. 1295—An act to amend section 702 of the Vehicle Code, relating to motor vehicles;

Also: Assembly Bill No. 1304—An act to amend the title and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores, and spotting, sponging, and or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging, and or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931, relating to cleaning and dyeing;

Also: Assembly Bill No. 1589—An act to amend sections 12562 of the Insurance Code, relating to mortgage insurance.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1022 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 1294 and 1295 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 1304 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1589 read first time, and referred to Committee on Insurance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 63—Relative to memorializing the President of the United States to make ample provision for the encouragement of the artistic, cultural, humane, patriotic and sentimental phases of our American National life in the Federal Works Plan.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 63 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 44—Relating to the termination of the probationary period of all persons employed by the various departments of the State and mentioned in subdivision (c) of Article XXIV of the Constitution of this State.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 44 referred to Committee on Civil Service.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2134—An act to amend sections 612 of the School Code, relating to school property.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2134 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1263. As will be amended sections 396, 396½, 399, 510, 510½, 511, 581, and 618, Civil Code, sections 697, 689, 953a, 978a, 980, 981, 981½, 988, 988a, 988b, 988c, 988d, 989, 990, 1000, 1001 of the Code of Civil Procedure, and to add section 615 (new), relating to said sections:

Also, Assembly Bill No. 1263. As will be added was amended in the Political Code of the State of California, to be numbered 4041.27, authorizing license of registrars to provide for the creation and maintenance of a system of treatment for the health of physicians, nurses and other persons employed by medical practitioners and in public health departments, to provide group treatment for the diseases of such persons, and to provide for the payment of premiums thereon.

Also, Assembly Bill No. 1377. As will be added section 518 to the School Code, relating to vacations of teachers, and to amend sections of School Code, relating to State colleges, the California School for the Deaf, the California School for the Blind and the California Polytechnic School.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 662. As will be provide for the refunding of bonds issued under the "Improvement Bond Act of 1915" and for the levy of reassessments and the extension of liens of assessments and the collection and enforcement of such assessments and reassessments and the payment of said bonds:

Also, Assembly Bill No. 665. As will be amended as originally amended. An act authorizing the common council, board of trustees or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same, approved March 9, 1897, and the title of which was amended by an amendment May 20, 1900, to read as follows: "An act authorizing the common council, board of trustees or other governing body of any incorporated city or town other than cities of the first class to refund indebtedness thereof, or of any department, board or agency thereof, and to issue bonds therefor and to provide for the payment of the same," by amending sections 1, 2, and 3 thereof relating to refunding bonds and to the use of Federal courts in municipal bankruptcy or refunding proceedings.

Also, Assembly Bill No. 667—An act to provide for the refunding of bonds issued under an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of such improvements," approved April 20, 1915, and bonds issued under the Municipal Improvement District Act of 1927, and providing procedure therefor.

Also, Assembly Bill No. 668—An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 390—An act to amend section 15a of and to add sections 15aa and 25 to an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, relating to vital statistics;

Also: Assembly Bill No. 670—An act to establish a board to be known as the Rector Dam Authority; to prescribe its duties, powers, functions and jurisdiction; to authorize the authority to construct a dam in Rector Canyon to impound the waters of Rector Creek and to sell and distribute said waters; to authorize the authority to issue and sell revenue bonds to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues received from the sale and distribution of such waters; authorizing the department of public works of the State of California to operate and maintain such dam and all property appurtenant thereto; authorizing the board to acquire and hold real property necessary for its purposes, and to enter into agreements with State, Federal, and local officers and agencies, and political subdivisions, municipalities, and public districts;

Also: Assembly Bill No. 1344—An act providing for the grant of certain lands to the United States of America for the creation of a National park or monument;

Also: Assembly Bill No. 2180—An act to amend section 17 of the Public Utilities Act, relating to discrimination in relation to transportation by common carriers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2232—An act to amend section 4295 of the Political Code, relating to official services without fees;

Also: Assembly Bill No. 2303—An act to amend sections 425 and 426 of the Vehicle Code, relating to liens on vehicles;

Also: Assembly Bill No. 2416—An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof;

Also: Assembly Bill No. 944—An act regulating the use of public highways by motor vehicles operated thereon for the transportation of property for compensation; conferring powers upon the Railroad Commission with respect thereto; providing penalties for the violations of this act and repealing all acts inconsistent with the provisions of this act;

Also: Assembly Bill No. 710—An act to establish a Military Code, thereby revising and consolidating the law relating to the armed forces and militia of the State and relating to Military and Veterans' affairs, aid and welfare, institutions, and buildings and to repeal certain acts and parts of acts therein specified.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Appointment of Special Committee.

School Construction.

The President announced, in accordance with the resolution adopted by the Senate, as printed in the Senate Journal of May 24, 1935, regarding safety of design and construction of public school buildings, the appointment of Senators Garrison, Knowland and Scollan.

Consideration of Daily File.

Second Reading of Assembly Bills.

Assembly Bill No. 1532—An act to amend the Political Code by amending sections 3456, 3466a and 3491, relating to reclamation districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendments to Assembly Bill No. 1532 were read and adopted:

Amendment No. 1.

On page 5, line 17, of the printed bill, strike out the period and insert in lieu thereof the following: ", and the expenses of county treasurer as hereinafter provided".

Amendment No. 2.

On page 7, line 6, following the period, add the following:
"Said installment when called by the board of trustees shall constitute a lien on the bonds and shall bear interest from the date of delinquency at the rate of seven per cent per annum."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1833—An act to amend section 1 of "An act to regulate the construction of buildings in the State of California, in respect to resistance to horizontal forces, providing penalties for the violation thereof and providing that this act become effective immediately," approved May 26, 1933, relating to construction of buildings.

Bill read second time, and ordered on file for third reading.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, MAY 27, 1935.

To the Honorable Members of the Senate,
State of California, Sacramento, California.

GREETINGS: I am pleased to inform you that on January 15, 1934 Preston McKinney of San Francisco and E. H. Stockdyk of Berkeley, were appointed members of the Agricultural Prostate Commission, and in harmony with the law governing their appointment, I am submitting the same to you for consideration and confirmation.

Very sincerely yours,

FRANK F. MERRIAM, Governor of California.

Message referred to Committee on Rules.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, MAY 27, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1118—An act to call a special election to be held on the thirtieth day of July, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifty-first regular session, and to provide that this act shall take effect immediately:

Also: Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof:

Also: Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor:
And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for

the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Difani requested the consideration of his motion to reconsider the vote whereby the amendment to Assembly Bill No. 2365, offered by Senator Crittenden, was refused adoption.

Ayes and Noes Demanded.

A roll call was demanded by Senators Duval, Crittenden, and Young, on the adoption of the motion to reconsider.

Reconsideration Refused.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Hulse, King, McColl, McCormack, Mixter, Parkman, Seawell, Sharkey, Snyder, Stow, Tickle, and Wagy—17.

NOES—Senators Deuel, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Slater, Swing, and Williams—20.

Further Consideration of Assembly Bill No. 2365.

Assembly Bill No. 2365—An act requiring licenses for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor; providing for penalties for the violation of this act, providing for the enforcement of this act.

Amendments from the Floor.

During third reading of Assembly Bill No. 2365, the following amendments, offered by Senator Fletcher, were read:

Amendment No. 1.

On page 3, line 32, of the printed bill, as amended, strike out "five", and insert in lieu thereof the following: "one".

Amendment No. 2.

On page 3, line 33, of the printed bill, as amended, strike out "500", and insert in lieu thereof the following: "100".

Motion to Table.

Senator Olson moved that the amendments offered by Senator Fletcher be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Olson and McColl, on the adoption of the motion to table.

The roll was called, and the motion to table carried by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—Senators Edwards, Fletcher, and Stow—3.

Further Amendments from the Floor.

During third reading of Assembly Bill No. 2365, the following amendments, offered by Senator Jespersen, were read:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended, strike out the semicolon, and insert in lieu thereof a comma.

Amendment No. 2.

On page 2, line 5, of the printed bill, as amended, strike out "or to", and insert in lieu thereof the following: "or shall it stand as so amended?"

Ayes and Noes Demanded.

A roll call was demanded by Senators Young, Sharkey and Christensen, on the adoption of amendments offered by Senator Jespersen.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Bigger, Christensen, Dixon, Edger, Edwards, Garrison, Hays, Hulse, Jespersen, Keough, King, McCall, McCormack, Meyer, Metzger, Mixer, Olson, Parkman, Perry, Pomeroy, Reinollar, Scollan, Senwell, Sharkey, Slater, Stow, Swing, Tickle, and Wag.—12.

NOES—Senator Young—1.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2365, the following amendment, offered by Senator Sharkey, was read:

Amendment No. 1.

On page 2, line 9, of the printed bill, as passed by the Assembly, after the word "newspapers", after the amendment accepted by motion of Senator Dixon, insert the following:

"The provisions of this act shall, however, apply to and include all stores, hotels, established, operated or maintained within this State, within which, whether cooperative organizations operating under and for some of the laws of the State of California), the owners of which engage or participate in any joint relations, in agreement or otherwise, whereby such action is essential and the interests of operation of other stores which are not all owned and operated by the same owner, persons, tangible personal property of any kind, through a common agency or agencies, that reside in said store or stores or on such property, in most cases, in which, in accordance with or substantially in accordance with and plan or design of a common agency or agencies, or adopt and use on said store or stores, a stock plan or system, license which is peculiar to the stores embraced within such group, or jointly own stores or stores as being embraced within such group, or selective such property, but only in said store or stores in accordance with, or substantially, in accordance with any plan, system or design of a common agency or agencies. The term or number of each store embraced within such group shall give the license fee hereinafter provided, which license fee shall be based upon the total number of stores embraced within such group of stores".

Ayes and Noes Demanded.

A roll call was demanded by Senators Sharkey, Metzger and Jespersen, on the adoption of the amendment offered by Senator Sharkey.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Hays, Parkman and Sharkey—3.

NOES—Senators Bigger, Christensen, Dixon, Edwards, Garrison, Gordon, Jespersen, Keough, King, Knowland, McCall, McCormack, M. Garrison, M. Garrison, Meyer, Metzger, Mixer, Olson, Perry, Pomeroy, Reinollar, Rich, Sharkey, Scollan, Senwell, Slater, Snyder, Stow, Swing, Tickle, Wag, and Young—31.

Special Order.

Senator Jespersen moved that Assembly Bill No. 2365 be made a special order for Wednesday, May 29, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried.

Communication.**Opinion of Legislative Counsel.**

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, May 27, 1935.

*Honorable George J. Hatfield,
Lieutenant Governor of California,
State Capitol, Sacramento, California.*

DEAR GOVERNOR HATFIELD: You have asked us what vote is required to adopt a motion to have a bill read a second time after the Senate has considered the bills on second reading file on the daily file.

In our opinion a two-thirds vote of the Senate is required to have a bill read a second time at such a stage of the proceedings.

We base this opinion on Rule 33 of the Senate wherein it is stated that:

"precedence shall be given in the consideration of bills in the following order: Second reading file and third reading file, unless otherwise ordered by unanimous consent or by a two-thirds vote of the Senate."

Moreover, if it is desired to suspend the rules, Rule 76 states that "a rule or order may be suspended temporarily by a vote of two-thirds of the members of the Senate." It would appear therefore that a two-thirds vote is required in any case.

It is not clear whether Rule 33, in saying that the order may be changed "by a two-thirds vote of the Senate" means a two-thirds vote of those present or of the members of the Senate. In our opinion "of the Senate" means of the entire membership, because "the Senate" consists of its entire membership. The Constitution, Article IV, section 5, states that "The Senate shall consist of 40 members" and it would seem that the term is so used in Rule 33 as above quoted.

Very truly yours,

FRED B. WOOD, Legislative Counsel.
By THOS. S. DABAGH, Deputy.

Approved: FRED B. WOOD.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, six days per week, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Per diem</i>
William Liddle, Assistant Sergeant-at-Arms.....	\$5 00
Walter Culver, Assistant Sergeant-at-Arms.....	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—32.

NOES—None.

Report of Special Committee.**Rush Griffin Execution.**

The following report by Special Committee to investigate the execution of Rush Griffin, was received, read, and ordered printed in the Journal:

The Special Senate Committee named by Lieutenant Governor George J. Hatfield, upon the passage by the Senate on April 26, 1935, of a resolution authorizing such a committee to investigate the execution of Rush Griffin at San Quentin Prison for first degree murder while his appeal was pending on April 5, 1935, consisting of Senator Harold J. Powers of Modoc County, Chairman, and Senator Leonard J. Difani of Riverside, and Senator William F. Knowland of Alameda, sitting May 10 and 11, 1935, in the Assembly Room of the State Building in the city of Los Angeles called and heard testimony from the following witnesses:

Mr. Richard F. Byrd, deputy public defender of Los Angeles County; Superior Judge Isaac Pacht; Superior Judge Charles Locke of Los Angeles County, before whom Rush Griffin was tried; Mr. Frederick H. Vernon, the public defender of Los Angeles County; Mr. Arthur Moore, deputy county clerk of Los Angeles County, assigned to Department 44 of the Superior Court, the department in which Rush Griffin was tried and sentenced; Mr. Charles K. Boardman, the county clerk of Los Angeles, in charge of the criminal division; Mr. L. P. Thompson, county clerk of Los Angeles County; Mr. Hugh P. Connelley, deputy clerk of the Supreme Court; Mr. Charles S. Broad, detective lieutenant of the Los Angeles police department, in charge of the investigation of the Rush Griffin case.

The committee conducted a hearing at San Quentin Prison, May 20, 1935, and called and heard testimony from Warden James Holohan, the warden; Roger Smith, and the assistant secretary, Clinton T. Doffy.

The committee found the following facts:

That Rush Griffin, a Negro boy at the age of 20 years, was charged, tried and convicted of murder in the first degree in the superior court of the State of California, in and for the county of Los Angeles, in Department 44 thereof, with Judge Charles Fricke presiding, and Deputy County Clerk Arthur Moore acting as clerk of said department;

That Richard F. Byrd, deputy public defender of Los Angeles County was attorney for the defendant; that a judgment of death was pronounced on January 21, 1935, setting date of execution April 5, 1935, by Judge Charles Fricke, and upon the pronouncement of judgment and notice of appeal was given to counsel by Richard Byrd, attorney for the defendant. That later on the same day, the attorney for the defendant filed his grounds for appeal, accompanied by his request for the phonographic reporter's notes. That a minute order was duly entered in the records of the superior court of the county of Los Angeles granting the notice of appeal. That on January 20th, the deputy county clerk of Los Angeles County, Charles K. Boardman, addressed a letter to the warden of San Quentin in which he enclosed the death warrant as required by section 1217 of the Penal Code of the State of California, and said letter referring to the death warrant also contained the following statement:

"This case is now on appeal," with the closing paragraph, "please acknowledge the receipt of the death warrant." That said letter was received at San Quentin, at a time that Warden James Holohan was hospitalized and Julian Allen was acting warden, and the same was initialed and the receipt of the death warrant was acknowledged by Mr. Clinton T. Doffy, but no mention of the pending appeal was made in the letter of acknowledgment. That the warrant was placed in the safe, as is the custom, and the letter was placed in another file in the warden's office, and the letter file was not consulted by the warden prior to the execution, and the notice of appeal was overlooked by the assistant clerk of the warden's office, as contained in the letter of January 29, 1935. That the defendant did not mention directly nor through his spiritual advisor, Reverend Mundelake that his case had been appealed; that the clerk's transcript and reporter's transcript of the case were delivered to Arthur Moore, clerk of Department 44 of the superior court, the department in which R. Griffin was tried, on the nineteenth day of February, 1935; that the reporter's transcript was delivered to defendant's counsel, Richard Byrd, on February 19th; that the clerk's transcript was left on the clerk's desk until April 3, 1935, when the same was delivered to the defendant's counsel, just two days before execution date; that the date of execution of Rush Griffin was forgotten by the defense attorney; that the clerk's transcript was filed in the Supreme Court on April 8, 1935, three days after the execution.

Your committee found that it was the practice in the county clerk's office of Los Angeles, to have the clerks of the respective departments handle all papers on appeal from judgments rendered in their respective departments. This manner of handling papers made it possible for the Griffin papers to stay on the desk unnoticed. It was also discovered that no one in the county clerk's office checked the clerks to be sure that papers were filed in the Appellate Courts when required. Your committee found that this practice has been abandoned, as a result of the Rush Griffin case. All appeal papers are being handled by the clerks in the office.

Your committee also found that in the public defender's office in Los Angeles County, a docket was kept of all the activities in every case, but no one was directly responsible in checking the dockets daily to ascertain what should be done in any case. The lack of responsibility was manifest in the Griffin case, because no one had checked to be sure the appeal papers were on file.

Your committee finds that under our present laws, execution in a death penalty case is stayed by an appeal; that assuming an appeal is perfected, the Supreme Court would not know of the appeal in less than fifteen days from the pronouncement of judgment; that there is no definite responsibility upon any one to notify the warden that an appeal has been filed; that it has been the practice for the

Supreme Court Clerk to write an informal letter to the warden informing him of the appeal.

Your committee finds that all along the line under our present laws, there is too much opportunity for human error to enter. The committee finds that where the death penalty is imposed, almost all of the cases are appealed, and the witnesses questioned in this case are of the opinion that there should be an automatic appeal in all death penalty cases.

Based upon the facts herein recited, your committee finds that the existing provisions of law are woefully inadequate with reference to the procedure for appeal of cases involving the death penalty. This is principally true for two reasons:

1. There are too many steps in the procedure where the possibility of human error enters and may result in the loss of the stay of execution which the appeal is intended to give. The Rush Griffin case is an example of this.

2. In the procedure prescribed for the appeal in death penalty cases there are certain gaps, places where the duty is by law imposed on no one to take the necessary step. As an example of this, there is no burden placed upon anyone, whether or not connected with the Appellate Court, to notify the warden of the State prison in which the defendant is incarcerated when transcripts have been filed on appeal. The committee is informed that the Clerk of the Supreme Court has for several years taken upon himself the obligation of doing this, but there is in the applicable procedure no requirement that he do so.

Based upon the facts and circumstances attendant upon the execution of Rush Griffin and upon the existing procedure governing appeals in death penalty cases, your committee respectfully submits the following recommendations for changes in the existing procedure:

1. That the applicable provisions of law be amended to afford an automatic appeal by the Appellate Court in all cases in which the penalty of death is imposed.

2. That the date of execution be set by the trial judge upon the receipt by him of the Appellate Court's order affirming the death penalty, and not as now provided when sentence is pronounced by the trial judge.

3. That the commitment of the defendant to the State prison and the death warrant be two separate and distinct documents, the commitment to be forwarded with the defendant after pronouncement of the death penalty and the death warrant to be made out and the date of execution determined on receipt by the trial judge of the Appellate Court's order affirming the death penalty.

4. That the warden to be directed by law to execute the death warrant only when it is signed by the trial judge and attested by the clerk under the seal of the court.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator McColl moved to reconsider the vote whereby Assembly Bill No. 1959 was passed.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Snyder moved to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Snyder, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 11 was refused adoption was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage was continued until the next legislative day.

Motion to Reconsider Amendments Continued.

Pursuant to his motion given on a previous day, Senator Snyder asked for, and was granted, permission to continue the motion to reconsider the vote whereby his amendments to Assembly Bill No. 919 were refused adoption.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Seelman moved to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Seelman, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption was continued until the next legislative day.

Reconsideration of Assembly Bill No. 1959.

Assembly Bill No. 1959—An act to add sections 206 and 206a to the Penal Code, relating to minors.

Amendments from the Floor.

During third reading of Assembly Bill No. 1959, the following amendments, offered by Senator McColl, were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out "one page" and insert in lieu thereof the following: "that portion of the preamble."

Amendment No. 2.

On page 1, line 5, of the printed bill, after the period, insert the following: "This section shall not apply to premises where the sale of beer or wine is in the original package is incidental to the principal business conducted on such premises."

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 919:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, May 27, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for

the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately.

In my opinion said Senate Bill No. 919 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 919 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 919 ordered transmitted to the Assembly.

Senate Bill No. 700—An act to add Article 6 to Chapter 5 of Part 2, of Division IV, of the Fish and Game Code, relating to permits for the operation of salmon preparation plants, the taxing of salmon prepared or received by such plants, and the establishment of salmon hatcheries.

Amendments from the Floor.

During third reading of Senate Bill No. 700, the following amendments, offered by Senator Perry, were read and adopted:

Amendment No. 1.

On page 3, line 16, of the printed bill, as amended, after "excepting", insert the following: "salmon, and excepting".

Amendment No. 2.

On page 3, line 18, of the printed bill, as amended, strike out "such", and insert in lieu thereof the following: "a privilege".

Bill read, ordered to reprint, engrossment, and on file for third reading.

Re-reference of Senate Bill No. 541.

Senator Swing moved that Senate Bill No. 541 be re-referred to Committee on Governmental Efficiency.

Motion carried, and such was the order.

Senate Constitutional Amendment No. 26.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 11, relating to a bond issue for certain major construction and improvements.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California at its fifty-first regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of said Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article XVI thereof a new section to be numbered 11 and to read as follows:

Sec. 11. The issuance and sale of bonds of the State of California and the use and disposition of the proceeds of the sale of said bonds as provided in the State Building Bond Act of 1935 as passed by the Senate and Assembly at its fifty-first session of the Legislature and approved by the Governor, authorizing the issuance and sale of said bonds in the sum of \$12,000,000 for the purpose of providing a fund to be used and disbursed for the purpose of certain major construction and improvements therein specified, is hereby authorized and directed and the said State Building Bond Act of 1935 is hereby approved, adopted, legalized, ratified, validated and made fully and completely effective. All provisions of this section shall be

self executing and shall not require any legislative action in furtherance thereof, but this section shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

Amendment read.

The question being on the adoption of amendment.

The roll was called, and Senate Constitutional Amendment No. 26 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGinness, Metzger, Mixer, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Seaman, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, Williams, and Young—34.

NOES—None.

Senate Constitutional Amendment No. 26 ordered transmitted to the Assembly.

Senate Bill No. 1112—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits.

Amendments from the Floor.

During third reading of Senate Bill No. 1112, the following amendments, offered by Senator Stow, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 11 and insert in lieu thereof the following: "rate of two-tenths of one per cent. Solvent credits, of the class taxable to the owner thereof, under the provisions of section 14 of Article XIII of said Constitution are hereby taxed upon their actual value at the rate of one-tenth of one per cent. The property aforesaid

Amendment No. 2.

On page 1, line 16, of the printed bill, after "upon", insert the following: "solvent credits."

Amendment No. 3.

On page 1, line 22, of the printed bill, strike out "Solvent credits, of the class taxable", also strike out lines 23 to 28, inclusive.

Bill read, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1105—An act to amend section 1207 of the Agricultural Code, relating to the removal of officers and directors of nonprofit cooperative marketing associations, declaring the urgency thereof to take effect immediately.

Bill read third time.

Urgency Clause.

Sec. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the State Constitution and as such shall take effect immediately.

The following is a statement of the facts constituting such necessity:

The existing law provides a very complicated method for the removal of the officers and directors of nonprofit cooperative marketing associations, and it is the purpose of this act to amend the law to provide a more simple method of removal, and in so doing to make such method of removal similar to the method now provided for the removal of directors of profit corporations.

These marketing associations are about to enter upon their busiest season and to assure them of the benefits of this act during the coming year it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Gordon, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1105 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 1105 ordered transmitted to the Assembly.

Senate Bill No. 1111—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price for the sale of jute bags.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1111 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 1111 ordered transmitted to the Assembly.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Call of the Senate.

Senator Deuel moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Deuel, Edwards, Garrison, Gordon, Hays, Knowland, McCormack, McGovern, Metzger, Mixer, Parkman, Perry, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, and Tickle—19.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills.

Assembly Bill No. 301—An act to amend section 7 of an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to taxes of such districts.

Amendments from the Floor.

During third reading of Assembly Bill No. 301, the following amendments, offered by Senator Gordon, were read and adopted:

Amendment No. 1.

On page 2, line 26, of the printed bill, after "Sec." strike out "2", and insert in lieu thereof "7".

Amendment No. 2.

On page 2, line 32, of the printed bill, strike out "improvements".

Amendment No. 3.

On page 2, line 33, of the printed bill, after the word "thereof" strike out "or affixed thereto".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1666—An act to amend sections 2 and 7 of an act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof, and repealing an act entitled "An act to define motor carrier transportation agent, to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act.

Amendments from the Floor.

During third reading of Assembly Bill No. 1666, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "7 of" strike out "an", and insert in lieu thereof quotation marks and the following: "An".

Amendment No. 2.

On page 1 of the printed bill, as amended, in the last line of the title, strike out the period, and insert in lieu thereof a comma, quotation marks, and the following: "approved May 15, 1933, relating to motor carrier transportation agents."

Bill read, ordered to reprint, and on file for third reading.

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to section 7½a of Article XI of the Constitution of the State of California, relating to local government.

Amendments from the Floor.

During reading of Assembly Constitutional Amendment No. 3, the following amendments, offered by Senator Parkman, were read and adopted:

Amendment No. 1.

On page 4, line 7, of the printed measure, as amended, after "county," insert the following: "if there be two, or in the one such newspaper if there be but one, or if there be no such newspaper then in a daily newspaper of general circulation in the county,".

Amendment No. 2.

On page 4, line 33, of the printed measure, as amended, after "county," insert the following: "or if there be no such newspaper, then in a daily newspaper of general circulation in the county,".

Amendment No. 3.

On page 6, line 36, of the printed measure, as amended, before "county," insert the following: "unincorporated territory of the county, and in each incorporated city and town in the".

Amendment No. 4.

On page 6, lines 43 and 44, of the printed measure, as amended, strike out the comma and "notwithstanding the provisions of section 74b of this article,".

Amendment No. 5.

On page 6, line 50, of the printed measure, as amended, after the period, insert the following: "No consolidation shall take place under the provisions of this section unless a majority of the qualified electors voting thereon in every incorporated city and town in the county and in the unincorporated territory thereof, vote in favor of such consolidation, and the votes cast in each city and town and in the unincorporated territory, shall accordingly be separately tabulated to show the results."

Amendment No. 6.

On page 12, line 5, of the printed measure, as amended, after "for", insert the following: "the".

Amendment No. 7.

On page 13, line 9, of the printed measure, as amended, strike out "either", and insert in lieu thereof the following: "any".

Assembly Constitutional Amendment No. 3 ordered to reprint, and on file.

Assembly Bill No. 2400—An act to add a new section to be numbered 30.5 to the General Cemetery Act, relating to reincorporation of cemetery associations, and prescribing the procedure therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2400 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Powers, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Tickle, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2400 ordered transmitted to the Assembly.

Assembly Bill No. 2350—An act validating the formation, organization, existence or proceedings of municipal utility districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2350 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer,

Perry, Powers, Reindollar, Schottky, Seellan, Seawell, Slater, Tickle, Wagy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2350 ordered transmitted to the Assembly.

Assembly Bill No. 771—An act authorizing counties to contract with cities and towns, to assume and carry on certain municipal functions thereof, providing for transfers of employees and adjustment of pensions, and authorizing cities to transfer such functions to counties and to enter into contracts in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 771 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Edwards, Garrison, Gordon, Hays, Keogh, King, Knowland, McCormack, McGovern, McGinness, Menger, Muxter, Perry, Pierovich, Powers, Reindollar, Schottky, Seellan, Seawell, Sweeney, Slater, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 771 ordered transmitted to the Assembly.

Assembly Bill No. 466—An act to add a new section to be numbered 2931a to the Civil Code, providing for making the State a party to an action to foreclose mortgages and other liens upon property upon which there may exist a lien securing State taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 466 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Edwards, Fletcher, Garrison, Gordon, Hays, King, Knowland, McCormack, McGovern, McGinness, Menger, Muxter, Parkman, Pierovich, Powers, Reindollar, Schottky, Seellan, Seawell, Slater, Sweeney, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 466 ordered transmitted to the Assembly.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

Concerning Assembly Bill No. 1034.

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1034—An act to amend sections 3817d, 3817e, 3817g and 3817h of, and to add sections 3817b3 and 3817c3 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately, reports that it has met a like committee of the Assembly, consisting of Assemblymen Riley, Phillips and Marten, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "and 3817c3", and insert in lieu thereof the following: ", 3817c3, 3817j, 3817k, 3817l, and 3817m".

Amendment No. 2.

On page 1, line 4 of the title of the printed bill, as amended, strike out the word "for", and insert in lieu thereof the following: "from".

Amendment No. 3.

On page 1, line 3 of the title of the printed bill, as amended, following the word "taxation", insert the following: ", and assessment".

Amendment No. 4.

On page 1, line 14, of the printed bill, as amended, strike out "axes", and insert in lieu thereof the following: "taxes".

Amendment No. 5.

On page 2, line 4, of the printed bill, as amended, strike out "six", and insert in lieu thereof the following: "seven".

Amendment No. 6.

On page 2, line 42, of the printed bill, as amended, strike out "six", and insert in lieu thereof the following: "seven".

Amendment No. 7.

On page 4, line 3, of the printed bill, as amended, strike out "or 1936", and insert in lieu thereof the following: ", 1936 or 1937".

Amendment No. 8.

On page 4, line 12, of the printed bill, as amended, strike out "1937", and insert in lieu thereof the following: "1938".

Amendment No. 9.

On page 4, line 17, of the printed bill, as amended, strike out the words "or resale at auction to the public", and insert in lieu thereof the following: "of property in accordance with the provisions of section 3897 of this code".

Amendment No. 10.

On page 4, line 18, of the printed bill, as amended, strike out all from and including the word "prior", down to and including the word "has", in line 19, on said page 4, and insert in lieu thereof the following: "has been deeded or shall have".

Amendment No. 11.

On page 4, line 20, of the printed bill, as amended, strike out the word "taxing", and insert in lieu thereof the following: "public".

Amendment No. 12.

On page 4, line 20, of the printed bill, as amended, after the word "to", insert the words: ", and is held by,".

Amendment No. 13.

On page 4 of the printed bill, between line 22 and line 23, insert the following: "Nothing in this section shall be construed to prohibit any agreement or sale made under the provisions of section 3897d of this code."

Amendment No. 14.

On page 4, line 23, of the printed bill, as amended, strike out "and 1936", and insert in lieu thereof the following: ", 1936 and 1937".

Amendment No. 15.

On page 4, line 27, of the printed bill, as amended, strike out "and 1936", and insert in lieu thereof the following: ", 1936 and 1937".

Amendment No. 16.

On page 5, lines 10 and 11, of the printed bill, as amended, strike out "3817c, 3817c2 or 3817i".

Amendment No. 17.

On page 5, line 14, of the printed bill, as amended, after "code, or", insert the following: "who has made or shall make a payment on account of delinquent taxes in accordance with the provisions of sections 3817a, 3817c, 3817c2 or 3817i of this code and who, in addition, shall elect".

Amendment No. 18.

On page 5, line 18, of the printed bill, as amended, after "amount", insert the following: ", without an allowance for interest thereon".

Amendment No. 19.

On page 5 of the printed bill, as amended, strike out lines 23 to 28, inclusive, and insert in lieu thereof the following: "Sections 3817a, 3817c, 3817c2 or 3817i. In the".

Amendment No. 20.

On page 5, line 45, of the printed bill, as amended, after "without", insert the following: "an allowance of".

Amendment No. 21.

On page 5 of the printed bill, as amended, strike out lines 47 to 51, inclusive, and insert in lieu thereof the following: "with the provisions of sections 3817c to 3817e2."

Amendment No. 22.

On page 6 of the printed bill, as amended, between lines 33 and 34, insert the following:

"SEC. 7. Section 3817j is hereby added to the Political Code to read as follows: 3817j. The word "taxes" wherever used in this section, includes all taxes and assessments and annual installments of assessments, charged on the tax rolls.

In all cases where real estate has been sold to the State for delinquent taxes on or before July 6, 1934, and the State has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators or other successors in interest, at any time on or prior to September 1, 1935, shall have the right to redeem such real estate, without penalties for delinquency, costs or redemption penalties or interest of whatever nature or description, by paying on or before said date to the county treasurer of the county wherein said real estate is situate, the amount of taxes thereon at the time of sale, and also all taxes, fines, were a lien upon said real property at the time said taxes became delinquent and also all unpaid taxes of every description assessed against the property for each year since the sale, as shown on the delinquent rolls in the then permanent records of the county auditor of such county, or, if not so assessed, then upon the rolls of the property as assessed in the year nearest the time of such redemption.

SEC. 8. A new section is hereby added to the Political Code to be numbered 3817k and to read as follows:

3817k. In the event a person has elected to pay in installments delinquent taxes which are a lien upon any real estate, in accordance with the provisions of section 3817c, 3817e2 or 3817i of this code, and he, his heirs, executors, administrators or other successors in interest, elects to make final redemption of the same real estate under the provisions of section 3817j of this code, there shall be deducted from the amount necessary to effect such final redemption under section 3817j, credit equal to the total amount theretofore paid by such person, his heirs, executors, administrators and other successors in interest, under section 3817a, 3817c, 3817e2 or 3817i, including therein all installments, interest, taxes and penalties and thereunder.

SEC. 9. Section 3817i is hereby added to the Political Code to read as follows:

3817i. Whenever the county auditor notifies the county assessor that payment of delinquent taxes under sections 3817c, 3817e2, 3817e3 or 3817i has been started and the property upon which the taxes are being paid does not appear on the assessment roll, the county assessor shall be required to make an assessment according to the current values and to place the property on the permanent assessment roll for that year and for each year thereafter so long as payments under said sections are kept up. The property when so returned to the assessment rolls shall be assessed in the name of the holder of the fee title immediately prior to the sale to the State.

SEC. 10. Section 3817m is hereby added to the Political Code to read as follows:

3817m. Whenever property is being redeemed under sections 3817, 3817i, 3817e2, 3817e3, 3817j or 3817j of the Political Code and does not appear on the assessment roll, the county auditor shall furnish the county assessor with a list of the taxes for which no assessment has been made and the assessor shall place a valuation on the property which the auditor shall use in computing the tax for the years when the property was not assessed."

Amendment No. 23.

On page 6, line 34, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "11".

Amendment No. 24.

On page 6, line 45, of the printed bill, as amended, after the period, insert the following:

"It is also necessary in order to redeem much of this property which does not at the present time appear on the assessment rolls that it be assessed according to present day values. If this is not done immediately taxpayers whose property does not now appear on the assessment rolls will be unable to take advantage of the rights granted by this act."

FLETCHER,
OLSON,
HAYS.

Senate Committee on Free Conference.

MARTIN,
RILEY,
PHILLIPS.

Assembly Committee on Free Conference.

**Consideration of Amendment No. 24 from Report of Committee on
Free Conference.**

On page 6, line 45, of the printed bill, as amended, after the period, insert the following:

"It is also necessary in order to redeem much of this property which does not at the present time appear on the assessment rolls that it be assessed according to present day values. If this is not done immediately taxpayers whose property does not now appear on the assessment rolls will be unable to take advantage of the rights granted by this act."

Urgency Clause Amended.

The question being the adoption of Amendment No. 24, amending the urgency clause of Assembly Bill No. 1034, from the report of the Committee on Free Conference.

The roll was called, and Amendment No. 24 from the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Consideration of Report of Committee on Free Conference.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Further Proceedings Under Call of the Senate Dispensed With.

At three o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Deuel.

Communication.

Opinion of Legislative Counsel.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, May 28, 1935.

Honorable George J. Hatfield, Lieutenant Governor of California.

State Capitol, Sacramento, California.

Subject: Bills Recommended by the Governor to Be Emergency Bills.

MY DEAR GOVERNOR: You have requested our opinion on whether or not it is necessary that a letter from the Governor stating that a bill which makes an appropriation is an emergency bill the passage of which should not await the final enactment of the Budget Bill, must be received by the Senate and read prior to the passage of that bill by the Senate.

In our opinion, it is not necessary that such a letter be received and read prior to the passage of such bill. It is sufficient that the Governor make such a recommendation.

Section 34 of Article IV of the State Constitution, in reference to this matter, provides as follows:

"Until the Budget Bill has been finally enacted neither house shall place upon final passage any other appropriation bill, except emergency bills recommended by the Governor, or appropriations for the salaries, mileage and expenses of members of the Legislature."

You will note that there is nothing in the language of the Constitution which requires that this recommendation on the part of the Governor be in writing. In our opinion, it is sufficient compliance with the section if the Governor actually makes the recommendation, and it is not necessary that the same be made in writing

nor that a letter setting out such recommendation be received by the Senate prior to the passage of the particular bill.

Very truly yours,

FRED B. WOOD,

Legislative Counsel.

By JNO. J. HAMLEN, JR.
Chief Deputy

Third Reading of Senate Bills.

Senate Bill No. 514—An act relating to the administration and liquidation of banks and amending an act entitled "An act to define and regulate the business of banking" known as the "Bank Act" and relating to such business.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difano, Fletcher, Garrison, Hays, Hulse, Jaspersen, Keough, King, McCell, McGovern, McGoverness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Sharkov, Slater, Swing, and Williams—26.

NOES—Senators Duval, Edwards, Knowland, McCormack, Mixer, Rondellar, Scollan, Seawell, Stow, Tickle, and Young—11.

Title read and approved.

Senate Bill No. 514 ordered transmitted to the Assembly.

President Pro Tempore in the Chair.

At three o'clock and fifty-nine minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Motion.

Senator Garrison moved that all written matter regarding legislation placed upon the desks be signed or identified.

Motion refused adoption.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator McGovern moved to reconsider the vote whereby Senate Bill No. 1123 was passed.

Postponement of Reconsideration.

On motion of Senator McGovern, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1123 was passed was continued until the next legislative day.

Senator Schottky in the Chair.

At four o'clock and seven minutes p.m., Senator Schottky of the twenty-fourth district was called to the chair.

Recess.

On motion of Senator Rich, at four o'clock and ten minutes p.m., the Acting President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

**Consideration of Daily File.
Third Reading of Senate Bills.**

Senate Bill No. 1110—An act to amend sections 611.6, 613, 738.5 and 957 of the Fish and Game Code, relating to fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator McColl moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Wagy, and Young—27.

The Secretary announced the absentees.

Time, nine o'clock p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 847—An act to amend sections 31, 51a and 51b of "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 847 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Wagy, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 847 ordered transmitted to the Assembly.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 239—An act providing for contracts for fire protection

between county fire protection districts and municipalities and relating to liability in connection therewith;

Also: Senate Bill No. 276—An act authorizing certain cities, cities and counties, and boards or departments thereof, in issuing revenue bonds or other evidences of indebtedness, payable solely from revenues, or from any other special fund, to issue the same as negotiable instruments, to provide for certain signatures, countersigned by facsimile, for making the same payable at places outside the State of California, and for the registration thereof;

Also: Senate Bill No. 472—An act to amend the Insurance Code by amending Article 14 of Chapter 4 of Part 2 of Division 1 thereof, relating to proceedings against insolvent insurers;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-eighth day of May, 1935, at four o'clock p.m.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 320—An act to amend section 11 of and to add a new section to be numbered section 12 to an act entitled "An act to define the boundaries, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number One of Sutter County," approved March 29, 1874, relating to the compensation and powers of officers of said district;

Also: Senate Bill No. 479—An act to amend section 10482 of the Insurance Code, relating to valuation of life policies;

Also: Senate Bill No. 486—An act to amend sections 12350, 12352, 12353, 12355, 12356, and 12357 of the Insurance Code, relating to life insurance;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-eighth day of May, 1935, at twelve o'clock and thirty minutes p.m.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 892—An act to amend section 1089 of the Code of Civil Procedure, relating to witnesses, and reports that the same has been correctly enrolled and presented to the Governor on the twenty-fourth day of May, 1935, at four o'clock and thirty minutes p.m.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 748—An act to amend sections 4130 and 4140 of the Political Code, relating to county recorders, their duties and penalty for neglect thereof or for misconduct;

Also: Senate Bill No. 749—An act to amend section 408 of the Political Code, relating to the duties of the Secretary of State;

Also: Senate Bill No. 750—An act to amend section 409 of the Political Code, relating to the fees of the Secretary of State;

Also: Senate Bill No. 751—An act to amend section 4300c of the Political Code, relating to the fees of county recorders;

Also: Senate Bill No. 828—An act to amend section 2737 of the Political Code, relating to bridges and highways;

And reports that the same have been correctly enrolled and presented to the Governor on the twenty-eighth day of May, 1935, at twelve o'clock and thirty minutes p.m.

MIXTER, Vice Chairman.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 438—An act to carry into effect the provisions of section 20 of Article XI of the Constitution, relating to limitations upon the expenditures and tax levies of counties, cities and counties, municipalities, districts and other political subdivisions of this State and to repeal section 3714b of the Political Code—and reports that the same has been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1115—An act to add section 1106b to the Political Code,

relating to registration of voters—and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator McColl.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 1110 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Wagy, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 1110 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency.

Amendments from the Floor.

During third reading of Senate Bill No. 1086, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1, line 5 of the title of the printed bill, as amended, strike out "live cattle and".

Amendment No. 2.

On page 3, line 16, of the printed bill, as amended, strike out "the live cattle industry,".

Amendment No. 3.

On page 3, line 17, of the printed bill, as amended, after "include", insert the following: "cattle, sheep, hogs,".

Amendment No. 4.

On page 8, line 28, of the printed bill, as amended, after "Sec. 10.", insert the following: "(1)".

Amendment No. 5.

On page 8, line 48, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "and a report of the activities and proceedings shall be filed with the director in December of each year."

Amendment No. 6.

On page 10 of the printed bill, as amended, strike out lines 11 to 15, inclusive.

Amendment No. 7.

On page 10 of the printed bill, as amended, between lines 32 and 33, insert the following:

"(2) Within thirty days prior to each regular session of the Legislature, the director shall submit to the Governor a full and true report of transactions under this act during the preceding biennium, including a complete statement of receipts and expenditures during the period."

Bill read, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof.

Amendment from the Floor.

During third reading of Senate Bill No. 1119, the following amendment, offered by Senator Duval, was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, following line 47, insert the following:

"SEC. 9. The license fee provided for by this act shall not be imposed on, and after December 31, 1937, provided, however, that the terms of this act shall continue in full force and effect with respect to all license fees due thereunder and penalties on account of operations of vehicles subject thereto, to the end that the State may take any and all steps necessary to collect the amount of such license fees and penalties."

Bill read, ordered to reprint, and referred to Committee on Finance.

Senate Bill No. 287—An act relating to the adoption of codes of fair competition for certain trades and industries within this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 287 was refused passage by the following vote:

AYES—Senators Biggar, Crittenden, Garrison, Jepsen, McCormack, McGovern, McGuinness, Olson, Perry, Reindollar, Seolian, Seawell, Sharkey, Slater, and Wagy—15.

NOES—Senators Donel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Keough, Knowland, McColl, Metzger, Mixer, Parkman, Powers, Rich, Schattky, Snyder, Stow, Tickle, and Young—20.

Notice of Motion to Reconsider.

Senator Snyder gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 287 was refused passage.

Senate Bill No. 1118—An act to call a special election to be held on the thirtieth day of July, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifty-first regular session, and to provide that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1118 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar,

Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—35.
NOES—None.

Title read and approved.

Senate Bill No. 1118 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Re-reference of Assembly Bill No. 788.

Senator Difani moved that Assembly Bill No. 788 be re-referred to Committee on Governmental Efficiency.

Previous Question Moved.

Senator Hulse moved the previous question.

Motion carried.

The question being put: Shall Assembly Bill No. 788 be re-referred to Committee on Governmental Efficiency?

Ayes and Noes Demanded.

A roll call was demanded by Senators Difani, Hulse and Stow, on the adoption of the motion to re-refer.

The roll was called, and the motion to re-refer was adopted by the following vote:

AYES—Senators Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Knowland, McColl, McCormack, Metzger, Mixter, Parkman, Pierovich, Rich, Sharkey, Snyder, Stow, Tickle, Wagy, and Young—21.

NOES—Senators Biggar, Crittenden, Garrison, Jespersen, McGovern, McGuinness, Olson, Perry, Powers, Reindollar, Schottky, Scollan, Seawell, and Slater—14.

Assembly Bill No. 788 ordered re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 774—An act to amend section 1197 of the Political Code, relating to election ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 774 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—32.

NOES—Senator Difani—1.

Title read and approved.

Assembly Bill No. 774 ordered transmitted to the Assembly.

Leaves of Absence.

Senator Swing was, on motion of Senator Sharkey, granted leave of absence for the remainder of this legislative day.

Senator McGuinness was, on motion of Senator Garrison, granted leave of absence for the remainder of this legislative day.

Assembly Bill No. 1753—An act to amend sections 2.876, 2.877, 2.878, 2.885, 2.890, 2.891, and to repeal 2.868 of the School Code, relating to school district elections.

Amendment to the Title from the Floor.

During third reading of Assembly Bill No. 1753, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "2868" and insert in lieu thereof the following "2886."

Bill read third time, as amended.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1753 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, DeFano, Deuel, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Knowland, McCall, McCormack, McIntosh, Metzger, Mixer, Olson, Parkman, Perry, Pomeroy, Powers, Richmond, Rich, Schottky, Seallan, Sewell, Sharkey, Slater, Snyder, Stow, Tucke, Waga, and Young—34.

NOES—None.

Title, as amended, read and approved.

Assembly Bill No. 1753 ordered transmitted to the Assembly.

Assembly Bill No. 1677—An act to add section 8a to an act entitled "An act to provide for the formation, management and dissolution of county water works districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county water works district bonds and the payment thereof," approved June 13, 1913, relating to refunding bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1677 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, DeFano, Deuel, Edwards, Garrison, Gordon, Hays, Hulse, Knowland, McCall, McCormack, McIntosh, Metzger, Mixer, Olson, Parkman, Perry, Pomeroy, Powers, Richmond, Rich, Schottky, Seallan, Sewell, Sharkey, Slater, Snyder, Stow, Tucke, Waga, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1677 ordered transmitted to the Assembly.

Assembly Bill No. 1769—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof.

Bill read third time.

Urgency Clause.

Sec. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity:

Continued dry years have made immediate action imperative in the various water districts to conserve the waters of the present season in order to save not only extensive areas of crops, but also for industrial and domestic purposes. Immediate action is further imperative to construct works during the coming summer season for conserving and utilizing the floods and waters of the coming winter. For the proper and ready financing of such construction the immediate voting of bonds is necessary, and to that end the legislation contained in this act relative to such bonds and their maturities, terms and conditions, is required to be immediately effective. An adequate supply of water for agricultural, domestic and industrial purposes is necessary for the public peace, health and safety of the communities affected in the State of California.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wag, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1769 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wag, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1769 ordered transmitted to the Assembly.

Assembly Bill No. 1794—An act to amend the title of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred" (Chapter 1020, Statutes of 1931), to repeal sections 51 to 54 inclusive, and to add new sections to be numbered 51 to 80 inclusive, relating to exclusion of lands from water conservation districts and to improvement districts within water conservation districts" (Chapter 906, Statutes of 1933), to amend sections 18, 36 and 53 of said act and to add a new section to said act to be known as section 36a relating to revenue bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Stow moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wag, and Young—34.

The Secretary announced the absentees.

Time, ten o'clock and fifty-two minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate

Third Reading of Assembly Bills—(Resumed)

Assembly Bill No. 2426—An act to amend section 1326 of the Penal Code, relating to the issuing and signing of subpoenas for the attendance of witnesses in criminal prosecutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2426 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Sharkey, Slater, Tickle, Wagy, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 2426 ordered transmitted to the Assembly.

Assembly Bill No. 2422—An act accepting a retrocession of jurisdiction over the rights of way of the Golden Gate Bridge and Highway District through the Presidio of San Francisco military reservation and Fort Baker military reservation in Marin County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2422 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Senwell, Sharkey, Slater, Snyder, Stow, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2422 ordered transmitted to the Assembly.

Assembly Bill No. 1185—An act authorizing the Board of State Harbor Commissioners to make application for the privilege of establishing, maintaining and operating a foreign trade zone on property now or which may hereafter be under the jurisdiction and control of said board in the City and County of San Francisco, and to establish, maintain and operate such zone, pursuant to the act of Congress of June 18, 1934 (48 U. S. Statutes at Large, Chapter 590).

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1185 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1185 ordered transmitted to the Assembly.

Assembly Bill No. 406—An act to add a new article to Chapter I of Part I of Division I of the School Code to be known as Article VII.

embracing section 145, relating to the participation of pupils in public exhibitions.

Amendments from the Floor.

During third reading of Assembly Bill No. 406, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 2, lines 16 and 17, of the printed bill, as amended, strike out "request or permit", and insert in lieu thereof the following: "or request".

Amendment No. 2.

On page 2, line 21, of the printed bill, as amended, after "institution", insert a comma.

Amendment No. 3.

On page 2, line 22, of the printed bill, as amended, after "any", insert the following: "person, firm, corporation,".

Amendment No. 4.

On page 2, line 30, of the printed bill, as amended, strike out "of", at the end of said line, and insert in lieu thereof the following: "or".

Amendment No. 5.

On page 2, line 33, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "; nor to a student making use of his or her musical talents as a means of livelihood, either in whole or in part, while attending such school."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2452—An act to add section 1238.5 to the Code of Civil Procedure, relating to eminent domain.

Amendments from the Floor.

During third reading of Assembly Bill No. 2452, the following amendments, offered by Senator Tickle, were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, as amended, after "county", insert a comma and the following: "city and county,".

Amendment No. 2.

On page 1, line 9, of the printed bill, as amended, after "county," insert the following: "city,".

Bill read, ordered to reprint, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Difani:

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 1193, 1217, 1228, 1239 and 1243 of the Penal Code, relating to persons convicted of the commission of crime.

Respectfully submitted.

SENATOR DIFANI.

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the request of Senator Difani to introduce a bill entitled—An act to amend sections 1193, 1217, 1228, 1239 and 1243 of the Penal Code, relating to persons convicted of the com-

mission of crime—has had the same under consideration and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.
KNOWLAND
SLATER
DIFANI

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES. Senators Biggar, Critchfield, Deane, Nelson, Edwards, Garrison, Glick, Hays, Hulse, Jaspersen, Keogh, Knowland, McColl, McGowan, McGowan, Meyer, Olson, Parkman, Perry, Peterson, Powers, Rosenthal, Rude, Schmitt, Seaton, Senwell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young, 23.

NOES. None.

Introduction, First Reading and Reference of Bill

By Senator Difani: Senate Bill No. 1124.—An act to amend sections 1193, 1217, 1228, 1239 and 1243 of the Penal Code, relating to persons convicted of the commission of crime.

Bill read first time, and referred to Committee on Revision of Criminal Law and Procedure.

Third Reading of Assembly Bills—(Resumed)

Assembly Bill No. 828.—An act to amend an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, by amending section 23 thereof, relating to priority of liens and bonds.

Amendments from the Floor.

During third reading of Assembly Bill No. 828, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, following the word "amend", insert the words and figures: "sections 23 and 66 of".

Amendment No. 2.

On page 1, in the last two lines of the title of the printed bill, as amended, strike out the following: "by amending section 23 thereof."

Amendment No. 3.

On page 2 of the printed bill, as amended, following line 11, insert the following: "SEC. 2. Section 66 of said act is hereby amended to read as follows:

Sec. 66. The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is heretofore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January of every year after the next October fifteenth following the date of the bond, until all are paid, and each coupon shall be for

an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons thereto attached, as set forth in section 60 hereof. The city treasurer shall, in addition to his other duties in the premises, keep a record of all bonds issued by him, of all payments on said bonds with the dates thereof and of all penalties accruing thereon; and he shall report all payments of coupons or penalties upon said bonds, with the dates thereof, to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same are paid, and said assessment shall be a lien upon the property affected thereby, with priority as fixed in section 23 of this act, until the bond issued to represent the assessment and which it is hereby declared does represent the assessment, and the accrued interest thereon and the penalties, if any, shall be fully paid according to the terms thereof. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under this act."

Motion to Print.

Senator Stow moved that the amendments offered by Senator Olson be printed in the Journal before consideration by the Senate.

Motion to Table.

Senator Olson moved that the motion made by Senator Stow be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Stow and Difani, on the adoption of motion to table.

The roll was called, and the motion to table was refused adoption by the following vote:

AYES—Senators Garrison, McGovern, Olson, Schottky, Scollan, and Slater—6.
NOES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, Metzger, Mixter, Parkman, Reindollar, Rich, Seawell, Sharkey, Snyder, Stow, and Tickle—21.

Question of Printing.

The question being put: Shall the amendment be printed in the Journal before consideration.

Ayes and Noes Demanded.

A roll call was demanded by Senators Stow, Difani and Tickle, on the adoption of the motion to print the amendments.

The roll was called, and the motion to print the amendments refused adoption by the following vote:

AYES—Senators Difani, Duval, Edwards, Hays, Keough, Knowland, McCormack, Parkman, Pierovich, Seawell, Snyder, Stow, Tickle, and Young—14.

NOES—Senators Biggar, Crittenden, Deuel, Garrison, Gordon, Jespersen, McGovern, Metzger, Mixter, Olson, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, and Slater—18.

Amendments Adopted.

The question being on the adoption of the amendments offered by Senator Olson.

Amendments offered by Senator Olson to Assembly Bill No. 828 adopted.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 239—An act to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 229, the following amendments, offered by Senator Duval, were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, after the word "California", add a comma.

Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, after the word "State", add a comma.

Amendment No. 3.

On page 2, line 14, of the printed bill, as amended, after the word "is", insert the following: "incorporate".

Amendment No. 4.

On page 3, line 10, of the printed bill, as amended, strike out the word following the number "27", and insert in lieu thereof the following: "of this act".

Amendment No. 5.

On page 3, line 13, of the printed bill, as amended, strike out the word "National", and insert in lieu thereof the following: "national".

Amendment No. 6.

On page 4, line 10, of the printed bill, as amended, strike out the word "National", and insert in lieu thereof the following: "national".

Amendment No. 7.

On page 4, line 10, of the printed bill, as amended, strike out the word "National", and insert in lieu thereof the following: "national".

Amendment No. 8.

On page 4, line 28, of the printed bill, as amended, after the word "income", insert a semicolon.

Amendment No. 9.

On page 4, line 28, of the printed bill, as amended, after the word "income", insert a comma.

Amendment No. 10.

On page 4, line 40, of the printed bill, as amended, after the word "bank", insert a comma.

Amendment No. 11.

On page 4, line 49, of the printed bill, as amended, after the word "bank", insert a comma.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 663—An act to amend the title and section 15 and to add section 33 to an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments and reassessments for the payment of such refunding bonds, to enforce the liens of such assessments, reassessments, to provide for the proceedings to test the validity of such refunding and reassessment, and to provide for contributions of public funds to assist in such refunding," approved June 5, 1933, relating to the refunding of bonds payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands.

Amendments from the Floor.

During third reading of Assembly Bill No. 663, the following amendments, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 2, line 23, of the printed bill, as amended in the Senate on May 17, 1935, strike out the following: "the general fund or from";

Amendment No. 2.

On page 2, line 24, of the printed bill, as amended in the Senate on May 17, 1935, after the word "fund", add a comma and insert the following: "except the general fund,".

Amendment No. 3.

On page 2, line 28, of the printed bill, as amended in the Senate on May 17, 1935, strike out the following: "its general fund, road".

Amendment No. 4.

On page 2, line 29, of the printed bill, as amended in the Senate on May 17, 1935, strike out the words "fund or", found at the beginning of said line, and after the words "available fund", add a comma and insert the following: "except the general fund,".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 845—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 15, 16, 17, 20, 22 and 24½ and to repeal section 3½ of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages.

Amendment from the Floor.

During third reading of Assembly Bill No. 845, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 7 of the printed bill, as amended, between lines 37 and 38, insert the following:

"Where any lot or parcel of land containing more than five acres is included within the fire limits of the district, the board of supervisors, upon application of the owner or owners of such lot or parcel, shall exclude from such district and from the taxable property therein, all of said lot or parcel in excess of five acres thereof, which five acres shall include all portions of said lot or parcel on which are situated any buildings or improvements."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1129—An act amending section 3897 of the Political Code, relating to the procedure for the sale of property deeded to the State in payment of delinquent taxes, if not otherwise disposed of under section 3897a or section 3897b of the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 1129, the following amendments, offered by Senator Metzger, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section 3897", and insert in lieu thereof the following: "sections 3897 and 3898 and repealing section 3774".

Amendment No. 2.

On page 1, line 9, of the printed bill, as amended, after the comma, insert the following: "and upon the written authorization of the State Controller".

Amendment No. 3.

On page 1, line 10, of the printed bill, as amended, before the first word in the line, insert the following: "private sale or".

Amendment No. 4.

On page 2, line 1, of the printed bill, as amended, strike out "or reclamation", and insert in lieu thereof the following: "including reclamation".

Amendment No. 5.

On page 2, line 2, of the printed bill, as amended, after "district", insert the following: "county, or city".

Amendment No. 6.

On page 2 of the printed bill, as amended, between lines 6 and 7, insert the following:

"(2) In case it is sought to sell such property at private sale under the provisions hereof, after the State Controller has authorized such sale, the tax collector shall, as a condition to the authority to sell at private sale, before he can do so by contract, first obtain the consent of the board of supervisors of the county or city and county, in which the lands, or any part thereof, are located, to the proposed sale, and to that end the tax collector shall transmit to such board a notice in writing, of his intention to make such sale, which notice shall contain a description of the property to be sold, and the price in lawful money of the United States, at which it is proposed to sell the same, and also whether such price is to be paid in full at time of purchase or in annual installments as herein provided.

Upon the receipt of said notice by said board, it shall be its duty, by resolution, either to consent to the proposed sale of the property as set forth in said notice, or withhold its consent thereto. In either event the said board shall, within five days after its action in the premises, transmit to said tax collector, a certified copy of its said resolution. Failure of the board to adopt some resolution or to transmit the same within the time prescribed, however, shall not make either void or voidable, a sale made pursuant to such consent.

If said board of supervisors shall approve said proposed sale as aforesaid, and upon receipt of the copy of said resolution by the tax collector, it shall be the duty of the tax collector to give written notice to the party to whom the land most last assessed nearest before the sale, of such intended sale, by mailing said notice to him, postage thereon prepaid and registered at his last known post-office address, at least twenty-one days before the date of said intended sale. The board of supervisors may, in their discretion, direct the tax collector to publish the notice of the intended sale once in a newspaper published in the county, or if there be no such newspaper then in a newspaper of general circulation in the county. Said notice shall contain the time and place of said intended sale, a description of the property to be sold, sufficient for identification, together with a statement that if redemption of said property is not effected according to law, prior to said date of sale, that no right of redemption shall cease.

At the time and place fixed for said intended sale, if no redemption of said property to be sold has been effected according to law, prior to said date so fixed for said intended sale, the tax collector shall sell and convey said property at private sale on the day and hour fixed therefor, or at any time not more than three months thereafter, for the price and the terms fixed in said notice to the board of supervisors, in lawful money of the United States.

Amendment No. 7.

On page 2, line 7, of the printed bill, as amended, strike out "2", and insert in lieu thereof the following: "3".

Amendment No. 8.

On page 2, line 7, of the printed bill, as amended, strike out "He", and insert in lieu thereof the following: "In case it is sought to sell such property at public auction under the provisions hereof, the tax collector".

Amendment No. 9.

On page 2 of the printed bill, as amended, strike out line 34, and insert in lieu thereof the following: "agency, including reclamation, irrigation, drainage or levee district, or county or city".

Amendment No. 10.

On page 2, line 34, of the printed bill, as amended, strike out "3", and insert in lieu thereof the following: "4".

Amendment No. 11.

On page 2 of the printed bill, as amended, strike out lines 41 to 46, inclusive, and insert in lieu thereof the following: "thereof shall be filed with the county auditor. The amount of expenses so reported".

Amendment No. 12.

On page 2, line 49, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "5".

Amendment No. 13.

On page 2, lines 49 and 50, of the printed bill, as amended, strike out "and such confirmation by the board of supervisors."

Amendment No. 14.

On page 3, line 8, of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "6".

Amendment No. 15.

On page 3, line 10, of the printed bill, as amended, strike out "or reclamation", and insert in lieu thereof the following: "including reclamation".

Amendment No. 16.

On page 3, line 11, of the printed bill, as amended, after "district", insert the following: "or county, or city,".

Amendment No. 17.

On page 3, line 14, of the printed bill, as amended, strike out the word "first".

Amendment No. 18.

On page 3, line 26, of the printed bill, as amended, strike out the word "first".

Amendment No. 19.

On page 3, line 37, of the printed bill, as amended, strike out "6", and insert in lieu thereof the following: "7".

Amendment No. 20.

On page 3, line 46, of the printed bill, as amended, after the period, insert the following:

"Nothing in this section contained shall be deemed to nullify or amend the provisions of section 12 of 'Improvement Bond Act of 1915' or of any provisions amendatory thereof or supplemental thereto with reference to the title acquired by a purchaser at a tax collector's sale or at a resale by the city."

Amendment No. 21.

On page 3, line 47, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "8".

Amendment No. 22.

On page 4 of the printed bill, as amended, strike out lines 6 to 8, inclusive.

Amendment No. 23.

On page 4, lines 10 and 11, of the printed bill, as amended, strike out "sections 3774 or", and insert in lieu thereof the following: "section".

Amendment No. 24.

On page 4 of the printed bill, as amended, strike out lines 12 and 13, and insert in lieu thereof the following:

"SEC. 2. Section 3898 of the Political Code is hereby amended to read as follows:

3898. 1. The moneys received from sales made under the provisions of section 3897 of this code shall be distributed as follows: The tax collector, in case of a sale at public auction, shall deduct the penalties, costs and other amounts received as expenses of such sale in such cases as the property so sold shall have been sold for a sum not less than the amount of all taxes levied thereon and all interest, costs, penalties and expenses up to the date of such sale, but where the property so sold shall have been sold for a sum less than said amount, the tax collector shall deduct only the amounts received as expenses attending such sale, and the balance shall be distributed among the State, county, city, and other taxing agencies including reclamation, irrigation, drainage or levee districts to which taxes or assessments may be due, in the proportion that the amount of taxes and penalties due the State bears to the amount of taxes and penalties due to each of the other taxing agencies. The tax collector shall pay all amounts into the county treasury, and the treasurer shall account to the State for its portion in the settlement required by section 3865, and section 3866. In cases of private sales by the tax collector the amounts paid to the county treasurer shall be disposed of as in this section provided. The State's portion from such sales shall be paid into the State treasury to the credit of the general fund. The tax land fund is hereby abolished and the funds therein are hereby transferred to the general fund.

2. On receiving the purchase price at sales under the provisions of section 3897 of the Political Code, the tax collector must execute a deed to the purchaser at such sale, which deed shall be in substance, and may be in form as follows:

"This indenture made the _____ day of _____, 19____, between _____ tax collector of the county of _____, State of California, first party, and _____, of the county of _____, State of California, second party,
Witnesseth:

That whereas the real property hereinafter described was duly sold and conveyed to the State of California for the nonpayment of taxes which had been legally levied and which were a lien upon said property under and in accordance with law, and

Whereas in conformity with law, the State of California, acting by and through _____, tax collector as aforesaid, did sell said property, hereinafter described, at a private sale to the said second party, for _____ dollars, (or in case of a sale at

public auction) did offer said property hereinafter described, for sale at public auction to the highest bidder at which sale second party became the purchaser of the whole thereof for the sum of _____ dollars.

Now, therefore, the said first party in consideration of the promises and in pursuance of the statute in such cases made and provided, does hereby grant to the second party, his heirs and assigns, that certain real property hereinafter referred to and situate in the county of _____, State of California, more particularly described as follows, to wit:

In witness whereof, said first party has hereunto set his hand the day and year first above written.

Tax Collector of the County of _____
State of California.

No other matters need be recited in the said deed than those provided for in the above form. No charge shall be made by the tax collector for the making of any such deed, and the acknowledgment of all such deeds when executed by the tax collector shall be taken by the county clerk free of charge.

3. Within ten days after each sale, as provided in section 3807 of the Political Code, the tax collector shall report to the assessor and recorder of the county in which the lands sold are situated, giving the names of names of all persons to whom deeds have been issued under the provisions of this section, and said section 3807, together with the dates of such deeds, the amount for which the property was sold, the description of the property concerned, together with the numbers and dates of the certificates of sale and of the tax deeds by which title to such property at auction was conveyed to the State.

4. The recorder shall note on the margin of each certificate of sale and of each tax deed involved in the sale, and transfer of such property, the name of the purchaser, the date of the deed to the purchaser, and the consideration, money or other. The assessor shall use such report in his determination of the ownership of such property for assessment purposes.

5. Upon the completion of the sale, the tax collector shall report to the State Controller the date of sale, the description of the property, the name of the purchaser, and the amount of money received for the property sold.

6. (a) Whenever in any action at law it has been, or shall be determined by a court that the sale and conveyance provided for in this section and section 3807 of the Political Code, or in section 3771 of the Political Code, hereinafter so mentioned, made, are void for any reason, and that the purchaser from the State has not been finally awarded the property so purchased, no force of the deed shall be given declaring a forfeiture of the property until the former owner or other party an interest shall have repaid to the purchaser the full amount of taxes, penalties, and costs, paid out and expended by him, to be determined by the court, in payment of the State's title to the property so sold. The said purchaser may, within one year after such decree becomes final, also present a claim against the county in the manner provided by law for a refund of the amount paid for the property, inasmuch as the purchase price of such property in excess of the amount for which he may have been reimbursed for taxes, penalties and costs, as herein provided, and such excess shall be refunded in accordance with section 3804 of this code.

(b) Whenever it shall be determined to the satisfaction of the board of supervisors of the county in which the land is situated that any land belonging to the United States Government or to this State, a municipality or other political subdivision of this State has been erroneously sold and conveyed under the provisions of this section or section 3807, or section 3771 of this code, and the said land cannot not have been so sold, the purchaser at said sale may present a claim against the county in the manner provided by law for a refund of the amount so paid into the county treasury by reason of such sale and such claim shall be paid by the county treasurer as provided in section 3804 of the Political Code of the State of California.

Sec. 3. Section 3774 of the Political Code is hereby repealed.

Amendment No. 25.

On page 4, line 14, of the printed bill, strike out "3. (10)", and insert in lieu thereof the following: "4."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2023—An act to amend the title and sections 1, 2 and 3 of, and to add a new section, to be numbered section 4, to an act entitled "An act to provide for a day of rest from labor," approved February 27, 1893 (Stats. 1893, Chap. 41), relative to the scope of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for violation of the provisions thereof.

Amendment from the Floor.

During third reading of Assembly Bill No. 2023, the following amendment, offered by Senator Seawell, was read and adopted:

Amendment No. 1.

On page 2, line 17, of the printed bill, as amended, after the comma after the word "watchman", insert the following: "Nor to persons employed as pumpmen or mill men in any mine nor to persons employed in any cyanide plant in connection therewith,".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 36—An act to amend the Agricultural Code by adding to Division VI thereof a new chapter to be numbered 8 and to include sections 1299 to 1300.6 inclusive, defining and pertaining to processors of farm products and the licensing thereof.

Amendment from the Floor.

During third reading of Assembly Bill No. 36, the following amendment, offered by Senator Scollan, was read and adopted:

Amendment No. 1.

On page 3, line 17, of the printed bill, as amended in Senate May 8, 1935, immediately preceding the period, insert the following: "and shall be credited to the Department of Agriculture fund and expended in carrying out the provisions of this chapter. The director shall, within thirty days prior to the regular session of the Legislature, submit to the Governor a full and true report of the transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during the period".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 606—An act to add a new section to the Political Code, to be numbered 2699, authorizing boards of supervisors to temporarily close any public highway, road, street, avenue, alley.

Amendments from the Floor.

During third reading of Assembly Bill No. 606, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, strike out "boards of supervisors to temporarily close", and insert in lieu thereof the following: "the temporary closing of".

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, strike out "The", and insert in lieu thereof the following: "Except as provided in this section, the".

Amendment No. 3.

On page 1, line 16, of the printed bill, as amended, after the period, add the following: "As to State highways, the exercise of any power granted hereby shall be subject to the approval of the department."

Motion.

Senator Stow moved that the amendments offered by Senator Olson be printed in the Journal before consideration by the Senate.

Motion to Table.

Senator McGovern moved that the motion by Senator Stow, be laid on the table.

Motion to table refused adoption.

The question being put: Shall the amendments be printed before adoption?

Motion by Senator Stow to print amendments refused adoption.

The question being on the adoption of the amendments offered by Senator Olson.

Amendments offered by Senator Olson to Assembly Bill No. 606 adopted.

Bill read, ordered to reprint, and on file for third reading

Assembly Bill No. 2354—An act to amend sections 146 and 154 of the Vehicle Code, and to add sections 146.5, 180.5, and 371.5 to said Vehicle Code, all relating to vehicles previously registered outside this State, and the registration and transfer thereof within this State.

Amendments from the Floor.

During third reading of Assembly Bill No. 2354, the following amendments, offered by Senator Sharkey, were read and adopted.

Amendment No. 1.

On page 1, line 4, of the printed bill, as amended, after the period, insert the following: "(a)".

Amendment No. 2.

On page 1, line 14, of the printed bill, as amended, after "and", insert a comma and the following: "except as provided in subdivision (b) of this section."

Amendment No. 3.

On page 1 of the printed bill, as amended, between lines 17 and 18, insert the following:

"(b) No nonresident entering this State and subject to registration under the provisions of subdivision (b) of section 216, shall be required to surrender the evidences of foreign registration mentioned in subdivision (a) of this section."

Amendment No. 4.

On page 2, line 24, of the printed bill, as amended, after "department", insert a comma and the following: "but the foregoing limitations in this sentence shall not apply to commercial vehicles operating in interstate transportation nor affect the right of the department to grant temporary permits under section 147."

Bill read, ordered to reprint, and on file for third reading

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 1794 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, Menzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Remdollar, Reel, Schatzky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, and Young—33.

NOES—Senator Duval—1.

Title read and approved.

Assembly Bill No. 1794 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1192—An act to amend section 80 of the Agricultural Code, relating to agricultural districts and including provision for the exhibition of

live stock in southern California—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—9; noes—1; absent—5.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 259—An act to amend sections 221 and 223 of, and to repeal section 230 of the Agricultural Code, relating to bovine tuberculosis;

Also: Senate Bill No. 331—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products;

Also: Senate Bill No. 555—An act to amend sections 1143, 1144, 1146 and 1147 of the Agricultural Code, relating to egg products;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 465—An act to provide for the establishment of a code or codes of fair competition for the meat industry—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—11; absent—4.

CRITTENDEN, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 479—An act to amend section 2179 of the Political Code, relating to guardianship and administration of estates of incompetents;

Also: Assembly Bill No. 1500—An act to add section 92.5 to the Agricultural Code, relating to money appropriated for the encouragement of county and district agricultural fairs, declaring the urgency hereof and providing that this act shall go into immediate effect;

Also: Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—15; absent—4.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists, clinical pathologists and clinical laboratory technicians, for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act;

Also: Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts;

Also: Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources;

Also: Senate Bill No. 550—An act to provide for the cooperation of State officers and agencies, and stockmen's associations with the Federal Government in relation to grazing lands, and for the disposition of money received from the Federal Government in relation thereto;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—15; absent—4.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, the removal or destruction of improvements thereon, the cutting and removal of timber or the doing of any act impairing the value of the lands or of the improvements; providing for the renting of said lands and the collection of rents,

issues and profits thereof, and the appointment of representatives by the Controller providing for the recovery of the possession of said property and an accounting of rents, issues and profits; providing for the commencement of actions and the disposition of moneys received, and the removal or sale of property which has become a public nuisance;

Also: Senate Bill No. 1085—An act to amend sections 25 and 32 of the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights;

Also: Senate Bill No. 20—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions and making an appropriation therefor.

Also: Senate Bill No. 446—An act relating to contracts between companies and public agencies for the delivery or sale of water, gas or electrical energy by the former to the latter; providing for the regulation, supervision and licensing of such companies; and providing for the enforcement of this act and penalties for the violation thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—15; absent—4.

SHARKEY, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1614—An act to amend section 135 of the Vehicle Code, relating to the California Highway Patrol—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 2012—An act to amend the Vehicle Code by adding a new section to be numbered 135.5, relating to investigation of accidents—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 1060—An act to amend sections _____ of the Vehicle Code—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

On Conservation.

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Bill No. 955—An act to amend the title and sections 1 and 24, and to add section 8a to the "Storm-water District Act of 1909," approved March 13, 1909, as amended, relating to the formation of districts for the purpose of controlling soil erosion and protecting the lands in such district from damage by storm water or other waters;

Also: Assembly Bill No. 2432—An act to amend section 2 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district, declaring the urgency hereof and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—4; absent—3.

PERRY, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 486—An act to amend section 8 of the Inheritance Tax Act, relating to estates—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1208—An act to amend sections 3 and 5 of, and to repeal section 7 of, an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, relating to taxation, and to provide that this act shall take effect immediately:

Also: Assembly Bill No. 1364—An act authorizing the State Franchise Tax Commissioner to destroy certain tax returns;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—13; committee vote: Ayes—9; absent—4.

DUVAL, Chairman.

On Universities and Teachers Colleges.

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: Your Committee on Universities and Teachers Colleges, to which was referred Assembly Bill No. 1765—An act to amend section 649, 649a, 651a, 651b, 651c, and 651d of the Civil Code, relating to colleges and seminaries of learning—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

DEUEL, Chairman.

HAYS.
JENSEN.
KNOWLAND.
PERRY.
SNYDER.
STOW.
TICKLE.
WAGY.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 437—An act to amend section 112 of, and to add section 112a to, the Code of Civil Procedure, relating to the jurisdiction of justices' courts;

Also: Assembly Bill No. 1398—An act to amend section 1 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, and relating to penalties for violations of this act;

Also: Assembly Bill No. 2308—An act to amend section 170 of the Civil Code, relating to husband and wife;

Also: Assembly Bill No. 978—An act to amend section 12 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to civil engineers;

Also: Assembly Bill No. 720—An act to amend section 1058 of the Code of Civil Procedure, relating to the giving of bonds or undertakings in civil actions or proceedings by the State or counties or officers thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 338—An act to add section 731a to the Code of Civil Procedure, relating to the use of the injunction in industrial or commercial zones;

Also: Assembly Bill No. 2122—An act to postpone proceedings to enforce the lien, or any guaranty in connection therewith arising out of the levy of any special assessment or special assessment tax, or arising out of the issuance of any special assessment bond, or ad valorem district bonds or direct assessment district bonds, levied or issued to pay the cost of the improvement or construction of property for public purposes, declaring the urgency thereof, and providing that it shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—9; absent—5.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1360—An act to add sections 54a and 54b to the Civil Code, relating to the right of privacy of persons, and to provide a method by which such right of privacy may be enforced—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—9; absent—5.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 812—An act to amend section 226 of the Civil Code, relating to proceedings on adoption—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1935.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred Senate Concurrent Resolution No. 40—Relative to reports of the International Encampment and the Annual Convention of the United States American War Veterans—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

KING, Chairman.
POWERS.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, MAY 27, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1654—An act to amend sections 450, 465 and 471 of, and to add a new section to be numbered 466 to, the Vehicle Code, relating to highways and the regulation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, MAY 22, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 1826—An act to amend section 865 of the Fish and Game Code, and to add thereto section 865.5, relating to fish—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—16; committee vote: Ayes—13; absent—3.

McCOLL, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, MAY 28, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 50—An act to amend section 653 of the Fish and Game Code, relating to spearing salmon:

Also: Assembly Bill No. 212—An act to amend sections 137, 138 and 166 of the Fish and Game Code and to add two new sections to be numbered 171 and 172.

Also: Assembly Bill No. 238—An act to add section 791.6 to the Fish and Game Code, relating to crabs;

Also: Assembly Bill No. 626—An act to amend sections 86 and 87 of the Fish and Game Code, relating to fish and game districts;

Also: Assembly Bill No. 678—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants;

Also: Assembly Bill No. 1083—An act to amend section 924 of the Fish and Game Code, relating to district 16;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—16; committee vote: Ayes—13; absent—3.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 1233—An act to amend sections 799 and 800 of the Fish and Game Code, relating to abalones;

Also: Assembly Bill No. 2092—An act to amend section 493.5 of the Fish and Game Code, and to add thereto section 741.5, relating to fish;

Also: Assembly Bill No. 2264—An act to amend section 658 of the Fish and Game Code, relating to salmon;

Also: Assembly Bill No. 2265—An act to add section 660.6 to the Fish and Game Code, relating to salmon;

Also: Assembly Bill No. 2330—An act to amend sections 62 and 93 of the "Fish and Game Code," approved April 11, 1933, relating to fish and game and other wild life;

Also: Assembly Bill No. 2336—An act to amend section 1293 of the Fish and Game Code, relating to destructive mammals;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—16; committee vote: Ayes—9; absent—7.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 2445—An act to amend section 788 of the Fish and Game Code, relating to the crab season in California;

Also: Assembly Bill No. 2460—An act to amend section 612 of the Fish and Game Code, relating to steelhead trout;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership 16; committee vote: Ayes—9; absent—7.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 362—An act to amend section 429 of the Fish and Game Code, relating to license fees—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership 16; committee vote: Ayes—9; absent—7.

McCOLL, Chairman

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 2077—An act to amend section 1065 of the Fish and Game Code, relating to sardines—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership 16; committee vote: Ayes—9; absent—7.

McCOLL, Chairman

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, May 27, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1281—An act to amend sections 4, 6, 13, 14, 20 and 21 of, and to add a new section to be numbered 8a to, an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulteration, mislabeling, misbranding, false advertising and sale of food and the powers of the State Board of Health in relation thereto;

Also: Assembly Bill No. 1569—An act to amend section 4 of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled "An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants

of the Board of Regents of the University of California, and to provide penalties for violation thereof," approved June 12, 1913, relating to schools of nursing. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 863—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 of an act entitled "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of employees," approved February 6, 1889 (Stats. 1889, Chap. 5), as amended, relative to the sanitation, lighting and ventilation of factories, workshops and other places of employment, providing for the enforcement thereof by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for the violation thereof.

Also: Assembly Bill No. 2305—An act to add section 4a to the State Medical Practice Act, relating to chiropody.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 246—An act for the regulation and control of corporations organized for the purpose of operating nonprofit hospital service plans.

Also: Assembly Bill No. 1213—An act to amend section 101 of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Also: Assembly Bill No. 1282—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 19 and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, misbranded or mislabeled drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices and to the powers of the State Board of Public Health in relation thereto.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 674—An act prescribing the terms upon which certificates of registration of inspectors and or sanitary officers as "registered sanitarians" shall be issued; prescribing a course and minimum amount of schooling or training to be possessed by applicants therefor after one (1) year from date of approval of this act; authorizing the State Board of Public Health to certify approved schools, conduct examinations and issue "registered sanitarian" certificates; prescribing the powers and duties of the State board; prescribing conditions under which the title "registered sanitarian" or the placing of the initials "R. S." may be used after the names of certificate holders; providing penalties for violations hereof; and grounds for the suspension, cancellation, denial or revocation of such certificates of registration.

Also: Assembly Bill No. 1215—An act to amend section 11 of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; noes—1; absent—2.

DIFANI, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 2288—An act to add a new section to be numbered 4c to "An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and for elections and the qualification of electors therein and to

enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 758—An act to repeal section 52a of the California Irrigation District Act, relating to the payment of assessments with matured bonds and coupons, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 1008—An act to amend sections 1, 11 and 12 of, to repeal section 10, and to add a new section to be numbered 10, to "The California Districts Securities Commission Act," approved June 19, 1931, relating to irrigation districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

MIXTER, Chairman.

Adjournment.

On motion of Senator Stow, at eleven o'clock and thirty-three minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock a.m., Wednesday, May 29, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, May 29, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wag-y, Williams, and Young—38.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

Work With Us Today.

Almighty God, who has called us to be partners with Thee in the administration of human welfare, strengthen us for the task. Illumine our minds, make tender our hearts as we bow before Thee.

We would first know the leading of Thy Divine Law before we attempt to create other laws. Help us to discern Thy truth and to know Thy will that our acts here may help, not hinder, the public good. We would be partners with Thee today as we transact the business of the daily life. May all that is done here be done solely to Thy Glory. For Thy Kingdom's sake. Amen.

Reading of the Journal.

During the reading of the Journal of Tuesday, May 28, 1935, the further reading was dispensed with, on motion of Senator Williams.

Leave of Absence.

Senator Fletcher was, on motion of Senator King, granted leave of absence for this day.

Privilege of Floor of Senate Extended

On request of Senator King, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss May Gray.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. James B. McSheehy, president, board of supervisors of San Francisco.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. J. Finney, principal of Crystal Grammar School, Suisun, and the following pupils: Elzada Chadbourne, Barbara Riney, Marguerite Chadbourne, Ray Newkirk, Yoshiko Osada, Geneva Netherton, Mary Joanne Sherman, Drussila Mae Chadbourne, Laura McGann, Betty Ann McIntosh, Dorothy Mae Cooper, Olive Dowdell, Lorraine Harry, George Eukoji, Bill Sadler, Donald Tomasini, and Bob Jones, and Mr. and Mrs. A. Tomasini, Mrs. Benson McGann, Mrs. R. H. Chadbourne, Mrs. J. J. Finney, Mr. T. O. Dowdell, and Mrs. R. Rasmussen.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 465—An act to provide for the establishment of a code or codes of fair competition for the meat industry.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 984—An act to amend sections 4 52 and 4 942 of the School Code, relating to junior college districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1035—As yet to provide for the compensation of State officers and agencies, and strengthen its provisions with the Federal Government as relation to granting lands, and for the disposition of money received from the Federal Government as relation thereto.

Bill read second time, ordered to engrossment, and so fix for third reading.

Senate Bill No. 174—As yet to amend section 1773 of the Political Code, relating to lands sold for taxes, the payment of distribution of improvements thereon, the setting and removal of corner or the doing of any act involving the value of the lands or of the improvements, providing for the setting of said lands and the collecting of taxes, sales and profits thereof, and the appointment of representatives by the purchaser, providing for the recovery of the possession of said property and its accounting of profits, sales and profits, providing for the enforcement of actions and the disposition of money received, and the removal or sale of property which has become a public nuisance.

Bill read second time, ordered to engrossment, and so fix for third reading.

Senate Bill No. 1034—As yet to amend sections 25 and 26 of the Water Commission Act, approved June 16, 1914, relating to the allocation of water rights.

Bill read second time, ordered to engrossment, and so fix for third reading.

Senate Bill No. 20—As yet to authorize the purchase of certain real property for the people of the State of California to the Director of Commerce and Mining an appropriation thereof.

Bill read second time, ordered to engrossment, and so fix for third reading.

Senate Bill No. 440—As yet relating to contracts between companies and public agencies for the delivery or sale of water, gas or electrical energy by the former to the latter, providing for the regulation, supervision and licensing of such companies, and providing for the enforcement of this act and penalties for the violation thereof.

Bill read second time, ordered to engrossment, and so fix for third reading.

Senate Bill No. 436—As yet to amend section 8 of the Laborance Tax Act, relating to estates.

Bill read second time, ordered to engrossment, and so fix for third reading.

Senate Bill No. 1036—As yet to amend sections of the Vehicle Code.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Minor Vehicles, the following amendments to Senate Bill No. 1036 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the end of the second bill, in the third following "sections", insert the following: "1036, 1037 and 1038."

Amendment No. 2.

On page 1, line 1 of the title of the printed bill after "Code", insert the following: "and to add thereto section 641, relating to the organization and powers of the Department of Motor Vehicles."

Amendment No. 3.

On page 1, line 1, of the printed bill, after "SECTION 1", insert the following: "Section 105 of the Vehicle Code is hereby amended to read as follows:

105. Office of Director Created. The department shall be under the control of a civil executive officer to be known as the Director of Motor Vehicles, which office is hereby created. The director shall be appointed by, and hold office at the pleasure of the Governor, and shall be either the Registrar of Vehicles or the Chief of the California Highway Patrol, as the Governor may designate.

SEC. 2. Section 109 of the Vehicle Code is hereby amended to read as follows:

109. Office of Registrar of Vehicles Created. The Department of Registration shall be under the control of a civil executive officer to be known as the Registrar of Vehicles, which office is hereby created. The Registrar of Vehicles shall be appointed by, and hold office at the pleasure of the Governor, and shall receive an annual salary of five thousand dollars. The Registrar of Vehicles shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars.

SEC. 3. Section 111 of the Vehicle Code is hereby amended to read as follows:

111. Office of Chief of California Highway Patrol Created. The California Highway Patrol shall be under the control of a civil executive officer to be known as the Chief of the California Highway Patrol, which office is hereby created. The Chief of the California Highway Patrol shall be appointed by, and hold office at the pleasure of the Governor, and shall receive an annual salary of seven thousand two hundred dollars. The Chief of the California Highway Patrol shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars."

Bill read second time, ordered to reprint, and re-referred to Committee on Motor Vehicles.

Senate Bill No. 259—An act to amend sections 221 and 222 of, and to repeal section 230 of the Agricultural Code, relating to bovine tuberculosis.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 259 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "221 and 222 of, and to repeal", and insert in lieu thereof the following: "223, 228 and 231 of and to add".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "230 of", and insert in lieu thereof the following: "228.1 to".

Amendment No. 3.

On page 1, line 1, of the printed bill, following the period, strike out all of the balance of line 1 and all of lines 2 to 26, inclusive, and insert in lieu thereof the following: "Section 223 of the Agricultural Code is hereby amended to read as follows:

223. The department may designate veterinarians, as approved veterinarians, to buy, possess or use tuberculin, and may suspend or revoke such designation. It is a misdemeanor punishable by imprisonment in the county jail for not less than ninety days, without alternative of a fine in any case, for any person other than an approved veterinarian to buy, possess, or use tuberculin.

SEC. 2. Section 228 of the Agricultural Code is hereby amended to read as follows:

228. It is unlawful to:

(a) Obstruct, attack, or interfere with, or permit to be obstructed, attacked, or interfered with, the department or an approved veterinarian conducting a tuberculin test.

(b) Neglect or fail to properly secure and restrain any bovine animal to be tuberculin tested, or under tuberculin test, for examination, injection, observation, or other procedures pertaining to a tuberculin test."

Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 1 to 19, inclusive, and insert in lieu thereof the following:

"SEC. 3. Section 228.1 is hereby added to the Agricultural Code, to read as follows:

228.1. It is a misdemeanor punishable by imprisonment in the county jail for not less than ninety days, without the alternative of a fine in any case, to defeat or interfere with or to attempt to defeat or interfere with a tuberculin test by the use of chemicals, biological products or by any other similar means.

SEC. 4. Section 231 of the Agricultural Code is hereby amended to read as follows:

231. Every reactor shall, immediately upon the determination of such reaction, be permanently branded on the left jaw by its owner or his agent, under the supervision of the approved veterinarian conducting the tuberculin test. The brand shall be the letter "T", not less than three (3) inches in length from top to bottom, and two (2) inches wide at the top."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 331—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the production and marketing of milk and other dairy products.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 331 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "9", and insert in lieu thereof the following: "11".

Amendment No. 2.

On page 1, lines 2 and 3 of the title of the printed bill, strike out "milk and other", and insert in lieu thereof the following: "manufactured".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 27, inclusive, and strike out all of pages 2 to 7, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new chapter is hereby added to Division IV of the Agricultural Code to be numbered 11 and to read as follows:

CHAPTER 11. PRODUCTION AND MARKETING OF MANUFACTURED DAIRY PRODUCTS.**Article 1.**

740. For the purposes of this chapter, "dairy products" includes dairy products enumerated in this code, and excludes market milk and market cream.

741. The adequate and orderly production and distribution of manufactured dairy products is a matter impressed with a public interest and the provisions of this chapter are designed and intended to effectuate the policy of providing for such orderly production and distribution at prices equitable to producers, processors, manufacturers, retailers and consumers, in order to promote the welfare of the people of the State.

742. In order to carry out the policy of this chapter, the director is empowered to enter into marketing agreements with manufacturers, processors, producers, associations of producers, distributors, and retailers of manufactured dairy products for any dairy product.

Nothing in this chapter contained shall control or otherwise affect any educational or other agency of the State engaged in teaching or research relating to agriculture.

743. Sixty-five per cent of the persons engaged in, and such persons as represent sixty-five per cent of the volume of, production, manufacture or distribution of a dairy product, in any marketing area, may make application to formulate a marketing agreement.

If the director determines that the application is properly made and that the area involved is such that a control plan is feasible, the director shall authorize such applicants to formulate a marketing agreement.

744. Such marketing agreement shall contain such provisions as may be necessary to carry out the policy of this chapter, and may include provisions:

1. For the appointment of local control board, with such powers as are specified in the agreement.

2. For the raising of funds, derived equitably from all producers, distributors and manufacturers participating in any marketing agreement, for the purposes of and to be used to the extent specified in the marketing agreement. From such assessments, there shall be paid to the director such sums as may be necessary to defray the expenses incurred by the director in carrying out the provisions of this article.

3. For the establishment of price levels and margins, and the fixing of prices to be paid producers, and the fixing of resale prices, in such manner as the agreement may provide.

4. For the establishment of a code of fair practices.

5. For sales stimulation and educational activities.

745. Upon the signing of such marketing agreement by such persons as is provided for in section 744, the agreement shall be forwarded to the director. Upon receipt of such agreement, the director shall determine if the agreement has been signed by the proper number of persons and is in accordance with the purposes and purposes of this article. If it is determined that it is in such accordance, the director shall make an order establishing the marketing agreement, whereupon such an agreement shall become effective. If the director determines that the agreement is not in such accordance, he shall reject it without prejudice to the formulation of a new agreement. Such agreement, when effective may be modified in such manner as may be provided in such marketing agreement. After taking effect, the provisions of such agreement shall establish the standard of conduct for all persons engaged in any occupation or business regulated by such agreement.

746. The director shall license all persons subject to the terms of a marketing agreement. No person shall engage in any occupation or business regulated by a marketing agreement unless he holds a license. Any license so issued may be revoked by the director, after notice and opportunity to be heard, for a violation of any provision of such agreement. In addition to any other penalty, every person violating any provision of a marketing agreement is liable for a civil penalty of one hundred dollars for each day's violation.

747. All money received by the director pursuant to the provisions of this chapter shall be placed in State treasury to the credit of the Department of Agriculture fund.

The director shall, within thirty days prior to the regular session of the Legislature, submit to the Governor a full and true report of transactions under this law during the preceding biennium, including a complete statement of receipts and expenditures during the period.

748. Any marketing agreement entered into pursuant to this chapter shall be revoked upon the application of fifty-one per cent or more of persons and production eligible to participate in the initiation of such agreement pursuant to section 744.

749. In any civil or criminal action or proceeding for violation of any of the following statutes, proof that the act complained of was done in compliance with the provisions of a marketing agreement to which the defendant was a party shall be a complete defense to such action or proceeding. Such statutes are: "An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, a person connected with them and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907.

"An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913.

"An act to protect trade-mark owners, distributors and public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," approved May 8, 1931.

750. The director may confer, enter into agreements, or otherwise arrange with the constituted authorities of California and other States and of the Agricultural Adjustment Administration, or other agencies, of the United States with respect to plans relating to the marketing of dairy products, within this State or as between this State and other States or the United States, and may effectuate and enforce such plans."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 555—An act to amend sections 1143, 1144, 1146 and 1147 of the Agricultural Code, relating to egg products.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 555 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the first two lines of the title, and insert in lieu thereof the following:

"An act to add section 1109 to the Agricultural Code, relating to the licensing of egg buyers."

Amendment No. 2.

On page 1 of the printed bill, strike out all of lines 1 to 28, inclusive, and on page 2 of the printed bill, strike out all of lines 1 to 29, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new section to be numbered section 1109 is hereby added to the Agricultural Code to read as follows:

1109. Any person who buys eggs from producers or from any person other than a person having a license hereunder for the purpose of reselling such eggs, whether for resale or consumption or in a manufactured form, shall first obtain a license as provided herein. Application for a license to buy and sell eggs shall be filed with the director and such application shall be accompanied by a license fee, for each year or part thereof, as follows:

- (1) From 10,000 cases of eggs per year, or any portion thereof,-----\$10 00
- (2) For each 10,000 cases of eggs per year, or any portion thereof,
in excess of 10,000 cases and not in excess of 50,000 cases-----\$5 00
- (3) For each 10,000 cases of eggs per year, or any portion thereof,
in excess of 50,000 cases-----\$2 00

Such application shall be in such form as the director may prescribe and shall state the name and principal business address of the applicant and when issued shall be posted in a conspicuous place in the principal place of business of the licensee. The license shall continue in full force and effect until the first day of the January next following. The license fees collected under the provisions of this chapter shall be paid into the Department of Agriculture fund and shall be used for the purpose of enforcing the provisions of this chapter in reference to egg standards. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed five hundred dollars."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1008-- An act to amend sections 1, 11 and 12 of, to repeal section 10, and to add a new section to be numbered 10, to "The California Districts Securities Commission Act," approved June 19, 1931, relating to irrigation districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 1008 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "sections 1, 11 and 12 of, to repeal section 10," and insert in lieu thereof the following: "an act entitled "An act to amend section 11 of".

Amendment No. 2.

On page 1 of the printed bill, strike out line 2 of the title, and insert in lieu thereof the following: "The Cali-".

Amendment No. 3.

On page 1, line 3 of the title of the printed bill, immediately preceding "approved", insert the following: ", relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1937, and declaring this act an emergency measure enacted under the police power,".

Amendment No. 4.

On page 1 of the printed bill, strike out the last line of the title, and insert in lieu thereof the following: "April 8, 1935, by adding a new section thereto to be numbered section 3, relating to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal

Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such refunding bonds."

Amendment No. 5.

On page 1, line 1, of the printed bill, strike out "Section 1 of the act cited in the title hereof is"; also strike out all of lines 2 to 25, inclusive, and also strike out all of page 2, and insert in lieu thereof the following: "A new section to be numbered section 3 is hereby added to the act cited in the title to read as follows:

Sec. 3. Nothing in this act contained shall be applicable to refunding bonds of any irrigation district issued under or pursuant to a plan of readjustment submitted to and confirmed by any United States District Court in any proceedings under the Federal Bankruptcy Act, as amended, and such refunding bonds shall be payable, as to both principal and interest, from assessments levied and collected in accordance with the terms of said bonds and the plan of readjustment pursuant to which the same are or are to be issued, anything in this act to the contrary notwithstanding."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 1192—An act to amend section 80 of the Agricultural Code, relating to agricultural districts and including provision for the exhibition of live stock in southern California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 479—An act to amend section 2179 of the Political Code, relating to guardianship and administration of estates of incompetents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1500—An act to add section 92.5 to the Agricultural Code, relating to money appropriated for the encouragement of county and district agricultural fairs, declaring the urgency hereof and providing that this act shall go into immediate effect.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1614—An act to amend section 135 of the Vehicle Code, relating to the California Highway Patrol.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 955—An act to amend the title and sections 1 and 24, and to add section 8a to the "Storm Water District Act of 1909," approved March 13, 1909, as amended, relating to the formation of districts for the purpose of controlling soil erosion and protecting the lands in such district from damage by storm-water or other waters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2432—An act to amend section 2 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1208—An act to amend sections 3 and 5 of, and to repeal section 7 of, an act entitled "An act imposing a tax for the privi-

lege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, relating to taxation, and to provide that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1364—An act authorizing the State Franchise Tax Commissioner to destroy certain tax returns.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1765—An act to amend section 649, 649a, 651a, 651b, 651e, and 651d of the Civil Code, relating to colleges and seminaries of learning.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 437—An act to amend section 112 of, and to add section 112a to, the Code of Civil Procedure, relating to the jurisdiction of justices' courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2012—An act to amend the Vehicle Code by adding a new section to be numbered 135.5, relating to investigation of accidents.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 2012 was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, following the period, strike out the following: "All information obtained from such investigations shall be held as confidential until it has been used in a criminal prosecution."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1398—An act to amend section 1 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, and relating to penalties for violations of this act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2308—An act to amend section 170 of the Civil Code, relating to husband and wife.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 978—An act to amend section 12 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to civil engineers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 720—An act to amend section 1058 of the Code of Civil Procedure, relating to the giving of bonds or undertakings in civil actions or proceedings by the State or counties or officers thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1281—An act to amend sections 4, 6, 10, 14, 20 and 21 of, and to add a new section to be numbered 8a to, an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulteration, mislabeling, misbranding, false advertising and sale of food and the powers of the State Board of Health in relation thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 338—An act to add section 731A to the Code of Civil Procedure, relating to the use of the injunction in industrial or commercial zones.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 338 was read and adopted:

Amendment No. 1.

On page 1, line 10, of the printed bill, strike out the word "positive"

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2122—An act to postpone proceedings to enforce any guaranty of any special assessment or special assessment tax, or arising out of the issuance of any special assessment bond, or ad valorem district bonds or direct assessment district bonds, levied or issued to pay the cost of the improvement or acquisition of property for public purposes, in cases in which proceedings to enforce such assessments, bonds, or taxes are postponed by law declaring the urgency thereof, and providing that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2122 were read and adopted:

Amendment No. 1.

On page 2, line 13, of the printed bill, as amended, strike out the words "or which is secured by".

Amendment No. 2.

On page 2, line 31, of the printed bill, as amended, strike out the words "or which is secured by".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1215—An act to amend section 11 of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1569—An act to amend section 4 of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled "An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the Board of Regents of the University of California, and to provide penalties for violation thereof," approved June 12, 1913, relating to schools of nursing.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 674—An act prescribing the terms upon which certificates of registration of inspectors and or sanitary officers as "registered sanitarians" shall be issued; prescribing a course and minimum amount of schooling or training to be possessed by applicants therefor after one (1) year from date of approval of this act; authorizing the State Board of Public Health to certify approved schools, conduct examinations and issue "registered sanitarian" certificates; prescribing the powers and duties of the State board; prescribing conditions under which the title "registered sanitarian" or the placing of the initials "R. S." may be used after the names of the certificate holders; providing penalties for violations hereof; and grounds for the suspension, cancellation, denial or revocation of such certificates of registration.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 246—An act for the regulation and control of corporations organized for the purpose of operating nonprofit hospital service plans.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1213—An act to amend section 10½ of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1282—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 19 and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices and to the powers of the State Board of Public Health in relation thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 758—An act to repeal section 52a of the California Irrigation District Act, relating to the payment of assessments with matured bonds and coupons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2288—An act to add a new section to be numbered 4e to "An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands with such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1360—An act to add sections 54a and 54b to the Civil Code, relating to the right of privacy of persons, and to provide a method by which such right of privacy may be enforced.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 1360 was read and adopted:

Amendment No. 1.

On page 2, line 14, of the printed bill, as amended May 8, 1935, after the word "with", insert the following: "the sale of"

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1654—An act to amend sections 459, 465 and 471 of, and to add a new section to be numbered 466 to, the Vehicle Code, relating to highways and the regulation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 1654 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 12 to 14, and insert in lieu thereof the following:

"(c) Regulating traffic by means of traffic officers.

(d) Regulating traffic by means of semaphores or other traffic control signaling devices."

Amendment No. 2.

On page 1, line 15, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof "(e)".

Amendment No. 3.

On page 1, line 18, of the printed bill, as amended, strike out "(e)", and insert in lieu thereof "(f)".

Amendment No. 4.

On page 1, line 21, of the printed bill, as amended, strike out "(f)", and insert in lieu thereof "(g)".

Amendment No. 5.

On page 2, line 1, of the printed bill, as amended, strike out "(g)", and insert in lieu thereof "(h)".

Amendment No. 6.

On page 2, line 4, of the printed bill, as amended, strike out "(d)".

Amendment No. 7.

On page 2, line 5, of the printed bill, as amended, strike out "or (g)", and insert in lieu thereof the following: ", (g) or (h)".

Amendment No. 8.

On page 2, line 12, of the printed bill, as amended, strike out "or (g)", and insert in lieu thereof the following: ", (g) or (h)".

Amendment No. 9.

On page 2, line 32, of the printed bill, as amended, after "and", and before "control", insert the following: ", subject to the provisions of section 466, such stop signs, semaphores and".

Amendment No. 10.

On page 2 of the printed bill, as amended, strike out lines 36 to 43, inclusive.

Amendment No. 11.

On page 2, line 44, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof "(c)".

Amendment No. 12.

On page 2, line 47, of the printed bill, as amended, strike out "(e)", and insert in lieu thereof "(d)".

Amendment No. 13.

On page 3, line 4, of the printed bill, as amended, after "sign", insert the following: ", semaphore or other traffic control signaling device".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 50—An act to amend section 653 of the Fish and Game Code, relating to spearing salmon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 212—An act to amend sections 137, 138 and 166 of the Fish and Game Code and to add two new sections to be numbered 171 and 172.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 238—An act to add section 791.6 to the Fish and Game Code, relating to crabs.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 626—An act to amend sections 86 and 87 of the Fish and Game Code, relating to fish and game districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 678—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1083—An act to amend section 924 of the Fish and Game Code, relating to district 16.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1233—An act to amend sections 799 and 800 of the Fish and Game Code, relating to abalones.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2092—An act to amend section 493.5 of the Fish and Game Code, and to add thereto section 741.5, relating to fish.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2264—An act to amend section 658 of the Fish and Game Code, relating to salmon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 812—An act to amend section 226 of the Civil Code, relating to proceedings on adoption.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 812 was read and adopted:

Amendment No. 1.

On page 1, line 18, of the printed bill, as amended, strike out the words "one hundred and eighty days", and insert in lieu thereof the words "ninety days".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2265—An act to add section 660.6 to the Fish and Game Code, relating to salmon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2330—An act to amend sections 62 and 93 of the Fish and Game Code, approved April 11, 1933, relating to fish and game and other wild life.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2336—An act to amend section 1293 of the Fish and Game Code, relating to destructive mammals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2445—An act to amend section 788 of the Fish and Game Code, relating to the crab season in California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2460—An act to amend section 612 of the Fish and Game Code, relating to steelhead trout.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 362—An act to amend section 429 of the Fish and Game Code, relating to license fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2077—An act to amend section 1065 of the Fish and Game Code, relating to sardines.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Assembly Bill No. 2077 was read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, after "weight", insert a semi-colon and the following: "provided, that in a ten-ounce can, fish of a size of not less

than eight fish to the can may be used, and there shall be added to the commonly known quarter-pound can not less than one ounce of olive oil or a commercial salad oil, and a proportionately larger amount of such oil to the larger sizes of cans".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1826—An act to amend section 865 of the Fish and Game Code, and to add thereto section 865.5, relating to fish.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Assembly Bill No. 1826 were read and adopted:

Amendment No. 1.

On page 1, lines 4 and 5 of the title of the printed bill, as amended, strike out "and to add thereto section 865.5."

Amendment No. 2.

On page 1, line 5 of the title of the printed bill, as amended, strike out the period after "fish", and insert in lieu thereof a comma and the following: "declaring the urgency thereof to take effect immediately."

Amendment No. 3.

On page 1, line 11, of the printed bill, as amended, strike out ". except as provided in section 865.5".

Amendment No. 4.

On page 1 of the printed bill, as amended, strike out lines 17 to 21, inclusive.

Amendment No. 5.

On page 2, line 1, of the printed bill, as amended, strike out "3", and insert in lieu thereof the following: "2".

Amendment No. 6.

On page 1, line 14, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "between February 15th and May 15th."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 863—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 of an act entitled "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of employees," approved February 6, 1889 (Stats. 1889, Chap. 5), as amended, relative to the sanitation, lighting and ventilation of factories, workshops and other places of employment, providing for the enforcement thereof by the Division of Industrial Accidents and Safety and providing penalties for the violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 863 were read and adopted:

Amendment No. 1.

On page 1, lines 10 and 11 of the title of the printed bill, as amended, strike out "Division of Industrial Accidents and Safety", and insert in lieu thereof the following: "Chief of the Division of Labor Statistics and Law Enforcement".

Amendment No. 2.

On page 1, lines 7 and 8, of the printed bill, as amended, strike out "Division of Industrial Accidents and Safety", and insert in lieu thereof the following: "Chief of the Division of Labor Statistics and Law Enforcement".

Amendment No. 3.

On page 1, line 14, of the printed bill, as amended, at the beginning of the line, insert the following: "Section 1."

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out line 13, and insert in lieu thereof the following:

"SEC. 2. Every place of employment, as defined in the Workmen's".

Amendment No. 5.

On page 2, lines 26 and 27, of the printed bill, as amended, strike out "Division of Industrial Accidents and Safety", and insert in lieu thereof the following: "Chief of the Division of Labor Statistics and Law Enforcement".

Amendment No. 6.

On page 3 of the printed bill, as amended, strike out line 7, and insert in lieu thereof the following:

"Sec. 5 Every place of employment, as defined by the Workmen's"

Amendment No. 7.

On page 3, lines 22 and 23, of the printed bill, as amended, strike out "Division of Industrial Accidents", and insert in lieu thereof the following: "Chief of the Division of Labor Statistics and Law Enforcement".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2305—An act to add section 9a to the State Medical Practice Act, relating to chiropraxy.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 2305 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out the word "admitted", and substitute in lieu thereof the word "licensed".

Amendment No. 2.

On page 1, line 5, of the printed bill, after the word "years" insert the following: "and who is in good standing with the licensing board of said State".

Amendment No. 3.

On page 1, line 6, of the printed bill, after the word "upon", and before the word "application", insert the word "an".

Amendment No. 4.

On page 1, line 6, of the printed bill, after the word "application", and before the word "and", insert the following: "dated prior to September 1, 1935, on a printed form furnished by the Board of Medical Examiners of this State".

Amendment No. 5.

On page 1, line 6, of the printed bill, strike out the words "necessary fees", and insert in lieu thereof "application fees prescribed in this act."

Bill read second time, ordered to reprint, and on file for third reading.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Confessions concerning Assembly Bill No. 1034—An act to amend sections 3817b, 3817d, 3817f, 3817g and 3817h of, and to add sections 3817e3 and 3817e2 to, the Political Code, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemption for tax sales and declaring the urgency thereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2469—An act to add section 590 to the Vehicle Code, relating to warning devices.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2469 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 24, 1935, passed Assembly Bill No. 2173—An act relating to the escheat to the State of California unclaimed moneys deposited with public utilities, and providing for the collection, use and disposition thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2173 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 291—An act to add a new chapter to Title XIV of Part IV of Division Third of the Civil Code to be known as Chapter III-A thereof, in relation to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law relating thereto and to amend section 2988 of the Civil Code relative to the lien of the pledgee;

Also: Assembly Bill No. 1131—An act to amend sections 1093, 1127, 1323, and 1439 of the Penal Code, relating to instructions and comment in criminal cases.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's veto on Assembly Bill No. 851—An act to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, relating to sinking funds in school districts for the replacement, reconstruction or alteration of buildings.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage was continued until the next legislative day.

Unfinished Business.

Assembly Bill No. 650—An act to add two new sections to Article 2 of Chapter 3 of Division I of the Streets and Highways Code, relating to franchises in highways.

Consideration of Senate Amendments to Assembly Bill No. 650.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 650?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 650 by the following vote:

AYES—None

NOES—Senators Biggar, Deneil, Difani, David, Edwards, Garrison, Gordon, Hays, Hulse, Jospersen, Keough, King, Knowland, McColl, McCann, McGovern, McGuinness, Metzger, Mixer, Olson, Packman, Perry, Powers, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Young—33

Appointment of Committee on Conference.

The President announced the appointment of Senators Olson, Edwards, and Difani, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 650.

Motion to Reconsider.

Pursuant to the notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Bill No. 287 was refused passage.

Postponement of Reconsideration.

On motion of Senator Scollan the further consideration of the motion to reconsider the vote whereby Senate Bill No. 287 was refused passage was continued until the next legislative day.

Third Reading of Senate Bills

Senate Bill No. 438—An act to carry into effect the provisions of section 20 of Article XI of the Constitution, relating to limitations upon the expenditures and tax levies of counties, cities and counties, municipalities, districts and other political subdivisions of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 438 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deneil, Difani, David, Edwards, Garrison, Gordon, Hays, Hulse, Jospersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Packman, Parnach, Powers, Rich, Seawell, Slater, Stow, Swing, Tickle, Wagy, and Williams—31

NOES—Senators Olson, Perry, and Scollan—3

Title read and approved.

Senate Bill No. 438 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 973.

Senator Keough moved that Senate Bill No. 973 be re-referred to Committee on Civil Service.

Motion carried, and such was the order.

Senate Bill No. 727—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, repealing an act entitled, "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and provided that this act shall take effect immediately," approved May 15, 1933.

subject to certain conditions and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 727 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—Senators McColl, McGovern, and Reindollar—3.

Title read and approved.

Senate Bill No. 727 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 2365, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Assembly Bill No. 2365—An act requiring licenses for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor; providing for penalties for the violation of this act, providing for the enforcement of this act.

Resolution.

During the consideration of Assembly Bill No. 2365, the following resolution was offered:

By Senator Swing:

Resolved, That it is the understanding of the members of this Senate that the word "store" and the words "goods, wares and merchandise," as used in this act, shall not include or extend to offices or places of business maintained by persons solely for the distribution and sale of water for human use and consumption, either by pipes or in bottles; nor to offices or places of business maintained by persons distributing and selling natural or artificial gas by pipes to and for individual use; and that, in administering the act, the Board of Equalization shall so interpret it.

Resolution read, and on motion of Senator Swing, adopted.

Remarks.

The following remarks, offered by Senator Knowland, were, on motion of Senator Deuel, ordered printed in the Journal:

Mr. President and Gentlemen of the Senate.

The subject matter contained in Assembly Bill No. 2365 will be far-reaching in its effect upon the people of California. I am told by the proponents of the bill that they have the votes necessary to assure its passage. I do not wish the bill to pass, however, without pointing out some of the dangers in this type of legislation. In discussing this subject, I wish to appeal not to prejudice but to reason.

Second only to that power vested in a sovereign government to declare war and conscript men therefor, is the power of taxation. If we are to maintain an equitable tax system, it is essential that the taxing power of the State be not abused.

I believe that the use of the taxing power as provided in this bill is unsound from the point of view of good public policy. There is wide disagreement among the proponents of the measure as to what they hope to accomplish. Some of them frankly admit that they want to use the taxing power to drive the so-called "chain stores" out of business entirely. The bill as originally introduced in the Assembly carried a much higher tax and unquestionably would have gone a long way toward achieving this aim. Others, however, took the more practical attitude that the people were not ready for such drastic action and amended the tax downward so it would appear that it was merely a revenue measure. I believe that they will all admit, however, that if the precedent is once established, at a later session they may be able to amend the tax upward to achieve their original aim.

There is much talk against outside capital. Is the great American California is a part of the Union and capital flowing into the State from other States is not "foreign money." No small amount of the great development that has taken place in California was a result of capital that flowed into the State from outside our borders.

The inequities that exist in our economic system should be corrected by proper legislation but not by the use of the taxing power as the measure here proposed. If it is wrong for one particular business to pay wages below a certain level it is equally wrong for an independent merchant to violate the principle of a lowest wage standard. The correction of the evil that exists in this or that business should apply to all business and not to any single branch.

If these firms and others are making unworkable profits, the proper way to control this problem is through an increased corporate income tax that would apply to all business. I shall vote to support the program of the Joint Tax Committee calling for an increase in the bank and corporation net income tax from two to four per cent. If we are aiming at the profits they make, a net income tax is the proper way to control the situation.

This modified bill establishes the precedent by which future legislation, by amending the tax upward, can destroy chain stores through the use of the taxing power. In the meantime, however, its chief result will be to diminish the cost of living for the people of California. We are not following a Socialist policy. From present indications, it appears that foodstuffs will be exempt from the excess tax in order to reduce the price of food to the people of the State. By levying the tax under Assembly Bill No. 2365, which has no authority to act on profits, it will have a tendency to increase the cost of food to our people.

I wish to call attention of the members of this Senate to a logical development that may result from the increase in cost of food. There is a strong possibility that some future Legislature will demand that food be treated as public necessity and as such that it be distributed by the State at cost.

At such a time, this proposal that we are asked to enact today will gradually turn out to be a two-edged sword. The precedent established will be used to take the independent business man out of existence in order to give the State a monopoly.

If you grant the right of the State to abuse its taxing power in such a manner, it is but another step to the time when private business as such will be destroyed through the use of the taxing power and a complete system of State Socialism will be set up. I have no quarrel with those measures now before the Legislature stood for measures leading to the taking over of all private business by the State; it is their philosophy of government and they have a right to advocate it. However, it is not my philosophy. I believe that the American system can be maintained and developed in the interests of the whole people. This can not be done if we permit the structure to be destroyed piece by piece.

There are certain conditions in our economic system that will be necessary to correct and regulate through sound legislation. This proposed legislation, however, with its abuse of the taxing power, is not the way to achieve the desired results. I firmly believe that to use the taxing power as proposed in this bill will ultimately prove as harmful, in the precedent that it establishes, to those that are advocating the measure as they hope it will be to those at whom it is aimed.

Remarks.

The following remarks, offered by Senator Crittenden, were, on motion of Senator Biggar, ordered printed in the Journal.

Mr. President and Gentlemen of the Senate:

This bill has been ably opposed, in general, on the ground that it inclines towards Socialism and is against, and a detriment to, individual development.

I favor this bill for the reason that it is directly conducive to individual development, and is contrary to the theory and policy of an economic Socialistic policy in the State of California.

Corporate monopolies are in their essence Socialistic and when they reach out in their activities and prevent individual development and thereby create dissatisfaction, Socialism will surely follow, because of the centralization of hundreds of activities under one head and one management. They make it extremely easy for a dissatisfied people, through their legislative bodies, to step in and take complete control under a Socialistic form of government of all private activities.

The opponents to this bill who clamor for rugged individualism fail to take into account the essential difference between the individual, the God-made man, and the artificial man who is created, protected and subsidized by government.

What we want is a government which will pass and carry out laws which will provide equal opportunities for and development of the individual, the God-made man and not a government which gives charters and gives special privilege to the fictitious and artificially created person. The latter government will result either in complete dictatorship or a Socialistic state. The other policy of development

of the individual man will perpetuate happiness, freedom and individual human activities.

The chain store is developed by governmental creation of the artificial person who may live for 100 years, who has the purchasing power of a thousand persons who may use this policy ruthlessly in competition with the individual man, who may work only for 20 years and must compete in the economic struggle with such governmental agency. This situation obviously stifles competition and discourages individual development and breaks down civic community activities.

INDIVIDUAL STORES CREATE THEIR OWN MARKET.

During the past 50 years men attracted to the gold fields of the Mother Lode and the fertile valleys of our State have conquered the adversity of the prairies and plains and have made of them intensely developed communities. Every trading center has become a metropolitan area. This was accomplished by families continuing to live where they had made their money, through and by the development of small farms, small stores, banks, blacksmith shops and other institutions necessary in community life. They and their children and their children's children contributed to the transforming of prairie land into expensive property, crossroads into complex municipal settlements, together with the necessary schools, churches and various societies that go to make up community life in America. All this was necessary and is now necessary to create markets for commercial commodities and to raise taxes to carry on State activities. This wholesome economic condition was studied by the promoters of chain stores and they proceeded to incorporate under State protection and charters. They, through the purchasing power, bought at less cost than the corner store grocery. They forced producers to sell at a less price and many times at less than cost. They invested local money only sufficient to operate their place of business. They had no interest in the community other than the net profits. They contributed nothing to the reserve purchase power of the community and under such unfair monopoly the results which have taken place should have been easily foreseen and must be clear to all persons.

The investment of the dollar of net profits locally made by the store man in his home, by his family and the reinvestment of such net profits by his children's children has created the buying power of the community. The measure of tax that should be paid by such an institution, I would say, should be on a basis commensurate with and to offset the advantages of the locally invested dollar, multiplied by every transaction of a local dealer and through the period of years necessary to accumulate the local wealth.

Now, what has happened? Under the present set-up of the unfair tactics of the chain store and the use of collective corporate monopoly, the purchasing power of the community is fast becoming depleted. The corner grocery as such is a thing of the past. The individual store is gone. The boy from school has no place to start an individual business by which he may become independent and support a family. You can not take out of a community continuously its net profits and have it remain prosperous any more than you can continuously raise crops on the same piece of land and place nothing back in the land to supply the fertility necessary to grow the crops.

CENTRALIZED WEALTH NOT INJURED BY THE BILL.

The breaking up of monopolies and/or the compelling of a just tax for their special privileges does not mean that this will injure even big business. General business is now suffering because we say there is a depression and people are unable to buy. Money is in the vaults and there is no one to use it. Banks are running at a standstill because of the poverty of the communities of the State and the lack of purchasing power.

If, on the other hand, this bill and other bills tending to break down monopolies, or make them pay reasonable prices for the privileges, are put into effect, individual business again can be successful and will again contribute to local wealth. When individuals are prosperous you need not worry about the monopoly, the bank, or the financial institutions, because they will have then someone with whom to do business and someone who will be able to pay.

This bill is fair. It will injure no one who is doing a legitimate business and paying a reasonable price for the privileges he enjoys. It will tend to bring back to the communities the wealth they once had. Happiness to the individual man will follow. Opportunity to the young student springs up. Hope takes the place of discouragement and faith in the future comes into the hearts of our people.

This bill, then, is in the interests of rugged individualism and tends to give more opportunity to the man and limits a little governmentally protected monopolies which are in their essence socialistic and which will contribute eventually to doubt, deterioration and Communism.

I solicit the support of every member in support of this bill.

Communication.

During the consideration of Assembly Bill No. 2365, the following communication was read, and, on request of Senator Garrison, ordered printed in the Journal:

House of Representatives to Investigate A. R. F.

HOUSE RESOLUTION NUMBER TWO HUNDRED THREE.

WHEREAS, The Associated Press on April 16, 1935, and the New York Times of April 17, 1935, reported that a superlobby to be known as the American Retail Federation was recently formed to promote the business of chain stores throughout the United States and to influence the actions of members of Congress with reference to legislation affecting chain stores and their holding companies; and

WHEREAS, One Louis E. Kirsten, of Edson's Department Store, in Boston, Massachusetts, one Clarence O. Sherrill, who was a high-salaried vice president of the Kroger Grocery and Baking Company, of Cincinnati, Ohio, and one Harold R. Young, chief Washington representative for the National Retail Dry Goods Association, are purported to be the organizers thereof, with the understanding that with Clarence O. Sherrill will be the president and active head of said superlobby, with direct responsibility for conducting its propaganda and lobbying activities in the city of Washington, D. C., before the United States Congress and the committee thereof; and

WHEREAS, It is stated in the public press that the executive committee of this superlobby, which has been named the American Retail Federation, is to be composed of officers and directors of the principal gigantic retailing establishments of the Nation, dealing primarily in the fundamental necessities of everyday life as follows: Louis E. Kirsten, representing F. A. Edson and Company, of Boston, Massachusetts; Lessing J. Rosenwald, chairman of the board of Sears, Roebuck and Company; Fred Lazarus, Jr., of F. and R. Lazarus and Company, of Columbus, Ohio; Parns S. Straus, representing R. H. Macy and Company, of New York City; C. W. Kress, of S. H. Kress and Company, of New York City; Albert H. Merrill, president of the Kroger Grocery and Baking Company, of Cincinnati, Ohio; George M. Taylor, president of the Louis K. Liggett Company, of New York City; John A. Harford, president of the Great Atlantic and Pacific Tea Company, of New York City; and

WHEREAS, It is apparent that said American Retail Federation is organized for the purpose of increasing the profits of big business through lobbying tactics, designed to prevent small businesses from securing competitive opportunities, equal to those enjoyed by corporations representing vast aggregations of capital; and

WHEREAS, It is apparent that the achievement of any or all of the purposes of said American Retail Federation will result to the detriment of the farmer, the wage earner, and the consumer on the one hand, and will serve to injure the employers of labor and the laboring man on the other hand; and

WHEREAS, The said superlobby has already opened palatial headquarters in the city of Washington, D. C., and has attempted, and is now attempting, to force and coerce thousands of small retail merchants, dealing in the necessities of life, into the ranks of this superlobby, so that it may thereafter hold out to members of Congress and to others in the government that it represents a completely centralized and authentic voice for all retailers of the Nation; and

WHEREAS, The following National associations of retailers, whose executive committees and boards of directors are in almost every case controlled by representatives of large corporations, are already listed in the public press as having already offered or pledged their support to the superlobby plans of the American Retail Federation to wit: The National Association of Retail Clothiers; National Retail Dry Goods Association; National Association of Retail Grocers; National Retail Furniture Association; National Retail Hardware Association; American National Retail Jewelers Association; National Association of Retail Druggists; National Shoe Retailers Association; Limited Price Variety Stores Association, Incorporated; Mail Order Association of America, Incorporated; National Council of Shoe Retailers; National Retail Association of Music Merchants; Food and Grocery Chain Stores of America, Incorporated; an invitation will be extended this week to the International Grocers Alliance of Chicago, a corporative organization of grocers; and

WHEREAS, The gigantic sum of \$750,000 has already been pledged or contributed to this superlobby by the greatest aggregation of rich and powerful department stores and chain stores of America ever brought together for the purpose of directly or indirectly nullifying the effects of the N.R.A., the A.A.A., the Sherman Act, the Clayton Act, and other antitrust laws now on the statute books of this Nation, and by propaganda and other methods inimical to the public welfare to attempt to control and influence the Congress of the United States in its legislative deliberations; and

WHEREAS, It is further reported that this superlobby, the American Retail Federation, is now proceeding upon a plan designed to force the small independent retail merchants of America, engaged in the sale of the necessities of every day life, to contribute an additional \$2,000,000 annually to the funds available to this organization in its lobbying activities, and for the further purpose of permitting it to

disseminate propaganda among the consumers and producers of the United States; and

WHEREAS, It is inimical to the welfare of the citizens of the United States to permit the organization and functioning of such a superlobby, designed for the purpose of intimidating and influencing members of Congress through direct and subversive lobbying activities, as well as through coercing hundreds of thousands of underpaid employees throughout the Nation to flood the respective members of the United States Congress with letters, petitions, and propaganda designed to improperly and untruthfully represent the public sentiment of the respective constituencies of said members of the Congress; now, therefore, be it

Resolved, That a Special Committee of Seven, to be named by the Speaker, be created and hereby is authorized and directed to investigate the aforesaid American Retail Federation, its capitalization, its membership, its objectives, the sources of its funds, its financial connections, and its officers and agents, and to investigate the record of stock dividends, officers' salaries, profits, interlocking directorates and banking affiliations of all corporations directly affiliated with, or contributing to, the said American Retail Federation; and be it further

Resolved, For the purpose of this resolution the committee, or any subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places in the United States, whether or not the House is sitting, has recessed, or has adjourned, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books and documents, to administer such oaths, and take such testimony as it deems necessary and advisable.

The resolution passed the House unanimously.

(The above resolution taken from N. A. R. D. Journal, May 2, 1935.)

Consideration Postponed.

By unanimous consent further consideration was postponed until the afternoon session.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 37—Approving a certain amendment to the charter of the city of Santa Barbara, a municipal corporation in the county of Santa Barbara, State of California, duly voted for and ratified by the qualified electors of said city at an election held therein on the seventh day of May, 1935:

Also: Senate Bill No. 250—An act to amend sections 251, 304, 307, 323, 348, 364, 374, 463 and 465 of the Streets and Highways Code, relating to State highways:

Also: Senate Bill No. 261—An act to amend section 1241 of the Code of Civil Procedure, relating to the taking of property under proceedings in eminent domain: And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of May, 1935, at three o'clock and fifteen minutes p.m.

MIXTER, Vice Chairman.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 40—Relative to reports of the department encampment and the annual convention of the United Spanish-American War Veterans;

Also: Senate Bill No. 20—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions and making an appropriation therefor;

Also: Senate Bill No. 465—An act to provide for the establishment of a code or codes of fair competition for the meat industry;

Also: Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts;

And reports that the same have been correctly engrossed

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Licensure, Enrollment and Printing has examined Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and creating a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act—and reports that the same has been correctly reengrossed.

METZGER, Chairman.

Consideration of Special Order—(Resumed).

Assembly Bill No. 2365, heretofore set as a special order for eleven o'clock and thirty minutes p. m., was taken up for further consideration.

Remarks.

The following remarks, offered by Senator Jespersen, were, on motion of Senator Gordon, ordered printed in the Journal:

Mr. President and Members of the Senate:

I am not concerned with the fears of the eminent gentlemen who have opposed this legislation—I know their fears are ill founded. I do wish to say that this bill will levy a tax of less than one-half of one per cent; that it will to some extent correct the situation that allows the net profit of a business conducted in a community to be sent out of the community and contribute nothing to the general welfare.

It will not destroy the chain store; it will help to restore individual opportunity to our own people. It will produce some revenue in this hour of need. It will help to control a rapidly growing monopoly, which is now endangering the social welfare, and is a very real menace to the general welfare of our State.

I am convinced that this legislation is desired by all right thinking people, which means the vast majority. In conclusion I quote the opinions of three distinguished Justices of the United States Supreme Court:

"The typical business corporation of the last century, owned by a small group of individuals, managed by their owners, and limited in size by their personal wealth, is being supplanted by huge concerns in which the lives of tens or hundreds of thousands of employees and the property of tens or hundreds of thousands of investors are subjected, through the corporate mechanism, to the control of a few men. Ownership has been separated from control, and this separation has removed many of the checks which formerly operated to curb the misuse of wealth and power.

The citizens of the State, considering themselves vitally interested in this seemingly unequal struggle, have undertaken to aid the individual retailers by subjecting the owners of multiple stores to the handicap of higher license fees. They may have done so merely in order to preserve competition. But their purpose may have been a broader and deeper one. They may have believed that the chain store, by furthering the concentration of wealth and of power and by promoting absentee ownership, is thwarting American ideals; that it is making impossible equality of opportunity; that it is converting independent tradesmen into clerks; and that it is sapping the resources, the vigor and the hope of the smaller cities and towns.

If the State should conclude that bigness in retail merchandising as manifested in corporate chain stores menaces the public welfare, it might prohibit the excessive size or extent of that business as it prohibits excessive size or weight in motor trucks or excessive height in the buildings of a city.

The State's power to apply discriminatory taxation as a means of preventing domination of intrastate commerce by capitalistic corporations is not conditioned upon the existence of economic need. It flows from the broader right of Americans to preserve, and to establish from time to time, such institutions, social and economic, as seems to them desirable."

From MR. JUSTICE BRANDEIS.

Signed also by MR. JUSTICE HOLMES.

MR. JUSTICE STONE.

Also, from Mr. Justice Cardozo, who said, "We have never yet held that government, in levying a graduated tax upon all the members of a class, must satisfy itself by inquiry that every group within the class will be able to pay the tax without sacrifice of profits."

I feel that this bill is a just measure, and respectfully ask your favorable consideration.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2365 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Garrison, Gordon, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—34.

NOES—Senators Deuel, Hays, Knowland, and Rich—4.

Title read and approved.

Assembly Bill No. 2365 ordered transmitted to the Assembly.

Third Reading of Senate Bills.

Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 19 $\frac{1}{2}$, relating to wharfingers.

Amendment from the Floor.

During third reading of Senate Bill No. 447, the following amendment, offered by Senator Biggar, was read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, as amended, after "commodity", insert the following: "(other than timber and the manufactured products thereof; or petroleum and the manufactured products thereof)".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Re-reference of Senate Bill No. 1120.

Senator Swing moved that Senate Bill No. 1120 be referred to Committee on Finance.

Motion carried, and such was the order.

Senate Concurrent Resolution No. 40.

Relative to reports of the department encampment and the annual convention of the United Spanish-American War Veterans.

Resolved by the Senate, the Assembly concurring. That there shall be printed as a public document 500 copies of the session of the department encampment of California of the United Spanish War Veterans for the year 1935 and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official roll, 250 copies for the use of the Senate and 250 copies for the use of the Assembly. Annual cost of same not to exceed \$350 payable from the legislative printing appropriation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 40 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Hays, Hulse, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—29.

NOES—None.

Senate Concurrent Resolution No. 40 ordered transmitted to the Assembly.

Leave of Absence.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for the balance of this legislative day.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, MAY 28, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following message from the Governor:

[SEAL]

FRANK F. McFARLAND, Governor

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, MAY 27, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: I am pleased to inform you that on January 15, 1934, Preston McKinney of San Francisco, and E. H. Stockdyk of Berkeley, were appointed members of the Agricultural Prorate Commission, and in harmony with the law governing their appointment, I am submitting the same to you for consideration and confirmation.

Very sincerely yours,

(Signed)

FRANK F. McFARLAND, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments be confirmed.

Committee membership—5; committee vote—AYES—5

RICH, Chairman.
SLATER
DIFANI
TICKLE
KNOWLAND

Consideration of Appointments by the Governor.**Motion Confirming Appointment by the Governor.**

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. Preston McKinney as a member of the Agricultural Prorate Commission?

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Donel, Dufani, Gordon, Hays, Hulse, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Preston McKinney as a member of the Agricultural Prorate Commission.

Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. E. H. Stockdyk as a member of the Agricultural Prorate Commission?

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Donel, Dufani, Gordon, Hays, Hulse, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of E. H. Stockdyk as a member of the Agricultural Prorate Commission.

Third Reading of Assembly Bills.

Assembly Bill No. 1345—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending sections numbered 5, 7, 12 and 25 of said act, as amended, and by repealing section 52 of said act, as amended, and by adding to said act, as amended, new sections, to be numbered and providing as follows, to wit: section 16a, relating to refunding bonds; section 25a, relating to addition to a county water district of lands situate in a county contiguous to the county in which such district was organized; section 25b, relating to conditions upon addition of land to the district; and section 52, adding to the district lands privately owned which were public lands when the district was organized.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1345 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—Senator McColl—1.

Title read and approved.

Assembly Bill No. 1345 ordered transmitted to the Assembly.

Assembly Bill No. 236—An act to amend section 4307 of the Political Code, relating to county charges.

Amendment from the Floor.

During third reading of Assembly Bill No. 236, the following amendment, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 2, line 19, of the printed bill, as amended, after "taxation", insert a comma and the following: "or exempted in whole or in part from taxation".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1130—An act to amend section 3444 of the Political Code, to empower the Director of Finance to promulgate rules and regulations governing the use of certain State lands and the enforcement of such rules and regulations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1130 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1130 ordered transmitted to the Assembly.

Assembly Bill No. 902—An act to amend section 9 of and to add section 9a to an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the powers of the Surveyor General now the Chief of the Division of State Lands; for the purpose of taking gold or other minerals from and granting of easements to recover gold or other minerals from the beds of tide and submerged lands, and of navigable rivers and streams.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 902 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schacht, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—31.

NOES—Senator McGovern—1.

Title read and approved.

Assembly Bill No. 902 ordered transmitted to the Assembly.

Assembly Bill No. 1816—An act to amend sections 19 and 20 of the "State Liquor Control Act," approved June 3, 1933, relating to licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1816 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Jaspersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1816 ordered transmitted to the Assembly.

Assembly Bill No. 1774—An act to amend the title and sections 2 and 3e and to amend and to renumber section 20k of, and to add sections 19a, and 20l to the California Real Estate Act, relating to the regulation and licensing of real estate brokers and salesmen, and to the inspection and regulation of subdivisions, to provide for the enforcement of said act and penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1774 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Jaspersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mix-

ter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, and Wagy—30.
NOES—None.

Title read and approved.

Assembly Bill No. 1774 ordered transmitted to the Assembly.

Assembly Bill No. 828—An act to amend an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, by amending section 23 thereof, relating to priority of liens and bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 828 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Tickle—29.
NOES—None.

Title read and approved.

Assembly Bill No. 828 ordered transmitted to the Assembly.

Assembly Bill No. 2172—An act to add section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2172 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Hulse, Keough, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Seawell, Stow, Tickle, Wagy, Williams, and Young—22.

NOES—Senators Biggar, Duval, Edwards, Gordon, Hays, King, Knowland, McCormack, Rich, Scollan, Slater, Snyder, and Swing—13.

Title read and approved.

Assembly Bill No. 2172 ordered transmitted to the Assembly.

Motion to Reconsider Waived.

Senator Snyder waived reconsideration of the vote whereby Senate Constitutional Amendment No. 11 was refused adoption.

Motion to Reconsider Waived.

Senator McGovern waived reconsideration of Senate Bill No. 1123. Senate Bill No. 1123 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Snyder moved to reconsider the vote whereby his amendments to Assembly Bill No. 1919 were refused adoption.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Hays, Keough, Knowland, McGuinness, Mixter, Parkman, Powers, Rich, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—21.

NOES—Senators Biggar, Garrison, Gordon, Jospersen, King, McColl, McCormack, McGovern, Metzger, Olson, Perry, Pierovich, Schotky, Seollan, and Seawell—15.

Reconsideration of Amendments to Assembly Bill No. 1919.

The following amendments to Assembly Bill No. 1919, offered by Senator Snyder, were read:

Amendment No. 1.

On page 2, line 3, of the printed bill, as amended, strike out "to be", and insert in lieu thereof the following "which is":

Amendment No. 2.

On page 2, line 8, of the printed bill, as amended, strike out "conclusively".

Amendment No. 3.

On page 2, line 9, of the printed bill, as amended, strike out the period after "employment", and strike out "in all other cases the term 'motor'", and strike out all of lines 10 to 12, inclusive, on said page, and insert in lieu thereof the following: "unless there is evidence to the contrary."

Ayes and Noes Demanded.

A roll call was demanded by Senators Snyder, McGovern and Olson, on the adoption of the amendments.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Gordon, Hays, Keough, McGuinness, Mixter, Parkman, Pierovich, Powers, Rich, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—21.

NOES—Senators Biggar, Garrison, Jospersen, King, Knowland, McColl, McCormack, McGovern, Metzger, Olson, Perry, Schotky, Seollan, Seawell, and Slater—15.

Bill read, ordered to reprint, and on file for third reading.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

Concerning Assembly Bill No. 1055.

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1055—An act to amend sections 400 and 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies—reports that it has met a like committee of the Assembly, consisting of Assemblymen Lyon, Williamson, and Minard, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "of drivers of police."; and strike out lines 3 and 4, and insert in lieu thereof a period.

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out line 21; and on page 2, strike out lines 1 and 2, and insert in lieu thereof the following: "and one thousand dollars".

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 29 to 36, inclusive.

Amendment No. 4.

On page 2, line 47, of the printed bill, as amended, after "district", insert the following: ", or owned by such officer, member, or employee".

Amendment No. 5.

On page 2 of the printed bill, as amended, strike out lines 48 and 49, and insert in lieu thereof the following: "to emergency calls, in traffic patrol duty, in the immediate pursuit of an actual or suspected violator of the law or in responding to but not upon returning from a fire alarm."

Amendment No. 6.

On page 2, line 52, of the printed bill, as amended, after "officer", strike out "or publicly owned".

Amendment No. 7.

On page 3, line 2, of the printed bill, as amended, after "calls", strike out the period, and insert in lieu thereof the following: ", in responding to but not upon returning from a fire alarm, or in traffic patrol duty."

SEAWELL,
HAYS,

Senate Committee on Free Conference.

LYON,
WILLIAMSON,
MINARD.

Assembly Committee on Free Conference.

I am opposed to the committee report.

OLSON.

Report of Committee on Free Conference ordered on file as unfinished business.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1837—An act to amend sections 269 and 271 of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters.

Amendment from the Floor.

During third reading of Assembly Bill No. 1837, the following amendment, offered by Senator Hays, was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, at the end of line 6, insert the following: "In the event of the conviction of a crime of a defendant who has requested a daily transcript the defendant shall be civilly liable to the county for the cost of the preparation of said transcript."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 239—An act to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately.

Amendment from the Floor.

During third reading of Assembly Bill No. 239, the following amendment, offered by Senator Rich, was read and adopted:

Amendment No. 1.

On page 2, line 40, of the printed bill, as amended, after "hereof.", add the following:

"Taxes under this section shall be in lieu of all ad valorem taxes and assessments of every kind and nature upon the general corporate franchises of the corporations taxable hereunder but shall not be in lieu of any taxes or assessments

upon special franchises owned, held or used by said corporations. All such special franchises shall be assessed annually by the State Board of Equalization (at their actual value) in the same manner as is provided for the assessment of other property to be assessed by said board under section 14 of Article XIII of the Constitution of this State, and shall be subject to taxation to the same extent and in the same manner as other property so assessed by said board. Said board is hereby authorized and directed to assess said special franchises as of the first Monday in March of 1935 and annually thereafter."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 450—An act to repeal Article V of Chapter I of Part III of Division IV, embracing sections 4320 to 4334, inclusive, of the School Code, and to repeal Article VI of Chapter I of Part III of Division IV, embracing sections 4340 to 4353 of the School Code, and to enact in lieu thereof a new article to be numbered V, embracing sections 4320 to 4332, inclusive, all relating to payments from district funds.

Amendments from the Floor.

During third reading of Assembly Bill No. 450, the following amendments, offered by Senator McColl, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out the title, and insert in lieu thereof the following:

"An act to add Article VIa to Chapter I of Part III of Division IV of the School Code, embracing sections 4355 to 4359, inclusive, relating to an optional plan for payments from district funds."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 16, inclusive, and insert in lieu thereof the following:

"SECTION 1. A new article to be number VIa is hereby added to Chapter I of Part III of Division IV of the School Code to read as follows:

Article VIa—Optional Plan for Payments from District Funds.

4.355. In lieu of the provisions of Article V and Article VI of this chapter, any county or city and county may by resolution by its board of supervisors and with the approval of the county superintendent of schools adopt the provisions of this article for payments from district funds."

Amendment No. 3.

On page 1, line 17, of the printed bill, as amended, strike out "4.321", and insert in lieu thereof the following: "4.355a".

Amendment No. 4.

On page 2, line 5, of the printed bill, as amended, strike out "4.322", and insert in lieu thereof the following: "4.355b".

Amendment No. 5.

On page 2, line 14, of the printed bill, as amended, strike out "4.323", and insert in lieu thereof the following: "4.355c".

Amendment No. 6.

On page 2, line 17, of the printed bill, as amended, strike out "4.324", and insert in lieu thereof the following: "4.355d".

Amendment No. 7.

On page 2, line 19, of the printed bill, as amended, strike out "4.325", and insert in lieu thereof the following: "4.355e".

Amendment No. 8.

On page 2, line 22, of the printed bill, as amended, strike out "4.326", and insert in lieu thereof the following: "4.356".

Amendment No. 9.

On page 2, line 26, of the printed bill, as amended, strike out "4.327", and insert in lieu thereof the following: "4.357".

Amendment No. 10.

On page 2, line 29, of the printed bill, as amended, strike out "4.328", and insert in lieu thereof the following: "4.357a".

Amendment No. 11.

On page 2, line 33, of the printed bill, as amended, strike out "4.329", and insert in lieu thereof the following: "4.357b".

Amendment No. 12.

On page 2, line 40, of the printed bill, as amended, strike out "4.330", and insert in lieu thereof the following: "4.358".

Amendment No. 13.

On page 2, line 46, of the printed bill, as amended, strike out "4.331", and insert in lieu thereof the following: "4.358a".

Amendment No. 14.

On page 3, line 1, of the printed bill, as amended, strike out "4.332", and insert in lieu thereof the following: "4.359".

Amendment No. 15.

On page 3 of the printed bill, as amended, strike out lines 11 to 41, inclusive.

Bill read, ordered to reprint, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 2423—An act granting to the city of Sausalito certain submerged and tidelands for street, sea wall and other public purposes—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—9; committee vote: Ayes—5; absent—4.

PARKMAN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 150—An act granting to the City and County of San Francisco certain lands of the State of California located in the City and County of San Francisco upon certain trusts and conditions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

PARKMAN, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 2433—An act to provide for the administration of highway work for or in cooperation with the United States by the State of California, amending the Streets and Highways Code in accordance therewith, and declaring the urgency thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—10; absent—7.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 95—An act to amend sections 356, 382 and 422 of, and to add sections 601, 602, 602.5, 602.6, 602.7, 604, 610, 612, 613, 614, 615, 617, 618, 621, 624, 625, 626, 627, 632, 633, 634, 635, 637, 639, 644, 645, 646, 647, 648, 649, 650, 651 and 652 the Streets and Highways Code, establishing additional secondary State highways—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—12; noes—3; absent—2.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 236—An act amending sections 2 and 3 of an act entitled "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,'" relative to bidding on public contracts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—14; absent—3.

EDWARDS, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 300—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1921, regarding the urgency thereof, and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—16; absent—3.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, imposing certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—16; absent—3.

SHARKEY, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1134—An act to amend section 2 and section 3 of an act entitled "An act creating a State Bureau of Criminal Investigation, and providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers, providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 29, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties;

Also: Assembly Bill No. 1324—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the division of fire safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, relating to clothes cleaning establishments;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 958—An act to amend section 4190 of the Political Code, relating to establishment and government and the creation of a fund for law library;

Also: Assembly Bill No. 1167—An act authorizing the Director of Finance to provide for the sale of certain lands situated in county of Yolo, State of California;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also :

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 313—An act to add section 444.5 to the Political Code, relating to the transfers of money from one fund to another in the State treasury and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill re-referred to Committee on Finance.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

On Civil Service.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Assembly Bill No. 1392—An act to amend the title of, and to revise the act known as the State Civil Service Act, relating to State civil service, including the adaptation thereof to Article XXIV of the State Constitution and the extension of certain of the provisions of the act to apply to officers and employees of the State who are not in the State civil service, declaring the urgency of this act and providing that it shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill re-referred to this committee.

Committee membership—5; committee vote: Ayes—5.

KEOUGH, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 638—An act to amend sections 997, 1009, 1116, 1117, 1166, 1188, 1262, 1297, 1302, 1371, and 1384, of the Penal Code, relating to refund of money deposited in lieu of bail, and to repeal conflicting acts and parts of acts;

Also: Assembly Bill No. 1400—An act to amend section 667 of the Penal Code, relating to the punishment of petty theft after a prior conviction of a felony;

Also: Assembly Bill No. 2455—An act to add sections 18 and 19 to an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to concealable weapons; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

YOUNG, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1836—An act to amend section 622 of the Agricultural Code, relating to dairies and dairy products—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and that it be re-referred to the Committee on Finance.

Committee membership—15; committee vote: Ayes—8; absent—7.

CRITTENDEN, Chairman.

Assembly Bill No. 1836 ordered referred to Committee on Finance.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 1216—An act to amend section 818 of the Agricultural Code, relating to potatoes;

Also: Assembly Bill No. 896—An act to amend sections 479, 508, 510, 581, 585, 590, 591, 593, 632, and 673 of the Agricultural Code, relating to dairies and dairy products;

Also: Assembly Bill No. 1323—An act to add Article 3a to Chapter 1 of Division III of the Agricultural Code, relating to the sale, purchase, transportation and marketing of poultry;

Also: Assembly Bill No. 925—An act to amend section 820.5 of the Agricultural Code, relating to transportation of fruits, nuts, and vegetables;

Also: Assembly Bill No. 1952—An act to amend section 810 of the Agricultural Code, relating to antique standards;

Also: Assembly Bill No. 919—An act to amend section 1261 of Chapter 6, Division VI, of the Agricultural Code, relating to produce dealers;

Also: Assembly Bill No. 510—An act to amend section 143 of the Agricultural Code, pertaining to abandoned orchards;

Also: Assembly Bill No. 1780—An act to amend section 96 of the Agricultural Code, relating to agricultural fairs.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—8, absent—7.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 2384—An act to add Chapter 8 to Division VI of the Agricultural Code, relating to the marketing of milk and other dairy products;

Also: Assembly Bill No. 464—An act to amend section 820 of the Agricultural Code, relating to tomatoes;

Also: Assembly Bill No. 806—An act to add a new chapter, to be numbered 1a, to Division V of the Agricultural Code, relating to the standardization of butter;

Also: Assembly Bill No. 924—An act to amend sections 781, 783, 784, 785, 787, 788, and 822 and to add sections 784.1, 784.2, 784.3, 784.4, 784.5 and 784.6 to the Agricultural Code, relating to fruits, nuts and vegetables;

Also: Assembly Bill No. 1243—An act to amend sections 828 and 829 of the Agricultural Code, relating to fruits, nuts and vegetables;

Also: Assembly Bill No. 1480—An act to amend sections 147 and 149 of the Agricultural Code, relating to pest control and abatement;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that they do pass as amended.

Committee membership—15; committee vote: Ayes—8, absent—7.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 1001—An act to amend section 341 of the Agricultural Code, relating to inspection of marks and brands. Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—8, absent—7.

CRITTENDEN, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 1259—An act to amend the title of and add a new section to "An act to provide for the creation of a board of parole commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, as amended, relating to the provisional release by the county board of parole commissioners of alien prisoners who consent to return or to be returned to their native country and providing for the payment of the expenses of such return by counties. Has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6, absent—1.

REINDOLLAR, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 1896—An act to add a new section to the Political Code, to be numbered

section 1143, relating to boards of election—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—9.

(Signed out)

POWERS, Chairman.
DEUEL.
BIGGAR.
KNOWLAND.
EDWARDS.
SWING.
TICKLE.
SHARKEY.
GORDON.

Approval of Journals.

The Senate Journals of Monday, May 20, 1935; Tuesday, May 21, 1935; Wednesday, May 22, 1935; Thursday, May 23, 1935; and Friday, May 24, 1935, were, on motion of Senator Rich, approved as read and corrected by the Minute Clerk and Journal Clerk.

Adjournment.

On motion of Senator Rich, at four o'clock and twenty minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Thursday, May 30, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,
SACRAMENTO, Thursday, May 30, 1935.

The Senate met at ten o'clock a.m.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—38.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

On Memorial Day.

Lord God of Hosts, in Whom our fathers trusted and found their faith rewarded. Bless us here today, as we commemorate their valour and their sacrifice.

In times of conflict they were ready, if need be, to lay down their lives in the cause of liberty and righteousness. May we emulate their spirit of loyalty and sacrifice, during these difficult days of peace.

It is not enough on this Memorial Day that we only pause for a few moments in reverent memory. We would rededicate our lives and our work here in these legislative halls to the principles of freedom and brotherhood for which they gave their all.

Help us to carry on with their heroic faith. May we build upon the enduring foundations which they have laid. And may we be true to the great ideals that have made this Nation great.

Bless us here, O Lord, that those we honor today may not have lived and died in vain. For Thy Name's sake. Amen.

Remarks.

The following remarks, offered by Senator Slater, were ordered printed in the Journal:

Mr. President and Gentlemen of the Senate:

In making the motion that the prayer offered this morning by our esteemed Chaplain be printed in the Journal of today's proceedings, I am prompted by the beautiful and inspiring sentiments embodied therein which point so impressively to the significance of the observance of this day.

This is Decoration Day, a day of memories fragrant with the perfume of patriotic impulse and service. While of necessity in the performance of its official duties, the Senate must continue its calendar, we may nevertheless pause momentarily to pay our tribute of remembrance and affection to the Nation's honored soldier and sailor dead. The story of their love and devotion is indelibly inscribed in the book of love and memory, an imperishable record which time can not efface.

It is most fitting and appropriate that when we adjourn today this Senate should do so in full accord with the tender sentiment which Decoration Day holds for every patriotic American citizen and thereby officially recognize once more the inspiring lessons which this sacred day in American history ennobles.

I am quite sure a reconsecration to the ideals so impressively recalled by Decoration Day is certainly most to be desired and will cement the tie which binds us all into an unswerving patriotism in time of peace as well as in days of war. In paying and sincere token we hold aloft the sweet "Forget me not" charity blossom of enduring friendship, and reconsecrate ourselves to patriotic service while we remember those who served so nobly and courageously in the preservation of our great country.

Reading of the Journal.

During the reading of the Journal of Wednesday, May 29, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Fletcher was, on motion of Senator King, granted leave of absence for this day.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles F. Osgood, of Oakland.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, on this day passed, as amended, Senate Bill No. 1106—An act making an appropriation for contingent expenses of the Senate—and requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1106.

Amendment No. 1.

On page 1, line 4, of the printed bill, following the word "Senate", insert the following: "for fifty-first session and interim committees thereof".

Amendment No. 2.

On page 1, line 6, of the printed bill, strike out the words "until exhausted".

Amendment No. 3.

On page 1, line 6, of the printed bill, strike out the word "for", and insert in lieu thereof the word "to".

The question being put: Shall the Senate concur in Assembly amendments to Senate Bill No. 1106?

The roll was called, and Assembly amendments to Senate Bill No. 1106 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGuinness, Mixter, Olson, Perry, Rich, Schottky, Seellan, Sharkey, Slater, Snyder, Tickle, Waggy, Williams, and Young—26.

NOES—None.

Senate Bill No. 1106 ordered to enrollment.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 700—An act to amend sections 1015 and 1016 of the Fish and Game Code and to add thereto sections 670 and 1016.5, relating to fish;

Also: Senate Bill No. 1112—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits; And reports that the same have been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 331—An act to add Chapter 11 to Division IV of the Agricultural Code, relating to the production and marketing of manufactured dairy products—and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof—and reports that the same has been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 236—An act amending section 3 of an act entitled: "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,'" relative to bidding on public contracts;

Also: Senate Bill No. 259—An act to amend sections 223, 228, and 231 of and to add section 228.1 to the Agricultural Code, relating to bovine tuberculosis; And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to

limit the effective period of this act; to declare the existence of a State and National agricultural emergency—and reports that the same has been correctly engrossed.

MINTIER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enactment and Printing has examined Senate Bill No. 1408—An act to amend an act entitled, "An act to amend section 11 of 'The California Districts Securities Commissioners Act,' relating to the levy of annual assessments by irrigation districts providing that such act shall remain in effect until November 1, 1937, and declaring that act an emergency measure enacted under the police power, approved April 8, 1935, by adding a new section thereto to be numbered section 3, relating to refunding bonds of irrigation districts pursuant to a plan or readjustment confirmed by act proceeding under the Federal bankruptcy act, and authorizing the use of assessments in accordance with the terms of such refunding bonds.

Also: Senate Bill No. 486—An act to amend section 8 of the Insurance Tax Act, relating to estates.

And reports that the same have been correctly engrossed.

MINTIER, Vice Chairman.

Consideration of Daily File. Second Reading of Senate Bills.

Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 300—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 300 were read and adopted:

Amendment No. 1.

On page 2, lines 29 and 30, of the printed bill, strike out the following: "one thousand dollars \$50,000.00", and insert in lieu thereof the following: "one thousand fifty thousand dollars \$250,000.00".

Amendment No. 2.

On page 2 of the printed bill, following line 35, insert the following: "Item 104. For support of the Los Angeles Branch of the Legislative Council Bureau, ten thousand dollars \$10,000.00".

Amendment No. 3.

On page 2, line 41, of the printed bill, strike out the word "Council", and insert in lieu thereof the word "Council".

Amendment No. 4.

On page 2, lines 44 and 45, of the printed bill, strike out the following: "one thousand five hundred dollars \$21,500.00", and insert in lieu thereof the following: "twenty thousand five hundred dollars \$20,500.00".

Amendment No. 5.

On page 2, lines 50, 51 and 52, of the printed bill, strike out the following: "one hundred ninety-six thousand seven hundred thirty dollars \$196,730.00", and insert in lieu thereof the following: "two hundred six thousand seven hundred thirty dollars \$206,730.00".

Amendment No. 6.

On page 3, line 17, of the printed bill, strike out the figure "677.5", and insert in lieu thereof the figure "677.5".

Amendment No. 7.

On page 3, lines 17, 18 and 19, of the printed bill, strike out the following: "one hundred twenty-one thousand seven hundred dollars \$121,700.00", and insert in lieu thereof the following: "one hundred six thousand seven hundred dollars \$106,700.00".

Amendment No. 8.

On page 3, line 23, of the printed bill, strike out the figure "677a", and insert in lieu thereof the figure "677.5".

Amendment No. 9.

On page 3, line 27, of the printed bill, strike out the figure "677a", and insert in lieu thereof the figure "677.5".

Amendment No. 10.

On page 3, lines 45, 46 and 47, of the printed bill, strike out the following: "one hundred ninety-eight thousand seven hundred forty dollars \$198,740.00", and insert in lieu thereof the following: "one hundred forty-eight thousand seven hundred forty dollars \$148,740.00".

Item 25½—For additional support of the State Personnel Board to carry out the provisions of Article XXIV of the Constitution, fifty thousand dollars \$50,000.00".

Amendment No. 11.

On page 4, of the printed bill, following line 51, insert the following:

"Item 37½—For part purchase price of certain real property situated on the southwest corner of Ninth and L streets in the city of Sacramento in liquidation of assets at Delhi State Land Settlement and Durham State Land Settlement, thirty-two thousand dollars, payable from the land settlement fund \$32,000.00".

Amendment No. 12.

On page 5, line 3, of the printed bill, after the comma, insert the following: "State Department of Finance,".

Amendment No. 13.

On page 5 of the printed bill, following line 4, insert the following:

"Item 38½—For repairs, improvements and equipment of Assembly committee rooms in the State Capitol, including ventilating system, State Department of Finance, thirteen thousand five hundred dollars \$13,500.00".

Amendment No. 14.

On page 5 of the printed bill, strike out all of lines 5, 6, 7, and 8 and insert in lieu thereof the following:

"Item 39—For such proportion of the compensation benefits to State officers and employees as in each case the contribution out of the general fund to the salary of such officer or employee, during the portion of the eighty-seventh and eighty-eighth fiscal years prior to the date when the benefit becomes payable, bears to the total salary of such officer or employee during the same period; or for premiums on".

Amendment No. 15.

On page 5, line 15, of the printed bill, following the word "For", insert the following: "payment of automobile liability claims and salaries and expenses incident to investigation, adjustment and defense thereof, or for".

Amendment No. 16.

On page 6, lines 5 and 6, of the printed bill, strike out the following: "eight hundred sixty-six thousand nine hundred sixty dollars \$866,960.00", and insert in lieu thereof the following: "eight hundred fifty-six thousand nine hundred sixty dollars \$856,960.00".

Amendment No. 17.

On page 6, lines 11, 12 and 13, of the printed bill, strike out the following: "one million four hundred thousand sixty-five dollars \$1,400,065.00", and insert in lieu thereof the following: "one million four hundred thirty-four thousand seven hundred and thirty-five one-hundredths dollars \$1,434,700.35".

Amendment No. 18.

On page 8 of the printed bill, following line 30, insert the following:

"Item 73½—For subsidies, Bureau of Tuberculosis, Department of Public Health, one million three hundred five thousand dollars \$1,305,000.00".

Amendment No. 19.

On page 8, lines 36, 37 and 38, of the printed bill, strike out the following: "one million nine hundred eighty-three thousand eight hundred seven and forty-five one-hundredths dollars \$1,983,807.45", and insert in lieu thereof the following: "two million one hundred seventy thousand three hundred forty-seven and forty-five one-hundredths dollars \$2,170,347.45".

Amendment No. 20.

On page 8, line 44, of the printed bill, following the word "fund" insert the following: "subject to the limitations specified in sections 26, 27, 28 and 29 of the Agricultural Code".

Amendment No. 21.

On page 9 of the printed bill, following line 21, insert the following:
"Item 794—For additional support, Division of Forestry, Department of Natural Resources, eighteen thousand eight hundred dollars, payable from State Board of Forestry fire prevention fund \$18,800.00."

Amendment No. 22.

On page 9 of the printed bill, strike out all of lines 24 to 27, inclusive, and insert in lieu thereof the following: "Resources, including license commutations, State Fair and other exhibits, two million thirty-four thousand one hundred and nine dollars, provided, that no money hereby appropriated shall be used for salary and expenses of a publicist or public relations employer employed for the purpose of compiling and disseminating data or information for publicity purposes. \$2,034,199.00".

Amendment No. 23.

On page 9 of the printed bill, strike out all of lines 28 to 36, inclusive.

Amendment No. 24.

On page 9, line 38, of the printed bill, following the comma, insert the following: "and construction, improvements and equipment."

Amendment No. 25.

On page 9, line 40, of the printed bill, following the word "hundred", insert the word "twenty-eight".

Amendment No. 26.

On page 9, line 42, of the printed bill, strike out the figure "\$100,000.00" and insert in lieu thereof the figure "\$128,000.00".

Amendment No. 27.

On page 9, lines 43 and 44, of the printed bill, strike out the following: "construction, improvements and equipment", and insert in lieu thereof the following: "predatory animal control".

Amendment No. 28.

On page 10 of the printed bill, following line 37, insert the following:
"Item 901—For support of Eureka Harbor, Department of Public Works, three thousand seven hundred forty dollars \$3,740.00".

Amendment No. 29.

On page 10 of the printed bill, following line 43, insert the following:
"Item 911—For construction, land, rights of way, easements and general administrative operations and overhead, reclamation board, pursuant to the provisions of Chapter 176 of California Statutes of 1925, approving the modified report of the California Debris Commission, dated January 5, 1925, which said report was adopted by the United States in section 13 of that certain act of Congress entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928, and for any other purpose to further carry out the legislation contained in said Chapter 176 of California Statutes of 1925, one million two hundred eleven thousand dollars \$1,211,000.00".

Amendment No. 30.

On page 10, line 47, of the printed bill, strike out the word "Bureau", and insert in lieu thereof the word "Division".

Amendment No. 31.

On page 11, line 1, of the printed bill, strike out the word "Bureau", and insert in lieu thereof the word "Division".

Amendment No. 32.

On page 11 of the printed bill, strike out all of lines 34 and 35, and insert in lieu thereof the following: "six hundred fifty-seven thousand seven hundred fifty-one dollars \$657,751.00".

Amendment No. 33.

On page 11, lines 48, 49 and 50, of the printed bill, strike out the following: "two hundred fifty thousand four hundred sixty dollars \$250,460.00", and insert in lieu thereof the following: "three hundred forty-nine thousand five hundred ninety dollars \$349,590.00".

Amendment No. 34.

On page 12, lines 4, 5 and 6, of the printed bill, strike out the following: "four hundred seventy-five thousand seven hundred sixteen dollars \$475,716.00", and insert

in lieu thereof the following: "five hundred twenty-three thousand twenty-nine and ninety one-hundredths dollars \$523,029.90".

Amendment No. 35.

On page 12 of the printed bill, following line 11, insert the following:

"Item 1034—For major construction, improvements and equipment at Veterans' Home of California, one hundred twenty thousand dollars, payable from the Athletic Commission fund \$120,000.00".

Amendment No. 36.

On page 12, lines 13 and 14, of the printed bill, strike out the following: "forty-three thousand five hundred and eighteen one-hundredths dollars \$43,500.18", and insert in lieu thereof the following: "forty-six thousand five hundred sixteen and seventy one-hundredths dollars \$46,516.70".

Amendment No. 37.

On page 12, lines 33, 34 and 35, of the printed bill, strike out the following: "one million four hundred fifty-two thousand three hundred seventy-nine and four one-hundredths dollars \$1,452,379.04", and insert in lieu thereof the following: "one million five hundred seventy-four thousand two hundred fifty-three and fifty-three one-hundredths dollars \$1,574,253.53".

Amendment No. 38.

On page 12, lines 38 and 39, of the printed bill, strike out the following: "fifteen thousand dollars \$15,000.00", and insert in lieu thereof the following: "twenty-nine thousand four hundred dollars \$29,400.00".

Amendment No. 39.

On page 12, lines 41 and 42, of the printed bill, strike out the following: "six hundred eleven thousand dollars \$611,000.00", and insert in lieu thereof the following: "six hundred fifty-one thousand six hundred eighty-eight dollars \$651,688.00".

Amendment No. 40.

On page 12, lines 48, 49 and 50, of the printed bill, strike out the following: "one million ninety-four thousand four hundred fifty-four dollars \$1,094,454.00", and insert in lieu thereof the following: "one million one hundred seventy-two thousand one hundred nineteen and twenty one-hundredths dollars \$1,172,119.20".

Amendment No. 41.

On page 13, lines 10, 11 and 12, of the printed bill, strike out the following: "one million three hundred seventy thousand five hundred sixty dollars \$1,370,560.00", and insert in lieu thereof the following: "one million four hundred seventy thousand seven hundred twenty-three and ninety one-hundredths dollars \$1,470,723.90".

Amendment No. 42.

On page 13, lines 18 and 19, of the printed bill, strike out the following: "nine hundred ninety-five thousand twenty dollars \$995,020.00", and insert in lieu thereof the following: "one million sixty-three thousand two hundred seventy-eight and forty one-hundredths dollars \$1,063,278.40".

Amendment No. 43.

On page 13, lines 29, 30 and 31, of the printed bill, strike out the following: "one million four hundred seventy-six thousand nine hundred ninety-eight and six one-hundredths dollars \$1,476,998.06", and insert in lieu thereof the following: "one million five hundred eighty-two thousand six hundred eighty-five and twenty-three one-hundredths dollars \$1,582,685.23".

Amendment No. 44.

On page 13, lines 41, 42 and 43, of the printed bill, strike out the following: "one million six hundred twelve thousand one hundred eighty-five dollars \$1,612,185.00", and insert in lieu thereof the following: "one million seven hundred eighteen thousand two hundred eighteen and ninety one-hundredths dollars \$1,718,218.90".

Amendment No. 45.

On page 14, lines 2 and 3, of the printed bill, strike out the following: "six hundred fifty thousand seventy dollars \$650,070.00", and insert in lieu thereof the following: "seven hundred two thousand one hundred thirty-five and ninety-eight one-hundredths dollars \$702,135.98".

Amendment No. 46.

On page 14 of the printed bill, strike out all of lines 9, 10 and 11, and insert in lieu thereof the following: "one million three hundred forty-six thousand seven hundred seventeen and forty-one one-hundredths dollars \$1,346,717.41".

Amendment No. 47.

On page 14, lines 17, 18 and 19, of the printed bill, strike out the following: "seven hundred ninety-one thousand four hundred twenty dollars \$791,420.00", and

insert in lieu thereof the following: "eight hundred thirty-seven thousand seven hundred thirty-five and sixty one-hundredths dollars \$837,735.60".

Amendment No. 48.

On page 14, lines 25 and 26, of the printed bill, strike out the following: "two hundred thirty-two thousand six hundred fifteen dollars \$232,615.00", and insert in lieu thereof the following: "two hundred forty-seven thousand seventy-nine and ninety one-hundredths dollars \$247,079.90".

Amendment No. 49.

On page 14, lines 32 and 33, of the printed bill, strike out the following: "four hundred thirty thousand six hundred fifty-six dollars \$439,656.00", and insert in lieu thereof the following: "four hundred fifty-seven thousand one hundred twelve and thirty-six one-hundredths dollars \$457,112.36".

Amendment No. 50.

On page 14, lines 42, 43 and 44, of the printed bill, strike out the following: "one hundred seventeen thousand seven hundred seventy-eight dollars \$117,778.00", and insert in lieu thereof the following: "one hundred twenty-seven thousand thirty-seven and fifty-six one-hundredths dollars \$127,037.56".

Amendment No. 51.

On page 15, lines 9, 10 and 11, of the printed bill, strike out the following: "one million two hundred five thousand one hundred forty-three dollars \$1,205,143.00", and insert in lieu thereof the following: "one million three hundred eight thousand five hundred sixty-six and forty-two one-hundredths dollars \$1,308,566.42".

Amendment No. 52.

On page 15, lines 14 and 15, of the printed bill, strike out the following: "forty-two thousand dollars \$42,000.00", and insert in lieu thereof the following: "eighty-two thousand dollars \$82,000.00".

Amendment No. 53.

On page 15, lines 17, 18 and 19, of the printed bill, strike out the following: "two million ninety-eight thousand seven hundred fifty-three dollars \$2,098,753.00", and insert in lieu thereof the following: "two million two hundred ninety thousand seven hundred forty and forty one-hundredths dollars \$2,200,740.40".

Amendment No. 54.

On page 15 of the printed bill, following line 19, insert the following:

"Item 143.—For additional support of State prison at San Quentin, four hundred eighteen thousand dollars to become available on executive order of the Director of Finance when the average prisoner population within said prison exceeds four thousand six hundred eighty (4680) prisoners during the eighty-seventh fiscal year, or five thousand two hundred forty three (5243) prisoners during the eighty-eighth fiscal year \$418,000.00".

Amendment No. 55.

On page 15, lines 25, 26 and 27, of the printed bill, strike out the following: "one hundred fifty-two thousand eight hundred seventeen dollars \$152,817.00", and insert in lieu thereof the following: "one hundred sixty-two thousand two hundred eighty-four and ninety one-hundredths dollars; provided, in the event Senate Constitutional Amendment No. 21 submitted by the fifty-first session of the Legislature is adopted by the people, the balance remaining in this item of appropriation on the effective date of said amendment shall be for the support of the California Institution for Women \$162,284.80".

Amendment No. 56.

On page 15, lines 34, 35 and 36, of the printed bill, strike out the following: "ninety-six thousand nine hundred ten dollars \$96,910.00", and insert in lieu thereof the following: "one hundred twelve thousand nine hundred sixty dollars \$112,960.00".

Item 147.—For deportation of aliens convicted of felonies, Parole Department, Board of Prison Directors, fifteen thousand dollars \$15,000.00".

Amendment No. 57.

On page 16, lines 10, 11 and 12, of the printed bill, strike out the following: "three hundred four thousand eight hundred ninety dollars", and insert in lieu thereof the following: "three hundred forty thousand two hundred seventy dollars".

Amendment No. 58.

On page 16, line 15, of the printed bill, strike out the figure "\$304,800.00", and insert in lieu thereof the figure "\$340,270.00".

Amendment No. 59.

On page 16, lines 21, 22 and 23, of the printed bill, strike out the following: "five hundred fifteen thousand one hundred ninety dollars", and insert in lieu thereof the following: "five hundred fifty-three thousand seven hundred fifty dollars".

Amendment No. 60.

On page 16, line 26, of the printed bill, strike out the figure "\$515,190.00", and insert in lieu thereof the figure "\$553,750.00".

Amendment No. 61.

On page 16, lines 32, 33 and 34, of the printed bill, strike out the following: "one hundred ninety-seven thousand four hundred sixty dollars", and insert in lieu thereof the following: "two hundred eleven thousand two hundred fifty dollars".

Amendment No. 62.

On page 16, line 38, of the printed bill, strike out the figure "\$197,460.00", and insert in lieu thereof the figure "\$211,250.00".

Amendment No. 63.

On page 16, lines 44, 45 and 46, of the printed bill, strike out the following: "four hundred thirty-seven thousand one hundred twenty dollars", and insert in lieu thereof the following: "five hundred five thousand three hundred five dollars".

Amendment No. 64.

On page 16, line 50, of the printed bill, strike out the figure "\$437,120.00", and insert in lieu thereof the figure "\$505,305.00".

Amendment No. 65.

On page 17, lines 6, 7 and 8, of the printed bill, strike out the following: "four hundred fifty-four thousand three hundred fifty dollars", and insert in lieu thereof the following: "five hundred twenty-two thousand five hundred fifty dollars".

Amendment No. 66.

On page 17, line 12, of the printed bill, strike out the figure "\$454,350.00", and insert in lieu thereof the following: "\$522,550.00".

Amendment No. 67.

On page 17, lines 19, 20 and 21, of the printed bill, strike out the following: "six hundred twenty-two thousand three hundred fifty dollars", and insert in lieu thereof the following: "six hundred fifty-eight thousand six hundred seventy-five dollars".

Amendment No. 68.

On page 17, line 24, of the printed bill, strike out the figure "\$622,350.00", and insert in lieu thereof the following: "\$658,675.00".

Amendment No. 69.

On page 17, lines 30, 31 and 32, of the printed bill, strike out the following: "two hundred eighty-two thousand one hundred sixty dollars", and insert in lieu thereof the following: "three hundred twenty-one thousand seventy dollars".

Amendment No. 70.

On page 17, line 36, of the printed bill, strike out the figure "\$282,160.00", and insert in lieu thereof the following: "\$321,070.00".

Amendment No. 71.

On page 17, lines 42, 43 and 44, of the printed bill, strike out the following: "one hundred fifty-six thousand seven hundred fifty-one and twenty one-hundredths dollars \$156,751.20", and insert in lieu thereof the following: "one hundred sixty-two thousand nine hundred fifty-seven and seventy one-hundredths dollars \$162,957.70".

Amendment No. 72.

On page 18, lines 6, 7 and 8, of the printed bill, strike out the following: "three hundred sixty-four thousand eighty-five and eighty one-hundredths dollars \$364,085.80", and insert in lieu thereof the following: "three hundred seventy eight thousand three hundred thirteen and thirty one-hundredths dollars \$378,313.30".

Amendment No. 73.

On page 18, line 18, of the printed bill, strike out the following: "twenty-five thousand dollars \$25,000.00", and insert in lieu thereof the following: "sixty-five thousand dollars \$65,000.00".

Amendment No. 74.

On page 18 of the printed bill, following line 21, insert the following:
"Item 174½—For additional support of California Polytechnic School forty-nine thousand one hundred dollars, payable out of the balance of any moneys remaining in the "Fair and exposition fund" after the deductions have been made, as provided in section 13 of Chapter 769, Statutes of 1933, or as the same may be amended \$49,100.00".

Amendment No. 75.

On page 18, lines 27, 28 and 29, of the printed bill, strike out the following: "eleven million nine hundred seventy-four thousand one hundred thirty-three dol-

lars", and insert in lieu thereof the following "twelve million nine hundred three thousand four hundred ninety-eight dollars".

Amendment No. 76.

On page 18, line 35, of the printed bill, strike out the figure "\$11,974,133.00", and insert in lieu thereof the following: "\$12,903,498.00".

Amendment No. 77.

On page 18, line 46, of the printed bill, strike out the following: "provided, how", and strike out all of lines 47 to 52, inclusive, and insert in lieu thereof the figure "\$1,918,450.00".

Amendment No. 78.

On page 19 of the printed bill, between lines 16 and 17, insert the word

"MISCELLANEOUS"

Amendment No. 79.

On page 19, lines 19, 20 and 21, of the printed bill, strike out the following: "two million nine hundred two thousand twenty-four and eighty-two one-hundredths dollars", and insert in lieu thereof the following: "three million one hundred two thousand twenty-four and eighty-two one-hundredths dollars".

Amendment No. 80.

On page 19, line 22, of the printed bill, strike out the figure "\$2,802,024.82", and insert in lieu thereof the following: "\$3,152,024.82".

Amendment No. 81.

On page 19, line 39, of the printed bill, strike out the words "five hundred thousand".

Amendment No. 82.

On page 19, line 42, of the printed bill, after the word "emergencies", strike out the comma, and insert in lieu thereof a semicolon.

Amendment No. 83.

On page 19, line 43, of the printed bill, after the word "made", insert the following: "from the emergency fund".

Amendment No. 84.

On page 19, line 48, of the printed bill, strike out the figure "\$1,500,000.00", and insert in lieu thereof the figure \$1,000,000.00".

Amendment No. 85.

On page 19 of the printed bill, following line 53, insert the following: "Item 185). For special emergency fund, five hundred thousand dollars \$500,000.00 (exempt from section 4 of this act) to be expended only on written authorization of the State Department of Finance for augmentation of the appropriations for support of the State prisons, State hospitals, and other State institutions, when and if commodity prices increase during the eighty-seventh and eighty-eighth fiscal years".

Amendment No. 86.

On page 20, line 8, of the printed bill, strike out the figure "677a", and insert in lieu thereof the figure "677.5".

Amendment No. 87.

On page 20, line 14, of the printed bill, strike out the following: "80 and 82 of the Military Code", and insert in lieu thereof the following: "130 and 142 of the Military and Veterans Code".

Amendment No. 88.

On page 21, line 8, of the printed bill, strike out the figure "677a", and insert in lieu thereof the figure "677.5".

Amendment No. 89.

On page 3 of the printed bill, strike out all of lines 36 and 37, and insert in lieu thereof the following: "three hundred nineteen thousand one hundred twenty dollars \$319,120.00".

Amendment No. 90.

On page 15, line 38, of the printed bill, strike out the following: "five thousand dollars \$5,000.00", and insert in lieu thereof the following: "seven thousand four hundred dollars \$7,400.00".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 236—An act amending section 3 of an act entitled: "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State

structure, building, road, or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,' relative to bidding on public contracts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 95—An act to amend sections 356, 382 and 422 of, and to add sections 601, 602, 602.5, 602.6, 602.7, 604, 610, 612, 613, 614, 615, 617, 618, 621, 624, 625, 626, 627, 632, 633, 634, 635, 637, 639, 644, 645, 646, 647, 648, 649, 650, 651 and 652 of the Streets and Highways Code, establishing additional secondary State highways.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Senate Bill No. 95 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 1, 2, 3, 4 and 5 of the title, and insert in lieu thereof the following:

"An act to amend sections 356, 407, 448 and 422 of, and to add sections 601, 602, 602.5, 602.6, 602.7, 604, 610, 612, 615, 617, 618, 621, 624, 625, 626, 627, 632, 637, 639, 639.1, 639.2, 639.3, 644, 645, 646, 648, 649, 650 and 651 to".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 12 and 13, and insert in lieu thereof the following:

(d) Russian River near Jenner to Westport.

(e) Petrolia to Route 1 near Fernbridge via Ferndale."

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 14 to 17, inclusive.

Amendment No. 4.

On page 1, line 18, of the printed bill, as amended, strike out the words and figures "Sec. 3.", and insert in lieu thereof the following: "Sec. 2."

Amendment No. 5.

On page 1, line 21, of the printed bill, as amended, strike out all of the words after the word "Merced", and insert in lieu thereof a period.

Amendment No. 6.

On page 2, line 1, of the printed bill, as amended, strike out the words and figures "Sec. 4.", and insert in lieu thereof: "Sec. 3."

Amendment No. 7.

On page 2, line 6, of the printed bill, as amended, strike out the words and figures "Sec. 5.", and insert in lieu thereof: "Sec. 4."

Amendment No. 8.

On page 2 of the printed bill, as amended, strike out lines 11 to 16, inclusive, and insert in lieu thereof the following:

"Sec. 5. Section 407 of the Streets and Highways Code is hereby amended to read as follows:

407. Route 107 is from:

(a) Route 75 near Walnut Creek to Route 108 near Scott's Corners.

(b) A point near Sunol, on the highway described in subdivision (a) of this section, to Route 69 (East Shore Highway) near Newark.

Sec. 6. Section 602.5 is hereby added to the Streets and Highways Code to read as follows:

602.5. There is hereby added to the State highway system a new route, or portion of route, from Route 56 near Colma to Los Altos."

Amendment No. 9.

On page 2 of the printed bill, as amended, strike out lines 17 to 34, inclusive, and insert in lieu thereof the following:

"Sec. 7. Section 448 of the Streets and Highways Code is hereby amended to read as follows:

448. Route 148 is from Route 56 near Guadalupe to Route 80 near Los Olivos via Santa Maria and Foxen Canyon.

SEC. 7a. Section 602.6 is hereby added to the Streets and Highways Code to read as follows:

602.6. There are hereby added to the State highway system the following new routes or portions of routes:

(a) From Route 148, as described in section 7 of this act, to Route 57 near the mouth of Buckhorn Creek.

(b) From Route 56 near Lompoc to Route 2 near Buellton on the south side of Santa Ynez River.

(c) From Route 80 near San Marcos Pass to El Camano Cade via the Painted Caves.

(d) From Route 80 to Paradise Camp via Santa Ynez River.

(e) From Route 80 via Kinevan Road to Route 80."

Amendment No. 10.

On page 2 of the printed bill, as amended, strike out lines 39 to 52, inclusive, and on page 3, strike out lines 1 to 8, inclusive, and insert in lieu thereof the following:

"(a) From Route 2 near east city limits of Santa Barbara to Route 80 via Hot Springs Avenue.

(b) From Route 2 near Montecito Inn to the highway described in subdivision (a) of this section via Olive Mill Road.

(c) From Route 2 near Dutch Inn to the highway described in subdivision (a) of this section via Middle Road.

(d) From Route 2 to Route 80 via San Ysidro Road.

(e) From Route 2 west of Ortega Hill to Route 80 via Sheffield Drive.

(f) From Route 2 to Route 80 via Torro Canyon Road.

(g) From Route 2 to Route 80 via Nidever Road.

(h) From Route 2 to Route 80 via Cravens Lane.

(i) From Route 2 near Carpinteria to Route 80 via Santa Monica Road.

(j) From Route 2 to Route 80 via Linden Avenue.

(k) From Route 2 to Route 80 via Casitas Pass Road."

Amendment No. 11.

On page 3 of the printed bill, as amended, strike out lines 24 to 34, inclusive.

Amendment No. 12.

On page 3 of the printed bill, as amended, strike out lines 35 to 41, inclusive, and insert in lieu thereof the following:

"Sec. 9. Section 615 is hereby added to the Streets and Highways Code to read as follows:

615. There is hereby added to the State highway system a new route, or portion of route, from Route 1 near Longvale to Dos Rios."

Amendment No. 13.

On page 3, line 42, of the printed bill, as amended, strike out the words and figures "Sec. 11.", and insert in lieu thereof: "Sec. 10."

Amendment No. 14.

On page 3 of the printed bill, as amended, strike out line 46, and insert in lieu thereof the following:

"Route 127 east of Owens Lake."

Amendment No. 15.

On page 3, line 47, of the printed bill, as amended, strike out the words and figures "SEC. 12.", and insert in lieu thereof: "SEC. 11."

Amendment No. 16.

On page 4, line 1, of the printed bill, as amended, strike out the words and figures "SEC. 13.", and insert in lieu thereof: "SEC. 12."

Amendment No. 17.

On page 4 of the printed bill, as amended, strike out lines 15 to 19, inclusive, and insert in lieu thereof the following: "a new route, or portion of route, from Route 187 near Calipatria to Route 12 near Seeley via Westmoreland."

Amendment No. 18.

On page 4 of the printed bill, as amended, strike out lines 23 to 26, inclusive, and insert in lieu thereof the following: "a new route, or portion of route, from Route 202 easterly through Heber to Route 187."

Amendment No. 19.

On page 4 of the printed bill, as amended, strike out lines 30 to 33, inclusive, and insert in lieu thereof the following: "a new route, or portion of route, from Route 26 to Route 187 via Keystone Road."

Amendment No. 20.

On page 4 of the printed bill, as amended, strike out lines 36 to 52, inclusive, strike out all of page 5, and on page 6, strike out lines 1 to 29, inclusive, and insert in lieu thereof the following:

"632. There are hereby added to the State highway system the following routes, or portion of routes:

- (a) From Route 2 near Solana Beach to Route 77 near Escondido.
- (b) From Route 200 near Campo to Route 12 near Buckman Springs.
- (c) From Route 2 at National City to Route 200 via Otay Lake.
- (d) From Route 2 near Otay to the highway described in subdivision (c) of this section via Lower Otay Dam.
- (e) From Route 2 in Chula Vista to the highway described in subdivision (c) of this section near Cockatoo Grove.
- (f) From Route 2 in National City to Route 200 via Eighth Street in National City.
- (g) From the highway described in subdivision (c) of this section near Bonita to Route 200 near Spring Valley.
- (h) From the highway described in subdivision (c) of this section to the highway described in subdivision (d) of this section west of Lower Otay Lake.
- (i) From Route 12 near El Cajon to Route 200."

Amendment No. 21.

On page 6, line 30, of the printed bill, as amended, strike out the words and figures "SEC. 18.", and insert in lieu thereof: "SEC. 15."

Amendment No. 22.

On page 6 of the printed bill, as amended, strike out lines 33 and 34, and insert in lieu thereof the following: "a new route, or portion of route, from Route 78 near Warners Hot Springs to Route 198 near Sentenac Canyon."

Amendment No. 23.

On page 6, line 35, of the printed bill, as amended, strike out the words and figures "SEC. 19.", and insert in lieu thereof: "SEC. 16."

Amendment No. 24.

On page 6 of the printed bill, as amended, strike out lines 37 to 52, inclusive, strike out all of page 7, and on page 8, strike out lines 1 to 3, inclusive, and insert in lieu thereof the following:

"639. There are hereby added to the State highway system the following routes, or portions of routes:

- (a) From Route 68 at Army Street to Route 56 via Army Street, San Jose Avenue, Bernal Avenue, San Jose Avenue and Alemany Boulevard.
- (b) From Route 2 at Fell Street and Van Ness Avenue southerly to Army Street.
- (c) From Route 68 at Tenth Street and Bryant Street to the highway described in subdivision (b) of this section.
- (d) From Route 56 to Harrison Street via Duboce Avenue.
- (e) From Portola Drive to Twenty-sixth Street via Clipper Street.
- (f) From Route 2 near the Presidio to the highway described in subdivision (a) of this section via Divisional Highway.

SEC. 17. Section 639.1 is hereby added to the Streets and Highways Code to read as follows:

639.1. There are hereby added to the State highway system the following routes, or portions of routes:

- (a) From Route 56 near Point Reyes to Route 8 near Black Point via Novato.
- (b) From Route 56 at Marin-Sonoma County line to Route 56 near Jenner.
- (c) From Route 104 near Sebastopol to Route 56.
- (d) From Route 104 near Guerneville to Route 1 near Healdsburg.

SEC. 18. Section 639.2 is hereby added to the Streets and Highways Code to read as follows:

639.2. There are hereby added to the State highway system the following routes or portions of routes:

- (a) From Route 49 near Middletown to Route 102 via Butts Canyon.
- (b) From Route 89 near Kelseyville to Route 49 near Lower Lake.

SEC. 19. Section 639.3 is hereby added to the Streets and Highways Code, to read as follows:

639.3. There is hereby added to the State highway system the following route, or portions of route, from Route 1 south of Crescent City to Enderls Beach."

Amendment No. 25.

On page 8, line 8, of the printed bill, as amended, after the word "River", strike out the words "on a water grade.", and insert in lieu thereof a period.

Amendment No. 26.

On page 8 of the printed bill, as amended, strike out lines 19 to 23, inclusive.

Amendment No. 27.

On page 8, line 24, of the printed bill, as amended, strike out the words and figures "Sec. 24.", and insert in lieu thereof: "Sec. 23."

Amendment No. 28.

On page 8 of the printed bill, as amended, strike out lines 28 to 33, inclusive, and insert in lieu thereof the following:

"(a) From Route 3 near North Sacramento to the Sacramento-Sutter County line via Rio Linda Boulevard.

(b) From Route 11 near Paintersville Bridge to Walnut Grove via east side Sacramento River."

Amendment No. 29.

On page 8, line 31, of the printed bill, as amended, strike out the words and figures "Sec. 25.", and insert in lieu thereof: "Sec. 24."

Amendment No. 30.

On page 8, line 39, of the printed bill, as amended, strike out the words and figures "Sec. 26.", and insert in lieu thereof: "Sec. 25."

Amendment No. 31.

On page 8, line 44, of the printed bill, as amended, strike out the words and figures "Sec. 27.", and insert in lieu thereof: "Sec. 26."

Amendment No. 32.

On page 9 of the printed bill, as amended, strike out lines 1 to 14, inclusive, and insert in lieu thereof the following:

"(a) From the northwesterly city limits of Glendale to the southeasterly city limits thereof via Brand Boulevard and Glendale Boulevard.

(b) From Route 165 near Los Angeles River to Route 161 via Arroyo Seco and Broadway Avenue in Pasadena."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1001—An act to amend section 341 of the Agricultural Code, relating to inspection of marks and brands.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Senate Bill No. 1001 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended in Senate March 27, 1935, strike out "341", and insert in lieu thereof "348".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended in Senate March 27, 1935, after the word "to", insert the words "licenses and moneys collected for".

Amendment No. 3.

On page 1 of the printed bill, as amended in Senate March 27, 1935, strike out all of lines 21 to 25, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 348 of the Agricultural Code is hereby amended to read as follows:

348. The director shall grant to every applicant, who complies with the provisions of this article, a license to slaughter cattle and sell the meat thereof for the unexpired portion of the current calendar year. Applicants for such license shall pay to said director the following annual fee in advance: Applicants who slaughter less than ten head per month, five dollars; applicants who slaughter ten or more and less than fifty head per month, ten dollars; applicants who slaughter fifty or more head per month, twenty-five dollars. One-fourth of said fee shall be paid for a quarter of a year, but in no case shall the fee be less than two dollars for a fractional part of the year.

The director shall refuse to issue a license to any applicant applying to slaughter in an unclean or insanitary slaughterhouse."

Amendment No. 4.

On page 2 of the printed bill, as amended in Senate March 27, 1935, strike out all of lines 1 to 15, inclusive.

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 638—An act to amend sections 997, 1009, 1116, 1117, 1166, 1188, 1262, 1297, 1302, 1371, and 1384, of the Penal Code, relating to refund of money deposited in lieu of bail, and to repeal conflicting acts and parts of acts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2455—An act to add sections 18 and 19 to an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to concealable weapons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1400—An act to amend section 667 of the Penal Code, relating to the punishment of petty theft after a prior conviction of a felony.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1392—An act to amend the title of, and to revise the act known as, the State Civil Service Act, relating to State civil service, including the adaptation of Article XXIV of the State Constitution and the extension of certain of the provisions of the act to apply to officers and employees of the State who are not in the State civil service, declaring the urgency of this act and providing that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Civil Service, the following amendments to Assembly Bill No. 1392 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 1 to 6, inclusive, of the title, and insert in lieu thereof the following:

"An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution, and providing for the reporting of appointments and certification of estimates, pay rolls and accounts of other officers and employees of the State and declar-".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following:

"SECTION 1. It is the intent and purpose of this act:

(a) To provide a general system based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment in the State civil service and in that behalf to carry out the provisions of Article XXIV of the Constitution.

(b) To provide a comprehensive personnel system for the State civil service following scientific principles of".

Amendment No. 3.

On page 1, line 17, of the printed bill, as amended, after "through", insert the following: "a practical and competitive".

Amendment No. 4.

On page 1, line 18, of the printed bill, as amended, after "State", insert the following: "civil service".

Amendment No. 5.

On page 2, line 1, of the printed bill, as amended, after "of the", insert the following: "State civil service".

Amendment No. 6.

On page 2, line 4, of the printed bill, as amended, after "among", insert the following: "State civil service".

Amendment No. 7.

On page 2, line 6, of the printed bill, as amended, after "of", insert the following: "said".

Amendment No. 8.

On page 2, line 7, of the printed bill, as amended, after "of", insert the following: "civil service".

Amendment No. 9.

On page 2, line 10, of the printed bill, as amended, strike out "the", and insert in lieu thereof the following: "(c)".

Amendment No. 10.

On page 2 of the printed bill, as amended, strike out lines 13 to 28, inclusive, and insert in lieu thereof the following:

"SEC. 2. The provisions of this act, other than section 95 hereof, apply only to persons in the State civil service."

Amendment No. 11.

On page 2, line 39, of the printed bill, as amended, strike out "under State authority", and insert in lieu thereof the following: "in the State civil service".

Amendment No. 12.

On page 3 of the printed bill, as amended, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following: "an eligible list.

The provisions of this section shall have no application to any person mentioned in subdivision (c) of section 5 of Article XXIV of the Constitution nor to any person mentioned in sections 91, 92 or 93 hereof."

Amendment No. 13.

On page 3, line 6, of the printed bill, as amended, strike out "successfully passed", and insert in lieu thereof the following: "completed".

Amendment No. 14.

On page 3, line 7, of the printed bill, as amended, after "period", add the following: "Also, persons mentioned in subdivision (c) of section 5 of Article XXIV of the Constitution and also persons mentioned in section 71a hereof have and since two months after the effective date of Article XXIV of the Constitution have had permanent status and persons mentioned in sections 91, 92, and 93 hereof likewise will have permanent status from the effective date hereof."

Amendment No. 15.

On page 3, lines 8 and 9, of the printed bill, as amended, strike out "established by the board".

Amendment No. 16.

On page 3, line 19, of the printed bill, as amended, strike out "are", and insert in lieu thereof the following: "have been lawfully".

Amendment No. 17.

On page 3, line 21, of the printed bill, as amended, after "agency", strike out the comma, and insert in lieu thereof a period, and strike out the following: "under the provisions of this act."

Amendment No. 18.

On page 3, line 23, of the printed bill, as amended, strike out "are", and insert in lieu thereof the following: "have been lawfully".

Amendment No. 19.

On page 3, lines 24 and 25, of the printed bill, as amended, after "department", strike out the comma, and insert in lieu thereof a period; and strike out "under the provisions of this act."

Amendment No. 20.

On page 4 of the printed bill, as amended, strike out lines 28 to 51, inclusive, and on page 5, strike out lines 1 to 9, inclusive, and in lieu thereof insert the following:

"SEC. 26. (a) The board shall classify positions to be held in the State civil service in accordance with the duties and responsibilities attached to such positions and may establish qualifications for each such class.

(b) Classes of positions heretofore existing are hereby continued in force subject to change under subdivision (c) hereof.

(c) Classes of positions may from time to time be amended, added to, consolidated, or abolished by the board, in which event persons holding positions under the original classification shall be allocated to the appropriate new class with the same status and salary and substantially the same duties as possessed in the old class, save that the board by unanimous vote of all five members thereof in order to allocate individuals then serving in the State civil service to the new classification may reduce the salary or materially change the duties of any such individual. In the latter event, the employee shall also be placed on the departmental and general lay off lists for the old class or a comparable class in such new classification plan.

SEC. 27. (a) To the end that like salaries shall be paid for like and comparable duties and responsibilities, the board shall establish salary ranges consisting of minimum and maximum salary limits and intermediate steps for each class in its classification of positions, and shall provide by rule for advancement of salary within each such range.

(b) The board shall from time to time adjust the salary ranges to suit the needs of the service, current economic conditions, and to make salaries in the State civil service consistent with those paid for comparable work in industry or other governmental jurisdictions, but no such adjustment shall reduce the salary of any individual then serving in the State civil service unless such action be concurred in by unanimous vote of all five members of the board.

SEC. 28. Every appointing power otherwise authorized by law to fix the compensation of any person in the State civil service must fix said compensation in accordance with the classification and salary range prescribed by the board and at a figure within such range as the board may approve."

Amendment No. 21.

On page 5, line 10, of the printed bill, as amended, after "hold", insert the following: "entrance".

Amendment No. 22.

On page 5, line 12, of the printed bill, as amended, strike out "under this act", and insert in lieu thereof the following: "in the State civil service".

Amendment No. 23.

On page 5, line 13, of the printed bill, as amended, after "examined.", add the following: "No person listed after any examination under this section shall be certified for appointment to a position until all persons on any list in section 37 hereof mentioned and existing at the time of the listing under this section and qualified by law for certification to such position have been exhausted or all such lists lawfully abolished, save that every person mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution shall be allowed to take an examination to determine eligibility for certification and appointment to the position held by such person on the effective date of said article. The examination last mentioned shall be held as soon as practical after the effective date hereof, upon notice to said persons mailed to the last known address of each such person as shown by the records of any State department or agency and upon tests not differing materially in character from heretofore existing practice, and successful candidates at such examination who held a position on the effective date of said article as aforesaid shall be placed on the appropriate eligible list for certification and appointment to such position or any position of a like class above all other persons on any such list."

Amendment No. 24.

On page 5 of the printed bill, as amended, strike out line 14, and insert in lieu thereof the following:

"Sec. 30. All such examinations shall be practical, open, and competitive in their char-".

Amendment No. 25.

On page 5 of the printed bill, as amended, strike out lines 18 to 20, inclusive, and insert in lieu thereof the following:

"Sec. 31. The board shall give public notice that such examination will be held by posting a notice thereof in at least three public places in the city or township wherein the examination is to be held for at least ten days preceding the holding of such examination. Such notice shall include informa-".

Amendment No. 26.

On page 5, lines 31 and 32, of the printed bill, as amended, strike out "in connection with applications", and insert in lieu thereof the following: "for the purpose of determining the fitness and qualifications of applicants".

Amendment No. 27.

On page 5 of the printed bill, as amended, strike out lines 39 to 42, inclusive, and insert in lieu thereof the following:

"Sec. 34. (a) The grade or rating of candidates shall be based on such tests of qualifications as the board may determine.

(b) Where both oral and written examinations are to be given, and after candidates have taken one such examination, whichever is given first, the board in the interests of economy or by the needs of the service may limit the number of candidates taking such examination first given who will be permitted to take the second examination. Further, in all cases the board may limit by the needs of the service the number of candidates passing all tests who shall be placed on the eligible list."

Amendment No. 28.

On page 5, line 50, of the printed bill, as amended, strike out "guilty", and insert in lieu thereof the following: "convicted".

Amendment No. 29.

On page 5, line 52, of the printed bill, as amended, between "or", and "and" insert the following: "has been guilty".

Amendment No. 30.

On page 6, line 1, of the printed bill, as amended, after "Service", insert the following: "after reasonable notice and opportunity to the accused to be heard".

Amendment No. 31.

On page 6, line 24, of the printed bill, as amended, after "employer", strike out the period and add the following: "But whenever a district or male and female list be so established, all persons on then existing appropriate eligible lists shall be allocated to such separate lists preserving their respective priority, subject to the allocation, on such separate lists.

The provisions of this subdivision shall have no application to any class or class of position other than classes wherein the entrance or minimum salary is less than one hundred seventy-five dollars per month or from which eligibles after certification and appointment are paid only on a per diem basis.

(b) All eligible lists heretofore or hereafter established shall continue in force and effect for at least one year from the date established but may be abolished for cause by order of the board at any time thereafter.

(c) The lists for each class from which a person may be certified and appointed to a position shall be given preference in the following order: Departmental lay off list, promotional eligible list, general lay off list, and eligible list".

Amendment No. 32.

On page 6 of the printed bill, as amended, strike out line 34, and insert in lieu thereof the following: "tions in the State civil service not otherwise filled by promotion, reinstatement under subdivision (a) of section 43 hereof, transfer".

Amendment No. 33.

On page 6, line 35, of the printed bill, as amended, strike out "under the provisions of this act,".

Amendment No. 34.

On page 6, line 48, of the printed bill, as amended, after "highest", add the following: "thereon".

Amendment No. 35.

On page 6, line 49, of the printed bill, as amended, after "appointed", strike out the period, and insert in lieu thereof a semicolon, and add the following: "provided further, that if there is no departmental lay off list for the class to which the posi-

tion belongs but there be a general lay off list for the class to which the position belongs, only the names of the three persons standing highest on such general lay off list shall be certified but in case there shall be less than three persons on such general lay off list the board shall certify the number thereon."

Amendment No. 36.

On page 6, line 51, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 37.

On page 7, line 11, of the printed bill, as amended, after "employment.", add the following: "Appointments from the departmental lay off list or the general lay off list to a position comparable to the one held prior to the lay off wherein probation was completed shall require no additional probationary period, and in cases where probation was not completed the board may assign such probationary period, taking into consideration the former probation served, as it may deem just. As to appointments made from any list herein mentioned prior to the effective date hereof, where the probationary period has not been completed the probationary period of such persons shall be for such length of time and under such conditions as heretofore provided by law at the time of the appointment. The probationary term of all persons mentioned in subdivision (c) of section 5 of Article XXIV of the Constitution is hereby fixed to facilitate the operation of said article at two months from the effective date of said article."

Amendment No. 38.

On page 7 of the printed bill, as amended, strike out lines 13 and 14, and insert in lieu thereof the following: "during the probationary period for reasons relating to the employee's qualifications or the good of the service, truthful within the knowledge of the appointing power, stated by the appointing power in writing and filed with and approved or ratified by the board. Any person certified and appointed from a promotional eligible list, if dismissed under section 38 hereof while serving the probationary period in the promotional position, shall be placed on the departmental and general lay off list for the class from which promoted."

Amendment No. 39.

On page 7 of the printed bill, as amended, strike out lines 16 to 18, inclusive, and insert in lieu thereof the following: "tionary period, he shall acquire permanent status. Dismissed probationers may be".

Amendment No. 40.

On page 7 of the printed bill, as amended, between lines 33 and 34, add the following:

"Sec. 40.5. The board, under rules and regulations promulgated by it, may certify temporary employees from any list in section 37 hereof mentioned to a position for such period of time, not exceeding the probationary period for the class to which the position belongs, as the board may deem proper. Temporary employees shall be subject to such conditions affecting status and tenure during and after such employment as the board may determine."

Amendment No. 41.

On page 7, line 40, of the printed bill, as amended, after "efficiency.", add the following: "Promotional eligible lists heretofore or hereafter established may be abolished by the board at any time. No person listed under this section shall be certified for appointment to a position until all persons on any such list at the time of the listing under this section and qualified by law for certification to such position have been exhausted or all such lists lawfully abolished."

Amendment No. 42.

On page 7, line 43, of the printed bill, as amended, before "position", insert the following: "vacant".

Amendment No. 43.

On page 7, line 46, of the printed bill, as amended, after "range.", add the following: "Transfer involving persons with permanent status shall not require a probationary period, and where affecting a person on probation the previous term shall be counted."

Amendment No. 44.

On page 7, line 47, of the printed bill, as amended, after "43.", add the following: "(a)".

Amendment No. 45.

On page 7, line 52, of the printed bill, as amended, strike out "may be to a", and insert in lieu thereof the following: "must be to a vacant".

Amendment No. 46.

On page 8, line 1, of the printed bill, as amended, before "position", insert the following: "vacant".

Amendment No. 47.

On page 8, line 4, of the printed bill, as amended, after "range", insert the following:

"(b) Every person accepts and holds a civil service position subject to reassignment of another person thereto by order of a court of competent jurisdiction in which case the status of the person displaced shall be determined by the board."

Amendment No. 48.

On page 8, line 5, of the printed bill, as amended, after "44", insert the following: "Upon request of the employee."

Amendment No. 49.

On page 8, line 13, of the printed bill, as amended after the first "of", add the following: "heretofore or hereafter acquired".

Amendment No. 50.

On page 8, line 34, of the printed bill, as amended, after "act" insert the following: "Employees shall have access to their own individual rating or efficiency record upon request."

Amendment No. 51.

On page 8, line 26, of the printed bill, as amended, strike out "positions affected by this act", and insert in lieu thereof the following: "civil service positions".

Amendment No. 52.

On page 8, line 42, of the printed bill, as amended after "removals" strike out the period and add the following: "for cause under section 58 hereof."

Amendment No. 53.

On page 8, line 46, of the printed bill, as amended, strike out "prescribed thereunder", and insert in lieu thereof the following: "of the board".

Amendment No. 54.

On page 9 of the printed bill, as amended, strike out lines 5 to 10, inclusive.

Amendment No. 55.

On page 10, line 8, of the printed bill, as amended, strike out "courts", and insert in lieu thereof the following: "court".

Amendment No. 56.

On page 10 of the printed bill, as amended, strike out lines 11 to 25, inclusive, and insert in lieu thereof the following:

"Sec. 53. Witnesses before the board or its authorized agents shall be entitled to the same fees as are allowed witnesses in civil cases in courts of record. An officer serving a subpoena to secure the attendance of such a witness shall receive the same fees therefor as for the service by him of a subpoena for the attendance of a witness before a court of record. Such fees save where the service is requested by the accused need not be prepaid. The Controller shall draw his warrant for the payment of the amount thereof when the same shall have been certified by the board and duly proved by affidavit or otherwise to the satisfaction of the Controller."

Amendment No. 57.

On page 10, line 31, of the printed bill, as amended, strike out the following: "effects of this act", and insert in lieu thereof the following: "operation of this act and of Article XXIV of the Constitution".

Amendment No. 58.

On page 10 of the printed bill, as amended, strike out lines 33 and 34 and insert in lieu thereof the following: "may deem practical for the improvement of the State civil service or administration thereof."

Amendment No. 59.

On page 10, line 44, of the printed bill, as amended, strike out "prescribed from time to time thereunder", and insert in lieu thereof the following: "of the board".

Amendment No. 60.

On page 10, line 49, of the printed bill, as amended, strike out "Every", and insert in lieu thereof the following: "Furthermore, to carry out said duty, every".

Amendment No. 61.

On page 11, line 7, of the printed bill, as amended, strike out "of this act", and insert in lieu thereof the following: "of all laws relating to the State civil service".

Amendment No. 62.

On page 11, line 17, of the printed bill, as amended, strike out "person", and insert in lieu thereof the following: "permanent employee".

Amendment No. 63.

On page 11, line 32, of the printed bill, as amended, after the period, add the following:

"No dismissal for physical or mental disability shall deprive any employee of any right he may have for retirement for disability under the State Employees' Retirement System."

Amendment No. 64.

On page 11 of the printed bill, as amended, strike out lines 34 to 36, inclusive, and insert in lieu thereof the following: "by him to be in charge of the work of the employee or the board after an investigation and a concurrence of a majority of the members of the board may file charges against any person employed in the".

Amendment No. 65.

On page 11, line 37, of the printed bill, as amended, strike out "dismissal", and insert in lieu thereof the following: "removal".

Amendment No. 66.

On page 11, line 38, of the printed bill, as amended, strike out "this act", and insert in lieu thereof the following: "section 58 hereof".

Amendment No. 67.

On page 12, line 2, of the printed bill, as amended, strike out the second "the", and insert in lieu thereof the following: "such".

Amendment No. 68.

On page 12, line 4, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "or".

Amendment No. 69.

On page 12, line 8, of the printed bill, as amended, after "answer", insert the following: "explanation or request".

Amendment No. 70.

On page 12, line 12, of the printed bill, as amended, after "opportunity", add the following: "to appear in person or by counsel and".

Amendment No. 71.

On page 12, line 15, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "or".

Amendment No. 72.

On page 12 of the printed bill, as amended, strike out lines 20 to 43, inclusive, and insert in lieu thereof the following:

"SEC. 62. (a) It shall be the duty of the board to subpoena witnesses for the accuser and for the accused. Where the board is the accuser, and where any other person is the accuser, upon approval of the board, the cost of service of subpoena and the fees of witnesses subpoenaed for such accuser shall be a lawful charge against moneys appropriated for the support of the board. The cost of service of subpoena and the fees of witnesses subpoenaed for the accused shall be borne by said accused, but if the decision is favorable to the accused the board may authorize the payment thereof from moneys appropriated for the support of the board.

(b) Such hearings may be held by the board or any authorized agent thereof. The board shall furnish a competent shorthand reporter to report all evidence submitted and matters transpiring at such hearing. The board shall consider carefully the evidence submitted at the hearing and within thirty days after the completion thereof render a decision by concurrence of a majority of the members thereof which they may deem just and proper. If adverse to the accused, such decision shall provide that the punitive action therein taken shall date from and commence with the date of the service of charges upon the employee.

SEC. 63. (a) The board shall enter its decision upon the minutes of the board and the official roster of employees and serve a copy thereof on both the appointing power and the accused, either personally or by registered mail directed, in the case of the accused, to his last known address. The service shall be deemed complete, in the case of mailing, when a copy of the decision is placed in a sealed envelope directed as aforesaid, and deposited in the United States registered mail.

(b) When the service is complete, each decision or order of the board is final and conclusive, save only that it is subject to review by a court of competent jurisdiction in a proceeding brought in accordance with the provisions of Chapter I of Title I of Part III of the Code of Civil Procedure, which proceeding must be commenced within sixty days from and after the date of the service of the decision. As to such a decision heretofore rendered, such proceeding may be commenced within

sixty days from and after the effective date of this act unless the time otherwise prescribed therefor has expired prior to said date."

Amendment No. 73.

On page 12, line 46, of the printed bill, as amended, after "employee", insert the following: "to a vacant position".

Amendment No. 74.

On page 13, line 19, of the printed bill, as amended, strike out "thereunder", and insert in lieu thereof: "of the board".

Amendment No. 75.

On page 13, line 36, of the printed bill, as amended, after "resulting", add: "departmental".

Amendment No. 76.

On page 14 of the printed bill, as amended, between lines 36 and 37, add the following:

"SEC. 71a. Any person mentioned in subdivision (c) of section 5 of Article XXIV of the Constitution who after holding for at least two months after the effective date of said article the position held on said date who heretofore has not been or hereafter is deprived of the right to serve thereon or receive the emoluments thereof other than by voluntary separation or removal after charges filed, and hearing held in the manner prescribed in sections 58 to 63 hereof, or in section 14 of the State Civil Service Act heretofore in effect, are hereby constituted the first and highest ranking persons on the departmental lay off list and general lay off list for the class of position to which the position so held belongs. No appointment shall be made nor person permitted to hold or serve in or receive the emoluments of any said position save a person in said subdivision (c) of section 5 of Article XXIV of the Constitution mentioned and from a lay off list in this section mentioned and hereby established until such list is exhausted by voluntary refusal of persons thereon to serve or action taken in the manner prescribed in sections 58 to 63 hereof. No classification of position or fixing of salary or salary range by the board shall adversely affect the status, duties, function or salary of any person in this section mentioned save by unanimous vote of all members thereof."

Amendment No. 77.

On page 15 of the printed bill, as amended, strike out lines 20 to 22, and insert: "against the political subdivision. The board".

Amendment No. 78.

On page 15 of the printed bill, as amended, strike out lines 25 to 27, and insert: "technique of personnel administration."

Amendment No. 79.

On page 15 of the printed bill, as amended, strike out lines 28 to 39.

Amendment No. 80.

On page 15, line 45, of the printed bill, as amended, strike out "prescribed thereunder", and insert: "of the board".

Amendment No. 81.

On page 16, line 8, of the printed bill, as amended, strike out "prescribed thereunder", and insert "of the board".

Amendment No. 82.

On page 16, lines 22 and 23, of the printed bill, as amended, strike out "prescribed pursuant to the provisions of this act", and insert in lieu thereof "of the board".

Amendment No. 83.

On page 16, line 42, of the printed bill, as amended, strike out "under the provisions of this act", and insert "in the State civil service."

Amendment No. 84.

On page 17, line 11, of the printed bill, as amended, strike out "under the provisions of this act", and insert in lieu thereof "in the State civil service".

Amendment No. 85.

On page 17, line 22, of the printed bill, as amended, strike out "under the provisions of this act", and insert in lieu thereof "in the State civil service".

Amendment No. 86.

On page 17, line 26, of the printed bill, as amended, strike out "under the provisions of this act", and insert in lieu thereof "in the State civil service."

Amendment No. 87.

On page 17, lines 27 and 28, of the printed bill, as amended, strike out "under the authority of this act", and insert in lieu thereof the following: "addressed to any person in the State civil service by the board or any appointing power".

Amendment No. 88.

On page 17, lines 30 and 31, of the printed bill, as amended, strike out "under the provisions of this act", and insert in lieu thereof the following: "in the State civil service".

Amendment No. 89.

On page 17, line 48, of the printed bill, as amended, strike out "appointment", and insert in lieu thereof: "certification from an eligible list".

Amendment No. 90.

On page 18 of the printed bill, as amended, strike out lines 31 to 51, and on page 19, strike out lines 1 to 19, and insert the following:

"SEC. 90.5. (a) No action or proceeding shall be brought by any person having or claiming to have a cause of action or complaint or ground for issuance of any writ or legal remedy for wrongs or grievances based under or related to any civil service law of this State or the administration thereof or action of any State officer, agency or employee with respect to any civil service officer or employee, against any appointing power, the State Controller, State Personnel Board or members thereof or any other State officer, agency or employee unless such action or proceeding be commenced within ninety days after such cause of action, or complaint or ground for issuance of any writ or legal remedy first arose or accrued to or vested in such person.

(b) The provisions of this section have no application to charges filed, hearings held and decisions given under sections 58 to 63 hereof which decisions and all matters therein in issue are subject only to review by a court in the manner stated in section 63 hereof.

SEC. 90.8. In no action, proceeding or event shall any person recover or be allowed, awarded or paid any salary, money, compensation or emolument attached to any position in the State civil service for the performance of the duties thereof covering or for a longer period than six months after such person ceased to perform for the State the duties of such position even though such cessation be or be determined or adjudged to have been without fault of such person and unlawful or wrongful in character.

SEC. 91. No person mentioned in section 5, other than subdivision (f) thereof, of Article XXIV of the Constitution of this State and who has been in the employ of the State for not less than six months preceding December 20, 1934, shall after the effective date of this act be dismissed, removed, demoted, suspended, reprimanded, or in any manner disciplined (other than by suspension not exceeding thirty days without loss of position) except after charges filed, hearing held, and procedure taken, all in the way and manner prescribed in section 14 of the State Civil Service Act as said section existed on January 1, 1935, for any such action against the persons in said section 14 mentioned.

SEC. 92. Every person mentioned in section 5, other than subdivision (f) thereof, of Article XXIV of the Constitution of this State, and who has been in the employ of the State for not less than four years preceding December 20, 1934 (reasonable vacations not exceeding thirty days in any one of said years excepted) against whom any appointing power or other officer or person in charge of him, between the effective date hereof and a date two months after the effective date of Article XXIV of the Constitution, has taken or purported to take any action mentioned in section 91 of this act without charges filed, hearing held, and procedure taken, all in the way and manner prescribed in section 14 of the State Civil Service Act as the same existed on January 1, 1935, as aforesaid, shall upon compliance with section 93a hereof be reinstated without regard to such purported action as of the date of such purported action in and to the position he held on the effective date of said Article XXIV of the Constitution; provided, that such person is not entitled to any salary, compensation or emolument for the period during which he was separated from State employment.

SEC. 93. Every person mentioned in section 5, other than subdivision (f) thereof of Article XXIV of the Constitution of this State, and who has been in the employ of the State for not less than four years preceding December 20, 1934, against whom any appointing power or other officer or person in charge of him between the effective date hereof and November 6, 1934, has taken or purported to take any action mentioned in section 91 of this act without charges filed, hearing held and procedure taken, all in the way and manner prescribed in section 14 of the Civil Service Act as the same existed on January 1, 1935, shall upon compliance with section 93a hereof be reinstated without regard to such purported action as of the date of such purported action in and to the position he held at the time of such purported action, provided that such person is not entitled to any salary, compensation or emolument for the period during which he was separated from State

employment. However, this section 93 is separate and distinct from all other portions of this act and is not a consideration or inducement for the enactment of the whole or any other portion of this act. If any of the provisions of this section be for any reason declared invalid, the remainder of this act shall be in full force and effect and as completely operative as if this section had not been included therein.

SEC. 93a. Every person desiring to accept the benefits of sections 92 or 93 of this act must, within thirty days from the effective date of this act, file with the executive officer of the State Personnel Board a notice of his acceptance of reinstatement and a copy thereof with the appointing power or other officer or person theretofore in charge of him and a copy thereof with the State Controller and thereupon his reinstatement shall be complete. Any person failing to file the notice of acceptance provided for in this section shall be deemed to have waived the benefits of sections 92 or 93 of this act. Every such notice of acceptance of reinstatement must contain the name of the employee, the name of the appointing power, the date of the purported dismissal, removal, demotion, suspension, reprimand, or other disciplinary action, the position held, the rate of compensation paid and the elapsed period of time since last paid. Such notice may be filed in person or by registered mail and the copy filed with the State Controller must contain proof of filing such notice with the other persons in this section mentioned."

Amendment No. 91.

On page 19 of the printed bill, as amended, strike out lines 29 to 38, and insert the following:

"SEC. 95. (a) All appointments of officers and employees of the State, except those specified in paragraphs (3), (4), (7), (12) and (14) of subdivision (a) of section 4 of Article XXIV of the Constitution and except the employees of the Governor's office and special agents and investigators appointed by the Attorney General shall be reported immediately to the board, upon forms prescribed by the board.

(b) It shall be unlawful for the Controller or other fiscal officer of the State to draw, sign, issue, or authorize the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the State for the payment of, or for the Treasurer or other disbursing officer to pay, any salary or compensation to any one holding any position under State authority unless the estimate, pay roll or account for such salary or compensation, containing the name of the person to be paid, shall bear the certificate of the board that the persons named in such estimate, pay roll or account are holding positions as provided by law.

The provisions of this subdivision shall have no application to any officer or employee of this State mentioned in paragraphs (3), (4), (7), (12) and (14) of subdivision (a) of section 4 of Article XXIV of the Constitution.

SEC. 95.3. Save only as provided in the last preceding section, no provision of this act is intended nor shall the same be construed to apply to or confer any authority over any officer or employee of this State not included in the State civil service by the provisions of Article XXIV of the Constitution of this State, and particularly does not apply to any of the following:

- (1) State officers elected by the people.
- (2) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office.
- (3) State officers and employees directly appointed or employed by the Attorney General or the Judicial Council; or by any court of record in this State or any justice, judge or clerk thereof.
- (4) State officers and employees directly appointed or employed by the Legislature or either house thereof.
- (5) One person holding a confidential position to any officer mentioned in paragraphs (1), (2) or (4) hereof except that there shall be but one such position to any board or commission composed in whole or in part of officers mentioned in said paragraphs, each such person to be selected by the officer, board or commission to be served.
- (6) One deputy for the Legislative Council and for each State officer elected by the people, each such deputy to be selected by the officer to be served.
- (7) Persons employed by the University of California.
- (8) Persons employed by any State normal school or teachers college.
- (9) The teaching staff of all schools under the direction or jurisdiction of the Superintendent of Public Instruction, the Department of Education or the director thereof or the State Board of Education who otherwise would be members of the State civil service.
- (10) Employees of the Federal Government, or persons whose selection is subject to rules or requirements of the Federal Government, engaged in work done by cooperation between the State and Federal Government or engaged in work financed in whole or in part with Federal funds.
- (11) Persons appointed or employed by or under the State Board of Prison Directors or any warden or a State prison.
- (12) The officers and employees of the Railroad Commission.

(13) Member help in the Veterans' Home of California and inmate help in all State charitable or correctional institutions.

(14) The members of the militia of the State while engaged in military service.

Sec. 95.5. (a) The State Civil Service Act, approved June 16, 1913, as amended, and section 686 of the Political Code are hereby expressly repealed but the provisions of this act in so far as substantially the same as heretofore existing provisions of law shall be construed as continuations thereof and not as new enactments and in particular all rules, regulations, classes, grades, salary ranges, personnel lists, and action taken under either of said acts where not in conflict herewith shall continue in force hereunder with like effect as if done under the authority herein contained.

(b) Section 531 of the Political Code is hereby continued in force with like effect as if this act had not been passed.

(c) All acts and parts of acts not hereinbefore in this section mentioned inconsistent herewith are hereby repealed.

Sec. 96. Notwithstanding any other provision of this act, all actions or proceedings heretofore instituted or commenced before the board or any court and the entire subject matter thereof shall be hereafter governed in all respects exclusively by the law in force at the time of the institution or commencement thereof.

Sec. 97. This act shall be known and may be cited as the "State Civil Service Act of 1935".

Sec. 98. This act is hereby declared to be an urgency."

Amendment No. 92.

On page 20, line 4, of the printed bill, as amended, add the following:

"In addition Article XXIV of the Constitution granted rights thereunder to certain persons in the State service who became subject to its provisions. Existing laws do not adequately recognize or cover the status thus newly created nor do they adequately provide for disciplinary proceedings concerning such persons or the review of such proceedings by an appropriate administrative agency. One purpose of this act is to correct such defects, to avoid multiple suits in connection therewith, unwarranted salary claims against the State, and to facilitate the effective operation of the constitutional amendment and thereby improve the State service and the proper and adequate performance of State functions. It is therefore necessary that this act take effect immediately."

Bill read second time, ordered to reprint, and re-referred to Committee on Civil Service.

Assembly Bill No. 958—An act to amend section 4190 of the Political Code, relating to establishment and government and the creation of a fund for law library.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 958 were read and adopted:

Amendment No. 1.

On page 2, lines 11 and 12, of the printed bill, as amended May 2, 1935, strike out the words: "and maintain branches of the county law library".

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out all of lines 15, 16 and 17.

Amendment No. 3.

On page 1, line 26, of the printed bill, as amended, after the word "establish", insert the following: "and maintain a branch of the county law library in any city having a population of thirty thousand or more, other than the county seat in the same county, which branch shall be in all respects a part of the county law library and shall be established, managed, controlled, regulated and maintained as a part of the county law library."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1167—An act authorizing the Director of Finance to provide for the sale of certain lands situated in county of Yolo, State of California.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 1167 was read and adopted:

Amendment No. 1.

On page 1, line 22, of the printed bill, insert after the figures "20'", the following: "12'".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1134—An act to amend section 2 and section 3 of an act entitled, "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office," approved March 20, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1324—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, relating to clothes cleaning establishments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2433—An act granting to the city of Sausalito certain submerged and tidelands for street, sea wall and other public purposes.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Assembly Bill No. 2433 were read and adopted:

Amendment No. 1.

On page 3, lines 22 and 23, of the printed bill, as amended, strike out the words "not allocated under any cooperative highway agreement and", and insert in lieu thereof the following: "allocated".

Amendment No. 2.

On page 3, line 52, of the printed bill, as amended, strike out the figure "2" and insert in lieu thereof the figure "4".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 150—An act granting to the City and County of San Francisco certain lands of the State of California located in the City and County of San Francisco upon certain trusts and conditions.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 150 were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, strike out all of the description commencing with the word "Beginning", and ending with the word "beginning", in line 21, and insert in lieu thereof the following, to wit:

"Beginning at a point on the westerly line of Lyon Street, if produced in a northerly direction, said line being the easterly boundary of the Presidio U. S. Military Reservation, distant thereon six hundred nine and sixty-two hundredths feet northerly from the northerly line of Marina Boulevard and running thence easterly in a straight line, and parallel with the northerly line of Marina Boulevard, three thousand six hundred forty-eight feet nine inches, more or less, to the westerly line of Webster Street if produced northerly; thence northerly along said line of Webster Street produced one thousand feet; thence at a right angle westerly three thousand six hundred forty-eight feet nine inches, more or less, to the westerly line of Lyon Street produced, and thence southerly along said line of Lyon Street produced one thousand feet, more or less, to the point of beginning."

Amendment No. 2.

On page 2, line 5, of the printed bill, strike out the word "educational", and insert in lieu thereof the word "aquatic".

Amendment No. 3.

On page 2, line 6, of the printed bill, after the period following the word "purposes", insert the following: "Provided, however, that said City and County of San Francisco shall have power to set apart and assign, or lease, any of said property heretofore described for a period not to exceed ten years, to any corporation, club or association organized for the purpose of developing and promoting aquatic sport; provided, that no part of said property shall be set apart and assigned, or leased to any corporation, club or association the object of which is pecuniary profit."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2423—An act granting to the city of Sausalito certain submerged and tidelands for street, sea wall and other public purposes.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 2423 were read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, strike out the following words: "boundary of the said city of Sausalito at", and in line 12, strike out the words "the Fort Baker Military Reservation", and insert in lieu thereof the following: "line of Richardson Street extended easterly for a distance of two hundred feet".

Amendment No. 2.

On page 1, line 15, of the printed bill, as amended, at the end of the line, strike out the period, and insert the words "extended easterly."

Bill read second time, ordered to reprint, and re-referred to Committee on Commerce and Navigation.

Assembly Bill No. 1896—An act to add a new section to the Political Code, to be numbered section 1143, relating to boards of election.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2386—An act to add Chapter 8 to Division VI of the Agricultural Code, relating to the marketing of milk and other dairy products.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 2386 were read and adopted:

Amendment No. 1.

On page 3 of the printed bill, as amended, strike out all of lines 44 to 49, inclusive.

Amendment No. 2.

On page 3, line 50, of the printed bill, as amended strike out "(c)" and insert in lieu thereof "(n)".

Amendment No. 3.

On page 2, line 2, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "commercially."

Amendment No. 4.

Add a new section reading as follows, after line 32 on page 6, of the printed bill, as amended:

"SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

The economic conditions of fluid milk producers throughout the State now such as to require immediate relief if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream. The provisions herein contained are necessary in order to prevent the further demoralization of the fluid milk and fluid cream industries."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 464—An act to amend section 820 of the Agricultural Code, relating to tomatoes.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 464 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended in Assembly May 14, 1935, strike out the word "insect", and insert in lieu thereof the following: "visible evidence of pin worm injury such as open borings or presence of frass, present."

Amendment No. 2.

On page 1 of the printed bill, as amended in Assembly May 14, 1935, strike out all of lines 18 to 24, inclusive.

Amendment No. 3.

On page 2, line 1, of the printed bill, as amended in Assembly May 14, 1935 after the word "puffiness", insert the following: "visible evidence of pin worm injury".

Amendment No. 4.

On page 2, line 2, of the printed bill, as amended in Assembly May 14, 1935, strike out the word "weight", and insert in lieu thereof the word "count".

Amendment No. 5.

On page 2, line 7, of the printed bill, as amended in Assembly May 14, 1935, strike out the word "weight", and insert in lieu thereof the word "count".

Amendment No. 6.

On page 2, line 10, of the printed bill, as amended in Assembly May 14, 1935, at the end of the paragraph, insert the following: "In the case of visible evidence of pin worm injury not more than twenty per cent, by count, of the tomatoes in any one container or bulk lot may be below these requirements."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 895—An act to add a new chapter, to be numbered 1a, to Division V of the Agricultural Code, relating to the standardization of tomatoes.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Assembly Bill No. 895 was read and adopted:

Amendment No. 1.

On page 1, line 13, of the printed bill, as amended, strike out the period after the word "purposes", replacing it with a comma, and add the words: "and except in the case of the pear or plum types shall be vine-ripened".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 924—An act to amend sections 781, 783, 784, 785, 787, 788, and 822 and to add sections 784.1, 784.2, 784.3, 784.4, 784.5 and 784.6 to the Agricultural Code, relating to fruits, nuts and vegetables.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 924 were read and adopted:

Amendment No. 1.

On page 3 of the printed bill, as amended in Assembly April 19, 1935, between lines 40 and 41, insert the following:

"The commissioner of each county, his deputies and inspectors holding valid certificates of eligibility for the office to which they have been appointed, are hereby authorized upon request to issue certificates stating that the fruits, nuts or vegetables inspected meet all of the requirements of this chapter or the requirements of the State or country of intended destination other than this State.

The board of supervisors of the county may at their option establish a schedule of fees for such certificates to be paid by owners, shippers or other interested parties requesting such certificates. The schedule of fees established for such certificates shall be based upon the approximate cost of the inspection necessary to determine that the fruits, nuts or vegetables have met such requirements. In no case shall the maximum charge for each certificate on any one consignment, shipment or bill of lading consisting of ten or less separate packages, parcels, boxes, crates or other containers on an inspection made at one time and place exceed twenty-five cents and in no other case fifty cents for each certificate except for certificates on truck load or carlot inspections."

Amendment No. 2.

On page 1, lines 2 and 3 of the title of the printed bill, as amended, strike out "and 784.6", and insert in lieu thereof a comma and the following: "784.6 and 784.7".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1243—An act to amend sections 828 and 829 of the Agricultural Code, relating to fruits, nuts and vegetables.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 1243 were read and adopted:

Amendment No. 1.

On page 2, line 50, of the printed bill, as amended in Assembly April 22, 1935, strike out the words "Standard artichoke lug", and insert in lieu thereof "Special lug box".

Amendment No. 2.

On page 5, line 1, of the printed bill, as amended in Assembly April 22, 1935, strike out "22, or 30", and insert in lieu thereof "or 22".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1480—An act to amend sections 137 and 140 of the Agricultural Code, relating to pest control and abatement.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 1480 were read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended in Assembly April 19, 1935, insert a comma after the word "of", and insert the following: "and to add section 108.5 to,".

Amendment No. 2.

On page 2 of the printed bill, as amended in Assembly April 19, 1935, between lines 27 and 28, insert the following:

"SECTION 1. A new section to be numbered 108.5 is hereby added to the Agricultural Code, to read as follows:

108.5. Whenever the director determines that a particular pest can not be eradicated or effectively controlled by recognized ordinary means or that it is impractical to eradicate or control such pest without the destruction in whole or in part of uninfected or uninfested host plants, the director may issue a proclamation declaring a host free period or a host free district or both, describing the host or hosts and the district wherein the planting, growing, cultivating or maintenance at any moment of any plants capable of continuing the particular pest as prohibited during a specified period of time and until the menace therefrom no longer exists."

Amendment No. 3.

On page 2, line 28, of the printed bill, as amended in Assembly April 19, 1935, strike out "1", and insert in lieu thereof "2".

Amendment No. 4.

On page 2, line 49, of the printed bill, as amended in Assembly April 19, 1935, strike out "2", and insert in lieu thereof "3".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1216—An act to amend section 818 of the Agricultural Code, relating to potatoes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 896—An act to amend sections 479, 508, 510, 581, 585, 590, 591, 593, 632, and 673 of the Agricultural Code, relating to dairies and dairy products.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1323—An act to add Article 3a to Chapter 1 of Division III of the Agricultural Code, relating to the sale, purchase, transportation and marketing of poultry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 925—An act to amend section 830.5 of the Agricultural Code, relating to transportation of fruits, nuts, and vegetables.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1952—An act to amend section 810 of the Agricultural Code, relating to artichoke standards.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 919—An act to amend section 1261 of Chapter 6, Division VI, of the Agricultural Code, relating to produce dealers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 510—An act to amend section 143 of the Agricultural Code, pertaining to abandoned orchards.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1780—An act to amend section 86 of the Agricultural Code, relating to agricultural fairs.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1259—An act to amend the title of and add a new section to "An act to provide for the creation of a board of parole commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, as amended, relating to the unconditional release by the county board of parole commissioners of alien prisoners who consent to return or to be returned to their native country and providing for the payment of the expenses of such return by counties.

Bill read second time, and ordered on file for third reading.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Scollan motion to reconsider the vote whereby Senate Bill No. 287 was refused passage.

Postponement of Motion to Reconsider.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 287 was refused passage was continued until the next legislative day.

Message from the Assembly.

At ten o'clock and forty minutes a.m. a committee from the Assembly, consisting of Messrs. Lyon, Burns and Wagner, appeared at the bar of the Senate, and presented the following resolution:

Assembly Resolution.

WHEREAS, The Assembly has appointed a committee to hold Decoration Day services and an appropriate program has been arranged therefor; now, therefore, be it

Resolved by the Assembly of the State of California, That an invitation is hereby extended to the Senate to attend and meet with the Assembly between the hours of eleven o'clock and thirty minutes and twelve o'clock today for the purpose of observing the day with proper ceremony.

Motion.

Upon motion of Senator Swing, the invitation extended by the Assembly was accepted.

Third Reading of Senate Bills.

Senate Bill No. 1112—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits.

Bill read third time.

The question being on the passage of the bill

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Stow moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34

The Secretary announced the absentees.

Time, ten o'clock and forty minutes a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Third Reading of Senate Bills.**

Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 955 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, and Wagy—32.

NOES—None.

Title read and approved.

Senate Bill No. 955 ordered transmitted to the Assembly.

Senate Bill No. 446—An act relating to contracts between companies and public agencies for the delivery or sale of water, gas or electrical energy by the former to the latter; providing for the regulation, supervision and licensing of such companies; and providing for the enforcement of this act and penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 446 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack,

McGovern, McGuinness, Mixer, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 446 ordered transmitted to the Assembly.

Senate Bill No. 1008—An act to amend sections 1, 11 and 12 of, to repeal section 10, and to add a new section to be numbered 10, to "The California Districts Securities Commission Act," approved June 19, 1931, relating to irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1008 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 1008 ordered transmitted to the Assembly.

Senate Bill No. 486—An act to amend section 8 of the Inheritance Tax Act, relating to estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 486 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Garrison, Gordon, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 486 ordered transmitted to the Assembly.

Senate Bill No. 12—An act to amend sections 2, 3, 4, 6, 7, 10, 14, 15 and 21 and to repeal sections 5, 9, and 18½ of the Old Age Security Act of the State of California, relating to aid to the aged.

Amendments from the Floor.

During third reading of Senate Bill No. 12, the following amendments, offered by Senator Swing, were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, strike out the words "sixty-five years", and the semicolon, and insert in lieu thereof the following: "seventy years; provided, however, that if, when and during such time as funds are provided or made available by the United States Government for such aid in this State, such person need only have attained the age of sixty-five years;".

Amendment No. 2.

On page 2, line 8, of the printed bill, as amended, after the word "county", insert the following: "or city and county".

Amendment No. 3.

On page 3, line 22, of the printed bill, as amended, after the word "to", insert the following: "provide funds in their respective county or city and county and to".

Amendment No. 4.

On page 4, line 4, of the printed bill, as amended, after the period following the word "county", insert the following: "If any of the money so recovered represents a contribution from the United States, the proportion contributed by the United States shall be returned to it."

Amendment No. 5.

On page 4, line 18, of the printed bill, as amended, after the period following the word "California", insert the following: "The money so recovered shall be paid proportionately to the State, the county and the United States in the proportions of their respective contributions."

Amendment No. 6.

On page 4, line 25, of the printed bill, as amended, strike out the words "into the treasury of the".

Amendment No. 7.

On page 4, line 26, of the printed bill, as amended, strike out the words "State of California", and the period, and insert in lieu thereof the following: "to the State, county and the United States in the proportions of their respective contributions."

Amendment No. 8.

On page 5 of the printed bill, as amended, strike out lines 21 to 30, inclusive, and insert in lieu thereof the following: "copies of all applications received and a statement of the action of the board thereon, and shall report the amount of aid to aged paid out under this act by said county or city and county during said period."

Amendment No. 9.

On page 5, line 43, of the printed bill, as amended, strike out the word "shall", and all of lines 44 to 46, inclusive, and insert in lieu thereof a comma and the following: "in addition to said sum equal to one-half of the total amount of payments made by the county or city and county, shall pay to each county or city and county one-half of the total amount of payments made to the State by the United States for or in respect to aid for aged citizens who receive aid under the provisions of this act."

Amendment No. 10.

On page 6, line 1, of the printed bill, as amended, strike out the words "four hundred fifty dollars", and insert in lieu thereof the words "one hundred eighty dollars".

Further Amendment from the Floor.

During third reading of Senate Bill No. 12, the following amendment, offered by Senator Seawell, was read and adopted:

Amendment No. 1.

On page 4 of the printed bill, as amended, between lines 49 and 50, insert the following: "No county shall receive any apportionment of funds from the State unless it is complying with all orders of the department made pursuant to this section."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 228—An act to add section 6.09 to the Building and Loan Association Act, relating to building and loan associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 228 ordered transmitted to the Assembly

Third Reading of Assembly Bills.

Assembly Bill No. 1208—An act to amend sections 3 and 5 of, and to repeal section 7 of, an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, relating to taxation, and to provide that this act shall take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 1208, the following amendments, offered by Senator Duval, were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, between lines 33 and 34, insert the following:

"SEC. 4. The provisions of this act effecting amendments to the Retail Sales Tax Act of 1933 become operative July 1, 1935."

Amendment No. 2.

On page 2, line 34, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "5".

Amendment No. 3.

On page 2, line 38, of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "6".

Further Amendment from the Floor.

During third reading of Assembly Bill No. 1208, the following amendment, offered by Senator Swing, was read:

Amendment No. 1.

On page 2, line 19, of the printed bill, as amended in Assembly, May 23, 1935, after the words "milk products," insert the following: "distilled or natural bottled water sold for twelve and one-half cents or less per gallon".

Ayes and Noes Demanded.

A roll call was demanded by Senators Biggar, Difani and Stow, on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Garrison, Hulse, Keough, McGovern, Olson, Pierovich, Swing, and Williams—8.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Mixter, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—20.

Bill read, ordered to reprint, and, on motion of Senator Duval, referred to Committee on Finance.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and thirty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 1112 finally passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, Mixter, Olson, Parkman, Perry,

Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swang, Tickle, Wagy, Williams, and Young—21.

NOES—Senators Biggar, Difani, Garrison, Jespersen, McGuinness, and Schottky—6.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1112 was passed.

Recess.

On motion of Senator Hays, at eleven o'clock and thirty three minutes a.m., the President pro tempore of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2160—An act to amend sections 117d and 117g of the Code of Civil Procedure, relating to small claims courts.

Also: Assembly Bill No. 2456—An act to amend sections 2454 and 2455 of and to add sections 2454a and 2454b to the Political Code, relating to reclamation districts, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 2457—An act to amend section 303a of the Political Code, relating to the administration of certain bays, ports and harbors.

ARTHUR A. OHNIMUS, *Chief Clerk*
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2160 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2456 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 2457 read first time, and referred to Committee on Commerce and Navigation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2359—An act to amend sections 238, 814, 815 and 1261 of, and to add section 395.5 to the Military Code, relating to military and veterans' affairs;

Also: Assembly Bill No. 2183—An act to be known as the "Inheritance Tax Act of 1935," to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, transfers, joint tenancies and insurance; to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under any act hereby repealed; to provide penalties for failure to comply with the provisions of this act; and to repeal Chapter 821 of the laws of the session of the Legislature of California of 1921, approved June 3, 1921, known as the "Inheritance Tax Act," and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act, and providing this act shall take effect immediately;

Also: Assembly Bill No. 700—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held Novem-

ber 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 46—An act to amend section 3766 of the Political Code, relating to the publication of delinquent tax lists.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2359 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 2183 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 700 read first time, and referred to Committee on Finance.

Assembly Bill No. 46 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 98—An act providing for the establishment, organization, operation and dissolution of municipal housing authorities, vesting them with authority to clear, replan and reconstruct areas in municipalities in which unsanitary and substandard housing conditions exist, to provide and maintain decent, safe and sanitary dwelling accommodations, in said areas and elsewhere for persons of low income, to acquire property therefor by purchase, option or lease, or by condemnation in the exercise of the power of eminent domain, to sell or lease their projects, to borrow money, and defining the duties and powers of such municipal housing authorities in the exercise of the authority so vested in them and authorizing any city or city and county establishing a municipal housing authority to give it financial assistance and to issue bonds therefor, and otherwise to aid, assist and cooperate with such municipal housing authority, and declaring the measure an urgency measure within the meaning of section 1 of Article IV of the Constitution and providing accordingly for the act to take effect immediately;

Also: Assembly Bill No. 264—An act to amend section 737m of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Imperial;

Also: Assembly Bill No. 785—An act to amend the title, sections 1, 2, 3, 4 and 5 of, and to add a new section, to be numbered section 6, to an act entitled "An act to regulate the work and hours of employees engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for violation thereof," approved February 28, 1905 (Stats. 1905, Chap. 34), relating to the hours of drug clerks, requiring the keeping of records and posting schedules of such hours, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and providing that all fines for violation of the provisions hereof shall be paid into the State treasury to the credit of the general fund.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 98 read first time, and referred to Committee on Building and Construction.

Assembly Bill No. 264 read first time, and referred to Committee on County Government.

Assembly Bill No. 785 read first time, and referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 800—An act to amend section 705 of the Vehicle Code, relating to vehicles and the weight and loading thereof;

Also: Assembly Bill No. 959—An act to amend section 59 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to referees of the Industrial Accident Commission;

Also: Assembly Bill No. 1023—An act to amend section 6 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915;

Also: Assembly Bill No. 1170—An act relating to the Department of Professional and Vocational Standards and defining its powers and duties in relation to and providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used by the proprietors of a rental services as indicia of ownership and to protect the owners thereof;

Also: Assembly Bill No. 1367—An act validating the formation and incorporation of county sanitation districts under the provisions of an act of the Legislature of the State of California, approved May 29, 1923, as amended February 2, 1927, April 18, 1927, April 22, 1927, May 22, 1929 and June 9, 1931, and entitled as amended, "An act authorizing the creation, government, incorporation and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers, duties and validating bonds of such districts."

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 800 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 959 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1023 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1170 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1367 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1470—An act to amend section 141 of "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the improvement and construction of works and property, and to lease and collect taxes to pay the principal and interest thereon," approved May 24, 1924, as amended, relating to municipal utility districts;

Also: Assembly Bill No. 1559—An act to amend section 4245 of the Political Code, relating to the compensation of county officers in counties of the extreme class;

Also: Assembly Bill No. 1639—An act to amend sections 2206 and 2204 of the School Code and to add a new section therein to be numbered 2134, all relating to the formation of elementary school districts;

Also: Assembly Bill No. 1904—An act to amend section 8 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof," to create the California Horse Racing Board for the regulation, licensing and supervision of such horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provision," approved June 5, 1933, relating to wagering and to the powers of the California Horse Racing Board;

Also: Assembly Bill No. 2068—An act to amend section 76a of the Improvement Act of 1911, relating to foreclosure of bonds.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1470 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1559 read first time, and referred to Committee on County Government.

Assembly Bill No. 1639 read first time, and referred to Committee on Education.

Assembly Bill No. 1904 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2068 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 61—Relative to memorializing Congress to repeal "An act to amend the Tariff Act of 1930," approved June 12, 1934.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Joint Resolution No. 61 referred to Committee on Federal Relations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2048—An act to amend the title and sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911 (Stats. 1911, Chap. 92), as amended, providing that evidences of indebtedness for wages must be payable upon demand and issued against sufficient funds or credit to cover the same and providing penalties for violation of the provisions thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed Assemblymen Hunt, Jones and Breed, as a Committee on Free Conference, to meet a like committee from the Senate concerning Assembly Bill No. 650—An act to amend the title of and section 8 of an act entitled "An act regulating the making of openings or the placing of structures or the change or renewal of any structure and the planting or removal of trees or shrubs or the placing of obstructions in or on State roads and highways; providing for the issuance of permits by the State Department of Public Works relative thereto, and for the laying or placing pipes, conduits, sewers, poles, wires, railways, obstructions and other objects, and for the planting, trimming or removal of trees or shrubs in or on State roads and highways; providing for the requirement of bonds from applicants before the issuance of such permits; and prescribing the penalty for violations of the provisions of this act," approved April 23, 1915 as amended, to provide for the relative rights of the State and cities, counties and counties, and counties in respect to franchises granted in highways subsequently declared to be State highways.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Resolution.

The following resolution was offered:

By Senator Tickle:

Senate Resolution.

WHEREAS, A committee was appointed by the Senate April 19, 1933, and devoted two years of disinterested and arduous work to the study of health insurance; and WHEREAS, The work of this committee is to be continued by a resolution adopted in the Senate May 17, 1935; and

WHEREAS, The members of this committee should not be compelled to carry on this important work at their own expense, especially in view of the fact that a committee has recently been provided for by the Assembly to do similar work and an appropriation has been made to defray their expenses; now, therefore, be it

Resolved, That the sum of two thousand five hundred dollars, or so much thereof as may be necessary for the purpose of defraying the expenses of the special Senate Committee on Health Insurance appointed pursuant to resolution adopted in the Senate on May 17, 1935, and the cost of its investigation, is hereby made available and appropriated for the use of the committee out of the contingent fund of the Senate, and the State Controller is authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be

certified to him from time to time by the chairman of the committee, and the State Controller is hereby authorized and directed to pay the same.

C. F. REINDOLLAR.

CRITTENDEN.

WM. R. SHARKEY.

W. P. RICH.

ED. FITCHER.

CHRIS. N. JESTERSEN.

BEN. HULSE.

WAGY.

WALTER H. DUVAL.

EDGAR W. STOW.

MCCOLL.

HERBERT W. SLATER.

J. C. GARRISON.

CULBERT L. OLSON.

H. L. PARKMAN.

THOMAS MCCORMACK.

N. T. EDWARDS.

FRANK W. MINTER.

THOS. F. SCOLLAN.

ROBT. E. SUTHER.

HARRY A. PERRY.

JEROME I. SWEET.

G. M. TUCKER.

CHAR. KING.

ANDREW E. SCHOTTKY.

D. JACK McGUIRE.

KARL KESSELER.

F. L. GORDON.

ROY W. HAYS.

C. H. DUFFY.

HENRY McGUINNESS.

SAMUEL YOUNG.

HAROLD J. POTTIER.

Resolution read, and referred to Committee on Contingent Expenses.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 259—An act to amend sections 223, 228, and 241 of and to add section 228.1 to the Agricultural Code, relating to bovine tuberculosis.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 259 passed by the following vote:

AYES—Senators Crittenden, Denel, Duval, Edwards, Garrison, Hays, Jesteresen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Schottky, Scollan, Sharkey, Slater, Snyder, Swag, Tickle, Waggy, and Young—25.

NOES—None.

Title read and approved.

Senate Bill No. 259 ordered transmitted to the Assembly.

Senate Bill No. 1115—An act to add section 1106b to the Political Code, relating to registration of voters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1115 passed by the following vote:

AYES—Senators Crittenden, Denel, Duval, Edwards, Gordon, Hays, Jesteresen, Keough, King, McColl, McCormack, McGuinness, Metzger, Minter, Olson, Parkman, Rich, Scollan, Sharkey, Slater, Swag, Tickle, Waggy, and Young—24.

NOES—Senators Garrison, Knowland, McGovern, and Schottky—4.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1115 was passed.

Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory

technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act.

Amendments from the Floor.

During third reading of Senate Bill No. 392, the following amendments, offered by Senator Parkman, were read and adopted:

Amendment No. 1.

On page 1, line 6 of the title of the printed bill, as amended, strike out "and defining", and strike out lines 7, 8, and 9, and in line 10, strike out "holding examinations and to issue licenses".

Amendment No. 2.

On page 3, line 5, of the printed bill, as amended, strike out the comma and "said", and insert in lieu thereof a period and the following: "Said".

Amendment No. 3.

On page 3, line 34, of the printed bill, as amended, insert a comma after "department".

Amendment No. 4.

On page 3, line 36, of the printed bill, as amended, after "association", insert the following: "or".

Amendment No. 5.

On page 4, line 41, of the printed bill, as amended, strike out "of", and insert in lieu thereof the following: "or".

Amendment No. 6.

On page 4, line 42, of the printed bill, as amended, strike out after "year", the word "of", and insert in lieu thereof the following: "in".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Leave of Absence.

Senator Difani was, on motion of Senator Hulse, granted leave of absence for the balance of this legislative day.

Third Reading of Assembly Bills.

Assembly Constitutional Amendment No. 3.

A resolution to propose to the people of the State of California an amendment to section 7 $\frac{1}{2}$ a of Article XI of the Constitution of the State of California, relating to local government.

Resolved by the Assembly, the Senate Concurring. That the Legislature of the State of California at its fifty-first regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 7 $\frac{1}{2}$ a of Article XI of the Constitution of the State of California be amended to read as follows:

Sec. 7 $\frac{1}{2}$ a. Any county having within its territorial boundaries one or more incorporated cities or towns, may frame a charter for a consolidated city and county government, by causing a board of 15 freeholders, who have been for at least five years qualified electors of the county, to be elected by the qualified electors of said county, at a special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all of the members of the board of supervisors of such county, declaring that public interest requires the election of such board of freeholders for the purpose of preparing and proposing a charter for a consolidated city and county, with or without a system of boroughs, with combined powers of a city and a county, as in this Constitution provided for city and county government; or in pursuance of a petition of qualified electors of said county as hereinafter provided; which said petition must state the name and address of a person or persons to whom notice of the insufficiency of the petition shall be sent in the event that the petition shall not have the required number of signatures of the qualified electors signed thereto. Such petition, signed by 15 per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of 15 freeholders, to prepare and propose a charter for a consolidated city and county government, with or without a system of boroughs, with combined powers

of a city and a county, as in this Constitution provided, may be filed in the office of the county clerk. It shall be the duty of the said county clerk, within 20 days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of the electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons to assist him in the work of examining such petition, and the board shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the results of his examination, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. If it appear by said certificate that said petition has not the required number of signatures of the qualified electors signed thereto, the said clerk shall so notify the person or persons whose name or names are mentioned therein, to whom the notification of the insufficiency of the petition shall be sent. Whereupon the petitioners shall have 30 days from and after the date of receiving the notice of insufficiency from the clerk to present and file additional signatures. Upon the receipt of the additional signatures, the clerk shall proceed forthwith to examine the petition of additional signatures, so that such examination shall be completed within 10 days from the date of his receiving same. If it appear that the number of additional signatures added to those who have not been legally rejected upon the original petition, shall total the requisite number of qualified electors necessary as provided in this section, the clerk shall forthwith attach to said petition his certificate, properly dated, showing that said petition has been signed by the requisite number of qualified electors, and said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at the next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election, for the purpose of electing such board of freeholders, which said special election shall be held not less than 40 days nor more than 90 days after the adoption of the ordinance electing said or the presentation of said petition to said board of supervisors. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county officers, to be voted at general elections. The election shall be conducted and the ballots canvassed and result declared substantially as are other elections for county officers, except that there shall be only one election, and the 15 persons receiving the highest vote shall be declared the duly elected board of freeholders. All ties shall be broken by lot.

It shall be the duty of said board of freeholders within 180 days after the result of such election shall have been declared by the board of supervisors, to prepare and propose a charter for a consolidated city and county government, and it shall prescribe the existing boundary lines of the county as the territorial limits of said proposed city and county, and propose the formation of all of the incorporated cities and towns and all of the unincorporated territory within the county into a consolidated city and county government, to be governed by said charter and to have combined powers of a city and a county, as provided in this Constitution for consolidated city and county government.

The charter proposed shall be signed by the members of the board of freeholders, or a majority of them, and be filed, one copy in the office of the county recorder, one in the office of the county clerk, and certified copies thereof duly attested by the president and secretary of the board of freeholders shall be filed in the clerk's office of each incorporated city and town in the county. Thereupon the board of supervisors shall cause said proposed charter to be published in at least two daily newspapers of general circulation published, printed and circulated in the county, if there be two, or in the one such newspaper if there be but one, or if there be no such newspaper then in a daily newspaper of general circulation in the county, for at least six consecutive times; and shall also cause said proposed charter to be published for at least three consecutive times in a daily newspaper of general circulation, printed, published and circulated in each of the incorporated cities and towns within the county, and if there be no daily newspaper printed, published and circulated in any of such incorporated cities and towns then, once in a weekly newspaper published, printed and circulated therein; provided, however, if there be no daily or weekly newspaper published, printed and circulated in any of such incorporated cities or towns, then said publication shall be made by posting in three public places in each of said incorporated cities or towns having no such newspaper, for at least three days. All of such publication shall be completed within 50 days of the filing of the proposed charter with the county clerk. The board of supervisors shall cause to be printed in pamphlet form, at least as many copies of such proposed charter, plus an additional 15 per cent, as there are registered electors in the county. The county clerk shall forthwith deliver to the clerk of the legislative body of each and every incorporated city or town

within the county, a number of the printed copies of the proposed charter, equal at least to the number of registered electors residing in any such incorporated city or town. The county clerk shall thereupon give notice, by advertising in one and not more than two daily newspapers of general circulation published, printed and circulated in the county, or if there be no such newspaper, then in a daily newspaper of general circulation in the county, and if there be a newspaper published, printed and circulated in any of such incorporated cities and towns, in one such newspaper of each said city or town, that copies of the proposed charter can be had at his office or at the office of the several city or town clerks, designating them, upon application. Upon the completion of the publication of the proposed charter as above required, and not later than 15 days thereafter, the board of supervisors must pass an ordinance or resolution calling a special election to be held not less than 30 nor more than 60 days thereafter or if there be a general election held within 90 days thereafter then at such general election.

If a majority of the qualified electors voting thereon in the unincorporated territory of the county, and in each incorporated city and town in the county, at such special or general election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in session, otherwise at its next regular or special session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such consolidated city and county and shall become the organic law thereof relative to matters therein provided, and shall supersede any existing municipal charter of the cities within the county and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to matters provided in such charter. No consolidation shall take place under the provisions of this section unless a majority of the qualified electors voting thereon in every incorporated city and town in the county and in the unincorporated territory thereof, vote in favor of such consolidation, and the votes cast in each city and town and in the unincorporated territory, shall accordingly be separately tabulated to show the results.

It shall be competent, in any charter, or amendment thereof, framed under the authority given by this section, to provide in addition to those provisions allowable by the Constitution and laws of the State as follows:

1. For the merging and consolidating the cities and county into one municipal government with one set of officers, which shall include those officers required to be provided for in a county charter; for the establishment of a borough system of government for the whole or any part of the territory of said city and county, by which one or more districts may be created therein, which districts may be known as boroughs and shall exercise such municipal powers as may be granted by such charter, and for the organization, constitution, regulation, government and jurisdiction of such boroughs, which organization, constitution, regulation, government and jurisdiction may provide for rural districts, with different powers and organization, constitution, regulation, government and jurisdiction from other boroughs; provided, that in the event of such establishment or creation of a borough or boroughs, as hereinabove permitted, the boundaries thereof shall never afterwards be changed or altered, nor shall the governmental rights, powers or jurisdiction of any such borough or boroughs be thereafter limited, extended, modified or taken away, unless and until the borough or boroughs affected by such proposed change or alteration of boundaries, or by the proposed limitation, extension, modification or taking away of governmental rights, powers or jurisdiction, as the case may be, shall each have consented thereto, by the vote of a majority of the electors in each and every such borough voting at an election or elections called and held for such purpose in each of the boroughs so affected.

2. For the consolidation and merging of school and high school and union high school districts into one or more school, high school and union high school district within the city and county, to be governed by one board of education and one school superintendent, and may provide separate organization, constitution, regulation, government and jurisdiction and powers for rural school districts, if any are established.

3. For the manner in which, the times at which, and the terms for which the members of the board of education or boards shall be elected or appointed, for the qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

4. For the manner in which, the times at which, and the terms for which the members of the board or boards of police commissioners, if any, shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the city and county police force.

5. For the manner in which and the times at which any city and county election, or borough election shall be held and the result thereof determined; and for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches, and for all expenses incident to the holding of any election.

6. It shall be competent in any charter framed in accordance with the provisions of this section, for any consolidated city and county, and plenary authority as hereby granted, subject only to the restrictions of this article, and, in regard to the powers and duties of officers performing county functions, subject to general laws as to those functions to provide therein or by amendment thereto, for the powers and duties of all county, city and county municipal and borough officers, for the manner in which, the method by which, and the terms for which the several county, city and county, municipal and borough officers, except judges and justices shall be elected or appointed, and for their recall or removal, and for their compensation, or the fixing thereof, including judges and justices of inferior courts and for the number of deputies, clerks and other employees that each shall have, or the fixing thereof, and for or the fixing of the powers and duties, compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

7. It shall be competent in any charter, or amendment thereto, framed in accordance with the provisions of this section, to provide that the city and county may make and enforce all laws and regulations, and exercise all rights and powers in respect to municipal affairs and municipal officers, and shall have all powers and rights appropriate to a county, city, and city and county subject only to the restrictions and limitations provided in such charter.

Any charter framed under the provisions of this section may provide for the termination of the tenure of office of all county officers created after the adoption of such charter by the electors of such county and prior to the approval of such charter by the Legislature.

8. No property in any city or town or territory hereinafter consolidated into a city and county shall be taxed for the payment of any indebtedness outstanding at the time the charter takes effect and for the payment of which indebtedness the property in such city or town or territory was not, prior to the taking effect of such charter, subject to such taxation.

In all cases of consolidation of two or more incorporated cities and towns, or of one or more incorporated cities or towns with unincorporated territory, into a city and county, assumption of existing bonded indebtedness by such city or town, or by such unincorporated territory or by any of the cities and towns so consolidating may be made by a majority of the qualified electors voting thereon in the territory or city or town which shall assume an existing bonded indebtedness, and the provisions of section 18 of this article shall not be a prohibition thereof.

The provisions of this Constitution applicable to cities, and cities and counties, and also applicable to counties, so far as not inconsistent or prohibited in cities or cities and counties, except in the method of procedure of calling elections for the election of freeholders and the submission of the question of the formation of a consolidated city and county, shall be applicable to such consolidated city and county.

Any charter framed under the provisions of this section may be amended as provided in section 8 of Article XI of this Constitution.

Nothing in this section shall be construed to repeal or alter in any way the provisions of section 84 of Article XI of this Constitution, providing a different method and procedure for the formation of cities and counties, wherein the initiative is taken, by a city or city and county. Nor shall the provisions of this section apply to any consolidated city and county, organized as such at the time this section takes effect. The Legislature shall enact such general or special laws as may be necessary to carry out the provisions of this section, and such general or special laws as may be necessary to effect city and county consolidation hereunder.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 3 adopted by the following vote:

AYES—Senators Crittenden, Edwards, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—30.

NOES—Senator Deuel—1.

Assembly Constitutional Amendment No. 3 ordered transmitted to the Assembly.

Assembly Bill No. 36—An act to amend the Agricultural Code by adding to Division VI thereof a new chapter to be numbered 8 and to include sections 1299 and 1300.6, inclusive, defining and pertaining to processors of farm products and the licensing thereof.

Motion to Rescind.

Senator Scollan moved to rescind the action of the Senate in adopting, on May 28, the following amendment to Assembly Bill No. 36:

Amendment No. 1.

On page 3, line 17, of the printed bill, as amended in Senate May 8, 1935, immediately preceding the period, insert the following: "and shall be credited to the Department of Agriculture fund and expended in carrying out the provisions of this chapter. The director shall, within thirty days prior to the regular session of the Legislature, submit to the Governor a full and true report of the transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during the period".

The question being on the adoption of the motion to rescind.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Waggy, and Young—29.

NOES—None.

Bill read third time.

Amendments from the Floor.

During third reading of Assembly Bill No. 36, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "8", and insert in lieu thereof the following: "9".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, as amended, strike out "1299", and insert in lieu thereof the following: "1299.18 and 1300 to".

Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, strike out "8", and insert in lieu thereof the following: "9".

Amendment No. 4.

On page 1, line 3, of the printed bill, as amended, strike out "1299", and insert in lieu thereof the following: "1299.18 and 1300".

Amendment No. 5.

On page 1, line 6, of the printed bill, as amended, strike out "8", and insert in lieu thereof the following: "9".

Amendment No. 6.

On page 1, line 8, of the printed bill, as amended, strike out "1299", and insert in lieu thereof the following: "1299.18".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1129—An act amending sections 3897 and 3898 and repealing section 3774 of the Political Code, relating to the procedure for the sale of property deeded to the State in payment of delinquent taxes, if not otherwise disposed of under section 3897a or section 3897b of the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Article IV of the Constitution, and shall therefore go into effect immediately.

The facts constituting such necessity are as follows:

Due to the depression which has existed in the past several years many landowners have been unable to meet the taxes and assessments levied by the State, political subdivisions, agencies, reclamation, irrigation, drainage and levee districts, with the result that their lands have been sold to the State and such taxing and assessing agencies.

The heavy penalties assessed by law have made it impossible for the landowners to redeem their lands, hence thousands of acres of land have been sold for the nonpayment of such taxes and assessments, and deeds have been executed thereon to the State and such taxing and assessing agencies. That as long as such lands remain State lands the same are nonassessable for tax or assessment purposes, and the tax and assessment burden becomes heavy upon the paying lands, causing more delinquencies and losses and threatening the insolvency of many political subdivisions and agencies, and reclamation, irrigation, drainage and levee districts. The Legislature hereby declares that the welfare of the State requires that such land be placed in private ownership as promptly as possible so that such land henceforth bear its just proportion of current taxation and assessments.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1129 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Knowland gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1129 was passed.

Assembly Bill No. 825—An act to provide for the formation of sewer districts within counties, cities and counties and municipalities for the acquisition or construction of sanitary sewage works or improvements, for the issuance, sale and payment of bonds of such districts, for the acquisition, construction, maintenance and operation of such improvements, and for the fixing, collecting and application of revenues, rates and charges for the use of the sewage works or improvements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 825 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—Senators Hays, McCormack, and Rich—3.

Title read and approved.

Assembly Bill No. 825 ordered transmitted to the Assembly.

Assembly Bill No. 438—An act to amend sections 640, 641, 642, 645, 646, 771, 1530, 1531 and 1534 of the Probate Code, relating to estates.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 438 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Garrison, Gordon, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Olson, Perry, Pierovich, Powers, Scollan, Sharkey, Slater, Stow, Swing, Williams, and Young—23.

NOES—Senators Hays, Hulse, Rich, and Wagy—4.

Title read and approved.

Assembly Bill No. 438 ordered transmitted to the Assembly.

Assembly Bill No. 663—An act to amend the title and section 15 and to add section 33 to an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments and reassessments for the payment of such refunding bonds, to enforce the liens of such assessments, reassessments, to provide for the proceedings to test the validity of such refunding and reassessment, and to provide for contributions of public funds to assist in such refunding," approved June 5, 1933, relating to the refunding of bonds payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 663 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Gordon, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Olson, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—25.

NOES—Senators Hays, and Stow—2.

Title read and approved.

Assembly Bill No. 663 ordered transmitted to the Assembly.

Assembly Bill No. 223—An act to amend section 3649 of the Political Code, relating to taxation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 223 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Knowland, McColl, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 223 ordered transmitted to the Assembly.

Assembly Bill No. 153—An act to amend sections 1 and 2 of "An act to provide for the taxation of Massachusetts or business trusts, and providing that this act shall take effect immediately," approved May 1, 1933, relating to the taxation of Massachusetts or business trusts, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 4. This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the provisions of section 1 of Article IV of the Constitution, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Parkman, Perry, Pierovich, Powers, Rich, Schatzky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Waggy, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 153 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schatzky, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Waggy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 153 ordered transmitted to the Assembly.

Assembly Bill No. 1125—An act adding a new section to the Civil Code of the State of California, to be numbered 734, relating to the control of municipal property by the legislative body thereof and the right of access and use of municipal property by members of the public.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1125 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schatzky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Waggy, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1125 ordered transmitted to the Assembly.

Assembly Bill No. 951—An act relating to the securing of Federal aid in connection with the funding or refunding of outstanding bonds and/or assessments of assessment districts in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 951 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schatzky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 951 ordered transmitted to the Assembly.

Assembly Bill No. 1339—An act to add a new division to the Vehicle Code, to be numbered IXa, relating to vehicular crossings, constructed or owned by the State, the control and policing thereof, and the regulation of traffic thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1339 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1339 ordered transmitted to the Assembly.

Assembly Bill No. 2354—An act to amend sections 146 and 154 of the Vehicle Code, and to add sections 146.5, 180.5, and 371.5 to said Vehicle Code, all relating to vehicles previously registered outside this State, and the registration and transfer thereof within this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2354 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—Senators Gordon, and Metzger—2.

Title read and approved.

Assembly Bill No. 2354 ordered transmitted to the Assembly.

Assembly Bill No. 1684—An act to amend section 23 and to repeal section 24 of "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the leasing of State lands and acquisition and granting of easements by the State for the purpose of prospecting for or extracting, mining, capture or acquisition of oil, gas and other hydrocarbon substances on, in, within or from lands belonging to the State, over which this State has or claims or asserts any jurisdiction by means of wells drilled below ground from lands located within two thousand feet into State lands.

Bill read third time.

Amendments from the Floor.

During third reading of Assembly Bill No. 1684, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 5, line 22, of the printed bill, as amended, strike out the words "a littoral owner, successor, assignee", and in line 23, strike out the words "or authorized person of such littoral owner", and insert in lieu thereof the following: "the highest bidder".

Amendment No. 2.

On page 5, lines 24 and 25, of the printed bill, as amended, strike out the word "thirty", and the figures "30", and the brackets, and insert in lieu thereof the word "twenty", and the figures "20" in brackets.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Edwards and McGovern, on the adoption of the amendments.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Garrison, Jespersen, Knowland, McColl, McGovern, Metzger, Olson, Pierovich, Schottky, and Slater—10.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, McCormack, McGuinness, Mixer, Parkman, Perry, Powers, Rich, Seollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—28.

Further Amendment from the Floor.

During third reading of Assembly Bill No 1684, the following amendment, offered by Senator Olson, was read:

Amendment No. 1.

On page 5, lines 34 and 35, of the printed bill, as amended, strike out the words "sixteen and two-thirds", and the figures "16 2/3", and the brackets, and insert in lieu thereof the following: "twenty-five (25)".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Edwards and McGovern on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Fletcher, Garrison, King, McColl, McGovern, Metzger, Olson, Pierovich, Schottky, and Seollan—10.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Hays, Hulse, Keough, Knowland, McCormack, McGuinness, Mixer, Parkman, Perry, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—26.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1684 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—36.

NOES—Senators Hulse, and McGovern—2.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1684 was passed.

Re-reference of Assembly Bill No. 289.

Senator Garrison moved that Assembly Bill No. 289 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

Recess.

On motion of Senator Rich, at four o'clock and fifty-five minutes p.m., the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened. Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Slater:

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 376a and 376b of the Political Code, relating to the Department of Penology.

Respectfully submitted.

SENATOR SLATER.

Request referred to Committee on Rules.

Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, King, McCormack, McGuinness, Metzger, Mixter, Pierovich, Rich, Stow, and Wagy—18.

The Secretary announced the absentees.

Time, eight o'clock and thirty-five minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Reports of Standing Committee.**

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 193, relating to wharfingers—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 555—An act to add section 1109 to the Agricultural Code, relating to the licensing of egg buyers—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Withdrawal and Re-reference of Assembly Bill No. 702.

Senator Hulse moved that Assembly Bill No. 702 be withdrawn from Committee on County Government, and referred to Committee on Judiciary.

Motion carried, and such was the order.

Messages from the Assembly.

The following messages from the Assembly were received and read.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 29, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 442—An act to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer, and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, MAY 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 64—Relative to memorializing the President and Congress of the United States to make amends to those disabled war veterans who have been deprived of their just and lawful compensation.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Joint Resolution No. 64.

Senator Scollan asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 64, without reference to committee for purpose of adoption.

Assembly Joint Resolution No. 64.

Relative to memorializing the President and Congress of the United States to make amends to those disabled war veterans who have been deprived of their just and lawful compensation.

WHEREAS, The Supreme Court of the United States has rendered a decision declaring unconstitutional certain National legislation providing for the establishment of codes of fair competition; and

WHEREAS, Similar legislation has deprived many disabled war veterans of the United States of their just and lawful compensation which in the light of this decision may also be proven to be equally unconstitutional; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California jointly, That the President and the Congress of the United States is hereby memorialized to make immediate and complete restitution of all deductions heretofore made from the legal and established compensation of our disabled war veterans in accordance with certain legislation and executive orders pursuant thereto, which legislation in the light of a recent decision of the United States Supreme Court is clearly indicated to be unconstitutional; and be it further

Resolved, That the Governor of the State of California is hereby requested to forward a copy of this resolution to the President and Vice President of the United States, Speaker of the House of Representatives, and to each Senator and member of the House of Representatives from California in the Congress of the United States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 64 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Ditani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jospersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich,

Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, and Young—35.

NOES—None.

Assembly Joint Resolution No. 64 ordered transmitted to the Assembly.

On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred the following resolution by Senator Young:

Resolved by the Senate of the State of California, That for the purpose of paying the expenses of the Special Senate Committee on Civil Service appointed pursuant to the resolution adopted by the Senate April 30, 1935, in addition to any other sum or sums, the sum of \$5,000, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Controller drawn against said contingent fund upon written orders of the chairman of the committee, which warrants the State Treasurer is hereby directed to pay.

Has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—3; committee vote: Ayes—3.

KING, Chairman.

Resolution.

The following resolution was offered:

By Senator Young:

Senate Resolution.

Resolved by the Senate of the State of California, That for the purpose of paying the expenses of the Special Senate Committee on Civil Service appointed pursuant to the resolution adopted by the Senate April 30, 1935, in addition to any other sum or sums, the sum of \$5,000, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Controller drawn against said contingent fund upon written orders of the chairman of the committee, which warrants the State Treasurer is hereby directed to pay.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, Williams, and Young—37.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Difani: Senate Concurrent Resolution No. 41—Relative to the report of the Spanish War Commemoration Commission.

Consideration of Senate Concurrent Resolution No. 41.

Senator Difani asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 41, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 41.

Relative to the report of the Spanish War Commemoration Commission.

WHEREAS, The record of the work accomplished by the Spanish War Commemoration Commission, created by Senate Joint Resolution No. 8, Chapter 29, Resolutions of 1933, contains documents and results of patriotic and educational value to the people of the State of California; and

WHEREAS, A substantial portion of said records were obtained with the aid of Federal funds through a commemorative art survey project which produced information of an inspirational and cultural nature, all of which may be made a part of the archives of the Legislature; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That there shall be printed as a public document not to exceed 250 copies of the complete report of the Spanish War Commemoration Commission for the respective years of 1933, 1934 and part of 1935, together with illustrations, copies of awards, drawing of honor scroll, reproduction of citation and all proclamations issued by the Governors of the various States, and other official or inclusive matter, 125 copies for the use of the Senate and 125 copies for the use of the Assembly. The costs shall not exceed the sum of \$500 payable from the legislative printing appropriation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 41 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hulse, Jaspersen, King, Knowland, McColl, McCormack, McGovern, McWhinnery, Metzger, Mixer, Olson, Parkman, Pionevich, Powers, Rusk, Schottky, Seidlitz, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—32.

NOES—None.

Senate Concurrent Resolution No. 41 ordered transmitted to the Assembly.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 212—An act to amend sections 147, 148 and 166 of the Fish and Game Code and to add two new sections to be numbered 171 and 172.

Amendment from the Floor.

During third reading of Assembly Bill No. 212, the following amendment, offered by Senator Powers, was read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "relating to districts."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 362—An act to amend section 429 of the Fish and Game Code, relating to license fees.

Amendment from the Floor.

During third reading of Assembly Bill No. 362, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, after "years", insert the following: "who is on a county relief roll".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 437—An act to amend section 112 of, and to add section 112a to, the Code of Civil Procedure, relating to the jurisdiction of justices' courts.

Amendments from the Floor.

During third reading of Assembly Bill No. 437, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, after "involve", insert the following: "the title or possession of real estate or".

Amendment No. 2.

On page 2, line 39, of the printed bill, as amended, strike out “; to appoint receivers in the cases mentioned in”, and strike out all of lines 40 to 42, inclusive, and insert in lieu thereof a period.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1066—An act to amend section 1238 of the Civil Code, relating to homesteads.

Amendment from the Floor.

During third reading of Assembly Bill No. 1066, the following amendment, offered by Senator Seawell, was read and adopted:

Amendment No. 1.

On page 1, lines 11 and 12, of the printed bill, strike out “section”, and insert in lieu thereof the following: “title”.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1188—An act to add a new article to Chapter II of Part II of Division IV of the School Code, to be known as Article XI, relating to school district funds.

Amendments from the Floor.

During third reading of Assembly Bill No. 1188, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out the following: “Chapter II of Part II”, and insert in lieu thereof the following: “Chapter I of Part III”.

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, after the second comma, insert the following: “and to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, all”.

Amendment No. 3.

On page 1 of the printed bill, beginning in line 1, strike out the following: “Chapter II of Part II”, and insert in lieu thereof the following: “Chapter I of Part III”.

Amendment No. 4.

On page 2 of the printed bill, strike out all of lines 10 to 14, inclusive, and insert in lieu thereof the following: “theless, be continued and expenditures may thereafter be made therefrom at any time for any of the purposes specified in this chapter.

SEC. 2. A new chapter is hereby added to Part III of Division IV of the School Code to be known as Chapter IV, and to read as follows:

Chapter IV—School District Sinking Fund

4.450. The governing board of any school district shall have the power to establish a sinking fund for the replacement or reconstruction of buildings owned by such district.

4.451. Should the governing board of a school district establish a sinking fund as hereinbefore provided, it shall at the time of preparing the budget of the district for each ensuing school year thereafter include therein as an amount necessary to be raised for the sinking fund of the district an amount which shall not exceed five per cent of the original cost of the buildings of the district, or, if such original cost is not known, then of the estimated original cost of such buildings as estimated by the governing board of the district.

4.452. In the event the inclusion of such amount in the budget of the district necessitates the levy of a tax rate in excess of the maximum school district tax rates hereinbefore prescribed in section 4.375 of this code, the provisions of said section shall not apply in the levy of the tax rate for the district.

4.453. The amount of money provided for in the budget for the sinking fund of the district shall, when raised, be paid into the county treasury to the credit of the district and placed in a fund to be known as the “----- (insert name) district sinking fund.” Should the sinking fund of a school district, or any part thereof be placed at interest by the county treasurer in accordance with law, all interest accruing thereon shall be credited by the county treasurer to the sinking fund of the school district.

4.454. The sinking fund hereinbefore provided for may be expended at any time, at the discretion of the governing board of the district, for the replacement or reconstruction of buildings of the district existing at the time of such expenditure.

4.455. The governing board of the district may at any time discontinue the raising of funds for the sinking fund of the district, but in such event the moneys in such fund shall continue to be available for expenditure for any or all of the purposes specified in this chapter."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1282—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 19 and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices and to the powers of the State Board of Public Health in relation thereto.

Amendment from the Floor.

During third reading of Assembly Bill No. 1282, the following amendment, offered by Senator McGovern, was read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "12", insert a comma and the following: "13, 15,".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1608—An act to amend sections 1, 4, 5, 10, 12, 13 and 15 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," as approved May 25, 1921, as amended, relating to the issuance, transfer, terms of, and rights under prospecting permits, leases, and sales of State mineral lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1608 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dorel, Dyam, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McCannick, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Powers, Rusk, Schatzky, Seaton, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1608 ordered transmitted to the Assembly.

Assembly Bill No. 84—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith; to make an appropriation, and to provide for the repayment thereof.

Amendments from the Floor.

During third reading of Assembly Bill No. 84, the following amendments to the title, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out line 4 of the title, and insert in lieu thereof the following: "and to provide for the cooperation of Federal, State and local agencies".

Amendment No. 2.

On page 1, lines 5 and 6 of the title of the printed bill, as amended, strike out "; to make an appropriation, and to provide for the repayment thereof".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 84 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—35.

NOES—None.

Title read and approved, as amended.

Assembly Bill No. 84 ordered transmitted to the Assembly.

Assembly Bill No. 545—An act to add a new section to be numbered 17.5 to an act entitled "An act to provide for the organization of the as amended, relating to the issuance, transfer, terms of, and rights remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing Title XV of Part IV of Division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, relating to cases in which common carriers may grant free or reduced rates, and providing that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 545 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 545 ordered transmitted to the Assembly.

Assembly Bill No. 915—An act to amend "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforce-

ment of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, by amending sections 2, 5, 8, 9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26, and adding new sections numbered 27, 28, 29.

Amendment from the Floor.

During third reading of Assembly Bill No. 915, the following amendment, offered by Senator Schottky, was read:

Amendment No. 1.

On page 3, lines 11 and 12, of the printed bill, as amended, strike out the following: "but shall not include milk", and insert in lieu thereof a period.

Motion.

Senator Slater moved that consideration of the amendment offered by Senator Schottky be postponed until the next legislative day.

Motion refused adoption.

Previous Question Moved.

Senator Stow moved the previous question.

Motion carried.

The question being put: Shall the Senate adopt the amendment proposed by Senator Schottky?

Ayes and Noes Demanded.

A roll call was demanded by Senators Schottky, Duval and Hulse, on the adoption of the amendment offered by Senator Schottky.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Biggar, Duval, Fletcher, Gordon, McCormick, Mixer, Olson, Schottky, Seawell, Sharkey, Slater, and Young—12.

NOES—Senators Crittenden, Deuel, Dufam, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCall, McGovern, McGinness, Metzger, Parkman, Perry, Pierovich, Powers, Rich, Seollan, Snyder, Stow, Swing, and Wagy—24.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 915, the following amendment, offered by Senator Hulse, was read:

Amendment No. 1.

On page 4, line 50, of the printed bill, after the period, insert the following: "Provided, however, that on and after October 1, 1935, all the powers, rights and duties of the said Agricultural Prorate Commission, shall be and are hereby vested in the Director of Agriculture of the State of California, and the expense thereof shall be paid from funds collected as in this act contained, and without charge or expense to the State of California."

Previous Question Moved.

Senator Deuel moved the previous question.

Motion carried.

The question being put: Shall the Senate adopt the amendments proposed by Senator Hulse?

Ayes and Noes Demanded.

A roll call was demanded by Senators Hulse, Jespersen and Duval, on the adoption of the amendment offered by Senator Hulse.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Hulse, Keough, McColl, Metzger, Olson, Rich, Swing, and Wagy—8.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McCormack, McGovern, McGuinness, Mixer, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, and Young—26.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 915, the following amendment, offered by Senator Garrison, was read:

Amendment No. 1.

On page 11, line 8, of the printed bill, as amended, after the word "zone", strike out the remainder of the line, all of line 9, and line 10 to and including the word "election", and insert the following: "and two-thirds or more of the owners of the producing factors in the proposed zone".

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Hulse and McColl, on the adoption of the amendment offered by Senator Garrison.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Difani, Fletcher, Garrison, Hulse, Keough, McColl, McGovern, Metzger, Olson, Powers, Snyder, and Swing—12.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Jespersen, King, Knowland, McCormack, McGuinness, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, and Young—24.

Further Amendments from the Floor.

During third reading of Assembly Bill No. 915, the following amendments, offered by Senator Duval, were read:

Amendment No. 1.

On page 2 of the printed bill, in the last line of the title, strike out the period, and insert in lieu thereof the following: "and to legalize existing marketing programs under said act."

Amendment No. 2.

On page 19 of the printed bill, after line 11, insert the following:

"Sec. 30. Subject to all of the provisions of the act cited in the title hereof with respect to the termination of marketing programs instituted under said act, all such programs heretofore instituted under said act and the proceedings leading up and incidental thereto are hereby legalized, confirmed and ratified.

Ayes and Noes Demanded.

A roll call was demanded by Senators Duval, Crittenden and Metzger, on the adoption of the amendments offered by Senator Duval.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Duval, Edwards, Gordon, McGuinness, Schottky, and Stow—6.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—31.

Previous Question Moved.

Senator McColl moved the previous question.

Motion carried.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metz-

ger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, and Stow—29.

NOES—Senators Garrison, Knowland, McColl, Perry, Swing, Wagy, and Young—7.

Title read and approved.

Assembly Bill No. 915 ordered transmitted to the Assembly.

Explanation of Vote.

Senator Young asked for, and was granted, unanimous consent to have the following explanation of his vote on Assembly Bill No. 915 printed in the Journal:

I voted "No" on the bill which I believe to be a wise constructive act because the majority of the prune and apricot growers of Santa Clara County have asked to be excluded from the provisions of the act, and as their amendment was defeated in the Committee on Agriculture, I obeyed their instruction to vote against the bill.

SANBORN YOUNG

Assembly Bill No. 246—An act for the regulation and control of corporations organized for the purpose of operating nonprofit hospital service plans.

Amendment from the Floor.

During third reading of Assembly Bill No. 246, the following amendment, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 1, line 10, of the printed bill, as amended May 8, 1935, after the word "hospitals", strike out the following: "incorporated under the laws of this State for hospital purposes."

Bill read, ordered to reprint, and on file for third reading.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Slater to introduce a bill entitled An act to amend sections 376a and 376b of the Political Code, relating to the Department of Penology, has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

RICH, Chairman.
DIFANI
KNOWLAND
SLATER.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—37.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Slater: Senate Bill No. 1125—An act to amend section 376a and 376b of the Political Code, relating to the Department of Penology.

Bill read first time, and referred to Committee on Governmental Efficiency.

Report of Standing Committee.

The following report of standing committee was received, read and the bills reported therein were ordered read the second time.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 516—An act establishing and authorizing an additional secondary State highway from the city of Needles easterly to the Arizona-California State line, including a bridge over the Colorado River, providing for the construction, maintenance and ownership of such bridge jointly by the States of California and Arizona, and amending the Streets and Highways Code in conformance therewith;

Also: Assembly Bill No. 1219—An act to amend section 133 of the Streets and Highways Code, relating to the Department of Public Works;

Also: Assembly Bill No. 2448—An act to amend section 407 of the Streets and Highways Code, relating to State highways;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—15; absent—2.

EDWARDS, Chairman.

Second Reading of Assembly Bills.

Assembly Bill No. 516—An act establishing and authorizing an additional secondary State highway from the city of Needles easterly to the Arizona-California State line, including a bridge over the Colorado River, providing for the construction, maintenance and ownership of such bridge jointly by the States of California and Arizona, and amending the Streets and Highways Code in conformance therewith.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2448—An act to amend section 407 of the Streets and Highways Code, relating to State highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1219—An act to amend section 133 of the Streets and Highways Code, relating to the Department of Public Works.

Bill read second time, and ordered on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

Report of the Subcommittee of Committee on Civil Service.

The following report by the subcommittee of standing Committee on Civil Service was received and ordered printed in the Journal:

The Senate Subcommittee on Civil Service has carefully gone into the provisions of Assembly Bill No. 1392, the Civil Service Bill, to determine in what manner it would affect the State service and particularly State employees in the event it were enacted into law as originally presented to the Senate.

The bill had passed the Assembly and the committee originally was advised that all interested groups, and persons subject to its terms, were in favor of the bill as it came from the Assembly.

After the bill reached the floor of the Senate, the committee for the first time was advised that the bill extended its provisions to many offices of the State now exempted by the law and the Constitution from civil service. Those who would have been subject to the jurisdiction of the personnel administration included the courts, employees of the Attorney General's office, the teaching staffs in normal schools and State teachers' colleges, prison wardens and prison guards, employees of the Railroad Commission, and others specifically exempted by the Constitution. The committee, after advice that certain of these interested officers and employees had not been given a hearing, concurred in the recommendation that the bill be returned to the committee for further hearing. The subcommittee appointed to study the bill disapproved of those provisions which extended the scope of civil service to constitutionally exempted offices because of the centralization in the

State Personnel Board of control over their employees. This was particularly true with respect to courts, State normal schools, prison wardens and guards, and the Railroad Commission.

In addition to the attempt to include the above named units and constitutional bodies of the State government without their knowledge, the bill also, in the opinion of the subcommittee, unwarrantedly extended the powers of State personnel administrators adversely to the interests of the State civil service employees. Among major defects found by the subcommittee and its draftsmen in this respect were:

1. Unlimited control in the State personnel administrators to reduce salaries of any and all State civil service employees by a majority vote of the Personnel Board. The subcommittee recommends that salary reductions and material change of duties of individuals be made only by a unanimous vote.

2. Abrogation of existing eligible and other lists from which people are certified for appointments to State positions as well as abrogation of existing rules and regulations, present classes and grades of positions, and the entire system now in operation. The committee amendments preserve existing eligible and lay off lists, class, grades, and rules.

3. Lack of a provision requiring that those serving a probationary period be dismissed only for truthful reasons related to the good of the service. The subcommittee has recommended the inclusion of such amendment.

4. Failure to provide that a person accepting promotional appointment from a lower to a higher position may return to the lower position in the event of dismissal, without notice or hearing, from the higher position during his probationary term. The subcommittee has recommended that those dismissed from promotional positions during the probationary period shall be entitled to be placed on the lay off list of the lower position so that promotion may not be made a means of unfairly separating an individual from the State service.

5. Unwarranted vesting of power in the State personnel administrators to make transfers, reinstatements, and classifications and through such means make possible the depriving of a person of his position. The subcommittee has recommended proper limitations so that a civil service employee can not be removed or dismissed except for cause after notice and an opportunity to be heard.

6. Unwarranted authority in the State personnel administrators with respect to leaves of absence, which also might operate to displace a man from the service without his consent or opportunity to be heard. The subcommittee has recommended that leaves of absence are to be granted only upon application of the employee affected.

7. Failure of the bill to provide for certification of persons on the general lay off list for appointment to vacancies, thus in effect apparently leaving people on the general lay off list (people who have previously served the State and attained civil service status) without legal standing. The subcommittee's amendments protect such persons in their right to be certified.

8. A drastic change in the existing law by express provision in the bill abolishing or abrogating the right of an employee even though unlawfully or unwarrantedly separated from the service from having a court pass upon the right of the employee and powers of the board. The subcommittee believes that it has corrected this defect and has preserved the rights of court action to an employee with proper limitations in favor of the State as to back pay receivable.

9. Complete failure of the bill to recognize or protect persons blacklisted in under the constitutional amendment adopted last November. The subcommittee feels that as a matter of justice to such persons that after years of service to the State they should not be removed solely for political reasons and without at least an opportunity to be heard. The recommendation of the subcommittee, however, is that any person who was so removed after the passage of the amendment should be returned to the service but without pay for the time he was not permitted to discharge the work of his position. The subcommittee is of the opinion that this will prevent hundreds of law suits and is the greatest protection to the State and the State treasury in the entire bill.

10. Repeal by indirection of provisions of law protecting employees of the State printing plant as to prevailing wages. The subcommittee has continued the prevailing wage law now in effect.

Furthermore, the bill as it was submitted to us was so drafted as to appear less desirable than the existing law and seemingly would have served neither the interests of State employees, the State, nor anyone. If the bill as first submitted to us had become the law, we are of the opinion it would have proved far more unworkable, ambiguous, and indefinite than the existing law.

These defects vitally affected all State employees and were capable of working many injustices and inequities. Contrasted with this is the fact that there was not one provision in the act which gave to the State employees any protection that they do not now have under present law.

The major questions of policy with respect to Assembly Bill No. 1392 were called to the attention of the subcommittee by representatives of constitutional officers, courts, and interested State departments. As these objections grew and various

specific amendments were suggested the subcommittee felt that the only possible method of making a workable statute out of Assembly Bill No. 1392 was to turn the entire bill over to an expert for suggested drafting and changes; to advise the committee as to the best method of harmonizing the various views, properly vesting in the State Personnel Board its due powers of administration, correcting injustices which have occurred under the existing act, limiting litigation which has severely affected the best interests of the State, and thus serve the purpose of sound legislative policy. Upon recommendation of several constitutional and State officers or their representatives, the committee selected Norris J. Burke, a Sacramento attorney, who for several years was chief deputy in the Legislative Counsel Bureau, to advise with the subcommittee and to redraft the bill in accordance with the subcommittee's instructions. It has required approximately 100 amendments and two weeks constant application to redraft Assembly Bill No. 1392 into what the subcommittee believes would be good legislation, but the subcommittee's opinion is that the bill as redrafted will result in a more efficient system of civil service than that now existing.

(Signed)

McCOLL
JESPERSEN.
WAGY.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 105—An act to amend section 1092 of the Agricultural Code, relating to a tax upon commercial feeding stuffs—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—10; absent—9.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 285—An act to amend sections 12, 13, and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to horse racing—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—10; absent—9.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—10; absent—9.

SHARKEY, Chairman.

On Reapportionment.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Reapportionment, to which was referred Senate Bill No. 809—An act to amend section 125 of the Political Code, relating to State Board of Equalization districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—3; committee vote: Ayes—1; absent—2.

GARRISON, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 385—An act to provide for the acquisition and cancellation of bonds heretofore issued under the provisions of that certain act of the Legislature of the State of California designated and known as the "Acquisition and Improvement Act of 1925"; providing for the cancellation of unpaid assessments levied for the

purpose of paying the principal and interest of such bonds and of the interest and penalties thereon; providing for the issuance and payment of assessment readjustment bonds to represent certain assessments for the cost of acquisition of such outstanding bonds, including all costs and incidental expenses of proceedings under this act for the issuance of such assessment readjustment bonds; providing a method for the payment of such assessment readjustment bonds; providing a means whereby landowners and bondowners may consent and agree to such proceedings and to the modification of any contract between them involved in such proceedings; providing a method for the redemption of lost or otherwise questionable bonds of the issue or issues to be acquired and canceled and for the protection of the owners of such bonds; authorizing proceedings under the homestead laws of the United States of America in connection with any proceedings hereunder; repealing the "Assessment Readjustment Act of 1933"; and to declare the urgency of this act, to take effect immediately, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1974—An act to amend section 11 of "An act authorizing the establishment of municipal courts, prescribing their constitution, jurisdiction, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors thereon," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and third classes.

Also: Assembly Bill No. 1260—An act to add section 1140.5 to the Probate Code, relating to the duties of the public administrator and providing for the management, control, rental and sale by the public administrator of property of insolvent or other aliens returned to their native lands by or at the request of consuls.

Also: Assembly Bill No. 1268—An act to validate the formation, organization and existence of county water districts, and to validate the acts of the boards of directors of such districts in the inclusion of land therein or exclusion of land therefrom, and to validate the proceedings of such districts taken for the creation of a bonded indebtedness;

Also: Assembly Bill No. 205—An act to amend section 702 of the Code of Civil Procedure, relating to redemption interest;

Also: Assembly Bill No. 1921—An act to amend section 1461 of the Probate Code, relating to guardians of insane or incompetent persons;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2051—An act amending section 1461a of the Penal Code, relating to municipal court procedure;

Also: Assembly Bill No. 487—An act to amend section 692 of, and to add a new section to be numbered 692a to the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust;

Also: Assembly Bill No. 76—An act to amend section 2924 of the Civil Code, relating to mortgages and trust deeds;

Also: Assembly Bill No. 1804—An act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by public bodies of this State for public works projects;

Also: Assembly Bill No. 1870—An act to amend an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair discriminations, and declaring the urgency thereof, to take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2021—An act to amend section 42 of the Probate Code, relating to bequests

and devises—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—8; noes—2; absent—4.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 943—An act to amend section 688 of the Political Code, relating to claims against the State of California in respect to damages inflicted by vehicles;

Also: Assembly Bill No. 2156—An act to amend a new section numbered 3819a, relating to the redemption of property from sale for nonpayment of taxes in counties of the first and second classes;

Also: Assembly Bill No. 882—An act to amend section 338 of the Code of Civil Procedure, relating to limitation of actions;

Also: Assembly Bill No. 142—An act to amend section 32 of the Penal Code, relating to the definition of an accessory;

Also: Assembly Bill No. 43—An act to add a new section to the Penal Code to be numbered 496bb, relating to buying, receiving, concealing or withholding stolen property, and prescribing penalties for violation of the provisions thereof;

Also: Assembly Bill No. 733—An act to amend section 1032 of the Code of Civil Procedure, relating to costs in civil actions;

Also: Assembly Bill No. 1491—An act establishing municipal courts in cities and cities and counties of the second and one-fourth class, prescribing a constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 315—An act to amend section 284 of the Code of Civil Procedure, relating to substitution of attorneys and fees of same;

Also: Assembly Bill No. 104—An act to amend section 103 of, and to add sections 103.1, 103.2, 103.3, 103.4, 103.5, 103.6, 103.7 and 103.8 to, the Code of Civil Procedure, relating to courts of justice;

Also: Assembly Bill No. 1492—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class;

Also: Assembly Bill No. 2218—An act to amend section 484 of the Penal Code, relating to thefts and fraud;

Also: Assembly Bill No. 2219—An act to amend section 1 of an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, relating to property as a substitute for a bond;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 455—An act to amend section 1305 of the Penal Code, to require certain entries in court minutes relating to bail, and to amend sections 1281a and 1310 of the Penal Code, and to add thereto a new section to be designated 1280c, authorizing the court, judge or magistrate to inquire into the financial condition of a corporation offering a bond as bail and to approve or reject said bond—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—11; noes—2; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1298—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain;

Also: Assembly Bill No. 826—An act to add a new section to the Code of Civil Procedure to be numbered 336a and to amend section 337 thereof, relating to the periods prescribed for the commencement of actions;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—12; noes—1; absent—1

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 128—An act to add section 188a to the Penal Code, relating to the punishment for theft of certain amounts of avocados—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—9; noes—2; absent—3

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1270—An act to add section 94 to: "An act to provide for the aid and relief of indigents," approved June 5, 1933, relating to the sale of personal property of such persons upon their death;

Also: Assembly Bill No. 2050—An act amending section 1428 of the Penal Code relating to keeping of minutes;

Also: Assembly Bill No. 2052—An act amending section 1428a, relating to minutes books of municipal courts;

Also: Assembly Bill No. 1067—An act to amend section 1007 of the Civil Code, relating to title by prescription and adverse possession against the State, counties, cities and counties or municipal corporations, thereof.

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 422—An act to amend section 690 of the Code of Civil Procedure, and to add sections 690.1 to 690.4, inclusive, 690.6 to 690.23, inclusive, and 690.50, thereto, relating to property exempt from execution or attachment—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—8; noes—1; absent—5

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1189—An act to amend sections 116, 116b, 274c, 437c, 477, 594, 602, 629, 652, 655, 664, 667a, 668, 670, 675, 973, 1033, 1052, 1134 and 1135 of the Code of Civil Procedure, and to add sections 35 and 982a thereto, relating to civil actions—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—8; noes—1; absent—5

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 985—An act relating to adjustment in lieu of enforcement of bonds which are in default, when the bonds are secured by a lien on or interest in real property situated in this State and limiting the enforcement of such bonds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—8; noes—4; absent—2

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2136—An act relating to the relief of debtors and guarantors: permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating

the appointment of receivers in certain cases: repealing Chapter 1, Statutes of the Extra Session of 1934, and Chapter 7 of the Statutes of 1935; declaring the urgency hereof, and providing that it shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—14; committee vote: Ayes—11; noes—2; absent—1.

SWING, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 62—Relative to memorializing the Federal Relief Administrator to make available funds for the extension of Highway Route No. 163 through the Venice and Santa Monica Bay areas—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3; absent—2.

WAGY, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, May 29, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 197—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Senate Bill No. 602—An act to amend an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to the powers of said districts and the acquisition of utility property—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

McGOVERN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 413—An act to amend sections 60 and 62 of an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 11 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, Statutes 1911, page 730, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass, as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

McGOVERN, Chairman.

On Building and Construction.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred Assembly Bill No. 2217—An act to amend section 402 of the Penal Code relating to safety measures—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5, absent—2.

GORDON, Chairman.

On Rules.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred Assembly Concurrent Resolution No. 43—Relative to a Commission on Interstate Compaction—has had the same under consideration, respectfully reports the same back without recommendation.

Committee membership—5; committee vote: Nays—4, absent—1.

RICH, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, but without any other recommendations as to the disposition of the bill.

Committee membership—9; committee vote: Ayes—5; absent—4.

SNYDER, Chairman.

Adjournment.

On motion of Senator Rich, at eleven o'clock and fifteen minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Friday, May 31, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Friday, May 31, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difam, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mexter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

For All Who Toil.

Almighty God, the Creator of all good, the source of all true brotherhood, we pray for the all-inclusiveness of Thy Spirit. May what is done here be done for all Thy people, forgetting none and serving every class and clan.

May the work we do here protect and encourage all honest toil. As Senators we work and pray:

For those who till the earth,
For those who tend machinery,
For those who work in offices and warehouses,
For those who labor at furnaces or in factories,
For those who toil in mines,
For those who buy and sell,
For those who keep house,
For those who train children,
For all who live by strength of arm,
For those who control, direct, or employ,
For all who enrich the common life through art, and science, and learning,
For all who guide the common thought, as writers or as teachers,
For all who may serve the common good, as doctors, lawyers, merchants,
pastors, statesmen, or social workers.

For all these we pray, and with Thy help, meet their many and divergent needs,
In the Father's name we pray. Amen.

Reading of the Journal.

During the reading of the Journal of Thursday, May 30, 1935, the further reading was dispensed with, on motion of Senator King.

Leaves of Absence.

Senator Olson was, on motion of Senator Rich, granted leave of absence for this day.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. J. S. West, J. B. Fiscalini, and Milton Kidd, directors, and B. W. Creim, electrical engineer, of the Modesto Irrigation District.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Earl T. Ross, Reno, Nevada.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Jack Whipple, Mr. Robert C. Walbey and Mr. John Ralph Wilson of San Francisco.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. G. W. Iverson of Alameda and Mrs. D. C. Buddecke of Folsom.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to United States Collector of Customs and Mrs. Charles O. Dunbar of San Francisco; Mr. and Mrs. Walter L. Murphy, owners and publishers of the "Sonoma Index-Tribune," Sonoma, and Mr. Goldman of Petaluma, President of the Redwood Empire Association.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2067—An act to amend the Building and Loan Association Act by amending section 12.06 thereof, relating to advertising by building and loan associations;

Also: Assembly Bill No. 2066—An act to amend the Building and Loan Association Act by adding section 6.01b thereto, relating to period of notice of intention to withdraw;

Also: Assembly Bill No. 2065—An act to amend the Building and Loan Association Act by amending section 9.15 thereof, relating to limitation on single loans;

Also: Assembly Bill No. 2064—An act to amend the Building and Loan Association Act by adding section 12.04b thereto, relating to foreign associations;

Also: Assembly Bill No. 2063—An act to amend the Building and Loan Association Act by adding section 9.07a thereto, relating to restrictions as to lending territory;

Also: Assembly Bill No. 2054—An act to amend the Building and Loan Association Act by adding a new section thereto to be numbered 8.11, relating to evidence of investment in building and loan associations.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 2067, 2066, 2065, 2064, 2063 and 2054 read first time, and referred to Committee on Building and Loan Associations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2053—An act to amend the Building and Loan Association Act by adding a new section thereto to be numbered 6.01a, relating to withdrawal claims maturing in installments;

Also: Assembly Bill No. 2466—An act to define motor transportation broker, to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2053 read first time, and referred to Committee on Building and Loan Associations.

Assembly Bill No. 2466 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1605—An act to amend sections 3.440, 3.441, 3.332, 3.333, 3.334, 3.335 and 3.337 of the School Code, relating to the attendance of pupils residing in California upon the public schools of adjoining States;

Also: Assembly Bill No. 2120—An act to add a new section to be numbered section 294 to the Public Utilities Act, approved April 23, 1915, relating to reports of salaries and expenses of officers and employees of public utilities, and determination of rates.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1605 read first time, and referred to Committee on Education.

Assembly Bill No. 2120 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 40—Relative to reports of the department encampment and the annual convention of the United Spanish-American War Veterans.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 40 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1769—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved

June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof;

Also: Assembly Bill No. 1794—An act to amend the title of "An act to amend an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred" (Chapter 1020, Statutes of 1931), to repeal sections 51 to 54 inclusive, and to add new sections to be numbered 51 to 80 inclusive, relating to exclusion of lands from water conservation districts and to improvement districts within water conservation districts," approved June 12, 1933 (Chapter 906, Statutes of 1933), to amend sections 18, 36 and 53 of the act amended by said act and to add a new section to said amended act to be known as section 36a, relating to water conservation districts;

Also: Assembly Bill No. 1753—An act to amend sections 2,876, 2,877, 2,878, 2,885, 2,890, 2,891, and to repeal section 2,868 of the School Code, relating to school district elections;

Also: Assembly Bill No. 771—An act authorizing counties to contract with cities and towns, to assume and carry on certain municipal functions thereof, providing for transfers of employees and assumption of pensions, and authorizing cities to transfer such functions to counties and to enter into contracts in relation thereto.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2476—An act to add section 24.5 to the State Bar Act, relating to examinations for admission to practice law;

Also: Assembly Bill No. 814—An act to amend section 92 of, and to add section 95 to the Agricultural Code, relating to and providing for the exhibition of California products;

Also: Assembly Bill No. 2441—An act to provide for the regulation and control of the sale of certain drugs or chemicals known as dinitrophenol and thyroïd, to provide penalties for the violation of this act and to provide for the enforcement hereof by the California State Board of Pharmacy.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2476 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 814 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 2441 read first time, and referred to Committee on Public Health and Quarantine.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Senate Bill No. 1063 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "January", and insert in lieu thereof the following: "October".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 4 to 24, inclusive; also on page 2, strike out lines 1 to 14, inclusive, and insert in lieu thereof the following: "The

delegates to such convention shall be chosen in the same manner and shall have the same qualifications as members of the Legislature.

Sec. 2. A special primary election is hereby called to be held, at the same time as and to be consolidated with the May presidential primary election in the year 1936, for the nomination of delegates to the convention. Such primary election shall be held in the same manner, and the same laws shall be applicable thereto, as in the case of a regular August primary election under the Direct Primary Law, except that as to such special primary election:

(a) The only candidates to be nominated at such special primary election shall be candidates for the office of delegate to such convention from each district of the State from which a member of the Assembly is elected, and from each district of the State from which a member of the State Senate is elected.

(b) On the ballot at such election the only designation of the office to be the subject of nomination shall be the following: "Delegate to the Constitutional Convention," followed by a designation of the Assembly district, or Senatorial district, respectively.

Sec. 3. A special election to elect delegates to the Constitutional Convention called by this act shall be held at the same time as, and to be consolidated with, the August primary election in the year 1936. The candidates nominated at the special primary election specified in section 2 of this act shall appear on the ballot in such election. One delegate shall be elected from each district of this State from which a member of the Assembly is elected and one delegate from each district from which a member of the Senate is elected, as the case may be. Such special election shall be held and the same laws shall be applicable thereto as in the case of a general election except that as to such special election:

(a) The officer to be elected shall be a delegate to the convention from each district of the State from which a member of the Assembly is elected, and one delegate from each district from which a member of the Senate is elected.

(b) On the ballot the only designation of the office to be the subject of election shall be the following: "Delegates to the Constitutional Convention," followed by a designation of the particular assembly or senatorial district.

(c) Whenever in the laws applicable to general elections the term "member of Assembly" or "State Senator" or similar designation appears, referring to members of the Assembly or Senate of this State, such terms shall be taken to refer to the delegates to the constitutional convention, according to the district from which elected."

Amendment No. 3.

On page 2, line 18, of the printed bill, strike out "January", and insert in lieu thereof the following: "October".

Amendment No. 4.

On page 2 of the printed bill, strike out lines 32 and 33, and insert in lieu thereof the following: "the sum of ten dollars each day during a period not to exceed sixty days for their actual and necessary expenses and each delegate shall also receive the sum of ten cents per mile for each mile between the city of Sacramento and his residence."

Amendment No. 5.

On page 2, line 35, of the printed bill, strike out "one hundred", and insert in lieu thereof the following: "sixty".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 602—An act to amend an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to the powers of said districts and the acquisition of utility property.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 985—An act relating to adjustment in lieu of enforcement of bonds which are in default, when the bonds are secured by a

lien on or interest in real property situated in this State, and limiting the enforcement of such bonds.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Senate Bill No. 985 was read and adopted:

Amendment No. 1.

On page 4 of the printed bill, strike out all of lines 31, 32, 33, 34 and 35, and insert in lieu thereof the following:

"(2) Every applicant hereunder shall, at the time of filing a petition with the commissioner as in this act provided, deposit with the commissioner a sum of money to be supplemented from time to time as estimated by the commissioner to defray all cost to the commissioner for handling the proceedings.

All fees and deposits charged and collected under this act shall be paid at least once each month, accompanied by a detailed statement thereof, into the treasury of the State to the credit of the "Corporation Commission fund". Said moneys are hereby appropriated to be used by the commissioner in carrying out the provisions of this act.

SEC. 151. The commissioner may, whenever it is in his opinion necessary, secure the services of such appraisers, engineers, accountants, actuaries, financial and other counsel, stenographic reporters, clerical help and/or any other technicians to assist the commissioner in passing upon the petition before him. Such assistants, or any thereof shall be employed by the commissioner at the expense of the petitioner.

SEC. 151. The commissioner may, whenever it is in his opinion necessary, utilize the funds collected by him under this act for the acquisition of office space and equipment, anywhere within this State or elsewhere, the payment of court costs, fees, salaries, travel expense, rent, light, heat, fuel and supplies. Said expenditures are not, however, limited to the foregoing enumerated items, but without any such limitation such expenditures may be made for any purpose relating to the proceedings before the commissioner when, in his opinion, such expenditures are reasonable.

SEC. 153. Every assistant, deputy or other employee of the commissioner, if otherwise qualified by law as an attorney at law, is hereby specifically authorized, when designated by the commissioner for that purpose, to appear in court as attorney for the commissioner."

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 1120 were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, after the word "therefor", insert a comma and the following: "and making an appropriation".

Amendment No. 2.

On page 1, line 3, of the printed bill, after the word "million", insert the following: "nine hundred fifty thousand".

Amendment No. 3.

On page 1, line 9, of the printed bill, strike out "permanent improvements to", and insert in lieu thereof the following: "major construction, improvements, and equipment at".

Amendment No. 4.

On page 1, line 12, of the printed bill, following the word "institutions", insert the following: "and the State Capitol".

Amendment No. 5.

On page 7, line 28, of the printed bill, following the word "year", insert the following: "1957".

Amendment No. 6.

On page 3 of the printed bill, between lines 5 and 6, insert the following:

"Before providing for any expenditure from the proceeds of the sale of bonds authorized in this act in an amount which will reduce the unencumbered balance of such proceeds below the amount appropriated by the Legislature in the Budget Bill for the eighty-seventh and eighty-eighth fiscal years for major construction, improvements and equipment at the State institutions, the State Building Commission shall secure from the Governor and the State Controller a certification that the return of such money to the general fund is unnecessary and may be expended for major construction, improvements and equipment at State institutions."

Upon order of the Governor and the State Controller the State Building Commission shall repay to the general fund such sum or sums not to exceed in total the sum of money equal to that appropriated by the Legislature in the Budget Bill for the eighty-seventh and eighty-eighth fiscal years for major construction, improvements and equipment at the State institutions."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 809—An act to amend section 125 of the Political Code, relating to State Board of Equalization districts.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 285—An act to amend sections 12, 13, and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions" relating to horse racing.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 285 were read and adopted:

Amendment No. 1.

On page 2, line 28, of the printed bill, as amended, strike out "twenty-five", and insert in lieu thereof the following: "twenty".

Amendment No. 2.

On page 2, line 29, of the printed bill, as amended, strike out "\$25,000", and insert in lieu thereof the following: "\$20,000".

Amendment No. 3.

On page 2, lines 51 and 52, of the printed bill, as amended, strike out "twenty-five", and insert in lieu thereof the following: "forty".

Amendment No. 4.

On page 3, line 14, of the printed bill, as amended, strike out "twenty-five", and insert in lieu thereof the following: "forty".

Amendment No. 5.

On page 3, line 16, of the printed bill, as amended, strike out "twenty-five", and insert in lieu thereof the following: "forty".

Amendment No. 6.

On page 3, line 18, of the printed bill, as amended, strike out "described", and insert in lieu thereof the following: "prescribed".

Amendment No. 7.

On page 3, line 19, of the printed bill, as amended, after "1933", insert the following: "as originally enacted."

Amendment No. 8.

On page 2, line 42, of the printed bill, as amended, after "State:", insert the following: "fifty thousand dollars to District Agricultural Association 1a in each year in which such association conducts a fair".

Amendment No. 9.

On page 3, line 6, of the printed bill, as amended, after "tion", insert a comma and the following: "District Agricultural Association 1a,".

Amendment No. 10.

On page 2, line 35, of the printed bill, after the words "one hundred", insert the words "and twenty-five".

Amendment No. 11.

On page 2, line 38, of the printed bill, strike out the words "two per cent", and insert in lieu thereof the words "fifteen thousand dollars".

Amendment No. 12.

On page 2, line 51, of the printed bill, strike out the words "three per cent", and insert in lieu thereof the word "sum".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 105—An act to amend section 1092 of the Agricultural Code, relating to a tax upon commercial feeding stuffs.

Bill read second time, ordered to engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 2217—An act to amend section 402c of the Penal Code, relating to safety measures.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 413—An act to amend sections 60 and 62 of an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, Statutes 1911, page 730, as amended.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 413 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in the last line of the title, strike out the period, and insert in lieu thereof the following: ", relating to bonds and assessments."

Amendment No. 2.

On page 3, line 21, of the printed bill, after the word "assessments", insert a period.

Bill read second time, ordered to reprint, and on file for third reading

Assembly Bill No. 197—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized

but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Municipal Corporations, the following amendments to Assembly Bill No. 197 were read and adopted:

Amendment No. 1.

On page 4, line 39, of the printed bill, as amended, after "navigation," insert the following: "; and for the establishment and operation thereof and thereon of any foreign trade zones as may be permitted by the laws of the United States, for the use and benefit of the people of the State of California."

Amendment No. 2.

On page 4 of the printed bill, as amended, between lines 48 and 49 insert the following:

"The grant contained in this act shall be subject to any present or future use of any of such property by the California Toll Bridge Authority, or any other department of the State of California, in connection with the San Francisco-Oakland Bay Bridge, the approaches thereto, or the transportation facilities in connection therewith. The title to all of such property required for present or future use in connection with said bridge, approaches or transportation facilities is specifically reserved in the State of California.

It shall be the duty and obligation of said City and County of San Francisco to hereafter continuously give full consideration at all times and to comply with the proper requirements of the agricultural interests of this State, in the conduct and operation of said water front, and to that end it shall be the duty and obligation of said city and county to make such necessary additions and improvements to said water front as may be advisable so as to give effect to this provision of this act."

Amendment No. 3.

On page 4 of the printed bill, as amended, after line 51, insert the following:

"SEC. 34. No money, property or thing of value, of any kind or description whatsoever, shall ever hereafter be granted, conveyed, appropriated or transferred from said water front or said harbor or from any fund that may be under the jurisdiction of the municipal board of harbor commissioners of San Francisco, or of any other official or authority of said municipality, to any other branch or department of said City and County of San Francisco, or to any other political subdivision of this State, or otherwise, the purpose of this act being to preserve in trust, for the use and benefit of the people of the State of California, all of the assets of said water front and of said harbor, that is hereby granted in trust to said City and County of San Francisco, as well as all increment therefrom, as well as all past, present and future receipts, of every kind, from said water front and harbor.

Said water front and harbor shall not be operated for profit. For the purpose of giving effect to this provision it shall be the duty of said City and County of San Francisco, acting through its said municipal board of harbor commissioners, and other municipal officials and authority, to impose minimum rates, charges and tariffs, of every kind, on all freight and passenger transportation, that may be conducted over, in and upon said water front and said harbor, and in no event shall said charges, rates or tariffs be greater than is necessary to meet the cost of operating said water front and said harbor, including operating and overhead expenses and payment of obligations chargeable against the same."

Amendment No. 4.

On page 5, line 14, of the printed bill, as amended, after the comma, insert the following: "and for the employees' retirement fund".

Amendment No. 5.

On page 6 of the printed bill, as amended, strike out line 39, and insert in lieu thereof the following: "month after the effective date of this act."

Amendment No. 6.

On page 7 of the printed bill, as amended, strike out line 15, and insert in lieu thereof the following: "month after the effective date of this act."

Amendment No. 7.

On page 7 of the printed bill, as amended, strike out lines 36 and 37, and insert in lieu thereof the following: "every month after the effective date of this act."

Amendment No. 8.

On page 12, lines 12 and 13, of the printed bill, as amended, strike out "for at least one year".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2136—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; repealing Chapter 1, Statutes of the Extra Session of 1934, and Chapter 7 of the Statutes of 1935; declaring the urgency hereof, and providing that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2136 were read and adopted:

Amendment No. 1.

On page 8, line 35, of the printed bill, as amended, strike out the words "November 1", and insert in lieu thereof the words "July 1".

Amendment No. 2.

On page 8, line 39, of the printed bill, as amended, after the word "sale", add the following: "who is not in default in his obligation to pay taxes and insurance premiums and not more than six months in arrears in payment of interest,".

Amendment No. 3.

On page 8, line 44, of the printed bill, as amended, following the period, insert the following: "A trustor or mortgagor who has elected to pay delinquent taxes in installments as provided by statute and who is not in default in the payment of such installments shall not be deemed in default in his obligation to pay such taxes for the purpose of this act."

Amendment No. 4.

On page 9, line 24, of the printed bill, as amended, strike out the words "February 1, 1937", and insert in lieu thereof the words "October 1, 1936".

Amendment No. 5.

On page 9, line 29, of the printed bill, as amended, strike out the words "February 1, 1937", and insert in lieu thereof the words "October 1, 1936".

Amendment No. 6.

On page 10, line 9, of the printed bill, as amended, after the word "redemption", insert the following: "who is not in default in his obligation to pay taxes and insurance premiums and not more than six months in arrears in payment of interest,".

Amendment No. 7.

On page 10, line 10, of the printed bill, as amended, strike out the words "November 1", and insert in lieu thereof the words "July 1".

Amendment No. 8.

On page 10, line 43, of the printed bill, as amended, strike out the words "February 1, 1937", and insert in lieu thereof the words "October 1, 1936".

Amendment No. 9.

On page 11 of the printed bill, as amended, strike out the paragraph beginning in line 33, and ending in line 44.

Amendment No. 10.

On page 11 of the printed bill, as amended, strike out lines 51 and 52; also strike out all of pages 12 and 13, and on page 14, strike out all of lines 1 to 12, inclusive.

Amendment No. 11.

On page 14, line 13, of the printed bill, as amended, strike out the figure "21", and insert in lieu thereof the figure "14".

Amendment No. 12.

On page 14, line 17, of the printed bill, as amended, strike out the words "February 1, 1937", and insert in lieu thereof the words "October 1, 1936".

Amendment No. 13.

On page 14, line 20, of the printed bill, as amended, strike out the words "February 1, 1937", and insert in lieu thereof the words "October 1, 1936".

Amendment No. 14.

On page 14, line 31, of the printed bill, as amended, strike out the words "February 1, 1937", and insert in lieu thereof the words "October 1, 1936".

Amendment No. 15.

On page 14, line 36, of the printed bill, as amended, strike out the figure "22", and insert in lieu thereof the figure "15".

Amendment No. 16.

On page 15, line 3, of the printed bill, as amended, strike out the figure "23", and insert in lieu thereof the figure "16", and in line 18, strike out the figure "24", and insert in lieu thereof the figure "17".

Amendment No. 17.

On page 15 of the printed bill, as amended, strike out all of lines 26 to and including line 40.

Amendment No. 18.

On page 15, line 41, of the printed bill, as amended, strike out the figure "26", and insert in lieu thereof the figure "18".

Amendment No. 19.

On page 16, line 3, of the printed bill, as amended, strike out the figure "27", and insert in lieu thereof the figure "19".

Amendment No. 20.

On page 16 of the printed bill, as amended, between lines 16 and 17, insert the following:

"(d) Any mortgage or deed of trust securing an obligation in default at the time the owner or owners acquired title, subject thereto".

Amendment No. 21.

On page 16, line 17, of the printed bill, as amended, strike out the figure "28", and insert in lieu thereof the figure "20".

Amendment No. 22.

On page 16, line 27, of the printed bill, as amended, strike out the comma, and insert a period, and in line 27, strike out the following: "but for the extension of the mortgage or of an agree-", and strike out all of line 28.

Amendment No. 23.

On page 16, line 29, of the printed bill, as amended, strike out the figure "29", and insert in lieu thereof the figure "21".

Amendment No. 24.

On page 16, line 42, of the printed bill, as amended, strike out the figure "30", and insert in lieu thereof the figure "22".

Amendment No. 25.

On page 16, line 50, of the printed bill, as amended, strike out the figure "31", and insert in lieu thereof the figure "23".

Amendment No. 26.

On pages 17 and 18 of the printed bill, as amended, strike out all of sections 32, 33 and 37.

Amendment No. 27.

On page 17, line 26, of the printed bill, as amended, strike out the figure "34", and insert in lieu thereof the figure "24".

Amendment No. 28.

On page 17, line 33, of the printed bill, as amended, strike out the figure "35", and insert in lieu thereof the figure "25".

Amendment No. 29.

On page 17, line 38, of the printed bill, as amended, strike out the figure "36", and insert in lieu thereof the figure "26".

Amendment No. 30.

On page 18, line 35, of the printed bill, as amended, strike out the figure "38", and insert in lieu thereof the figure "27".

Amendment No. 31.

On page 18, line 37, of the printed bill, as amended, strike out the figure "39", and insert in lieu thereof the figure "28".

Bill read second time, ordered to reprint, and re-referred to Committee on Judiciary.

Assembly Bill No. 1189—An act to amend sections 116, 116b, 274c, 437c, 477, 594, 632, 639, 652, 655, 664, 667a, 668, 670, 675, 973, 1033, 1052, 1134 and 1135 of the Code of Civil Procedure, and to add sections 35 and 982a thereto, relating to civil actions.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 1189 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after "sections", insert the following: "81,".

Amendment No. 2.

On page 1, line 5 of the title of the printed bill, as amended, strike out "sections 35 and 982a", and insert in lieu thereof the following: "section 35".

Amendment No. 3.

On page 1, line 4, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA".

Amendment No. 4.

On page 1, line 14, of the printed bill, as amended, strike out "A.", and insert in lieu thereof the following: "LA."

Amendment No. 5.

On page 1 of the printed bill, as amended, between lines 14 and 15, insert the following:

"Sec. 1a. Section 81 of the Code of Civil Procedure is hereby amended to read as follows:

81. Justices' courts in cities, towns and judicial townships having a population of thirty thousand, or more, in counties having a population of less than nine hundred thousand, shall be known and may be designated as "Justices' courts of Class A."

Justices' courts in cities, towns and judicial townships having a population of thirty thousand, or more, in counties having a population of nine hundred thousand or over, shall be known and may be designated as "Justices' courts of Class LA."

Justices' courts in cities, towns and judicial townships having a population of less than thirty thousand shall be known and may be designated as "Justices' courts of Class B."

For the purpose of determining the jurisdiction of any justice's court therein, the population of a judicial township shall be deemed to be above or below thirty thousand as may have been found by the Supreme Court of this State to be the fact in any proceeding in mandamus, prior to January 1, 1931, to compel the justices of such townships to exercise original jurisdiction in certain causes; otherwise such population shall be deemed to be as shown by the last preceding census taken under the direction of the Congress of the United States."

Amendment No. 6.

On page 1, line 17, of the printed bill, as amended, after "of", insert the following: "Class A or".

Amendment No. 7.

On page 2, line 6, of the printed bill, as amended, strike out "of", and insert in lieu thereof the following: "or".

Amendment No. 8.

On page 2, line 25, of the printed bill, as amended, after "of", insert the following: "Class A or".

Amendment No. 9.

On page 2, line 34, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA".

Amendment No. 10.

On page 2, line 41, of the printed bill, as amended, after "civil", insert the following: "action or".

Amendment No. 11.

On page 3, line 7, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA."

Amendment No. 12.

On page 3, line 11, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA".

Amendment No. 13.

On page 3, line 34, of the printed bill, as amended, strike out "defendant", and insert in lieu thereof the following: "defendant".

Amendment No. 14.

On page 4, line 8, of the printed bill, as amended, after "of", insert the following: "Class A or".

Amendment No. 15.

On page 4, line 12, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA".

Amendment No. 16.

On page 4, line 15, of the printed bill, as amended, strike out "direct", and insert in lieu thereof the following: "directs".

Amendment No. 17.

On page 4, line 21, of the printed bill, as amended, after "of", insert the following: "Class A and".

Amendment No. 18.

On page 4, line 35, of the printed bill, as amended, after "plaintiff", strike out "-----".

Amendment No. 19.

On page 4, line 37, of the printed bill, as amended, strike out "defendant" and on the right side of said line, immediately under "vs.", insert the following: "-----, defendant."

Amendment No. 20.

On page 5, line 5, of the printed bill, as amended, immediately before "shall", insert the following: "he".

Amendment No. 21.

On page 5, line 33, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA".

Amendment No. 22.

On page 5, line 40, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA".

Amendment No. 23.

On page 6, line 1, of the printed bill, as amended, after "of", insert the following: "Class A or".

Amendment No. 24.

On page 6, line 6, of the printed bill, as amended, after "of", insert the following: "Class A and".

Amendment No. 25.

On page 6, line 35, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA".

Amendment No. 26.

On page 7, line 2, of the printed bill, as amended, after "of", insert the following: "Class A or".

Amendment No. 27.

On page 7, line 8, of the printed bill, as amended, after "of", insert the following: "Class A and".

Amendment No. 28.

On page 7, line 15, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA"

Amendment No. 29.

On page 7, line 16, of the printed bill, as amended, immediately before "Class", insert the following: "Class A or"

Amendment No. 30.

On page 7, line 24, of the printed bill, as amended, immediately before "Class", insert the following: "Class A or"

Amendment No. 31.

On page 7, line 29, of the printed bill, as amended, after "signed", insert the following: "by the clerk or"

Amendment No. 32.

On page 7, line 27, of the printed bill, as amended, after the comma and before "action", insert the following: "each"

Amendment No. 33.

On page 7, line 28, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "or"

Amendment No. 34.

On page 7, line 45, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA"

Amendment No. 35.

On page 8, line 1, of the printed bill, as amended, after "of", insert the following: "Class A or"

Amendment No. 36.

On page 8, line 6, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA"

Amendment No. 37.

On page 8, line 46, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA"

Amendment No. 38.

On page 8, line 47, of the printed bill, as amended, immediately before "Class", insert the following: "Class A or"

Amendment No. 39.

On page 8, line 1, of the printed bill, as amended, after "of", insert the following: "Class A or"

Amendment No. 40.

On page 8, line 8, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA"

Amendment No. 41.

On page 8, line 12, of the printed bill, as amended, strike out "A", in the two places in which it appears in that line, and insert in lieu thereof in each of said two places, the following: "LA"

Amendment No. 42.

On page 8, line 16, of the printed bill, as amended, after "1942", insert the following: "1. In default of notice of Class A or Class B the person must pay and include in the payment the same allowed by law to the prevailing party."
2"

Amendment No. 43.

On page 8, line 20, of the printed bill, as amended, after "court", insert the following: "of Class LA"

Amendment No. 44.

On page 8, line 48, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA"

Amendment No. 45.

On page 8, line 49, of the printed bill, as amended, strike out "H", and insert in lieu thereof the following: "They"

Amendment No. 46.

On page 10, line 3, of the printed bill, as amended, after "of", insert the following: "Class A or"

Amendment No. 47.

On page 10, line 11, of the printed bill, as amended, after "of", insert the following: "Class A or".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 422—An act to amend section 690 of the Code of Civil Procedure, and to add sections 690.1 to 690.4, inclusive, 690.6 to 690.23, inclusive, and 690.50, thereto, relating to property exempt from execution or attachment.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 422 were read and adopted:

Amendment No. 1.

On page 4, line 51, of the printed bill, as amended in the Assembly May 21, 1935, strike out the words "five hundred," and insert in lieu thereof the words "one thousand."

Amendment No. 2.

On page 5, line 3, of the printed bill, as amended in the Assembly May 21, 1935, strike out the words "five hundred," and insert in lieu thereof the words "one thousand."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1270—An act to add section 94 to "An act to provide for the aid and relief of indigents," approved June 5, 1933, relating to the sale of personal property of such persons upon their death.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 1270 was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, strike out the word "said", and insert in lieu thereof the following: "any such indigent".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2050—An act amending section 1428 of the Penal Code, relating to keeping of minutes.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 2050 was read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after "the", insert the following: "municipal judge,".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2052—An act amending section 1428a, relating to minute books of municipal courts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2052 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amending", and insert in lieu thereof the following: "to amend".

Amendment No. 2.

On page 1, line 1, of the printed bill, after "1428a", insert the following: "of the Penal Code".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1067—An act to amend section 1007 of the Civil Code, relating to title by prescription and adverse possession against the State, counties, cities and counties or municipal corporations thereof.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Judiciary, the following amendment to Assembly Bill No. 1067 was read and adopted:

Amendment No. 1.

On page 1, line 13, of the printed bill, as amended, after "corporation", insert a comma and the following: "irrigation district".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 128—An act to add section 488a to the Penal Code, relating to the punishment for theft of certain amounts of avocados.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1298—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 826—An act to add a new section to the Code of Civil Procedure, to be numbered 336a and to amend section 337 thereof, relating to the periods prescribed for the commencement of actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2021—An act to amend section 42 of the Probate Code, relating to bequests and devises.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 455—An act to amend section 1305 of the Penal Code, to require certain entries in court minutes relating to bail, and to amend sections 1281a and 1310 of the Penal Code, and to add thereto a new section to be designated 1280e, authorizing the court, judge or magistrate to inquire into the financial condition of a corporation offering a bond as bail and to approve or reject said bond.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 315—An act to amend section 284 of the Code of Civil Procedure, relating to substitution of attorneys and fees of same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 104—An act to amend section 103 of, and to add sections 103.1, 103.2, 103.3, 103.4, 103.5, 103.6, 103.7 and 103.8 to, the Code of Civil Procedure, relating to courts of justice.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1492—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their

constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2218—An act to amend section 484 of the Penal Code, relating to thefts and fraud.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2219—An act to amend section 1 of an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, relating to property as a substitute for a bond.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 943—An act to amend section 688 of the Political Code, relating to claims against the State of California in respect to damages inflicted by vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2156—An act to amend the Political Code by adding a new section numbered 3819a, relating to the redemption of property from sale for nonpayment of taxes in counties of the first and second classes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 882—An act to amend section 338 of the Code of Civil Procedure, relating to limitation of actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 142—An act to amend section 32 of the Penal Code, relating to the definition of an accessory.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 43—An act to add a new section to the Penal Code to be numbered 496bb, relating to buying, receiving, concealing or withholding stolen property, and prescribing penalties for violation of the provisions thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 733—An act to amend section 1032 of the Code of Civil Procedure, relating to costs in civil actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1491—An act establishing municipal courts in cities and cities and counties of the second and one-fourth class, prescribing a constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2051—An act amending section 1461a of the Penal Code, relating to municipal court procedure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 487—An act to amend section 692 of, and to add a new section to be numbered 692a to the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 76—An act to amend section 2924½ of the Civil Code, relating to mortgages and trust deeds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1804—An act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by public bodies of this State for public works projects.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1870—An act to amend an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair discriminations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1974—An act to amend section 11 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and three-fourths class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1260—An act to add section 1140.5 to the Probate Code, relating to the duties of the public administrator and providing for the management, control, rental and sale by the public administrator of properties of indigent or other aliens returned to their native lands by or at the request of counties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1268—An act to validate the formation, organization and existence of county water districts, and to validate the acts of the board of directors of such districts in the inclusion of land therein or exclusion of land therefrom, and to validate the proceedings of such directors taken for the creation of a bonded indebtedness.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 205—An act to amend section 702 of the Code of Civil Procedure, relating to redemption interest.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1921—An act to amend section 1461 of the Probate Code, relating to guardians of insane or incompetent persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 385—An act to provide for the acquisition and cancellation of bonds heretofore issued under the provisions of that certain act of the Legislature of the State of California designated and known as the "Acquisition and Improvement Act of 1925"; providing for the cancellation of unpaid assessments levied for the purpose of paying the principal and interest of such bonds and of the interest and penalties thereon; providing for the issuance and payment of assessment readjustment bonds to represent certain assessments for the cost of acquisition of such outstanding bonds, including all costs and incidental expenses of proceedings under this act for the issuance of such assessment readjustment bonds; providing a method for the payment of such assessment readjustment bonds, providing a means whereby landowners and bondowners may consent and agree to such proceedings and to the modification of any contract between them involved in such proceedings; providing a method for the redemption of lost or otherwise unobtainable bonds of the issue or issues to be acquired and canceled and for the protection of the owners of such bonds; authorizing proceedings under the bankruptcy laws of the United States of America in connection with any proceedings hereunder; repealing the "Assessment Readjustment Act of 1933"; and to declare the urgency of this act, to take effect immediately.

Bill read second time, and ordered on file for third reading.

Unfinished Business.

Consideration of Senate Amendments to Assembly Bill No. 442

Assembly Bill No. 442—An act to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 442?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 442 by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, McCormack, McGovern, McGinness, Metzger, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Waggy, and Young—28.

Appointment of Committee on Conference.

The President announced the appointment of Senators Powers, Biggar, and Perry, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 442.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote where by Senate Constitutional Amendment No. 22 was refused adoption was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Rich moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Bill No. 287 was refused passage.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 287 was refused passage was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Rich moved to reconsider the vote whereby Senate Bill No. 1112 was passed.

Postponement of Reconsideration.

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1112 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Rich moved to reconsider the vote whereby Senate Bill No. 1115 was passed.

Postponement of Reconsideration.

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1115 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Knowland moved to reconsider the vote whereby Assembly Bill No. 1129 was passed.

Postponement of Reconsideration.

On motion of Senator Knowland, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1129 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Rich moved to reconsider the vote whereby Assembly Bill No. 1684 was passed.

Postponement of Reconsideration.

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1684 was passed was continued until the next legislative day.

Third Reading of Senate Bills.

Senate Bill No. 700—An act to add Article 6 to Chapter 5 of Part 2, of Division IV, of the Fish and Game Code, relating to permits for the operation of salmon preparation plants, the taxing of salmon prepared or received by such plants, and the establishment of salmon hatcheries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 700 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McGovern, McGinniss, Mixer, Parkman, Perry, Pirovich, Powers, Rich, Schottky, Scollan, Seawell, Shurkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—31

NOES—Senator Tickle—1.

Title read and approved.

Senate Bill No. 700 ordered transmitted to the Assembly.

Senate Bill No. 398—An act to amend section 4 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights, to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the extension of prospecting permits for oil and gas which were in effect June 1, 1933, and upon which has been expended twenty-five thousand dollars or more in the prospecting for oil and gas.

Amendment from the Floor.

During third reading of Senate Bill No. 398, the following amendment, offered by Senator Swing, was read and adopted.

Amendment No. 1.

On page 4, line 37, of the printed bill, as amended in the Senate May 24, 1935, strike out the words "hereafter granted under this", and insert in lieu thereof the following: "extended under this and the preceding".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts.

Amendments from the Floor.

During third reading of Senate Bill No. 984, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1, line 15, of the printed bill, as amended, strike out the following: "average daily".

Amendment No. 2.

On page 1, line 25, of the printed bill, as amended, after the word "total", insert the following: "average daily".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 465—An act to provide for the establishment of a code or codes of fair competition for the meat industry.

Bill read third time.

Amendments from the Floor.

During third reading of Senate Bill No. 465, the following amendments to the title, offered by Senator Metzger, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "for the establishment of a code or codes", and insert in lieu thereof the following: "certain standards".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "prohibiting the making of misrepresentations in the sale of meat and prescribing penalties for violation of the act."

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 465 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Garrison, Hulse, Jespersen, King, Knowland, McCormack, McGovern, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved as amended.

Senate Bill No. 465 ordered transmitted to the Assembly.

Senate Bill No. 121—An act to amend section 862b of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 121 refused passage by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Jespersen, King, Knowland, McGovern, Perry, Schottky, Slater, and Swing—12.

NOES—Senators Deuel, Difani, Duval, Edwards, Hays, Hulse, Keough, McCormack, Mixter, Parkman, Pierovich, Powers, Scollan, Sharkey, Snyder, Stow, Tickle, Wagy, Williams, and Young—20.

Senator Wagy in the Chair.

At eleven o'clock and fifty minutes a.m., Senator Wagy of the thirty-fourth district was called to the chair.

Assistant Secretary Carl A. Shipkey at the Desk.

Third Reading of Assembly Bills.

Assembly Bill No. 236—An act to amend section 4307 of the Political Code, relating to county charges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 236 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGovern,

Metzger, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 236 ordered transmitted to the Assembly.

Assembly Bill No. 1837—An act to amend sections 269 and 271 of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1837 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, Mixer, Parkman, Perry, Pierovich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—29.

NOES—Senators Hulse, and Schottky—2.

Title read and approved.

Assembly Bill No. 1837 ordered transmitted to the Assembly.

Assembly Bill No. 1007—An act to amend section 29 of the California Workmen's Compensation, Insurance and Safety Act, relating to compensation insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1007 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, Mixer, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1007 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

Assembly Bill No. 2369—An act to add sections 9a to 9d, inclusive, to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to disability of members of the California Highway Patrol.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2369 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2369 ordered transmitted to the Assembly.

Assembly Bill No. 1756—An act to add two new sections, to be numbered 1000a and 1000b, to Chapter III of Title XIV of Part II of the Code of Civil Procedure, relating to admissions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1756 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1756 ordered transmitted to the Assembly.

Assembly Bill No. 1755—An act to amend sections 1466, 1467, 1468 and 1469 of the Penal Code, and to repeal sections 1468a and 1470 of the Penal Code, all relating to appeals to the superior court in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1755 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Swing, Tickle, Wagy, and Williams—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1755 ordered transmitted to the Assembly.

Assembly Bill No. 2122—An act to postpone proceedings to enforce any guaranty of any special assessment or special assessment tax, or arising out of the issuance of any special assessment bond, or ad valorem district bonds or direct assessment district bonds, levied or issued to pay the cost of the improvement or acquisition of property for public purposes, in cases in which proceedings to enforce such assessments, bonds, or taxes are postponed by law declaring the urgency thereof, and providing that it shall take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 2122, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, in the next to the last line of the title, insert a comma after "law".

Amendment No. 2.

On page 2, line 41, of the printed bill, as amended, after the period, insert the following: "When a moratorium is declared upon such payments, it would be grossly inequitable and would cause financial ruin to guarantors not to extend to them similar relief."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1896—An act to add a new section to the Political Code, to be numbered section 1143, relating to boards of election.

Amendments from the Floor.

During third reading of Assembly Bill No. 1896, the following amendments, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "the third class", and insert in lieu thereof the following: "over three hundred thousand and under five hundred and fifty thousand population".

Amendment No. 2.

On page 1, line 9, of the printed bill, strike out "contained", and insert in lieu thereof the following: "provided".

Bill read, ordered to reprint, and on file for third reading.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., Senator Wagy, in the chair, declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1054—An act to add sections 2a, 2b, 2c, and section 3a to and to amend sections 3, 4, 5, 6, 7, 8, 10, 14, 16, 17, 18, and 19 of the "Los Angeles County Flood Control Act," relating to the government and control of the district and the powers and duties of the board of directors thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1054 read first time, and referred to Committee on Conservation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 30, 1935, passed Assembly Bill No. 2480—An act to authorize the operation of stands in State buildings by blind persons.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2480 read first time, and referred to Committee on Governmental Efficiency.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of the work of May 31, 1935:

William Liddle, Assistant Sergeant-at-Arms.....	<i>Per day</i>
Walter Culver, Assistant Sergeant-at-Arms.....	\$5 00
	5 00

Resolution read, and on motion of Senator Tickle, adopted.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 700—An act making appropriations for the support of the government

of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—15; absent—4.

STOW, Vice Chairman.

Motion.

On motion of Senator Rich, Assembly Bill No. 700 was ordered read the second time, without reference to file.

Second Reading of Assembly Bill No. 700.

Assembly Bill No. 700—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 700 were read and adopted:

Amendment No. 1.

On page 2, line 45, of the printed bill, as amended, strike out the word "Counsel", and insert in lieu thereof the word "Council".

Amendment No. 2.

On page 3, line 26, of the printed bill, as amended, strike out the figure "677a", and insert in lieu thereof the figure "677.5".

Amendment No. 3.

On page 3, line 33, of the printed bill, as amended, strike out the figure "677a", and insert in lieu thereof the figure "677.5".

Amendment No. 4.

On page 3, line 37, of the printed bill, as amended, strike out the figure "677a", and insert in lieu thereof the figure "677.5".

Amendment No. 5.

On page 3 of the printed bill, as amended, strike out all of lines 46 and 47, and insert in lieu thereof the following: "three hundred nineteen thousand one hundred twenty dollars \$319,120.00".

Amendment No. 6.

On page 5 of the printed bill, as amended, following line 17, insert the following: "Item 37½—For part purchase price of certain real property situated on the southwest corner of Ninth and L Streets in the city of Sacramento in liquidation of assets at Delhi State Land Settlement and Durham State Land Settlement, State Department of Finance, thirty-two thousand dollars, payable from the Land Settlement Fund \$32,000.00".

Amendment No. 7.

On page 5, line 21, of the printed bill, as amended, after the word "Finance", insert a comma.

Amendment No. 8.

On page 5, line 50, of the printed bill, as amended, strike out the words "premiums for".

Amendment No. 9.

On page 6, line 2, of the printed bill, as amended, after the word "for", insert the following: "premiums for".

Amendment No. 10.

On page 10 of the printed bill, as amended, strike out all of lines 38, 39 and 40, and insert in lieu thereof the following: "two million thirty-four thousand one hundred ninety-nine dollars, payable from fish and game preservation fund; provided, that no money hereby appropriated shall be used for salary and expenses of a

publicist or public relations employee or person employed for the purpose of compiling or disseminating data or information for publicity purposes, \$2,034,199.00".

Amendment No. 11.

On page 10 of the printed bill, as amended, following line 40, insert the following: "Item 81—For predatory animal control, Division of Fish and Game, Department of Natural Resources, eighty thousand dollars, payable from the fish and game preservation fund \$80,000.00".

Amendment No. 12.

On page 11, line 1, of the printed bill, as amended, after the word "ment", insert a comma.

Amendment No. 13.

On page 11, line 3, of the printed bill, as amended, strike out the word "eighty", and insert in lieu thereof the following: "twenty-eight".

Amendment No. 14.

On page 11, line 6, of the printed bill, as amended, strike out the figure "\$180,000.00", and insert in lieu thereof the figure "\$128,000.00".

Amendment No. 15.

On page 15, line 7, of the printed bill, as amended, strike out the figure "21/100", and insert in lieu thereof the figure "20/100".

Amendment No. 16.

On page 15, line 31, of the printed bill, as amended, strike out the figure "41/100", and insert in lieu thereof the figure "40/100".

Amendment No. 17.

On page 17, line 4, of the printed bill, as amended, after the word "two", insert the word "hundred".

Amendment No. 18.

On page 17, line 49, of the printed bill, as amended, strike out the word "fifty-six", and insert in lieu thereof the word "sixty-six".

Amendment No. 19.

On page 18, line 43, of the printed bill, as amended, strike out the figure "\$162,284.80", and insert in lieu thereof the figure "\$162,284.90".

Amendment No. 20.

On page 18, line 48, of the printed bill, as amended, after the word "dollars", insert a semicolon, and the following: "except that if Senate Constitutional Amendment Number Twenty-one, submitted by the fifty first session of the Legislature, is adopted by the people, the balance remaining in this item of appropriation on the effective date of said amendment shall be for minor construction, improvements, and equipment at the California Institution for Women,".

Amendment No. 21.

On page 19, line 8, of the printed bill, as amended, strike out the following: "five thousand dollars \$5,000.00", and insert in lieu thereof the following: "seven thousand four hundred dollars \$7,400.00".

Amendment No. 22.

On page 19, line 35, of the printed bill, as amended, after the word "dollars", insert a comma.

Amendment No. 23.

On page 19, line 49, of the printed bill, as amended, after the word "dollars", insert a comma".

Amendment No. 24.

On page 20, line 13, of the printed bill, as amended, after the word "dollars", insert a comma.

Amendment No. 25.

On page 20, line 26, of the printed bill, as amended, after the word "dollars", insert a comma.

Amendment No. 26.

On page 21, line 6, of the printed bill, as amended, after the word "lars", insert a comma.

Amendment No. 27.

On page 23, line 35, of the printed bill, as amended, after the word "dollars", insert a comma and the following: "payable from San Francisco Harbor improvement fund,".

Amendment No. 28.

On page 24, line 20, of the printed bill, as amended, after the word "hundred", insert the word "thousand".

Amendment No. 29.

On page 18, lines 17 and 18, of the printed bill, as amended, strike out the word "average".

Amendment No. 30.

On page 3, lines 41 and 42, of the printed bill, as amended, strike out the following: "eight thousand eight hundred fifty dollars \$8,850.00", and insert in lieu thereof the following: "twelve thousand four hundred fifty dollars \$12,450.00".

Amendment No. 31.

On page 5 of the printed bill, as amended, strike out all of lines 9 to 13, inclusive, and insert in lieu thereof the following:

"Item 36—For relief of hardship and destitution due to and caused by unemployment and the administration thereof, State Relief Administrator and the State Relief Commission, twenty-four million dollars (exempt from section 4 of this act) including not to exceed four hundred ninety-four thousand dollars (\$494,000.00) for the administrative expenses of the State Controller in connection therewith \$24,000,000.00".

Amendment No. 32.

On page 4 of the printed bill, as amended, strike out all of lines 45 to 48, inclusive, and insert in lieu thereof the following: "three million dollars; payable from retail sales tax fund; provided, that should the Retail Sales Tax Act make no provision for food exemptions the amount hereby appropriated shall be reduced to two million four hundred thousand dollars (\$2,400,000.00) \$3,000,000.00".

Amendment No. 33.

On page 5, line 24, of the printed bill, as amended, after the word "of", insert the following: "Senate and".

Amendment No. 34.

On page 5, line 25, of the printed bill, as amended, after the word "rooms", insert the following: "and offices of the members of the Senate".

Amendment No. 35.

On page 5, lines 27 and 28, of the printed bill, as amended, strike out the following: "thirteen thousand five hundred dollars \$13,500.00", and insert in lieu thereof the following: "thirty-six thousand dollars \$36,000.00".

Amendment No. 36.

On page 9 of the printed bill, as amended, following line 38, insert the following: "Item 74½—In addition to any other money available by law for predatory animal control, State Department of Agriculture, nine thousand eight hundred dollars \$9,800.00".

Amendment No. 37.

On page 9 of the printed bill, as amended, following line 47, insert the following: "Item 75½—For support of the Agricultural Prorate Commission, to be repaid to the general fund from the Agricultural Prorate Commission fund in ten equal annual payments without interest, ten thousand dollars \$10,000.00".

Amendment No. 38.

On page 9 of the printed bill, as amended, strike out all of lines 16 and 17, and insert in lieu thereof the following: "hundred twenty-seven thousand three hundred twenty dollars \$427,320.00".

Amendment No. 39.

On page 12 of the printed bill, as amended, strike out all of lines 9 and 10, and insert in lieu thereof the following: "seven thousand five hundred twenty dollars \$707,520.00".

Amendment No. 40.

On page 14, line 28, of the printed bill, as amended, following the comma, insert the following: "Department of Institutions,".

Amendment No. 41.

On page 22 of the printed bill, as amended, strike out all of lines 45 and 46, and insert in lieu thereof the following: "sixteen thousand six hundred twenty-five dollars \$16,625.00".

Bill read second time, ordered to reprint, and on file for third reading.

Call of the Senate.

Senator Keough moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Perry, Rich, Schottky, Seawell, Slater, Snyder, Tickle, Wagy, and Young—22

The Secretary announced the absentees.

Time, two o'clock and twenty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Senate Bills.

Senate Bill No. 555—An act to amend sections 1143, 1144, 1146 and 1147 of the Agricultural Code, relating to egg products.

Amendments from the Floor.

During third reading of Senate Bill No. 555, the following amendments, offered by Senator Slater, were read and adopted:

Amendment No. 1.

On page 2, line 34, of the printed bill, following 'eggs', insert the following: ", for resale within this State."

Amendment No. 2.

On page 2, lines 35 and 36, of the printed bill, as amended, strike out the following: "for the purpose of reselling such eggs"

Amendment No. 3.

On page 2, line 36, of the printed bill, as amended, strike out the following: "resale or".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 1426—An act to amend section 3820 of the Political Code, relating to assessor to collect taxes not secured by real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1426 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Parkman, Rich, Schottky, Seollan, Slater, Snyder, Tickle, Williams, and Young—23

NOES—Senators Garrison, McGovern, and Perry—3.

Title read and approved.

Assembly Bill No. 1426 ordered transmitted to the Assembly.

Assembly Bill No. 301—An act to amend section 7 of an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to taxes of such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 301 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Swing, Tickle, Waggy, and Williams—28.

NOES—None.

Title read and approved.

Assembly Bill No. 301 ordered transmitted to the Assembly.

Assembly Bill No. 1111—An act to provide for the formation, government, operation and dissolution of library districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1111 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Waggy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1111 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and forty-six minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Keough.

Assembly Bill No. 2452—An act to add section 1298.5 to the Code of Civil Procedure, relating to eminent domain.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2452 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Waggy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2452 ordered transmitted to the Assembly.

Assembly Bill No. 2438—An act to amend sections 13, 14, 14a and 14b of, to add sections 21, 22, 23, 24 and 25 to, and to repeal sections 15 and 16 of, The Planning Act, relating to State, regional, county, and city planning.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2438 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger,

Mixer, Parkman, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—29.
NOES—None.

Title read and approved.

Assembly Bill No. 2438 ordered transmitted to the Assembly.

Assembly Bill No. 2252—An act to amend section 5.773 of the School Code, relating to employees of school districts other than persons employed in positions requiring certification qualifications.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2252 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Rich, Seollan, Seawell, Snyder, Swing, Tickle, Wagy, Williams, and Young—31.
NOES—None.

Title read and approved.

Assembly Bill No. 2252 ordered transmitted to the Assembly.

Assembly Bill No. 1395—An act to amend sections 5.1100, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees by school districts, and to add a new section to be numbered section 5.1139 to the School Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—33.

The Secretary announced the absentees.

Time, three o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Senator Sharkey in the Chair.

At three o'clock and fifteen minutes p.m., Senator Sharkey of the seventeenth district was called to the chair.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1833—An act to amend section 1 of "An act to regulate the construction of buildings in the State of California, in respect to resistance to horizontal forces, providing penalties for the

violation thereof and providing that this act become effective immediately," approved May 26, 1933, relating to construction of buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1833 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Schottky, Seawell, Sharkey, Slater, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1833 ordered transmitted to the Assembly.

Assembly Bill No. 1959—An act to add sections 306 and 306a to the Penal Code, relating to minors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1959 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Scollan, Seawell, Sharkey, Slater, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1959 ordered transmitted to the Assembly.

Assembly Bill No. 2420—An act to provide for reduction of salaries of officers and employees of the State in the State civil service which are in excess of the maximum salary limits of the respective positions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2420 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Perry, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—30.

NOES—Senator Scollan—1.

Title read and approved.

Assembly Bill No. 2420 ordered transmitted to the Assembly.

Assembly Bill No. 1192—An act to amend section 80 of the Agricultural Code, relating to agricultural districts and including provision for the exhibition of live stock in southern California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1192 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, Metz-

ger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1192 ordered transmitted to the Assembly.

Assembly Bill No. 1500—An act to add section 92.5 to the Agricultural Code, relating to money appropriated for the encouragement of county and district agricultural fairs, declaring the urgency hereof and providing that this act shall go into immediate effect.

Amendments from the Floor.

During third reading of Assembly Bill No. 1500, the following amendments, offered by Senator Hulse, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "to add section 92.5 to the Agricultural Code."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 and 2.

Amendment No. 3.

On page 1, lines 8 and 9, of the printed bill, as amended, strike out "92.5. Whenever an agricultural fair has received an allotment during the preceding year." and insert in lieu thereof the following:

"SECTION 1. Whenever any fair entitled to receive money under the provisions of section 92 of the Agricultural Code has held a fair between August 1, 1934 and July 31, 1935."

Amendment No. 4.

On page 1, line 14, of the printed bill, as amended, after "92", strike out the period, and insert in lieu thereof the following: "of the Agricultural Code."

Amendment No. 5.

On page 1, line 15, of the printed bill, as amended, after "under", insert the following: "said".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1614—An act to amend section 135 of the Vehicle Code, relating to the California Highway Patrol.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1614 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1614 ordered transmitted to the Assembly.

Assembly Bill No. 2012—An act to amend the Vehicle Code by adding a new section to be numbered 135.5, relating to investigation of accidents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2012 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern,

McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 2012 ordered transmitted to the Assembly.

Assembly Bill No. 1364—An act authorizing the State Franchise Tax Commissioner to destroy certain tax returns.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1364 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1364 ordered transmitted to the Assembly.

Assembly Bill No. 2432—An act to amend section 2 of the "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, relating to powers of the district, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately.

The facts constituting the necessity are as follows:

A disastrous forest fire occurred in November, 1933, completely denuding approximately seven square miles of the mountainous watershed above the towns of La Crescenta, Montrose and La Canada, in Los Angeles County, thereby permitting boulders, debris and dirt to wash down upon the populous communities lying below said watershed. The immediate construction of debris dams at the mouths of various canyons below said burned-over watershed and the construction of channels below said debris basins are necessary in order to protect the lives of persons living in said communities and to protect the homes and other property from destruction.

There are surplus funds in the treasury of the county of Los Angeles not required for the immediate necessities of such county and which are available for investment in securities acceptable for such purpose, and said funds can be utilized immediately for the purpose of aiding in the prompt construction of said work.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2432 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCor-

mack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2432 ordered transmitted to the Assembly.

President Pro Tempore in the Chair.

At three o'clock and fifty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 1395 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Swing, Tickle, Wagy, and Williams—39.

NOES—Senators Deuel, Gordon, Hays, McGuinness, Sharkey, and Young—6.

Amendments from the Floor.

The following amendments to the title, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "5.1136, 5.1138 of the School Code," and insert in lieu thereof the following "and 5.1139 of the School Code, and to add a new section to be numbered section 5.1139,".

Amendment No. 2.

On page 1, lines 4 and 5 of the title of the printed bill, as amended, strike out the comma and "and to add a new section to be numbered section 5.1139 to the School Code".

Title read and approved, as amended.

Assembly Bill No. 1395 ordered transmitted to the Assembly.

Assembly Bill No. 1360—An act to add sections 54a and 54b to the Civil Code, relating to the right of privacy of persons, and to provide a method by which such right of privacy may be enforced.

Amendment from the Floor.

During third reading of Assembly Bill No. 1360, the following amendment, offered by Senator Pierovich, was read:

Amendment No. 1.

On page 2 of the printed bill, following line 25, insert the following: "No person, firm or corporation engaged in the business of publishing or displaying advertising shall be liable under this or the preceding section as the result of a publication or display of any advertising copy or advertisement created, designed or originated by the advertiser, his representative or his agent, and delivered or furnished to such person, firm or corporation for publication or display."

Ayes and Noes Demanded.

A roll call was demanded by Senators Pierovich, Powers and Sharkey, on the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern,

McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—34.
NOES—Senator Swing—1.

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 20—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions and making an appropriation therefor.

Amendment from the Floor.

During third reading of Senate Bill No. 20, the following amendment, offered by Senator Slater, was read and adopted:

Amendment No. 1.

On page 2, line 11, of the printed bill, strike out the word "warranty", and substitute in lieu thereof the word "grant".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, the removal or destruction of improvements thereon, the cutting and removal of timber or the doing of any act impairing the value of the lands or of the improvements; providing for the renting of said lands and the collection of rents, issues and profits thereof, and the appointment of representatives by the Controller; providing for the recovery of the possession of said property and an accounting of rents, issues and profits; providing for the commencement of actions and the disposition of moneys received, and the removal or sale of property which has become a public nuisance.

Amendments from the Floor.

During third reading of Senate Bill No. 576, the following amendments, offered by Senator Duval, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "the removal or destruction of", and strike out the remainder of the title, and insert in lieu thereof the following: "and making an appropriation in relation thereto."

Amendment No. 2.

On page 1, line 5, of the printed bill, as amended, strike out "or", after "lands," and insert in lieu thereof the following: "nor".

Amendment No. 3.

On page 1, line 6, of the printed bill, as amended, strike out the comma after "hour".

Amendment No. 4.

On page 1, line 7, of the printed bill, as amended, strike out the comma.

Amendment No. 5.

On page 2, line 2, of the printed bill, as amended, insert a comma after "State".

Amendment No. 6.

On page 2, line 7, of the printed bill, as amended, strike out the comma after "from".

Amendment No. 7.

On page 2, line 9, of the printed bill, as amended, strike out the comma after "representative".

Amendment No. 8.

On page 2, line 28, of the printed bill, as amended, correct the spelling of "empowered".

Amendment No. 9.

On page 3, line 10, of the printed bill, as amended, after "advance," insert the following: "and there is hereby appropriated annually."

Amendment No. 10.

On page 3, of the printed bill, as amended, strike out line 11, and insert in lieu thereof the following: "out of any moneys not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary, for".

Amendment No. 11.

On page 3, line 33, of the printed bill, as amended, correct the spelling of "abandon".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 105—An act to amend section 1092 of the Agricultural Code, relating to a tax upon commercial feeding stuffs;

Also: Senate Bill No. 602—An act to amend an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to the powers of said districts and the acquisition of utility property;

Also: Senate Bill No. 809—An act to amend section 125 of the Political Code, relating to State Board of Equalization districts;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 41—Relative to the report of the Spanish War Commemoration Commission—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Recess.

On motion of Senator Stow, at four o'clock and forty minutes p.m., the President pro tempore of the Senate declared recess until eight o'clock p.m.

Reconvened.

At eight o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 159—An act to amend sections 117d and 117p of the Code of Civil Procedure, relating to small claims courts;

Also: Senate Bill No. 215—An act to add section 1219.5 to the Agricultural Code, relating to annual reports of nonprofit cooperative marketing associations;

Also: Senate Bill No. 234—An act to amend section 330.24 of the Civil Code, relating to mutual water companies;

Also: Senate Bill No. 235—An act to amend sections 2 and 3 of "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the Railroad Commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the Public Utilities Act and the Railroad Commission of the State of California," approved April 25, 1913;

Also: Senate Bill No. 908—An act to amend sections 286, 1072, 10200, and 10271 of the Insurance Code, relating to insurance principles, practice and matters incidental thereto;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of May, 1935, at three o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 33—An act to amend section 674 and 675 of the Code of Civil Procedure, relating to the filing and recording of abstracts and satisfactions of judgments in the office of the county recorder;

Also: Senate Bill No. 37—An act providing for the creation, organization, and government of joint districts composed of two or more counties, and of districts composed of a single county, for the purpose of maintaining joint county road camps and providing that persons confined in the county jail of any such county under a final judgment of imprisonment rendered in a criminal action or proceeding may be required to perform labor on the public work or public highways in any of such counties;

Also: Senate Bill No. 47—An act to amend section 10 of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to taxes of county fire protection districts;

Also: Senate Bill No. 139—An act to provide for the burning of the brush and debris on a watershed for experimental purposes;

Also: Senate Bill No. 153—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to boats unequipped with propelling machinery;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of May, 1935, at three o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 36—Relating to the termination of the probationary period of all persons employed on the staff of the State Board of Equalization and mentioned in subdivision (e) of section 5 of Article XXIV of the Constitution of this State;

Also: Senate Bill No. 353—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in the State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States under the National Agricultural Adjustment Act, being Public Act No. 10 of the Seventy-third Congress of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that said State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to repeal Chapter 1029 of the Statutes of 1933; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately;

Also: Senate Bill No. 1106—An act making an appropriation for contingent expenses of the Senate, and declaring that this act shall take effect immediately;

Also: Senate Bill No. 4—An act to amend sections 2, 3, and 6 of and add section 5a to an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal

corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands and claims in consequence thereof:
And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of May, 1935, at three o'clock p.m.

METZGER, Chairman.

Call of the Senate.

Senator Deuel moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Deuel, Difani, Duval, Garrison, Gordon, Hays, Keough, King, Metzger, Mixer, Parkman, Perry, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, and Wagy—21.

The Secretary announced the absentees.

Time, eight o'clock and twenty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 1654—An act to amend sections 459, 465 and 471 of, and to add a new section to be numbered 466 to, the Vehicle Code, relating to highways and the regulation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1654 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Seawell, Sharkey, Snyder, Tickle, Wagy, and Young—26.
NOES—Senator Scollan—1.

Title read and approved.

Assembly Bill No. 1654 ordered transmitted to the Assembly.

Assembly Bill No. 1826—An act to amend section S65 of the Fish and Game Code, relating to fish, declaring the urgency thereof to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore take effect immediately.

The facts constituting such necessity are as follows: there are many destitute fishermen who will be enabled to relieve their condition through the use of the nets herein permitted. Since the season on shad will soon close, it is necessary that this take immediate effect in order that it may benefit such destitute fishermen.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1826 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1826 ordered transmitted to the Assembly.

Assembly Bill No. 1215—An act to amend section 11 of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Amendment from the Floor.

During third reading of Assembly Bill No. 1215, the following amendment, offered by Senator Powers, was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, strike out all of line 11, commencing with "advertising", and all of lines 12 to 20, inclusive.

Bill read, ordered to reprint, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Deuel.

Motion to Reconsider.

Senator Scollan moved to reconsider the vote by which the amendment to Assembly Bill No. 1215 was adopted.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby the amendment to Assembly Bill No. 1215 was adopted was continued until the next legislative day.

Senate Meets as a Committee of the Whole.

Senator Sharkey moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Assembly Bill No. 700.

Motion carried.

At nine o'clock and twenty minutes p.m., the Senate met as a Committee of the Whole.

Committee of the Whole Rises.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

At eleven o'clock and thirty-eight minutes p.m., on motion of Senator Sharkey, the Committee of the Whole arose.

In Senate.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Consideration of Assembly Bill No. 700.

Senator Sharkey asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 700 for purpose of passage.

Resolution.

The following resolution was offered:

By Senator Sharkey:

Resolved, That Assembly Bill No. 700 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, and Young—29.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering at this time Assembly Bill No. 700.

Third Reading of Assembly Bill No. 700.

Assembly Bill No. 700—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 10. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of section 1, of Article IV of the Constitution of the State of California, take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 700 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 700 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 162—An act to limit the jurisdiction of courts over matters arising out of or involving labor disputes—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

OLSON, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 264—An act to amend section 737m of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Imperial;

Also: Assembly Bill No. 1559—An act to amend section 4245 of the Political Code, relating to the compensation of county officers in counties of the sixteenth class;

Also: Assembly Bill No. 2426—An act to provide for the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts, defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5; absent—4.

HULSE, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 1782—An act to amend sections 1142 and 1257a of the Political Code, relating to the elections and the canvass and counting of the ballots cast at elections—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; noes—2; absent—3.

POWERS, Chairman.

On Civil Service.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Assembly Concurrent Resolution No. 44—Relating to the termination of the probationary period of all persons employed by the various departments of the State and mentioned in subdivision (c) of Article XXIV of the Constitution of this State—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—5.

KEOUGH, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 793—An act to amend section 5.900 of the School Code, relating to the retirement of public school teachers;

Also: Assembly Bill No. 2043—An act to add a new section to be known as section 5,724 to the School Code, relating to resignations, dismissals and leaves of absence of certificated employees;

Also: Assembly Bill No. 2134—An act to add section 6.2a to the School Code, relating to school property fire losses;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—13; absent—2

JESPERSEN, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 1060—An act to amend sections 105, 109, and 111 of the Vehicle Code, and to add thereto section 641, relating to the organization and powers of the Department of Motor Vehicles—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—9; absent—8

FLETCHER, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 731—An act providing for an investigation of and report on the feasibility and desirability, from the standpoint of the public interest, of acquisition by the State of California of the existing facilities for the generation and distribution of electric power in California, whether now under private or public ownership, providing for a commission therefor, and the appointment of such commission, defining the powers, duties and compensation of such commission in respect thereto, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—15; absent—4

STOW, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1071—An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter, or otherwise distributed, and to provide for the inspection of all birds which may be kept in such places; to repeal an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933; to declare the urgency thereof and provide that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—15; absent—4

STOW, Vice Chairman.

On Building and Construction.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred Assembly Bill No. 98—An act providing for the establishment, organization, operation and dissolution of municipal housing authorities, vesting them with authority to clear, replan and reconstruct areas in municipalities in which unsanitary and substandard housing conditions exist, to provide and maintain decent, safe and sanitary dwelling accommodations, in said areas and elsewhere for persons of low income, to acquire property therefor by purchase, option or lease, or by condemnation in the exercise of the power of eminent domain, to sell or lease their projects, to borrow money, and defining the duties and powers of such municipal housing authorities in the exercise of the authority so vested in them and authorizing any city or county establishing a municipal housing authority to give it financial assistance and to issue bonds therefor, and otherwise to aid, assist and cooperate with such municipal housing authority, and declaring the measure an urgency measure within the meaning of section 1 of Article IV of the Constitution and providing accordingly for the act to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; noes—1.

GORDON, Chairman.

Adjournment.

On motion of Senator Sharkey, at twelve o'clock midnight, the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Saturday, June 1, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Saturday, June 1, 1935.

The Senate met at ten o'clock a.m.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Perry, Perovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—35.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

The Greater Budget.

Our Father, the Creator of all material and spiritual things, we thank Thee, for the abundant provision Thou hast made for human needs. Thy budget is ever generous and complete. As we provide the means for governmental expenditures, wilt Thou supply those other resources that come not from man?

We provide for schools but we look to Thee for the building of character. Add honesty to our arithmetic. We provide for the many activities of government, all dedicated to the public good, but from Thee must come that spirit of unselfish loyalty and dedicated leadership which alone can make our State great and secure.

With faithful hearts, as best we may, we remember the poor, the sick and distressed, and those in prison, but from Thee and Thee alone, O God of Mercy, must come that patience, understanding, and love for others which can make our charity worth the name. Add to our cold figures the warmth of Thy divine spirit.

As we provide the budget for things material wilt Thou add Thy greater budget of things spiritual, that success may crown our days, and that permanence and blessing be added to our efforts?

For Thy kingdom's sake, we pray. Amen.

Reading of the Journal.

During the reading of the Journal of Friday, May 31, 1935, the further reading was dispensed with, on motion of Senator Crittenden.

Leaves of Absence.

Senator Parkman was, on motion of Senator Powers, granted leave of absence for this day.

Senator Olson was, on motion of Senator Hays, granted leave of absence for this day.

Senator Reindollar was, on motion of Senator Sharkey, granted leave of absence for this day.

Senator Seawell was, on motion of Senator Stow, granted leave of absence for this day.

Senator McGovern was, on motion of Senator Difani, granted leave of absence for this day.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 1125—An act to amend sections 376a and 376b of the Political Code, relating to the Department of Penology—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 88—An act to amend section 762 of the Political Code, relating to the office hours of clerks of the District Courts of Appeal:

Also: Assembly Bill No. 522—An act to amend section 400 of the Vehicle Code, relative to the liability of governmental agencies:

Also: Assembly Bill No. 1170—An act relating to the Department of Professional and Vocational Standards and defining its powers and duties in relation to and providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as indicia of ownership and to protect the owners thereof:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

HAYS, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1304—An act to amend the title and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores, and spotting, sponging, and or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging, and or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931, relating to cleaning and dyeing—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—7.

(Signed out)

DIFANI, Chairman.
MCGOVERN
TICKLE
PARKMAN.
MINTER
WILLIAMS.
YOUNG.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 1124—An act to amend sections 1193, 1217, 1228, 1239 and 1243 of the Penal Code, relating to persons convicted of the commission of crime—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

YOUNG, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Assembly Bill No. 2400—An act to add sections 1217.5 and 1243.5 to the Penal Code, relating to capital punishment—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

YOUNG, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1309—An act to regulate the location, construction, occupancy and operation of hat cleaning and blocking establishments, or agencies thereof, and private schools and colleges of hat cleaning and blocking; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement; and providing penalties for violations;

Also: Assembly Bill No. 1579—An act to amend section 911 of the Insurance Code, relating to insurance practice regarding financial statements of insurers, and matters incidental thereto;

Also: Assembly Bill No. 1586—An act to repeal sections 12051 and 12052 of the Insurance Code, relating to surety insurers;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

WILLIAMS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1589—An act to amend section 12562 of the Insurance Code, relating to mortgage insurance—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

WILLIAMS, Chairman.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of May 27, 1935:

	<i>Per day</i>
Pauline Cassidy, Stenographer-----	\$5 00

Resolution read, and on motion of Senator Tickle, adopted.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 731—An act providing for an investigation of and report on the feasibility and desirability, from the standpoint of the public interest, of acquisition by the State of California of the existing facilities for the generation and distribution of electric power in California, whether now under private or public ownership, providing for a commission therefor, and the appointment of such commission, defining the powers, duties and compensation of such commission in respect thereto, and making an appropriation therefor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 731 were read and adopted:

Amendment No. 1.

On page 1, line 6 of the title of the printed bill, strike out "commission", and insert in lieu thereof the following: "committee".

Amendment No. 2.

On page 1, line 7 of the title of the printed bill, strike out "commission", and insert in lieu thereof the following: "committee".

Amendment No. 3.

On page 1, line 8 of the title of the printed bill, strike out "duties and compensation of such commission", and insert in lieu thereof the following: "duties of such committee".

Amendment No. 4.

On page 1 of the printed bill, strike out lines 1 to 19, inclusive, and insert in lieu thereof the following:

"SECTION 1. A legislative committee is hereby created to be known as the California Legislative Power Investigation Committee to consist of ten members, five members of the Senate to be appointed by the President of the Senate and five members of the Assembly to be appointed by the Speaker of the Assembly.

The committee shall proceed to organize by the election of one of its members as chairman and is authorized to employ such expert or other assistants as may be required to aid the committee in making the investigation and report herein provided for.

SEC. 2. The Governor may meet with and assist the committee and shall direct the cooperation and assistance of all State officers and agencies in making available to the committee any and all information, services or facilities under their control.

SEC. 3. All meetings of the committee shall be in Sacramento unless the Governor shall authorize and direct the committee to meet elsewhere."

Amendment No. 5.

On page 1, line 20, of the printed bill, strike out "SEC. 3. It shall be the duty of the commission", and insert in lieu thereof the following: "SEC. 4. It shall be the duty of the committee".

Amendment No. 6.

On page 2, line 4, of the printed bill, strike out "commission", and insert in lieu thereof the following: "committee".

Amendment No. 7.

On page 2 of the printed bill, strike out lines 5 and 6, and insert in lieu thereof the following: "the performance of that duty, and as incidental thereto, to consider and report on the possible purchase and to".

Amendment No. 8.

On page 2, line 13, of the printed bill, strike out "SEC. 4. The commission", and insert in lieu thereof the following: "SEC. 5. The committee".

Amendment No. 9.

On page 2, line 15, of the printed bill, strike out "commission", and insert in lieu thereof the following: "committee".

Amendment No. 10.

On page 2, lines 16 and 17, of the printed bill, strike out "in the same manner as any court in this State may", and insert in lieu thereof the following: ", and all of the provisions of Article VIII of Chapter 2 of Title I of Part III of the Political Code, relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this act".

Amendment No. 11.

On page 2, line 18, of the printed bill, strike out "commission", and insert in lieu thereof the following: "committee".

Amendment No. 12.

On page 2, line 19, of the printed bill, strike out "commission", and insert in lieu thereof the following: "committee".

Amendment No. 13.

On page 2, line 30, of the printed bill, strike out "commission", and insert in lieu thereof the following: "committee".

Amendment No. 14.

On page 2, lines 35 and 36, of the printed bill, strike out "commission", and insert in lieu thereof the following: "committee".

Amendment No. 15.

On page 2 of the printed bill, strike out lines 39 to 41, inclusive.

Amendment No. 16.

On page 2, line 42, of the printed bill, strike out "SEC. 7. The commission", and insert in lieu thereof the following: "SEC. 6. The committee".

Amendment No. 17.

On page 2, line 43, of the printed bill, after "Governor", insert the following: "and the Legislature".

Amendment No. 18.

On page 2, line 43, of the printed bill, strike out "December 1, 1936", and insert in lieu thereof the following: "January 15, 1937".

Amendment No. 19.

On page 2 of the printed bill, immediately following line 45, insert the following: "SEC. 7. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to be used to pay the expenses of the committee and the cost of the investigation herein provided, and to carry out the purposes of this act."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1071—An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parrakeets are sold, offered for sale, trade or barter, or otherwise distributed, and to provide for the inspection of all birds which may be kept in such places; to repeal an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parrakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933; to declare the urgency thereof and provide that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1060—An act to amend sections 105, 109, and 111 of the Vehicle Code, and to add thereto section 641, relating to the organization and powers of the Department of Motor Vehicles.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1124—An act to amend sections 1193, 1217, 1228, 1239 and 1243 of the Penal Code, relating to persons convicted of the commission of crime.

Bill read second time, ordered to engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 264—An act to amend section 737m of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Imperial.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1559—An act to amend section 4245 of the Political Code, relating to the compensation of county officers in counties of the sixteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2429—An act to provide for the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts, defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 162—An act to limit the jurisdiction of courts over matters arising out of or involving labor disputes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1782—An act to amend sections 1142 and 1257a of the Political Code, relating to the elections and the canvass and counting of the ballots cast at elections.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Elections, the following amendment to Assembly Bill No. 1782 was read and adopted:

Amendment No. 1.

On page 6 of the printed bill, as amended, after line 16, insert the following paragraph:

"In precincts where the board of election consists of six members, the board may divide itself into two groups of not less than three members each, for the purpose of canvassing the ballots. In such case, the provisions of this section relating to the number of members required to simultaneously keep the tally sheets and to look at the vote on the ballot shall not apply."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 793—An act to amend section 5900 of the School Code, relating to the retirement of public school teachers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2043—An act to add a new section to be known as section 5.724 to the School Code, relating to resignations, dismissals and leaves of absence of certified employees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 98—An act providing for the establishment, organization, operation and dissolution of municipal housing authorities, vesting them with authority to clear, replan and reconstruct areas in municipalities in which unsanitary and substandard housing conditions exist, to provide and maintain decent, safe and sanitary dwelling accommodations, in said areas and elsewhere for persons of low income, to acquire property therefor by purchase, option or lease, or by condemnation in the exercise of the power of eminent domain, to sell or lease their projects, to borrow money, and defining the duties and powers of such municipal housing authorities in the exercise of the authority so vested in them and authorizing any city or county establishing a municipal housing authority to give it financial assistance and to issue bonds therefor, and otherwise to aid, assist and cooperate with such municipal housing authority, and declaring the measure an urgency measure within the meaning of section 1 of Article IV of the Constitution and providing accordingly for the act to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1589—An act to amend section 12562 of the Insurance Code, relating to mortgage insurance.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Insurance, the following amendments to Assembly Bill No. 1589 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "sections" and insert in lieu thereof the following: "section".

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, insert the following:
"SECTION 1. Section 12562 of the Insurance Code is hereby amended to read as follows:"

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1309—An act to regulate the location, construction, occupancy and operation of hat cleaning and blocking establishments, or agencies thereof, and private schools and colleges of hat cleaning and blocking; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement; and providing penalties for violations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1579—An act to amend section 911 of the Insurance Code, relating to insurance practice regarding financial statements of insurers, and matters incidental thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1586—An act to repeal sections 12051 and 12052 of the Insurance Code, relating to surety insurers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2409—An act to add sections 1217.5 and 1243.5 to the Penal Code, relating to capital punishment.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2134—An act to add section 6.2a to the School Code, relating to school property fire losses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 313—An act to add section 444.5 to the Political Code, relating to the transfers of money from one fund to another in the State treasury and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 313 were read and adopted:

Amendment No. 1.

On page 1, lines 2 and 3 of the title of the printed bill, as amended, strike out the words "transfers of money from one fund to another", and insert in lieu thereof the following: "repayment of moneys withdrawn from funds".

Amendment No. 2.

On page 2, line 6, of the printed bill, as amended, strike out the words "so much of the moneys therein", and insert in lieu thereof the following: "such amounts".

Amendment No. 3.

On page 2, line 7, of the printed bill, as amended, strike out the word "Such", and insert in lieu thereof the following: "Except as otherwise provided in this section, such".

Amendment No. 4.

On page 2, line 14, of the printed bill, as amended, strike out the words "It is the intention", and strike out line 15, and in line 16, strike out the words "for priority of such repayments."

Amendment No. 5.

On page 2, lines 19 and 20, of the printed bill, as amended, strike out the words "were set apart.", and insert in lieu thereof the following: "so set apart are then unpaid."

In the event that any claim against any appropriation made from any special fund for the support of any State department, office, board, commission, or other State agency, can not be paid out of such special fund by reason of the depletion of such special fund as a result of any such setting apart of revenues therefrom, or of revenues which would otherwise have been paid thereinto, such claim or claims shall be paid from the appropriation hereby made out of the general fund to the extent only of the sum or sums so set apart. It is the intention of the Legislature to provide to the fullest extent of its power for priority of such repayments and to prevent the interruption of the performance of any State function by providing an alternative method of repayment by use of general fund registered warrants, when and if necessary."

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Hays moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Postponement of Reconsideration.

On motion of Senator Hays, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Bill No. 287 was refused passage.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 287 was refused passage was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Hays moved to reconsider the vote whereby Senate Bill No. 1115 was passed.

Postponement of Reconsideration.

On motion of Senator Hays, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1115 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Knowland moved to reconsider the vote whereby Assembly Bill No. 1129 was passed.

Postponement of Reconsideration.

On motion of Senator Knowland, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1129 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Hays moved to reconsider the vote whereby Senate Bill No. 1112 was passed.

Postponement of Reconsideration.

On motion of Senator Hays, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1112 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Hays moved to reconsider the vote whereby Assembly Bill No. 1684 was passed.

Postponement of Reconsideration.

On motion of Senator Hays, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1684 was passed was continued until the next legislative day.

Motion to Reconsider Continued.

Pursuant to his motion given on a previous day, Senator Scollan asked for, and was granted, permission to continue the motion to reconsider the vote by which the amendment to Assembly Bill No. 1215 was adopted.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file for second reading:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 95—An act to amend sections 356, 407, 448 and 422 of, and to add sections 601, 602, 602.5, 602.6, 602.7, 604, 610, 612, 615, 617, 618, 621, 624, 625, 626, 627, 632, 637, 639, 639.1, 639.2, 639.3, 644, 645, 646, 648, 649, 650 and 651 to the Streets and Highways Code, establishing additional secondary State highways;

Also: Senate Bill No. 1001—An act to amend section 348 of the Agricultural Code, relating to licenses and moneys collected for inspection of marks and brands; And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 20—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions and making an appropriation therefor;

Also: Senate Bill No. 555—An act to add section 1109 to the Agricultural Code, relating to the licensing of egg buyers; And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 398—An act to amend sections 4 and 5 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the extension of prospecting permits for oil and gas which were in effect October 1, 1933, and upon which has been expended \$50,000 or more in the prospecting for oil and gas—and reports that the same has been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1060—An act to amend sections 105, 109, and 111 of the Vehicle Code, and to add thereto section 641, relating to the organization and powers of the Department of Motor Vehicles;

Also: Senate Bill No. 1124—An act to amend sections 1193, 1217, 1228, 1230 and 1243 of the Penal Code, relating to persons convicted of the commission of crime. And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor and making an appropriation;

Also: Senate Bill No. 12—An act to amend sections 2, 3, 4, 5, 6, 7, 10, 14, 15 and 21 and to repeal sections 9 and 184 of the Old Age Security Act of the State of California, relating to aid to the aged;

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Third Reading of Senate Bills.

Senate Bill No. 236—An act amending section 3 of an act entitled: "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,'" relative to bidding on public contracts.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Difani moved a call of the Senate.

Motion carried.

The secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McGuinness, Mixter, Perry, Pierovich, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, and Young—28.

The Secretary announced the absentees.

Time, ten o'clock and fifty minutes a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns to your honorable body Senate Bill No. 727—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, repealing an act entitled, "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and provided that this act shall take effect immediately," approved May 15, 1933, subject to certain conditions—which your honorable body has requested be returned for further consideration.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Motion to Rescind.

Senator Swing moved to rescind the action of the Senate in passing Senate Bill No. 727.

The question being on the motion to rescind.

The roll was called, and the action whereby Senate Bill No. 727 was passed was rescinded by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—27.

NOES—None.

Re-reference of Senate Bill No. 727.

Senator Swing moved that Senate Bill No. 727 be referred to Committee on Finance.

Motion carried, and such was the order.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 602—An act to amend an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to the powers of said districts and the acquisition of utility property.

Amendments from the Floor.

During third reading of Senate Bill No. 602, the following amendments, offered by Senator Hulse, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, after "amend", insert the following: "section 30 of".

Amendment No. 2.

On page 3 of the printed bill, strike out lines 9 to 11, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Motion by Senator Swing.

Senator Swing moved that the Assembly be requested to return Senate Bill No. 955.

Motion carried, and such was the order.

Third Reading of Assembly Bills.**Assembly Constitutional Amendment No. 33.**

A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 18a providing for the issuance of bonds by the county of Los Angeles in an amount not to exceed \$5,000,000 for the purpose of providing a fund to be used and disbursed for the Pacific Exposition to be held in California.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of such Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered section 18a and to read as follows:

SEC. 18a. Anything in this Constitution to the contrary notwithstanding, the county of Los Angeles may, upon the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, incur a bonded indebtedness of not to exceed \$5,000,000 and the legislative authority of said county of Los Angeles shall issue bonds therefor and grant and turn over to the Pacific Exposition, a corporation duly organized under the laws of the State of California, January 22d, 1935, the proceeds of said bonds under such terms and conditions as said legislative authority may determine, the same to be used and disbursed by said exposition company for the purpose of an exposition to be held in the county of Los Angeles to commemorate the completion of Boulder Dam and the power and water developments and projects thereof; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue, as the legislative authority of said county of Los Angeles shall determine; the interest on said bonds not to exceed six per centum per annum and said bonds to be exempt from all taxes for State, county and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by such legislative authority, the proceeds of said bonds when sold to be payable immediately upon such terms or conditions as such legislative body may determine, to said exposition company upon demands of said exposition company without the necessity of the approval of such demands by other authority than said legislative authority of Los Angeles County, the same to be used and disbursed by said exposition company for the purposes of such exposition under the direction and control of such exposition company, and the legislative authority of said county of Los Angeles is hereby empowered and directed to levy a special tax on all taxable property in said county, each year after the issue of said bonds, to raise an amount to pay the interest on said bonds as the same become due, and to create a sinking fund to pay the principal thereof when the same shall become due.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 33 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCall, McCormack, McGuinness, Metzger, Mixer, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—Senator Deuel—1.

Assembly Constitutional Amendment No. 33 ordered transmitted to the Assembly.

Assembly Bill No. 450—An act to add Article VIa to Chapter I of Part III of Division IV of the School Code, embracing sections 4355 to 4359, inclusive, relating to an optional plan for payments from district funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 450 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 450 ordered transmitted to the Assembly.

Assembly Bill No. 604—An act to add a new section to the Political Code, to be numbered 4052d, authorizing boards of supervisors to grant temporary use, possession, management and control of public parks for exposition and fair purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 604 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McGuinness, Metzger, Mixer, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 604 ordered transmitted to the Assembly.

Assembly Bill No. 606—An act to add a new section to the Political Code, to be numbered 2699, authorizing boards of supervisors to temporarily close any public highway, road, street, avenue, alley.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 606 passed by the following vote:

AYES—Senators Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McGuinness, Metzger, Mixer, Perry, Pierovich, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 606 ordered transmitted to the Assembly.

Assembly Bill No. 287—An act to amend section 4041.16 of the Political Code, relating to county care of indigents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 287 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGuinness, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 287 ordered transmitted to the Assembly.

Assembly Bill No. 1382—An act to amend section 5.682 of the School Code, relating to tenure of position for teachers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1382 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1382 ordered transmitted to the Assembly.

Assembly Bill No. 1188—An act to add a new article to Chapter II of Part II of Division IV of the School Code, to be known as Article XI, relating to school district funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1188 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1188 ordered transmitted to the Assembly.

Assembly Bill No. 1066—An act to amend section 1238 of the Civil Code, relating to homesteads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1066 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1066 ordered transmitted to the Assembly.

Assembly Bill No. 2308—An act to amend section 170 of the Civil Code, relating to husband and wife.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2308 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGuinness, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2308 ordered transmitted to the Assembly.

Assembly Bill No. 720—An act to amend section 1058 of the Code of Civil Procedure, relating to the giving of bonds or undertakings in civil actions or proceedings by the State or counties or officers thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 720 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Wagdy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 720 ordered transmitted to the Assembly.

Assembly Bill No. 1360—An act to add sections 54a and 54b to the Civil Code, relating to the right of privacy of persons, and to provide a method by which such right of privacy may be enforced.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1360 refused passage by the following vote:

AYES—Senators Biggar, Fletcher, Hays, King, and Pierovich—5.

NOES—Senators Deuel, Difani, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagdy—21.

Notice of Motion to Reconsider.

Senator Swing gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1360 was refused passage.

Assembly Bill No. 246—An act for the regulation and control of corporations organized for the purpose of operating nonprofit hospital service plans.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 246 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagdy, and Williams—27.

NOES—None.

Title read and approved.

Assembly Bill No. 246 ordered transmitted to the Assembly.

Explanation of Vote.

Senator Scollan asked for, and was granted, unanimous consent to have the following explanation of his failure to vote on Assembly Bill No. 246 printed in the Journal:

I was called from the floor while the roll was being called on Assembly Bill No. 246. I wish to be recorded as favoring the passage of this bill.

THOS. P. SCOLLAN.

Assembly Bill No. 2288—An act to add a new section to be numbered 4c to "An act to provide for the government of irrigation districts

having an area of more than five hundred thousand acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levys and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2288 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Edwards, Fletcher, Garrison, Hulse, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Pterovich, Powers, Rich, Schottky, Seollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2288 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Difani.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 236 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Keough, Knowland, Mixer, Pterovich, Powers, Schottky, Seollan, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—22.

NOES—Senators Hays, Hulse, Jaspersen, King, McColl, McCormack, McGuinness, Metzger, Perry, Rich, Snyder, and Tickle—12.

Title read and approved.

Notice of Motion to Reconsider.

Senator Seollan gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 236 was passed.

Report of Standing Committee.

The following report of standing committee was received and read:

On Conservation.

SENATE CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Bill No. 1054—An act to add sections 2a, 2b, 2c, and section 3a to and to amend sections 3, 4, 5, 6, 7, 8, 10, 14, 15, 16, 17, 18, and 19 of the "Los Angeles County Flood Control Act," relating to the government and control of the district and the powers and duties of the board of directors thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—5; absent—2.

PERRY, Chairman.

Motion.

On motion of Senator Perry, Assembly Bill No. 1054 was ordered read the second time without reference to file.

Second Reading of Assembly Bill No. 1054.

Assembly Bill No. 1054—An act to add sections 2a, 2b, 2c, and section 3a to and to amend sections 3, 4, 5, 6, 7, 8, 10, 14, 15, 16, 17, 18, and 19 of the "Los Angeles County Flood Control Act," relating to the government and control of the district and the powers and duties of the board of directors thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Conservation, the following amendments to Assembly Bill No. 1054 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "and section 3a", and insert in lieu thereof the following: "3a and 15a".

Amendment No. 1-a.

On page 1, line 2 of the title of the printed bill, as amended, after "sections", insert the following: "2".

Amendment No. 1-b.

On page 1, line 1, of the printed bill, as amended, after "SECTION 1.", insert the following: "Section 2 of said act is hereby amended to read as follows:

Sec. 2. The objects and purposes of this act are to provide for the control and conservation of the flood, storm and other waste waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, or to save or conserve in any manner, all or any of such waters, and to protect from damage from such flood or storm waters, the harbors, waterways, public highways and property in said district.

Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and as such shall have power:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its power.
5. To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.
6. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters.

7. To incur indebtedness, and to issue bonds in the manner herein provided.

7a. In addition to the powers given in the next preceding subsection, to borrow money from the United States of America, any agency or department thereof, or from any nonprofit corporation, organized under the laws of this State, to which the Reconstruction Finance Corporation, a corporation organized and existing under and by virtue of an act of Congress, entitled "Reconstruction Finance Corporation Act," or other agency, or department of the United States Government, has authorized, or shall hereafter authorize, a loan to enable such nonprofit corporation to lend money to said Los Angeles County Flood Control District, for any flood control work authorized under this act, and to repay the same, in annual installments, over a period of not to exceed twenty (20) years, with interest at a rate of not to exceed four and one-fourth per centum (4½%) per annum, payable semiannually, and, without the necessity of an election when authorized by resolution of the board of supervisors, as evidences of such indebtedness, said district is hereby authorized to execute and deliver a note, or a series of notes, or bonds, or other evidences of indebtedness, signed by the chairman of the board of supervisors of said district, which notes, bonds, or other evidences of indebtedness, shall be negotiable instruments if so declared in said resolution of the board of supervisors providing for their issuance, and said notes, bonds, or other evidences of indebtedness, may have interest coupons attached to evidence interest payments, signed by the facsimile signature of said chairman of said board. All applications for such loans shall

specify the particular flood control work or projects for which the funds will be expended, and when received, the money shall be deposited in a special fund, and shall be expended for those purposes only which are described and referred to in the applications. If a surplus remains after the completion of said work, such surplus shall be applied to the payment of the note, notes, bonds, or other evidences of indebtedness, executed as aforesaid, for the loan including interest coupons. The board of supervisors shall annually, levy a tax upon the taxable real property of said district, clearly sufficient to pay the interest and installments of principal, as the same shall become due and payable, under any loan made pursuant to the authority of this section, and to create and maintain a reserve fund to assure the prompt payment thereof, as may be provided by said resolution of the board of supervisors; provided, however, that the amount of taxes levied in any year, pursuant to the provisions of this subsection, shall, pro tanto, reduce the authority of the board of supervisors, during any such year, to levy taxes under section 14 of this act, but this proviso shall not be a limitation upon the power and duty to levy and collect taxes under this subsection.

Notwithstanding anything in this subsection 7a to the contrary, the total amount which said district may borrow under the authority of any or all of the provisions of this subsection is limited to and shall not exceed in the aggregate the sum of four million five hundred thousand dollars.

7b. The power granted in the next preceding subsection is hereby extended to authorize the issuance and sale of bonds or other evidences of indebtedness of said district to the county of Los Angeles and the purchase thereof by said county in accordance with "An act authorizing the investment and reinvestment and disposition of any surplus moneys in the treasury of any county, city and county, incorporated city or town or municipal utility district or flood control district," approved April 23, 1913, as amended; all subject to the provisions and limitations of the next preceding subsection relative to the disposition and use of funds, interest rate, period of repayment, tax rate and mode of issuance. The total amount of bonds or other evidence of indebtedness, in the aggregate, which the district may issue and sell under the authority of subsection 7a and of this subsection is limited to and shall not exceed four million five hundred thousand dollars.

8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.

9. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

10. To grant or otherwise convey to counties, cities and counties, cities or towns easements for street and highway purposes, over, along, upon, in, through, across or under any real property owned by said Los Angeles County Flood Control District.

11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.

12. To pay premiums on bonds of contractors required under any contract wherein the amount payable to the contractor exceeds five million dollars; provided, that the specifications in such cases shall specifically so provide and state that the bidder shall not include in his bids the cost of furnishing the required bonds.

13. To lease, sell or dispose of any property (or any interest therein) acquired in fee otherwise than by condemnation, whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act; provided, however, that nothing herein shall authorize the board of supervisors or other governing body of the district or any officer thereof to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein, except as hereinafter provided by section 17 of this act.

Sec. 2."

Amendment No. 2.

On page 2 of the printed bill, as amended, between lines 21 and 22, insert the following:

"At the time the board of directors appoints or employs counsel for said district, the county counsel of Los Angeles County shall not thereafter during the period of such appointment or employment act as attorney for said district, except that with respect to litigation pending at the time of such appointment or employment, the county counsel shall continue to act as attorney for the district until the final determination thereof; and provided, further, that nothing contained in this act shall prohibit the employment of special counsel to assist the county counsel in the conduct of such pending litigation."

Amendment No. 3.

On page 2, line 37, of the printed bill, as amended, strike out "1a.", and insert in lieu thereof the following: "2a."

Amendment No. 4.

On page 4, line 28, of the printed bill, as amended, strike out "2.", and insert in lieu thereof the following: "2b."

Amendment No. 5.

On page 14 of the printed bill, as amended, between lines 16 and 17, insert the following:

"SEC. 10a. Section 15a is hereby added to said act, to read as follows:

Sec. 15a. The governing body of said district shall have full authority to cause to be inserted in specifications and contracts for any flood control work financed or paid for in whole or in part out of moneys obtained from the United States of America or any department or agency thereof as a loan, grant or appropriation, such provisions or terms as may be prescribed by the United States of America or such department or agency as a condition upon which such Federal funds are loaned, granted or appropriated."

Amendment No. 6.

On page 9, line 13, of the printed bill, as amended, strike out "many", and insert in lieu thereof the following: "may"

Amendment No. 7.

On page 6, line 51, of the printed bill, as amended, strike out the word "shall", and insert in lieu thereof the following: "may"; and on page 6, line 51, strike out the word "permanent".

Bill read second time, ordered to reprint, and on file for third reading.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 96—An act to add section 429.5 to the Fish and Game Code, relating to fishing licenses;

Also: Assembly Bill No. 360—An act to amend section 10 of an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, relating to length of residence;

Also: Assembly Bill No. 652—An act to add section 11b to the Motor Vehicle Fuel License Tax Act, relating to fuel used in unemployment cooperative relief work;

Also: Assembly Bill No. 704—An act to regulate and limit residential zones, subdivisions, districts and lots or plots, upon which it shall be permissible to erect buildings for human habitation, and an act preventing the erection of buildings for human habitation in subdivisions, districts, lots or plots, known to be in old river beds, water courses or in the path of possible flood streams or in flood stream areas, and repealing all acts and parts of acts in conflict with this act;

Also: Assembly Bill No. 735—An act to amend sections 4 and 10 of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, relating to the operation of the business of industrial loan companies.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 96 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 360 read first time, and referred to Committee on Unemployment.

Assembly Bill No. 652 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 704 read first time, and referred to Committee on Building and Construction.

Assembly Bill No. 735 read first time, and referred to Committee on Corporations and Financial Institutions.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2444—An act to require security for the payment of wages of persons engaged in the canning industry and providing penalties for violation of the provisions thereof;

Also: Assembly Bill No. 2440—An act to amend sections 721 and 722 of the Fish and Game Code and to repeal section 724 thereof, relating to fish.

Also: Assembly Bill No. 880—An act to amend section 726 of the Code of Civil Procedure, relating to foreclosure of mortgages.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2444 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2440 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 880 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1198—An act to repeal sections 21223 and 6523 of the School Code, relating to reports of books purchased for any school district;

Also: Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately," approved July 31, 1933, to repeal section 19 of said act; to add sections 9½ and 19 to said act; all relating to the taxation of the privilege of selling, renting, or leasing tangible personal property; and to provide that this act shall take effect immediately;

Also: Assembly Bill No. 1606—An act to amend section 8 of and to add section 8a to the Sewer Revenue Bond Act, relating to acquisition and operation of sewerage disposal works;

Also: Assembly Bill No. 2435—An act to add section 642 to the Streets and Highways Code, establishing an additional secondary State highway;

Also: Assembly Bill No. 2439—An act to amend section 50 of the "State Housing Act," approved June 15, 1923, relating to the character and construction of fire escapes;

Also: Assembly Bill No. 2470—An act for the relief of purchasers of swamp and overflowed lands, declaring the urgency thereof and that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1198 read first time, and referred to Committee on Education.

Assembly Bill No. 1273 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 1606 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 2435 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 2439 read first time, and referred to Committee on Building and Construction.

Assembly Bill No. 2470 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returned to the Senate for further consideration, as directed by the Senate, Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Motion to Rescind.

Senator Swing moved to rescind the action of the Senate in passing Senate Bill No. 955.

The question being on the motion to rescind.

The roll was called, and the action whereby Senate Bill No. 955 was passed was rescinded by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixter, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Young—29.

NOES—Senator Scollan—1.

Re-reference of Senate Bill No. 955.

Senator Swing moved that Senate Bill No. 955 be referred to Committee on Finance.

Motion carried, and such was the order.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 212—An act to amend sections 137, 138 and 166 of the Fish and Game Code and to add two new sections to be numbered 171 and 172.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 212 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 212 ordered transmitted to the Assembly.

Assembly Bill No. 238—An act to add section 791.6 to the Fish and Game Code, relating to crabs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 238 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 238 ordered transmitted to the Assembly.

Assembly Bill No. 678—An act to amend section 1203.6 of the Fish and Game Code, relating to pheasants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 678 refused passage by the following vote:

AYES—Senators Biggar, Fletcher, Mixter, Rich, Scollan, Snyder, Stow, Tickle, and Wagy—9.

NOES—Senators Deuel, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, Metzger, Powers, Schottky, Sharkey, Slater, Swing, and Young—17.

Assembly Bill No. 1083—An act to amend section 924 of the Fish and Game Code, relating to district 16.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1083 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1083 ordered transmitted to the Assembly.

Assembly Bill No. 1233—An act to amend sections 799 and 800 of the Fish and Game Code, relating to abalones.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1233 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Pierovich, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1233 ordered transmitted to the Assembly.

Assembly Bill No. 2092—An act to amend section 493.5 of the Fish and Game Code, and to add thereto section 741.5, relating to fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2092 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2092 ordered transmitted to the Assembly.

Assembly Bill No. 2265—An act to add section 660.6 to the Fish and Game Code, relating to salmon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2265 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCall, McCormack, McGuinness, Metzger, Mixer, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2265 ordered transmitted to the Assembly.

Recess.

On motion of Senator Stow, at twelve o'clock and fifty minutes p.m., the President pro tempore of the Senate declared recess until two o'clock and fifteen minutes p.m.

Reconvened.

At two o'clock and fifteen minutes p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Report of Standing Committee.

The following report of standing committee was received and read :

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 319—An act to amend sections 1026 and 1026a of the Penal Code, relating to procedure in the trial and release of the criminally insane;

Also: Senate Bill No. 299—An act to amend sections 4, 9, 10 and 14 of the act entitled "An act to provide for the incorporation and organization and management of municipal water districts and to provide for the acquisition and construction by said districts of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, relating to municipal water districts and the officers thereof and further defining the powers and duties of each thereof;

Also: Senate Bill No. 255—An act to add a new section to be numbered 844, to the Civil Code, relating to actions for the declaration of rights of persons associated in the use of ditches, flumes, pipe lines or conduits for the conveyance of water; And reports that the same have been correctly enrolled, and presented to the Governor on the first day of June, 1935, at twelve o'clock and twenty minutes p.m.

METZGER, Chairman.

Call of the Senate.

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, Knowland, Mixer, Perry, Rich, Scollan, Sharkey, Slater, Stow, Swing, Tickle, Waggy, and Young—22.

The Secretary announced the absentees.

Time, two o'clock and twenty minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Consideration of Daily File.****Third Reading of Assembly Bills.**

Assembly Bill No. 2336—An act to amend section 1293 of the Fish and Game Code, relating to destructive mammals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2336 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McGuinness, Mixer, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—25.

NOES—Senator Perry—1.

Title read and approved.

Assembly Bill No. 2336 ordered transmitted to the Assembly.

Assembly Bill No. 2460—An act to amend section 612 of the Fish and Game Code, relating to steelhead trout.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2460 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McGuinness, Mixer, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2460 ordered transmitted to the Assembly.

Assembly Bill No. 1919—An act to amend section 3 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1919 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Mixer, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1919 ordered transmitted to the Assembly.

Assembly Bill No. 1362—An act to amend section 3669e of the Political Code of the State of California, relating to powers of State Board of Equalization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1362 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McGuinness, Mixer, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1362 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 32.

A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 8b authorizing the city of Los Angeles to amend its charter in certain particulars.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California, at its regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of such Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 8b and to read as follows:

Sec. 8b. The charter of the city of Los Angeles may be amended in addition to the method and the times provided in section 8 of Article XI of the Constitution in the following particulars:

(a) Granting to Pacific Exposition, a corporation organized under the laws of the State of California January -----, 1935, the exclusive possession and use, together with the management and control for the purpose of holding and staging an exposition commemorating the completion of the Boulder Dam and the power and water developments and projects thereof, of any lands held by the board of education of the city of Los Angeles, and of any lands held by the city of Los Angeles, including public parks and playgrounds, under such terms and conditions as said board of education or the legislative authority of said city, respectively, may determine, such possession and use and management and control to terminate not later than one year after the closing of such exposition.

(b) Authorizing the legislative authority of the city of Los Angeles to temporarily close streets in the city of Los Angeles for such exposition purposes and granting to said Pacific Exposition the exclusive possession and use, together with the management and control of said streets for said exposition purposes, such possession and use, also management and control of said streets, to terminate not later than one year after the closing of such exposition.

Proposals to amend the charter of the city of Los Angeles in the foregoing particulars may be submitted by the legislative authority of said city to the electors of said city at any general or special election (and a special election may be called therefor) held in said city, after the publication of such proposals in a newspaper of general circulation in said city for such time as shall be determined by said legislative authority. Upon the ratification of any such proposed amendment by a majority of the electors of said city voting at such election on such proposed amendment, said proposed amendment receiving such majority vote, shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the Legislature.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 32 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Mixer, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wag, Williams, and Young—29.

NOES—None.

Assembly Constitutional Amendment No. 32 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 77.

A resolution to propose to the people of the State of California an amendment to section 14 of Article I of the Constitution of said State, relating to the rights of private property.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California, at its fifty-first regular session, commencing on the seventh day of January, 1935, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 14 of Article I of the Constitution be amended to read as follows:

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation, except a municipal corporation or a county or the State until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; provided, that in an action in eminent

domain brought by the State, or a county, or a municipal corporation, or a drainage, irrigation, levee, or reclamation district, or corporation operating, managing and controlling any exposition or fair in aid of which the granting of public monies or other things of value have been authorized by the Constitution or laws of this State, the aforesaid State or political subdivision thereof or district or corporation may take immediate possession and use of any right of way or property required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an advertisement that there is no necessity for taking the property, as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 77 adopted by the following vote:

AYES.—Senators Biggar, Crittenden, Denel, Difam, Dycal, Edwards, Fletcher, Gordon, Hays, Jaspersen, Keough, King, Knowland, McGinness, Meyer, Perry, Powers, Rich, Schottky, Seollan, Sharkey, Slater, Snoder, Swing, Tickle, Wagy, Williams, and Young—28.

NOES. None.

Assembly Constitutional Amendment No. 77 ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 43.

Relating to a Commission on Interstate Cooperation.

Resolved by the Assembly, the Senate concurring. That there is hereby established a California Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this State in the Council of State Government, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding, and cooperation between the State of California and the other States of the Union, both regionally and nationally.

The commission shall report to the Governor and to the Legislature on the first day of each regular session of the Legislature, and at such other times as it deems proper.

The members of the commission shall serve without compensation.

The commission shall be composed of fifteen members as follows: five members of the Senate to be appointed by the President of the Senate, five members of the Assembly to be appointed by the Speaker of the Assembly, and five officials of the State to be appointed by the Governor, one of whom shall be designated by him as the chairman of the commission.

The members appointed from the Senate and from the Assembly shall constitute a standing committee of their respective houses and shall function during the regular sessions of the Legislature, and also during the interim periods between such sessions, their members shall serve until their successors are designated and they shall constitute the California Councils of the American Legislators Association; and, be it further

Resolved, That the Secretary of State be, and he is hereby directed to communicate the text of this measure to the Governor and to the Legislature of each of the other States of the Union, with the respectful request that each Legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers and thus joining with this State in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, competition, and conflict.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 43 refused adoption by the following vote:

AYES—Senators Schottky, Tickle, and Young—3.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixter, Perry, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Swing, Waggy, and Williams—25.

Assembly Bill No. 1167—An act authorizing the Director of Finance to provide for the sale of certain lands situated in county of Yolo, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1167 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixter, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1167 ordered transmitted to the Assembly.

Assembly Bill No. 1134—An act to amend section 2 and section 3 of an act entitled, "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office," approved March 20, 1905," approved May 31, 1917, as amended, relating to the organization of said bureau and defining its powers and duties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1134 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Keough, King, Knowland, McGuinness, Metzger, Mixter, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Waggy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1134 ordered transmitted to the Assembly.

Assembly Bill No. 2433—An act to provide for the administration of highway work for or in cooperation with the United States by the State of California, amending the Streets and Highways Code in accordance therewith, and declaring the urgency thereof.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 2433.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 9, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Assembly Bill No. 2433—An act to provide for the administration of highway work for or in cooperation with the United States by the State of California, amending the Streets and Highways Code in accordance therewith, and declaring the urgency thereof.

In my opinion said Assembly Bill No. 2433 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California

Urgency Clause.

SEC. 16. This act is declared to be an urgency measure deemed necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution, and as such it shall take effect immediately.

The following is a statement of the facts constituting such urgency:

The Congress of the United States has enacted the Emergency Relief Appropriation Act of 1935 in which provision is made for the apportionment of the sum of eight hundred million dollars among the several States and Territories of the United States to be expended by the State highway departments thereof for emergency construction of public streets and highways, including grade crossing separations, for the purpose of furnishing employment to those in relief. Under the provisions of this Federal legislation a large sum of money will be apportioned to the State of California, to be expended for such purposes by the Department of Public Works. Many persons are on relief in the State of California by reason of the existing economic depression which has produced widespread unemployment, disorganization of industry, and lowering of the standards of living of many of the people of California. It is of paramount importance that useful employment be furnished to those many persons on public relief who are ready and willing to work, thus restoring their self-confidence and self-respect and alleviating the discontent and unrest occasioned by want. It is necessary that this act become effective at once in order that the State of California may meet the terms of said Federal legislation, and the rules and regulations of the President and other officers of the government of the United States thereunder, so that the program proposed by the Congress can be put into effect immediately in the State of California.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2433 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2433 ordered transmitted to the Assembly.

Assembly Bill No. 1896—An act to add a new section to the Political Code, to be numbered section 1143, relating to boards of election.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1896 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Hays, Hulse, Jespersen, King, Knowland, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Waggy, and Williams—25.
NOES—None.

Title read and approved.

Assembly Bill No. 1896 ordered transmitted to the Assembly.

Assembly Bill No. 464—An act to amend section 820 of the Agricultural Code, relating to tomatoes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 464 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—29.
NOES—None.

Title read and approved.

Assembly Bill No. 464 ordered transmitted to the Assembly.

Assembly Bill No. 895—An act to add a new chapter, to be numbered 1a, to Division V of the Agricultural Code, relating to the standardization of tomatoes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 895 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—30.
NOES—None.

Title read and approved.

Assembly Bill No. 895 ordered transmitted to the Assembly.

Assembly Bill No. 924—An act to amend sections 781, 783, 784, 785, 787, 788 and 822 and to add sections 784.1, 784.2, 784.3, 784.4, 784.5 and 784.6 to the Agricultural Code, relating to fruits, nuts and vegetables.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 924 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger,

Mixer, Perry, Powers, Rich, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 924 ordered transmitted to the Assembly.

Assembly Bill No. 1243—An act to amend sections 828 and 829 of the Agricultural Code, relating to fruits, nuts and vegetables.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1243 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1243 ordered transmitted to the Assembly.

Assembly Bill No. 1480—An act to amend sections 137 and 140 of the Agricultural Code, relating to pest control and abatement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1480 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Mixer, Perry, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 1480 ordered transmitted to the Assembly.

Assembly Bill No. 1216—An act to amend section 818 of the Agricultural Code, relating to potatoes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1216 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1216 ordered transmitted to the Assembly.

Assembly Bill No. 2386—An act to add Chapter 8 to Division VI of the Agricultural Code, relating to the marketing of milk and other dairy products.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 2486:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 14, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Assembly Bill No. 2386—An act to add Chapter 8 to Division VI of the Agricultural Code, relating to the marketing of milk and other dairy products.

In my opinion said Assembly Bill No. 2386 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

The economic conditions of fluid milk producers throughout the State are such as to require immediate relief if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Such relief can be afforded only by the orderly production and marketing of fluid milk and fluid cream. The provisions herein contained are necessary in order to prevent the further demoralization of the fluid milk and fluid cream industries.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—28.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2386 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Jespersen, Keough, King, Metzger, Mixer, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—24.

NOES—Senator Knowland—1.

Title read and approved.

Assembly Bill No. 2386 ordered transmitted to the Assembly.

Assembly Bill No. 1323—An act to add Article 3a to Chapter 1 of Division III of the Agricultural Code, relating to the sale, purchase, transportation and marketing of poultry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1323 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1323 ordered transmitted to the Assembly.

Assembly Bill No. 1780—An act to amend section 86 of the Agricultural Code, relating to agricultural fairs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1780 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGinness, Perry, Powers, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—27.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Wagy gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1780 was passed.

Assembly Bill No. 128—An act to add section 488a to the Penal Code, relating to the punishment for theft of certain amounts of avocados.

Amendment from the Floor.

During third reading of Assembly Bill No. 128, the following amendment, offered by Senator Difani, was read and adopted.

Amendment No. 1.

On page 1, line 17, of the printed bill, after the word "avocados", insert the following: "or citrus fruit".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1532—An act to amend the Political Code by amending sections 3456, 3466a and 3491, relating to reclamation districts.

Amendments from the Floor.

During third reading of Assembly Bill No. 1532, the following amendments, offered by Senator McCormack, were read and adopted:

Amendment No. 1.

On page 3, line 1, of the printed bill, as amended, after "that", insert the following: "(after the period of redemption has expired)".

Amendment No. 2.

On page 5, lines 10 and 11, of the printed bill, as amended, strike out "approved by the board of supervisors,".

Amendment No. 3.

On page 7, line 8, of the printed bill, as amended, strike out "bonds", and insert in lieu thereof the following: "lands".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1492—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Amendments from the Floor.

During third reading of Assembly Bill No. 1492, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, between lines 13 and 14, insert the following: "one chief deputy clerk, who shall receive two hundred dollars per month;"

Amendment No. 2.

On page 1, line 15, of the printed bill, as amended, strike out "sixty-five", and insert in lieu thereof the following: "seventy-five".

Amendment No. 3.

On page 1, line 18, of the printed bill, as amended, strike out "sixty-five", and insert in lieu thereof the following: "seventy-five".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1491—An act establishing municipal courts in cities and cities and counties of the second and one-fourth class, prescribing a constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein.

Amendments from the Floor.

During third reading of Assembly Bill No. 1491, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, between lines 42 and 43, insert the following:

"One chief deputy clerk, who shall receive two hundred dollars per month;"

Amendment No. 2.

On page 2, line 44, of the printed bill, as amended, strike out "sixty-five", and insert in lieu thereof the following: "seventy-five".

Amendment No. 3.

On page 2, line 46, of the printed bill, as amended, strike out "sixty-five", and insert in lieu thereof the following: "seventy-five".

Amendment No. 4.

On page 3, line 10, of the printed bill, as amended, strike out "January 1, 1936", and insert in lieu thereof the following: "September 1, 1935".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 733—An act to amend section 1032 of the Code of Civil Procedure, relating to costs in civil actions.

Amendment from the Floor.

During third reading of Assembly Bill No. 733, the following amendment, offered by Senator Fletcher, was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, after line 5, add a new paragraph as follows: "(bb) To the prevailing party on a third party hearing under section 689 of this code."

Bill read, ordered to reprint, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1753—An act to amend sections 2876, 2877, 2878, 2887, 2890, 2891, and to repeal 2898 of the School Code, relating to school district elections.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 339—An act making an appropriation for the armed forces of the State when called on active service:

Also: Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporation, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act:

Also: Senate Bill No. 1003—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California:

Also: Senate Bill No. 50—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health, declaring the urgency thereof and providing that this act shall take effect immediately:

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—19; committee vote: Ayes—13; absent—6.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 791—An act making an appropriation to reimburse the "Corporation Commission fund" for the excess moneys withdrawn and expended from that fund pursuant to Chapter 805, Statutes of 1929 and for necessary expenditures made pursuant to Chapter 1037, Statutes of 1933—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—13; absent—6.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1055—An act to appropriate the sum of \$24,000 to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba River, to provide for the manner of expending such appropriation, to create the Yuba River debris control fund, and to provide for the deposit in said fund of any unexpended balances of previous appropriations made for this purpose:

Also: Senate Bill No. 100—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 37a thereof relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176 California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929:

Also: Senate Bill No. 801—An act to amend sections 2 and 3 of an act entitled "An act creating an advisory pardon board: defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board:

Also: Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—13; absent—6.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments;

Also: Assembly Bill No. 1208—An act to amend sections 3 and 5 of, and to repeal section 7 of, an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, relating to taxation, and to provide that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—13; absent—6.

SHARKEY, Chairman.

On motion of Senator Sharkey, the above reported bills were ordered read the second time without reference to file.

Second Reading of Senate Bills.

Without Reference to File.

Senate Bill No. 801—An act to amend sections 2 and 3 of an act entitled "An act creating an advisory pardon board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 100—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 37a thereof relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176, California Statutes of 1925, and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1055—An act to appropriate the sum of \$24,000 to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba River, to provide for the manner of expending such appropriation, to create the Yuba River debris control fund, and to provide for the deposit in said fund of any unexpended balances of previous appropriations made for this purpose.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1125—An act to amend sections 376a and 376b of the Political Code, relating to the Department of Penology.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Senate Bill No. 355 were read and adopted:

Amendment No. 1.

On page 2, line 8, of the printed bill, as amended, strike out the word "and", and insert in lieu thereof the word "the".

Amendment No. 2.

On page 2, line 29, of the printed bill, as amended, after the word "of", insert the words "such property in".

Amendment No. 3.

On page 2, line 30, of the printed bill, as amended, strike out the words "by rail or highway".

Amendment No. 4.

On page 2, line 10, of the printed bill, as amended, after the word "act", insert the words "and the 'City Carriers' Act'".

Amendment No. 5.

On page 3, line 4, of the printed bill, as amended, after the word "act", insert the words "and the 'City Carriers' Act'".

Amendment No. 6.

On page 3, line 30, of the printed bill, as amended, strike out the word "superior".

Amendment No. 7.

On page 3, line 30, of the printed bill, as amended, after the word "court", insert the words "of competent jurisdiction".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 50—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health, declaring the urgency thereof and providing that this act shall take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 50 was read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, strike out the word "fifty", and insert in lieu thereof the following: "sixty-four".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1003—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 1003 was read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "fourteen".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 339—An act making an appropriation for the armed forces of the State when called on active service.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 339 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, strike out the figures "\$20,000.00", and insert in lieu thereof the figures "\$50,000.00".

Amendment No. 2.

On page 1, line 8, of the printed bill, before the word "for", insert "or such lesser part thereof as may be necessary,".

Amendment No. 3.

On page 1, line 8, of the printed bill, strike out the figures "\$20,000.00", and insert in lieu thereof the figures "\$50,000.00"; and after the word "dollars", insert "or such lesser part thereof as may be necessary,".

Bill read second time, ordered to reprint, engrossment and on file for third reading.

Senate Bill No. 791—An act making an appropriation to reimburse the "Corporation Commission fund" for the excess moneys withdrawn and expended from that fund pursuant to Chapter 805, Statutes of

1929 and for necessary expenditures made pursuant to Chapter 1037, Statutes of 1933.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 791 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out the figure "\$204,486.49", and insert in lieu thereof the following: "\$185,006.49".

Amendment No. 2.

On page 1, line 5, of the printed bill, strike out the figure "\$204,486.49", and insert in lieu thereof the following: "\$185,006.49".

Amendment No. 3.

On page 1, line 7, of the printed bill, strike out the figure "\$199,231.29", and insert in lieu thereof the following: "\$143,811.29".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Insurance.

SENATE CHAMBER, SACRAMENTO, May 31, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 959—An act to amend section 59 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to referees of the Industrial Accident Commission—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that bill do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

WILLIAMS, Chairman.

On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Assembly Bill No. 735—An act to amend sections 4 and 10 of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, relating to the operation of the business of industrial loan companies—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

SCHOTTKY, Chairman.
DUVAL.
PERRY.
MIXTER.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 2182—An act to be known as the "Inheritance Tax Act of 1935," to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, transfers, joint tenancies and insurance to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under any act hereby repealed; to provide penalties for failure to comply with the provision of this act; and to repeal Chapter 821 of the laws of the session of the Legislature of California of 1921, approved June 3, 1921, known as the "Inheritance Tax Act," and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act, and providing this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—12 absent—1.

DUVAL, Chairman.

Adjournment.

On motion of Senator Stow, at four o'clock and fifteen minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Monday, June 3, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Monday, June 3, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Saturday, June 1, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Francis P. Healey, District Attorney of Contra Costa County.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Jean Romie, Miss Virginia G. Hughes, John G. Hughes, M. Gordon Hughes, Mrs. Lucille Hughes, and Senator Ralph Hughes.

On request of Senator Schottky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. A. H. Murray, E. J. Ergo, and William Ergo, of Merced.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Walter E. Hettman, attorney at law, of San Diego and Judge Claud F. Terry of San Diego.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 1, 1935.

*Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am returning herewith, without my approval, Senate Bill No. 55, being an act to add section 675.5 to the Vehicle Code, relating to safety glass on motor vehicles.

Senate Bill No. 55 by Senator Garrison, and Assembly Bill No. 1784 by Assemblyman Hornblower, acknowledged to be identical, have both received the approval of the Senate and Assembly and are before me for consideration.

By agreement between the authors of the two bills, I am requested to sign Assembly Bill No. 1784 and veto Senate Bill No. 55.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California

Message ordered held as unfinished business

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 273. An act to amend section 372 of the Vehicle Code, relating to registration of certain vehicles used for the transportation of persons or property of this State.

Also: Assembly Bill No. 641—An act to add a new section to be numbered 611, to an act entitled "An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein;

Also: Assembly Bill No. 1378—An act to amend section 27 of the Streets and Highways Code, relating to the maintenance of highways;

Also: Assembly Bill No. 1831—An act to add section 583.5 to the Vehicle Code, relating to the control of traffic upon the public highways of the State of California, whether situated within unincorporated or incorporated territory;

Also: Assembly Bill No. 2303—An act to amend sections 425, and 426 of the Vehicle Code, relating to liens on vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 273 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bills Nos. 641 and 1378 read first time, and referred to Committee on Roads and Highways.

Assembly Bills Nos. 1831 and 2303 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2458. An act to add Chapter 2, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products;

Also: Assembly Bill No. 2467—An act to add to the Probate Code a new section, to be numbered 201a, and amending section 220 of the Probate Code, both relating to the laws of succession;

Also: Assembly Bill No. 2468—An act to amend sections 6 and 11 of, to repeal section 7 of, and to add section 33 to, an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, relating to sanitary districts;

Also: Assembly Bill No. 2260—An act relating to employment contracts and applications for employment.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2458 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 2467 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2468 read first time, and referred to Committee on County Government.

Assembly Bill No. 2260 read first time, and referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 1, 1935, passed Assembly Bill No. 2459—An act to prevent the entry into California of paupers, vagabonds, indigent persons, persons likely to become public charges, providing means for enforcing the same and prescribing penalties for the violation thereof, declaring the urgency thereof, and providing it shall take effect immediately.

ARTHUR A. OHNMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2459 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 84—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith; to make an appropriation, and to provide for the repayment thereof;

Also: Assembly Bill No. 223—An act to amend section 3649 of the Political Code, relating to taxation;

Also: Assembly Bill No. 236—An act to amend section 4307 of the Political Code, relating to county charges;

Also: Assembly Bill No. 301—An act to amend section 7 of an act entitled "An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, relating to taxes of such districts;

Also: Assembly Bill No. 438—An act to amend sections 640, 641, 642, 645, 646, 771, 1530, 1531 and 1534 of the Probate Code, relating to estates;

Also: Assembly Bill No. 663—An act to amend the title and sections 1, 2, 6, 9, 11, 12, 13, 15, 30, 31 and 32 and to add section 33 to an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments and reassessments for the payment of such refunding bonds, to enforce the liens of such assessments, reassessments, to provide for the proceedings to test the validity of such refunding and reassessment, and to provide for contributions of public funds to assist in such refunding," approved June 5, 1933, relating to the refunding of bonds payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands.

ARTHUR A. OHNMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 700—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 774—An act to amend section 1197 of the Political Code, relating to election ballots;

Also: Assembly Bill No. 828—An act to amend sections 23 and 66 of an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and

changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to priority of liens and bonds;

Also: Assembly Bill No. 1007—An act to amend section 29 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to compensation insurance;

Also: Assembly Bill No. 1111—An act to provide for the formation, government, operation and dissolution of library districts.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 915. An act to amend sections 1 to 20 inclusive and sections 22, 23, 24 and 25 of, and to add new sections to be numbered 18.1, 19.1, 22.5, 25.1 and 27 to, "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission, providing for the appointment of members of said commission prescribing the powers, duties and authority of said commission and the members thereof, providing for the institution of proration programs with respect to agricultural crops, providing for the enforcement of such programs, providing penalties for violation of such programs, providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to the conservation of agricultural wealth and the prevention of agricultural waste and providing for the Agricultural Prorate Commission;

Also: Assembly Bill No. 1345—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending sections numbered 5, 7, 12 and 25, and repealing section 52, thereof, and adding sections 16a, 25a, 25b, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 and 65 thereto, relating to county water districts;

Also: Assembly Bill No. 1735—An act to amend sections 1466, 1467, 1468 and 1469 of the Penal Code, and to repeal sections 1468a and 1470 of the Penal Code, all relating to appeals to the superior court in criminal cases;

Also: Assembly Bill No. 2012—An act to amend the Vehicle Code by adding a new section to be numbered 135.5, relating to investigation of accidents.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2172—An act to add section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime;

Also: Assembly Bill No. 2369—An act to add sections 9a to 9d, inclusive, to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to disability of members of the California Highway Patrol;

Also: Assembly Bill No. 2420—An act to provide for reduction of salaries of officers and employees of the State in the State civil service which are in excess of the maximum salary limits of the respective positions;

Also: Assembly Bill No. 2438—An act to amend sections 13, 14, 14a and 14b of, to add sections 21, 22, 23, 24 and 25 to, and to repeal sections 15 and 16 of, The Planning Act, relating to State, regional, county, and city planning;

Also: Assembly Bill No. 2452—An act to add section 1238.5 to the Code of Civil Procedure, relating to eminent domain.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, and making an appropriation in relation thereto;

Also: Senate Bill No. 602—An act to amend section 30 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to the powers of said districts and the acquisition of utility property;

Also: Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts;
And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1071—An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter, or otherwise distributed, and to provide for the inspection of all birds which may be kept in such places; to repeal an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933; to declare the urgency thereof and provide that this act shall take effect immediately;

Also: Senate Bill No. 731—An act providing for an investigation of and report on the feasibility and desirability, from the standpoint of the public interest, of acquisition by the State of California of the existing facilities for the generation and distribution of electric power in California, whether now under private or public ownership, providing for a committee therefor, and the appointment of such committee, defining the powers, duties of such committee in respect thereto, and making an appropriation therefor;

Also: Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 285—An act to amend sections 12, 13, and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to horse racing;

Also: Senate Bill No. 50—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor;

Also: Senate Bill No. 339—An act making an appropriation for the armed forces of the State when called on active service;

Also: Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments;

Also: Senate Bill No. 1003—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California;
And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 791—An act making an appropriation to reimburse the "Corporation Commission fund" for the excess moneys withdrawn and expended from that fund pursuant to Chapter 805, Statutes of 1929 and for necessary expenditures made pursuant to Chapter 1037, Statutes of 1933;

Also: Senate Bill No. 801—An act to amend sections 2 and 3 of an act entitled "An act creating an advisory pardon board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board;

Also: Senate Bill No. 1055—An act to appropriate the sum of \$24,000 to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba River, to provide for the manner of expending such appropriation, to create the Yuba River debris control fund, and to provide for the deposit in said fund of any unexpended balances of previous appropriations made for this purpose;

Also: Senate Bill No. 1125—An act to amend sections 376a and 376b of the Political Code, relating to the Department of Penology;

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Special Order.

Senator McGovern moved that Assembly Bill No. 197 be made a special order for Tuesday, June 4, 1935, at eleven o'clock a.m.

Motion carried, and such was the order.

Special Order.

Senator Crittenden moved that Senate Bill No. 447 be made a special order for Tuesday, June 4, 1935, immediately after the special order set for eleven o'clock a.m.

Motion carried, and such was the order.

Unfinished Business.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Bill No. 287 was refused passage.

The question being on the motion to reconsider.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Williams, and Young—30.

The Secretary announced the absentees.

Time, ten o'clock and fifty minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Withdrawal and Re-reference of Senate Bill No. 46.

Senator Duval moved that Senate Bill No. 46 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Judiciary.

Motion carried, and such was the order.

Motion to Reconsider Waived.

Senator Knowland waived his motion to reconsider the vote whereby Assembly Bill No. 1129 was passed.

Assembly Bill No. 1129 ordered transmitted to the Assembly.

Motion to Reconsider Waived.

Pursuant to notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption was postponed until the next legislative day.

Consideration of Daily File.**Third Reading of Senate Bills.**

Senate Bill No. 1001—An act to amend section 341 of the Agricultural Code, relating to inspection of marks and brands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1001 passed by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Gordon, Hays, Hulse, King, Knowland, McGovern, McGuinness, Metzger, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Williams—25.

NOES—None.

Title read and approved.

Senate Bill No. 1001 ordered transmitted to the Assembly.

Senate Bill No. 602—An act to amend an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to the powers of said districts and the acquisition of utility property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 602 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Parkman, Pierovich, Powers, Reindollar, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 602 ordered transmitted to the Assembly.

Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

Amendments from the Floor.

During third reading of Senate Bill No. 154, the following amendments, offered by Senator Williams, were read and adopted:

Amendment No. 1.

On page 5 of the printed bill, as amended March 20, 1935, between lines 45 and 46, add the following:

"Nothing contained herein, however, shall interfere with or limit the furnishing of medical and/or surgical, and/or hospital service contracted for on a fixed dues basis."

Amendment No. 2.

On page 6, line 36, of the printed bill, as amended March 20, 1935, strike out "not", and insert in lieu thereof the following: "neither."

Amendment No. 3.

On page 6, line 37, of the printed bill, as amended March 20, 1935, strike out the period, and insert in lieu thereof a comma and the following: "nor shall it apply to any solicitation directly authorized or licensed by the laws of this State, nor shall it apply to any bona fide medical and hospital service organization."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and eight minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Scollan.

The Secretary was directed to call the roll, on the motion to reconsider the vote whereby Senate Bill No. 287 was refused passage, of the Senators who had not answered to their names.

Reconsideration Granted.

The roll was called, and the motion to reconsider was adopted by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Gordon, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Reindollar, Scollan, Seawell, Sharkey, Slater, Swing, Williams, and Young—25.

NOES—Senators Deuel, Difani, Duval, Edwards, Hays, Knowland, Parkman, Rich, Snyder, and Stow—10.

Bill ordered on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 287—An act relating to the adoption of codes of fair competition for certain trades and industries within this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 287 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Reindollar, Scollan, Seawell, Sharkey, Slater, Swing, Williams, and Young—27.

NOES—Senators Duval, Hays, Knowland, Parkman, Rich, Stow, and Wagy—7.

Title read and approved.

Senate Bill No. 287 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 1081.

Senator Deuel moved that Senate Bill No. 1081 be re-referred to Committee on Finance.

Motion carried, and such was the order.

Senate Bill No. 1060—An act to amend sections 105, 109, and 111 of the Vehicle Code, and to add thereto section 641, relating to the organization and powers of the Department of Motor Vehicles.

Bill read third time.

Point of Order.

Senator Young raised the point of order that Senate Bill No. 1060, as amended, did not relate to the same subject as the original bill.

Decision on Point of Order.

The President announced his decision, and declared the point of order well taken, and Senate Bill No. 1060 was ordered stricken from the file.

Senate Bill No. 1124—An act to amend sections 1193, 1217, 1228, 1239 and 1243 of the Penal Code, relating to persons convicted of the commission of crime.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1124 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 1124 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 1, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1837—An act to amend sections 269 and 271 of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Message ordered on file as unfinished business.

Consideration of Message from the Assembly.

The following message from the Assembly, previously received, was considered, at this time:

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations, and building and loan associations, as legal investments for trust and other funds—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 816?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 816 by the following vote:

AYES—Senator Olson—1.

NOES—Senators Deuel, Difani, Duval, Edwards, Fletcher, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Reindollar, Schotky, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—29.

Appointment of Committee on Free Conference.

The President announced the appointment of Senators Fletcher, Knowland and Olson, as a Committee on Free Conference, to meet with a like committee from the Assembly for the consideration of Senate amendments to Assembly Bill No. 816.

The Secretary was directed to notify the Assembly of the Senate's appointment of Committee on Free Conference.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted a motion requesting the Senate to return to the Assembly for further consideration Assembly Bill No. 674—An act prescribing the terms upon which certificates of registration of inspectors and/or sanitary officers as "registered sanitarians" shall be issued; prescribing a course and minimum amount of schooling or training to be possessed by applicants thereafter after one (1) year from date of approval of this act; authorizing the State Board of Public Health to certify approved schools, conduct examinations and issue "registered sanitarian" certificates; prescribing the powers and duties of the State board; prescribing conditions under which the title "registered sanitarian" or the placing of the initials "R. S." may be used after the names of the certificate holders; providing penalties for violations hereof; and grounds for the suspension, cancellation, denial or revocation of such certificates of registration.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk

Motion.

Senator Swing moved that Assembly Bill No. 674 be stricken from the file, and be returned to the Assembly as requested.

Motion carried, and such was the order.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor.

Amendments from the Floor.

During third reading of Senate Bill No. 1120, the following amendments, offered by Senator Swing, were read and adopted:

Amendment No. 1.

On page 3, line 48, of the printed bill, as amended, after the word "million", insert the following: "nine hundred fifty".

Amendment No. 2.

On page 5 of the printed bill, as amended, strike out all of lines 11 to 24, inclusive.

Amendment No. 3.

On page 5 of the printed bill, as amended, strike out all of lines 29 to 35, inclusive, and insert in lieu thereof the following: "agent of the State Treasurer."

Amendment No. 4.

On page 6, line 28, of the printed bill, as amended, strike out the comma and the word "except", and insert in lieu thereof a period.

Amendment No. 5.

On page 6 of the printed bill, as amended, strike out all of lines 29 to 41, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 95—An act to amend sections 356, 382 and 422 of, and to add sections 601, 602, 602.5, 602.6, 602.7, 604, 610, 612, 613, 614, 615, 617, 618, 621, 624, 625, 626, 627, 632, 633, 634, 635, 637, 639, 644, 645, 646, 647, 648, 649, 650, 651 and 652 of the Streets and Highways Code, establishing additional secondary State highways.

Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator McGovern, was read and adopted:

Amendment No. 1.

On page 10 of the printed bill, as amended May 30, 1935, add subdivision (g) of section 16, between lines 15 and 16, by inserting the following:

"Divisional highway commencing at the intersection of California Street and Divisadero Street, and running thence southerly on Divisadero Street to the intersection of Waller Street and Divisadero Street, and running thence southerly to Duboce Avenue and Castro Street, thence southerly along Castro Street to Fifteenth Street; thence southwesterly on a curve to the right to Seventeenth and Eureka Streets; thence southerly along Eureka Street to Nineteenth Street; thence southeasterly on a curve to the left to Twentieth Street just east of Eureka Street; thence southerly parallel with Eureka Street to Twenty-second Street; thence southerly on a curve to the right to Twenty-third and Eureka Streets; thence continuing southerly along the center line of Eureka Street produced to Twenty-fifth Street; thence on a curve to the left to Army Street east of Diamond Street; thence southerly parallel with Diamond Street to Day Street; thence continuing southerly on a curve to the left to Thirtieth Street east of Diamond Street; thence in a general southerly direction to the intersection of Chenery and Diamond Streets; thence southerly along Diamond Street to the Southern Pacific Railroad Company's right of way; thence on a curve to a point at or near Alemany Boulevard opposite Theresa Street, in the City and County of San Francisco, California."

Add subdivision (h) to section 16 on page 10, by beginning a new paragraph immediately following the words "San Francisco, California", at the end of subdivision (g) of said section 16, by inserting the following:

"(h) Nineteenth Avenue between Lincoln Boulevard and Sloat Boulevard in the City and County of San Francisco, State of California."

Further Amendments from the Floor.

During third reading of Senate Bill No. 95, the following amendments, offered by Senator Hulse, were read and adopted:

Amendment No. 1.

On page 5, line 15, of the printed bill, as amended, strike out "U. S. Highway No. 80", and insert in lieu thereof the following: "Route 27".

Amendment No. 2.

On page 5 of the printed bill, as amended, strike out lines 43 to 51, inclusive.

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator McGuinness, was read and adopted:

Amendment No. 1.

On page 10, line 48, of the printed bill, as amended, strike out "Route 3 near Hornbrook", and strike out all of line 49, and insert in lieu thereof the following: "Route 72 near Dorris to the California-Oregon State line near Tule Lake."

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Olson, was read and adopted:

Amendment No. 1.

On page 11 of the printed bill, as amended, following line 43, insert the following: "From the east city limits of Los Angeles on Valley Boulevard to the junction of Valley Boulevard and Garvey Avenue one mile east of El Monte, in the County of Los Angeles; Wilshire Boulevard from Westlake Park, in the city of Los Angeles, to Ocean Avenue, in the city of Santa Monica, county of Los Angeles."

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Swing, was read and refused adoption:

Amendment No. 1.

On page 11 of the printed bill, as amended, strike out line 34, and insert in lieu thereof the following: "to the Riverside-San Bernardino County line."

Recess.

On motion of Senator Rich, at twelve o'clock and thirty minutes p. m., the President of the Senate declared recess until two o'clock p. m.

Reconvened.

At two o'clock p. m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Further Consideration of Senate Bill No. 95.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Rich, was read and adopted:

Amendment No. 1.

On page 11, line 21, of the printed bill, as amended, strike out "the Sacra-", and strike out all of line 22, and insert in lieu thereof the following: "Route 3 near Marysville."

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Duval, was read and adopted:

Amendment No. 1.

On page 4, of the printed bill, as amended, between lines 7 and 8, insert the following:

"(1) All of the roads in Ventura County not already included in the State highway system."

Motion to Reconsider.

Senator Seawell moved to reconsider the vote whereby the amendment offered by Senator Duval to Senate Bill No. 95 was adopted.

Motion carried.

Reconsideration of Amendment Offered by Senator Duval.

The question being on the adoption of the amendment offered previously by Senator Duval to Senate Bill No. 95.

Ayes and Noes Demanded.

A roll call was demanded by Senators McColl, Duval and Edwards, on the adoption of the amendment offered by Senator Duval to Senate Bill No. 95.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Duval moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Tickle, and Wagye—30.

The Secretary announced the absentees.

Time, two o'clock and nineteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Further Consideration of Senate Bill No. 95.

During third reading of Senate Bill No. 95 the following amendment, offered by Senator Schottky, was read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended, after the word "Merced", strike out the period, and insert the following: "via the John C. Fremont's Ford Road".

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Crittenden, was read and adopted:

Amendment No. 1.

On page 10 of the printed bill, as amended, between lines 34 and 35, insert the following:

"(c) From Route 75 near Farmington to Route 13 near Knight's Ferry."

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Gordon, was read and adopted:

Amendment No. 1.

On page 11 of the printed bill, as amended, between lines 24 and 25, insert the following:

"(c) Comprising Clarksburg Road in Holland Land Subdivision from Jefferson Boulevard easterly to the Sacramento River."

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Jespersen, was read and adopted:

Amendment No. 1.

On page 12 of the printed bill, as amended in the Senate May 30, 1935, after line 9, add:

"(c) From Route 58 near Simmler by way of Soda Lake to Route 57 between the Cuyama River and Maricopa."

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Olson, was read:

Amendment No. 1.

On page 11 of the printed bill, as amended, strike out lines 41 and 42, and insert in lieu thereof the following:

"Sunset Boulevard from Route 2 to Route 60 in city of Los Angeles. Cypress Avenue from Verdugo Road to Figueroa Street in Los Angeles.

Normandie Avenue from Route 2 to Route 174 in Los Angeles.

Exposition Boulevard from Main Street in Los Angeles to Route 162 via Exposition Boulevard and Overland Avenue in Los Angeles.

Beverly Glen Boulevard from Route 2 to National Boulevard in Los Angeles.

Crenshaw Boulevard-Vine Street from Route 2 to Route 174 via Vine Street and Crenshaw Boulevard in Los Angeles.

Venice Boulevard-Sixteenth Street from Alameda Street in Los Angeles to Route 163 via Venice Boulevard and Sixteenth Street in Los Angeles.

Hoover Street from Route 173 to Route 165 via Hoover Street in Los Angeles.

Washington Boulevard from Route 167 (Atlantic Boulevard) to Route 163 via Washington Boulevard in Los Angeles.

Soto Street from Huntington Drive South to Slauson Avenue in Huntington Park via Soto Street in Los Angeles.

Century Boulevard from Route 167 to Ocean Front (Route 163 extended) at Vista Del Mar via Century Boulevard in Los Angeles.

Sepulveda Boulevard from Route 165 to Route 60 via Sepulveda Boulevard. Also Street from Route 26 to Alameda Street in Los Angeles.

First Street-Beverly Boulevard from Route 2 to Route 162 via First Street and Beverly Boulevard in Los Angeles.

Ocean Front Highway from the southerly terminus of Route 163 at Windward Avenue in Venice to Route 60 near Seal Beach via Manhattan Beach, Hermosa Beach, Redondo Beach, Point Vincent, Point Firmin, Torrance Island and Long Beach.

Castelar Street-Hill Street Chavez Ravine from Riverside Drive to First Street both in Los Angeles via Chavez Ravine Road, Castelar Street and Hill Street.

Balboa Avenue from Route 4 to Route 158 near Mulholland Drive via Balboa Avenue.

Clybourne Avenue-Barham Boulevard Sunland Boulevard from Route 9 to Route 2 via Sunland Boulevard, Clybourne Street and Barham Boulevard in Los Angeles.

Riverside Drive from Route 165 to Route 4 near Burbank via Riverside Drive in Los Angeles.

Stonehurst, Glen Oaks, Brand and Glendale Boulevard from Route 2 to Route 165 via Stonehurst Avenue, Glen Oaks Boulevard, Brand Boulevard, Glendale Boulevard and Second Street in Los Angeles.

Centinela Avenue from Route 158 to Wilshire Boulevard in Los Angeles via Centinela Avenue in Los Angeles.

Slauson Avenue from Route 167 to Route 158 via Slauson Avenue in Los Angeles.

Santa Barbara Avenue from Route 165 to Crenshaw Boulevard in Los Angeles via Santa Barbara Avenue.

Adams Street from Alameda Street to Vermont Avenue in Los Angeles.

Central Avenue from First Street in Los Angeles to the south city boundary of Los Angeles via Central Avenue.

Avalon Boulevard from First Street in Los Angeles to Seventh Street in San Pedro via San Pedro Street and Avalon Boulevard, including crossing of West Channel of Los Angeles Harbor.

Mission Road-Huntington Drive from Route 161 near Arroyo to Seventh Street in Los Angeles via Huntington Drive and Mission Road.

North Broadway from Mission Road to First Street in Los Angeles via North Broadway.

Valley Boulevard from the east city boundary of Los Angeles to Mission Road in Los Angeles via Valley Boulevard.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Duval and McGovern, on the adoption of amendment offered by Senator Olson.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Garrison, Hays, Knowland, McCormack, Olson, and Sweng—6.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Gordon, Hulse, King, McColl, McGovern, McGunness, Metzger, Mixer, Parkman, Perry, Perovich, Reindollar, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Tickle, and Wagy—27.

Unfinished Business.

Motion to Postpone Reconsideration.

Senator Olson moved to postpone consideration of his motion, given on a previous day, to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Motion refused adoption.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 121 was refused passage.

Motion to Defer Consideration.

Senator Garrison moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 121 was refused passage be deferred.

Motion refused adoption.

Reconsideration Refused.

The question being on the motion to reconsider.

The roll was called, and reconsideration was refused by the following vote:

AYES—Senators Biggar, Fletcher, Garrison, Jespersen, King, McColl, McGovern, McGuinness, Olson, Perry, Reindollar, Schottky, Scollan, Seawell, and Slater—15.

NOES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Keough, Knowland, McCormack, Metzger, Mixer, Parkman, Pierovich, Powers, Rich, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Young—24.

Further Proceedings Under Call of the Senate Dispensed With.

At three o'clock and thirty-five minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Duval.

The Secretary was directed to call the roll, on the adoption of amendments offered by Senator Duval to Senate Bill No. 95, of the Senators who had not answered to their names.

The roll was called, and the amendments were refused adoption by the following vote:

AYES—Senators Deuel, Duval, Edwards, Garrison, Hays, Knowland, McCormack, and Sharkey—8.

NOES—Senators Biggar, Crittenden, Difani, Fletcher, Gordon, Hulse, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

President Pro Tempore in the Chair.

At three o'clock and fifty minutes p.m., Hon. W. P. Rich, President pro tempore of the Senate, in the chair.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 1112 was passed.

The question being on the motion to reconsider.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

The Secretary announced the absentees.

Time, four o'clock and fifteen minutes p.m.

The President pro tempore of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 1115 was passed.

Reconsideration Refused.

The question being on the motion to reconsider.

The roll was called, and reconsideration was refused by the following vote:

AYES—Senators Biggar, Garrison, Gordon, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Schottky, Seollan, and Slater—16.

NOES—Senators Crittenden, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Knowland, McCormack, Mixer, Parkman, Powers, Reindollar, Rich, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—23.

Senate Bill No. 1115 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The Secretary was directed to call the roll on the motion to reconsider the vote whereby Senate Bill No. 1112 was passed, of the Senators who had not answered to their names.

Reconsideration Refused.

The roll was called, and the motion to reconsider was lost by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Garrison, Gordon, Jespersen, King, McColl, Metzger, Olson, Schottky, Seawell, and Slater—14.

NOES—Senators Duval, Edwards, Hays, Hulse, Keough, Knowland, McCormack, McGovern, Mixer, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seollan, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—24.

Senate Bill No. 1112 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Bill No. 1067—An act to amend section 1007 of the Civil Code, relating to title by prescription and adverse possession against the State, counties, cities and counties or municipal corporations thereof.

Amendments from the Floor.

During third reading of Assembly Bill No. 1067, the following amendments, offered by Senator Garrison, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "against the", and strike out all of lines 3 and 4, and insert in lieu thereof a period.

Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, before "public", insert the following: "irrigation district."

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 940—An act making an appropriation and providing for the expenditure of moneys received by the State from taxes levied specifically for financing unemployment relief.

Amendments from the Floor.

During third reading of Senate Bill No. 940, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act relating to the relief of hardship and destitution due to and caused by unemployment, setting forth the powers and duties of the Relief Commission and the Relief Administrator and making an appropriation for the purposes thereof and providing for the expenditure of unexpended balances heretofore appropriated for such purposes, setting forth certain acts to be misdemeanors and providing for the punishment and penalties therefor."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 to 26, inclusive.

Amendment No. 3.

On page 2 of the printed bill, strike out lines 1 to 12, inclusive, and insert in lieu thereof the following:

"SECTION 1. There is hereby appropriated out of the general fund of the State, not otherwise appropriated, the sum of twenty-four million dollars to be expended during the eighty-eighth fiscal year to carry into effect the purposes of this act, the same to be paid by the State Treasurer upon warrants drawn by the State Controller.

SEC. 2. The unexpended balance of any other appropriation heretofore made for the relief of hardship and destitution due to and caused by unemployment shall be expended pursuant to the provisions of this act.

SEC. 3. The Relief Administrator, under the guidance of the Relief Commission, is hereby authorized and empowered to expend the money hereby appropriated and that which may otherwise be made available for the purposes and in the manner provided for in this act, subject, however, to the limitations herein provided and the limitations provided in section 10, Article XVI of the Constitution. Such expenditure may be made either directly or through such governmental agencies as he may select and deem necessary. All such money shall be expended for relief of hardship and destitution due to and caused by unemployment, as provided herein and as in section 10 of Article XVI of the Constitution; and such purposes shall be deemed to include, and such money may be expended by the Relief Administrator for the following uses and purposes:

(a) For materials, equipment, tools, supervision, transportation and general administration for work relief projects approved by the Relief Administrator for which relief or security wages are furnished or paid by the Federal or State Governments; provided, that materials, equipment, tools, supervision, transportation and general administration may be purchased for or furnished to work relief projects when not supplied by the Federal Government or any governmental department or agency of the State or by any political subdivision or district thereof or by any municipality in the State.

(b) For home or direct relief, including money, food, housing, clothing, fuel, light, water, medicines, medical and other treatment, medical or corrective appliances, nursing, and such other care, services, household equipment and commodities as he shall determine to be reasonable or necessary for such persons or their dependents.

(c) For rural relief and rehabilitation, including the establishment and operation of relief camps and relief for migratory workers.

(d) For the establishment and operation of such relief camps as may be reasonably necessary.

(e) For aid to self-help cooperative organizations and associations when, in his opinion, such expenditure will aid in the relief of hardship and destitution due to and caused by unemployment. For the purposes specified in this section, he may extend such aid, either in money or goods, as he shall deem most effective to accomplish such purposes.

(f) For the payment of relief or security wages for work on public relief projects at rates fixed by the Relief Commission in conformity with rates established under the provisions of the Federal "Emergency Relief Appropriation Act of 1935." Public work relief projects may be sponsored or supervised by any agency or department of the State including the Relief Administrator, or by any political subdivision, municipality, district or governmental agency therein.

(g) For construction, reconstruction, replacement and/or repair of public buildings and public works, and for such purpose may spend such funds, either for material or labor as hereinabove set forth, or for both, as he shall determine.

(h) For all costs of administration, including compensation insurance.

SEC. 4. No person shall be entitled to relief under this act who refuses to accept employment other than relief work when the same is available unless the Relief

Administrator or his duly authorized agent shall certify in writing to the Relief Commission that, in the opinion of such Relief Administrator or his duly authorized agent, such person was justified in refusing to accept such employment.

SEC. 5. The Relief Commission may establish and the Relief Administrator may enforce safety regulations governing safety conditions of work on work relief projects. Such regulations shall have the same legal force and effect as safety regulations issued by the Industrial Accident Commission governing employment and work conditions and violations thereof.

SEC. 6. Any person supervising services of relief workers or any person directing or supervising any work performed by relief workers under the provisions of this act, who knowingly or negligently permits or requires any relief worker to perform work at a location or on a project where the work is being performed in a manner or under conditions contrary to the safety rules of the Industrial Accident Commission, or the Relief Administrator, or who hinders or obstructs any officer or authorized inspector attempting to inspect the location or work being performed, or who destroys or defaces or removes any notice posted thereon by any such officer or inspector, or who permits the use of any machine, vehicle, tool, appliance, contrivance, structure, structural appurtenance or other thing after it has been declared unsafe or unhealthy by the Industrial Accident Commission or the Relief Administrator, or who fails to remove workmen and keep them removed from a location declared unsafe or unhealthy by an officer or authorized inspector of the Industrial Accident Commission or Relief Administrator unless otherwise ordered by such officer or inspector, shall be guilty of a misdemeanor.

SEC. 7. Any relief recipient to whom any goods, wares, merchandise or commodities are furnished or supplied under the provisions of this act who sells, disposes, exchanges or otherwise misappropriates the same or any part thereof contrary to the conditions under which said goods, wares, merchandise or commodities were furnished or supplied shall be deemed guilty of a misdemeanor and shall be punishable by imprisonment in a county jail not exceeding one year or by a fine of not exceeding one thousand dollars or by both fine and imprisonment in the discretion of the court. Any person who, knowingly, assists such relief recipient to sell, dispose of or otherwise misappropriate goods, wares, merchandise or commodities furnished under this act shall be guilty of a misdemeanor and shall be punishable by imprisonment in a county jail not exceeding one year or by a fine not exceeding one thousand dollars or by both fine and imprisonment in the discretion of the court.

SEC. 8. The Relief Commission shall establish rules and regulations relating to eligibility for aid under this act, investigation of relief applications, assignment of applicants to work relief projects, removal of applicants from work relief projects, amounts of aid to be granted, eligibility, approval and operation of work relief projects, preparation of estimates, costs, plans and specifications for work relief projects, operation of relief and rehabilitation camps, and provide for any and all other matters or things necessary or convenient to carry out the objects and purposes of this act. The provisions of Chapter 417, Statutes of 1915, or the provisions of Chapter 398, Statutes of 1931, shall not apply to the employment of persons upon work relief projects under the provisions of this act.

SEC. 9. Work relief may be conducted by force account as set forth in section 2, subdivision (f) hereof without regard to the total cost of relief labor on any public work relief project or the total cost of such project. Such reports of the costs and details of work relief projects shall be kept by the administrator as are prescribed by the Relief Commission.

SEC. 10. The Relief Commission and the Relief Administrator, respectively, shall have and exercise the powers conferred upon them, respectively, by section 10, Article XVI of the Constitution.

SEC. 11. The Relief Administrator is authorized and empowered to employ such number of assistants and persons as he shall deem necessary to aid and assist in carrying out the purposes of this act and to fix the salaries and compensation of such assistants and employees. None of such assistants or persons thus employed shall be subject to civil service, except as provided in subdivision (h) of section 10 of Article XVI of the Constitution.

SEC. 12. For the purpose of assisting the administration and in carrying out the purposes hereof and the policies and plans determined by the Relief Commission, the Relief Administrator may, with the consent and approval of the commission, appoint in each county and city and county a citizens' relief committee of such number, not exceeding eleven, as the commission shall determine. The members of such committee shall serve without pay. The relief committee in each county and city and county shall have and exercise such powers and duties as may be prescribed by law and or as may be prescribed by said commission.

SEC. 13. The Relief Administrator is authorized to make, with such aid as may be available, a thorough and comprehensive study and survey of unemployment within the State, the occupations, industries and trades most seriously affected thereby and the number of persons suffering or in want by reason thereof or for other causes, and shall ascertain the citizenship of such persons, their time of residence within the State of California, their place of residence next prior to coming to California, and may

also ascertain the extent and nature of public work required or useful to be done by the State or any political subdivision or municipality thereof. The Relief Administrator shall maintain an adequate Division of Research and Statistics and keep full records of the administration of relief under this act.

Sec. 14. The Relief Commission and the Relief Administrator are authorized to receive and to expend such funds as are made available to them or either of them or to the State of California by the Federal Government or any agency or department or board thereof for relief, work relief or rehabilitation or cooperation with the Federal Government for the relief of hardship and destitution due to and caused by unemployment, and all such funds made available to the State or to the Relief Commission or Relief Administrator shall be expended in accordance with the rules and regulations of the Federal Government or the rules and regulations of the appropriate agency, department or board thereof, and in the manner therein prescribed and for all of the uses, purposes and intents authorized, directed, or specified by said rules and regulations.

Sec. 15. The Relief Administrator and the Relief Commission or either of them may act as agents or agent of the Federal Government in the expenditure of any moneys made available by the Federal Government for relief, work relief or rehabilitation.

Sec. 16. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 17. Wherever the words "Relief Administrator" or "Relief Commission" are used herein, they shall refer to the office of Relief Administrator and the Relief Commission created in and by section 10, Article XVI of the Constitution.

Sec. 18. This act shall be known and may be cited as the "California Unemployment Relief Act of 1935."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 285—An act to amend sections 12, 13, and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provision of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to horse racing.

Amendments from the Floor.

During third reading of Senate Bill No. 285, the following amendments, offered by Senator Seawell, were read and adopted:

Amendment No. 1.

On page 2, line 16, of the printed bill, as amended, strike out "possible", and insert in lieu thereof the following: "impossible".

Amendment No. 2.

On page 3, line 15, of the printed bill, as amended, strike out "thirty", and insert in lieu thereof the following: "forty".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 239—An act to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately.

Amendment from the Floor.

During third reading of Assembly Bill No. 239, the following amendment, offered by Senator Duval, was read and adopted:

Amendment No. 1.

On page 2, line 49, of the printed bill, as amended May 29, 1935, after the word "value", add the following: "as fixed by stipulation required by California Railroad Commission".

Bill read, ordered to reprint, and on file for third reading.

Assembly Constitutional Amendment No. 39—A resolution to propose to the people of the State of California, an amendment to Article IV of the Constitution of the State, by amending section 31 thereof, relating to paying the principal and interest on bonds issued by city, county, city and county, district or other political subdivision whose funds are in the custody of the treasurer of any city, county, or city and county.

Amendment from the Floor.

During third reading of Assembly Constitutional Amendment No. 39, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 2, line 10, of the printed measure, after "districts", insert the following: ", water districts and water conservation districts".

Assembly Constitutional Amendment No. 39 ordered to reprint, and on file.

Assembly Bill No. 896—An act to amend sections 479, 508, 510, 581, 585, 590, 591, 593, 632, and 673 of the Agricultural Code, relating to dairies and dairy products.

Amendments from the Floor.

During third reading of Assembly Bill No. 896, the following amendments, offered by Senator Young, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "479."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 24, inclusive, and on page 2, strike out lines 1 and 2.

Amendment No. 3.

On page 2, line 3, of the printed bill, as amended, strike out "SEC. 2.", and insert in lieu thereof the following: "SECTION 1."

Amendment No. 4.

On page 2, line 47, of the printed bill, as amended, strike out "SEC. 3.", and insert in lieu thereof the following: "SEC. 2."

Amendment No. 5.

On page 3, line 28, of the printed bill, as amended, strike out "SEC. 4.", and insert in lieu thereof the following: "SEC. 3."

Amendment No. 6.

On page 3, line 45, of the printed bill, as amended, strike out "SEC. 5.", and insert in lieu thereof the following: "SEC. 4."

Amendment No. 7.

On page 5, line 1, of the printed bill, as amended, strike out "SEC. 6.", and insert in lieu thereof the following: "SEC. 5."

Amendment No. 8.

On page 5, line 23, of the printed bill, as amended, strike out "SEC. 7.", and insert in lieu thereof the following: "SEC. 6."

Amendment No. 9.

On page 5, line 25, of the printed bill, as amended, strike out "SEC. 8.", and insert in lieu thereof the following: "SEC. 7."

Amendment No. 10.

On page 6, line 10, of the printed bill, as amended, strike out "SEC. 9.", and insert in lieu thereof the following: "SEC. 8."

Amendment No. 11.

On page 7, line 20, of the printed bill, as amended, strike out "SEC. 10.", and insert in lieu thereof the following: "SEC. 9."

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor.

Amendments from the Floor.

During third reading of Senate Bill No. 1063, the following amendments, offered by Senator Hulse, were read and adopted:

Amendment No. 1.

On page 4, line 16, of the printed bill, as amended, in the blank space after "than", insert the following: "ten thousand".

Amendment No. 2.

On page 4, line 20, of the printed bill, as amended, strike out "1936", and insert in lieu thereof the following: "1938".

Amendment No. 3.

On page 5, line 27, of the printed bill, as amended, strike out "1936", and insert in lieu thereof the following: "1938".

Amendment No. 4.

On page 5, line 50, of the printed bill, as amended, in the blank space at the beginning of said line, insert the following: "two hundred fifty".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Pierovich:

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend sections 105, 106, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

Respectfully submitted.

SENATOR PIEROVICH.

Request referred to Committee on Rules.

Motion to Reconsider.

Assembly Bill No. 1360.

Pursuant to notice given on a previous day, Senator Swing moved to reconsider the vote whereby Assembly Bill No. 1360 was refused passage.

Postponement of Reconsideration.

On motion of Senator Swing, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1360 was refused passage was continued until the next legislative day.

Recess.

On motion of Senator Sharkey, at five o'clock and ten minutes p.m., the President pro tempore of the Senate declared recess until nine o'clock p.m.

Reconvened.

At nine o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Rush Order to Printer.

On motion of Senator Sharkey, the Secretary was directed to issue a rush order for printing Senate Bill No. 940.

Call of the Senate.

Senator Stow moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Duval, Edwards, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, Metzger, Mixter, Parkman, Perry, Reindollar, Rich, Scollan, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—24.

The Secretary announced the absentees.

Time, nine o'clock and five minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Introduction, First Reading and Reference of Bills.**

By Senators Biggar, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Swing, Tickle, Wagy and Williams: Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to section 2 of Article IV of the State Constitution, relating to the introduction of legislative bills.

Consideration of Senate Constitutional Amendment No. 27.

Senator Gordon asked for, and was granted, unanimous consent for the consideration of Senate Constitutional Amendment No. 27, without reference to committee for purpose of adoption.

Senate Constitutional Amendment No. 27 ordered to print, and on file as unfinished business.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of June 1, 1935:

Dorothy Seawell, Stenographer.....	<i>Per day</i> \$5 00
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Resolution read, and on motion of Senator Tickle, adopted.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 31, 1935, passed Assembly Bill No. 1607—An act creating a State Board of Eugenics and defining the powers and duties thereof; and providing for the care, protection, and decrease of the State's defectives, and lowering of the expenses therefor.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1607 read first time, and referred to Committee on Public Health and Quarantine.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 3, 1935

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 354—An act to amend sections 1061, 1064, 1065, 1066, 1071 and 1073 of the Agricultural Code, relating to economic poisons;

Also: Senate Bill No. 366—An act to renumber section 532a of the Penal Code, as added by Chapter 70 of the Statutes of 1913, to be section 532c of said code, relating to giving lots on the drawing of numbers;

Also: Senate Bill No. 423—An act to provide for the sale and conveyance of certain swamp and overflowed, salt marsh and tidelands lying in the county of Contra Costa, State of California;

Also: Senate Bill No. 652—An act to amend section 4.798 of the School Code, relating to apportionments of State funds for public school purposes;

Also: Senate Bill No. 653—An act to add a new section to the School Code to be numbered 2.1363, relating to the acceptance of gifts, donations, bequests and devises to schools and colleges administered by the Director of Education or the Department of Education;

Also: Senate Bill No. 654—An act to add a new article to Chapter I of Part III of Division IV of the School Code to be known as Article III, relating to school district elections for the expenditure of school district funds;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of June, 1935, at three o'clock p.m.

METZGER, Chairman.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of June 3, 1935:

Gwen Caffey, Clerk of Committee on Finance.....	<i>Per day</i> \$6 00
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Resolution read, and on motion of Senator Tickle, adopted.

Consideration of Daily File.**Second Reading of Assembly Bills.**

Assembly Bill No. 522—An act to amend section 400 of the Vehicle Code, relative to the liability of governmental agencies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1170—An act relating to the Department of Professional and Vocational Standards and defining its powers and duties in relation to and providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as indicia of ownership and to protect the owners thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1304—An act to amend the title and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores, and spotting, sponging, and or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging, and or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931, relating to cleaning and dyeing.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2409—An act to add sections 1217.5 and 1243.5 to the Penal Code, relating to capital punishment.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2183—An act to be known as the "Inheritance Tax Act of 1935," to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, transfers, joint tenancies and insurance; to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under any act hereby repealed; to provide penalties for failure to comply with the provisions of this act; and to repeal Chapter 821 of the laws of the session of the Legislature of California of 1921, approved June 3, 1921, known as the "Inheritance Tax Act," and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act, and providing this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 2183 were read and adopted:

Amendment No. 1.

On page 5, line 40, of the printed bill, as amended, strike out "and due and payable".

Amendment No. 2.

On page 9, line 34, of the printed bill, as amended, strike out the word "where", and in lieu thereof insert the word "were".

Amendment No. 3.

On page 14, line 33, of the printed bill, as amended, strike out the words "The Insurance", and all of lines 34, 35, 36, 37, 38, 39, 40, 41 and 42, and in line 43, the words "therein is correct".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1208—An act to amend sections 3 and 5 of, and to repeal section 7 of, an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, relating to taxation, and to provide that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 735—An act to amend sections 4 and 10 of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, relating to the operation of the business of industrial loan companies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 959—An act to amend section 59 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to referees of the Industrial Accident Commission.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Insurance, the following amendment to Assembly Bill No. 959 was read and adopted:

Amendment No. 1.

On page 2, line 2, of the printed bill, as amended May 29, 1935, strike out the word "later", and insert in lieu thereof the following: "earlier".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1309—An act to regulate the location, construction, occupancy and operation of hat cleaning and blocking establishments, or agencies thereof, and private schools and colleges of hat cleaning and blocking; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement; and providing penalties for violations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1579—An act to amend section 911 of the Insurance Code, relating to insurance practice regarding financial statements of insurers, and matters incidental thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1586—An act to repeal sections 12051 and 12052 of the Insurance Code, relating to surety insurers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 88—An act to amend section 762 of the Political Code, relating to the office hours of clerks of the District Courts of Appeal.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 88 was read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend section 762 of", and insert in lieu thereof the following: "add section 762 to".

Bill read second time, ordered to reprint, and on file for third reading.

Motion to Reconsider Waived.

Senator Wagy waived his motion to reconsider the vote whereby Assembly Bill No. 1780 was passed.

Assembly Bill No. 1780 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, JUNE 3, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Pierovich to introduce a bill entitled—An act to amend sections 105, 106, 109, and 111 of the Vehicle Code, relating to the Department of Motor Vehicles—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1

RICH, Chairman.
SLATER
KNOWLAND
DIFANI

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Pierovich: Senate Bill No. 1126—An act to amend sections 105, 106, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

Bill read first time, and referred to Committee on Motor Vehicles.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 1684 was passed.

Reconsideration Refused.

The question being on the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Fletcher, Garrison, Jespersen, McGovern, Olson, and Powers—6.
NOES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Park-

man, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

Assembly Bill No. 1684 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Bill No. 236 was passed.

Reconsideration Refused.

The question being on the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Fletcher, Garrison, Hays, Jespersen, Keough, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Snyder, Williams, and Young—17.

NOES—Senators Biggar, Crittenden, Difani, Duval, Edwards, King, Knowland, McColl, Mixer, Parkman, Reindollar, Seawell, Sharkey, Slater, Stow, Swing, Tickle, and Wagy—18.

Senate Bill No. 236 ordered transmitted to the Assembly.

Motion to Reconsider Continued.

Pursuant to his motion given on a previous day, Senator Scollan asked for, and was granted, permission to continue the motion to reconsider the vote by which the amendment to Assembly Bill No. 1215 was adopted.

Third Reading of Senate Bills.

Consideration of Senate Bill No. 95—(Resumed).

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 3 of the printed bill, as amended, between lines 16 and 17, insert the following:

"(f) From Route 108 at Livermore to Route 107 via Pleasanton."

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Metzger, was read, and refused adoption:

Amendment No. 1.

On page 12 of the printed bill, as amended, after line 9, add the following: "SEC. 27. If all the roads and highways in any county are taken into the State highway system said county shall not share any portion whatsoever of the money derived from the gasoline tax."

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Duval, was read and adopted:

Amendment No. 1.

On page 4, between lines 7 and 8, of the printed bill, as amended, insert the following:

"(1) From the east city limits of the city of Ventura along the coast line to the town of Hueneme, in Ventura County,".

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Biggar, was read and adopted:

Amendment No. 1.

On page 4, line 45, of the printed bill, as amended, after the words "Dos Rios", strike out the period, and insert the words "via the outlet creek and Eel River".

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 10 of the printed bill, as amended, between lines 34 and 35, insert the following:

"(d) From Route 2 near Morgan Hill to Route 32 near Live Oak School"

Bill read, ordered to reprint, re engrossment, and on file for third reading.

Senate Bill No. 398.—An act to amend section 4 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals, to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the extension of prospecting permits for oil and gas which were in effect June 1, 1933, and upon which has been expended twenty-five thousand dollars or more in the prospecting for oil and gas.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 398 refused passage by the following vote:

AYES—Senators Crittenden, Duval, Garrison, Gordon, Jespersen, McCormack, McGuinness, Mixer, Reindollar, Rich, Schottky, Sharkey, Snyder, Swing, Wagy, and Young—16.

NOES—Senators Biggar, Difani, Edwards, Fletcher, Hays, Keough, King, Knowland, McGovern, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Seollan, Sewell, Slater, Stow, Tickle, and Williams—21.

Notice of Motion to Reconsider.

Senator Edwards gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 398 was refused passage.

Report of Committee on Free Conference.

The following report of the Committee on Free Conference was received and read:

Concerning Assembly Bill No. 816.

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations, and building and loan associations, as legal investments for trust and other funds—reports that it has met a like committee of the Assembly, consisting of Assemblymen Martin, Scudder and Walker, and reports that the Committee on Free Conference has agreed to recommend that the Assembly concur in the Senate amendments.

KNOWLAND,
FLETCHER,

Senate Committee on Free Conference.

MARTIN,
SCUDDER,
WALKER,

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Third Reading of Assembly Bills.

Assembly Bill No. 36—An act to amend the Agricultural Code by adding to Division VI thereof a new chapter to be numbered 8 and to include sections 1299 to 1300.6 inclusive, defining and pertaining to processors of farm products and the licensing thereof.

Amendment from the Floor.

During third reading of Assembly Bill No. 36, the following amendment, offered by Senator Scollan, was read and adopted:

Amendment No. 1.

On page 3 of the printed bill, as amended, strike out lines 15 to 23, inclusive, and insert in lieu thereof the following: "upon the request of any interested person. All license fees collected under the provisions of this act shall be paid into the State treasury monthly and shall be credited to the Department of Agriculture fund and expended in carrying out the provisions of this chapter. The director shall, within thirty days prior to the regular session of the Legislature, submit to the Governor a full and true report of the transactions under this chapter during the preceding biennium, including a complete statement of receipts and expenditures during the period."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 812—An act to amend section 226 of the Civil Code, relating to proceedings on adoption.

Amendment from the Floor.

During third reading of Assembly Bill No. 812, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 1, line 19, of the printed bill, as amended, strike out "ninety", and insert in lieu thereof the following: "one hundred eighty".

Bill read, ordered to reprint, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 120—An act making an appropriation to pay the claim of Pacific Transfer Van and Truck Company against the State of California;

Also: Senate Bill No. 403—An act making an appropriation to pay the claim of Modoc County Fair Association against the State of California;

Also: Senate Bill No. 487—An act making an appropriation to pay the claim of the Western Union Telegraph Company against the State of California;

Also: Assembly Bill No. 1080—An act to amend sections 677 and 680 of, and to add section 689.1 to, the Political Code, relating to State accounting.

Also: Senate Bill No. 920—An act appropriating money for the restoration and rehabilitation of Marshall's cabin at Coloma.

Also: Senate Bill No. 1027—An act making an appropriation for the clearing and cleaning of Ellis Creek.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—14; absent—5

SHARKEY, Chairman

Also:

SENATE CHAMBER, SACRAMENTO, June 3, 1935

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 114—An act to amend section 737 and of the Political Code, relating to the salary of the superior judge, in and for Trinity County:

Also: Senate Bill No. 727—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, repealing an act entitled, "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and provided that this act shall take effect immediately," approved May 15, 1933, subject to certain conditions:

Also: Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—14; absent—5

SHARKEY, Chairman

On Unemployment.

SENATE CHAMBER, SACRAMENTO, May 31, 1935

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Assembly Bill No. 2019—An act to amend section 2289 of the Political Code, relating to State aid to indigent orphans—has had the same under consideration, and respectfully reports the same be re-referred to the Committee on Finance.

Committee membership—11; committee vote: Ayes—7; absent—4

SEAWELL, Chairman

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, June 3, 1935

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 61—Relative to memorializing Congress to repeal "An act to amend the Tariff Act of 1930," approved June 12, 1934, has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—5; committee vote: Ayes—4; absent—1.

WAGY, Chairman

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, June 3, 1935

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 898—An act to amend section 488 of the Agricultural Code, relating to Grade A milk—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; noes—1; absent—4

CRITTENDEN, Chairman

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 973—An act to amend section 803 of the Agricultural Code, relating to peaches—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—9; noes—2; absent—4

CRITTENDEN, Chairman

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 972—An act to amend section 791 of the Agricultural Code, relating to apricots;

Also: Assembly Bill No. 975—An act to amend section 804 of the Agricultural Code, relating to pears;

Also: Assembly Bill No. 976—An act to amend section 806 of the Agricultural Code, relating to plums and fresh prunes;
Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—10; noes—1; absent—4.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 814—An act to amend section 92 of, and to add section 95 to the Agricultural Code, relating to and providing for the exhibition of California products—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 2458—An act to add Chapter 9, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products;

Also: Assembly Bill No. 2427—An act to amend sections 1, 7, 8 and 9 of an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, relating to practice of veterinary medicine;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

Adjournment.

On motion of Senator Rich, at eleven o'clock and 10 minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Tuesday, June 4, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, June 4, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—37.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, June 3, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Messrs. Robert E. Bruner, and Howard Knight, Chairman of Board of Supervisors of Sonoma County, and Ed. A. Peugh, County Surveyor of Sonoma County.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporation, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor and making an appropriation—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 487—An act making an appropriation to pay the claim of the Western Union Telegraph Company against the State of California.

Also: Senate Bill No. 920—An act appropriating money for the restoration and rehabilitation of Marshall's cabin at Coloma.

Also: Senate Bill No. 1027—An act making an appropriation for the clearing and cleaning of Ellis Creek.

Also: Senate Bill No. 403—An act making an appropriation to pay the claim of Modoc County Fair Association against the State of California.

Also: Senate Bill No. 120—An act making an appropriation to pay the claim of Pacific Transfer Van and Truck Company against the State of California.

Also: Senate Bill No. 114—An act to amend section 737aaa of the Political Code, relating to the salary of the superior judge, in and for Trinity County.

And reports that the same have been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 285—An act to amend sections 12, 13, and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions" relating to horse racing—and reports that the same has been correctly re-engrossed.

WILLIAMS, Vice Chairman.

**Consideration of Daily File.
Second Reading of Senate Bills.**

Senate Bill No. 114—An act to amend section 737aaa of the Political Code, relating to the salary of the superior judge, in and for Trinity County.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 120—An act making an appropriation to pay the claim of Pacific Transfer Van and Truck Company against the State of California.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 403—An act making an appropriation to pay the claim of Modoc County Fair Association against the State of California.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 487—An act making an appropriation to pay the claim of the Western Union Telegraph Company against the State of California.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 920—An act appropriating money for the restoration and rehabilitation of Marshall's cabin at Coloma.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1027—An act making an appropriation for the clearing and cleaning of Ellis Creek.

Bill read second time, ordered to engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 1989—An act to amend sections 677 and 689 of, and to add section 689.1 to, the Political Code, relating to State accounting.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 972—An act to amend section 791 of the Agricultural Code, relating to apricots.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Assembly Bill No. 972 was read and adopted:

Amendment No. 1.

On page 1, line 17, of the printed bill, as amended in Assembly April 9, 1935, strike out the word "Apricots", and insert in lieu thereof "Packed apricots".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 975—An act to amend section 804 of the Agricultural Code, relating to pears.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Assembly Bill No. 975 was read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended in Assembly April 9, 1935, strike out the word "Pears", and insert in lieu thereof "Packed pears".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 976—An act to amend section 806 of the Agricultural Code, relating to plums and fresh prunes.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Assembly Bill No. 976 was read and adopted:

Amendment No. 1.

On page 1, line 15, of the printed bill, as amended in Assembly April 9, 1935, strike out the word "Plums", and insert in lieu thereof "Packed plums".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 973—An act to amend section 803 of the Agricultural Code, relating to peaches.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 898—An act to amend section 488 of the Agricultural Code, relating to Grade A milk.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 814—An act to amend section 92 of, and to add section 95 to the Agricultural Code, relating to and providing for the exhibition of California products.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2458—An act to add Chapter 9, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendment to Assembly Bill No. 2458 was read and adopted:

Amendment No. 1.

On page 3 of the printed bill, strike out all of lines 33 to 42, inclusive, and insert in lieu thereof the following: "endar year. All licenses may be renewed each successive year, if the plant for which a previous license was issued or the business thereof shall have been conducted in accordance with the requirements of this

chapter during the year next preceding that for which renewal is requested. The renewal fee due January 1st shall be forwarded during the first week of December."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2427—An act to amend sections 1, 7, 8 and 9 of an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, relating to practice of veterinary medicine.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Agriculture and Live Stock, the following amendments to Assembly Bill No. 2427 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "7,".

Amendment No. 2.

On page 2, line 50, of the printed bill, as amended, after "Agriculture", insert the following: "or city or county veterinarians".

Bill read second time, ordered to reprint, and on file for third reading.

Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Deuel, Difani, Gordon, Hays, King, McGovern, McGuinness, Mixer, Parkman, Rich, Scollan, Seawell, Snyder, Tickle, Williams, and Young—17.

The Secretary announced the absentees.

Time, ten o'clock and twenty minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 78—An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, association, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defray-

ing costs of construction or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities; and providing for the payment of such bonds and the interest thereon—and reports that the same has been correctly enrolled, and presented to the Governor on the fourth day of June, 1935, at ten o'clock a.m.

METZGER, Chairman

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 40—Relative to reports of the department encampment and the annual convention of the United Spanish American War Veterans;

Also: Senate Bill No. 284—An act to amend section 1197 of the Political Code, relating to election ballots;

Also: Senate Bill No. 376—An act to repeal Article II of Chapter II of Part II of Division III of the School Code and to add to Chapter II of Part II of Division III of the School Code a new article to be known as Article I, relating to contracts between State teachers colleges and elementary school districts for the education of pupils of such districts;

Also: Senate Bill No. 419—An act to amend section 3658a of the Political Code, relating to assessments by reference to maps;

Also: Senate Bill No. 426—An act to amend sections 1030, 1038, and 1042 of the Agricultural Code, relating to fertilizing materials;

Also: Senate Bill No. 725—An act ceding to the United States of America certain tide and submerged lands of the State of California upon certain trusts and conditions;

And reports that the same have been correctly enrolled and presented to the Governor on the fourth day of June, 1935, at eleven o'clock and thirty minutes a.m.

METZGER, Chairman

Unfinished Business.

Consideration of Senate Amendments to Assembly Bill No. 1837.

Assembly Bill No. 1837—An act to amend sections 269 and 271 of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1837?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1837 by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, Keough, Knowland, McGovern, McGuinness, Mixer, Olson, Pavovich, Powers, Remdollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Waggy, Williams, and Young—29.

Appointment of Committee on Conference.

The President announced the appointment of Senators Pierovich, McGovern and Schottky, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1837.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and forty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Senate Constitutional Amendment No. 22 was refused adoption.

The question being on the motion to reconsider.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

Further Proceedings Under Call of the Senate Dispensed With.

On motion of Senator Scollan, further proceedings under call of the Senate were dispensed with, the roll was called, and reconsideration of Senate Constitutional Amendment No. 22 was refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Keough, King, McColl, McGovern, McGuinness, Parkman, Perry, Pierovich, Powers, Reindollar, Scollan, Seawell, Slater, Snyder, Swing, Wagdy, and Williams—21.

NOES—Senators Deuel, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Knowland, McCormack, Metzger, Mixter, Olson, Rich, Schottky, and Tickle—15.

Motion to Reconsider Continued.

Pursuant to his motion given on a previous day, Senator Scollan asked for, and was granted, permission to continue the motion to reconsider the vote by which the amendment to Assembly Bill No. 1215 was adopted.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Swing moved to reconsider the vote whereby Assembly Bill No. 1360 was refused passage.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Wagdy, Williams, and Young—30.

NOES—Senators Biggar, McColl, Metzger, and Tickle—4.

Bill ordered read third time.

Third Reading of Assembly Bill No. 1360.

Assembly Bill No. 1360—An act to add sections 54a and 54b to the Civil Code, relating to the right of privacy of persons, and to provide a method by which such right of privacy may be enforced.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1360 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Slater, Swing, and Wagdy—27.

NOES—Senators Biggar, McColl, Metzger, Powers, Tickle, Williams, and Young—7.

Title read and approved.

Assembly Bill No. 1360 ordered transmitted to the Assembly.

Special Order.

Senator Duval moved that Senate Bills Nos. 727, 1120, 1119, and 940 and Assembly Bills Nos. 239, 1182, 2183, and 1208 be made special orders for Tuesday, June 4, 1935, at nine o'clock p.m.

Motion carried and such was the order.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 197, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Third Reading of Assembly Bill No. 197.

Assembly Bill No. 197—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant, providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 197 refused passage by the following vote:

AYES—Senators Crittenden, Difani, Fletcher, King, Knowland, Metcalf, McGovern, McGuinness, Metzger, Olson, Reindollar, Schottky, Seadlan, Seawell, and Swing—15.

NOES—Senators Bigger, Denel, Duval, Edwards, Garrison, Gordon, Hays, Helbo, Jespersen, Keough, McCormack, Mixer, Packman, Perry, Pomeroy, Powers, Rich, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—25.

Message from the Assembly.

The following message from the Assembly was received and read

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day requests the return of Assembly Bill No. 2019—An act to amend section 2289 of the Political Code, relating to State aid to indigent orphans—for further consideration by the Assembly.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Motion to Return Assembly Bill No. 2019.

Senator Rich moved that the request of the Assembly to return Assembly Bill No. 2019 to the Assembly be granted.

Motion carried.

The Secretary of the Senate was directed to return Assembly Bill No. 2019 to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Senate Bill No. 447, heretofore set as a special order following Assembly Bill No. 197, the same was taken up for consideration.

Third Reading of Senate Bill No. 447.

Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 194, relating to wharfingers.

Bill read third time.

Further consideration deferred to afternoon session.

Recess.

On motion of Senator Rich at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 74—An act to amend sections 147 and 158 of the Vehicle Code and to add thereto sections 158.4, 177.5, 177.6 and 209, relating to license plates;

Also: Assembly Bill No. 106—An act to amend section 6.750 of the School Code, relating to the use of school buildings for activities of a seditious nature;

Also: Assembly Bill No. 834—An act relating to and imposing limitations on expenditures by counties, cities and counties, districts and other political subdivisions, under authority of Section 20 of Article XI of the Constitution of the State;

Also: Assembly Bill No. 941—An act to amend section 428 of the Fish and Game Code and to add thereto sections 428.5 and 428.6, relating to sporting fishing licenses, and the disposition of fees therefrom;

Also: Assembly Bill No. 1030—An act defining unlawful gas, prohibiting dealing in and transporting by pipe unlawful gas, requiring certain corporations, individuals and associations of individuals engaged in the business of buying lawful gas and transporting the same by pipe line to be common purchasers of such gas, and fixing penalties for violations of the act;

Also: Assembly Bill No. 1957—An act to amend the Public Utilities Act by adding two new sections numbered sections 13½ and 32½, relating to public utilities.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 74 read first time, and referred to Committee on Motor Vehicles.

Assembly Bill No. 106 read first time, and referred to Committee on Education.

Assembly Bill No. 834 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 941 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 1030 read first time, and referred to Committee on Oil Industries.

Assembly Bill No. 1957 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2240—An act to amend sections 2285 and 2290 of the Political Code, relating to State aid to children;

Also: Assembly Bill No. 2020—An act to add a new section to the Penal Code to be numbered 476b, relating to printing, duplicating or imitating blank checks.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2240 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2020 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2176—An act to amend section 1065 of the Fish and Game Code, relating to sardines:

Also: Assembly Bill No. 2477—An act to amend the title and sections 1, 2 and 5, and to repeal sections 4 and 6 of an act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," approved May 26, 1921, relating to public defenders.

Also: Assembly Bill No. 2479—An act to add a new section, to be numbered 1582, to the Streets and Highways Code, relating to county highway funds;

Also: Assembly Bill No. 1581—An act to amend section 38 of the Insurance Code, relating to insurance practice in relation to mailing of notice:

Also: Assembly Bill No. 1053—An act requiring the compilation and publication of reports relative to the financial condition of the municipal corporations within the State:

Also: Assembly Bill No. 1609—An act to repeal section 645 of the Penal Code, relating to carnal abuse.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2176 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2477 read first time, and referred to Committee on County Government.

Assembly Bill No. 2479 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 1581 read first time, and referred to Committee on Insurance.

Assembly Bill No. 1053 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 1609 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 21—Relative to exemption from taxation of bonds issued by governmental agencies and memorializing the President and Congress of the United States to take immediate steps for the termination of the exemption of such securities from taxation.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 21 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1000—An act to amend section 1238 of the Civil Code, relating to homesteads:

Also: Assembly Bill No. 606—An act to add a new section to the Streets and Highways Code, to be numbered 982, authorizing the temporary closing of any public highway, road, street, avenue, alley, lane or place for exposition or fair purposes:

Also: Assembly Bill No. 450—An act to add Article VIIa to Chapter I of Part III of Division IV of the School Code, embracing sections 4355 to 4359, inclusive, relating to an optional plan for payments from district funds:

Also: Assembly Bill No. 287—An act to amend section 4041.16 of the Political Code, relating to county care of indigents;

Also: Assembly Bill No. 212—An act to amend sections 137, 138 and 166 of the Fish and Game Code and to add two new sections to be numbered 171 and 172, relating to districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2354—An act to

amend sections 146 and 154 of the Vehicle Code, and to add sections 146.5, 180.5, and 371.5 to said Vehicle Code, all relating to vehicles previously registered outside this State, and the registration and transfer thereof within this State;

Also: Assembly Bill No. 2252—An act to amend section 5.773 of the School Code, relating to employees of school districts other than persons employed in positions requiring certification qualifications;

Also: Assembly Bill No. 1826—An act to amend section 865 of the Fish and Game Code, relating to fish, declaring the urgency thereof to take effect immediately;

Also: Assembly Bill No. 1654—An act to amend sections 459, 465 and 471 of, and to add a new section to be numbered 466 to, the Vehicle Code, relating to highways and the regulation thereof;

Also: Assembly Bill No. 1395—An act to amend sections 5.1100, 5.1101, 5.1110, 5.1120, 5.1121, 5.1122, 5.1132, 5.1135, 5.1136, 5.1138 of the School Code, relating to the retirement of teachers and employees by school districts, and to add a new section to be numbered section 5.1139 to the School Code;

Also: Assembly Bill No. 1188—An act to add a new article to Chapter I of Part III of Division IV of the School Code, and to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, all to be known as Article XI, relating to school district funds.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed, as a Committee on Free Conference concerning Assembly Bill No. 1837—An act to amend sections 269 and 271 of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters—Messrs. O'Donnell, Cronin and Hornblower.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed, as a Committee on Free Conference concerning Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations, and building and loan associations, as legal investments for trust and other funds—Messrs. Martin, Walker and Seudder.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption of the report of the Committee on Free Conference concerning Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations, and building and loan associations, as legal investments for trust and other funds—and appointed as a second Committee on Free Conference Messrs. Redwine, Fisher and Thorp.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Appointment of Second Committee on Conference.

The President announced the appointment of Senators Duval, Edwards and Reindollar as a Second Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 816.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of June 3, 1935:

Winifred Elliott, Stenographer	Per day
-----	\$5 00

Resolution read, and on motion of Senator Tickle, adopted.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, six days per week, and the Controller is hereby directed to draw his warrant in favor of the respective person for the said respective amount, and the Treasurer is hereby directed to pay the same:

Winifred Elliott, Clerk of Committee on Finance.....	<i>Per day</i> \$6 00
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Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Garrison, Gordon, Hays, Hulse, Knowland, McGill, Metzger, Mixer, Perry, Remondlar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagv, and Young—25.

NOES—None.

Appointment by President of the Senate.

The following communication was received and read:

I beg leave to inform you that I have appointed:

Stanley Gilliam, Page.....	<i>Per day</i> \$2 50
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and respectfully request the consent of the Senate thereto.

GEORGE J. HATFIELD, President of the Senate.

Senator Rich moved that the appointment be confirmed by the Senate.

Appointment Confirmed.

The question being on the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Knowland, Metzger, Mixer, Perry, Remondlar, Rich, Schottky, Scollan, Sharkey, Snyder, Swing, Tickle, Wagv, and Young—25.

NOES—None.

Consideration of Daily File.**Third Reading of Assembly Bills.**

Assembly Bill No. 1870—An act to amend an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair discriminations, and declaring the urgency thereof, to take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 1870, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 2, line 30, of the printed bill, as amended, strike out "Every", and insert in lieu thereof the following: "It shall be unlawful for any".

Amendment No. 2.

On page 2, line 32, of the printed bill, as amended, strike out "who shall", and insert in lieu thereof the following: "to".

Amendment No. 3.

On page 2, line 37, of the printed bill, as amended, strike out "shall be deemed", and insert in lieu thereof the following: "and shall also be".

Amendment No. 4.

On page 3, line 18, of the printed bill, as amended, after "In", insert the following: "any injunction proceeding or in".

Bill read, ordered to reprint, and on file for third reading.

Consideration of Special Order—(Resumed).**Further Consideration of Senate Bill No. 447.**

Senate Bill No. 447, heretofore set as a special order, was taken up for further consideration.

Resolution.

During the consideration of Senate Bill No. 447, the following resolution was offered:

By Senator Crittenden:

WHEREAS, A question has arisen concerning the constitutionality of certain exemptions from the provisions of Senate Bill No. 447, namely, the exemption of "timber and the manufactured products thereof; or petroleum and the manufactured products thereof"; now, therefore, be it

Resolved by the Senate of the State of California. That in the event the above named exemption from the provisions of Senate Bill No. 447 are found to be unconstitutional, it is the intention and desire of the Senate that the entire bill be declared invalid and ineffective, and the Senate hereby declares that had it known that said exemption was unconstitutional it would not have passed Senate Bill No. 447 or any part thereof.

Resolution read, and on motion of Senator Crittenden, adopted.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Difani, Duval, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Swing, Tickle, Wagy, and Williams—30.

The Secretary announced the absentees.

Time, three o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Resolution.**

The following resolution was offered:

By Senator Fletcher:

WHEREAS, The fifth day of July, 1935, has been designated as Legislators' Day at the California Pacific International Exposition at San Diego, and it has been suggested that appropriate steps be taken to provide for participation by the Senate

of California and its members in the celebration and program planned for that day, now, therefore, be it

Resolved, By the Senate of the State of California, That the President of the Senate appoint a Committee of Five members of the Senate to make suitable arrangements for participation on the part of the Senate and its members in the celebration and program for Legislators' Day at the California Pacific International Exposition.

Resolution read, and on motion of Senator Fletcher, adopted.

Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Fletcher, Hulse, Edwards, Difani, and Olson.

Message from the Assembly.

The following message from the Assembly was received and read

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 1, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly returns to your honorable body Assembly Bill No. 1462 as amended. This bill was duly amended and the amendments were attached to the bill, which procedure meets the requirements of the Constitution. This bill has been properly amended and printed. It is impossible to follow any procedure to secure the action necessary on bills at this time of the session. This action has been carried on for many years by the Assembly as well as the Senate. The Assembly suggests that the Constitution will not be violated and that the Legislature will be able to proceed more rapidly with its business.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1462 read first time, and referred to Committee on Labor and Capital.

Communication.

Opinion of Legislative Counsel.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, JUNE 4, 1935.

Hon. George J. Hatfield, Lieutenant Governor,
State Capitol, Sacramento, California.

Subject: Return of Bills to Assembly for Failure to Print.
Request No. 4219

DEAR GOVERNOR HATFIELD: You ask for our opinion as to the propriety of sending a bill back to the Assembly for printing when the same was sent to the Senate without its being printed as amended before final passage.

In our opinion this procedure is proper under the authority of section 15 of Article IV of the Constitution which provides:

"* * * Nor shall any bill be upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; * * *

In the Assembly Journal of 1909 at page 891, a point of order was raised that an amended bill was not on the members' desks and therefore could not be considered. It was ruled that the point of order was well taken, and further consideration of the bill was postponed until the bill could be printed as finally amended.

Again in the Assembly Journal of 1917 at page 539, a point of order was raised during the consideration of a bill that the engrossed copy of the bill was not before the members and that further consideration of the bill could not be had. The Speaker ruled that the point of order was well taken and further consideration of the bill was postponed.

It would appear, therefore, that if the members of one house are entitled to have the printed bill before them before considering the same, the members of the other house should have the same opportunity to have before them the printed bill as last amended before any action is taken thereon.

Very truly yours,

FRED B. WOOD, Legislative Counsel.
By SIDNEY L. LIPSITCH, Assistant Counsel.

Communication.

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, June 4, 1935.

*Honorable George J. Hatfield, Lieutenant Governor of California,
Senate Chamber, State Capitol, Sacramento, California.*

DEAR GOVERNOR HATFIELD: A question has arisen in respect to which it would seem desirable that the Legislature indicate a policy in respect to a certain phase of the work of this office.

We refer to the situation which arises when this office is called upon by a member of the Legislature to express an opinion as to the constitutionality or legal effect of another member's bill.

Several members have recently suggested that in such a case the author of the bill should be put on notice by this office either by furnishing him a copy of the opinion or by volunteering to him our opinion upon the subject or by notifying him that a question has been raised in respect to the bill, stating the nature of the question.

The thought prompting that suggestion to us is that this office serves all the members of the Legislature and that it would be only fair that the author of the bill be put upon notice in such a case.

We have not felt that it would be proper for us to take the initiative in such a matter, particularly in view of that provision of section 3 of the act creating this office which reads as follows:

"Neither the Legislative Counsel nor any other employee of the bureau shall reveal to any person outside thereof the contents or nature of any matter which has not become a public record, except with the consent of the person bringing such matter before the bureau."

Another provision of the same statute authorizes the Legislature to order when and the extent to which the confidential character of such matters may be modified.

Pursuant to the latter provision the Legislature in 1933 (by S.C.R. No. 10, Statutes of 1933, page 2858) adopted a rule requiring this office to keep a record of requests made for the preparation of bills, constitutional amendments and resolutions, such record to be open to the inspection of any member of the Legislature, but not open to inspection by any other person, and declaring that information concerning any such bill, constitutional amendment or resolution, other than as set forth in such record shall not be given out by this office except with consent of the author of the request.

We are not expressing any views as to the desirability or undesirability of a change of policy in this regard, but feel that we should bring the matter to your attention for such consideration as the Senate and Assembly may wish to give it.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

Re-reference of Senate Bill No. 809.

Senator Edwards moved that Senate Bill No. 809 be re-referred to Committee on Reapportionment.

Motion carried, and such was the order.

Third Reading of Senate Bills.

Senate Bill No. 12—An act to amend sections 2, 3, 4, 6, 7, 10, 14, 15 and 21 and to repeal sections 5, 9, and 18½ of the Old Age Security Act of the State of California, relating to aid to the aged.

Amendments from the Floor.

During third reading of Senate Bill No. 12, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 2, line 30, of the printed bill, as amended, after the word "case", strike out all the rest of line 30, and all of lines 31 to 39, both inclusive, and insert in lieu thereof the following: "but in no case shall it be less than an amount which, when added to the income of the applicant from all sources, shall total fifty dollars (\$50.00) per month."

Amendment No. 2.

On page 6, line 22, of the printed bill, as amended, strike out the word "one", and insert in lieu thereof the word "two", and strike out the word "eighty", and insert in lieu thereof the words "and ten".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Jespersen and Scollan, on the adoption of the amendments offered by Senator Olson.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Biggar, Garrison, Jespersen, Keough, King, McGovern, McGinness, Metzger, Olson, Perry, Reindollar, Schottky, Scollan, and Seawell—14.

NOES—Senators Crittenden, Denel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Knowland, McCormack, Mixer, Parkman, Rich, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—22.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and fifty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Crittenden.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 447 finally refused passage by the following vote:

AYES—Senators Garrison, Jespersen, Keough, King, McCl, Metzger, Mixer, Olson, Piorovich, Schottky, Sharkey, Swing, and Williams—14.

NOES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Knowland, McCormack, McGovern, McGinness, Parkman, Perry, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, and Young—25.

Notice of Motion to Reconsider.

Senator Crittenden gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 447 was refused passage.

Requests for Permission to Introduce Bills.

The following requests for permission to introduce bills were presented:

By Senator Hulse:

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 378 of the Fish and Game Code and to add thereto section 375.5, relating to migratory bird reservations.

Respectfully submitted,

SENATOR HULSE.

Request referred to Committee on Rules.

By Senator Young:

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to make an appropriation for emergency reclamation and flood control work on the San Joaquin River, declaring the urgency thereof and providing that this act shall take effect immediately.

Respectfully submitted,

SENATOR YOUNG.

Request referred to Committee on Rules.

By Senator Seawell:

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 4093.5 to the Political Code, relating to transmission of moneys to counties by State officers and employees.

Respectfully submitted.

SENATOR SEAWELL.

Request referred to Committee on Rules.

Recess.

On motion of Senator Rich, at five o'clock and five minutes p.m., the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Further Consideration of Senate Bill No. 12.

Further Amendments from the Floor.

During third reading of Senate Bill No. 12, the following amendments, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 2, line 30, of the printed bill, as amended, strike out "in an amount sufficient to provide a", and strike out all of line 31.

Amendment No. 2.

On page 2, line 33, of the printed bill, as amended, after the comma, and before "exceed", insert the following: "will".

Amendment No. 3.

On page 2, line 38, of the printed bill, as amended, strike out "twice", and insert in lieu thereof the following: "three times".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Edwards moved to reconsider the vote whereby Senate Bill No. 398 was refused passage.

Postponement of Reconsideration.

On motion of Senator Edwards, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 398 was refused passage was continued until the next legislative day.

Consideration of Daily File.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 313—An act to add section 444.5 to the Political Code, relating to the transfers of money from one fund to another in the State treasury and providing that this act shall take effect immediately.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 313:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, May 15, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Assembly Bill No. 313—An act to add section 444.5 to the Political Code, relating to the transfers of money from one fund to another in the State treasury, and providing that this act shall take effect immediately.

In my opinion said Assembly Bill No. 313 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The facts constituting such urgency are as follows: The general fund of the State treasury is depleted and certain revenues of the State, other than those going into the general fund, may be set apart for the support of the public school system and the State university under the provisions of section 15 of Article XIII of the Constitution. It is imperative that if such funds are set apart that they shall be repaid at the earliest possible moment for the reason that the ordinary functions of the State could not otherwise be carried out. This bill will permit such a return of funds and will enable the State government to continue to function.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Reindollar, Rich, Schottky, Seidlan, Sharkey, Slater, Snyder, Swing, Tickle, and Wagy—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 313 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Powers, Reindollar, Rich, Schottky, Seidlan, Sharkey, Slater, Snyder, Swing, Tickle, and Wagy—28.

NOES—None.

Title read and approved.

Assembly Bill No. 313 ordered transmitted to the Assembly.

Senator Schottky in the Chair.

At nine o'clock p.m., Senator Schottky of the Twenty-fourth District was called to the chair.

Consideration of Special Orders.

The hour having arrived for the consideration of Senate Bills Nos. 727, 1120, 1119 and 940, and Assembly Bills Nos. 239, 1182, 2183 and 1208, heretofore set as a special order for nine o'clock p.m., the same were taken up for consideration.

Consideration of Senate Bill No. 727.

Senate Bill No. 727—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and

distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, repealing an act entitled, "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and provided that this act shall take effect immediately," approved May 15, 1933, subject to certain conditions.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 727:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 4, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 727—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purpose of this act, prescribing penalties for the violation of this act, repealing an act entitled, "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and provided that this act shall take effect immediately," approved May 15, 1933, subject to certain conditions.

In my opinion said Senate Bill No. 727 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Rich, Schotky, Scollan, Sharkey, Slater, Swing, Tickle, and Waggy—27.

The Secretary announced the absentees.

Time, nine o'clock and ten minutes p.m.

Senator Schotky, presiding, directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Report of Standing Committee.**

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 4, 1935

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Hulse to introduce a bill entitled—An act to amend section 378 of the Fish and Game Code and to add thereto section 375.5, relating to migratory bird reservations—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote—Ayes—4; absent—1.

RICH, Chairman
SLATER
KNOWLAND
DIFANI

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCall, McGowan, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Rensdollar, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—32.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Hulse: Senate Bill No. 1127—An act to amend section 378 of the Fish and Game Code and to add thereto section 375.5, relating to migratory bird reservations.

Bill read first time, and referred to Committee on Irrigation.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2415—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of one million dollars, together with any interest that may be due thereon, and other sums from the California Olympiad Commission, or any committee thereof:

Also: Assembly Bill No. 2403—An act to amend sections 737j and 737bbb of the Political Code, relating to salaries of superior court judges;

Also: Assembly Bill No. 1874—An act to amend section 26 of an act entitled "An act to control, license, and regulate the manufacture, transportation, sale, purchase, possession and disposition of wine, beer, and intoxicating liquor; to make an appropriation therefor; and to provide penalties for the violation thereof," approved June 3, 1933, relating to persons holding an interest in "on sale" or "off sale" licenses;

Also: Assembly Bill No. 2471—An act to add to Division I of the Streets and Highways Code a new Chapter 3a, comprising sections 750 to 754, inclusive, to provide for the conservation, development and maintenance of the scenic value along State highways and important county highways.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2415 read first time, and referred to Committee on Finance.

Assembly Bill No. 2403 read first time, and referred to Committee on County Government.

Assembly Bill No. 1874 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 2471 read first time, and referred to Committee on Roads and Highways.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 940—An act relating to the relief of hardship and destitution due to and caused by unemployment, setting forth the powers and duties of the Relief Commission and the Relief Administrator and making an appropriation for the purposes thereof and providing for the expenditure of unexpended balances heretofore appropriated for such purposes, setting forth certain acts to be misdemeanors and providing for the punishment and penalties therefor—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 727 finally passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Knowland, McCormack, McGuinness, Mixter, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—27.

NOES—Senators Crittenden, Gordon, Keough, McColl, McGovern, and Olson—6.

Title read and approved.

Senate Bill No. 727 ordered transmitted to the Assembly.

President of the Senate in the Chair.

At nine o'clock and twenty-five minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Consideration of Assembly Bill No. 1208.

Assembly Bill No. 1208—An act to amend sections 3 and 5 of, and to repeal section 7 of, an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, relating to taxation, and to provide that this act shall take effect immediately.

Bill read third time.

Amendments from the Floor.

During third reading of Assembly Bill No. 1208, the following amendments, offered by Senator Biggar, were read:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "sections 3 and 5 of, and to repeal section 7", and insert in lieu thereof the following "section 3".

Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, strike out "three", and insert in lieu thereof the following: "two and one-half".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 14 and 15.

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 1 to 35, inclusive.

Amendment No. 5.

On page 2, line 36, of the printed bill, as amended, strike out "5", and insert in lieu thereof the following: "2".

Amendment No. 6.

On page 2 of the printed bill, as amended, strike out lines 40 to 42, inclusive.

Substitute Amendments from the Floor.

The following amendments to Assembly Bill No. 1208, by Senator Olson, were offered, and read as substitute amendments for the amendments offered by Senator Biggar:

Amendment No. 1.

On page 1, line 8, of the printed bill, as amended, strike out the word "three", and insert in lieu thereof the word "two".

Amendment No. 2.

On page 2, line 18, of the printed bill, as amended, after the word "consumption", and the period, strike out all the rest of line 18, and strike out all of lines 19 to 32, both inclusive.

Motion to Lay on Table.

Senator Sharkey moved that the substitute amendments, offered by Senator Olson, be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, McGovern and Sharkey, on the adoption of the motion to lay on the table.

The roll was called, and the motion to table adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGinnness, Metzger, Mixter, Parkman, Perry, Powers, Rondollar, Rich, Schotky, Seidlan, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—Senators McGovern and Olson—2.

Further Consideration of Amendments by Senator Biggar.

The amendments, offered by Senator Biggar, to Assembly Bill No. 1208, were taken up for further consideration.

Previous Question Moved.

Senator McColl moved the previous question.

Motion carried.

The question being put: Shall the Senate adopt the amendments proposed by Senator Biggar?

Ayes and Noes Demanded.

A roll call was demanded by Senators Seollan, Biggar and Gordon, on the adoption of the amendments, offered by Senator Biggar.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Biggar, Deuel, Difani, Gordon, Keough, Metzger, Schottky, Seawell, and Sharkey—9.

NOES—Senators Crittenden, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Knowland, McColl, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Scollan, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—28.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1208 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—34.

NOES—Senators Biggar, McGovern, and Olson—3.

Title read and approved.

Assembly Bill No. 1208 ordered transmitted to the Assembly.

Consideration of Assembly Bill No. 2183.

Assembly Bill No. 2183—An act to be known as the "Inheritance Tax Act of 1935," to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, transfers, joint tenancies and insurance; to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under any act hereby repealed; to provide penalties for failure to comply with the provisions of this act; and to repeal Chapter 821 of the laws of the session of the Legislature of California of 1921, approved June 3, 1921, known as the "Inheritance Tax Act," and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act, and providing this act shall take effect immediately.

Bill read third time.

Amendments from the Floor.

During third reading of Assembly Bill No. 2183, the following amendments, offered by Senator Olson, were read and refused adoption:

Amendment No. 1.

On page 7, line 18, of the printed bill, as amended, strike out the word "five", and insert in lieu thereof the word "six".

Amendment No. 2.

On page 7, line 23, of the printed bill, as amended, strike out the word "six", and insert in lieu thereof the word "eight".

Amendment No. 3.

On page 7, line 29, of the printed bill, as amended, strike out the word "seven", and insert in lieu thereof the word "ten".

Amendment No. 4.

On page 7, line 45, of the printed bill, as amended, strike out the word "four", and insert in lieu thereof the word "eight".

Amendment No. 5.

On page 7, line 47, of the printed bill, as amended, strike out the word "seven", and insert in lieu thereof the word "fourteen".

Amendment No. 6.

On page 7, line 50, of the printed bill, as amended, strike out the word "nine", and insert in lieu thereof the word "eighteen".

Amendment No. 7.

On page 8, line 2, of the printed bill, as amended, strike out the word "ten", and insert in lieu thereof the word "twenty".

Amendment No. 8.

On page 8, line 8, of the printed bill, as amended, strike out the word "seven", and insert in lieu thereof the word "ten".

Amendment No. 9.

On page 8, line 10, of the printed bill, as amended, strike out the word "ten", and insert in lieu thereof the word "twelve".

Amendment No. 10.

On page 8, line 13, of the printed bill, as amended, strike out the word "twelve", and insert in lieu thereof the word "fifteen".

Amendment No. 11.

On page 8, line 16, of the printed bill, as amended, strike out the word "fourteen", and insert in lieu thereof the word "twenty".

Amendment No. 12.

On page 8, line 19, of the printed bill, as amended, strike out the word "fifteen", and insert in lieu thereof the word "twenty-five".

Amendment No. 13.

On page 8, line 25, of the printed bill, as amended, strike out the word "nine", and insert in lieu thereof the word "twelve".

Amendment No. 14.

On page 8, line 27, of the printed bill, as amended, strike out the word "twelve", and insert in lieu thereof the word "fifteen".

Amendment No. 15.

On page 8, line 30, of the printed bill, as amended, strike out the word "twelve", and insert in lieu thereof the word "twenty".

Amendment No. 16.

On page 8, line 33, of the printed bill, as amended, strike out the word "fifteen", and insert in lieu thereof the word "twenty-five".

Amendment No. 17.

On page 8, line 39, of the printed bill, as amended, strike out the word "ten", and insert in lieu thereof the word "twelve".

Amendment No. 18.

On page 8, line 41, of the printed bill, as amended, strike out the word "twelve", and insert in lieu thereof the word "fifteen".

Amendment No. 19.

On page 8, line 44, of the printed bill, as amended, strike out the word "fifteen", and insert in lieu thereof the word "twenty".

Amendment No. 20.

On page 8, line 47, of the printed bill, as amended, strike out the word "sixteen", and insert in lieu thereof the word "twenty-five".

Amendment No. 21.

On page 9, line 41, of the printed bill, as amended, strike out the word "twenty-four", and insert in lieu thereof the word "fifteen".

Amendment No. 22.

On page 9, line 42, of the printed bill, as amended, strike out the word "twelve", and insert in lieu thereof the word "ten".

Amendment No. 23.

On page 9, line 44, of the printed bill, as amended, strike out the word "five", and insert in lieu thereof the word "three".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2183 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rein-

dollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2183 ordered transmitted to the Assembly.

Consideration of Senate Bill No. 940.

Senate Bill No. 940—An act making an appropriation and providing for the expenditure of moneys received by the State from taxes levied specifically for financing unemployment relief.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 940:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 4, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 940—An act making an appropriation and providing for the expenditure of moneys received by the State from taxes levied specifically for financing unemployment relief.

In my opinion said Senate Bill No. 940 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 940 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rein-dollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 940 ordered transmitted to the Assembly.

Consideration of Senate Bill No. 1119.

Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1119:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 4, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof.

In my opinion said Senate Bill No. 1119 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Previous Question Moved.

Senator McColl moved the previous question.

Motion carried.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1119 refused passage by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Hays, Knowland, McCormack, McGuinness, Parkman, Perry, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Wagy—21

NOES—Senators Crittenden, Difam, Fletcher, Garrison, Gordon, Hulse, Keough, McColl, McGovern, Metzger, Mixter, Olson, Schottky, Sharkey, and Young—15

Notice of Motion to Reconsider.

Senator Sharkey gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1119 was refused passage.

Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33

The Secretary announced the absentees.

Time, eleven o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Consideration of Assembly Bill No. 239.

Assembly Bill No. 239—An act to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately.

Motion to Reconsider.

Senator Duval moved to reconsider the vote whereby the following amendment to Assembly Bill No. 239 was adopted on June 3, 1935:

Amendment No. 1.

On page 2, line 49, of the printed bill, as amended on May 29, 1935, after the word "value", add the following: "as fixed by stipulation required by California Railroad Commission".

Motion carried.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 239:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 4, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Assembly Bill No. 239—An act to amend the title and sections 4, 4a, 5 and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchises, other than insurance companies and their franchises, specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately.

In my opinion said Assembly Bill No. 239 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Amendments from the Floor.

The following amendments, offered by Senator Olson, were read and refused adoption:

Amendment No. 1.

On page 2, line 9, of the printed bill, as amended, strike out the word "four", and insert in lieu thereof the words "eleven and one-fourth".

Amendment No. 2.

On page 2, line 19, of the printed bill, as amended, strike out the word "four", and insert in lieu thereof the words "eleven and one-fourth".

Amendment No. 3.

On page 3 of the printed bill, as amended, between line 28 and line 29, insert the following:

"SEC. 3. Section 4a of said act is hereby amended to read as follows:"

Amendment No. 4.

On page 3, lines 40 and 41, of the printed bill, as amended, strike out the words: "provided, however, that said rate of tax shall not exceed eight per centum"; and in line 40, change the semicolon to a period.

Amendment No. 5.

On page 3, line 46, of the printed bill, as amended, strike out the word "four", and insert in lieu thereof the following: "eleven and one-fourth".

Amendment No. 6.

On page 5, line 11, of the printed bill, as amended, strike out the words "provided, however, that the sum of the"; and change the semicolon to a period, and strike out all of lines 12, 13, 14, and 15.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 239 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 239 ordered transmitted to the Assembly.

Consideration of Senate Bill No. 1120.

Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1120:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 4, 1935.

To the Honorable Members of the Senate.

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor and making an appropriation.

In my opinion said Senate Bill No. 1120 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Amendment from the Floor.

During third reading of Senate Bill No. 1120, the following amendment, offered by Senator Scollan, was read:

Amendment No. 1.

On page 2 of the printed bill, strike out lines 7 to 19, inclusive.

Ayes and Noes Demanded.

A roll call was demanded by Senators Bigger, Scollan and McColl, on the adoption of the amendment offered by Senator Scollan to Senate Bill No. 1120.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Knowland, McColl, McGovern, McGuinness, Olson, Perry, Powers, Scollan, and Snyder—9.

NOES—Senators Bigger, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, Keough, Metzger, Mixer, Parkman, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, and Young—26.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1120 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—Senators Keough, McGovern, and Scollan—3.

Title read and approved.

Senate Bill No. 1120 ordered transmitted to the Assembly.

Consideration of Assembly Bill No. 1182.

Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to

provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1182:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 2, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

In my opinion said Assembly Bill No. 1182 constitutes an emergency bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Amendment from the Floor.

During third reading of Assembly Bill No. 1182, the following amendment, offered by Senator Schottky, was read:

Amendment No. 1.

On page 4 of the printed bill, as amended, strike out lines 16 to 50, inclusive; all of page 5; and lines 1 to 15, inclusive, on page 6, and insert in lieu thereof the following:

"(a) There shall be levied, collected and paid for each taxable year upon the entire net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State, a normal tax of one and one-third per centum of the amount of net income in excess of credits against net income provided in section 10.

(b) As used in this subdivision the term "surtax net income" means the amount of the net income in excess of credits against net income provided in section 10.

There shall be levied, collected and paid for each taxable year upon the entire surtax net income of every resident of this State and upon the surtax net income of every nonresident which is derived from sources within this State a surtax as follows:

Upon a surtax net income of \$4,000 there shall be no surtax; upon surtax net incomes in excess of \$4,000 and not in excess of \$6,000, 1.33 per centum of such excess.

\$26.67 upon surtax net incomes of \$6,000; and upon surtax net incomes in excess of \$6,000 and not in excess of \$8,000, 1.67 per centum in addition of such excess.

\$60 upon surtax net incomes of \$8,000; and upon surtax net incomes in excess of \$8,000 and not in excess of \$10,000, 2 per centum in addition of such excess.

\$100 upon surtax net incomes of \$10,000; and upon surtax net incomes in excess of \$10,000 and not in excess of \$12,000, 2.33 per centum in addition of such excess.

\$146.67 upon surtax net incomes of \$12,000; and upon surtax net incomes in excess of \$12,000 and not in excess of \$14,000, 2.67 per centum in addition of such excess.

\$200 upon surtax net incomes of \$14,000; and upon surtax net incomes in excess of \$14,000 and not in excess of \$16,000, 3 per centum in addition of such excess.

\$260 upon surtax net incomes of \$16,000; and upon surtax net incomes in excess of \$16,000 and not in excess of \$18,000, 3.67 per centum in addition of such excess.

\$333.33 upon surtax net incomes of \$18,000; and upon surtax net incomes in excess of \$18,000 and not in excess of \$20,000, 4.33 per centum in addition of such excess.

\$420 upon surtax net incomes of \$20,000; and upon surtax net incomes in excess of \$20,000 and not in excess of \$22,000, 5 per centum in addition of such excess.

\$520 upon surtax net incomes of \$22,000; and upon surtax net incomes in excess of \$22,000 and not in excess of \$26,000, 5.67 per centum in addition of such excess.

\$746.67 upon surtax net incomes of \$26,000; and upon surtax net incomes in excess of \$26,000 and not in excess of \$32,000, 6.33 per centum in addition of such excess.

\$1,126.67 upon surtax net incomes of \$32,000; and upon surtax net incomes in excess of \$32,000 and not in excess of \$38,000, 7 per centum in addition of such excess.

\$1,516.67 upon surtax net incomes of \$38,000; and upon surtax net incomes in excess of \$38,000 and not in excess of \$44,000, 8 per centum in addition of such excess.

\$2,026.67 upon surtax net incomes of \$44,000; and upon surtax net incomes in excess of \$44,000 and not in excess of \$50,000, 9 per centum in addition of such excess.

\$2,566.67 upon surtax net incomes of \$50,000; and upon surtax net incomes in excess of \$50,000 and not in excess of \$56,000, 10 per centum in addition of such excess.

\$3,166.67 upon surtax net incomes of \$56,000; and upon surtax net incomes in excess of \$56,000 and not in excess of \$62,000, 11 per centum in addition of such excess.

\$3,826.67 upon surtax net incomes of \$62,000; and upon surtax net incomes in excess of \$62,000 and not in excess of \$68,000, 12 per centum in addition of such excess.

\$4,546.67 upon surtax net incomes of \$68,000; and upon surtax net incomes in excess of \$68,000 and not in excess of \$74,000, 13 per centum in addition of such excess.

\$5,326.67 upon surtax net incomes of \$74,000; and upon surtax net incomes in excess of \$74,000 and not in excess of \$80,000, 14 per centum in addition of such excess.

\$6,166.67 upon surtax net incomes of \$80,000; and upon surtax net incomes in excess of \$80,000 and not in excess of \$90,000, 15 per centum in addition of such excess.

\$7,066.67 upon surtax net incomes of \$90,000; and upon surtax net incomes in excess of \$90,000 and not in excess of \$100,000, 16.67 per centum in addition of such excess.

\$8,033.33 upon surtax net incomes of \$100,000; and upon surtax net incomes in excess of \$100,000 and not in excess of \$150,000, 17.33 per centum in addition of such excess.

\$18,000 upon surtax net incomes of \$150,000; and upon surtax net incomes in excess of \$150,000 and not in excess of \$200,000, 17.67 per centum in addition of such excess.

\$26,833.33 upon surtax net incomes of \$200,000; and upon surtax net incomes in excess of \$200,000 and not in excess of \$300,000, 18 per centum in addition of such excess.

\$44,833.33 upon surtax net incomes of \$300,000; and upon surtax net incomes in excess of \$300,000 and not in excess of \$400,000, 18.33 per centum in addition of such excess.

\$63,166.67 upon surtax net incomes of \$400,000; and upon surtax net incomes in excess of \$400,000 and not in excess of \$500,000, 18.67 per centum in addition of such excess.

\$81,833.33 upon surtax net incomes of \$500,000; and upon surtax net incomes in excess of \$500,000 and not in excess of \$750,000, 19 per centum in addition of such excess.

\$129,333.33 upon surtax net incomes of \$750,000; and upon surtax net incomes in excess of \$750,000 and not in excess of \$1,000,000, 19.33 per centum in addition of such excess.

\$177,666.67 upon surtax net incomes of \$1,000,000; and upon surtax net incomes in excess of \$1,000,000, 19.67 per centum in addition of such excess."

Motion to Table.

Senator Duval moved to table the amendments offered by Senator Schottky to Assembly Bill No. 1182.

Ayes and Noes Demanded.

A roll call was demanded by Senators Schottky, Olson and Duval on the adoption of the motion to table the amendments offered by Senator Schottky.

The roll was called, and the motion to table was adopted by the following vote:

AYES—Senators Deuel, Difani, Duval, Edwards, Hays, Hulse, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Parkman, Perry, Reindollar, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—25.

NOES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Jespersen, Keough, Mixer, Olson, Powers, Schottky, and Seawell—12.

Further Amendments from the Floor.

During third reading of Assembly Bill No. 1182, the following amendments, offered by Senator Powers, were read:

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, strike out the words "Bank and Corporation Franchise Tax Commissioner", and insert in lieu thereof "State Board of Equalization".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out all of lines 9 and 10.

Amendment No. 4.

On page 1, line 11, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof "(b)".

Amendment No. 5.

On page 1, line 13, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof "(c)".

Amendment No. 6.

On page 1, line 14, of the printed bill, as amended, strike out "(e)", and insert in lieu thereof "(d)".

Amendment No. 7.

On page 1, line 18, of the printed bill, as amended, strike out "(f)", and insert in lieu thereof "(e)".

Amendment No. 8.

On page 1, line 20, of the printed bill, as amended, strike out "(g)", and insert in lieu thereof "(f)".

Amendment No. 9.

On page 2, line 6, of the printed bill, as amended, strike out "(h)", and insert in lieu thereof "(g)".

Amendment No. 10.

On page 2, line 9, of the printed bill, as amended, strike out "(i)", and insert in lieu thereof "(h)".

Amendment No. 11.

On page 2, line 17, of the printed bill, as amended, strike out "(j)", and insert in lieu thereof "(i)".

Amendment No. 12.

On page 2, line 20, of the printed bill, as amended, strike out "(k)", and insert in lieu thereof "(j)".

Amendment No. 13.

On page 2, line 23, of the printed bill, as amended, strike out "(l)", and insert in lieu thereof "(k)".

Amendment No. 14.

On page 2, line 29, of the printed bill, as amended, strike out "(m)", and insert in lieu thereof "(l)".

Amendment No. 15.

On page 2, line 34, of the printed bill, as amended, strike out "(n)", and insert in lieu thereof "(m)".

Amendment No. 16.

On page 2, line 37, of the printed bill, as amended, strike out "(o)", and insert in lieu thereof "(n)".

Amendment No. 17.

On page 2, line 15, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 18.

On page 2, line 40, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 19.

On page 3, line 38, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 20.

On page 7, line 24, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 21.

On page 7, line 27, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 22.

On page 7, line 50, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 23.

On page 8, line 22, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 24.

On page 8, line 43, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 25.

On page 9, line 20, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 26.

On page 9, line 22, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 27.

On page 9, line 23, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 28.

On page 9, line 39, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 29.

On page 9, line 46, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 30.

On page 10, line 18, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 31.

On page 11, line 29, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 32.

On page 12, line 16, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 33.

On page 14, line 18, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 34.

On page 14, line 24, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 35.

On page 14, line 38, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 36.

On page 15, line 14, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 37.

On page 15, line 15, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 38.

On page 16, line 27, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 39.

On page 16, line 34, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 40.

On page 18, line 48, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 41.

On page 18, line 49, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 42.

On page 18, line 50, of the printed bill, as amended, strike out "his", and insert in lieu thereof "its".

Amendment No. 43.

On page 18, line 51, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 44.

On page 18, line 51, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 45.

On page 19, line 10, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 46.

On page 19, line 11, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 47.

On page 19, line 14, of the printed bill, as amended, strike out "his", and insert in lieu thereof "its".

Amendment No. 48.

On page 19, line 33, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 49.

On page 19, line 38, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 50.

On page 19, line 38, of the printed bill, as amended, strike out "his", and insert in lieu thereof "its".

Amendment No. 51.

On page 19, line 42, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 52.

On page 19, line 51, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 53.

On page 20, line 9, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 54.

On page 20, line 10, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 55.

On page 20, line 11, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 56.

On page 20, line 19, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 57.

On page 20, line 38, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 58.

On page 21, line 13, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 59.

On page 21, line 45, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 60.

On page 21, line 51, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 61.

On page 22, line 15, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 62.

On page 22, line 27, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 63.

On page 23, line 12, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 64.

On page 23, line 15, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 65.

On page 23, line 22, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 66.

On page 23, line 23, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 67.

On page 23, line 25, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 68.

On page 23, line 26, of the printed bill, as amended, strike out "him", and insert in lieu thereof "it".

Amendment No. 69.

On page 23, line 30, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 70.

On page 23, line 34, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 71.

On page 23, line 40, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 72.

On page 23, line 51, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 73.

On page 23, line 52, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 74.

On page 24, line 3, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 75.

On page 24, line 4, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 76.

On page 24, line 8, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 77.

On page 24, line 14, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 78.

On page 24, line 18, of the printed bill, as amended, strike out "commissioner" and insert in lieu thereof "board".

Amendment No. 79.

On page 24, line 19, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 80.

On page 24, line 20, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 81.

On page 24, line 22, of the printed bill, as amended, strike out "his", and insert in lieu thereof "its".

Amendment No. 82.

On page 24, line 22, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 83.

On page 24, line 27, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 84.

On page 24, line 33, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 85.

On page 24, line 36, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 86.

On page 24, line 38, of the printed bill, as amended, strike out "commissioner's", and insert in lieu thereof "board's".

Amendment No. 87.

On page 24, line 39, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 88.

On page 24, line 40, of the printed bill, as amended, strike out "his", and insert in lieu thereof "its".

Amendment No. 89.

On page 24, line 40, of the printed bill, as amended, strike out ", unless within that thirty-", and insert in lieu thereof a period.

Amendment No. 90.

On page 24 of the printed bill, as amended, strike out all of lines 41 to 51, both inclusive.

Amendment No. 91.

On page 25 of the printed bill, as amended, strike out lines 1 and 2.

Amendment No. 92.

On page 25, line 4, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 93.

On page 25, line 5, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 94.

On page 25, line 18, of the printed bill, as amended, strike out ", as the".

Amendment No. 95.

On page 25, line 19, of the printed bill, as amended, strike out "case may be,".

Amendment No. 96.

On page 25, line 38, of the printed bill, as amended, strike out "commissioner, or State".

Amendment No. 97.

On page 25, line 38, of the printed bill, as amended, strike out ", as".

Amendment No. 98.

On page 25, line 39, of the printed bill, as amended, strike out "the case may be,".

Amendment No. 99.

On page 25, line 41, of the printed bill, as amended, strike out "commissioner or said".

Amendment No. 100.

On page 25, line 45, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 101.

On page 26, line 8, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 102.

On page 26, line 8, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 103.

On page 26, line 10, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 104.

On page 26, line 13, of the printed bill, as amended, strike out "commissioner's", and insert in lieu thereof "board's".

Amendment No. 105.

On page 26, line 14, of the printed bill, as amended, strike out " , unless within such thirty day period", and insert in lieu thereof a period.

Amendment No. 106.

On page 26 of the printed bill, as amended, strike out all of lines 15 to 27, both inclusive.

Amendment No. 107.

On page 26, line 39, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 108.

On page 26, line 45, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 109.

On page 26, line 49, of the printed bill, as amended, strike out "Franchise Tax Counsel".

Amendment No. 110.

On page 26, line 50, of the printed bill, as amended, strike out "or the"

Amendment No. 111.

On page 27, line 4, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 112.

On page 27, line 18, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 113.

On page 27, line 19, of the printed bill, as amended, strike out " ; and provided further," and insert in lieu thereof a period.

Amendment No. 114.

On page 27 of the printed bill, as amended, strike out all of lines 20 to 24, both inclusive.

Amendment No. 115.

On page 27, line 27, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 116.

On page 27, line 32, of the printed bill, as amended, strike out "commissioner's", and insert in lieu thereof "board's".

Amendment No. 117.

On page 27, line 34, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 118.

On page 27, line 35, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 119.

On page 27, line 35, of the printed bill, as amended, strike out " ; provided, that no action shall be filed if the taxpayer", and insert in lieu thereof a period.

Amendment No. 120.

On page 27 of the printed bill, as amended, strike out all of lines 36 and 37.

Amendment No. 121.

On page 27, line 45, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 123.

On page 27, line 49, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 124.

On page 27, line 52, of the printed bill, as amended, strike out "Franchise Tax Counsel or the".

Amendment No. 125.

On page 28 of the printed bill, as amended, strike out all of lines 4 to 18, both inclusive.

Amendment No. 126.

On page 28, line 31, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 127.

On page 29, line 15, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 128.

On page 29, line 17, of the printed bill, as amended, strike out "him", and insert in lieu thereof "it".

Amendment No. 129.

On page 29, line 32, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 130.

On page 29, line 32, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 131.

On page 29, line 34, of the printed bill, as amended, strike out "him", and insert in lieu thereof "it".

Amendment No. 132.

On page 29, line 44, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 133.

On page 29, line 50, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 134.

On page 29, line 52, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 135.

On page 30, line 39, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 136.

On page 30, line 47, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 137.

On page 30, line 48, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 138.

On page 30, line 52, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 139.

On page 31, line 6, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 140.

On page 31, line 14, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 141.

On page 31, line 23, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 142.

On page 31, line 27, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 143.

On page 31, line 46, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 144.

On page 31, line 49, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 145.

On page 32, line 1, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 146.

On page 32, line 4, of the printed bill, as amended, strike out "Franchise Tax".

Amendment No. 147.

On page 32, line 5, of the printed bill, as amended, strike out "Counsel or the".

Amendment No. 148.

On page 32, line 11, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 149.

On page 32, line 13, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 150.

On page 32, line 13, of the printed bill, as amended, strike out "and the State".

Amendment No. 151.

On page 32, line 14, of the printed bill, as amended, strike out "Board".

Amendment No. 152.

On page 32, line 18, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 153.

On page 32, line 32, of the printed bill, as amended, strike out "Franchise Tax Counsel or the".

Amendment No. 154.

On page 32, line 38, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 155.

On page 32, line 44, of the printed bill, as amended, strike out "the Franchise Tax".

Amendment No. 156.

On page 32, line 45, of the printed bill, as amended, strike out "Counsel or".

Amendment No. 157.

On page 32, line 51, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 158.

On page 33, line 3, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 159.

On page 33, line 10, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 160.

On page 33, line 11, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 161.

On page 33, line 19, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 162.

On page 33, line 21, of the printed bill, as amended, strike out "three", and insert in lieu thereof "two".

Amendment No. 163.

On page 33, line 27, of the printed bill, as amended, strike out "three", and insert in lieu thereof "two".

Amendment No. 164.

On page 33, line 42, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 165.

On page 33, line 43, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 166.

On page 33, line 44, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 167.

On page 33, line 49, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 168.

On page 34, line 1, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 169.

On page 34, line 5, of the printed bill, as amended, strike out "him", and insert in lieu thereof "it".

Amendment No. 170.

On page 34, line 10, of the printed bill, as amended, strike out "his", and insert in lieu thereof "its".

Amendment No. 171.

On page 34, line 12, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 172.

On page 34, line 14, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 173.

On page 34, line 16, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 174.

On page 34, line 21, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 175.

On page 34, line 21, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 176.

On page 34, line 22, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 177.

On page 34, line 25, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 178.

On page 34, line 26, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 179.

On page 34, line 28, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 180.

On page 34, line 29, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 181.

On page 34, line 31, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 182.

On page 34, line 31, of the printed bill, as amended, strike out "he", and insert in lieu thereof "it".

Amendment No. 183.

On page 34, line 35, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 184.

On page 34, line 39, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 185.

On page 34, line 40, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 186.

On page 35, line 1, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 187.

On page 35, line 2, of the printed bill, as amended, strike out "commissioner", and insert in lieu there "board".

Amendment No. 188.

On page 35, line 6, of the printed bill, as amended, strike out "commissioner", and insert in lieu there "board".

Amendment No. 189.

On page 18, line 5, of the printed bill, as amended, strike out "commissioner", and insert in lieu thereof "board".

Amendment No. 190.

On page 25, line 18, of the printed bill, as amended, strike out "commissioner or of said".

Previous Question Moved.

Senator McColl moved the previous question.

Motion carried.

The question being on the adoption of the amendments offered by Senator Powers to Assembly Bill No. 1182.

Ayes and Noes Demanded.

A roll call was demanded by Senators Powers, Reindollar and McColl, on the adoption of the amendments offered by Senator Powers to Assembly Bill No. 1182.

The roll was called, and the amendments were adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Keough, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, and Young—27.

NOES—Senators Duval, Hays, Hulse, Jespersen, Knowland, McGovern, Schottky, Stow, and Tickle—9.

Bill read, ordered to reprint, and on file for third reading.

Motion to Reconsider.

Senator Jespersen moved to reconsider the vote whereby the amendments offered by Senator Olson to Senate Bill No. 12 were refused adoption.

Motion to Postpone Reconsideration.

Senator Olson moved that the further consideration of the motion to reconsider the vote whereby his amendments to Senate Bill No. 12 were refused adoption, be continued until the next legislative day.

Motion refused adoption.

The question being on the motion to reconsider.

Ayes and Noes Demanded.

A roll call was demanded by Senators McGovern, Olson and Jespersen, on the adoption of motion to reconsider.

The roll was called, and reconsideration was refused by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Jespersen, Keough, McColl, McGovern, McGuinness, Olson, Perry, Reindollar, Scollan, Seawell, and Slater—15.

NOES—Senators Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Knowland, McCormack, Metzger, Mixer, Parkman, Rich, Schottky, Sharkey, Snyder, Stow, Swing, Tickle, Waggy, and Young—21.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:
By Senator Slater:

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation.

Respectfully submitted.

SENATOR SLATER.

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Slater to introduce a bill entitled—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation—has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.
SLATER.
DIFANI.
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—36.

NOES—None.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented by Senator Seawell:

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add section 4093.5 to the Political Code, relating to transmission of money to counties by State officers and employees.

Respectfully submitted.

SENATOR SEAWELL.

Request referred to Committee on Rules.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Seawell to introduce a bill entitled—An act to add section 4093.5 to the Political Code, relating to transmission of moneys to counties by State officers and employees—has had the same under consideration, and respectfully reports the same back, and recommends that the request be granted.

(Signed out)

RICH, Chairman.
TICKLE.
SLATER.
DIFANI.
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Huise, Keough, Knowland, McColl, McCormack, McGinness, Metzger, Mixer, Parkman, Perry, Powers, Roundollar, Rich, Schottky, Seolian, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—33.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Slater: Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation.

Bill read first time, and referred to Committee on Finance.

By Senator Seawell: Senate Bill No. 1129—An act to add section 4093.5 to the Political Code, relating to transmission of moneys to counties by State officers and employees.

Bill read first time, and referred to Committee on County Government.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and forty-eight minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

Amendments Ordered Printed.

The following amendments, to be offered by Senator Metzger to amend Assembly Bill No. 162, were ordered printed in the Journal:

Amendment No. 1.

On page 1, line 1, of the printed bill, as amended, strike out "No court nor", and insert in lieu thereof the following: "Any court or".

Amendment No. 2.

On page 2, line 17, of the printed bill, as amended, strike out "No", and insert in lieu thereof the following: "Any".

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 30 to 52, inclusive.

Amendment No. 4.

On page 3 of the printed bill, as amended, strike out line 1, and insert in lieu thereof the following:

"Sec. 3. Any court or judge or judges thereof shall have".

Amendment No. 5.

On page 3 of the printed bill, as amended, strike out lines 23 to 52, inclusive.

Amendment No. 6.

On page 4 of the printed bill, as amended, strike out lines 1 to 52, inclusive, and all of pages 5 and 6.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Building and Loan Associations.

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Assembly Bill No. 2067—An act to amend the Building and Loan Association Act by amending section 12.06 thereof, relating to advertising by building and loan associations;

Also: Assembly Bill No. 2066—An act to amend the Building and Loan Association Act by adding section 6.01b thereto, relating to period of notice of intention to withdraw;

Also: Assembly Bill No. 2065—An act to amend the Building and Loan Association Act by amending section 9.15 thereof relating to limitation on single loans;

Also: Assembly Bill No. 2064—An act to amend the Building and Loan Association Act by adding section 12.04b thereto, relating to foreign associations;

Also: Assembly Bill No. 2063—An act to amend the Building and Loan Association Act by adding section 9.07a thereto, relating to restrictions as to lending territory;

Also: Assembly Bill No. 2054—An act to amend the Building and Loan Association Act by adding a new section thereto to be numbered 8.11, relating to evidence of investment in building and loan associations;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—8; absent—3.

KNOWLAND, Chairman.

Also:

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Assembly Bill No. 2053—An act to amend the Building and Loan Association Act by adding a new section thereto to be numbered 6.01a, relating to withdrawal claims maturing in installments—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

KNOWLAND, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1022—An act to add section 17 to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915;

Also: Assembly Bill No. 1925—An act to amend sections 4 and 7 of "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, relating to the use of dead bodies;

Also: Assembly Bill No. 2441—An act to provide for the regulation and control of the sale of certain drugs or chemicals known as dinitrophenol and thyroid, to provide penalties for the violation of this act and to provide for the enforcement hereof by the California State Board of Pharmacy;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1023—An act to amend section 6 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1295—An act to amend section 702 of the Vehicle Code, relating to motor vehicles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 800—An act to amend section 705 of the Vehicle Code, relating to vehicles and the weight and loading thereof:

Also: Assembly Bill No. 1294—An act to amend section 515 of the Vehicle Code, relating to motor vehicles:

Also: Assembly Bill No. 2469—An act to add section 590 to the Vehicle Code, relating to warning devices.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Senate Bill No. 1126—An act to amend sections 105, 106, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—9; absent—8.

FLETCHER, Chairman.

On Military Affairs.

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Bill No. 2359—An act to amend sections 238, 804, 814, 815 and 1261 of, and to add section 395.5 to the Military and Veterans Code, relating to military and veterans' affairs—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent 1.

(Signed out)

McGUINNESS, Chairman.

DIFANI

SCOLLAN.

FLETCHER

PERRY.

PIEROVICH.

MIXTER.

SNYDER.

POWERS.

HAYS.

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 2260—An act relating to employment contracts and applications

for employment—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

OLSON, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 1462—An act to add section 4a to the act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and the payment of the general prevailing rate thereof—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; noes—1; absent—2.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 785—An act to amend the title, sections 1, 2, 3, 4 and 5 of, and to add a new section, to be numbered section 6, to an act entitled "An act to regulate the work and hours of employees engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for violation thereof," approved February 28, 1905 (Stats. 1905, Chap. 34), relating to the hours of drug clerks, requiring the keeping of records and posting schedules of such hours, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and providing that all fines for violation of the provisions hereof shall be paid into the State treasury to the credit of the general fund—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—6; absent—3.

OLSON, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 404—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cross, and to make an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—14; absent—5.

SHARKEY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1836—An act to amend section 622 of the Agricultural Code, relating to dairies and dairy products—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—11; absent—8.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1093—An act to add section 398 to the Political Code, relating to the Lieutenant Governor;

Also: Senate Bill No. 48—An act making an appropriation to pay the claim of Index Investment Corporation, a corporation, against the State of California;

Also: Senate Bill No. 163—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately;

Also: Senate Bill No. 75—An act making an appropriation to meet a deficiency in the appropriation for the support of the California Nautical School for the eighty-

fifth and eighty sixth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—11, absent—8.

SHARKEY, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 46—An act to amend section 3766 of the Political Code, relating to the publication of delinquent tax lists;

Also: Assembly Bill No. 1906—An act to add section 987b to the Penal Code, relating to the office of public defender;

Also: Assembly Bill No. 2444—An act to require security for the payment of wages of persons engaged in the canning industry and providing penalties for violation of the provisions thereof;

Also: Assembly Bill No. 4367—An act validating the formation and organization of county sanitation districts under the provisions of an act of the Legislature of the State of California, approved May 29, 1923, as amended February 2, 1925, April 18, 1927, April 22, 1927, May 22, 1929 and June 9, 1931, and entitled as amended, An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof, and validating bonds of such districts;

Also: Assembly Bill No. 1904—An act to amend section 3 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to wagering and to the powers of the California Horse Racing Board.

Also: Assembly Bill No. 2467—An act to add to the Probate Code a new section, to be numbered 2015, and amending section 220 of the Probate Code both relating to the laws of succession;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—14; committee vote: Ayes—13, absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 1038—An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to condemnation—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—11, noes—2, absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 357—An act to repeal section 452a of the Political Code, relating to the safe-keeping of bonds deposited with treasurers—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—13, absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 405—An act to add a new section to the Civil Code to be numbered 2934a, relating to substitution of trustees in trust deeds;

Also: Assembly Bill No. 2087—An act to add section 171b to the Code of Civil Procedure, relating to the qualification of judges;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—14; committee vote: Ayes—13; absent—1.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2136—An act relating to the relief of debtors and guarantors: permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of pur-

chase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; repealing Chapter 1, Statutes of the Extra Session of 1934, and Chapter 7 of the Statutes of 1935; declaring the urgency hereof, and providing that it shall take effect immediately—has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—14; committee vote: Ayes—8; noes—2; absent—1.

SWING, Chairman.

Approval of Journals.

The Senate Journals of Monday, May 27, 1935; Tuesday, May 28, 1935; Wednesday, May 29, 1935; Thursday, May 30, 1935; Friday, May 31, 1935, and Saturday, June 1, 1935, were, on motion of Senator Rich, approved as corrected by the Minute Clerk and Journal Clerk.

Adjournment.

On motion of Senator Rich, at eleven o'clock and fifty-five minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Wednesday, June 5, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, June 5, 1935.

The Senate met at ten o'clock a.m.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

For the Folks at Home.

Oh Thou, Who hath called us to be Thy children, hear the prayer of our hearts this morning.

We beseech Thee to be round about our friends and kinfolk from whom we are separated during these busy days of our Legislature.

May Thy blessing be upon all those who are near and dear to us.

We pray for our children, that they be saved from all harm; for our aged loved ones—may they find clear skies at eventide; for our life companions in the home. Hold them in the safe-keeping of Thy Divine love.

For our friends, and kinfolk, both near and far, we seek Thy blessing. As Thou remember us, we also remember them, in our thoughts and prayers.

And grant, oh Lord, without neglect of duty here, that we may soon be with these circles of friends and loved ones again.

In Thy name we pray. Amen.

Reading of the Journal.

During the reading of the Journal of Tuesday, June 4, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Alice Smith, Miss Leah Lathrop, and Miss Patricia Nickelson of Sacramento.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Procter of Alameda.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 421—An act to add a new section to an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the buying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, to be numbered 263, relating to the priority of the State of California for taxes.

Also: Senate Bill No. 437—An act to amend section 618 of the Fish and Game Code, relating to trout;

Also: Senate Bill No. 663—An act to add a new section to the School Code to be numbered 191, relating to the construction, design, operation, equipment and color of school buses;

Also: Senate Bill No. 887—An act to amend the titles of Articles IV and IVa of Chapter IV of Part I of Division VI of the School Code; to amend sections 6.210 and 6.211 of the School Code and to add a new section to the School Code to be numbered 6.213, relating to the disposition of buildings, structures or fixtures of school districts when the boundaries of such districts are altered, declaring the urgency thereof and providing that this act shall take effect immediately. And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 421, 437, 663, and 887 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 77—An act to add section 3a to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health, defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to hospital central committees;

Also: Senate Bill No. 237—An act to add section 641 to, and to amend section 493 of, the Streets and Highways Code, relating to State highways;

Also: Senate Bill No. 326—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county road district and special district budgets and to the levy of taxes and prescribing limitations on county expenditures;

Also: Senate Bill No. 358—An act to add section 133 to the Civil Code, relating to entry of final judgment in divorce cases;

Also: Senate Bill No. 384—An act to amend sections 782 and 786 of the Fish and Game Code, relating to lobsters;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 77, 237, 326, 358, and 384 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 489—An act to amend section 1053 of the Penal Code, relating to substitution of judges in criminal actions;

Also: Senate Bill No. 668—An act to amend section 12905 of the Insurance Code, relating to the Insurance Commissioner;

Also: Senate Bill No. 720—An act to amend the Vehicle Code by amending sections 223, 225, 226, 306 and 308; by repealing sections 292, 293, and 304; by adding sections 292, 298, and 304, relating to vehicles;

Also: Senate Bill No. 788—An act to amend the Vehicle Code by amending sections 511, 517, 526, 527, 530, 531, 543, 544, 545, 552, 570, 571, 585, 586, 587, 596, 600, 694, and 696; by repealing sections 534 and 589; by adding sections 542, 588 and 603, relating to vehicles;

Also: Senate Bill No. 845—An act to amend section 51 of the Bank Act, relating to deposits by order of court;

Also: Senate Bill No. 1082—An act to authorize boards of supervisors to pay certain claims;

Also: Senate Bill No. 1078—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles;

Also: Senate Bill No. 1098—An act to add section 1334 to the Penal Code, relating to the securing of the attendance of witnesses in criminal prosecutions, and to make uniform the law with reference thereto.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 489, 668, 720, 788, 845, 1082, 1078, and 1098 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 244—An act to amend section 653e of the Penal Code, relating to the blacklisting of employees;

Also: Assembly Bill No. 2465—An act to add section 1156 to the Agricultural Code, relating to the marketing of agricultural products.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 244 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2465 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 6 and 9a of, and to add section 3½ to "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended, relating to contractors;

Also: Senate Bill No. 614—An act to amend section 644 of the Penal Code, relating to habitual criminals;

Also: Senate Bill No. 617—An act to amend section 1168 of the Penal Code and to add thereto sections 969c and 1158a, relating to crimes;

Also: Senate Bill No. 734—An act to amend sections 108, 709, 1584, and 1640 of the Insurance Code and to add sections 716, 1668.5, 1711.5 and 1778.5 thereto, relating to insurance principles, practice, and business and matters incidental thereto; And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 596, 614, 617, and 734 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 792—An act to prohibit child labor.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 792 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 38—Relative to leaves of absence of the Governor, Lieutenant Governor, and the members of the Senate and Assembly.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 38 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1480—An act to amend sections 137 and 140 of, and to add section 108.5 to, the Agricultural Code, relating to pest control and abatement;

Also: Assembly Bill No. 1243—An act to amend sections 828 and 829 of the Agricultural Code, relating to fruits, nuts and vegetables;

Also: Assembly Bill No. 1167—An act authorizing the Director of Finance to provide for the sale of certain lands situated in county of Yolo, State of California;

Also: Assembly Bill No. 1129—An act amending sections 3897 and 3898 and repealing section 3774 of the Political Code, relating to the procedure for the sale of property decreed to the State in payment of delinquent taxes, if not otherwise disposed of under section 3897a or section 3897b of the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Assembly Bill No. 895—An act to add a new chapter, to be numbered 1a, to Division V of the Agricultural Code, relating to the standardization of tomatoes;

Also: Assembly Bill No. 464—An act to amend section 829 of the Agricultural Code, relating to tomatoes.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 246—An act for the regulation and control of corporations organized for the purpose of operating nonprofit hospital service plans;

Also: Assembly Bill No. 2433—An act to provide for the administration of highway work for or in cooperation with the United States by the State of California, amending the Streets and Highways Code in accordance therewith, and declaring the urgency thereof;

Also: Assembly Bill No. 924—An act to amend sections 781, 783, 784, 785, 787, 788, and 822 and to add sections 784.1, 784.2, 784.3, 784.4, 784.5, 784.6 and 784.7 to the Agricultural Code, relating to fruits, nuts and vegetables;

Also: Assembly Bill No. 2386—An act to add Chapter 8 to Division VI of the Agricultural Code, relating to the marketing of milk and other dairy products.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 846—An act to amend sections 56.1 and 91 of the Bank Act, relating to the definition and regulation of the business of banking;

Also: Senate Bill No. 1107—An act to amend the title and sections 1, 2, 3, 4 and 5 of, and to add section 6 to, an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued

under this act, and the acquisition, collection and payment of bonds acquired, declaring the urgency hereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 1010—An act to amend section 737bb of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Napa;

Also: Senate Bill No. 1091—An act to add a new section to be numbered 8.5 to an act entitled "An act for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to the incurring of a bonded indebtedness and the sale and payment of the bonds;

Also: Senate Bill No. 552—An act to add sections 980, 981, 1029 and 1030 to the Streets and Highways Code, relating to powers and duties of county boards of supervisors with respect to county highways;

And respectfully asks your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 846, 1107, 1010, 1091, and 552 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1188—An act to add a new article to Chapter I of Part III of Division IV of the School Code, and to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, all to be known as Article XI, relating to school district funds—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Message ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 789—An act to amend the Vehicle Code by amending sections 113, 114, 115, 121, 123, 124, 135, 451, and 680, relating to vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 789 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 149—An act to amend section 1250 of the Fish and Game Code, relating to fully protected mammals;

Also: Senate Bill No. 172—An act to add section 662.5 to, the Fish and Game Code, relating to salmon;

Also: Senate Bill No. 231—An act to amend sections 3.3 and 3.170 of the School Code, relating to attendance upon the public schools of Indian children, and children of Chinese, Japanese or Mongolian parentage;

Also: Senate Bill No. 262—An act to amend sections 6, 10, 17 and 18 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns: to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 149, 172, 231, and 262 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 315—An act relating to a contract by the Department of Finance, concerning the waters of Restor Creek:

Also: Senate Bill No. 325—An act to amend sections 1026, 1550, 1551, and 1552 of, and to repeal sections 1600 to 1605, inclusive, of the Streets and Highways Code, relating to road district taxes and the expenditure from county general funds of moneys for road district purposes by the board of supervisors:

Also: Senate Bill No. 488—An act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 954a, relating to abandonment and withdrawal of appeals:

Also: Senate Bill No. 490—An act to amend section 1029 of the Penal Code, relating to trial of a judge of the superior court.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 315, 325, 488, and 490 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 888—An act to add three new sections to the School Code to be numbered 3,104.1, 3,339 and 3,402, relating to the attendance of pupils upon the public schools of California:

Also: Senate Bill No. 1075—An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes.

Also: Senate Bill No. 415—An act to add a new section to an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, to be numbered 264, relating to the priority of the State of California for taxes:

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 888, 1075, and 415 ordered on file as unfinished business.

Report of Standing Committee.

The following report of standing committee was received and read:

On Enrollment, Engrossment and Printing.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 96—An act to amend sections 1081, 1082, 1083, 1085, 1087, 1088, 1089, 1090, and 1091 of, and to add sections 1081.1, 1083.1, 1083.3 and 1083.5 to the Agricultural Code, relating to commercial feeding stuffs—and reports that the same has been correctly enrolled, and presented to the Governor on the thirty-first day of May, 1935, at three o'clock p.m.

MIXTER, Vice Chairman.

Introduction, First Reading and Reference of Bills.

By Senators Garrison, Deuel, and Scollan: Senate Concurrent Resolution No. 42—Relative to the appointment of a joint legislative committee to consult with the Department of Finance regarding the remodeling and refurnishing of legislative committee rooms and offices for the members in the State Capitol.

Consideration of Senate Concurrent Resolution No. 42.

Senator Garrison asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 42, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 42.

Providing for the appointment of a Joint Legislative Committee to consult with the Department of Finance regarding the remodeling and refurnishing of legislative committee rooms and offices for the members in the State Capitol.

WHEREAS, Certain repairs, additions and improvements to the State Capitol are contemplated to be made during the coming biennium; and

WHEREAS, It is desirable that the needs and requirements of the Legislature be properly presented to the Department of Finance in this connection; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That a committee of six members be created to consist of three members of the Senate, to be appointed by the President of the Senate, and three members of the Assembly, to be appointed by the Speaker of the Assembly, to consult with the Department of Finance and the State Building Commission in making arrangements and suggestions for the proper remodeling and refurnishing of legislative committee rooms and offices for the members of the Legislature, in connection with any appropriation of moneys made available for such purposes; and be it further

Resolved, That the committee shall proceed to organize by the election of one of its members as chairman and by the election of a secretary; and be it further

Resolved, That the committee shall do all things necessary to carry out the purposes of this resolution and to report thereon to the fifty-second session of the Legislature.

Resolution read and considered engrossed.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 42 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, King, Knowland, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Rich, Schottky, Scollan, Slater, Snyder, Tickle, Waggy, and Williams—25.

NOES—None.

Senate Concurrent Resolution No. 42 ordered transmitted to the Assembly.

Consideration of Daily File.**Second Reading of Senate Bills.**

Senate Bill No. 357—An act to repeal section 452a of the Political Code, relating to the safe-keeping of bonds deposited with treasurers.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1038—An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to condemnation.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1093—An act to add section 398 to the Political Code, relating to the Lieutenant Governor.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 48—An act making an appropriation to pay the claim of Index Investment Corporation, a corporation, against the State of California.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 163—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State,

making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 75—An act making an appropriation to meet a deficiency in the appropriation for the support of the California Nautical School for the eighty-fifth and eighty-sixth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1126—An act to amend sections 105, 106, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 404—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 404 were read and adopted:

Amendment No. 1.

On page 1, line 9, of the printed bill, strike out "two-thirds", and insert in lieu thereof the following: "one-half".

Amendment No. 2.

On page 1, line 10, of the printed bill, strike out "one-third", and insert in lieu thereof the following: "one-half".

Amendment No. 3.

On page 1, line 12, of the printed bill, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 4.

On page 1, line 13, of the printed bill, after the period after "county", insert the following: "In the event the board of supervisors shall not allow sufficient money to pay the share of the county, then only so much of the money appropriated to pay the share of the expenses to be borne by the State shall be used as will equal the amount allowed by the board of supervisors."

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 405—An act to add a new section to the Civil Code to be numbered 2934a, relating to substitution of trustees in trust deeds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 405 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after the word "beneficiary", add the following: "or beneficiaries".

Amendment No. 2.

On page 1, line 7, of the printed bill, strike out "notice of".

Amendment No. 3.

On page 1, line 8, of the printed bill, strike out "notice", and insert in lieu thereof "substitution".

Amendment No. 4.

On page 1, line 10, of the printed bill, strike out "description of the property secured by the deed", and in line 11, strike out "of trust", and insert in lieu thereof the following: "the book and page where the trust deed is recorded."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2087—An act to add section 171b to the Code of Civil Procedure, relating to the qualification of judges.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2087 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after the word "been", insert the following: "subsequently,".

Amendment No. 2.

On page 1, line 7, of the printed bill, as amended, after the word "readmitted", insert the following: ", or admitted as the case may be,".

Amendment No. 3.

On page 1, line 8, of the printed bill, as amended, strike out the period after the word "office", and add a comma and the following: "provided that the foregoing shall not apply to anyone elected and in office at the time this section becomes effective, and shall not apply so as to prevent any future election of anyone now in office."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 46—An act to amend section 3766 of the Political Code, relating to the publication of delinquent tax lists.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1906—An act to add section 987b to the Penal Code, relating to the office of public defender.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2444—An act to require security for the payment of wages of persons engaged in the canning industry and providing penalties for violation of the provisions thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1367—An act validating the formation and organization of county sanitation districts under the provisions of an act of the Legislature of the State of California, approved May 29, 1923, as amended February 2, 1925, April 18, 1927, April 22, 1927, May 22, 1929 and June 9, 1931, and entitled, as amended, "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," and validating bonds of such districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1904—An act to amend section 3 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create

the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to wagering and to the powers of the California Horse Racing Board.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2467—An act to add to the Probate Code a new section, to be numbered 201.5, and amending section 220 of the Probate Code, both relating to the laws of succession.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1836—An act to amend section 622 of the Agricultural Code, relating to dairies and dairy products.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 785—An act to amend the title, sections 1, 2, 3, 4 and 5 of, and to add a new section, to be numbered section 6, to an act entitled "An act to regulate the work and hours of employees engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for violation thereof," approved February 28, 1905 (Stats. 1905, Chap. 34), relating to the hours of drug clerks, requiring the keeping of records and posting schedules of such hours, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and providing that all fines for violation of the provisions hereof shall be paid into the State treasury to the credit of the general fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2260—An act relating to employment contracts and applications for employment.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2359—An act to amend sections 238, 804, 814, 815 and 1261 of, and to add section 395.5 to the Military and Veterans Code, relating to military and veterans' affairs.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 800—An act to amend section 705 of the Vehicle Code, relating to vehicles and the weight and loading thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1294—An act to amend section 515 of the Vehicle Code, relating to motor vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1295—An act to amend section 702 of the Vehicle Code, relating to motor vehicles.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Motor Vehicles, the following amendment to Assembly Bill No. 1295 was read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, strike out the word "eighteen", and insert in lieu thereof the following: "seventeen".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1022—An act to add section 17 to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1023—An act to amend section 6 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 1023 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, in the last line of the title, strike out the period, and insert in lieu thereof a comma and the following: "relating to persons eligible to examination."

Amendment No. 2.

On page 1, line 17, of the printed bill, as amended, strike out "the passage of this act", and insert in lieu thereof the following: "this section, as amended, goes into effect".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1925—An act to amend sections 4 and 7 of "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, relating to the use of dead bodies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2441—An act to provide for the regulation and control of the sale of certain drugs or chemicals known as dinitrophenol and thyroid, to provide penalties for the violation of this act and to provide for the enforcement hereof by the California State Board of Pharmacy.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2053—An act to amend the Building and Loan Association Act by adding a new section thereto to be numbered 6.01a, relating to withdrawal claims maturing in installments.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Building and Loan Associations, the following amendment to Assembly Bill No. 2053 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, immediately following line 30, insert the following:

"The provisions of this section shall govern the withdrawal and other rights of the holders of all shares and investment certificates whether heretofore or hereafter issued, and whether or not withdrawal claims shall have heretofore been filed unless such previously filed claims shall have heretofore matured."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2054—An act to amend the Building and Loan Association Act by adding a new section thereto to be numbered § 11, relating to evidence of investment in building and loan associations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2063—An act to amend the Building and Loan Association Act by adding section 9.07 thereto, relating to restrictions as to lending territory.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2064—An act to amend the Building and Loan Association Act by adding section 12.04b thereto, relating to foreign associations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2469—An act to add section 590 to the Vehicle Code, relating to warning devices.

Amendment from the Floor.

During second reading of Assembly Bill No. 2469, the following amendment, offered by Senator Mixer, was read and adopted:

Amendment No. 1.

On page 1, line 6, of the printed bill, strike out the period after the word "reflectors", and insert the following: "; which reflectors shall be of a type approved by the department."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2065—An act to amend the Building and Loan Association Act by amending section 9.15 thereof, relating to limitation on single loans.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2066—An act to amend the Building and Loan Association Act by adding section 6.01b thereto, relating to period of notice of intention to withdraw.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2067—An act to amend the Building and Loan Association Act by amending section 12.06 thereof, relating to advertising by building and loan associations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2136—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; repealing Chapter 1.

Statutes of the Extra Session of 1934, and Chapter 7 of the Statutes of 1935; declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1462—An act to add section 4a to the act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and the payment of the general prevailing rate therefor.

Bill read second time, and ordered on file for third reading.

Resolution.

The following resolution was offered:

By Senator McGovern:

WHEREAS, The waterfront of the City and County of San Francisco, together with all wharves, docks, warehouses, wharf facilities, equipment and rolling stock, and various other real and personal property, used in the operation of the harbor and waterfront of San Francisco, which said waterfront, harbor, railway and other property is operated and administered by the Board of State Harbor Commissioners, who are appointed to office by the Governor of California subject to the confirmation of this Senate; and

WHEREAS, There are many millions of dollars of outstanding unpaid bonds, which are obligations of the State of California; and

WHEREAS, There are many employees of the State of California who are employed in the administration and operation of said waterfront and harbor; and

WHEREAS, It has been publicly stated that said port and waterfront has been sustaining a steady and continuous loss of business, for several years last past, and that said port and waterfront have not been operated and administered for the best interests of the people of this State, nor for the agricultural or business interests thereof; and

WHEREAS, It is to the best interests of the State of California that said waterfront and harbor and all of said property be operated and administered in an economical, progressive, and efficient manner, with due regard for the rights of all persons and interests using the same, including the shipping and agricultural interests of this State; and

WHEREAS, The failure if any, to properly operate or administer said waterfront and harbor may seriously jeopardize the financial obligations of this State, to the extent of many millions of dollars and seriously retard the commercial, industrial and agricultural interests thereof; and

WHEREAS, It is necessary and desirable that this Senate and its members have an accurate, detailed and complete information available concerning the operation and administration of said harbor and waterfront, and of its business and business methods; now, therefore, be it

Resolved, by the Senate of the State of California, That a Special Senate San Francisco Harbor Committee consisting of three members of the Senate be appointed by the President of the Senate to gather information and to conduct investigations concerning the subject of this resolution, including the operation and administration of said waterfront and harbor and of said property of all laws and all matters incidental thereto, and to report thereon, together with its recommendations, to the Senate at the fifty-second session thereof, or at such special session thereof, that may be held prior to the date of the convening of said fifty-second session thereof: be it further

Resolved, That said committee upon the appointment of its members shall appoint a secretary and such other clerical and technical assistance as it may be deemed necessary; be it further

Resolved, That all officers and employees of the State shall furnish to said committee such assistance, reports, information, data and evidence concerning any matter under consideration by the committee as the committee shall request; be it further

Resolved, That the committee is authorized to do any and all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of books, agreements, documents, reports, accounts, and papers of every kind, to issue subpoenas to compel the attendance of witnesses and to procure testimony. Each member of the committee is hereby authorized to administer oaths and all the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the committee created by this resolution, and said committee is hereby given leave to sit during the session of the Legislature and during the interval between sessions thereof, at any place or places in the State as the committee shall from time to time determine; and be it further

Resolved, That for the purpose of paying the expenses of the committee and the members thereof, the sum of \$2,500, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Comptroller drawn against said contingent fund for such expense as the chairman of the committee shall verify to him from time to time and which warrants the State Treasurer is hereby directed to pay.

Resolution read, and referred to Committee on Contingent Expenses.

Unfinished Business.

Senate Constitutional Amendment No. 27.

A resolution to propose to the people of the State of California an amendment to section 2 of Article IV of the State Constitution, relating to the introduction of legislative bills.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its fifty first regular session, commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending section 2 of Article IV to read as follows:

Sec. 2. The sessions of the Legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock m., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding thirty days thereafter; whereupon a recess of both houses must be taken for not less than thirty days. During the first period no more than 14 bills shall be introduced by any one member. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Gordon moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

The Secretary announced the absentees.

Time, eleven o'clock and twenty-five minutes a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 447 was refused passage.

Postponement of Reconsideration.

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 447 was refused passage was continued until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Sharkey moved to reconsider the vote whereby Senate Bill No. 1119 was refused passage.

Postponement of Reconsideration.

On motion of Senator Sharkey, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1119 was refused passage was continued until the next legislative day.

Re-reference of Senate Bill No. 300.

Senator Sharkey moved that Senate Bill No. 300 be re-referred to Committee on Finance.

Motion carried, and such was the order.

Third Reading of Senate Bills.

Senate Bill No. 1125—An act to amend sections 376a and 376b of the Political Code, relating to the Department of Penology.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1125 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Hays, Jespersen, Keough, Knowland, McColl, McGuinness, Metzger, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—28.

NOES—Senator McGovern—1.

Title read and approved.

Senate Bill No. 1125 ordered transmitted to the Assembly.

Senate Bill No. 100—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 37a thereof relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176 California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 100:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 4, 1935.

*To the Honorable Members of the Senate, State of California,
Sacramento, California.*

GREETINGS: Senate Bill No. 100. An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending Section 37a thereof relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176 California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States, for the fiscal year ending June 30, 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929.

In my opinion said Senate Bill No. 100 constitutes such a bill within the meaning of that term as used in section 34 Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 100 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Fletcher, Gordon, Hays, Jaspersen, Keough, Knowland, McColl, McGovern, McGinness, Metzger, Mixter, Olson, Perry, Pierovich, Remdollar, Rich, Schafer, Seelye, Seewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32

NOES—None.

Title read and approved.

Senate Bill No. 100 ordered transmitted to the Assembly.

Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments.

Amendment from the Floor.

During third reading of Senate Bill No. 527, the following amendment, offered by Senator Wagy, was read and adopted:

Amendment No. 1.

On page 2, line 34, of the printed bill, as amended, strike out "here-", and strike out all of lines 35 and 36, and insert in lieu thereof the following: "under the provisions of this article, or in an establishment wherein animals are slaughtered or meat prepared for human consumption."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture

in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1086:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 27, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and live cattle and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency.

In my opinion said Senate Bill No. 1086 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1086 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—34.

NOES—Senator Knowland—1.

Title read and approved.

Senate Bill No. 1086 ordered transmitted to the Assembly.

President of the Senate in the Chair.

At eleven o'clock and fifty minutes a.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Special Order.

Senator Edwards moved that reconsideration of the vote whereby Senate Bill No. 398 was refused passage, be made a special order for two o'clock and thirty minutes p.m., this day.

Motion carried and such was the order.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and fifty-five minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Gordon.

The Secretary was directed to call the roll of the Senators who had not answered to their names.

The roll was called, and Senate Constitutional Amendment No. 27 finally adopted by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Gordon, Hays, Jorgensen, Keough, King, Knowland, McColl, McGuinness, Metzger, Myler, Parkman, Peery, Pierovich, Powers, Reindollar, Rich, Sewell, Sharkey, Slater, Swing, Tickle, Wagy, and Williams—27.

NOES—Senators Crittenden, Deuel, Difani, Garrison, Hulse, McGovern, Olson, Schottky, Scollan, Snyder, Stow, and Young—12.

Senate Constitutional Amendment No. 27 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1271—An act increasing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1271 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 919 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 46—Relative to adjournment out of respect to the memory of James Rolph, Jr.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 46.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 46, without reference to committee, for purpose of adoption.

Assembly Concurrent Resolution No. 46.

Relative to adjournment out of respect to the memory of James Rolph, Jr.

WHEREAS, On June 2, 1934, one year ago, there was taken from this earthly sphere of activity, one who was honored and loved by the people of California; and

WHEREAS, His kindly spirit, respect for humanity, and his love for his fellow men, won for him the esteem and confidence of the citizens of the City and County of San Francisco, his birthplace, and the people of this great State; and

WHEREAS, While it was God's wish that he be taken from this world, to receive his just reward for his many kind deeds toward his fellow men while living; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate concurring. That when we adjourn today, we do so out of respect to the memory of the late Governor of the State of California, James Rolph, Jr.; and be it further

Resolved, That a suitable engrossed copy of this resolution be sent to the family of the late Governor James Rolph, Jr.

Resolution read.

Remarks.

The following remarks, offered by Senator McGovern, were ordered printed in the Journal:

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: The resolution now on the Secretary's desk, which was adopted, unanimously, by the Assembly, calls our attention to the fact that last Sunday, June 2, was the first anniversary of the untimely taking off of the beloved Governor of our State, the Honorable James Rolph, Jr.

Even in the midst of the very important business that is now engaging the attention of this Senate, it is suitable and proper that we should pause in respectful contemplation of the life and deeds of that distinguished son of California, who was mayor of his native city of San Francisco for eighteen years, and who, as a fitting reward for a distinguished public service, was called to the Chief Magistracy of this great State, in the general election of 1930.

Following the disastrous fire of 1906, which laid low the great metropolis of San Francisco, the people of that stricken city realized that the stupendous work of reconstruction must be done under the civic leadership of some man of ability, integrity and industry.

Then it was that the people of the city of Saint Francis turned for leadership to James Rolph, Jr., who was known to them by the loving term of "Sunny Jim." After an interesting political campaign, Rolph was elected mayor of San Francisco, whereupon he began the great constructive program that has written his name in imperishable words in the romantic story of his native city.

Many streets, schools, tunnels, street railways, libraries, auditoriums and other civic enterprises, including the world famous Hetch Hetchy municipal water system, as well as our world famous city hall, were created during the administration and under the supervision of the man whose memory we pause to honor at this time.

While hundreds of millions of dollars of the public's money were expended during the long administration, as mayor, of James Rolph, Jr., the finger of suspicion was never pointed at him or at any one in his immediate official family. His record was one of achievement. To us he became the great builder of the city of our dreams. He gave the best that he had to his fellow townsmen who knew him best and loved him most.

No true San Franciscan, regardless of race, or creed or politics, will ever deny that James Rolph, Jr., is the favorite child of the city by the Golden Gate. His life is interwoven with our greatest accomplishments. The life of James Rolph, Jr., is one of the bright and glorious chapters in the history of San Francisco.

When Governor Rolph was elected to head the government of the State of California, our country had just sustained the great economic cataclysm of October, 1929. The full force of the depression had not yet reached this coast when Rolph was inaugurated Governor of this State. Immediately following his induction into office, we began to realize that we were faced with the greatest financial crisis that ever affected America. Old standards were broken down, old rules of commercial and industrial development were rendered impotent and the great system which brought America to the height of its commercial glory was unable effectually to withstand the forces that were working for its impairment.

The leading financiers and industrial leaders of California and of America urged that it was the duty of all governmental agencies to encourage confidence in private industry by continuing to operate government in a normal manner, without curtailment of expenditures. The philosophy behind that proposal was that the business depression was but a temporary panic such as had occurred before, at regular intervals, in our country—that it was only a symptom of our abnormal growth—and that it would the sooner disappear were our different branches of

government to point the way to recovery by continuing to function by normal expenditure of governmental funds.

No responsible voice was heard to dispute that idea. Governor Rolph attempted to carry out the studied and considered opinion of the best minds of the State and Nation. When he did so he received the applause and acclaim of all who pretended to know or understand the problems that confronted us.

As time went on it became apparent that the depression was of wider extent than we had supposed. It became necessary to change the practices of government as it became necessary to change the practices of private business. Unfortunately, many of those who acclaimed the policy of Governor Rolph in the beginning were heard to complain when they learned that he, and they, had guessed wrong.

Nevertheless, every person who came in contact with James Rolph, Jr., during the time that he was Governor of this State, learned to appreciate the splendid human qualities that made him a man among men. His great heart and his deep human sympathy were understood and recognized. His kind disposition toward all, his sincere concern in the welfare of his friends and acquaintances, his unselfish devotion to the duties of his office and his intense love for California marked him as one of the great Governors of this great State.

I am sure that when the history of this commonwealth is written that the achievements of Governor Rolph will receive the approval of all who take the pains to learn the facts.

He faced the issues of his office with a fearlessness and courage that are not common in public life. If he erred, and being human, he must have done that, he erred on the side of humanity. His mistakes, if any, are mistakes of the head and not of the heart.

I know that I express the sentiments of all the gentlemen of this Senate when I say that the memory of James Rolph, Jr., brings to our minds and to our hearts mingled feelings of fond remembrances, of happy thoughts and of sincere regret at his taking off.

Mr. President, I move that the resolution on the desk of the Secretary, which refers to the first anniversary of the death of our late Governor, be adopted, unanimously, by a standing vote of this body, and, furthermore, that when we adjourn today we do so out of respect to the memory of the late Governor James Rolph, Jr.

Senator McGovern, seconded by Senator Sharkey, moved the adoption of the resolution.

The question being on the adoption of the resolution.

Assembly Concurrent Resolution No. 46 adopted unanimously by a rising vote.

Assembly Concurrent Resolution No. 46 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 17.

Senator McGovern moved that Senate Bill No. 17 be re-referred to Committee on Municipal Corporations.

Motion carried, and such was the order.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 955:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 4, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

In my opinion said Senate Bill No. 955 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State

of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 955 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagly, and Williams—32.

NOES—Senator Olson—1.

Title read and approved.

Notice of Motion to Reconsider.

Senator Powers gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 955 was passed.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:
By Senator Powers:

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands.

Respectfully submitted.

SENATOR POWERS.

Request referred to Committee on Rules.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$250 in favor of the Secretary of the Senate, and the Treasurer is hereby directed to pay the same, the same being for the postage for the Senate.

KING.
POWERS.
STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagly, Williams, and Young—32.

NOES—None.

Special Order.

Senator Seawell moved that Senate Bills Nos. 285, 801, 258, 425, 791, 339, 355, 1003, 50, 105, 1055, 392, 550, 1085, 1029, 265, 120, 403, 487, 920, 1027, 984, 576, 20, 555, 731, and all other appropriation bills on third reading file, be placed on a special appropriation bill file, and that they be made a special order, immediately following the signing of the Budget Bill by the Governor.

Motion carried and such was the order.

Third Reading of Assembly Bills.

Assembly Bill No. 36—An act to amend the Agricultural Code by adding to Division VI thereof a new chapter to be numbered 8 and to include sections 1299 to 1300.6 inclusive, defining and pertaining to processors of farm products and the licensing thereof.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 36:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, April 15, 1935

*To the Honorable Members of the Senate,
State of California,
Sacramento, California.*

GREETINGS: Assembly Bill No. 36—An act to amend the Agricultural Code by adding to Division VI thereof a new chapter to be numbered 8 and to include sections 1299 to 1300.6 inclusive, defining and pertaining to processors of farm products and the licensing thereof.

In my opinion said Assembly Bill No. 36 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 36 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Piersall, Powers, Reindollar, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 36 ordered transmitted to the Assembly.

Assembly Bill No. 1532—An act to amend the Political Code by amending sections 3456, 3466a and 3491, relating to reclamation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1532 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Piersall, Powers, Reindollar, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1532 ordered transmitted to the Assembly.

Recess.

On motion of Senator Swing, at twelve o'clock and thirty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 95—An act to amend sections 356, 407, 448 and 422 of, and to add sections 601, 602, 602.5, 602.6, 602.7, 604, 610, 612, 615, 617, 618, 621, 624, 625, 626, 627, 632, 637, 639, 639.1, 639.2, 639.3, 644, 645, 646, 648, 649, 650, and 651 to the Streets and Highways Code, establishing additional secondary State highways—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Leave of Absence.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for the balance of this legislative day.

Call of the Senate.

Senator Tickle moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Deuel, Difani, Edwards, Garrison, Gordon, Hays, Knowland, Olson, Pierovich, Rich, Schottky, Scollan, Snyder, Swing, Tickle, and Wagy—17.

The Secretary announced the absentees.

Time, two o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Consideration of Daily File.****Third Reading of Assembly Bills.**

Assembly Bill No. 422—An act to amend section 690 of the Code of Civil Procedure, and to add sections 690.1 to 690.4, inclusive, 690.6 to 690.23, inclusive, and 690.50, thereto, relating to property exempt from execution or attachment.

Amendments from the Floor.

During third reading of Assembly Bill No. 422, the following amendments, offered by Senator Rich, were read and adopted:

Amendment No. 1.

On page 4, line 51, of the printed bill, as amended May 31, 1935, strike out the word "one", and also strike out the word "thousand", in line 52, and in lieu thereof insert the following: "five hundred".

Amendment No. 2.

On page 5, line 3, of the printed bill, as amended May 31, 1935, strike out the words "one thousand", and insert in lieu thereof the following: "five hundred".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1324—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the division of fire safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, relating to clothes cleaning establishments.

Amendment from the Floor.

During third reading of Assembly Bill No. 1324, the following amendment, offered by Senator Scollan, was read and adopted:

Amendment No. 1.

On page 13, line 20, of the printed bill, as amended, after "solvents", insert the following: "of the chlorinated hydrocarbon type".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1989—An act to amend sections 677 and 689 of, and to add section 689.1 to, the Political Code, relating to State accounting.

Amendment from the Floor.

During third reading of Assembly Bill No. 1989, the following amendment, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 2, line 24, of the printed bill, as amended, following the word "part", strike out the word "of", and insert in lieu thereof the word "or".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1189—An act to amend sections 81, 116, 116b, 274c, 437c, 477, 594, 632, 639, 652, 655, 664, 667a, 668, 670, 675, 973, 1033, 1052, 1134 and 1135 of the Code of Civil Procedure, and to add section 35 thereto, relating to civil actions.

Amendments from the Floor.

During third reading of Assembly Bill No. 1189, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 9, line 16, of the printed bill, as amended, strike out ", or by his indorsement", and insert in lieu thereof the following: "or assignee of record, or by indorsement by the judgment creditor or assignees of record".

Amendment No. 2.

On page 9 of the printed bill, as amended, between lines 26 and 27, insert the following:

"Whenever an abstract of the judgment has been recorded with the recorder of any county, satisfaction thereof made in the manner of an acknowledgment of a conveyance of real property may be recorded, or an entry thereof may be made in the margin of the recorder's record, signed by the judgment creditor or assignee of record or by the attorney, unless a revocation of his authority is recorded. Said signature to the marginal release must be signed in the presence of the recorder who must certify to the same as provided in section 2938 of the Civil Code for satisfaction of a mortgage."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1400—An act to amend section 667 of the Penal Code, relating to the punishment of petty theft after a prior conviction of a felony.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1400 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, Metzger, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1400 ordered transmitted to the Assembly.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 919—An act to carry into effect the provisions of Article XX, section 22 of the Constitution of California, as adopted by the voters at the general election held November 6, 1934, relating to the control of the liquor traffic in the State of California and prescribing penalty for the violation thereof.

The Senate took up for consideration Assembly amendments to Senate Bill No. 919:

Amendment No. 1.

On page 7 of the printed bill, as amended, between lines 24 and 25, insert the following:

"For failure to reapply for a license prior to the time when any license expires, the board may by regulation prescribe that in addition to the license fees specified in section 5 hereof a penalty of not to exceed twenty-five per cent of such fees must be paid."

Amendment No. 2.

On page 10, line 19, of the printed bill, as amended, strike out the words "upon the premises of such manufacturers and", and in lieu thereof insert the following: "unless proven to the satisfaction of the board".

Amendment No. 3.

On page 10, line 27, of the printed bill, as amended, strike out "cent", and insert in lieu thereof "cents".

Amendment No. 4.

On page 11, line 9, of the printed bill, as amended, strike out the word "security", and insert in lieu thereof the word "surety".

Amendment No. 5.

On page 11, line 16, of the printed bill, as amended, strike out the word "present", and insert in lieu thereof the word "presents".

Amendment No. 6.

On page 11, line 22, of the printed bill, as amended, strike out the word "Alcohol", and insert in lieu thereof the word "Alcoholic".

Amendment No. 7.

On page 11, lines 27 and 28, of the printed bill, as amended, strike out "taxes, penalties and fines", and insert in lieu thereof "taxes and penalties".

Amendment No. 8.

On page 11, line 32, of the printed bill, as amended, strike out the word "and", and insert in lieu thereof the word "or".

Amendment No. 9.

On page 11, line 34, of the printed bill, as amended, after the word "shall", insert the words "fail to".

Amendment No. 10.

On page 11, line 35, of the printed bill, as amended, strike out the word "registered".

Amendment No. 11.

On page 11, line 39, of the printed bill, as amended, after the word "sureties", insert "as hereinafter provided".

Amendment No. 12.

On page 16, line 13, of the printed bill, as amended, after the word "purchaser", add the following: "subject to a right of redemption as prescribed in the Code of Civil Procedure upon sales of real estate on execution".

Amendment No. 13.

On page 19 of the printed bill, as amended, between lines 13 and 14, insert the following:

"On and after July 1, 1935, it shall be unlawful for any manufacturer, rectifier, importer or wholesaler of distilled spirits to deliver to any premises for which an on or off-sale distilled spirits license is issued under this act or an on-sale license for liquor other than beer or wine is issued under the State Liquor Control Act, and it shall be unlawful for any such on or off sale licensee to sell at the premises for which any such license is issued distilled spirits in packages containing more than one gallon."

Amendment No. 14.

On page 19, line 43, of the printed bill, as amended, strike out the words "by the board".

Amendment No. 15.

On page 19, lines 46 and 47, of the printed bill, as amended, strike out "There is hereby appropriated from said fund", and insert in lieu thereof the following: "All moneys in said fund are hereby appropriated as follows:".

Amendment No. 16.

On page 20, line 3, of the printed bill, as amended, strike out the words "per biennium".

Amendment No. 17.

On page 20 of the printed bill, as amended, between lines 12 and 13, insert the following:

"5. Ten thousand dollars for expenditure by the State Department of Finance in auditing the revenues and expenditures resulting from the provisions of this act."

Amendment No. 18.

On page 20, line 13, of the printed bill, as amended, strike out "5", and insert in lieu thereof "6".

Amendment No. 19.

On page 20, line 13, of the printed bill, as amended, strike out the word "license".

Amendment No. 20.

On page 20, line 23, of the printed bill, as amended, strike out "6", and insert in lieu thereof "7".

Amendment No. 21.

On page 20, lines 23 and 24, of the printed bill, as amended, strike out "and 4", and insert in lieu thereof "4 and 5".

Amendment No. 22.

On page 20, line 25, of the printed bill, as amended, strike out the word "license".

Amendment No. 23.

On page 20, line 26, of the printed bill, as amended, strike out the word "license".

Amendment No. 24.

On page 20, line 29, of the printed bill, as amended, strike out "7", and insert in lieu thereof "8".

Amendment No. 25.

On page 20, line 31, of the printed bill, as amended, strike out "8", and insert in lieu thereof "9".

Amendment No. 26.

On page 27, line 33, of the printed bill, as amended, after the word "shall", strike out the words "after the passage of this act be installed, erected, placed and used", and insert in lieu thereof the following: "be maintained, erected, used or placed".

Amendment No. 27.

On page 24 of the printed bill, as amended, strike out lines 23 to 27, inclusive, and insert in lieu thereof the following: "a petition for reconsideration the board shall itself rehear the entire matter de novo and shall thereupon and within said thirty days either affirm, modify or set aside its original order."

Amendment No. 28.

On page 29, lines 2 and 3, of the printed bill, strike out "person engaged in the business of selling or serving alcoholic beverages", and insert in lieu thereof the following: "on or off-sale licenses".

Amendment No. 29.

On page 29, line 4, of the printed bill, as amended, strike out "for consumption on the premises,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 919?

The roll was called, and Assembly amendments to Senate Bill No. 919 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Senate Bill No. 919 ordered to enrollment.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and thirty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Tickle.

Consideration of Special Order.

The hour having arrived for the consideration of the motion to reconsider Senate Bill No. 398, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Motion to Reconsider Senate Bill No. 398.

Pursuant to notice given on a previous day, Senator Edwards moved to reconsider the vote whereby Senate Bill No. 398 was refused passage.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Rich, Schottky, Scollan, Snyder, Swing, Wagy, and Young—25.

NOES—Senators Difani, Hays, Hulse, Keough, Seawell, Slater, Stow, Tickle, and Williams—9.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 398 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Powers, Rich, Schottky, Scollan, Slater, Snyder, Swing, Wagy, Williams, and Young—29.

NOES—Senators Difani, Perry, Seawell, Stow, and Tickle—5.

Title read and approved.

Senate Bill No. 398 ordered transmitted to the Assembly.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Powers:

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands.

Respectfully submitted.

SENATOR POWERS.

Request referred to Committee on Rules.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 758—An act to repeal section 52a of the California Irrigation District Act, relating to the payment of assessments with matured bonds and coupons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 758 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Powers, Rich, Schottky, Senwell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 758 ordered transmitted to the Assembly.

Assembly Bill No. 626—An act to amend sections 86 and 87 of the Fish and Game Code, relating to fish and game districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 626 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Schottky, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 626 ordered transmitted to the Assembly.

Re-reference of Assembly Bill No. 362.

Senator Rich moved that Assembly Bill No. 362 be re-referred to Committee on Fish and Game.

Motion carried, and such was the order.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, JUNE 5, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Powers to introduce a bill entitled—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

(Signed out)

RICH, Chairman.
TICKLE.
KNOWLAND.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Deuel, Duval, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter,

Olson, Parkman, Perry, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Further Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Young to introduce a bill entitled—An act to make an appropriation for emergency reclamation and flood control work on the San Joaquin River, declaring the urgency thereof and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman.
KNOWLAND.
TICKLE.
DIFANI.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Powers: Senate Bill No. 1130—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands.

Bill read first time, and referred to Committee on Finance.

By Senator Young: Senate Bill No. 1131—An act to make an appropriation for emergency reclamation and flood control work on the San Joaquin River, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Finance.

Third Reading of Assembly Bills—(Resumed).

Assembly Constitutional Amendment No. 63.

A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 22 of Article XII of the Constitution of said State, relating to the creation and powers of the Public Service Commission.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that section 22 of Article XII of the Constitution of said State be amended to read as follows:

Sec. 22. There is hereby created a Public Service Commission which shall consist of five members and which shall be known as the Public Service Commission of the State of California. The commission shall be appointed by the Governor from the State at large; provided, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; and provided further, that the commissioners in office at the time this amendment takes effect shall serve out the term for which they were appointed. Whenever a vacancy in the office of commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The Legisla-

ture shall fix the salaries of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said Public Service Commission and no persons owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of Public Service Commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission, than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record. The commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Public Service Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Public Service Commission in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and whenever in this Constitution or the laws of this State the term "Railroad Commission" is used, it shall be understood to refer to the Public Service Commission.

Amendment read.

The question being on the adoption of the amendment

The roll was called, and Assembly Constitutional Amendment No. 63 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—37.

NOES—None.

Assembly Constitutional Amendment No. 63 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 62.

Relative to memorializing the Federal Relief Administrator to make available funds for the extension of Highway Route No. 163 through the Venice and Santa Monica Bay areas.

WHEREAS, In and about the vicinity of Venice and Santa Monica Bay areas in southern California there is no through highway which approaches adequate standards with relation to width and roadbed; and

WHEREAS, The traffic through this area is congested at all times and particularly so during the vacation season; and

WHEREAS, The existing "speedway" which traverses this area is solidly lined on both sides by dwellings and business establishments; and

WHEREAS, These circumstances create an extraordinarily serious condition and subject all persons and property in this vicinity to a most critical fire hazard; and

WHEREAS, This fire hazard is greatly increased during the summer months when many additional thousands of persons come to this beach area for vacation; and

WHEREAS, Aside from the question of fire hazard the traffic along the "speedway" has for many years justified a wider and straighter highway with an improved road-bed; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the State of California, through its Legislature, hereby respectfully urges that the Federal Relief Administrator make available, from the funds recently appropriated by the Congress, a sufficient amount to permit the immediate construction of the secondary State Highway Route No. 163, from Colorado Street in Santa Monica through Ocean Park, Venice, Playa del Rey, El Segundo, Manhattan Beach, Hermosa Beach and Redondo Beach; and be it further

Resolved, That the Governor of California is requested to transmit copies of this resolution to the Federal Relief Administrator, and to the Senators and Representatives of the State of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 62 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—35.

NOES—None.

Assembly Joint Resolution No. 62 ordered transmitted to the Assembly.

Assembly Bill No. 2455—An act to add sections 18 and 19 to an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to concealable weapons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2455 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 2455 ordered transmitted to the Assembly.

Assembly Bill No. 958—An act to amend section 4190 of the Political Code, relating to establishment and government and the creation of a fund for law library.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 958 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 958 ordered transmitted to the Assembly.

Assembly Bill No. 896—An act to amend sections 479, 508, 510, 581, 585, 590, 591, 593, 632, and 673 of the Agricultural Code, relating to dairies and dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 896 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 896 ordered transmitted to the Assembly.

Assembly Bill No. 925—An act to amend section 830.5 of the Agricultural Code, relating to transportation of fruits, nuts, and vegetables.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 925 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—36.

NOES—None.

Title read and approved.

Assembly Bill No. 925 ordered transmitted to the Assembly.

Assembly Bill No. 1952—An act to amend section 810 of the Agricultural Code, relating to artichoke standards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1952 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, McColl, McGovern, McGuinness,

Metzger, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1952 ordered transmitted to the Assembly.

Assembly Bill No. 919—An act to amend section 1261 of Chapter 6, Division VI, of the Agricultural Code, relating to produce dealers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 919 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Olson, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 919 ordered transmitted to the Assembly.

Assembly Bill No. 1259—An act to amend the title of and add a new section to "An act to provide for the creation of a board of parole commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, as amended, relating to the unconditional release by the county board of parole commissioners of alien prisoners who consent to return or to be returned to their native country and providing for the payment of the expenses of such return by counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1259 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, McGovern, McGuinness, Mixer, Olson, Parkman, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1259 ordered transmitted to the Assembly.

Assembly Bill No. 516—An act establishing and authorizing an additional secondary State highway from the city of Needles easterly to the Arizona-California State line, including a bridge over the Colorado River, providing for the construction, maintenance and ownership of such bridge jointly by the States of California and Arizona, and amending the Streets and Highways Code in conformance therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 516 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness,

Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Difani gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 516 was passed.

Assembly Bill No. 1219—An act to amend section 133 of the Streets and Highways Code, relating to the Department of Public Works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1219 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Kneigh, King, Knowland, McColl, McCornack, McGovern, Metzger, Mixer, Olson, Parkman, Powers, Powers, Rich, Schottky, Seollan, Senwell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 1219 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations, and building and loan associations, as legal investments for trust and other funds.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DORCH, Assistant Clerk.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received and read:

Concerning Assembly Bill No. 816.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 816—An act relating to shares of insured Federal savings and loan associations, and building and loan associations, as legal investments for trust and other funds—reports that it has met a like committee of the Assembly, consisting of Assemblymen Redwine, Thorp, and Fisher, and reports that the Committee on Free Conference has agreed to recommend the following: That the bill be amended as follows:

Amendment No. 1.

On page 1, lines 2 and 3 of the title of the printed bill, strike out "and building and loan associations."

Amendment No. 2.

Strike out all of section 2 of the printed bill.

Amendment No. 3.

On page 2, line 3, of the printed bill, strike out "3", and insert in lieu thereof "2".

Amendment No. 4.

On page 2, line 9, of the printed bill, strike out "4", and insert in lieu thereof "3".

DUVAL,
EDWARDS,
REINDOLLAR.

Senate Committee on Free Conference.

REDWINE,
THORP,
FISHER.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, and Young—31.

NOES—None.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby amendments to Assembly Bill No. 1215 were adopted was postponed until the next legislative day.

Motion to Reconsider Waived.

Senator Powers waived reconsideration of Senate Bill No. 955.

Senate Bill No. 955 ordered transmitted to the Assembly.

Recess.

On motion of Senator Rich, at four o'clock and twenty-five minutes p.m., the President of the Senate declared recess until nine o'clock p.m.

Reconvened.

At nine o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl Shipkey at the desk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 12—An act to amend sections 2, 3, 4, 5, 6, 7, 10, 14, 15 and 21 and to repeal sections 9 and 18½ of the Old Age Security Act of the State of California, relating to aid to the aged—and reports that the same has been correctly re-engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 404—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor—and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 75—An act making an appropriation to meet a deficiency in the appropriation for the support of the California Nautical School for the eighty-fifth and eighty-sixth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately;

Also: Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to section 2 of Article IV of the State Constitution, relating to the introduction of legislative bills;

Also: Senate Bill No. 48—An act making an appropriation to pay the claim of Index Investment Corporation, a corporation, against the State of California;

Also: Senate Bill No. 357—An act to repeal section 452a of the Political Code, relating to the safe-keeping of bonds deposited with treasurers;

Also: Senate Bill No. 1093—An act to add section 398 to the Political Code, relating to the Lieutenant Governor;

Also: Senate Bill No. 1126—An act to amend sections 105, 106, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.
And reports that the same have been correctly engrossed.

METZGER, Chairman.

Remarks.

The following remarks, offered by Senator Slater, were ordered printed in the Journal:

Mr. President and Gentlemen of the Senate:

May I be permitted to call the attention of the Senate to the fact that 100 years ago, on June 24, 1835, General M. G. Vallejo established the city of Sonoma under orders issued by Governor Figueroa. This month, therefore, commemorates the centennial of the place in which much of the colorful early history of the State of California was cradled. Possibly no place in our great State holds more interest and significance by reason of this fact.

Many dramatic incidents in the early history of California are chronicled in the pages depicting Sonoma and the entrance of this State into the Union of States and marking the inauguration of the declaration of principles of government upon which our State was founded.

The history, romance and chivalry of early days are inseparably interwoven in the story of Sonoma and the far-famed Sonoma Valley and which can never be forgotten. Volumes have been written in portraying the outstanding incidents involving the founding of the city of Sonoma. The advent of the first health anniversary of the laying out of the famous old city is certainly worthy of more than a passing tribute. It is a small token, indeed, to suggest that the Senate Journal of this day record a reference to the fact that on June 24, 1835, one of California's most interesting and historical spots was officially established. It is for this purpose I direct your attention at this time.

It is also especially interesting to recount that the man who was entrusted a century ago with the laying out of the city of Sonoma, General Vallejo, a great and good citizen and a native son of the State he so loyally served, was a member of the State Senate of California, representing Sonoma County in the first session 1849-1850, the district I love so well and which I have been honored to represent in this body for so many years. He was also a member of the Constitutional Convention which drafted the first Constitution of this State. History records that General Vallejo was one of the most generous of men, courteous and always hospitable to the pioneers who in the days of the gold rush and in subsequent years came to California to establish their homes. His name is greatly revered in Sonoma and in the old Sonoma Valley which he loved so well. It was there his eyes beheld its familiar surroundings as the last earthly sunset closed in upon him and he embarked upon life's greatest adventure.

I need not review the many historic shrines to be found in Sonoma and in the Sonoma Valley. The old home of General Vallejo is still intact. The beautiful old mansion and its picturesque gardens are now a State monument owned and preserved by the State of California. Nearby is the famous Sonoma Plaza upon which the State of California many years since erected a striking monument in imperishable granite and bronze marking the spot where the "Bear Flag of the California Republic" was first flung to the breeze on June 14, 1846. Across the way from the plaza stands the Mission San Francisco Solano de Sonoma, the last mission in the chain along El Camino Real stretching from San Diego to Sonoma, much an outstanding tribute to the padres who founded the temples of early day worship and civilization.

In and about Sonoma are many significant pointers to early day history and pioneers of California, too numerous to mention. The Native Sons of the Golden West have performed a fine work in marking many of these places with appropriate reminders of those who dwelt and participated in the passing of California into the Union of States.

I am glad of this opportunity to call your attention to the Book of Memories and to the page which reveals the intelligence that, on June 24, 1835, a century ago, the city of Sonoma was established and to the important part played by the late General Vallejo on that eventful day and to the broad generous spirit he always maintained towards the State he loved so well. Some day we hope the State of California will foster the erecting of a monument to General Vallejo in the historic plaza in old Sonoma as its continuing tribute to his memory.

Call of the Senate.

Senator Stow moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Deuel, Duval, Edwards, Fletcher, Gordon, Jespersen, King, Knowland, McColl, McGuinness, Metzger, Mixer, Parkman, Slater, Stow, Tickle, Wagy, and Young—19.

The Secretary announced the absentees.

Time, nine o'clock and ten minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Resolution.

The following resolution was offered:

By Senator Deuel:

WHEREAS, The fifty-first session of the Legislature of California has been prolonged into the torrid months of the year; and

WHEREAS, There is no apparent cessation of the work involved, and the powers that be seem reluctant to bring about adjournment; and

WHEREAS, The committee rooms on the fourth floor of the building are intolerably hot and conditions there are a menace to health, and that because of such conditions members refuse to attend committee meetings, and the business of the session is thereby further delayed and frustrated; and

WHEREAS, Certain spacious rooms in the basement of the Capitol Building are cool and comfortable and could well be used during this emergency as committee rooms to the comfort of the members and to the expediency of the business of the Legislature; therefore be it

Resolved, That the Sergeant-at-Arms of the Senate be directed to confer with the Superintendent of Buildings and Grounds with the object in mind of utilizing the space in the basement of the Capitol Building for further meetings of committees during the remainder of this session.

Resolution read, and on motion of Senator Deuel, adopted.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 2448—An act to amend section 407 of the Streets and Highways Code, relating to State highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2448 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2448 ordered transmitted to the Assembly.

Assembly Bill No. 384—An act for the relief of special assessment districts and for the adjustment, refunding or cancellation of the bonded indebtedness of such districts, and for the purpose of empowering legislative bodies of such districts to adjust, refund or cancel said indebtedness and to make available to such districts the provisions of the Federal bankruptcy laws and any and all laws of the State of California for the relief of special assessment districts, and to declare the urgency of this act to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows:

During the fifteen years last past hundreds of districts have been organized throughout the State of California under the provisions of the Road District Improvement Act of 1907 and the Acquisition and Improvement Act of 1925. Many of these districts were created during times of great economic prosperity and high land values. In many of such districts, due to the optimism of the times, or other causes, bonds for public improvements were issued in amounts in excess of the ability of the lands of such districts to bear the assessments necessary to pay the principal and interest on such bonds. Millions of dollars in assessed land valuation are located within districts created under these acts. Due to the present economic depression land values throughout the State have shrunk to the point where, in many cases, the total assessed valuation of all lands within a given district is less than the face value of the bonds outstanding in such district. Annual assessments upon individual parcels of land within these districts amount in many instances to more than the assessed value of such land.

Under present economic conditions property owners are unable to meet these high assessments and hundreds of such districts throughout the State have reached a point of hopeless delinquency.

Inasmuch as the property owners of these districts can not, under the law, pay their county or municipal taxes without at the same time paying the district assessments many cities and counties are unable to collect large sums of money badly needed for the purposes of government.

Many hundreds of properties in these districts are being devoted to the State for delinquent taxes and assessments and unless the financial aid of the counties is immediately made available to assist these overburdened districts thousands of parcels of lands will be stricken from the tax rolls this year; thousands of property owners will lose their homes, millions of dollars in governmental revenue will be uncollectible and at the same time thousands of bondholders will be unable to realize any return upon their investments.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Piersovich, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Stow, Tickle, Wagv, Williams, and Young—34.

NOES—Senator Hays—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 384 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Piersovich, Schottky, Seallan, Seawell, Sharkey, Slater, Tickle, Wagv, Williams, and Young—31.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 384 ordered transmitted to the Assembly.

Assembly Bill No. 2217—An act to amend section 402c of the Penal Code, relating to safety measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2217 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McCormack, McGovern,

McGuinness, Mixter, Parkman, Pierovich, Powers, Schottky, Scollan, Seawell, Slater, Snyder, Tickle, Wagy, Williams, and Young—29.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 2217 ordered transmitted to the Assembly.

Assembly Bill No. 413—An act to amend sections 60 and 62 of an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, Statutes 1911, page 730, as amended.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 413 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Scollan, Seawell, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 413 ordered transmitted to the Assembly.

Assembly Bill No. 2050—An act amending section 1428 of the Penal Code, relating to keeping of minutes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2050 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2050 ordered transmitted to the Assembly.

Assembly Bill No. 2052—An act amending section 1428a, relating to minute books of municipal courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2052 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixter,

Olson, Parkman, Pierovich, Powers, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2052 ordered transmitted to the Assembly.

Assembly Bill No. 2051—An act amending section 1461a of the Penal Code, relating to municipal court procedure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2051 passed by the following vote:

AYES—Senators Bigger, Crittenden, Ducl, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McGinness, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2051 ordered transmitted to the Assembly.

Assembly Bill No. 1067—An act to amend section 1007 of the Civil Code, relating to title by prescription and adverse possession against the State, counties, cities and counties or municipal corporations thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1067 passed by the following vote:

AYES—Senators Crittenden, Ducl, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, King, Knowland, McColl, McGovern, McGinness, Mixer, Olson, Parkman, Pierovich, Powers, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1067 ordered transmitted to the Assembly.

Assembly Bill No. 1298—An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1298 passed by the following vote:

AYES—Senators Crittenden, Ducl, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, King, Knowland, McColl, McGovern, McGinness, Metzger, Mixer, Parkman, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1298 ordered transmitted to the Assembly.

Assembly Bill No. 2021—An act to amend section 42 of the Probate Code, relating to bequests and devises.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2021 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—Senators Garrison, McCormack, Olson, and Powers—4.

Title read and approved.

Assembly Bill No. 2021 ordered transmitted to the Assembly.

Assembly Bill No. 455—An act to amend section 1305 of the Penal Code, to require certain entries in court minutes relating to bail, and to amend sections 1281a and 1310 of the Penal Code, and to add thereto a new section to be designated 1280c, authorizing the court, judge or magistrate to inquire into the financial condition of a corporation offering a bond as bail and to approve or reject said bond.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 455 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 455 ordered transmitted to the Assembly.

Assembly Bill No. 315—An act to amend section 284 of the Code of Civil Procedure, relating to substitution of attorneys and fees of same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 315 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Jespersen, Keough, King, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Schottky, Scollan, Snyder, Tickle, Wagy, Williams and Young—23.

NOES—Senators Difani, Gordon, Hays, Hulse, Knowland, McGuinness, Parkman, Powers, Rich, Seawell, Sharkey, and Slater—12.

Title read and approved.

Assembly Bill No. 315 ordered transmitted to the Assembly.

Assembly Bill No. 104—An act to amend section 103 of, and to add sections 103.1, 103.2, 103.3, 103.4, 103.5, 103.6, 103.7 and 103.8 to, the Code of Civil Procedure, relating to courts of justice.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 104 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich,

Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 104 ordered transmitted to the Assembly.

Assembly Bill No. 1492—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1492 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1492 ordered transmitted to the Assembly.

Assembly Bill No. 2218—An act to amend section 484 of the Penal Code, relating to thefts and fraud.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2218 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2218 ordered transmitted to the Assembly.

Assembly Bill No. 2219—An act to amend section 1 of an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, relating to property as a substitute for a bond.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2219 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2219 ordered transmitted to the Assembly.

Assembly Bill No. 943—An act to amend section 688 of the Political Code, relating to claims against the State of California in respect to damages inflicted by vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 943 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Schottky, Scollan, Sharkey, Slater, Snyder, Waggy, and Young—28.

NOES—Senators McColl, Powers, Seawell, Stow, and Tickle—5.

Title read and approved.

Assembly Bill No. 943 ordered transmitted to the Assembly.

Assembly Bill No. 2156—An act to amend the Political Code by adding a new section numbered 3819a, relating to the redemption of property from sale for nonpayment of taxes in counties of the first and second classes.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 2156, the following amendment to the title, offered by Senator McGovern, was read and adopted:

Amendment No. 1.

On page 1, line 7 of the title of the printed bill, as amended, before "A", insert the following: "by adding".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2156 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—33.

NOES—Senator Metzger—1.

Title, as amended, read and approved.

Assembly Bill No. 2156 ordered transmitted to the Assembly.

Assembly Bill No. 882—An act to amend section 338 of the Code of Civil Procedure, relating to limitation of actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 882 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 882 ordered transmitted to the Assembly.

Assembly Bill No. 142—An act to amend section 32 of the Penal Code, relating to the definition of an accessory.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 142 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 142 ordered transmitted to the Assembly.

Assembly Bill No. 43—An act to add a new section to the Penal Code to be numbered 496bb, relating to buying, receiving, concealing or withholding stolen property, and prescribing penalties for violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 43 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 43 ordered transmitted to the Assembly.

Assembly Bill No. 733—An act to amend section 1032 of the Code of Civil Procedure, relating to costs in civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 733 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 733 ordered transmitted to the Assembly.

Notice of Motion to Reconsider.

Senator Rich gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2021 was passed.

Assembly Bill No. 1491—An act establishing municipal courts in cities and cities and counties of the second and one-fourth class, prescribing a constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1491 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1491 ordered transmitted to the Assembly.

Assembly Bill No. 1804—An act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by public bodies of this State for public works projects.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1804 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1804 ordered transmitted to the Assembly.

Communication.

Opinion of Legislative Counsel.

The following communication from the Legislative Counsel was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, June 5, 1935.

Hon. W. P. Rich, Senate Chamber,
State Capitol, Sacramento, California.

Subject: Senate Bill No. 919.

DEAR SENATOR: You ask whether or not this bill in its present form, as amended June 4, 1935, contains more than one item of appropriation. In this regard you direct particular attention to section 37 of the bill, which states that moneys collected as license fees and moneys collected under the excise tax provisions of the act are to be deposited in the State treasury to the credit of a special fund known as the alcohol beverage control fund, and then allocates the moneys in said fund to various uses.

In our opinion this bill does not contain more than one item of appropriation and therefore does not violate the provisions of section 34 of Article IV or any other provision of the State Constitution in that regard.

We base this opinion upon the ruling of our Third District Court of Appeal in *Ryan vs. Riley*, 65 Cal. App. 184, a case construing and similarly interpreting the provisions of the California Vehicle Act, relative to license fees collected under that act paid into a special fund in the State treasury and allocated to various uses. In this connection it should be noted that an application for hearing by the Supreme Court after the decision of the District Court of Appeal in *Ryan vs. Riley* was refused.

Yours very truly,

FRED B. WOOD, Legislative Counsel.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 21—Relative to exemption from taxation of

bonds issued by governmental agencies and memorializing the President and Congress of the United States to take immediate steps for the termination of the exemption of such securities from taxation.

Also: Senate Bill No. 64—An act to amend section 3818 of the Political Code, relating to segregation of property on the assessment rolls.

Also: Senate Bill No. 116—An act to amend section 1125 of the Code of Civil Procedure, relating to costs in election contests.

Also: Senate Bill No. 122—An act to amend sections 150, 159, and 160 of the Vehicle Code, relating to registration of vehicles.

Also: Senate Bill No. 230—An act to add a new article to Chapter II of Part I of Division II of the School Code, to be known as Article X, relating to the education of Indian reservations of the United States government in elementary school districts;

Also: Senate Bill No. 306—An act to amend section 1111 of the Code of Civil Procedure, relating to contest of elections.

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of June, 1935, at three o'clock p.m.

METZGER, Chairman.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and twenty-one minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

Consideration of Assembly Bill No. 1182.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 1182, for purpose of passage.

Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 1182 the following amendment, offered by Senator Biggar, was read:

Amendment No. 1.

On page 4 of the printed bill, as amended, strike out lines 2 to 51, inclusive, and all of page 5, and insert in lieu thereof the following:

"(a) There shall be levied, collected and paid for each taxable year upon the entire net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State, a surtax tax of one per centum of the amount of net income in excess of credits against net income provided in section 10.

(b) As used in this subsection the term "surtax net income" means the amount of the net income in excess of credits against net income provided in section 10.

There shall be levied, collected and paid for each taxable year upon the entire surtax net income of every resident of this State and upon the surtax net income of every nonresident which is derived from sources within this State a surtax as follows:

Upon a surtax net income of \$4,000 there shall be no surtax; upon surtax net incomes in excess of \$4,000 and not in excess of \$6,000, 1 per centum of such excess.

\$20 upon surtax net incomes of \$6,000; and upon surtax net incomes in excess of \$6,000 and not in excess of \$8,000, 1.25 per centum in addition of such excess.

\$45 upon surtax net incomes of \$8,000; and upon surtax net incomes in excess of \$8,000 and not in excess of \$10,000, 1.5 per centum in addition of such excess.

\$75 upon surtax net incomes of \$10,000; and upon surtax net incomes in excess of \$10,000 and not in excess of \$12,000, 1.75 per centum in addition of such excess.

\$110 upon surtax net incomes of \$12,000; and upon surtax net incomes in excess of \$12,000 and not in excess of \$14,000, 2 per centum in addition of such excess.

\$150 upon surtax net incomes of \$14,000; and upon surtax net incomes in excess of \$14,000 and not in excess of \$16,000, 2.25 per centum in addition of such excess.

\$195 upon surtax net incomes of \$16,000; and upon surtax net incomes in excess of \$16,000 and not in excess of \$18,000, 2.75 per centum in addition of such excess.

\$250 upon surtax net incomes of \$18,000; and upon surtax net incomes in excess of \$18,000 and not in excess of \$20,000, 3.25 per centum in addition of such excess.

\$315 upon surtax net incomes of \$20,000; and upon surtax net incomes in excess of \$20,000 and not in excess of \$22,000, 3.75 per centum in addition of such excess.
 \$390 upon surtax net incomes of \$22,000; and upon surtax net incomes in excess of \$22,000 and not in excess of \$26,000, 4.25 per centum in addition of such excess.
 \$560 upon surtax net income of \$26,000; and upon surtax net incomes in excess of \$26,000 and not in excess of \$32,000, 4.75 per centum in addition of such excess.
 \$845 upon surtax net incomes of \$32,000; and upon surtax net incomes in excess of \$32,000 and not in excess of \$38,000, 5.25 per centum in addition of such excess.
 \$1,160 upon surtax net incomes of \$38,000; and upon surtax net incomes in excess of \$38,000 and not in excess of \$44,000, 6 per centum in addition of such excess.
 \$1,520 upon surtax net incomes of \$44,000; and upon surtax net incomes in excess of \$44,000 and not in excess of \$50,000, 6.75 per centum in addition of such excess.
 \$1,925 upon surtax net incomes of \$50,000; and upon surtax net incomes in excess of \$50,000 and not in excess of \$56,000, 7.5 per centum in addition of such excess.
 \$2,375 upon surtax net incomes of \$56,000; and upon surtax net incomes in excess of \$56,000 and not in excess of \$62,000, 8.25 per centum in addition of such excess.
 \$2,870 upon surtax net incomes of \$62,000; and upon surtax net incomes in excess of \$62,000 and not in excess of \$68,000, 9 per centum in addition of such excess.
 \$3,410 upon surtax net incomes of \$68,000; and upon surtax net incomes in excess of \$68,000 and not in excess of \$74,000, 9.75 per centum in addition of such excess.
 \$3,995 upon surtax net incomes of \$74,000; and upon surtax net incomes in excess of \$74,000 and not in excess of \$80,000, 10.5 per centum in addition of such excess.
 \$4,625 upon surtax net incomes of \$80,000; and upon surtax net incomes in excess of \$80,000 and not in excess of \$90,000, 11.25 per centum in addition of such excess.
 \$5,750 upon surtax net incomes of \$90,000; and upon surtax net incomes in excess of \$90,000 and not in excess of \$100,000, 12.5 per centum in addition of such excess.
 \$7,000 upon surtax net incomes of \$100,000; and upon surtax net incomes in excess of \$100,000 and not in excess of \$150,000, 13 per centum in addition of such excess.

\$13,500 upon surtax net incomes of \$150,000; and upon surtax net incomes in excess of \$150,000 and not in excess of \$200,000, 13.25 per centum in addition of such excess.

\$20,125 upon surtax net incomes of \$200,000; and upon surtax net incomes in excess of \$200,000 and not in excess of \$300,000, 13.5 per centum in addition of such excess.

\$33,625 upon surtax net incomes of \$300,000; and upon surtax net incomes in excess of \$300,000 and not in excess of \$400,000, 13.75 per centum in addition of such excess.

\$47,375 upon surtax net incomes of \$400,000; and upon surtax net incomes in excess of \$400,000 and not in excess of \$500,000, 14 per centum in addition of such excess.

\$61,375 upon surtax net incomes of \$500,000; and upon surtax net incomes in excess of \$500,000 and not in excess of \$750,000, 14.25 per centum in addition of such excess.

\$97,000 upon surtax net incomes of \$750,000; and upon surtax net incomes in excess of \$750,000 and not in excess of \$1,000,000, 14.5 per centum in addition of such excess.

\$133,250 upon surtax net incomes of \$1,000,000; and upon surtax net incomes in excess of \$1,000,000, 14.75 per centum in addition of such excess."

Ayes and Noes Demanded.

A roll call was demanded by Senators Young, Crittenden and Pierovich, on the adoption of amendment offered by Senator Biggar.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Biggar moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators—Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—35.

The Secretary announced the absentees.

Time, eleven o'clock and thirty minutes p.m.

The President of the Senate directed the Sergeant at Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Motion to Dispense With Further Proceedings Under Call of the Senate.

At eleven o'clock and thirty three minutes p.m., Senator Biggar moved that further proceedings under the call of the Senate be dispensed with.

Motion lost.

Further Proceedings Under Call of the Senate Dispensed With

At eleven o'clock and thirty five minutes p.m., Senator Biggar again moved that further proceedings under the call of the Senate be dispensed with.

Ayes and Noes Demanded.

A roll call was demanded by Senators Biggar, Garrison and Scollan, on the adoption of the motion to dispense with further proceedings under the call of the Senate.

The roll was called, and the motion was carried by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Schottky, Scollan, Seawell, and Williams—19.

NOES—Senators Donel, Difani, Duval, Edwards, Hays, Knowland, McCormack, Parkman, Rich, Sharkey, Slater, Snyder, Swing, Wagz, and Young—15.

The Secretary was directed to call the roll, on the adoption of the amendment offered by Senator Biggar to Assembly Bill No. 1182.

The roll was called, and the amendment finally adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Schottky, Scollan, Seawell, and Williams—19.

NOES—Senators Donel, Difani, Edwards, Hays, Hulse, Knowland, McCormack, Metzger, Parkman, Rich, Sharkey, Slater, Snyder, Swing, Tabor, Wagz, and Young—17.

Motion to Reconsider.

Senator Duval moved to reconsider the vote whereby the amendment offered by Senator Biggar to Assembly Bill No. 1182 was adopted.

Postponement of Reconsideration.

Senator Duval moved that the further consideration of the motion to reconsider the vote whereby the amendment to Assembly Bill No. 1182 offered by Senator Biggar was adopted, be continued until the next legislative day.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Difani and McColl, on the adoption of the motion to postpone reconsideration of the vote whereby the amendment offered by Senator Biggar to Assembly Bill No. 1182 was adopted.

The roll was called, and the motion was adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Parkman, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagz, Williams, and Young—28.

NOES—Senators Garrison, Gordon, Jespersen, McColl, McGovern, and Olson—6.

Special Order.

Senator Rich moved that the motion to reconsider the vote whereby the amendment offered by Senator Biggar to Assembly Bill No. 1182 was adopted be made a special order for the next legislative day, Thursday, June 6, 1935, at eleven o'clock and thirty minutes a.m.

Motion carried and such was the order.

Notice of Motion to Reconsider.

Senator Scollan gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 315 was passed.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 128—An act to add section 488a to the Penal Code, relating to the punishment for theft of certain amounts of avocados.

Amendments from the Floor.

During third reading of Assembly Bill No. 128, the following amendments, offered by Senator Seawell, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "of certain amounts of avocados", and insert in lieu thereof the following: "in certain cases".

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, before "fruit", insert the following: "or deciduous".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 812—An act to amend section 226 of the Civil Code, relating to proceedings on adoption.

Amendment from the Floor.

During third reading of Assembly Bill No. 812, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 2, line 33, of the printed bill, as amended, strike out "ninety", and insert in lieu thereof the following: "one hundred eighty".

Bill read, ordered to reprint, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Civil Service.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Assembly Bill No. 1392—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution, and providing for the reporting of appointments and certification of estimates, pay rolls and accounts of other officers and employees of the State and declaring the urgency of this act and providing that it shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

KEOUGH, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 2459—An act to prevent the entry into California of paupers, vagabonds, indigent persons, persons likely to become public charges, and persons affected with contagious or infectious diseases, providing means for enforcing

the same and prescribing penalties for the violation thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

HAYS, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, June 3, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1607—An act creating a State Board of Engineers and defining the powers and duties thereof, and providing for the same, protection, and decrease of the State's defectives, and bowing of the engineers thereon—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

DIFANI, Chairman.

On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, May 30, 1935.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred Senate Concurrent Resolution No. 5—Providing for the appointment of a Joint Legislative Committee to investigate and report upon the feasibility and propriety of the centralization of public ownership of public utilities in the State of California—has had the same under consideration, and respectfully reports the same back without recommendation.

(Signed out)

KING, Chairman.

POWERS

STOW

Also:

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred a resolution by Senator Tickle calling for an appropriation of two thousand five hundred dollars for expenses of Committee on Health Insurance—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

(Signed out)

KING, Chairman.

POWERS

STOW

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 1346—An act to amend section 107 of the Penal Code relating to punishment for escape of a prisoner—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—5; absent—2.

REINDOLLAR, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1470—An act to amend section 10 of "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7.

(Signed out)

McGOVERN, Chairman.

McGUINNESS.

KBOUGH.

SCHOTTKY.

METZGER.

YOUNG.

DIFANI.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 2068—An act to amend section 76a of the Improvement

Act of 1911, relating to foreclosure of bonds—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; Committee vote: Ayes—6.

(Signed out)

McGOVERN, Chairman.
McGUINNESS.
KEOUGH.
SCHOTTKY.
METZGER.
DIFANI.

Also:

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1606—An act to amend section 8 of and to add section 8a to the Sewer Revenue Bond Act, relating to acquisition and operation of sewerage disposal works—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7.

(Signed out)

McGOVERN, Chairman.
McGUINNESS.
KEOUGH.
SCHOTTKY.
METZGER.
YOUNG.
DIFANI.

On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 2456—An act to amend sections 3454 and 3455 of and to add sections 3454a and 3454b to the Political Code, relating to reclamation districts, declaring the urgency thereof and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—4; absent—1.

MCCORMACK, Chairman.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 2470—An act for the relief of purchasers of swamp and overflowed lands, declaring the urgency thereof and that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

MCCORMACK, Chairman.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Assembly Bill No. 2457—An act to amend section 363i of the Political Code, relating to the administration of certain bays, ports and harbors—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote: Ayes—5; absent—4.

PARKMAN, Chairman.

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 2285—An act to amend section 1626 of the Streets and Highways Code, relating to relief to special assessment districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—11; absent—6.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 240—An act to amend section 362 of the Streets and Highways Code and to add section 603 thereto, relating to State highways;

Also: Assembly Bill No. 2435—An act to add section 642 to, and to repeal section 486 of, the Streets and Highways Code, relating to secondary State highway.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—17; committee vote: Ayes—11; absent—6.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 2479—An act to add a new section to be numbered 1582, to the Streets and Highways Code, relating to county highway facilities—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—10; noes—1; absent—6.

EDWARDS, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, JUNE 4, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 2176—An act to amend section 1095 of the Fish and Game Code, relating to sardines—has had the same under consideration, and respectfully reports the same back with amendments and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—16; committee vote: Ayes—10; noes—1; absent—5.

SEAWELL, Vice-Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 941—An act to amend section 428 of the Fish and Game Code and to add thereto sections 428.5 and 428.6, relating to sporting fishing licenses and the disposition of fees therefrom—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—16; committee vote: Ayes—11; absent—5.

SEAWELL, Vice-Chairman.

Adjournment.

On motion of Senator Rich, at eleven o'clock and fifty-eight minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock a.m., Thursday, June 6, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER.

SACRAMENTO, Thursday, June 6, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Dural, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCull, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pirovich, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—40.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Wednesday, June 5, 1935, the further reading was dispensed with, on motion of Senator Slater.

Privilege of Floor of Senate Extended.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. C. Bradbury and Miss Jane Carol Bradbury.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. H. Downie and A. R. Downie of Denair; Mr. Gordon Cowan of Ceres and Mr. A. J. Larson of Denair.

Message from the Governor.

The following message from the Governor was received and read:

June 5, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am pleased to inform you that John Forward, Jr., of San Diego, was appointed a member of the State Board of Prison Directors on December 14, 1933, and that Judge T. N. Harvey of Bakersfield was likewise appointed on January 12, 1934, and I am asking for confirmation of these appointments as required by law.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Message referred to Committee on Rules.

President Pro Tempore in the Chair.

At ten o'clock and twenty-five minutes a.m., Hon. William P. Rich, president pro tempore of the Senate, in the chair.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 4, 6, 7, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit-forming, narcotic and other dangerous drugs and substances:

Also: Senate Bill No. 587—An act to repeal sections 3664, 3664a, 3664a-1, 3664aa, 3664c, 3664d, 3664e, 3665a, 3665b, 3665c, 3666, 3666b, 3667, 3667a, 3667b, 3669c, 3670, 3670b, 3670bb, 3670c, 3670cc, 3670d, 3671, 3671a, and 3671b of the Political Code, Chapter 154 of the Statutes of 1921, to amend sections 3664b, 3664b-1, 3664b-4, 3668, 3668a, 3668b, 3668c, 3669, and 3669c of the Political Code, all relating to the carrying into effect of the provisions of section 14 of Article XIII of the Constitution of the State of California:

Also: Senate Bill No. 870—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 229, 587, and 870 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees;

Also: Senate Bill No. 92—An act to add section 614.5 to the Fish and Game Code, relating to trout;

Also: Senate Bill No. 913—An act to amend section 459 of the Fish and Game Code, as added by Chapter 374, Statutes of 1933, and to renumber said section to be section 460, relating to the transportation of fish and game into this State:

Also: Senate Bill No. 406—An act to amend section 610 of the Fish and Game Code, relating to trout and whitefish.

Also: Senate Bill No. 207—An act to amend sections 4239, 4239a, 4239b, 4239c, 4239d, 4239e, 4239f, 4239g, 4239h, 4239i, 4239j, 4239k, 4239m, 4239n, 4239o, 4239p, 4239q, 4239r, 4239s, 4239t and 4239u of the Political Code, relating to the compensation of county and township officers in counties of the tenth class.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 399, 92, 913, 406, and 207 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 155—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act.

Also: Senate Bill No. 739—An act to amend section 4300a of the Political Code, relating to fees.

Also: Senate Bill No. 499—An act to add a new section, to be numbered 14a, to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the enforcement of said act.

Also: Senate Bill No. 213—An act to authorize the State Treasurer to accept on behalf of the State of California, the sum of one million dollars, together with any interest that may be due thereon, and other sums from the California Olympic Commission, or any committee thereof.

Also: Senate Bill No. 634—An act to amend section 23 of the District Investigation Act of 1933, relating to exemptions, declaring the urgency hereof and providing that this act shall take effect immediately.

Also: Senate Bill No. 275—An act to amend section 426 of the Code of Civil Procedure, relating to complaints in civil actions.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 155, 739, 499, 213, 634, and 275 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1744—An act to add sections 644.1 and 644.2 to the Military and Veterans Code.

Also: Assembly Bill No. 2239—An act to add section 2289a to the Political Code, relating to State aid to children.

Also: Assembly Bill No. 2485—An act to add section 331 to the Political Code, relating to the construction of statutes fixing or authorizing the fixing of salaries.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1744 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 2239 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2485 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 794—An act to amend sections 5.802, 5.804, 5.806, 5.891, 5.894, 5.900, 5.901, 5.904, 5.910, 5.911, 5.921, 5.962, 5.970, 5.980, 5.990, 5.993, 5.1003, 5.1004, 5.1009, 5.1023, 5.1030, 5.1031, 5.1032, 5.1040, 5.1041, 5.1047, 5.1048, 5.1060, 5.1061, 5.1062, 5.1080 and 5.1083 of the School Code, to amend the titles of Chapter III, of Articles IV, V and VII of Chapter III, of Chapter VI, of Articles II, III and V of Chapter VI, all of Part IV of Division V

of said code; to repeal sections 5.1042 to 5.1046, both inclusive, of said code and to repeal Article IV of Chapter VI of Part IV of Division V of said code; to add eight new sections to said code to be numbered 5.886, 5.971, 5.972, 5.981, 5.986, 5.1004½, 5.1010 and 5.1011 and to add Chapter III of Part IV of Division V of said code a new article to be known as Article VIII; to add to Chapter V of Part IV of Division V of said code a new article to be known as Article V; and to add to Chapter VI of Part IV of Division V of said code a new article to be known as Article IV, all relating to the payment of retirement salaries and retirement annuities to persons serving the State, counties and school districts in positions having to do with teaching or other employment in, and, or the superintending, administration and supervision of colleges, schools, and classes maintained by the State and/or the school districts thereof;

Also: Assembly Bill No. 1267—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of used bottles and containers used for foods, drugs and liquors;

Also: Assembly Bill No. 767—An act to amend sections 2, 2½, 3, 4, 10, 13, 14, 15, 18½ and 21, to add section 24, and to repeal sections 5 and 9 of the Old Age Security Act of the State of California, relating to aid to the aged.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 794 read first time, and referred to Committee on Finance.

Assembly Bill No. 1267 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 767 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 50—Relative to the California Highway Patrol.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 50 referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 32—Relative to prevention of accidental deaths and injuries in the home, in industry, in public places and on the streets and highways.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 33 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 31, 1935, appointed as a committee on Free Conference concerning Assembly Bill No. 442—An act to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271½ and 1272, relating to deer—Messrs. Mayo, Chatters, and Seudder.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 239—An act

to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the extension of the provisions of said act to the companies taxable hereunder and their franchisees, other than insurance companies and their franchisees, specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately;

Also: Assembly Bill No. 1208—An act to amend sections 3 and 5 of, and to repeal section 7 of, an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, relating to taxation, and to provide that this act shall take effect immediately;

Also: Assembly Bill No. 1390—An act to add sections 54a and 54b to the Civil Code, relating to the right of privacy of persons, and to provide a method by which such right of privacy may be enforced;

Also: Assembly Bill No. 442—An act to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer;

Also: Assembly Bill No. 1896—An act to add a new section to the Political Code, to be numbered section 1143, relating to boards of election;

Also: Assembly Bill No. 1919—An act to add section 8a to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2183—An act to be known as the "Inheritance Tax Act of 1935," to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, transfers, joint tenancies and insurance; to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under any act hereby repealed; to provide penalties for failure to comply with the provisions of this act; and to repeal Chapter 821 of the laws of the session of the Legislature of California of 1921, approved June 3, 1921, known as the "Inheritance Tax Act," and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act, and providing this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment No. 77—A resolution to propose to the people of the State of California an amendment to section 14 of Article I of the Constitution of said State, relating to the rights of private property;

Also: Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 8b authorizing the city of Los Angeles to amend its charter in certain particulars.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 442—An act to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

President of the Senate in the Chair.

At ten o'clock and thirty-seven minutes a.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Garrison, Hays, Hulse, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, and Williams—25.

The Secretary announced the absentees.

Time, ten o'clock and thirty-eight minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Report of Committee on Free Conference.**

The following report of Committee on Free Conference was received and read:

Concerning Assembly Bill No. 442.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 442—An act to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer—reports that it has met a like committee of the Assembly, consisting of Assemblymen Mayo, Scudder and Chatters, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, as amended, after "deer", insert a comma and the following: "declaring the urgency thereof, and providing that this act shall take effect immediately".

Amendment No. 2.

On page 1 of the printed bill, as amended, after line 13, insert the following:

"SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution. The facts constituting such necessity are as follows:

In the southern portion of the State, the present law opens the deer season on August 16th. This act opens the season in that area one month later. Unless this act takes effect immediately, the shooting of deer will be extended for approximately an additional month over the season which is contemplated, and will result in undue depletion of deer."

POWERS,
BIGGAR,
PERRY,

Senate Committee on Free Conference.

MAYO,
CHATTERS,
SCUDDER,

Assembly Committee on Free Conference.

Consideration of Amendment No. 2 from Report of Committee on Free Conference.**Amendment No. 2.**

On page 1 of the printed bill, as amended, after line 13, insert the following:

"SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution. The facts constituting such necessity are as follows:

In the southern portion of the State, the present law opens the deer season on August 16th. This act opens the season in that area one month later. Unless this act takes effect immediately, the shooting of deer will be extended for approximately an additional month over the season which is contemplated, and will result in undue depletion of deer."

Report of Committee on Free Conference read.

The question being the adoption of Amendment No. 2, amending the urgency clause of Assembly Bill No. 442, from the report of the Committee on Free Conference.

The roll was called, and Amendment No. 2 from the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCarnock, McGowan, McGuinness, Metzger, Mixter, Parkman, Perry, Pomeroy, Powers, Randall, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tuckie, Wagy, Williams, and Young—36.

NOES—None.

Consideration of Report of Committee on Free Conference.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCarnock, McGowan, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pomeroy, Powers, Randall, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tuckie, Wagy, Williams, and Young—36.

NOES—None.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 415—An act to add a new section to the Political Code to be numbered 3887, relating to the priority of the State of California for taxes.

The Senate took up for consideration Assembly amendments to Senate Bill No. 415.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "the Political Code", and insert in lieu thereof the following: "an act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for penalties to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately." approved July 31, 1933".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out "3887", and insert in lieu thereof the following: "264".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 1 to 14, both inclusive.

Amendment No. 4.

On page 1 of the printed bill, below the enacting clause, insert the following:

"SECTION 1. A new section to be numbered 264 is hereby added to the act cited in the title hereof to read as follows:

Sec. 264. Whenever any retailer liable for any tax levied hereunder is insolvent, whenever any retailer makes a voluntary assignment of his assets, whenever the estate of a deceased retailer in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased, or whenever the estate and effects of an absconding, concealed, or absent retailer are levied upon by process of law, the tax, together with interest and penalties attaching thereto, shall be first satisfied: provided, however, that this section shall not be construed to give the State a preference over any recorded lien which attached prior to the date when the tax became due."

Amendment No. 5.

On page 2, line 14, of the printed bill, as amended, strike out "due", and insert in lieu thereof "a lien".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 415?

The roll was called, and Assembly amendments to Senate Bill No. 415 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—Senators Garrison, and Olson—2.

Senate Bill No. 415 ordered to enrollment.

Senate Bill No. 421—An act to amend sections 782 and 786 of the Fish and Game Code, relating to lobsters.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 421.

Amendment No. 1.

On page 1, line 4, of the printed bill, as amended, strike out "October 15", and insert in lieu thereof the following: "October 1".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 421?

The roll was called, and Assembly amendment to Senate Bill No. 421 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—37.

NOES—None.

Senate Bill No. 421 ordered to enrollment.

Senate Bill No. 437—An act to amend section 618 of the Fish and Game Code, relating to trout.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 437.

Amendment No. 1.

On page 1, line 4, of the printed bill, as amended, strike out "but excluding", and insert in lieu thereof the following: "and including".

Amendment No. 2.

On page 1, line 5, of the printed bill, as amended, after the word "stream", insert the following: "or its tributaries".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 437?

The roll was called, and Assembly amendments to Senate Bill No. 437 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Senate Bill No. 437 ordered to enrollment.

Senate Bill No. 663—An act to add a new section to the School Code to be numbered 1.91, relating to the construction, design, operation, equipment and color of school buses.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 663.

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, after the third comma, insert the following: "equipment,".

Amendment No. 2.

On page 1, line 6, of the printed bill, as amended, strike out the first comma and the following: "but no", and insert in lieu thereof a period and the word "No".

Amendment No. 3.

On page 1, line 9, of the printed bill, as amended, strike out the following: "purchased or".

Amendment No. 4.

On page 1, line 14, of the printed bill, as amended, strike out the word "which", and insert in lieu thereof a period and the following: "The State Board of Education".

Amendment No. 5.

On page 1, line 17, of the printed bill, as amended, strike out the following: "and to", and strike out all of lines 18 to 23, inclusive, and insert in lieu thereof a comma and the following: "and any such order shall be enforced by the California Highway Patrol."

Amendment No. 6.

On page 1, line 25, of the printed bill, as amended, after the word "vehicle", insert the word "regularly".

Amendment No. 7.

On page 2, line 1, of the printed bill, as amended, after the word "schools", insert the following: "to and from school or to and from school activities".

Amendment No. 8.

On page 2, line 5, of the printed bill, as amended, after the word "vehicles", insert the following: "subject to and meeting all requirements of the State Railroad Commission".

Amendment No. 9.

On page 2 of the printed bill, as amended, beginning in line 8, strike out the following: "and meeting all requirements of the State Railroad Commission", and insert in lieu thereof the following: "but not used exclusively for the transportation of public school pupils".

Amendment No. 10.

On page 2, line 10, of the printed bill, as amended, strike out the word "exclusively".

Amendment No. 11.

On page 2, line 12, of the printed bill, as amended, strike out the following: "rules and".

Amendment No. 12.

On page 2, line 14, of the printed bill, as amended, strike out the first comma, and insert in lieu thereof the following: "knowingly".

Amendment No. 13.

On page 2, line 16, of the printed bill, as amended, strike out the following: "California Highway Patrol", and insert in lieu thereof the following: "State Board of Education and any person knowingly operating a school bus without possessing the qualifications required by the regulations of the State Board of Education of school bus operators".

Amendment No. 14.

On page 1, line 9, of the printed bill, as amended, after the word "shall", insert a comma and the following: "regardless of the date when purchased".

Amendment No. 15.

On page 1, line 13, of the printed bill, as amended, strike out the comma.

Amendment No. 16.

On page 2, line 3, of the printed bill, as amended, after the word "corporation", insert a comma.

Amendment No. 17.

On page 2, line 9, of the printed bill, as amended, strike out the word "no", and insert in lieu thereof the word "not".

Amendment No. 18.

On page 2, line 10, of the printed bill, as amended, strike out the word "Commission".

Amendment No. 19.

On page 2, line 18, of the printed bill, as amended, after the word "Education", insert a comma.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 663?

The roll was called, and Assembly amendments to Senate Bill No. 663 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Reindollar, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—31.

NOES—None.

Senate Bill No. 663 ordered to enrollment.

Senate Bill No. 887—An act to amend the titles of Articles IV and IVa of Chapter IV of Part I of Division VI of the School Code, to amend sections 6.210 and 6.211 of the School Code and to add a new section to the School Code to be numbered 6.213, all relating to the disposition of buildings, structures or fixtures of school districts when the boundaries of such districts are altered, declaring the urgency thereof and providing that this act shall take effect immediately.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 887.

Amendment No. 1.

On page 1, line 6 of the title of the printed bill, strike out the word "All".

Amendment No. 2.

On page 1, line 1, of the printed bill, after "Section 1.", insert the following: "The title to Article IV of Chapter IV of Part I of Division VI of the School Code is hereby amended to read as follows:".

Amendment No. 3.

On page 2, line 20, of the printed bill, after the word "for", strike out "a", and insert in lieu thereof "or".

Amendment No. 4.

On page 2, line 22, of the printed bill, after "SEC. 4.", insert the following: "The title to".

Amendment No. 5.

On page 2, line 32, of the printed bill, strike out "cantains", and insert in lieu thereof the word "contains".

Amendment No. 6.

On page 3, line 7, of the printed bill, strike out the word "district", and insert in lieu thereof the word "districts".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 887?

The roll was called, and Assembly amendments to Senate Bill No. 887 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Waggy—36.

NOES—None.

Senate Bill No. 887 ordered to enrollment.

Senate Bill No. 77—An act to add section 3a to an act entitled "An act to provide for the establishment and maintenance of a Bureau of

Tuberculosis under the direction of the State Board of Health; defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to agreements between counties and deposits of funds.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 77.

Amendment No. 1.

On page 1 of the printed bill, as amended, in the last two lines of the title strike out "agreements between counties and deposits of funds", and insert in lieu thereof the following: "hospital central connections."

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 40 to 44, inclusive, and insert in lieu thereof the following: "others."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 77?

The roll was called, and Assembly amendments to Senate Bill No. 77 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Kiewland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—36.

NOES—None.

Senate Bill No. 77 ordered to enrollment.

Senate Bill No. 326—An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county road district and special district budgets and to the levy of taxes and prescribing limitations on county expenditures.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 326.

Amendment No. 1.

On page 1, line 7, of the printed bill, strike out the word "and", and insert in lieu thereof a comma.

Amendment No. 2.

On page 1, line 8, of the printed bill, after the word "reclamation", insert the following: "municipal utility and metropolitan water districts."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 326?

The roll was called, and Assembly amendments to Senate Bill No. 326 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—35.

NOES—None.

Senate Bill No. 326 ordered to enrollment.

Senate Bill No. 237—An act to amend section 487 of, to add section 641 to, and to amend section 493 of, the Streets and Highways Code, relating to State highways.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 237.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after the word "act," strike out the words and figures "to amend section 487 of,".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 14, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 493 of the Streets and Highways Code is hereby amended to read as follows:

493. Route 193 is from Route 43 at Corona northerly to Route 19."

Amendment No. 3.

On page 1, line 15, of the printed bill, as amended, strike out "Sec. 3.", and insert in lieu thereof the following: "Sec. 2."

Amendment No. 4.

On page 1, line 19, of the printed bill, as amended, strike out the period after the figure "66", and insert in lieu thereof the following: "and from Route 26 near Oasis northerly to Avenue 66 via Pierce Street."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 237?

The roll was called, and Assembly amendments to Senate Bill No. 237 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—37.

NOES—None.

Senate Bill No. 237 ordered to enrollment.

Senate Bill No. 358—An act to amend sections 1, 3, 4 and 10 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, and to add a new section to said act numbered 9a.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 358.

Amendment No. 1.

On page 5 of the printed bill, as amended April 11, 1935, after line 43, insert the following:

"Sec. 5. Section 10 of the act cited in the title of this act is hereby amended to read as follows:

Sec. 10. All moneys belonging to any county, city and county, city, town, municipality or other public or municipal corporation within the State under the control of any officer or employee thereof other than treasurer thereof, and all moneys coming into the possession of any justice of the peace, clerk or other officer of such justice's court, shall, so far as possible, be deposited as active deposits in such State or National bank or banks in this State as such officer, employee or justice of the peace may select and be subject to the requirement of this act relative to other active deposits; provided, however, that no security shall be required in case of such part of any deposit made under the authority of this section as are insured under the provisions of any law of the United States; and provided, further, that no interest shall be required on moneys deposited by any justice of the peace or clerk or

other officer of any justice's court nor on those deposited by any officer having control of any revolving fund created under the provisions of an act entitled "An act providing for the creation of revolving funds in the counties of the State," approved May 9, 1923, nor on those deposited by any officer having control of any special fund established pursuant to the provisions of that section 4408 of the Political Code which was approved June 3, 1921, or pursuant to the provisions of section 4310 of said code."

Amendment No. 2.

On page 3, line 15, of the printed bill, as amended after "school district", insert a comma and the following: "water district, water conservation district".

Amendment No. 3.

On page 3, line 30, of the printed bill, as amended after "school district", insert a comma and the following: "water district, water conservation district".

Amendment No. 4.

On page 3, line 49, of the printed bill, as amended after "school district", insert a comma and the following: "water district, water conservation district".

Amendment No. 5.

On page 2, lines 41 and 42, of the printed bill, strike out the following: "as to security and interest".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 358?

The roll was called, and Assembly amendments to Senate Bill No. 358 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Remondollar, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Williams—35.

NOES—None.

Senate Bill No. 358 ordered to enrollment.

Senate Bill No. 384—An act to add section 133 to the Civil Code, relating to entry of final judgment in divorce cases.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 384.

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended on March 28, 1935, after the word "been", insert the following: "signed,".

Amendment No. 2.

On page 1, line 9, of the printed bill, as amended on March 28, 1935, after the words "to be", insert the following: "signed,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 384?

The roll was called, and Assembly amendments to Senate Bill No. 384 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Remondollar, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—36.

NOES—None.

Senate Bill No. 384 ordered to enrollment.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and thirty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

Consideration of Special Order.**Motion to Reconsider.**

The hour having arrived for the consideration of the motion by Senator Duval to reconsider amendments to Assembly Bill No. 1182, heretofore set as a special order for eleven o'clock and thirty minutes a.m., the same was taken up for consideration.

Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Previous Question Moved.

Senator McColl moved the previous question.

Motion carried.

The question being on the motion to reconsider.

Ayes and Noes Demanded.

A roll call was demanded by Senators Duval, Biggar and Schottky, on the adoption of the motion to reconsider.

Reconsideration Refused.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Deuel, Duval, Edwards, Hays, Hulse, Knowland, McCormack, Metzger, Parkman, Rich, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—18.

NOES—Senators Biggar, Crittenden, Difani, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McColl, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Reindollar, Schottky, Scollan, Seawell, and Williams—22.

Further Amendment from the Floor.

The following amendment to Assembly Bill No. 1182, offered by Senator McGovern, was read and refused adoption:

Amendment No. 1.

On page 3 of the printed bill, as amended, between lines 16 and 17, insert the following:

"(c) Anything in this act to the contrary notwithstanding, the following persons shall not be required to pay a tax under this act:

(1) A single person, or a married person not living with husband or wife, receiving a net earned income of two thousand five hundred dollars or less.

(2) A married person living with husband or wife and receiving a net earned income of five thousand dollars or less."

Further consideration deferred until the afternoon session.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Consideration of Daily File.**Second Reading of Assembly Bills.**

Assembly Bill No. 2176—An act to amend section 1065 of the Fish and Game Code, relating to sardines.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Assembly Bill No. 2176 was read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, strike out the semicolon, and insert in lieu thereof a period; also strike out "provided, that in a", and strike out all of lines 12 and 13.

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 941—An act to amend section 428 of the Fish and Game Code and to add thereto sections 428.5 and 428.6, relating to sporting fishing licenses, and the disposition of fees therefrom.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2479—An act to add a new section, to be numbered 1582, to the Streets and Highways Code, relating to county highway funds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 240—An act to amend section 362 of the Streets and Highways Code and to add section 603 thereto, relating to State highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2435—An act to add section 642 to, and to repeal section 486 of, the Streets and Highways Code, relating to secondary State highway.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2285—An act to amend section 1626 of the Streets and Highways Code, relating to relief to special assessment districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Roads and Highways, the following amendments to Assembly Bill No. 2285 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after the word "discount", insert the following: "; and may at any time in their discretion cancel or retire".

Amendment No. 2.

On page 1, line 7, of the printed bill, after "ments", insert the following: ", levied wholly or partly in accordance with the assessed value of lands, or levied by direct assessment".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2457—An act to amend section 363i of the Political Code, relating to the administration of certain bays, ports and harbors.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Commerce and Navigation, the following amendments to Assembly Bill No. 2457 were read and adopted:

Amendment No. 1.

On page 1, line 23, of the printed bill, strike out "respective".

Amendment No. 2.

On page 1, line 24, of the printed bill, strike out "each such", and insert in lieu thereof the following: "the".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2470—An act for the relief of purchasers of swamp and overflowed lands, declaring the urgency thereof and that this act shall take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Drainage, Swamp and Overflowed Lands, the following amendment to Assembly Bill No. 2470 was read and adopted:

Amendment No. 1.

On page 1, line 12, of the printed bill, as amended, strike out the period, and insert in lieu thereof a semicolon and the following: "provided, that none of the provisions of this act shall apply to nor be construed as affecting any application to purchase filed with the Division of State Lands subsequent to January 1, 1935, or any of the lands therein described, against which a contest has been initiated and which has been referred to any superior court of this State for determination by said Division of State Lands, and all such applications shall be proceeded with by such superior court and the Division of State Lands as though this act had not been adopted."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2456—An act to amend sections 3454 and 3455 of and to add sections 3454a and 3454b to the Political Code, relating to reclamation districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1606—An act to amend section 8 of and to add section 8a to the Sewer Revenue Bond Act, relating to acquisition and operation of sewerage disposal works.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2068—An act to amend section 76a of the Improvement Act of 1911, relating to foreclosure of bonds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1470—An act to amend section 10 of "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1346—An act to amend section 107 of the Penal Code, relating to punishment for escape of a prisoner.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1607—An act creating a State Board of Eugenics and defining the powers and duties thereof; and providing for the care, protection, and decrease of the State's defectives, and lowering of the expenses therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2459—An act to prevent the entry into California of paupers, vagabonds, indigent persons, persons likely to become public charges, providing means for enforcing the same and prescribing penalties for the violation thereof, declaring the urgency thereof, and providing it shall take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 2459 was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, after section 5, add the following:

"Sec. 51. The Governor is authorized and directed to in every practicable way carry into effect all of the provisions of this act and to that end may set up and maintain at State lines on major or other highways, under the jurisdiction of any department of the State designated by him, either temporary or permanent offices, stations, or bureaus, for the identification of persons and the inspection of motor vehicle or vehicles and to supervise and direct the use of the highway or highways by the person or persons, vehicle or vehicles, entering the State."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill 1392—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution, and providing for the reporting of appointments and certification of estimates, pay rolls and accounts of other officers and employees of the State and declaring the urgency of this act and providing that it shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Civil Service, the following amendments to Assembly Bill No. 1392 were read and adopted:

Amendment No. 1.

On page 1, line 2, of the title of the printed bill, as amended, strike out "adaptation", and insert in lieu thereof the following: "adaptation".

Amendment No. 2.

On page 3, lines 27 and 28, of the printed bill, as amended, strike out "nor to any person mentioned in section 71a hereof".

Amendment No. 3.

On page 3, line 34, of the printed bill, as amended, strike out "and also persons mentioned in section 71a hereof".

Amendment No. 4.

On page 5, line 51, of the printed bill, as amended, strike out the words "and substantially the same duties".

Amendment No. 5.

On page 6, line 3, of the printed bill, as amended, strike out "or materially change the duties".

Amendment No. 6.

On page 6, line 7, of the printed bill, as amended, strike out the period, and add the following: "or shall be eligible for transfer to a vacant position allocated to the old or such comparable class, at a rate of pay to be determined by the board."

Amendment No. 7.

On page 7 of the printed bill, as amended, strike out lines 10 to 14, inclusive, and add the following:

"Sec. 31. The board shall advertise such examinations in such manner as the nature of the class of work to be examined for may require. Such advertisement shall include information con-".

Amendment No. 8.

On page 7, line 42, of the printed bill, as amended, strike out "given", and insert in lieu thereof the following: "held for a given class".

Amendment No. 9.

On page 7, line 44, of the printed bill, as amended, strike out the word "by", and insert in lieu thereof the following: "to suit".

Amendment No. 10.

On page 7, line 47, of the printed bill, as amended, strike out "by", and insert in lieu thereof the following: "to suit".

Amendment No. 11.

On page 8, line 37, of the printed bill, as amended, between the words "subdivision", and "shall", insert the following: "relating to districts".

Amendment No. 12.

On page 8, line 41, of the printed bill, as amended, strike out "only", and insert in lieu thereof the following: "customarily".

Amendment No. 13.

On page 8, line 50, of the printed bill, as amended, strike out "(b)", and insert in lieu thereof the following: "(d)".

Amendment No. 14.

On page 9, line 3, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(e)".

Amendment No. 15.

On page 9 of the printed bill, as amended, between lines 31 and 32, insert the following:

"(c) The board, under rules and regulations promulgated by it, may certify temporary employees from any list in section 37 hereof mentioned to a position for such period of time not exceeding the probationary period for the class to which the position belongs as the board may deem proper. Temporary employees shall be subject to such conditions affecting status and tenure during and after such employment as the board may determine."

Amendment No. 16.

On page 9, line 32, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(d)".

Amendment No. 17.

On page 9, line 36, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof the following: "(e)".

Amendment No. 18.

On page 9, line 40, of the printed bill, as amended, strike out "(e)", and insert in lieu thereof the following: "(f)".

Amendment No. 19.

On page 10, line 8, of the printed bill, as amended, strike out "(f)", and insert in lieu thereof the following: "(g)".

Amendment No. 20.

On page 10 of the printed bill, as amended, strike out lines 35 to 42, inclusive.

Amendment No. 21.

On page 10 of the printed bill, as amended, strike out line 50, and through the period in line 51, and insert in lieu thereof the following: "All promotional eligible lists heretofore or hereafter established shall continue in force and effect for at least one year from the time they are established, but may be abolished for cause by order of the board at any time thereafter."

Amendment No. 22.

On page 16, lines 49 and 50, of the printed bill, as amended, strike out the following: "and where any other person is the accuser upon approval of the board,".

Amendment No. 23.

On page 17, line 1, of the printed bill, as amended, strike out the period, and add the following: "and where any other person is the accuser such costs shall be a lawful charge against moneys appropriated for support of the department or other State agency represented by the accuser."

Amendment No. 24.

On page 17, line 5, of the printed bill, as amended, strike out the period, and add the following: "or may require payment from moneys appropriated for the support of the department or other State agency represented by the accuser."

Amendment No. 25.

On page 17, line 7, of the printed bill, as amended, strike out "The board shall furnish a competent short", and strike out all of line 8, and in line 9, strike out the following: "transpiring at such hearing."

Amendment No. 26.

On page 19 of the printed bill, as amended, strike out lines 28 to 50, inclusive.

Amendment No. 27.

On page 24 of the printed bill, as amended, between lines 47 and 48, insert the following: "unless and until the person aggrieved shall have exhausted every administrative remedy accorded him by the provisions of this act and"

Amendment No. 28.

On page 25 of the printed bill as amended, strike out lines 6 to 14, inclusive.

Amendment No. 29.

On page 27, line 6, of the printed bill, as amended, after "(7)," insert the following: "(11),".

Amendment No. 30.

On page 27, line 24, of the printed bill, as amended, after "(17)," insert the following: "(11),".

Amendment No. 31.

On page 28, line 15, of the printed bill, as amended, after "or," strike out "or", and insert in lieu thereof the following: "of".

Bill read second time, ordered to reprint, and on file for third reading.

President of the Senate in the Chair.

At two o'clock and twenty-five minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of the work of June 5, 1935:

Melba Chandler, Stenographer

Per day
\$5.00

Resolution read, and on motion of Senator Tickle, adopted.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments—and reports that the same has been correctly re-engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1038. An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to condemnation—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 42—Providing for the appointment of a joint legislative committee to consult with the Department of Finance regarding the remodeling and refurnishing of legislative committee rooms and offices for the

members in the State Capitol—and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Further Consideration of Assembly Bill No. 1182.

Further Amendment from the Floor.

The following amendment to Assembly Bill No. 1182, offered by Senator Knowland, was read:

Amendment No. 1.

On page 35 of the printed bill, as amended, strike out lines 13 to 26, inclusive, and insert in lieu thereof the following: "immediately, and shall apply to the net income of persons taxable hereunder received or accrued on and after January 1, 1935."

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Duval and Knowland, on the adoption of the amendment offered by Senator Knowland.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—Senators Difani, Garrison, McColl, Olson, Schottky, and Scollan—6.

Further Amendment from the Floor.

The following amendment to Assembly Bill No. 1182, offered by Senator McGovern, was read and refused adoption:

Amendment No. 1.

On page 3 of the printed bill, as amended, between lines 19 and 20, insert the following:

"(f) Anything in this act to the contrary notwithstanding, the following persons shall not be required to pay a tax under this act:

(1) A single person, or a married person not living with husband or wife, receiving a net earned income of two thousand five hundred dollars or less. (2) A married person living with husband or wife and receiving a net earned income of five thousand dollars or less: provided, however, that in the event the combined total net incomes of husband and wife, who are living together in such relationship, exceeds the sum of five thousand dollars, that such spouse or spouses, as the case may be, shall pay the tax herein elsewhere provided for, subject to said total net exemption of five thousand dollars, in such ratio, on their income or incomes, as their said net income or incomes exceeds said total net sum of five thousand dollars."

President Pro Tempore in the Chair.

At three o'clock and fifteen minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Further Amendments from the Floor.

The following amendments to Assembly Bill No. 1182, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 33, line 13, of the printed bill, as amended, strike out the word "and".

Amendment No. 2.

On page 33, line 17, of the printed bill, as amended, following the word "necessary", strike out the period, and insert in lieu thereof a comma and the following: "and for expenditure by the Department of Finance in auditing the revenues and expenditures resulting from the provisions of this act there is hereby appropriated out of the personal income tax fund the sum of ten thousand dollars or so much thereof as may be necessary."

Communication.

Opinion of Legislative Counsel.

The following communication, referring to Assembly Bill No. 1182, was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, JUNE 6, 1935

*Hon. Will R. Sharkey,
Senate Chamber, State Capitol,
Sacramento, California.*

Subject: Amendments to Assembly Bill No. 1182.

MY DEAR SENATOR: You ask us to the validity of an amendment proposed to this bill to incorporate in section 51 thereof a clause making available not exceeding \$10,000 for expenditure by the Department of Finance in making systems and expenditures resulting from the provisions of the act, the same to be payable out of the personal income tax fund.

Particularly the question is whether or not this amendment, if adopted, will make the bill one which contains more than one item of appropriation. In my opinion such will not be the result, the proposed amendment being but a provision allocating a portion of the moneys in the "Personal income tax fund" for expenditures furthering out the purposes of the act and does not constitute a separate item of appropriation.

This opinion is based upon the decision in *Ray v. Ray*, 95 Cal. App. 181.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

Bill ordered to print, and on file for third reading.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, JUNE 6, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following message from the Governor:

CELEST

Frank F. Merriam, Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, JUNE 5, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California:

GREETINGS: I am pleased to inform you that John Forward, Jr., of San Diego, was appointed a member of the State Board of Prison Directors on December 14, 1933, and that Judge T. N. Harvey of Richmond was likewise appointed on January 12, 1934, and I am asking for confirmation of these appointments as required by law.

Respectfully submitted,

(Signed)

FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments be confirmed.

Committee membership—5.

(Signed out)

RICH, Chairman.
SLATER
KNOWLAND
TICKLE.
DIFANI.

Consideration of Appointments by the Governor.

Motion Confirming Appointment by the Governor.

Senator Slater moved that the Senate confirm and consent to the appointment by the Governor of John Forward, Jr., as a member of the Board of Prison Directors.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. John Forward, Jr., as a member of the Board of Prison Directors?

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Schotky, Seallen, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of John Forward, Jr., as a member of the State Board of Prison Directors.

Motion Confirming Appointment by the Governor.

Senator Wagy moved that the Senate confirm and consent to the appointment by the Governor of Judge T. N. Harvey as a member of the Board of Prison Directors.

The President put the question: Will the Senate confirm and consent to the appointment of Judge T. N. Harvey as a member of the Board of Prison Directors?

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Sewell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—32.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Judge T. N. Harvey as a member of the Board of Prison Directors.

Unfinished Business.**Consideration of Assembly Amendments.**

Senate Bill No. 846—An act to amend section 91 of the Bank Act, relating to deposits by order of court.

The Senate took up for consideration Assembly amendments to Senate Bill No. 846.

Amendment No. 1.

On page 1 of the printed bill, in the first line of the title, strike out the word "section", and insert in lieu thereof the following: "sections 56.1 and".

Amendment No. 2.

On page 1 of the printed bill, strike out the second line of the title, and insert in lieu thereof the following: "the definition and regulation of the business of banking."

Amendment No. 3.

On page 1 of the printed bill, after line 17, insert the following:

"SEC. 2. Section 56.1 of the Bank Act is hereby amended to read as follows:

Sec. 56.1. Any bank is hereby authorized and empowered to subscribe for and purchase Class A stock of the Federal Bank Deposit Insurance Corporation, created by the Federal Banking Act of 1933 and, with the approval of the Superintendent of Banks and upon his certification to said corporation that such bank is in a solvent condition, to become a member of the temporary Federal deposit insurance fund, created thereby, and to do everything necessary or appropriate to procure and maintain such insurance of its deposits as may now or hereafter be provided by any Federal law and to take advantage of any and all grants and privileges and to comply with all requirements incidental thereto.

Nothing in this act shall prohibit any such bank doing or performing any and all acts necessary or proper for the purpose of becoming and remaining such member; nor from becoming a stockholder in the Federal Bank Deposit Insurance Corporation, in the manner provided in the Federal Reserve Act as amended, nor from doing or performing any and all acts necessary or proper for the purpose of becoming and remaining such stockholder; nor from becoming a member of the temporary Federal deposit insurance fund, in the manner provided by said act, nor from making payments or contributions to said fund nor from doing or performing any and all acts necessary or proper, for the purpose of becoming and remaining a member of said fund; nor from investing any part of its capital or surplus or reserve fund in the capital stock of the Federal Bank Deposit Insurance Corporation, in accordance with the terms and provisions of the Banking Act of 1933, or in becoming a member of the temporary Federal deposit insurance fund, in accordance with the terms and provisions of the last mentioned act; nor from doing everything necessary or appropriate to procure and maintain such insurance of its

deposits as may now or hereafter be provided by any Federal law and to take advantage of any and all grants and privileges and to comply with all requirements incidental thereto; provided that such investments in, or payments for, or contributions to the capital stock of the Federal Bank Deposit Insurance Corporation, or the membership in the temporary Federal deposit insurance fund, shall in no way exceed the minimum amounts respectively required to join or maintain itself as a stockholder of such Federal Bank Deposit Insurance Corporation or as a member of said temporary Federal deposit insurance fund, provided, also, that such investment, payments or contributions may be carried in either the commercial savings or trust department or may be apportioned to any two or all three of such departments of any departmental State bank."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 846?

The roll was called, and Assembly amendments to Senate Bill No. 846 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Rich, Seidlun, Sewall, Slater, Snyder, Stow, Tickle, and Wagy—27.

NOES—None.

Senate Bill No. 846 ordered to enrollment.

Senate Bill No. 1107—An act to amend the title and sections 1, 2, 3, 4 and 5 of, and to add section 6 to, an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired, declaring the urgency hereof and providing that this act shall take effect immediately.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1107.

Amendment No. 1.

On page 1, line 7, of the printed bill, after the comma, insert the following: "or bonds issued by or for districts therein".

Amendment No. 2.

On page 2 of the printed bill, strike out lines 3 to 5, inclusive, and insert in lieu thereof the following: "improvements, or the issuance of bonds to represent or be secured by assessments levied for such work or improvements, including any bonds issued".

Amendment No. 3.

On page 2, line 49, of the printed bill, strike out "5", and insert in lieu thereof the following: "4".

Amendment No. 4.

On page 3, line 27, of the printed bill, after "bonds," insert the following: "as".

Amendment No. 5.

On page 3, line 32, of the printed bill, after "on", insert the following: "a cash basis".

Amendment No. 6.

On page 5, line 43, of the printed bill, after "intended", insert the following: "to and does provide an alternative system".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1107?

The roll was called, and Assembly amendments to Senate Bill No. 1107 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Park-

man, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Williams—29.

NOES—None.

Senate Bill No. 1107 ordered to enrollment.

Senate Bill No. 1010—An act to amend section 737bb of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Napa.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1010.

Amendment No. 1.

On page 1 of the printed bill, as amended, before line 1, insert the following: "SECTION 1. Section 737bb of the Political Code is hereby amended to read as follows:"

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out "SECTION 1.", and insert in lieu thereof the following: "737bb."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1010?

The roll was called, and Assembly amendments to Senate Bill No. 1010 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hays, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, and Williams—29.

NOES—None.

Senate Bill No. 1010 ordered to enrollment.

Call of the Senate.

The President pro tempore ordered a call of the Senate.

Time, three o'clock and forty-five minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

Proceedings Under Call of the Senate.

Unfinished Business—(Resumed).

Senate Bill No. 1091—An act to add a new section to be numbered 8.5 to an act entitled "An act for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to the incurring of a bonded indebtedness and the sale and payment thereof.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1091.

Amendment No. 1.

On page 1 of the printed bill, in the last line of the title, strike out "thereof", and insert in lieu thereof the following: "of the bonds".

Amendment No. 2.

On page 1, line 2, of the printed bill, strike out "and", and insert in lieu thereof a comma.

Amendment No. 3.

On page 1, line 17, of the printed bill, after "of", insert the following: "the".

Amendment No. 4.

On page 2, line 47, of the printed bill, strike out "That said", and insert in lieu thereof the following: "Said".

Amendment No. 5.

On page 3, line 2, of the printed bill, strike out "make", and insert in lieu thereof the following: "makes".

Amendment No. 6.

On page 3, line 7, of the printed bill, strike out "Negotiable Instruments Law", and insert in lieu thereof the following: "laws relating to negotiable instruments".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1091?

The roll was called, and Assembly amendments to Senate Bill No. 1091 concurred in by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Deffen, Fletcher, Garrison, Gordon, Hays, King, Knowland, McCall, McCorduck, McGowan, McGowan, Metzger, Mixer, Olson, Parkman, Perry, Pomeroy, Powers, Rensselaer, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tackle, Wagy, Williams, and Young—35.

NOES—None.

Senate Bill No. 1091 ordered to enrollment.

President of the Senate in the Chair.

At four o'clock and four minutes p.m., Hon. George J. Hatfield, President of the Senate, in the chair.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

Senate Meets as a Committee of the Whole.

Senator Deuel moved that the Senate resolve itself into a Committee of the Whole for the purpose of discussing Assembly Bill No. 2136.

Motion carried.

At four o'clock and ten minutes p.m., the Senate met as a Committee of the Whole.

Committee of the Whole Rises.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

At four o'clock and forty-five minutes p.m., on motion of Senator Swing, the Committee of the Whole arose.

In Senate.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Motion to Reconsider Continued.

Pursuant to his motion given on a previous day, Senator Scollan asked for, and was granted, permission to continue the motion to reconsider the vote by which amendments to Assembly Bill No. 1215 were adopted.

Special Order.

Senator Olson moved that Assembly Bill No. 2136 be made a special order for Thursday, June 6, 1935, at nine o'clock and thirty minutes p.m.

Motion carried and such was the order.

Motion to Reconsider.

Senator Difani moved to reconsider the vote whereby Assembly Bill No. 2136 was set as a special order for nine o'clock and thirty minutes p.m. this day.

The question being on the motion to reconsider.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Difani and McGovern, on the adoption of the motion to reconsider.

Reconsideration Refused.

The roll was called, and reconsideration refused by the following vote:

AYES. Senators Deuel, Difani, Duval, Edwards, Hays, Knowland, McColl, McCormack, Parkman, Powers, Rich, Sharkey, Snyder, Stow, Swing, and Wagy—16.

NOES. Senators Biggar, Crittenden, Garrison, Gordon, King, McGovern, McGuinness, Metzger, Minter, Olson, Perry, Pierovich, Reindollar, Schottky, Scollan, Seawell, Slater, Williams, and Young—19.

Third Reading of Assembly Bills.

Assembly Bill No. 2359—An act to amend sections 238, 804, 814, 815 and 1261 of, and to add section 395.5 to the Military and Veterans Code, relating to military and veterans' affairs.

Amendments from the Floor.

During third reading of Assembly Bill No. 2359, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "815", insert the following: "1010, 1018, 1020".

Amendment No. 2.

On page 2 of the printed bill, as amended, between lines 22 and 23, insert the following:

"Sec. 6. Section 1010 of the Military and Veterans Code is hereby amended to read as follows:

1010. As used in this chapter:

(a) "Home" means the Veterans' Home of California.

(b) "Board" means the board of directors of the home.

(c) "Veteran" means a member of the home.

SEC. 7. Section 1018 of the Military and Veterans Code is hereby amended to read as follows:

1018. The commandant, surgeon, quartermaster, adjutant, finance officer, chaplain, and assistant surgeons in office at the time this chapter takes effect shall remain in office until the expiration of their respective terms. Thereafter the board shall appoint, subject to civil service, qualified persons to fill such offices for terms of two years, none of whom shall be members of the board. Vacancies shall be filled by the board for the unexpired terms.

SEC. 8. Section 1020 of the Military and Veterans Code is hereby amended to read as follows:

1020. The board, subject to civil service, may appoint employees of the home, and shall prescribe the duties and compensation of all officers and employees."

Amendment No. 3.

On page 2, line 23, of the printed bill, as amended, strike out "6", and insert in lieu thereof the following: "9".

Bill read, ordered to reprint, and on file for third reading.

Recess.

On motion of Senator Swing, at five o'clock and five minutes p.m., the President pro tempore of the Senate declared recess until nine o'clock p.m.

Reconvened.

At nine o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Call of the Senate.

Senator Seawell moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Duval, Fletcher, King, McGuinness, Metzger, Mixer, Reindollar, Rich, Scollan, Seawell, Slater, Snyder, Stow, Waggy, and Young—16.

The Secretary announced the absentees.

Time, nine o'clock and two minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Introduction, First Reading and Reference of Bills.**

By Senator Rich: Senate Concurrent Resolution No. 43—Relative to providing a rule for the Legislative Counsel Bureau, relating to opinions upon pending legislative measures.

Consideration of Senate Concurrent Resolution No. 43.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 43, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 43.

Relative to providing a rule for the Legislative Counsel Bureau, relating to opinions upon pending legislative measures.

Resolved by the Senate of the State of California, the Assembly concurring. That whenever the Legislative Counsel issues, to a person other than the author, an opinion as to the constitutionality, operation, or effect of a pending bill, constitutional amendment, resolution, or other legislative measure, he is hereby authorized and instructed to deliver a copy of the opinion to the author of such measure.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 43 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Gordon, Jaspersen, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Waggy, Williams, and Young—24.

NOES—None.

Senate Concurrent Resolution No. 43 ordered transmitted to the Assembly.

Unfinished Business.**Consideration of Assembly Amendments.**

Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 6 and 9a of, and to add section 3½ to "An act providing for the registration of contractors, and defining the term contractor; providing the method of

obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended, relating to contractors.

The Senate took up for consideration Assembly amendments to Senate Bill No. 596.

Amendment No. 1.

On page 3, line 8, of the printed bill, as amended in the Senate May 3, 1935, between the word "with", and the semicolon following said word, insert the following: ", including the eradication of or the processing against infestation by pests structurally injurious to building or structures".

Amendment No. 2.

On page 3, line 21, of the printed bill, as amended in the Senate May 3, 1935, after the comma following the word "thereof", insert the following: "excepting State licensed architects or civil engineers acting solely in their professional capacity,".

Amendment No. 3.

On page 3, line 34, of the printed bill, as amended in the Senate May 3, 1935, after the comma following the word "thereof", insert the following: "excepting State licensed architects or civil engineers acting solely in their professional capacity,".

Amendment No. 4.

On page 3, line 50, of the printed bill, as amended in the Senate May 3, 1935, after the comma following the word "thereof", insert the following: "excepting State licensed architects or civil engineers acting solely in their professional capacity,".

Amendment No. 5.

On page 4, line 2, of the printed bill, as amended in the Senate May 3, 1935, after the word "work", add the following: ", including the eradication of or the processing against infestation by pests structurally injurious to building or structures,".

Amendment No. 6.

On page 4, line 17, of the printed bill, as amended in the Senate May 3, 1935, strike out the portion reading "section 377g", and insert in lieu thereof the following: "Article II in of Chapter III of Title I of Part III".

Amendment No. 7.

On page 4, line 45, of the printed bill, as amended in the Senate May 3, 1935, following the word "contractors", strike out all of the remainder of line 45, all of line 46, and all of line 47 to and including the word "industry".

Amendment No. 8.

On page 5, line 36, of the printed bill, as amended in the Senate May 3, 1935, after the word "to", insert the following: "appoint such committees and to".

Amendment No. 9.

On page 5, line 45, of the printed bill, as amended in the Senate May 3, 1935, after the word "member", insert the following: "or committee".

Amendment No. 10.

On page 6, line 12, of the printed bill, as amended in the Senate May 3, 1935, strike out the word "Governor", and insert in lieu thereof the following: "Director of the Department of Professional and Vocational Standards".

Amendment No. 11.

On page 6 of the printed bill, as amended in the Senate May 3, 1935, strike out all of lines 16 to 32, inclusive, and insert in lieu thereof the following paragraph:

"For the purpose of administration of this act there may be appointed a deputy registrar, a chief reviewing and hearing officer and such other assistants and subordinates as may be necessary, such appointments to be made in accordance with the provisions of civil service laws."

Amendment No. 12.

On page 6 of the printed bill, as amended in the Senate May 3, 1935, strike out all of lines 38 to 41, inclusive.

Amendment No. 13.

On page 6 of the printed bill, as amended in the Senate May 3, 1935, commencing in line 42, strike out all of said line 42, and the first four words of line 43, which read, "may create and establish", and insert in lieu thereof the following: "(h) There may be created and established".

Amendment No. 14.

On page 7, line 10, of the printed bill, as amended in the Senate May 3, 1935, strike out the letter "(j)", at the beginning of the line, and insert in lieu thereof the letter "(i)".

Amendment No. 15.

On page 7, line 20, of the printed bill, as amended in the Senate May 3, 1935, after the word "board", insert the following ", in addition to the usual periodic reports,".

Amendment No. 16.

On page 9, line 10, of the printed bill, as amended in the Senate May 3, 1935, after the abbreviated word "See", and before the word "Section", strike out the figure "8", and insert in lieu thereof the figure "7".

Amendment No. 17.

On page 4, line 5, of the printed bill, as amended in the Senate May 3, 1935, strike out all of said line following the letter "(d)", and all of lines 6, 7, 8, 9, 10, 11, and 12, and insert in lieu thereof the following: "The terms 'contractor' and 'contracting business', as used in this act, shall not include any work or operation on one undertaking or project by contract or contracts the aggregate contract price for which, for labor, materials, and all other items, is less than two hundred dollars, such work or operations being considered as of casual, minor, or inconsequential nature; provided, however, that this exception shall not apply in any case wherein the work of construction is only a part of a larger or major operation, whether undertaken by the same or different contractor, or in which a division of the operation is made in contracts of amounts less than two hundred dollars for the purpose of evasion of this act, or otherwise."

Amendment No. 18.

On page 5, line 34, of the printed bill, as amended in the Senate May 3, 1935, strike out the word "organized", and insert in lieu thereof the following: "organize".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 596?

The roll was called, and Assembly Amendments to Senate Bill No. 596 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Duval, Fletcher, Gordon, Jaspersen, King, Knowland, McGovern, McGuinness, Morgan, Meyer, Parkman, Patten, Rice, Schottky, Scollan, Sharkey, Slater, Snyder, Wagy, and Young—23.

NOES—None.

Senate Bill No. 596 ordered to enrollment.

Motion to Reconsider Waived.

In reference to his motion given on a previous day, Senator Seolian waived reconsideration of the vote whereby Assembly Bill No. 315 was passed.

Assembly Bill No. 315 ordered transmitted to the Assembly.

Senate Bill No. 1075—An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1075.

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out all of lines 10 to 15, inclusive.

Amendment No. 2.

On page 2, line 16, of the printed bill, as amended, strike out the figure "4", and insert in lieu thereof the figure "3".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1075?

The roll was called, and Assembly amendments to Senate Bill No. 1075 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—29.

NOES—None.

Senate Bill No. 1075 ordered to enrollment.

Senate Bill No. 552—An act to add sections 980, 981, 1029 and 1030 to the Streets and Highways Code, relating to powers and duties of county boards of supervisors with respect to county highways.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 552.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out all of line 1 after the word "to", and strike out lines 2, 3 and 4 of the title, and insert in lieu thereof the following: "add sections 980, 981, 1029 and 1030 to the Streets and Highways Code, relating to powers and duties of county boards of supervisors with respect to county highways."

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, strike out all of line 1 after the figure "1", and strike out all of lines 2 to 21, inclusive.

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out all of lines 1 to 42, inclusive, and insert in lieu thereof the following: "Section 980 is hereby added to Division II, Chapter 2 of the Streets and Highways Code, to read as follows:

980. The board of supervisors shall cause to be prepared, either by the county surveyor or by the county planning commission or by some other qualified person selected by the board of supervisors, a classification of all publicly owned roads and highways, but not including State highways in the county. Such classification shall include mileage, character of improvement and traffic density. Such classification shall be corrected annually.

SEC. 2. Section 981 is hereby added to Division II, Chapter 2 of the Streets and Highways Code, to read as follows:

981. The board of supervisors shall annually cause to be prepared by the county surveyor or by such other qualified person a statement, setting forth requirements for new construction, reconstruction or maintenance of the county road system. This statement shall be based on requirements of the county as a whole. This statement shall be in numerically itemized form, and each item shall be inclusive of all expenses entering into the item, including labor, materials, equipment rental, costs of rights of way, damage and all other incidental items. This statement shall be made a part of the statement of new road and bridge construction and grade separation, required to be submitted by the county board of supervisors to the county auditor under the provisions of section 3714 of the Political Code.

SEC. 3. Section 1029 is hereby added to Division II, Chapter 3 of the Streets and Highways Code, to read as follows:

1029. The board of supervisors of any county at their option may appoint the county surveyor or other person qualified in road construction to act as road commissioner of and for any or all road districts in the county. The board of supervisors may consolidate the existing road districts into one road district which shall comprise all of the territory lying within the county excepting incorporated areas. The duties of the road commissioner shall be those outlined in sections 1021 and 1024 of this code.

In counties having such a road commissioner, he shall perform the duties prescribed in sections 980 and 981 of this code. In the event that such road district consolidation is effected, it shall be without prejudice to the legal requirement that all supervisory road district taxes collected in any one such district shall be expended in that district.

SEC. 4. Section 1030 is hereby added to Division II, Chapter 3 of the Streets and Highways Code, to read as follows:

1030. The board of supervisors shall fix the salary or compensation of such a road commissioner, and may appoint such deputies, assistants and employees as such road commissioner shall nominate, at salaries or rates of compensation to be fixed by the board of supervisors. Such road commissioner shall file with the county clerk a bond with sufficient sureties in such sum as may be required by the board of supervisors for the faithful and proper discharge of his duties as such road commissioner."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 552?

The roll was called, and Assembly amendments to Senate Bill No. 552 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McGovern, McGinness, Metzger, Mixter, Parkman, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—29.

NOES—None.

Senate Bill No. 552 ordered to enrollment.

Senate Bill No. 614—An act to amend section 644 of the Penal Code, relating to habitual criminals.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 614.

Amendment No. 1.

On page 1, line 15, of the printed bill, strike out "may", and insert in lieu thereof "shall".

Amendment No. 2.

On page 2, lines 3 and 4, of the printed bill, strike out "shall be adjudged an habitual criminal and".

Amendment No. 3.

On page 2, line 6, of the printed bill, after the word "parole", insert a semicolon and add the following: "provided that in exceptional cases the judgment and commitment, in the discretion of the court, may provide that the defendant is not an habitual criminal, and in such cases the defendant shall not come within the provisions of this section".

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 7 to 10, inclusive, and insert in lieu thereof the following: "cases, at any time not later than sixty days after the actual commencement of imprisonment, the court may, in its discretion, provide that the defendant is not an habitual criminal, and in such case the defendant shall not be subject to the provisions of this section. Nothing in this act shall abro".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 614?

The roll was called, and Assembly amendments to Senate Bill No. 614 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Jespersen, King, Knowland, McGovern, McGinness, Metzger, Mixter, Parkman, Perry, Pierovich, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—29.

NOES—None.

Senate Bill No. 614 ordered to enrollment.

Senate Bill No. 617—An act to amend section 1168 of the Penal Code and to add thereto sections 969e and 1158a, relating to crimes.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 617.

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after "crimes", insert a period, and strike out the balance of line 2, and all of line 3 of the title.

Amendment No. 2.

On page 1, line 18, of the printed bill, as amended, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 3.

On page 1, line 19 of the title of the printed bill, as amended, after "determine", insert the following: "and redetermine".

Amendment No. 4.

On page 4, line 35, of the printed bill, as amended, after "credits," insert the following: "but in no case shall he be paroled until he has served one calendar year."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 617?

The roll was called, and Assembly amendments to Senate Bill No. 617 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Perry, Reindollar, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, and Young—27.

NOES—None.

Senate Bill No. 617 ordered to enrollment.

Senate Bill No. 888—An act to amend sections 3.330, 3.331, 3.332, 3.333, 3.334, 3.335, and 3.337 and to add a new section to the School Code to be numbered 3.339, relating to the attendance of pupils residing in California upon the public schools of adjoining States, and the attendance of pupils residing in adjoining States upon the public schools of California.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 888.

Amendment No. 1.

On page 1 of the printed bill, as amended, beginning in line 1 of the title, strike out the following: "amend sections 3.330, 3.331, 3.332, 3.333, 3.334, 3.335, and 3.337 and to".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, strike out the following: "a new section", and insert in lieu thereof the following: "two new sections".

Amendment No. 3.

On page 1, line 3 of the title of the printed bill, as amended, after the number "3.339", insert the following: "and 3.402".

Amendment No. 4.

On page 1 of the printed bill, as amended, strike out all of lines 4 to 6, inclusive, of the title.

Amendment No. 5.

On page 1 of the printed bill, as amended, beginning in line 7 of the title, strike out the following: "residing in adjoining States".

Amendment No. 6.

On page 1 of the printed bill, as amended, strike out all of lines 1 to 20, inclusive, and on page 2, strike out all of lines 1 to 52, inclusive, and on page 3, strike out all of lines 1 to 41, inclusive, and insert in lieu thereof the following: "SECTION 1. A new section is hereby added to the School Code to be".

Amendment No. 7.

On page 4 of the printed bill, as amended, after line 5, insert the following:
"Sec. 2. A new section is hereby added to the School Code to be numbered 3.402 and to read as follows:

3.402. Notwithstanding any other provision in this code, the governing board of a junior college district shall not require any tuition fee of any student enrolled in any junior college of the district who is a resident of California or who has lived in California for one year."

Amendment No. 8.

On page 1, line 2 of the title of the printed bill, as amended, strike out the word "two", and insert in lieu thereof the word "three".

Amendment No. 9.

On page 1, line 3 of the title of the printed bill, as amended, after the word "numbered", insert the following: "3.106-1,".

Amendment No. 10.

On page 3 of the printed bill, as amended, after line 25 insert the following: "SECTION 1. A new section is hereby added to the School Code to be numbered 3.106-1 and to read as follows:

3.106-1. Notwithstanding any provision of this article to the contrary, a pupil residing in a junior college district or residing in a high school district maintaining junior college courses, may not attend junior college in a junior college district or high school district maintaining junior college courses, other than the district in which he resides, except with the consent of the governing board of the district in which he resides and the governing board of the district in which he desires to attend. The governing board of the district in which such pupil desires to attend may, before permitting such pupil to attend therein, require the governing board of the district in which such pupil resides to enter into an agreement providing for the payment by the governing board of the district in which such pupil resides of such tuition as may be agreed upon for the attendance of such pupil, but such contract shall not be effective unless approved by the county superintendent of schools having jurisdiction over the district in which such pupil desires to attend."

Amendment No. 11.

On page 3, line 26, of the printed bill, as amended, strike out the following: "SECTION 1", and insert in lieu thereof the following: "Sec. 2".

Amendment No. 12.

On page 3, line 43, of the printed bill, as amended strike out the following: "SEC. 2", and insert in lieu thereof the following: "Sec. 3".

Amendment No. 13.

On page 3 of the printed bill, as amended after line 49, insert the following: "Sec. 4. Section 1 of this act shall not take effect in the event an act entitled "An act to repeal sections 2.21, 3.174, 3.301, 3.302, 3.304, 3.308, 3.309, 3.415 and 3.416 of the School Code, to amend sections 3.304 and 3.305 of said code, to add to Part I of Division III of the said code a new chapter to be known as Chapter VIII, and to add to said code a new section to be numbered 3.306, all relating to the attendance of pupils upon the public schools," as passed by the fifty-first session of the Legislature, does not take effect."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 888?

The roll was called, and Assembly amendments to Senate Bill No. 888 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrosco, Gordon, Hays, Jaspersen, King, Knowland, McGinness, Metzger, Mixer, Olson, Perry, Powers, Reindollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—None.

Senate Bill No. 888 ordered to enrollment.

Special Order.

Senator Schottky moved that Assembly Bill No. 1182 be made a special order for Friday, June 7, 1935, at eleven o'clock a.m.

Motion carried and such was the order.

Motion to Reconsider Waived.

Senator Difani waived his motion to reconsider the vote whereby Assembly Bill No. 516 was passed.

Assembly Bill No. 516 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 2136, heretofore set as a special order for nine o'clock and thirty minutes p.m., the same was taken up for consideration.

Assembly Bill No. 2136—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; repealing Chapter 1, Statutes of the Extra Session of 1934, and Chapter 7 of the Statutes of 1935; declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read third time.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Seawell.

Withdrawal of Assembly Bill No. 44.

Senator McGovern moved that Assembly Bill No. 44 be withdrawn from Committee on Judiciary, and placed on second reading file.

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Olson and Difani, on the adoption of the motion to withdraw Assembly Bill No. 44 from committee.

The roll was called, and the motion was adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, King, Knowland, McGovern, Metzger, Parkman, Perry, Pierovich, Powers, Reindollar, Rich, Seollan, Seawell, Sharkey, Snyder, Stow, Swing, Waggy, Williams, and Young—28.

NOES—Senators Deuel, Garrison, McGuinness, Olson, Schottky, and Slater—6.

Assembly Bill No. 44 ordered to second reading.

Consideration of Assembly Bill No. 2136—(Resumed).

Amendments from the Floor.

During third reading of Assembly Bill No. 2136, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 1 to 13, inclusive; and strike out all of pages 2 to 10, inclusive; and on page 11, strike out lines 1 to 49, inclusive, and insert in lieu thereof the following:

"SECTION 1. A large proportion of the real property in this State is held subject to mortgage or deed of trust or under contract of purchase, and many owners and purchasers thereof are finding it extremely difficult or impossible, because of present economic conditions, to meet their obligations to retain their property. Prices for farm products are at present so low and unemployment in industry and business is so widespread, that farmers and wage earners, and those who do business with them, have as a class lost a considerable part of their income, and large numbers of such individuals have no income or scarcely enough for food and other necessities.

The value to the State of a large body of owners of land is inestimable, as such owners have a vital interest in the State and its welfare, and participate in governmental affairs to such an extent and in such a way that they constitute an essential factor in the political and economic life of the State.

If steps are not taken immediately to permit delay of foreclosures and sales under mortgages, deeds of trust, and contracts of purchase, and forfeitures and terminations under contracts of purchase, a large number of owners of real property will be forced to abandon their interests in their property.

An emergency therefore exists, and it is necessary to provide for the permitting of delays of foreclosures and sales under mortgages, deeds of trust, and contracts of purchase, or of forfeitures and terminations under contracts of purchase. The fol-

lowing provisions are intended to prevent such delays and to safeguard the interests of creditors who will be affected thereby.

Sec. 2. Until thirty days from and after the effective date of this act, no sale shall be held (a) under any deed of trust upon real property or upon chattels attached to real property, (b) under any power of sale conferred by a mortgage upon real property or upon chattels attached to real property, or (c) under any decree of foreclosure of any mortgage or deed of trust upon real property or upon chattels attached to real property; and no decree of foreclosure of a mortgage or deed of trust upon real property or upon chattels attached to real property shall be entered nor shall the interest of any purchaser under a contract of purchase of real property or upon chattels attached to real property be foreclosed, terminated or defeated and in the event the period of redemption upon any mortgage or deed of trust upon real property or upon chattels attached to real property heretofore foreclosed or about to be foreclosed is extended so as not to expire prior to thirty days from and after the effective date of this act.

Sec. 3. At any time within thirty days from and after the effective date of this act, or within thirty days from and after the recording of the notice of default under section 2924 of the Civil Code, or at any time before sale has been made on or after than February 1, 1937, the trustor under any deed of trust upon real property or upon chattels attached to real property, or the mortgagee under any mortgage upon real property or upon chattels attached to real property concerning the same or sale, may file a petition in the superior court of the county in which such real property or upon chattels attached to real property or the trustee under such deed of trust or the mortgagee under such mortgage, as the case may be, in the manner provided by law for the issuance of summons in a civil action, and a notice of pendency of such petition shall immediately be recorded in each county in which any of such property is situated. Such notice of pendency shall state the name of the petitioner and the nature of the petition, and the book and page of the records of the county recorder in which the mortgage or deed of trust is recorded.

Upon application of the petitioner after service of such petition, or upon application of any other party in interest after the filing of the petition, a hearing shall be had thereon within twenty days after such application, upon such terms as the court prescribes. After the filing of such petition and the recording of the notice of pendency thereof as provided in this act, no sale shall be held under such deed of trust or under the power of sale conferred by such mortgage until the court makes its order in the matter.

Upon such hearing the court may make its order, if it finds equitable grounds for relief, ordering that the sale shall not be held until on or after such date as the court considers just and equitable, but in no event later than February 1, 1937. If the court orders the sale postponed it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustor or mortgagor as determined by the court, and shall require the trustor or mortgagor to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes, insurance, interest, or principal of the indebtedness at such times and in such manner determined to be just and equitable under the circumstances.

In no event shall the court order the payment of a lesser sum than that necessary to pay (a) current taxes, (b) all delinquent taxes, except that such taxes may be paid in installments as may be provided by law, and (c) any insurance premiums required to be paid by the debtor under the contract between the parties. The court must include in such order provisions requiring maintenance and repair, regulating the disposition of any income from the property, and such other provisions as it deems just and equitable for the protection of the security.

Sec. 4. In any decree hereafter rendered, prior to February 1, 1937, foreclosing a mortgage or deed of trust upon real property or upon chattels attached to real property, the court may provide that the sale of the property shall not be held until on or after such date as the court considers just and equitable, but in no event later than February 1, 1937. If the court provides in such decree that the sale shall not be held until on or after such date as it shall fix, it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustor or mortgagor as determined by the court, and shall require the trustor or mortgagor to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes, insurance, interest, or principal of the indebtedness at such times and in such manner determined to be just and equitable under the circumstances.

In no event shall the court order the payment of a lesser sum than that necessary to pay (a) current taxes, (b) all delinquent taxes, except that such taxes may be paid in installments as may be provided by law, and (c) any insurance premiums

required to be paid by the debtor under the contract between the parties. The court must include in such order provisions requiring maintenance and repair, regulating the disposition of any income from the property, and such other provisions as it deems just and equitable for the protection of the security.

SEC. 4a. Where any mortgage or trust deed upon real property or upon chattels attached to real property has been foreclosed and the period of redemption has not yet expired, the period of redemption may be extended for such additional time as the court may deem just and equitable, but in no event beyond February 1, 1937: provided that the mortgagor, trustor or owner in possession of said property shall, prior to the expiration of the period of redemption, apply to the superior court having jurisdiction of the matter, on not less than ten days' written notice to the mortgagee or trustee, or the attorney of either, as the case may be, for an order determining the reasonable value of the income on said property, or, if the property has no income, then the reasonable rental value of the property involved in such sale, and directing and requiring such mortgagor, trustor or owner in possession, to pay all or a reasonable part of such income or rental value, in or toward the payment of taxes, insurance, interest, mortgage or trust deed indebtedness at such times and in such manner as shall be fixed and determined and ordered by the court.

In no event shall the court order the payment of a lesser sum than that necessary to pay (a) current taxes, (b) all delinquent taxes, except that such taxes may be paid in installments as may be provided by law, and (c) any insurance premiums required to be paid by the debtor under the contract between the parties.

The court shall thereupon hear said application and after such hearing shall make and file its order directing the payment by such mortgagor, trustor or owner in possession, of such an amount at such times and in such manner as to the court shall, under all the circumstances, appear just and equitable. Provided that upon the service of the notice or demand aforesaid that the running of the period of redemption shall be tolled until the court shall make its order upon such application.

SEC. 5. The purchaser of any real property under any contract of purchase may at any time within thirty days after the effective date of this act, or at any time prior to the foreclosure, termination, or forfeiture of his interest under such contract, but in no event later than February 1, 1937, file a petition in the superior court of the county in which such real property or chattels attached to real property, or the major portion thereof, is situated for an order postponing the foreclosure, termination, or forfeiture of his interest thereunder. A copy of such petition shall be served upon the vendor, and notice of pendency of such petition shall be recorded, and a hearing shall be held at the same time and in the same manner as is provided in section 3 of this act in respect to petitions in relation to sales under deeds of trust and mortgages conferring a power of sale.

SEC. 6. Upon the petition of any party in interest prior to the time to which the postponement was made, and after notice and hearing as in the case of a petition for postponement, the court may alter or supplement its order or decree of postponement upon the presentation of evidence that the provisions of the order or decree require alteration or supplementing to make them just and reasonable.

If the trustor, mortgagor or purchaser commits waste or defaults in any payment or act required by the order or decree of the court, the court may order that the sale, foreclosure, termination or forfeiture postponed by the original order or decree, proceed as provided by law if it finds after hearing upon such notice to the applicant or his attorney as it prescribes, that there has been such waste or such default, amounting to a material breach of the order or decree of postponement.

SEC. 7. No suit or action shall be commenced against the guarantor of any note secured by a mortgage or deed of trust upon real property or upon chattels attached to real property in any case while by virtue of any law no sale may be made under any power of sale contained in such mortgage or deed of trust, or while no sale may be made under the final decree of foreclosure rendered in an action to foreclose such mortgage.

SEC. 8. Whenever the time within which an action may be commenced upon any obligation founded upon a written instrument secured by mortgage, deed of trust or contract of purchase of real property or upon chattels attached to real property, would expire by virtue of section 337 of the Code of Civil Procedure during the period of postponement ordered pursuant to the provisions of this act, such time is hereby extended to the extent of such period of postponement.

SEC. 9. Nothing contained in this act shall apply to or be deemed to affect (a) any mortgage, deed of trust or contract of sale upon real property executed after the effective date of this act, or (b) any mortgage or deed of trust securing the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations or made by public utilities subject to the provisions of the Public Utilities Act.

SEC. 10. As used in this act:

(a) The terms "mortgagor," "mortgagee," "trustor," "trustee," "purchaser," "vendor," and "guarantor," shall include their personal representatives, assigns or successors in interest, and the singular shall include the plural.

(b) The term "trustee" shall also include the beneficiary of a deed of trust.

(c) As used in this act the term "chattels attached to real property," or similar designation, includes anything which is deemed affixed or attached to land, or as

forming part of the land, or which is used in connection with the customary operation of such land.

SEC. 11. Nothing contained in this act precludes any transfer under a deed of trust or any mortgage under a mortgage or any purchaser under a contract for the purchase of real property or chattels attached to real property from executing and delivering at any time a grant deed to his beneficiary, mortgagee or vendee, as the case may be, and the execution and delivery of any such deed by any such trustee, mortgagor or purchaser shall constitute a waiver of the benefit of all the provisions of this act. The failure on the part of any trustee, mortgagor or purchaser to file a petition within the times specified in this act, shall be deemed a waiver of the benefit of the provisions of this act.

SEC. 12. Any sale of real property or chattels attached to real property under a deed of trust or mortgage made in violation of this act shall be voidable, except as against a bona fide purchaser or encumbrancer for value, at the instance of the record owner of such real property at the time of such sale, provided that any action to avoid such sale or any deed executed pursuant thereto must be brought within one year of the date of such sale.

SEC. 13. There shall be no filing fees for the filing of any document with the county clerk under the provisions of this act.

SEC. 14. No receiver shall be appointed at the instance of the mortgagee of any mortgage or the trustee or beneficiary of any deed of trust, or the holder of a contract for the purchase of real property, with respect to real property or chattels attached to real property subject to mortgage, deed of trust, or contract of purchase, until the time has expired for filing a petition under this act, or until the time permitted by law to make answer to any action to foreclose any such mortgage or deed of trust has expired, or in the event such a petition or answer is filed within the time permitted by law therefor, then not until the court has heard the matter and in the event, pursuant to such a petition or its answer, or to any such action, a judgment is granted, then not as long as such judgment remains in effect.

None of the provisions of this section shall preclude the court from appointing a receiver after ten days notice in writing of hearing of application therefor served upon the owner, mortgagor or trustee of his property at issue. And at which hearing the court shall find that grounds do not exist for the extension of any relief under the provisions of this act.

In no event shall the court order the payment by the trustee or mortgagee of a lesser sum than the greater of (1) the amount of such reasonable portion of the income, or such reasonable rental value or such reasonable sum so determined by the court, or (2) a sum sufficient to pay (a) current taxes, (b) all delinquent taxes, except that such taxes may be paid in installments as provided by law, and (c) a sum reasonably necessary for fire and other insurance upon any improvement upon such property.

Amendment No. 2.

On page 11, line 30, of the printed bill, as amended, strike out "25", and insert in lieu thereof the following: "15".

Amendment No. 3.

On page 12, line 3, of the printed bill, as amended, strike out "26", and insert in lieu thereof the following: "16".

Amendment No. 4.

On page 12 of the printed bill, as amended, between lines 11 and 12, insert the following:

SEC. 17. If any feature or application of this act is finally determined by the courts to be unconstitutional, such feature or application shall no longer apply, but all other features and applications shall continue in full force and effect, it being the intent of the Legislature to make this act as effective as possible to relieve debtors in the manner herein provided.

SEC. 18. Whenever any petition under this act is to be or is being heard by the court, the interested parties may submit to the court in writing a composition of the indebtedness involved in the proceeding, or a compromise settlement of the proceeding, and the court shall have jurisdiction and may by its order confirm and approve such composition or settlement."

Amendment No. 5.

On page 12, line 51, of the printed bill, as amended, strike out "27", and insert in lieu thereof the following: "19".

Amendment No. 6.

On page 13, line 1, of the printed bill, as amended, strike out "28", and insert in lieu thereof the following: "20".

Motion.

Senator Difani moved that the amendments offered by Senator Olson be printed in the Journal, and that the consideration of Assembly Bill

No. 2136, with the amendments offered, be made a special order for Friday, June 7, 1935, at eleven o'clock a.m.

Withdrawal of Motion.

Senator Difani requested, and was granted, permission to withdraw his motion.

Motion.

Senator Difani moved that the amendments offered by Senator Olson be printed in the Journal.

Motion carried.

Motion to Refer.

Senator Knowland moved that Assembly Bill No. 2136, along with the printed amendments, be referred to the Committee on Judiciary, with instructions that the Committee on Judiciary report out a moratorium bill to be considered by the Senate on June 7, 1935, at two o'clock and thirty minutes p.m.

Amendment to the Motion.

Senator Difani moved, as an amendment to the motion, that all amendments to be offered to Assembly Bill No. 2136 be so offered, and printed in the Journal, and that the bill be re-referred to the Committee on Judiciary, to be considered along with the proposed amendments, and that the Committee on Judiciary be instructed to report out a moratorium bill to be considered by the Senate on June 7, 1935, at two o'clock and thirty minutes p.m.

Senator Knowland accepted the amendment to the motion.

The question being on the adoption of the motion with the amendment thereto.

Previous Question Moved.

Senator McColl moved the previous question.

The question being: Shall the main question be now put?

Motion carried.

The question being on the motion of Senator Knowland with the amendment thereto.

Ayes and Noes Demanded.

A roll call was demanded by Senators Knowland, Garrison and Jespersen, on the adoption of the motion and amendment thereto.

The roll was called, and the motion with the amendment thereto was adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, King, Knowland, McColl, Mixer, Parkman, Perry, Pierovich, Powers, Rein-dollar, Rich, Seawell, Sharkey, Snyder, Stow, Wagy, Williams, and Young—25.

NOES—Senators Deuel, Garrison, Jespersen, McGovern, McGuinness, Metzger, Olson, Schottky, Scollan, Slater, and Swing—11.

Assembly Bill No. 2136 and the amendments offered thereto ordered referred to Committee on Judiciary.

Second Reading of Assembly Bill No. 44.

Assembly Bill No. 44—An act to prohibit until February 1, 1937, sales under certain mortgages and deeds of trust, and the forfeiture of the interest of the purchaser under certain contracts of purchase, for default in the payment of the principal sum of obligations secured thereby or contracted to be paid thereunder, to extend the statute of limitations upon certain obligations, to make voidable at the instance of the owner any sale or forfeiture made in violation of this

act, to prescribe the time within which an action to avoid the same may be brought, to postpone sales for default in payment of installments due between effective date of this act and February 1, 1937, to authorize waiver hereof, to regulate actions upon guarantors' obligations, the enforcement of the security for which is affected by this act, to repeal an act entitled "An act relating to the relief of debtors and guarantors, and permitting postponement of foreclosures and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of forfeitures and terminations under such contracts of purchase, declaring the urgency thereof, and providing that it shall take effect immediately," approved January 31, 1935, to repeal an act entitled "An act to prohibit until February 1, 1935, sales under certain mortgages and deeds of trust, and the forfeiture of the interest of the purchaser under certain contracts of purchase, for default in the payment of the principal sum of obligations secured thereby or contracted to be paid thereunder, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale or forfeiture made in violation of the act, to prescribe the time within which an action to avoid the same may be brought, to postpone sales for default in payment of installments due between effective date of act and February 1, 1935, to authorize waiver hereof, to prevent actions against guarantors' obligations, the enforcement of the security for which is affected by the act, and to declare the urgency hereof," approved September 15, 1934; declaring the urgency hereof, and providing that it shall take effect immediately.

Assembly Bill No. 44 read second time.

Re-reference of Assembly Bill No. 44.

Senator Swing moved that Assembly Bill No. 44 be re-referred to Committee on Judiciary.

Motion carried, and such was the order.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2473—An act to add section 269 to the Political Code, relating to officers of the Senate and Assembly.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2473 read first time, and referred to Committee on Rules.

Third Reading of Senate Bills.

Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Amendment from the Floor.

During third reading of Senate Bill No. 425, the following amendment, offered by Senator Sharkey, was read and adopted:

Amendment No. 1.

On page 1, line 19, of the printed bill, strike out the word "for", and insert in lieu thereof the words "received in".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2264—An act to amend section 658 of the Fish and Game Code, relating to salmon.

Amendments from the Floor.

During third reading of Assembly Bill No. 2264, the following amendments, offered by Senator Reindollar, were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out "May 1", and insert in lieu thereof the following: "February 1".

Amendment No. 2.

On page 1, line 5, of the printed bill, strike out "May 1 and August 20", and insert in lieu thereof the following: "February 1 and March 15 and June 15 and August 30".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 405—An act to add a new section to the Civil Code to be numbered 2934a, relating to substitution of trustees in trust deeds.

Amendments from the Floor.

During third reading of Assembly Bill No. 405, the following amendments, offered by Senator Wagy, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out all of lines 4 and 5, and insert in lieu thereof the following: "upon real property securing an indebtedness may".

Amendment No. 2.

On page 1, line 13, of the printed bill, as amended, strike out the word "notice", and insert in lieu thereof the word "substitution."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 46—An act to amend section 3766 of the Political Code, relating to the publication of delinquent tax lists.

Amendments from the Floor.

During third reading of Assembly Bill No. 46, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out "therefore", and insert in lieu thereof the following: "therefor".

Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, after "county," strike out "the", and insert in lieu thereof the following: "then".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 206—An act to amend section 1 of Chapter 339 of the Statutes of 1933, entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the construction of certain words and phrases used in said act.

Amendments from the Floor.

During third reading of Assembly Bill No. 206, the following amendments, offered by Senator Mixer, were read and adopted:

Amendment No. 1.

On page 1 in the title of the printed bill, as amended, beginning in line 1 thereof, strike out the following: "Chapter 339 of the Statutes of 1934," and insert in lieu thereof the following: "an act".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out all of lines 1 to 6, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 1 of the act cited in the title hereof is hereby".

Amendment No. 3.

On page 2, line 8, of the printed bill, as amended, beginning in said line 8, strike out the following: "or propelled or operated by steam or electricity."

Bill read, ordered to reprint, and on file for third reading

Resolution

The following resolution was offered and ordered printed in the Journal:

By Senator Metzger:

Relative to Senate Bill No. 2796 in the Congress of the United States.

WHEREAS, The University of California has for many years had splendid cooperation from the James Mills Orchards Corporation, Hamilton City, California, in relation to several important agricultural research problems, including study for the control of pear blight, mottle leaf of citrus, purple trunking, citrus chlorosis and has furnished facilities and finance for much of this work; and

WHEREAS, This is a large property, well and economically managed and affords splendid facilities for many studies under actual ranch conditions; and

WHEREAS, It also offers an unusually good opportunity for many of our students to gain actual farm experience through work during the summer; and

WHEREAS, The corporation still stands ready to continue its cooperation with the university in similar studies involving deciduous fruit, citrus fruits, grain, sheep, hogs and cattle; and

WHEREAS, Senate Bill No. 2796 in the Congress of the United States as at present drawn, would result in dissolution of Mills Orchard Corporation holdings thus terminating abruptly cooperative relationships with the university with great loss to the university's educational and research work and to the agricultural and horticultural interests of the Sacramento Valley, now, therefore in order to preserve this splendid cooperation and assistance the university has long received from this corporation; be it

Resolved by the Senate of the State of California, That the Senate of the State of California, respectfully urges the Congress of the United States to consider the following amendment to Senate Bill No. 2796: "Insert on page 17 between lines 11 and 12 a new subsection as follows:

(d) no provision of this act shall apply to or be deemed to include any holding company to the extent that such holding company owns the securities of a subsidiary company,

(1) now owning and operating farm land and engaged solely in agriculture and/or horticultural undertakings and which

(2) in connection with any State subdivision or educational institution thereof is carrying on experimental or development work for the improvement of the agriculture or horticulture of such State and disseminating information relative thereto, provided always that no funds of the holding company shall be paid, loaned, or advanced to such subsidiary other than funds available for dividends on the common stock of such holding company; and any such agricultural or horticultural subsidiary company is hereby exempted from the obligation, duty and/or liabilities imposed upon persons as such subsidiary company under any provision or provisions of this title."

and, be it further

Resolved, That the Secretary of the Senate is directed to forward a copy of this resolution to the President of the United States and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members of the House of Representatives are hereby respectfully urged to support such legislation.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Sharkey moved to reconsider the vote whereby Senate Bill No. 1119 was refused passage.

Postponement of Reconsideration.

On motion of Senator Sharkey the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1119 was refused passage was postponed until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 447 was refused passage.

Postponement of Reconsideration.

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 447 was refused passage was postponed until the next legislative day.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Bill No. 1957—An act to amend the Public Utilities Act by adding two new sections numbered sections 13½ and 32½, relating to public utilities;

Also: Assembly Bill No. 2466—An act to define motor transportation broker; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—11; committee vote: Ayes—7; absent—4.

BIGGAR, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 787—An act to amend sections 2, 10, 13a and 14 of the "Motor Vehicle Fuel License Tax Act," approved May 30, 1923, as amended—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—8; absent—5.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 834—An act relating to and imposing limitations on expenditures by counties, cities and counties, districts and other political subdivisions, under authority of section 20 of Article XI of the Constitution of the State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports

the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—43; committee vote: Ayes—9; absent—4.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred printing or selling tangible personal property, providing for reports to referees, Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled, "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, providing for the levying, assessing, collecting, paying and charging of such tax, making an appropriation for the administration thereof, prescribing penalties for violations of the provisions hereof, and providing that no such tax shall become operative," approved July 31, 1933, to repeal sections 18 and said act, to add sections 94 and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property, and to provide that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—43; committee vote: Ayes—41; absent—2.

DUVAL, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, JUNE 5, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2020—An act to add a new section to the Penal Code to be numbered 470b, relating to printing, duplicating or imitating bank checks—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—44; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 1609—An act to repeal section 645 of the Penal Code, relating to perjury abuse—has had the same under consideration, and respectfully reports the same back and recommends that it do pass.

Committee membership—44; committee vote: Ayes—41; absent—3.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 93—An act to amend section 69 of the Civil Code, relating to marriage licenses—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—44; committee vote: Ayes—8; none—4; absent—2.

SWING, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, JUNE 6, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1861—An act to add section 76 to the Agricultural Code and to repeal section 694da of the Political Code, relating to the State Agricultural Society contingent fund;

Also: Assembly Bill No. 2415—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of \$1,000,000, together with any interest that may be due thereon, and other sums from the California Olympic Commission, or any committee thereof;

Also: Assembly Bill No. 1885—An act to amend section 91.5 of the Agricultural Code, relating to the sixth district agricultural association fund;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—49; committee vote: Ayes—12; absent—7.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation;

Also: Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceed-

ings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—12; absent—7.

SHARKEY, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 1053—An act requiring the compilation and publication of reports relative to the financial condition of the municipal corporations within the State—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

McGOVERN, Chairman.

BIGGAR.

DIFANI.

KEOUGH.

OLSON.

SCHOTTKY.

On Insurance.

SENATE CHAMBER, SACRAMENTO, June 5, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Assembly Bill No. 1581—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

WILLIAMS, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 669—An act to add section 3817½ to the Political Code, relating to taxation, declaring the urgency hereof and providing that this act shall take immediate effect—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—9; absent—4.

DUVAL, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 2480—An act to authorize the operation of stands in State buildings by blind persons—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—6; absent—5.

HAYS, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Assembly Bill No. 1127—An act to amend section 378 of the Fish and Game Code and to add thereto section 375.5, relating to migratory bird reservations—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—6; absent—1.

MIXTER, Chairman.

Adjournment.

On motion of Senator Stow, at eleven o'clock and twenty-five minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., June 7, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Friday, June 7, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. William P. Rich, President pro tempore of the Senate in the chair.

Secretary Joseph A. Beck at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Ellsworth, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McCall, McElwain, McGowan, Meyer, Mixer, Parkman, Perry, Pomeroy, Powers, Reindollar, Rich, Seaton, Slater, Sharkey, Slater, Snyder, Swing, Waggy, and Williams—32.

Quorum present.

Prayer.

Prayer was offered by the acting Chaplain, Rev. W. F. Edmann.

Reading of the Journal.

During the reading of the Journal of Thursday, June 6, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this day.

Senator Stow requested that Senator Tickle be granted leave of absence for this day.

Objection.

Senator Garrison objected to the excusing of Senator Tickle for the balance of this legislative day.

Motion to Excuse.

Senator Reindollar moved that Senator Tickle be excused for this legislative day.

Motion carried, and leave of absence was granted Senator Tickle for this day.

Privilege of Floor of Senate Extended.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Cornelia D. Plaster of San Diego.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Genevieve Allen of San Francisco.

On request of Senator Difani, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eleanore Stephens of Los Angeles and Minierva Stephens of Riverside.

On request of Senator Knowland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Luther Williamson of Berkeley and Mrs. Annie Little Barry of Berkeley.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Donald G. Davey of San Francisco.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day passed Assembly Bill No. 2310—An act to add section 3462a to the Political Code, authorizing trustees of reclamation districts to make refunds where wrongful assessments have been made.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2310 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 5, 1935, passed Assembly Bill No. 2417—An act to amend section 844 of the Fish and Game Code, relating to nets;

Also: Assembly Bill No. 2161—An act to provide for the aid and rehabilitation of citizens of the State of California who are the victims of economic and business depression;

Also: Assembly Bill No. 1286—An act to add a new section to the Fish and Game Code, to be known as section 788.5, relating to the possession of crabs.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2417 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 2161 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1286 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 483—An act to add a new chapter to the Insurance Code, to be numbered Chapter 13 of Part 2 of Division 2 thereof, comprising sections 11525 to 11533, inclusive, relating to the voluntary mutualization of incorporated life insurers or life and disability insurers having a share capital and issuing nonassessable policies on a reserve basis;

Also: Senate Bill No. 442—An act to amend section 652 of the Civil Code and to add four new sections thereto to be numbered sections 652.1, 652.2, 652.3 and 652.4, all relating to the consolidation and government of colleges and institutions of higher education;

Also: Senate Bill No. 606—An act to amend section 26 of the Public Utilities Act, relating to foreign corporations which may transact public utility business;

Also: Senate Bill No. 610—An act to add section 1203c to the Penal Code, relating to filing of reports by probation officers with the State Board of Prison Directors;

Also: Senate Bill No. 482—An act to amend section 1370 of the Insurance Code, relating to the assets of reciprocal insurers;

Also: Senate Bill No. 263—An act to add section 6a to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to habit-forming, narcotic and other dangerous drugs;

Also: Senate Bill No. 418—An act to add a new section to the Political Code to be numbered 3663c, relating to the correction of errors by the State Board of Equalization in assessments made by said board.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 483, 442, 606, 610, 482, 263, and 418 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 642—An act to add section 214 to the Fish and Game Code, relating to damages for destruction of fish and game.

Also: Senate Bill No. 1105—An act to amend section 1297 of the Agricultural Code, relating to the removal of officers and directors of prospecting cooperative marketing associations, declaring the urgency thereof to take effect immediately.

Also: Senate Bill No. 1097—An act to amend sections 2 and 3 of an act entitled "An act for the preservation of the public health of the people of the State of California and empowering the State Board of Health to enforce its provisions and providing penalties for the violation thereof," approved March 21, 1905, amended April 1, 1911, June 13, 1913, and May 24, 1917, so as to prevent the construction and use of sewer wells extending into subterranean water bearing strata used or intended to be used, or suitable for, a source of water supply for domestic purposes;

Also: Senate Bill No. 1108—An act relating to the Lower State of America certain tide and submerged lands of the State of California upon certain terms and conditions;

Also: Senate Bill No. 505—An act to amend section 535 of the Political Code, relating to purchase of machinery or equipment for the State printing plant.

Also: Senate Bill No. 940—An act relating to the relief of homelessness and destitution due to and caused by unemployment, setting forth the duties and duties of the Relief Commission and the Relief Administration and making an appropriation for the purposes thereof and providing for the expenditure of unemployment benefits heretofore appropriated for such purposes, setting forth certain rules to be observed in such matters and providing for the punishment and penalties therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 642, 1105, 1097, 1108, 505 and 940 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 11—Relative to the disposition of revenues received from the lease of marginal lands in the Tule Lake district of the Klamath project.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Joint Resolution No. 11 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 41—Relative to the report of the Spanish War Commemoration Commission.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 41 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 910—An act to amend the Insurance Code, by adding Article 8a to Chapter 1 of Part 2 of Division 1 of said code, comprising section 870, all relating to the deposit of funds by investment in policies, or otherwise, with an insurer;

Also: Senate Bill No. 259—An act to amend sections 223, 228, and 261 of and to add section 228.1 to the Agricultural Code, relating to bovine tuberculosis.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 910 and 259 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 428—An act to authorize the Governor of the State of California to execute and deliver deeds or other conveyances of lands.

rights of way or other easements granted to the United States of America in aid of public work, relief or other projects aiding recovery;

Also: Senate Bill No. 1110—An act to amend sections 611.6, 613, 738.5, 957, and 1343 of the Fish and Game Code, relating to fish;

Also: Senate Bill No. 434—An act to amend section 400 of the Fish and Game Code, relating to licenses;

Also: Senate Bill No. 236—An act amending section 3 of an act entitled: "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1876,'" relative to bidding on public contracts;

Also: Senate Bill No. 732—An act to amend section 14 of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to vehicles exempt from the provisions of said act;

Also: Senate Bill No. 69—An act to amend section 4260 of the Political Code, relating to compensation of county and township officers in counties of the thirty-first class.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 428, 1110, 434, 236, 732, and 69 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 287—An act relating to the adoption of codes of fair competition for certain trades and industries within this State;

Also: Senate Bill No. 465—An act to provide for the establishment of a code or codes of fair competition for the meat industry;

Also: Senate Bill No. 1008—An act to amend an act entitled "An act to amend section 11 of 'The California Districts Securities Commission Act,' relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1937, and declaring this act an emergency measure enacted under the police power, approved April 8, 1935, by adding a new section thereto to be numbered section 3, relating to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such refunding bonds;

Also: Senate Bill No. 1111—An act to amend section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the price for the sale of jute bags;

Also: Senate Bill No. 1104—An act granting certain tidelands and submerged lands of the State of California to the county of Santa Cruz.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 287, 465, 1008, 1111, and 1104 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 424—An act granting to the city of Richmond and its successors certain salt marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands or wharf-out privileges hereby granted;

Also: Senate Bill No. 669—An act to amend section 11716 of the Insurance Code, relating to the Insurance Commissioner;

Also: Senate Bill No. 847—An act to amend section 31 and to amend and renumber sections 51a and 51b as added by Chapter 999 of the Statutes of 1933, of "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts,

and imposing certain duties and functions in connection with such districts upon certain county officers;" approved May 31, 1921, relating to public utility districts in unincorporated territory;

Also: Senate Bill No. 884—An act to add section 321.5 to the Agricultural Code relating to meat inspection.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 424, 669, 847, and 884 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 418—An act to amend section 11 of the State Contract Act, relating to qualifications of bidders.

Also: Senate Bill No. 518—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add Division III thereto, relating to missing persons.

Also: Senate Bill No. 618—An act to amend section 1203 of, and to add sections 1203 I to 1203 L, inclusive, to of the Penal Code, relating to production and production officers.

Also: Senate Bill No. 546—An act to add a new section to the Political Code to be numbered 3663e, relating to the correction of errors by the State Board of Equalization in assessments made by said board.

Also: Senate Bill No. 766—An act to add section 495 of the Fish and Game Code, relating to the taking of fish.

Also: Senate Bill No. 771—An act to add sections 5a and 7 to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the payment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 318, 518, 618, 546, 766 and 771 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 6, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to permits and reports.

Also: Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653, 655 and 651.6 thereof, relating to fish.

Also: Senate Bill No. 533—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative corporations, who may organize, purpose and powers, distribution of benefits, and vote and consisting of sections 653.1 to 653.16.

Also: Senate Bill No. 626—An act to add a new section, to be numbered 715.5, to the Vehicle Code, relating to weights of vehicles on certain highways.

Also: Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1913, as amended, relating to remedies for violations.

Also: Senate Bill No. 534—An act relating to persons in private psychological institutions.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 422, 436, 533, 626, 468 and 534 ordered on file as unfinished business.

Resolution.

The following resolution was offered:

By Senator Metzger:

Relative to Senate Bill No. 2796 in the Congress of the United States.

WHEREAS, The University of California has for many years had splendid cooperation from the James Mills Orchards Corporation, Hamilton City, California, in relation to several important agricultural research problems, including study for the control of pear blight, mottle leaf of citrus, prune dieback, citrus chlorosis and has furnished facilities and finance for much of this work; and

WHEREAS, This is a large property, well and scientifically managed and affords splendid facilities for many studies under actual ranch conditions; and

WHEREAS, It also offers an unusually good opportunity for many of our students to gain actual farm experience through work during the summer; and

WHEREAS, The corporation still stands ready to continue its cooperation with the university in similar studies involving deciduous fruit, citrus fruits, grain, sheep, hogs and cattle; and

WHEREAS, Senate Bill No. 2796 in the Congress of the United States as at present drawn, would result in dissolution of Mills Orchard Corporation holdings thus terminating abruptly cooperative relationships with the university with great loss to the university's educational and research work and to the agricultural and horticultural interests of the Sacramento Valley; now, therefore, in order to preserve this splendid cooperation and assistance the university has long received from this corporation; be it

Resolved by the Senate of the State of California, That the Senate of the State of California, respectfully urges the Congress of the United States to consider the following amendment to Senate Bill No. 2796: "Insert on page 17 between lines 11 and 12 a new subsection as follows:

(d) no provision of this act shall apply to or be deemed to include any holding company to the extent that such holding company owns the securities of a subsidiary company.

(1) now owning and operating farm land and engaged solely in agriculture and/or horticultural undertakings and which

(2) in connection with any State subdivision or educational institution thereof is carrying on experimental or development work for the improvement of the agriculture or horticulture of such State and disseminating information relative thereto; provided, always that no funds of the holding company shall be paid, loaned, or advanced to such subsidiary other than funds available for dividends on the common stock of such holding company; and any such agricultural or horticultural subsidiary company is hereby exempted from the obligation, duty and/or liabilities imposed upon persons as such subsidiary company under any provision or provisions of this title."

and be it further

Resolved, That the Secretary of the Senate is directed to forward a copy of this resolution to the President of the United States and to each Senator and member of the House of Representatives from California in the Congress of the United States, and that such Senators and members of the House of Representatives are hereby respectfully urged to support such legislation.

Resolution read, and on motion of Senator Metzger, adopted.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 479—An act to amend section 2179 of the Political Code, relating to guardianship and administration of estates of incompetents.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 479:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 23, 1935

*To the Honorable Members of the Senate.**State of California, Sacramento, California.*

GREETINGS: Assembly Bill No. 479—An act to amend section 2179 of the Political Code, relating to guardianship and administration of estates of incompetents.

In my opinion said Assembly Bill No. 479 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 479 passed by the following vote:

AYES—Senators Biggar, Crittendon, Deuel, Dufrane, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jepsen, Keough, King, Knowland, McColl, McGowan, McGuinness, Metzger, Mixer, Parkman, Remondollar, Rich, Seidlun, Serio, Starnes, Slater, Stow, Swing, Waggy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 479 ordered transmitted to the Assembly.

Unfinished Business.**Consideration of Assembly Amendments.**

Senate Bill No. 734—An act to amend sections 108, 709, 1584, and 1640 of the Insurance Code, relating to insurance principles, practice, and business and matters incidental thereto.

The Senate took up for consideration Assembly amendments to Senate Bill No. 734.

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after "Code", insert the following: "and to add sections 716, 1668.5, 1711.5 and 1778.5 thereto".

Amendment No. 2.

On page 2 of the printed bill, as amended, between lines 31 and 32, insert the following:

"Sec. 3. A new section is hereby added to Article 3 of Chapter 1 of Part 2 of Division 1 of the Insurance Code to be numbered 716 and to read as follows:

716. Whenever the commissioner revokes the certificate of authority theretofore granted to any insurer or refuses to grant a certificate of authority to any insurer, any interested person or insurer may commence an action against the commissioner for the purpose of reviewing the facts and the law pertinent to the controversy and for the purpose of obtaining the relief refused or canceling the action of the commissioner. In any such action the court shall have full power to investigate all of the facts de novo without regard to the determination previously made by the commissioner. In the trial of such actions all of the provisions of the Code of Civil Procedure not inconsistent herewith, shall be applicable."

Amendment No. 3.

On page 2, line 32, of the printed bill, as amended, strike out "Sec. 3", and insert in lieu thereof the following: "Sec. 4".

Amendment No. 4.

On page 2, line 40, of the printed bill, as amended, strike out "Sec. 4", and insert in lieu thereof the following: "Sec. 5".

Amendment No. 5.

On page 3 of the printed bill, as amended, after line 8, add the following:

"Sec. 6. A new section is hereby added to Article 1 of Chapter 5 of Part 2 of Division 1 of the Insurance Code to be numbered 1668.5 and to read as follows:

1668.5. Whenever the commissioner revokes the license theretofore issued to an insurance agent, broker or solicitor licensed under this article, or refuses to grant such a license, the applicant, or the insurance agent, broker or solicitor, may commence an action in the superior court against the commissioner for the purpose of reviewing the facts pertinent to the controversy and for the purpose of obtaining relief or canceling the act of the commissioner. In any such action the court shall

have full power to investigate all the facts de novo without regard to the determination previously made by the commissioner. All of the provisions of the Code of Civil Procedure not inconsistent herewith shall be applicable to such action.

SEC. 7. A new section is hereby added to Article 2 of Chapter 5 of Part 2 of Division 1 of the Insurance Code to be numbered 1711.5 and to read as follows:

1711.5. Whenever the commissioner revokes or suspends the license theretofore issued to any life agent, or refuses to grant such a license, the applicant or agent may commence an action against the commissioner for the purpose of revoking the facts pertinent to the controversy and for the purpose of obtaining relief or canceling the act of the commissioner. In any such action the court shall have full power to investigate all the facts de novo without regard to the determination previously made by the commissioner. All the provisions of the Code of Civil Procedure not inconsistent herewith shall be applicable to such section.

SEC. 8. A new section is hereby added to Chapter 6 of Part 2 of Division 1 of the Insurance Code, to be numbered 1778.5 and to read as follows:

1778.5. Whenever the commissioner revokes the license theretofore issued to any surplus line broker, or refuses to issue such license, any interested person may commence an action against the commissioner for the purpose of reviewing the facts and the law pertinent to the controversy and for the purpose of obtaining the relief refused or canceling the act of the commissioner. In any such action the court shall have full power to investigate all of the facts de novo without regard to the determination previously made by the commissioner. In the trial of such actions all of the provisions of the Code of Civil Procedure not inconsistent herewith, shall be applicable."

Amendment No. 6.

On page 1, line 2 of the title of the printed bill, as amended, after "Code", insert the following: ", to amend and renumber section 10880 of Article 14 of Chapter 8 of Part 2 of Division 2 of said code,".

Amendment No. 7.

On page 4 of the printed bill, as amended, after line 12, add the following:

"Sec. 5. Section 10880 of Article 14 of Chapter 8 of Part 2 of Division 2 of the Insurance Code is hereby amended and renumbered to read as follows:

10780. Any such association or any officer or agent thereof refusing to comply with or violating any provision of this chapter is, except as otherwise provided, guilty of a misdemeanor."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 734?

The roll was called, and Assembly amendments to Senate Bill No. 734 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Powers, Reindollar, Rich, Scollan, Sharkey, Slater, Stow, Swing, Waggy, Williams, and Young—31.

NOES—None.

Senate Bill No. 734 ordered to enrollment.

Assembly Bill No. 1188—An act to add a new article to Chapter I of Part III of Division IV of the School Code, and to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, all to be known as Article XI, relating to school district funds.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1188?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1188 by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Parkman, Powers, Reindollar, Rich, Scollan, Sharkey, Slater, Stow, Swing, Waggy, Williams, and Young—29.

NOES—None.

Appointment of Committee on Conference.

The President announced the appointment of Senators Scollan, Jespersen, and Young, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1188.

Senate Bill No. 229—An act to amend sections 1, 1a, 1b, 1c, 3, 10c, 11 and 15 of, and to add sections 11.5, 11.6 and 18 to, "An act to regulate the sale, possession, distribution and use of habit-forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to habit forming, narcotic and other dangerous drugs and substances.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 229.

Amendment No. 1.

On page 3, line 27, of the printed bill, as amended, strike out "of", and insert in lieu thereof the following: "by"

Amendment No. 2.

On page 3, line 44, of the printed bill, as amended, after "heron", insert the following: "flowering tops or leaves of hemp or loco weed (*canabis sativa*), Indian hemp."

Amendment No. 3.

On page 4, line 51, of the printed bill, as amended, after "are", insert the following: "unlawfully".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 229?

The roll was called, and Assembly amendments to Senate Bill No. 229 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—30.

NOES—None.

Senate Bill No. 229 ordered to enrollment.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 1182, heretofore set as a special order for eleven o'clock a.m., the same was taken up for consideration.

Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

Bill read third time.

Motion to Table.

Senator McGovern moved that Assembly Bill No. 1182 be laid on the table.

Motion refused adoption.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1182 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixer, Parkman, Powers, Reindollar, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Swing, Wagy, Williams, and Young—32.

NOES—Senators McGovern, and Stow—2.

Title read and approved.

Assembly Bill No. 1182 ordered transmitted to the Assembly.

Unfinished Business—(Resumed).**Consideration of Assembly Amendments.**

Senate Bill No. 870—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof.

The Senate took up for consideration Assembly amendments to Senate Bill No. 870.

Amendment No. 1.

On page 1, line 12, of the printed bill, as amended, strike out the two parentheses.

Amendment No. 2.

On page 4, line 22, of the printed bill, as amended, strike out "4.", and insert in lieu thereof the following: "5."

Amendment No. 3.

On page 4, line 30, of the printed bill, as amended, strike out "rainy".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 870?

The roll was called, and Assembly amendments to Senate Bill No. 870 concurred in by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Wag, Williams, and Young—29.

NOES—None.

Senate Bill No. 870 ordered to enrollment.

Senate Bill No. 92—An act to add section 614.5 to the Fish and Game Code, relating to trout.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 92.

Amendment No. 1.

On page 1, line 4, of the printed bill, strike out "August 1", and insert in lieu thereof the following: "September 30".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 92?

The roll was called, and Assembly amendment to Senate Bill No. 92 concurred in by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Reindollar, Rich, Scollan, Seawell, Slater, Stow, Swing, Wag, Williams, and Young—26.

NOES—None.

Senate Bill No. 92 ordered to enrollment.

Senate Bill No. 913—An act to amend section 459 of the Fish and Game Code, as added by Chapter 374, Statutes of 1933, and to renumber said section to be section 460, relating to the transportation of fish and game into this State.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 913.

Amendment No. 1.

At the end of section 1 of the printed bill, add the following: "The provisions of this section shall not apply to a shipment handled by a common carrier under a bill of lading nor to supplies carried into this State in the dining cars of common carriers for service to the patrons of such cars."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 913?

The roll was called, and Assembly amendment to Senate Bill No. 913 concurred in by the following vote:

AYES—Senators Crittenden, Denel, Edwards, Fletcher, Garrison, Gordon, Hulse, Jaspersen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixer, Reindollar, Rich, Scollan, Seawell, Slater, Stow, Swing, Wagy, Williams, and Young—25.

NOES—None.

Senate Bill No. 913 ordered to enrollment.

Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 399.

Amendment No. 1.

On page 1 of the printed bill, strike out line 1.

Amendment No. 2.

On page 1, line 7, of the printed bill, after the comma after the word "agent", insert the following: "and no officer or agent of any irrigation district shall be liable for the negligent act or omission of any agent or employee appointed or hired by him."

Amendment No. 3.

On page 1, line 8, of the printed bill, after the word "employment", insert a comma and the following: "or excepting when such agent or employee appoints or hires said subemployee or subagent."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 399?

The roll was called, and Assembly amendments to Senate Bill No. 399 concurred in by the following vote:

AYES—Senators Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jaspersen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixer, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Stow, Swing, Wagy, Williams, and Young—28.

NOES—None.

Senate Bill No. 399 ordered to enrollment.

Senate Bill No. 406—An act to amend section 610 of the Fish and Game Code, relating to trout and whitefish.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 406.

Amendment No. 1.

On page 1, line 10, of the printed bill, as amended, strike out "triet 2", and insert in lieu thereof the following: "triets 1, 2, 2, 2, 2, 3 and 4".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 406?

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 406 by the following vote:

AYES—None.

NOES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McGovern, Metzger, Mixer, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Stow, Swing, Waggy, and Young—26.

Assembly requested to recede.

Senate Bill No. 207—An act to amend sections 4239, 4239d, 4239h, 4239l, 4239r, 4239s, and to repeal sections 4239a, 4239b, 4239c, 4239e, 4239f, 4239g, 4239i, 4239j, 4239k, 4239m, 4239n, 4239o, 4239p, 4239q, 4239t, 4239u, 4239v and 4239w of the Political Code, relating to the compensation of county and township officers in counties of the tenth class.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 207.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "and 4239l", and insert in lieu thereof a comma and the following: "4239l, 4239r, 4239s".

Amendment No. 2.

On page 1, line 4 of the title of the printed bill, as amended, strike out "4239r, 4239s".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 207?

The roll was called, and Assembly amendments to Senate Bill No. 207 concurred in by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Powers, Reindollar, Rich, Scollan, Seawell, Slater, Stow, Swing, and Waggy—26.

NOES—None.

Senate Bill No. 207 ordered to enrollment.

Consideration of Motion to Reconsider.

Pursuant to his motion given on a previous day, Senator Scollan requested reconsideration of the vote whereby the amendments to Assembly Bill No. 1215 were adopted.

The question being on the motion to reconsider.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Reindollar, Rich, Scollan, Seawell, Sharkey, Slater, Swing, Tickle, and Waggy—27.

The Secretary announced the absentees.

Time, twelve o'clock m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Motion to Reconsider.**

Pursuant to notice given on a previous day, Senator Statkey moved to reconsider the vote whereby Senate Bill No. 1119 was refused passage.

Postponement of Reconsideration.

On motion of Senator Sharkey, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1119 was refused passage, was postponed until the next legislative day.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Scollan.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names:

The roll was called, and reconsideration of amendments to Assembly Bill No. 1215 finally refused by the following vote:

AYES—Senators Crittenden, Duval, Fletcher, Gordon, King, McGovern, McGinness, Mixer, Perry, Reindollar, Scollan, and Swigg—12.

NOES—Senators Denel, Difam, Garrison, Jorgensen, Keough, Kunkland, Metzger, Parkman, Powers, Rich, Seawell, Sharkey, Slater, Tuckie, and Wagy—15.

Bill read, ordered to reprint, and on file for third reading.

Consideration of Daily File**Second Reading of Senate Bills.**

Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation.

Amendments from the Floor.

During second reading of Senate Bill No. 1128, the following amendments, offered by Senator Duval, were read and adopted:

Amendment No. 1.

On page 2, line 16, of the printed bill, strike out the word "by", and insert in lieu thereof the word "to".

Amendment No. 2.

On page 2, line 32, of the printed bill, strike out the word "paid", and insert in lieu thereof the following: "such notes or other evidences of indebtedness are called for payment".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1127—An act to amend section 378 of the Fish and Game Code and to add thereto section 375.5, relating to migratory bird reservations.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 787—An act to amend sections 2, 10, 13a and 14 of the "Motor Vehicle Fuel License Tax Act," approved May 30, 1923, as amended.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 787 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in the first line of the title, after "sections", insert "1,".

Amendment No. 2.

On page 1 of the printed bill, in the last line of the title, after "amended", insert the following: ", relating to definitions of terms and phrases, applications for licenses and fees required in connection therewith, nontaxable sales and exemption certificates in connection therewith, revolving funds, penalties for violation of said act, and providing that this act shall take effect immediately".

Amendment No. 3.

On page 1, line 1, of the printed bill, after "SECTION 1. Section", strike out "2", and insert in lieu thereof "1".

Amendment No. 4.

On page 1 of the printed bill, between lines 3 and 4, insert the following: "Section 1. The following words, terms and phrases shall, whenever used in this act, have the meaning set forth in this section.

(a) "Motor vehicle" shall mean and include every self propelled vehicle operated or suitable for operation on the highway.

(b) "Motor vehicle fuel" shall mean and include gasoline, natural gasoline, and any inflammable liquid, by whatever name such liquid may be known or sold, which is used or is usable for propelling motor vehicles operated by the explosion type of engine; provided, however, that kerosene shall not be considered motor vehicle fuel for the purpose of this act.

(c) "Distributor" shall mean and include every person, firm association or corporation refining, manufacturing, producing, blending, or compounding motor vehicle fuel in this State and, within the meaning of section 7 of this act, distributing such fuel; also every person, firm association or corporation importing any motor vehicle fuel into this State and, within the meaning of section 7 of this act, distributing such fuel in this State, whether in the original package or container in which it is imported or otherwise than in such original package or container; also every person, firm, association or corporation who, having acquired in this State in the original package or container motor vehicle fuel which has been imported into this State, shall, within the meaning of section 7 of this act, distribute such fuel, whether in such original package or container in which the same was imported or otherwise than in such original package or container.

(d) "Producer" shall mean and include every person, firm, association or corporation, other than a distributor, engaged in the business of producing or manufacturing any petroleum product or products used in, or which may be used in, the blending, compounding or manufacturing of motor vehicle fuel; provided, however, that crude oil which must be refined before it may be used in such blending, compounding or manufacturing shall not be considered a petroleum product within the meaning of this definition.

(e) "Broker" shall mean and include every person, firm, association or corporation, other than a distributor, engaged in business as a broker, jobber or wholesale merchant dealing in motor vehicle fuel or any petroleum product or products used in or which may be used in the blending, compounding or manufacturing of motor vehicle fuel; provided, however, that crude oil which must be refined before it may be used in such blending, compounding or manufacturing shall not be considered a petroleum product within the meaning of this definition.

(f) "Service station" is a place operated primarily for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles.

(g) "In this State" or "in the State" means within the exterior limits of the State of California, and includes all territory within such limits owned by or ceded to the United States of America.

SEC. 2. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Amendment No. 5.

On page 4, line 13, of the printed bill, after "SEC.", strike out "2", and insert in lieu thereof "3".

Amendment No. 6.

On page 5, line 8, of the printed bill, after "SEC.", strike out "3", and insert in lieu thereof "4".

Amendment No. 7.

On page 5, line 18, of the printed bill, after "Sec. ", strike out "4", and insert in lieu thereof "5".

Amendment No. 8.

On page 5 of the printed bill, after line 49, add the following:
"Sec. 6. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of section 1, of Article IV of the Constitution, take effect immediately."

Bill read second time, and ordered to reprint.

Re-reference of Senate Bill No. 787.

Senator Sharkey moved that Senate Bill No. 787 be referred to Committee on Finance.

Motion carried, and such was the order.

Second Reading of Assembly Bills.

Assembly Bill No. 2020—An act to add a new section to the Penal Code to be numbered 476b, relating to printing, duplicating or imitating blank checks.

Consideration of Committee Amendment.

Pursuant to the report of Committee on Judiciary, the following amendment to Assembly Bill No. 2020 was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after the word "drawer", add the following: "thereof, without securing from the prospective drawer or drawee, the authorization, in writing, so to do, shall be guilty of a misdemeanor; provided that if such printing, duplicating or imitating be".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1609—An act to repeal section 645 of the Penal Code, relating to carnal abuse.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 93—An act to amend section 69 of the Civil Code, relating to marriage licenses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1861—An act to add section 76 to the Agricultural Code and to repeal section 694.1a of the Political Code, relating to the State Agricultural Society contingent fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2415—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of one million dollars, together with any interest that may be due thereon, and other sums from the California Olympiad Commission, or any committee thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1885—An act to amend section 91.5 of the Agricultural Code, relating to the Sixth District Agricultural Association fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1053—An act requiring the compilation and publication of reports relative to the financial condition of the municipal corporations within the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1581—An act to amend sections 38 and 11741 of, and to add section 11557.5 to, the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto, particularly including notice, and revocation and suspension of certificates of authority.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 669—An act to add section 3817½ to the Political Code, relating to taxation, declaring the urgency hereof and providing that this act shall take immediate effect.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 669 were read and adopted:

Amendment No. 1.

On page 2, line 33, of the printed bill, as amended, after "showing," insert the following: "and with the approval of the State Controller,".

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out lines 40 to 43, inclusive, and insert in lieu thereof the following: "of the county, but such".

Amendment No. 3.

On page 3 of the printed bill, as amended, strike out lines 28 to 32, and insert in lieu thereof the following: "before set forth for redemption by the applicant."

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 834—An act relating to and imposing limitations on expenditures by counties, cities and counties, districts and other political subdivisions, under authority of section 20 of Article XI of the Constitution of the State.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 834 were read and adopted:

Amendment No. 1.

On page 1, lines 10 and 11, of the printed bill, as amended, strike out "irrespective of the source from which these funds expended are derived,".

Amendment No. 2.

On page 1, line 14, of the printed bill, as amended, strike out the word "of", and insert in lieu thereof the word "or".

Amendment No. 3.

On page 2, line 7, of the printed bill, as amended, after "centum", insert the following: "; provided, further, that any county, city and county, municipality, district, or other political subdivision of this State that has decreased or that decreases the amount of its expenditures in any year or years since the year 1933 or fiscal years ended during such year may increase, in any subsequent year or years, the amount of its expenditures by the amount, or any fraction thereof, so reduced, or by an amount not more than five per centum of the amount expended in the year immediately preceding".

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 10 to 17, both inclusive.

Amendment No. 5.

On page 2, line 27, of the printed bill, as amended, after "property", insert the following: "; provided that this act shall not prevent any county, city and county, municipality, district or other political subdivision from expending as much as it would be permitted to expend if the term expenditures included expenditures out of State apportionments for the support of the public school system."

Amendment No. 6.

On page 3, line 6, of the printed bill, as amended, after "application," insert "or within twenty days after this act becomes effective in the case of applications filed prior to the effective date of this act."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1271 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, between lines 41 and 42, insert the following:

"(j) 'In this State' or 'in the State' means within the exterior limits of the State of California, and includes all territory within such limits owned by or ceded to the United States of America."

Amendment No. 2.

On page 13, line 6, of the printed bill, as amended, after "State", strike out "Any", and in lieu thereof insert "any".

Amendment No. 3.

On page 14 of the printed bill, as amended, strike out line 12 and in lieu thereof insert "of service of notice thereof. If the amount of the tax, interest and penalty, if any, specified in any assessment is not paid prior to the time the assessment becomes final, there".

Amendment No. 4.

On page 18 of the printed bill, as amended, between lines 39 and 40, insert the following:

"In any action brought under the provisions of this act process may be served according to the provisions of the Code of Civil Procedure and the Civil Code of this State or may be served upon any agent or clerk in this State employed by any retailer in a place of business maintained by such retailer in this State, in which case a copy of the process shall forthwith be sent by registered mail to the retailer at his principal or home office."

Bill read second time, ordered to reprint.

Re-reference of Assembly Bill No. 1271.

Senator Duval moved that Assembly Bill No. 1271 be re-referred to Committee on Finance.

Motion carried, and such was the order.

Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 19 of said act; to add sections 9½ and 19 to said act; all relating to the tax-

ation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 1273 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, after "27," insert "29,".

Amendment No. 2.

On page 3 of the printed bill, as amended, between lines 27 and 28, insert the following:

"(i) 'In this State' or 'in the State' means within the exterior limits of the State of California and includes all territory within such limits owned by or ceded to the United States of America."

Amendment No. 3.

On page 10 of the printed bill, as amended, between lines 30 and 31, insert the following:

"In addition to the employees hereinbefore mentioned each member of the board is individually authorized and empowered to appoint one deputy who shall serve at the pleasure of such member and who shall possess the powers and may perform the duties attached by law to the office of his principal, save that such deputy may not vote instead of the member at any board meeting or with respect to any action requiring a vote of the board.

SEC. 16. Section 29 of said act is hereby amended to read as follows:

SEC. 29. All fees, taxes, interest and penalties imposed under this act must be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California, and said board shall transmit such payments to the State Treasurer to be deposited in the State treasury to the credit of the "Retail sales tax fund." For expenditure by the board in carrying out the provisions of this act in addition to any other appropriations, there is hereby appropriated the amount of permit fees paid hereunder from the effective date of said act to and including June 30, 1936. All moneys in the retail sales tax fund, unless otherwise appropriated shall, upon order of the State Controller, be drawn therefrom for the purpose of refunding to the retailers hereunder or be transferred to the general fund of the State."

Amendment No. 4.

On page 10, line 31, of the printed bill, as amended, strike out "16", and insert in lieu thereof "17".

Amendment No. 5.

On page 10, line 48, of the printed bill, as amended, strike out "17", and insert in lieu thereof "18".

Amendment No. 6.

On page 11, line 12, of the printed bill, as amended, strike out "18", and insert in lieu thereof "19".

Amendment No. 7.

On page 11, line 16, of the printed bill, as amended, strike out "19", and insert in lieu thereof "20".

Bill read second time, and ordered to reprint.

Re-reference of Assembly Bill No. 1273.

Senator Duval moved that Assembly Bill No. 1273 be re-referred to Committee on Finance.

Motion carried, and such was the order.

Assembly Bill No. 2480—An act to authorize the operation of stands in State buildings by blind persons.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 2480 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out "persons", and insert in lieu thereof the following: "residents, to be operated in person by such residents."

Amendment No. 2.

On page 2 of the printed bill, after line 12, insert the following:

"SEC. 9. Every stand operated under the provisions of this act shall be exempt from any license fee by the county, city and county or city in which it is located."

Bill read second time, ordered to reprint, and on file for third reading:

Assembly Bill No. 1957—An act to amend the Public Utilities Act by adding two new sections numbered sections 13½ and 32½, relating to public utilities.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Assembly Bill No. 1957 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after "rate", insert the following: "for the transportation of property".

Amendment No. 2.

On page 1, line 11, of the printed bill, as amended, after "rate", insert the following: "for the transportation of property".

Amendment No. 3.

On page 2, line 5, of the printed bill, as amended, strike out "fare or toll" and insert in lieu thereof the following: "or toll for the transportation of property".

Amendment No. 4.

On page 2, line 9, of the printed bill, as amended, after "rates", insert the following: "for the transportation of property".

Amendment No. 5.

On page 2, line 14, of the printed bill, as amended, after "water", insert the following: "for the transportation of property".

Bill read second time, ordered to reprint, and on file for third reading

Assembly Bill No. 2466—An act to define motor transportation broker; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Utilities, the following amendments to Assembly Bill No. 2466 were read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended, strike out "or to a passenger stage corporation as the same is"; also strike out all of lines 5 to 7, inclusive.

Amendment No. 2.

On page 2, line 11, of the printed bill, as amended, strike out the period after "Commission", and insert in lieu thereof a comma and the following: "or to a passenger stage corporation as the same is defined in section 2½ of the Public Utilities Act engaged in transporting express when such transportation is incidental to the transportation of passengers."

Amendment No. 3.

On page 6, line 17, of the printed bill, as amended, strike out "Of", and insert in lieu thereof the following: "If".

Amendment No. 4.

On page 3, line 52, of the printed bill, as amended, strike out the word "conditions", and substitute therefor the word "conditioned".

Bill read second time, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills.

Senate Bill No. 50—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 50:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 5, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 50—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health, declaring the urgency thereof and providing that this act shall take effect immediately.

In my opinion said Senate Bill No. 50 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 50 passed by the following vote:

AYES—Senators Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Senate Bill No. 50 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 781.

Senator Sharkey moved that Senate Bill No. 781 be re-referred to Committee on Finance.

Motion carried, and such was the order.

Withdrawal and Re-reference of Assembly Bill No. 2473.

Unanimous consent granted, the President pro tempore ordered that Assembly Bill No. 2473 be withdrawn from Committee on Rules, and referred to Committee on Governmental Efficiency.

Special Order.

The President pro tempore ordered that Senate Bills Nos. 48, 75, 163, 331, 404, and 527 be placed on the appropriation bill file, and that they be made a special order for immediately after the signing of the Budget Bill by the Governor.

Recess.

On motion of Senator Stow, at twelve o'clock and twenty-five minutes p.m., the President pro tempore of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Leave of Absence.

Senator Reindollar was, on motion of Senator Swing, granted leave of absence for the balance of this legislative day.

Call of the Senate.

Senator Stow moved a call of the Senate.

Motion carried.

Time, two o'clock and twenty-five minutes p.m.

The President pro tempore directed the Sergeant at Arms to close the doors and bring the absentees to the bar of the Senate.

Proceedings Under the Call of the Senate.

Special Order Reset.

On motion of Senator Swing, the consideration of Assembly Bill No. 2136, heretofore set as a special order for this time, was reset as a special order for consideration at nine o'clock and thirty minutes p.m., on this day.

Statement.

The following statement, offered by Senator Duval, was ordered printed in the Journal:

1935-37 State Financial Situation as it Stands Today.

REQUIREMENTS.			
<i>Governor's Original Budget:</i>			
General fund-----		228.3	
Special fund-----		119.	
		<u>347.3</u>	
Less: Permanent improvements to State institutions to be covered by twelve million bond issue to be voted July 30, 1935-----		4.	343.3
<i>Assembly Additions:</i>			
General fund-----	4.8	---	
Special fund-----	.2	5.	
<i>Senate Additions:</i>			
General fund (relief)-----	24.	---	---
Special fund-----	.4	24.4	29.4
		<u>372.7</u>	
REVENUES.			
<i>Special funds</i> —existing sources-----		119.6	---
<i>General funds</i> —existing sources as shown in Governor's budget, January, 1935-----		132.6	252.2
<i>Added Sources:</i>			
(1) Underestimate of insurance gross premium tax-----		4.	
(2) Increased liquor licenses to be assessed by State board under existing law-----		2.	
(3) Additional sales tax (Assembly Bill No. 1208)-----		35.5	
(4) Additional sales tax (Assembly Bill No. 1271 and Assembly Bill No. 1273, as amended)-----		10.0	
(5) Additional bank and corporation franchise tax (Assembly Bill No. 239)-----		17.0	
(6) Personal income tax (Assembly Bill No. 1182)-----		17.5	
(7) Spirituous liquor tax (Senate Bill No. 919)-----		9.0	
(8) Revision of inheritance tax rates and exemptions (Assembly Bill No. 2183)-----		3.0	
(9) Revision of truck tax (Senate Bill No. 727 or Assembly Bill No. 2474)-----		2.0	
(10) Real estate transfer tax (Assembly Bill No. 1901)-----		6.	106.0
		<u>358.2</u>	
RECAPITULATION.			
Requirements -----		372.7	
Revenues -----		358.2	
		<u>14.5</u>	
To be supplied by motor vehicle transfer tax (@ 1½%)-----		18.0	
Surplus -----		3.5	

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and forty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

Assistant Secretary Carl A. Shipkey at the Desk.

Third Reading of Assembly Bills.

Assembly Bill No. 2445—An act to amend section 788 of the Fish and Game Code, relating to the crab season in California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2445 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McGinness, Mixter, Parkman, Perry, Powers, Rich, Seawell, Stow, Swing, Wagy, Williams, and Young—25.

NOES—Senators Scollan and Slater—2.

Title read and approved.

Assembly Bill No. 2445 ordered transmitted to the Assembly.

Assembly Bill No. 1324—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the Division of Fire Safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, relating to clothes cleaning establishments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1324 passed by the following vote:

AYES—Senators Biggar, Donel, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, Keough, Knowland, McGinness, Mixter, Parkman, Perry, Rich, Scollan, Seawell, Sharkey, Slater, Swing, and Young—21.

NOES—None.

Title read and approved.

Assembly Bill No. 1324 ordered transmitted to the Assembly.

Assembly Bill No. 1270—An act to add section 9½ to "An act to provide for the aid and relief of indigents," approved June 5, 1933, relating to the sale of personal property of such persons upon their death.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1270 passed by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McGinness, Mixter, Parkman, Rich, Scollan, Seawell, Sharkey, Slater, Swing, and Young—21.

NOES—None.

Title read and approved.

Assembly Bill No. 1270 ordered transmitted to the Assembly.

Assembly Bill No. 128—An act to add section 488a to the Penal Code, relating to the punishment for theft of certain amounts of avocados.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 128 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McGuinness, Mixer, Parkman, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Williams, and Young—23.

NOES—Senator McGovern—1.

Title read and approved.

Assembly Bill No. 128 ordered transmitted to the Assembly.

Assembly Bill No. 1974—An act to amend section 11 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and three-fourths class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1974 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixer, Parkman, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1974 ordered transmitted to the Assembly.

Assembly Bill No. 1260—An act to add section 1140.5 to the Probate Code, relating to the duties of the public administrator and providing for the management, control, rental and sale by the public administrator of properties of indigent or other aliens returned to their native lands by or at the request of counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1260 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, McGovern, McGuinness, Mixer, Perry, Powers, Rich, Scollan, Seawell, Slater, Stow, Swing, Wagy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1260 ordered transmitted to the Assembly.

Assembly Bill No. 1268—An act to validate the formation, organization and existence of county water districts, and to validate the acts of the board of directors of such districts in the inclusion of land therein or exclusion of land therefrom, and to validate the proceedings of such directors taken for the creation of a bonded indebtedness.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1268 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, Jaspersen, Keough, King, Knowland, McGovern, McGuinness, Mixer, Parkman, Perry, Powers, Rich, Scollan, Seawell, Slater, Stow, Swing, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1268 ordered transmitted to the Assembly.

Assembly Bill No. 845—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 15, 16, 17, 20, 22 and 24½ and to repeal section 3½ of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 845 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, King, Knowland, McGovern, McGuinness, Mixer, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Wagy, Williams, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 845 ordered transmitted to the Assembly.

Assembly Bill No. 2408—An act to add a new section to the Code of Civil Procedure to be numbered 349½, relating to the limitation of the time within which actions, for trespass, use or occupancy of real property by oil or gas wells, and for damages by reason thereof, and for the conversion or for the taking or removing of oil, gas or other liquid or fluids by means of any such well, may be commenced, fixing the measure of damages in certain of such cases, and defining oil and gas for the purposes of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2408 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, Jaspersen, King, Knowland, McGovern, McGuinness, Mixer, Parkman, Perry, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2408 ordered transmitted to the Assembly.

Assembly Bill No. 1870—An act to amend an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and pro-

viding penalties," approved June 10, 1913, relating to unfair discriminations, and declaring the urgency thereof, to take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 1870, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 2, line 28, of the printed bill, as amended, after "and", insert the following: "he or it".

Amendment No. 2.

On page 2, line 40, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "for any such act".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1666—An act to amend sections 2 and 7 of an act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof," approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1666 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hulse, Jespersen, King, Knowland, McGovern, McGuinness, Mixer, Parkman, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Waggy, Williams, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 1666 ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 44—Relating to the termination of the probationary period of all persons employed by the various departments of the State and mentioned in subdivision (e) of Article XXIV of the Constitution of this State.

Amendment from the Floor.

During third reading of Assembly Concurrent Resolution No. 44, the following amendment to the title, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed measure, after "(e)", insert the following: "of section 5".

Assembly Concurrent Resolution No. 44.

Relating to the termination of the probationary period of all persons employed by the various departments of the State and mentioned in subdivision (e) of section 5 of Article XXIV of the Constitution of this State.

WHEREAS, There are many persons employed by the various departments of the State, holding positions subject to the provisions of Article XXIV of the Constitution for more than six months immediately preceding the effective date of said article, viz., December 20, 1934, who have now been continuously in the State service for a minimum period of at least eleven months; and

WHEREAS, All such persons hold such positions subject to a probationary term commencing on December 20, 1934, of not less than two months nor more than eight months, in the class or grade assigned, as the State Personnel Board may fix; and

WHEREAS, All such persons have now been in the State service for a period almost twice the length of the normal and usual probationary term of six months, and

WHEREAS, It is deemed in the best interests of the State of California that such probationary term should be forthwith terminated, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereat concurring, That the State Personnel Board be requested to fix the probationary term of each of such employees commencing December 20, 1934, at a period of five months, to wit, a period ending May 20, 1935, to the end that all such persons be given permanent status from and after the date last mentioned, and be it further

Resolved, That the Secretary of the Senate is directed to send copies of this resolution to the members of the State Personnel Board and the executive officer thereof.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 44 adopted by the following vote:

AYES—Senators Higger, Crittenden, Deuel, Difani, Edwards, Fletcher, Hulse, Jepsen, Keough, King, Knowland, McColl, McGovern, McGuinness, Myer, Perry, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Waggy, Williams, and Young—25.
 NOES—None.

Assembly Concurrent Resolution No. 44 ordered transmitted to the Assembly.

Notice of Motion to Reconsider.

Senator McGuinness gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2445 was refused passage.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2488—An act authorizing any county, city and county, city, town, district, or any political subdivision of the State, or any public or municipal corporation of the State, in the letting of contracts for public work, or the doing of such work, to comply with requirements of Federal laws and of regulations and orders issued under authority thereof with respect to the awarding of contracts, hours of labor, employment preferences, and other matters covered thereby, and imposed as a condition or prerequisite to the loan or grant of Federal funds or the funds of any Federal corporation or agency in aid of such public work, and declaring this act to be an urgency measure, and providing that it take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
 By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2488 read first time.

Consideration of Assembly Bill No. 2488.

Senator Difani asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 2488 without reference to committee for purpose of passage.

Assembly Bill No. 2488 ordered to print, and on file for consideration when printed.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 264—An act to amend section 737m of the Political Code, relating to the salaries of the judges of the superior court in and for the county of Imperial.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, King, Knowland, McGovern, McGuinness, Mixter, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Waggy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 264 ordered transmitted to the Assembly.

Assembly Bill No. 1559—An act to amend section 4245 of the Political Code, relating to the compensation of county officers in counties of the sixteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1559 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Gordon, Hays, Hulse, Jespersen, King, Knowland, McGovern, McGuinness, Mixter, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Waggy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1559 ordered transmitted to the Assembly.

Assembly Bill No. 638—An act to amend sections 997, 1009, 1116, 1117, 1166, 1188, 1262, 1297, 1302, 1371, and 1384, of the Penal Code, relating to refund of money deposited in lieu of bail, and to repeal conflicting acts and parts of acts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 638 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 638 ordered transmitted to the Assembly.

Assembly Bill No. 919—An act to amend section 1261 of Chapter 6, Division VI, of the Agricultural Code, relating to produce dealers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 919 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Keough, Knowland, McGovern, McGuinness, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Waggy, and Williams—23.

NOES—None.

Title read and approved.

Assembly Bill No. 919 ordered transmitted to the Assembly.

Assembly Bill No. 385.—An act to provide for the acquisition and cancellation of bonds heretofore issued under the provisions of that certain act of the Legislature of the State of California designated and known as the "Acquisition and Improvement Act of 1925", providing for the cancellation of unpaid assessments levied for the purpose of paying the principal and interest of such bonds and of the interest and penalties thereon; providing for the issuance and payment of assessment readjustment bonds to represent certain assessments for the cost of acquisition of such outstanding bonds, including all costs and incidental expenses of proceedings under this act for the issuance of such assessment readjustment bonds, providing a method for the payment of such assessment readjustment bonds, providing a means whereby landowners and bondowners may consent and agree to such proceedings and to the modification of any contract between them involved in such proceedings; providing a method for the redemption of lost or otherwise unobtainable bonds of the issue or issues to be acquired and canceled and for the protection of the owners of such bonds; authorizing proceedings under the bankruptcy laws of the United States of America in connection with any proceedings hereunder; repealing the "Assessment Readjustment Act of 1933", and to declare the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 23. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV of the Constitution of the State of California, and shall take effect immediately.

The facts constituting such urgency are as follows: Numerous acquisition and improvement districts have been created in the State of California under the provisions of said Acquisition and Improvement Act of 1925 and landowners owning properties located therein are in dire distress financially. The lands therein have become greatly in arrears in the payment of taxes and assessments and consequently the bonds of such districts are and have been delinquent for a considerable period of time. The great bulk of the property within such districts is subject to tax and assessment liens of various kinds for delinquent taxes and assessments. Previous refunding acts adopted by the Legislature have been declared invalid by the Supreme Court of the State of California and unless extraordinary means are provided for the returning of such lands and properties to the tax rolls, on a tax paying basis, it will be impossible for the landowners to pay their taxes and assessments and save their respective properties in such districts. The collection of taxes for general city and county governmental purposes within such districts has been, and is being, seriously and adversely affected and governmental agencies have been, are being, and will continue to be, deprived of necessary revenues which are urgently and immediately required in order to perform governmental services and functions. The great bulk of the property owned by said owners within such districts will shortly be deeded to the State and lost to the owners thereof, and danger to life, health and property now exists and will continue to increase.

This act is also necessary to accomplish the clearing of the titles to lands and properties located within such districts, to secure the payment of taxes, tolls and charges, to permit the landowners to retain possession of their lands and to continue to occupy, use and develop the same, and thereby to prevent the destruction of life, health and property.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hulse, Keough, King, McColl, McGovern, McGuinness, Olson, Perry, Pierovich,

Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—27.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 385 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hulse, Keough, King, McColl, McGovern, McGuinness, Olson, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 385 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered, and ordered printed in the Journal:

By Senator Fletcher:

WHEREAS, There is before the Congress of the United States a measure known as Senate Bill No. 1793 which has been passed by the United States Senate, which measure if enacted into law will provide relief for the Indians of California by which they may recover lands taken from them by the United States in California, and which provides that the courts shall determine the value of personal property, rights and improvements mentioned in unratified treaties entered into in the years 1851 and 1852; and,

WHEREAS, The Senate of the State of California feels strongly that the Indians of the State of California are entitled to the simple justice which this measure will afford them; now, therefore, be it

Resolved, That we most earnestly urge and respectfully petition the President of the United States to give this measure his favorable consideration in order that California Indians may have their case come to an early trial and the good name of the United States of America be associated with fair and honest transactions with the Indians; and, be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to forward a copy of this resolution to His Excellency, Franklin D. Roosevelt, President of the United States, and to the Speaker of the House of Representatives and the Senators and members of Congress representing the State of California in Congress.

Third Reading of Senate Bills.

Senate Bill No. 1126—An act to amend sections 105, 106, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

Amendments from the Floor.

During third reading of Senate Bill No. 1126, the following amendments, offered by Senator Pierovich, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "106,".

Amendment No. 2.

On page 1 of the printed bill, strike out lines 6 to 21, inclusive, and insert in lieu thereof the following: "The Governor shall appoint the Director of Finance as Director of Motor Vehicles. He shall receive no salary as Director of Motor Vehicles but shall be allowed his actual and necessary traveling expenses incurred in the performance of the duties of his office. The director shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars, in addition to the bond executed by him as Director of Finance."

Amendment No. 3.

On page 1, line 22, of the printed bill, strike out "3", and insert in lieu thereof the following: "2".

Amendment No. 4.

On page 1, line 28, of the printed bill, strike out "and hold office at the pleasure of", and insert in lieu thereof the following: "the director subject to the approval of".

Amendment No. 5.

On page 2, line 1, of the printed bill, after the comma after "Governor", insert the following: "pursuant to the provisions of Article XXIV of the State Constitution."

Amendment No. 6.

On page 2, line 5, of the printed bill, strike out "4", and insert in lieu thereof the following: "3".

Amendment No. 7.

On page 2, line 12, of the printed bill, strike out "and hold office at the pleasure of", and insert in lieu thereof the following: "the director subject to the approval of".

Amendment No. 8.

On page 2, line 13, of the printed bill, after the comma after "Governor", insert the following: "pursuant to the provisions of Article XXIV of the State Constitution."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1921—An act to amend section 1461 of the Probate Code, relating to guardians of insane or incompetent persons.

Amendments from the Floor.

During third reading of Assembly Bill No. 1921, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, as amended, strike out "which said", and insert in lieu thereof a period and the following: "Said".

Amendment No. 2.

On page 1, line 11, of the printed bill, as amended, strike out "and such", and insert in lieu thereof a period and the following: "Such".

Bill read, ordered to reprint, and on file for third reading.

Re-reference of Assembly Bill No. 2176.

Senator Young moved that Assembly Bill No. 2176 be re-referred to Committee on Fish and Game.

Motion carried, and such was the order.

Assembly Bill No. 2479—An act to add a new section, to be numbered 1582, to the Streets and Highways Code, relating to county highway funds.

Amendments from the Floor.

During third reading of Assembly Bill No. 2479, the following amendments, offered by Senator Biggar, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out line 5, and insert in lieu thereof the following: "expend during the period from July 1 to December 31 in any election year".

Amendment No. 2.

On page 1 of the printed bill, strike out line 11, and insert in lieu thereof the following: "funds be expended during the period from July 1 to December 31 of any such".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1346—An act to amend section 107 of the Penal Code, relating to punishment for escape of a prisoner.

Amendments from the Floor.

During third reading of Assembly Bill No. 1346, the following amendments, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, after "hospital", insert the following: "or industrial farm or industrial road camp".

Amendment No. 2.

On page 1, lines 6 and 7, of the printed bill, strike out "or industrial farm or industrial road camp".

Amendment No. 3.

On page 1, lines 9 and 10, of the printed bill, strike out "or county hospital", and insert in lieu thereof the following: ", county hospital, industrial farm or industrial road camp".

Bill read, ordered to reprint, and on file for third reading.

Report of Standing Committee.

The following report of standing committee was received and read:

On Contingent Expenses.

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: Your Committee on Contingent Expenses, to which was referred the following resolution by Senator McGovern:

WHEREAS, The waterfront of the City and County of San Francisco, together with all wharves, docks, warehouses, wharf facilities, equipment and rolling stock, and various other real and personal property, used in the operation of the harbor and waterfront of San Francisco, which said waterfront, harbor, railway and other property is operated and administered by the Board of State Harbor Commissioners, who are appointed to office by the Governor of California subject to the confirmation of this Senate; and

WHEREAS, There are many millions of dollars of outstanding unpaid bonds, which are obligations of the State of California; and

WHEREAS, There are many employees of the State of California who are employed in the administration and operation of said waterfront and harbor; and

WHEREAS, It has been publicly stated that said port and waterfront has been sustaining a steady and continuous loss of business, for several years last past, and that said port and waterfront have not been operated and administered for the best interests of the people of this State, nor for the agricultural or business interests thereof; and

WHEREAS, It is to the best interests of the State of California that said waterfront and harbor and all of said property be operated and administered in an economical, progressive, and efficient manner, with due regard for the rights of all persons and interests using the same, including the shipping and agricultural interests of this State; and

WHEREAS, The failure if any, to properly operate or administer said waterfront and harbor may seriously jeopardize the financial obligations of this State, to the extent of many millions of dollars and seriously retard the commercial, industrial and agricultural interests thereof; and

WHEREAS, It is necessary and desirable that this Senate and its members have an accurate, detailed and complete information available concerning the operation and administration of said harbor and waterfront, and of its business and business methods; now, therefore, be it

Resolved, by the Senate of the State of California, That a Special Senate San Francisco Harbor Committee consisting of three members of the Senate be appointed by the President of the Senate to gather information and to conduct investigations concerning the subject of this resolution, including the operation and administration of said waterfront and harbor and of said property of all laws and all matters incidental thereto, and to report thereon, together with its recommendations, to the Senate at the fifty-second session thereof, or at such special session thereof, that may be held prior to the date of the convening of said fifty-second session thereof; be it further

Resolved, That said committee upon the appointment of its members shall appoint a secretary and such other clerical and technical assistance as it may be deemed necessary; be it further

Resolved, That all officers and employees of the State shall furnish to said committee such assistance, reports, information, data and evidence concerning

any matter under consideration by the committee as the committee shall request; be it further

Resolved, That the committee is authorized to do any and all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of books, agreements, documents, reports, accounts, and papers of every kind, to issue subpoenas to compel the attendance of witnesses and to procure testimony. Each member of the committee is hereby authorized to administer oaths and all the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the committee created by this resolution, and said committee is hereby given leave to sit during the session of the Legislature and during the interval between sessions thereof, at any place or places in the State as the committee shall from time to time determine, and be it further

Resolved, That for the purpose of paying the expenses of the committee and the members thereof, the sum of \$2,500, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Controller drawn against said contingent fund for such expense as the chairman of the committee shall certify to him from time to time and which warrants the State Treasurer is hereby directed to pay.

Has had the same under consideration, and respectfully reports the same back, and recommends that it be amended, and be adopted as amended

(Signed out)

KING, Chairman
STOW,
POWERS

Consideration of Committee Amendment to Resolution by Senator McGovern.

Pursuant to the report of the Committee on Contingent Expenses, the following amendment to Senate resolution offered by Senator McGovern was read and adopted

Amendment No. 1.

In the eighth paragraph, second line, strike out the word "three", and insert in lieu thereof the word "five".

Resolution.

WHEREAS, The water front of the City and County of San Francisco, together with all wharves, docks, warehouses, wharf facilities, equipment and rolling stock, and various other real and personal property, used in the operation of the harbor and water front of San Francisco, which said water front, harbor, railway and other property is operated and administered by the Board of State Harbor Commissioners, who are appointed to office by the Governor of California subject to the confirmation of this Senate; and

WHEREAS, There are many millions of dollars of outstanding unpaid bonds, which are obligations of the State of California; and

WHEREAS, There are many employees of the State of California who are employed in the administration and operation of said water front and harbor; and

WHEREAS, It has been publicly stated that said port and water front has been sustaining a steady and continuous loss of business, for several years last past, and that said port and water front have not been operated and administered for the best interests of the people of this State, nor for the agricultural or business interests thereof; and

WHEREAS, It is to the best interests of the State of California that said water front and harbor and all of said property be operated and administered in an economical, progressive, and efficient manner, with due regard for the rights of all persons and interests using the same, including the shipping and agricultural interests of this State; and

WHEREAS, The failure if any, to properly operate or administer said water front and harbor may seriously jeopardize the financial obligations of this State, to the extent of many millions of dollars and seriously retard the commercial, industrial and agricultural interests thereof; and

WHEREAS, It is necessary and desirable that this Senate and its members have an accurate, detailed and complete information available concerning the operation and administration of said harbor and water front, and of its business and business methods; now, therefore, be it

Resolved, by the Senate of the State of California, That a Special Senate San Francisco Harbor Committee consisting of five members of the Senate be appointed by the President of the Senate to gather information and to conduct investigations concerning the subject of this resolution, including the operation and administration

of said water front and harbor and of said property of all laws and all matters incidental thereto, and to report thereon, together with its recommendations, to the Senate at the fifty-second session thereof, or at such special session thereof, that may be held prior to the date of the convening of said fifty-second session thereof; be it further

Resolved, That said committee upon the appointment of its members shall appoint a secretary and such other clerical and technical assistance as it may be deemed necessary; be it further

Resolved, That all officers and employees of the State shall furnish to said committee such assistance, reports, information, data and evidence concerning any matter under consideration by the committee as the committee shall request; be it further

Resolved, That the committee is authorized to do any and all things necessary to make a full and complete investigation of the matters herein referred to and to require the production of books, agreements, documents, reports, accounts, and papers of every kind, to issue subpoenas to compel the attendance of witnesses and to procure testimony. Each member of the committee is hereby authorized to administer oaths and all the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the committee created by this resolution, and said committee is hereby given leave to sit during the session of the Legislature and during the interval between sessions thereof, at any place or places in the State as the committee shall from time to time determine; and be it further

Resolved, That for the purpose of paying the expenses of the committee and the members thereof, the sum of \$2,500, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the contingent fund of the Senate, payments therefrom to be made from time to time by warrants of the State Comptroller drawn against said contingent fund for such expense as the chairman of the committee shall certify to him from time to time and which warrants the State Treasurer is hereby directed to pay.

Resolution, as amended, read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Wagy, Williams, and Young—30.

NOES—Senator Difani—1.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and thirty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

Recess.

On motion of Senator Stow, at four o'clock and thirty-seven minutes p.m., the President pro tempore of the Senate declared recess until eight o'clock and forty-five minutes p.m.

Reconvened.

At eight o'clock and forty-five minutes p.m., the Senate reconvened. Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Leave of Absence Waived.

Senator McCormack waived his leave of absence for the balance of this legislative day.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 43—Providing a rule for the Legislative Counsel Bureau, relating to opinions upon pending legislative measures—and reports that the same has been correctly engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1127—An act to amend section 378 of the Fish and Game Code and to add thereto section 375.5, relating to migratory bird reservations—and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor—and reports that the same has been correctly re-engrossed.

MIXTER, Vice Chairman.

Call of the Senate.

Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Edwards, Fletcher, Gordon, Hulce, Jaspersen, Keough, King, Knowland, McColl, McCormack, Metzger, Mixter, Perry, Rich, Seelens, Slater, Williams, and Young—19.

The Secretary announced the absentees.

Time, nine o'clock and one minute p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Report of Standing Committee.**

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 33—Relative to prevention of accidental deaths and injuries in the home, in industry, in public places and on the streets and highways;

Also: Senate Concurrent Resolution No. 38—Relative to leaves of absence of the Governor, Lieutenant Governor, and the members of the Senate and Assembly;

Also: Senate Bill No. 634—An act to amend section 23 of the District Investigation Act of 1933, relating to exemptions, declaring the urgency hereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 887—An act to amend the titles of Articles IV and IVa of Chapter IV of Part I of Division VI of the School Code, to amend sections 6.210 and 6.211 of the School Code and to add a new section to the School Code to be numbered 6.213, relating to the disposition of buildings, structures or fixtures of school districts, when the boundaries of such districts are altered, declaring the urgency thereof and providing that this act shall take effect immediately.

And reports that the same have been correctly enrolled, and presented to the Governor on the seventh day of June, 1935, at three o'clock and forty-five minutes p.m.

WILLIAMS, Vice Chairman.

Consideration of Daily File. Third Reading of Assembly Bills.

Assembly Bill No. 2441—An act to provide for the regulation and control of the sale of certain drugs or chemicals known as dinitrophenol and thyroïd, to provide penalties for the violation of this act and to provide for the enforcement hereof by the California State Board of Pharmacy.

Amendments from the Floor.

During third reading of Assembly Bill No. 2441, the following amendments, offered by Senator Young, were read and adopted:

Amendment No. 1.

On page 1, line 13, of the printed bill, as amended, strike out "one-half", and insert in lieu thereof the following: "one-tenth".

Amendment No. 2.

On page 2, line 11, of the printed bill, as amended, strike out "unless", and insert in lieu thereof the following: "and".

Amendment No. 3.

On page 2, line 12, of the printed bill, as amended, strike out "bears", and insert in lieu thereof the following: "shall bear".

Bill read, ordered to reprint, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and twenty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June, 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Senate Amendments to Assembly Bill No. 1182.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1182?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1182 by the following vote:

AYES—Senators Crittenden, Garrison, Gordon, Jespersen, Keough, Olson, Schottky, and Williams—8.

NOES—Senators Biggar, Denel, Duval, Edwards, Fletcher, Hays, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—25.

Appointment of Committee on Conference.

The President announced the appointment of Senators Knowland, Powers, and Parkman, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1182.

Consideration of Assembly Bill No. 2488.**Resolution.**

The following resolution was offered:

By Senator Difani:

Resolved, That Assembly Bill No. 2488 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, McColl, McCormack, McClure, McMillan, Mess, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schotzky, Sedlar, Sorensen, Slater, Snyder, Stow, Wagy, Williams, and Young—31.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering at this time Assembly Bill No. 2488.

Second Reading of Assembly Bill No. 2488.

Assembly Bill No. 2488—An act authorizing any county, city and county, city, town, district, or any political subdivision of the State, or any public or municipal corporation of the State, in the letting of contracts for public work, or the doing of such work, to comply with requirements of Federal laws and of regulations and orders issued under authority thereof with respect to the awarding of contracts, hours of labor, employment preferences, and other matters covered thereby, and imposed as a condition or prerequisite to the loan or grant of Federal funds or the funds of any Federal corporation or agency in aid of such public work.

Bill read second time and ordered to third reading.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1, Article IV, of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

Many of the public corporations and districts of the State have been the recipients of or are now applicants for loans or grants of money from the United States of America, or from the duly constituted corporations or agencies thereof, to be used for the purpose of financing in whole or in part public works on behalf of such public corporations or districts. The immediate emergency produced by unemployment within the State cannot be met excepting by encouraging and carrying on a program of public works within the State by which considerable numbers of the unemployed may find gainful employment.

The lending of funds or the grants of moneys and credit to the public corporations of this State by the Federal Government, or by the duly constituted agencies or public corporations of the Federal Government, is now conditioned and may hereafter be conditioned upon certain Federal laws and regulations imposed as a condition or prerequisite to the making of such loan or granting of such aid to the public corporations of the State.

It is necessary that every encouragement be accorded by the State to the public corporations and districts of the State whereby such Federal loans may be effected, or grants of aid made to them so that they may engage in public works which otherwise could not be financed. The general condition of unemployment throughout the State which now exists and for a long period of time prior hereto has existed,

is resulting in distress to the people and is making necessary the granting of relief to them by the public agencies of the State. To decrease the said condition of unemployment of the people of the State will result in lessening the burden upon government of providing relief for them.

Unless the public corporations and districts of the State are immediately permitted by the State to comply with the regulations imposed by the Federal Government, the moneys which otherwise would be available for the doing of public work upon which the people may be employed, will not be available.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Dencl, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Wagy, and Williams—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2488 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dencl, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Scollan, Seawell, Slater, Snyder, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2488 ordered transmitted to the Assembly.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 2136, heretofore set as a special order for nine o'clock and thirty minutes p.m., the same was taken up for consideration.

Report of Standing Committee.

The following report of standing committee was received and read:

On Judiciary.

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2136—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; repealing Chapter 1, Statutes of the Extra Session of 1934, and Chapter 7 of the Statutes of 1935; declaring the urgency hereof, and providing that it shall take effect immediately—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that the bill pass out without recommendation.

Committee membership—14; committee vote: Ayes—11; absent—3.

SWING, Chairman.

Consideration of Committee Amendments to Assembly Bill No. 2136.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2136 were read:

Amendment No. 1.

On page 2, line 39, of the printed bill, as amended, strike out the word "thirty", and insert in lieu thereof the word "ninety".

Amendment adopted.

Amendment No. 2.

On page 2, line 41, of the printed bill, as amended, following the words "Civil Code", insert the following: "or at any time within thirty days after the effective date of this act,".

Amendment to the Amendment.

Senator Olson moved to amend the proposed Amendment No. 2 by adding after the word "act", the following "or at any time before foreclosure sale".

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Jespersen and Olson, on the adoption of the amendment to Amendment No. 2.

The roll was called, and amendment to Amendment No. 2 refused adoption by the following vote:

AYES—Senators Crittenden, Fletcher, Garrison, Jespersen, Keenich, McGovern, McGuinness, Metzger, Olson, Perry, Seidlan, Sharkey, Slater, and Williams—14.

NOES—Senators Biggar, Deuel, Duval, Edwards, Hays, King, Knowland, McCall, McCormack, Mixer, Pierovich, Powers, Rich, Schottky, Seawell, Snyder, Stow, Swing, Wagy, and Young—20.

The question being on the adoption of Amendment No. 2.

Amendment adopted.

Amendment No. 3.

On page 2, line 41, of the printed bill, as amended, strike out the words and figures "July 1, 1936", and insert in lieu thereof the following "January 1, 1937".

Amendment adopted.

Amendment No. 4.

On page 2, line 46, of the printed bill, as amended, strike out the word "and", at the end of said line 46, and also strike out all of line 47.

Amendment adopted.

Amendment No. 5.

On page 2, lines 45 and 46, of the printed bill, as amended, strike out the following: "who is not in default in his obligation to pay taxes and insurance premiums".

Amendment adopted.

Amendment No. 6.

On page 3 of the printed bill, as amended, strike out all of lines 1 to 5, both inclusive.

Amendment adopted.

Amendment No. 7.

On page 3, line 37, of the printed bill, as amended, strike out "October 1, 1936", and insert in lieu thereof "February 1, 1937".

Amendment adopted.

Amendment No. 8.

On page 3, line 42, of the printed bill, as amended, strike out "October 1, 1936", and insert in lieu thereof "February 1, 1937".

Amendment adopted.

Amendment No. 9.

On page 4, line 20, of the printed bill, as amended, strike out the words "who is not in", and strike out all of lines 21 and 22, and in line 23, strike out "est" and the comma.

Amendment adopted.

Amendment No. 10.

On page 4, line 23, of the printed bill, as amended, strike out "July 1, 1936", and insert in lieu thereof the following: "January 1, 1937".

Amendment adopted.

Amendment No. 11.

On page 5, line 4, of the printed bill, as amended, strike out "October 1, 1936", and insert in lieu thereof the following: "February 1, 1937".

Amendment adopted.

Amendment No. 12.

On page 8 of the printed bill, as amended, between lines 25 and 26, insert the following:

"SEC. 14. In any decree hereafter rendered, prior to February 1, 1936, foreclosing a mortgage or deed of trust upon real property, the court may provide that the sale of the property shall not be held until on or after such date as the court considers just and equitable, but in no event later than February 1, 1936. If the court provides in such decree that the sale shall not be held until on or after such date as it shall fix, it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustor or mortgagor as determined by the court, and shall require the trustor or mortgagor to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes, insurance, interest, or principal of the indebtedness at such times and in such manner determined to be just and equitable under the circumstances. The court may include in such order provisions requiring maintenance and repair, regulating the disposition of any income from the property, and such other provisions as it deems just and equitable for the protection of the security."

Amendment adopted.

Amendment No. 13.

On page 8, line 26, of the printed bill, as amended, strike out "14", and insert in lieu thereof "15".

Amendment adopted.

Amendment No. 14.

On page 8, line 30, of the printed bill, as amended, strike out "October 1, 1936", and insert in lieu thereof: "February 1, 1937".

Amendment adopted.

Amendment No. 15.

On page 8, line 33, of the printed bill, as amended, strike out "October 1, 1936", and insert in lieu thereof: "February 1, 1937".

Amendment adopted.

Amendment No. 16.

On page 8, line 45, of the printed bill, as amended, strike out "October 1, 1936", and insert in lieu thereof "February 1, 1937".

Amendment adopted.

Amendment No. 17.

On page 8, line 51, of the printed bill, as amended, strike out "15", and insert in lieu thereof "16".

Amendment adopted.

Amendment No. 18.

On page 9, line 4, of the printed bill, as amended, strike out "referred to in section 17 of", and insert in lieu thereof "or order rendered pursuant to".

Amendment adopted.

Amendment No. 19.

On page 9, line 18, of the printed bill, as amended, strike out "16", and insert in lieu thereof "17".

Amendment adopted.

Amendment No. 20.

On page 9, line 28, of the printed bill, as amended, strike out the first "of such".

Amendment adopted.

Amendment No. 21.

On page 9, line 33, of the printed bill, as amended, strike out "17", and insert in lieu thereof "18".

Amendment adopted.

Amendment No. 22.

On page 10, line 4, of the printed bill, as amended, strike out "18", and insert in lieu thereof "19".

Amendment adopted.

Amendment No. 23.

On page 10, line 17, of the printed bill, as amended, strike out "19", and insert in lieu thereof "20".

Amendment adopted.

Amendment No. 24.

On page 10, lines 32 and 33, of the printed bill as amended, strike out the comma and the words "subject thereto", and insert in lieu thereof "by purchase subsequent to the effective date of this act".

Amendment adopted.

Amendment No. 25.

On page 10, line 34, of the printed bill, as amended, strike out "20", and insert in lieu thereof "21".

Amendment adopted.

Amendment No. 26.

On page 10, line 46, of the printed bill, as amended, strike out "21", and insert in lieu thereof "22".

Amendment adopted.

Amendment No. 27.

On page 11, line 7, of the printed bill, as amended, strike out "22", and insert in lieu thereof "23".

Amendment adopted.

Amendment No. 28.

On page 11, line 15, of the printed bill, as amended, strike out "23", and insert in lieu thereof "24".

Amendment adopted.

Amendment No. 29.

On page 11 of the printed bill, as amended, following line 17, insert the following: "SEC. 25. Until February 1, 1937, no receiver shall be appointed at the instance of the mortgagee of any mortgage or the trustee or beneficiary of any deed of trust, with respect to real property or chattels attached to real property subject to mortgage or deed of trust, except in a suit or action for the foreclosure of such mortgage or deed of trust or for the enforcement of the covenants, or any thereof, contained in such mortgage or deed of trust, or in a proceeding ancillary to any such suit or action, or until after recording notice of default."

Amendment to the Amendment.

Senator Olson moved to amend the proposed Amendment No. 29 by inserting in lieu thereof the following:

"SEC. 25. No receiver shall be appointed at the instance of the mortgagee of any mortgage or the trustee or beneficiary of any deed of trust, or the vendor of a contract for the purchase of real property, with respect to real property or chattels attached to real property subject to mortgage, deed of trust, or contract of purchase, until the time has expired for filing a petition under this act, or until the time permitted by law to make answer to any action to foreclose any such mortgage or deed of trust has expired, or in the event such a petition or answer is filed within the time permitted by law therefor, then not until the court has heard the matter and in the event, pursuant to such a petition or in any decree in any such action, a postponement is granted, then not as long as such postponement remains in effect.

None of the provisions of this section shall prohibit the court from appointing a receiver after ten days' notice in writing of hearing of application therefor, served

upon the owner, mortgagor or trustor, or his attorney of record, and at which hearing the court shall find that grounds do not exist for the extension of any relief under the provisions of this act."

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Jespersen, and Garrison, on the adoption of the amendment to Amendment No. 29.

The roll was called, and amendment to Amendment No. 29 refused adoption by the following vote:

AYES—Senators Fletcher, Garrison, Jespersen, Keough, McGovern, McGuinness, Metzger, Olson, Scollan, Sharkey, and Slater—11.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, King, Knowland, McColl, McCormack, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Seawell, Snyder, Stow, Swing, Wagy, and Williams—24.

The question being on the adoption of Amendment No. 29.

Amendment adopted.

Amendment No. 30.

On page 11 of the printed bill, as amended, immediately preceding line 43, insert the following:

"Sec. 26. If any section, clause or part of this act, or the application thereof to any person or circumstance, is finally determined by the courts to be unconstitutional, such section, clause or part shall no longer be effective or such application shall no longer control, but all other sections, clauses or parts or the application thereof to other persons and circumstances shall continue in full force and effect; it being the intent of the Legislature to make this act as effective as possible to relieve debtors in the manner herein provided."

Amendment adopted.

Amendment No. 31.

On page 11, line 43, of the printed bill, as amended, strike out "24", and insert in lieu thereof "27".

Amendment adopted.

Amendment No. 32.

On page 11, line 50, of the printed bill, as amended, strike out "25", and insert in lieu thereof "28".

Amendment adopted.

Amendment No. 33.

On page 12, line 3, of the printed bill, as amended, strike out "26", and insert in lieu thereof "29".

Amendment adopted.

Amendment No. 34.

On page 12, line 51, of the printed bill, as amended, strike out "27", and insert in lieu thereof "30".

Amendment adopted.

Amendment No. 35.

On page 13, line 1, of the printed bill, as amended, strike out "28", and insert in lieu thereof "31".

Amendment adopted.

Amendment from the Floor.

The following amendment to Assembly Bill No. 2136, offered by Senator Pierovich, was read:

Amendment No. 1.

On page 10, line 44, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "and all personal property which is used in connection with the customary agricultural operations conducted on such land."

Ayes and Noes Demanded.

A roll call was demanded by Senators Pierovich, Olson and Powers, on the adoption of the amendment offered by Senator Pierovich.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Jepsen, Keough, McColl, McCormack, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Seelien, Sharkey, Slater, Williams, and Young—20

NOES—Senators Difani, Duvall, Edwards, Gordon, Hays, Knowland, Mixer, Parkman, Rich, Schottky, Seawell, Snyder, Stow, Swing, and Wagy—15

Motion to Reconsider.

Senator Biggar moved to reconsider the vote whereby the amendment offered by Senator Pierovich to Assembly Bill No. 2136 was adopted.

Postponement of Reconsideration.

On motion of Senator Biggar, the further consideration of the motion to reconsider the vote whereby the amendment offered by Senator Pierovich to Assembly Bill No. 2136 was adopted was continued until the next legislative day.

Special Order.

Senator Swing moved that Assembly Bill No. 2136 be made a special order for Saturday, June 8, 1935, at two o'clock and thirty minutes p.m.

Motion to Reconsider.

Pursuant to notice given on a previous day Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 447 was refused passage.

Postponement of Reconsideration.

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 447 was refused passage, was postponed until the next legislative day.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 800—An act to amend section 705 of the Vehicle Code, relating to vehicles and the weight and loading thereof.

Amendment from the Floor.

During third reading of Assembly Bill No. 800, the following amendment, offered by Senator Snyder, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 12 to 14, inclusive, and insert in lieu thereof the following: "three times the unladen weight of such vehicle. In no case shall".

Bill read, ordered to reprint, and on file for third reading.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Williams:

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately.

Respectfully submitted.

SENATOR WILLIAMS.

Request referred to Committee on Rules.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 86—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 23a of Article IV thereof, relating to legislative printing—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it be adopted as amended.

Committee membership—9; committee vote: Ayes—6; absent—3.

SNYDER, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2485—An act to add section 331 to the Political Code, relating to the construction of statutes fixing or authorizing the fixing of salaries—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—12; absent—2.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2160—An act to amend sections 117d and 117q of the Code of Civil Procedure, relating to small claims courts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—14.

SWING, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 935—An act to amend section 5.350 of the School Code, relating to fees for credentials and certificates;

Also: Assembly Bill No. 1198—An act to repeal sections 2.1223 and 6.523 of the School Code, relating to reports of books purchased for any school district;

Also: Assembly Bill No. 1639—An act to amend sections 2.203 and 2.204 of the School Code and to add a new section thereto to be numbered 2.134, all relating to the formation of elementary school districts;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—15; committee vote: Ayes—8; absent—7.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 106—An act to amend section 6.750 of the School Code, relating to the use of school buildings for activities of a seditious nature—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—15; committee vote: Ayes—8; absent—7.

JESPERSEN, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 63—Relative to memorializing the President of the United States to make ample provision for the encouragement of the artistic, cultural, humane, patriotic and sentimental phases of our American National life in the Federal Works Plan—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—4; absent—1.

WAGY, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1018—An act to amend sections 649, 657, 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to funds—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—12, absent—7.

SHARKEY, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 1129—An act to add section 4603.5 to the Political Code, relating to transmission of moneys to counties by State officers and employees—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—9; committee vote: Ayes—5, absent—4.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2403—An act to amend sections 737j and 737hh of the Political Code, relating to salaries of superior court judges.

Also: Assembly Bill No. 2468—An act to amend sections 6 and 11 of, to repeal section 7 of, and to add section 33 to, an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the provision of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes thereon; the issuance, disposal and retirement of the bonds thereof; and the determination of their validity and making provision for the payment of such bonds; and the disposal of their proceeds," approved May 25, 1919, relating to sanitary districts. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—9; committee vote: Ayes—5, absent—4.

HULSE, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 739—An act to amend the law relating to the Department of Motor Vehicles, has had the same under consideration and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to this committee.

Committee membership—11; committee vote: Ayes—6; absent—5.

PERRY, Vice Chairman.

Adjournment.

On motion of Senator Sharkey, at eleven o'clock and fifty minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Saturday, June 8, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER.

SACRAMENTO, Saturday, June 8, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuin-

ness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—34.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

For Slow Haste.

Jesus, Savior, pilot us over life's tempestuous sea. Oh, Thou who calms the ocean wild, give us calmness here.

Help us to relax under tension. In the midst of confusion, give us poise. May we be deliberate as we hurry. We would make haste slowly, and keep our heads while those about us are losing theirs.

May the third reading file mean that we have already thought twice. If we must pass many bills, may they all be good bills, and in discussing them, may we express ourselves fully, but with a minimum of words. If possible, give us strength to work 20 hours a day, yet keep physically fresh, mentally alert, and nervously balanced.

As we labor in these last hours, give us Thy divine encouragement, that we may finish well.

In Thy name we pray. Amen.

Reading of the Journal.

During the reading of the Journal of Friday, June 7, 1935, the further reading was dispensed with, on motion of Senator Swing.

Leaves of Absence.

Senator King was, on motion of Senator Rich, granted leave of absence for this day.

Senator Tickle was, on motion of Senator Pierovich, granted leave of absence for this day.

Senator Reindollar was, on motion of Senator Slater, granted leave of absence for this day.

Senator McGovern was, on motion of Senator Olson, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Sharkey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ralph Wight, Mrs. Ernest Lasell, and Ernest Lasell, Jr., of Martinez.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Louis Maier of San Diego.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 413—An act to amend sections 60 and 62 of an act entitled "An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of Article I of the Constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, Statutes 1911, page 730, as amended, relating to bonds and assessments:

Also: Assembly Bill No. 36—An act to amend the Agricultural Code by adding to Division VI thereof a new chapter to be numbered 9 and to include sections

1299.18 and 1300 to 1300.6 inclusive, dehning and pertaining to processors of farm products and the licensing thereof.

Also: Assembly Bill No. 2050—An act amending section 1428 of the Penal Code, relating to keeping of minutes.

Also: Assembly Bill No. 2052—An act to amend section 1428a of the Penal Code, relating to minute books of municipal courts.

Also: Assembly Bill No. 2156—An act to amend a new section numbered 3819a, relating to the redemption of property from sale for nonpayment of taxes in counties of the first and second classes.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 896—An act to amend sections 508, 510, 581, 585, 590, 591, 593, 622, and 673 of the Agricultural Code, relating to dairies and dairy products.

Also: Assembly Bill No. 958—An act to amend section 4190 of the Political Code, relating to establishment and government and the creation of a fund for law library.

Also: Assembly Bill No. 1532—An act to amend the Political Code by amending sections 3456, 3466a and 3491, relating to reclamation districts.

Also: Assembly Bill No. 1067—An act to amend section 1007 of the Civil Code, relating to title by prescription and adverse possession.

Also: Assembly Bill No. 1491—An act establishing municipal courts in cities and cities and counties of the second and one-fourth class, prescribing a constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein.

Also: Assembly Bill No. 1492—An act to amend section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed, as a Committee on Free Conference concerning Assembly Bill No. 1188—An act to add a new article to Chapter I of Part III of Division IV of the School Code, and to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, all to be known as Article XI, relating to school district funds—Assemblymen McMurray, Desmond and Fulcher, to meet with a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 45—An act to amend section 2051 of the Code of Civil Procedure, relating to the impeachment of witnesses convicted of certain misdemeanors.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements

and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 1086 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 347—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto: Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 1.01 relating to definitions, 12.07 relating to bonds of officers and employees, 13.16 relating to liquidation by the Building and Loan Commissioner, 13.17, relating to assessments for salaries and expenses and 15.16, relating to borrowers' mutual building and loan associations; and adding to said act new sections to be numbered 12.04a, relating to foreign building and loan associations and 14.09, relating to liability for acts done or omitted in conformity with any rule, regulation, approval, consent, order, direction or other act of the Building and Loan Commissioner:

Also: Senate Bill No. 356—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and to add a new section thereto numbered 9a:

Also: Senate Bill No. 464—An act to amend section 3051 of the Civil Code, relating to liens:

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 347, 356, and 464 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 6, 1935, passed Assembly Bill No. 1516—An act to amend sections 6.240, 6.251, 6.252, 6.260, 6.262, 6.263, 6.265, 6.270, 6.274, 6.275, 6.292, 6.294, 6.295, 6.296, 6.320, 6.330, 6.332, 6.340, 6.341 of the School Code and to repeal Article VI of Chapter III of Part II of Division VI thereof, relating to textbook and supplementary textbooks.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1516 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2461—An act to amend section 71 of the Penal Code, relating to contracts, sales and purchases by public officers:

Also: Assembly Bill No. 2061—An act to amend the Building and Loan Association Act by amending section 13.12 thereof, relating to actions against the Building and Loan Commissioner.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2461 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2061 read first time, and referred to Committee on Building and Loan Associations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 569—An act to amend section 2802 of the School Code, relating to judgments against school districts.

Also: Senate Bill No. 933—An act to amend section 473 of the Penal Code, relating to punishment for forgery.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk

Senate Bills Nos. 569 and 933 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Constitutional Amendment No. 90—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 12, relating to the Rector Canyon Dam project.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk

Assembly Constitutional Amendment No. 90 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed, as a Committee on Free Conference concerning Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately—Assemblymen Redwine, Williamson and Cottrell, to meet with a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 6, 1935, passed Senate Bill No. 1094—An act to add section 19a to the Public Utilities Act, relating to charges for heat, light, or power by a public utility.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 1094 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 650—An act to add two new sections to Article 2 of Chapter 3 of Division I of the Streets and Highways Code, relating to franchises in highways.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 161—An act to amend sections 421, 806 and 811 of the Fish and Game Code, relating to Pismo clams and cockle clams;

Also: Senate Bill No. 28—An act to amend section 1881 of the Code of Civil Procedure, relating to privileged communications;

Also: Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the State Highway Engineer, State Engineer, the State Architect, county engineers,

county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923, relating to public work;

Also: Senate Bill No. 609—An act to amend section 669 of the Penal Code, relating to terms of imprisonment;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 161, 28, 332, and 609 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 718—An act to amend section 439 of the Vehicle Code, relating to stored vehicles—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 718 ordered on file as unfinished business.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 1129—An act to add section 4093.5 to the Political Code, relating to transmission of moneys to counties by State officers and employees.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1018—An act to amend sections 649, 657, 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to funds.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 1018 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 11 and 12.

Amendment No. 2.

On page 1, line 19, of the printed bill, as amended, strike out "All such fees"; also strike out line 20, and in line 21, strike out "Vehicle fund."

Amendment No. 3.

On page 2, line 3, of the printed bill, as amended, after "deposited", insert the following: "less refunds authorized by section 383 and deductions for retirement pay of State officers and employees whose salaries are paid out of any moneys collected under the provisions of this code".

Amendment No. 4.

On page 2, line 4, of the printed bill, as amended, strike out "Department of Motor Vehicle", and insert in lieu thereof the following: "motor vehicle support".

Amendment No. 5.

On page 2, line 9, of the printed bill, as amended, strike out the comma after "devices", and insert in lieu thereof the following: "or any other device".

Amendment No. 6.

On page 2, line 10, of the printed bill, as amended, after "fees", insert the following: "less refunds authorized by section 383 and deductions for retirement pay of officers and employees whose salaries are paid out of any moneys collected under the provisions of this code".

Amendment No. 7.

On page 7, line 22, of the printed bill, as amended, strike out "Department of Motor Vehicle", and insert in lieu thereof the following "motor vehicle support".

Amendment No. 8.

On page 3, lines 26 and 27, of the printed bill, as amended, strike out "Department of Motor Vehicle", and insert in lieu thereof the following "motor vehicle support".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Senate Bill No. 539—An act to amend the law relating to the Department of Motor Vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Senate Bill No. 539 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 1 and 2 of the title, and insert in lieu thereof the following:

"An act relating to revenue and taxation, providing for the levy and collection of an ad valorem tax upon all taxable property in this State."

Amendment No. 2.

On page 1, line 1 of the printed bill, after "Section 1.", insert the following: "The State Board of Equalization must, for State purposes, for the eighty-seventh and eighty-eighth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property in this State as, after allowing five per cent for delinquencies for collection of taxes, as provided in section 4096 of the Political Code, will raise for the eighty-seventh fiscal year:

For the general fund, nine million dollars.

And for the eighty-eighth fiscal year

For the general fund, nine million dollars.

Sec. 2. The amount of revenue to be raised under the tax imposed by this act shall not exceed twenty-five per cent of the total appropriations from all funds of the State. In the event that the amounts fixed by this act to be raised by means of this tax on real and personal property according to the value thereof exceeds twenty-five per cent of the total appropriations from all funds of the State, the amount fixed by section 1 of this act to be raised for the eighty-eighth fiscal year shall be reduced accordingly.

Bill read second time, ordered to reprint, and re-referred to Committee on Governmental Efficiency.

Second Reading of Assembly Bills.

Assembly Bill No. 106—An act to amend section 6750 of the School Code, relating to the use of school buildings for activities of a seditious nature.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Education, the following amendments to Assembly Bill No. 106 were read and adopted:

Amendment No. 1.

On page 2, line 1, of the printed bill, after the word "suffered", strike out the balance of the line.

Amendment No. 2.

On page 2 of the printed bill, strike out all of lines 2, 3, and 4.

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 935—An act to amend section 5350 of the School Code, relating to fees for credentials and certificates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1198—An act to repeal sections 2.1223 and 6.523 of the School Code, relating to reports of books purchased for any school district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1639—An act to amend sections 2.203 and 2.204 of the School Code and to add a new section thereto to be numbered 2.134, all relating to the formation of elementary school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2403—An act to amend sections 737j and 737bbb of the Political Code, relating to salaries of superior court judges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2468—An act to amend sections 6 and 11 of, to repeal section 7 of, and to add section 33 to, an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, relating to sanitary districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2160—An act to amend sections 117d and 117q of the Code of Civil Procedure, relating to small claims courts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Judiciary, the following amendments to Assembly Bill No. 2160 were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, strike out "thirteen", and insert in lieu thereof the following: "fifteen".

Amendment No. 2.

On page 1, line 15, of the printed bill, as amended, strike out "thirteen", and insert in lieu thereof the following: "fifteen".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2485—An act to add section 331 to the Political Code, relating to the construction of statutes fixing or authorizing the fixing of salaries.

Bill read second time, and ordered on file for third reading.

Assembly Constitutional Amendment No. 86—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 23a of Article IV thereof, relating to legislative printing.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Constitutional Amendments, the following amendments to Assembly Constitutional Amendment No. 86 were read and adopted:

Amendment No. 1.

On page 1, line 23, of the printed measure, strike out the words "and printing".

Amendment No. 2.

On page 1, line 24, of the printed measure after the comma following the word "house", insert the following: "indexing the same and, pursuant to legislative rules, supplying the public with full information as to such measures and, upon application, with copies thereof, and for the further purpose of correcting and indexing".

Amendment No. 3.

On page 1, line 26, of the printed measure, strike out the words "any regular session", and insert in lieu thereof the following: "sessions of the Legislature".

Amendment read, ordered to reprint, and on file.

Unfinished Business.**Consideration of Assembly Amendments.**

Senate Bill No. 884—An act to add section 321.5 to the Agricultural Code, relating to meat inspection.

The Senate took up for consideration Assembly amendments to Senate Bill No. 884.

Amendment No. 1.

On page 6, line 45, of the printed bill, as amended, strike out "rabbit meat", and insert in lieu thereof the following: "dressed rabbits".

Amendment No. 2.

On page 6, line 47, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "as to each such item."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 884?

The roll was called, and Assembly amendments to Senate Bill No. 884 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—26.

NOES—None.

Senate Bill No. 884 ordered to enrollment.

Senate Bill No. 669—An act to amend section 11716 of the Insurance Code, relating to the Insurance Commissioner.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 669.

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 2 and 3 of the title and insert in lieu thereof the following: "relating to insurance practice in respect to deposits of cash or security by workmen's compensation insurers."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 669?

The roll was called, and Assembly amendment to Senate Bill No. 669 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, McCormack, McGuinness, Metzger, Mixer, Olson,

Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—29.
NOES—None.

Senate Bill No. 669 ordered to enrollment.

Senate Bill No. 626—An act to add a new section, to be numbered 715.5, to the Vehicle Code, relating to weights of vehicles on certain highways.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 626.

Amendment No. 1.

On page 2, line 4, of the printed bill, after the word "pounds", insert the word "net".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 626?

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 626 by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

Assembly requested to recede and bill ordered on file as unfinished business.

Senate Bill No. 533—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative corporations, who may organize, purpose and powers, distribution of benefits, and vote and consisting of sections 653.1 to 653.16.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 533.

Amendment No. 1.

On page 2, line 6, of the printed bill, as amended, strike out "a certificate", and insert in lieu thereof the following: "articles".

Amendment No. 2.

On page 2, line 14, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 3.

On page 2, line 30, of the printed bill, as amended, strike out "associations", and insert in lieu thereof the following: "corporations".

Amendment No. 4.

On page 2, line 39, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 5.

On page 2, line 42, of the printed bill, as amended, strike out "stock or", and insert in lieu thereof the following: "shares of stock and/or".

Amendment No. 6.

On page 2, line 43, of the printed bill, as amended, strike out "stock and membership", and insert in lieu thereof the following: "shares of stock and/or memberships".

Amendment No. 7.

On page 2, line 44, of the printed bill, as amended, immediately before "members", insert the following: "shareholders and/or".

Amendment No. 8.

On page 2, line 45, of the printed bill, as amended, after "shareholders", insert the following: "and/or members".

Amendment No. 9.

On page 2, line 52, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and or".

Amendment No. 10.

On page 3, line 8, of the printed bill, as amended, after "shareholders", insert the following: "and or members".

Amendment No. 11.

On page 3, line 12, of the printed bill, as amended, after "shareholders", insert the following: "and or members".

Amendment No. 12.

On page 3, line 13, of the printed bill, as amended, after "shareholders", insert the following: "and or members".

Amendment No. 13.

On page 3, line 14, of the printed bill, as amended, after "shareholders", insert the following: "and or members".

Amendment No. 14.

On page 3, line 18, of the printed bill, as amended, strike out "certificate", and insert in lieu thereof the following: "articles".

Amendment No. 15.

On page 3, line 20, of the printed bill, as amended, after "shares", strike out "and", and insert in lieu thereof the following: "and or".

Amendment No. 16.

On page 3, line 25, of the printed bill, as amended, strike out "certificates", and insert in lieu thereof the following: "articles".

Amendment No. 17.

On page 3, line 26, of the printed bill, as amended, after "shareholder", insert the following: "and/or member".

Amendment No. 18.

On page 3, line 27, of the printed bill, as amended, after "shares", insert the following: "and/or memberships".

Amendment No. 19.

On page 3, line 31, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 20.

On page 3, line 32, of the printed bill, as amended, after "stock", strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 21.

On page 3, lines 34 and 35, of the printed bill, as amended, strike out "held by any member", and insert in lieu thereof the following: "and or memberships held by any shareholder and/or member".

Amendment No. 22.

On page 3, line 42, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 23.

On page 3, line 43, of the printed bill, as amended, strike out the comma; also strike out "or members", and insert in lieu thereof the following: "and or members".

Amendment No. 24.

On page 3, line 49, of the printed bill, as amended, after "shareholders", insert the following: "and/or members".

Amendment No. 25.

On page 3, line 52, of the printed bill, as amended, after "shareholders", insert the following: "and/or members".

Amendment No. 26.

On page 4, line 1, of the printed bill, as amended, strike out "or member", and insert in lieu thereof the following: "and/or members".

Amendment No. 27.

On page 4, line 2, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 28.

On page 4, line 10, of the printed bill, as amended, strike out the comma; also strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 29.

On page 4, line 13, of the printed bill, as amended, after "holders", insert the following: "and/or members".

Amendment No. 30.

On page 4, line 14, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 31.

On page 4, line 17, of the printed bill, as amended, strike out "stock", and insert in lieu thereof the following: "shares of stock and/or memberships".

Amendment No. 32.

On page 4, lines 29 and 30, of the printed bill, as amended, strike out "or membership", and insert in lieu thereof the following: "and/or memberships".

Amendment No. 33.

On page 4, line 35, of the printed bill, as amended, after "shareholders", insert the following: "and/or members".

Amendment No. 34.

On page 4, line 41, of the printed bill, as amended, after "shareholders", insert the following: "and/or members".

Amendment No. 35.

On page 5, line 3, of the printed bill, as amended, strike out the comma; also strike out "or members", and insert in lieu thereof the following: "and/or members".

Amendment No. 36.

On page 5, line 5, of the printed bill, as amended, after "shareholders", insert the following: "and/or members".

Amendment No. 37.

On page 5, line 8, of the printed bill, as amended, strike out the comma; also strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 38.

On page 5, line 9, of the printed bill, as amended, after "nonshareholders", insert the following: "and/or nonmembers".

Amendment No. 39.

On page 5, line 15, of the printed bill, as amended, after "to", insert the following: "nonshareholders and/or".

Amendment No. 40.

On page 5, line 17, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 41.

On page 5, line 29, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "and/or".

Amendment No. 42.

On page 5, line 34, of the printed bill, as amended, strike out "certificate", and insert in lieu thereof the following: "articles of incorporation".

Amendment No. 43.

On page 5, line 35, of the printed bill, as amended, after "law", insert the following: " , so far as inconsistent with this title,".

Amendment No. 44.

On page 5, lines 46 and 47, of the printed bill, as amended, strike out "section 653a of the Civil Code", and insert in lieu thereof the following: "Chapter 4 of Division VI of the Agricultural Code".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 533?

The roll was called, and Assembly amendments to Senate Bill No. 533 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, Metzger, Mixter, Olson, Parkman, Perry, Powers, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Waggy, Williams, and Young—27.

NOES—None.

Senate Bill No. 533 ordered to enrollment.

Senate Bill No. 518—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add Division IIIa thereto, relating to missing persons.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 518.

Amendment No. 1.

On page 4, line 26, of the printed bill, strike out the figures "282", and insert in lieu thereof the figures "281".

Amendment No. 2.

On page 4, line 43, of the printed bill, strike out the figures "281", and insert in lieu thereof the figures "283".

Amendment No. 3.

On page 1, line 2 of the title of the printed bill, as amended, strike out "IIIa", and insert in lieu thereof the following: "IIa".

Amendment No. 4.

On page 1, line 11, of the printed bill, as amended, strike out "IIIa", and insert in lieu thereof the following: "IIa".

Amendment No. 5.

On page 1, line 14, of the printed bill, as amended, strike out "IIIa", and insert in lieu thereof the following: "IIa".

Amendment No. 6.

On page 2, line 44, of the printed bill, as amended, after "personal", insert the following: "or real".

Amendment No. 7.

On page 2, line 45, of the printed bill, as amended, after "erty", insert the following: "or mortgage or give a deed of trust upon any of the real property".

Amendment No. 8.

On page 2, line 49, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: ", mortgage, or deed of trust."

Amendment No. 9.

On page 3, line 15, of the printed bill, as amended, strike out "and if", and insert in lieu thereof the following: "mortgage, or deed of trust. If".

Amendment No. 10.

On page 3, line 17, of the printed bill, as amended, after "sale", insert the following: ", mortgage, or deed of trust".

Amendment No. 11.

On page 3, line 18, of the printed bill, as amended, between "property", and the comma, insert the following: ", real, personal or both, or to mortgage or give a deed of trust upon any of said real property".

Amendment No. 12.

On page 3, line 19, of the printed bill, as amended, after "sales", insert the following: ", mortgages, or deeds of trust".

Amendment No. 13.

On page 3, line 20, of the printed bill, as amended, strike out "sales shall govern the sales", and insert in lieu thereof the following: "sale, mortgage or deed of trust shall govern the sale, mortgage or deed of trust".

Amendment No. 14.

On page 3, line 21, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: ", including the provisions concerning confirmation of the sales by the court; provided, however, that any such sale of real property shall not take place before the expiration of eight months from the date of the appointment and qualification of the trustee."

Amendment No. 15.

On page 6, line 52, of the printed bill, as amended, strike out "in section 281".

Amendment No. 16.

On page 7 of the printed bill, as amended, after line 23, insert the following: "SEC. 3. Sections 1822, 1822a, 1822b, and 1822bb of the Code of Civil Procedure are hereby repealed."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 518?

The roll was called, and Assembly amendments to Senate Bill No. 518 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Knowland, McColl, McCormack, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Wagy, and Young—29.

NOES—None.

Senate Bill No. 518 ordered to enrollment.

Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1913, as amended, relating to remedies for violations.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 468.

Amendment No. 1.

On page 2, line 2, of the printed bill, after the word "Examiners", insert the following: "or the State Board of Osteopathic Examiners".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 468?

The roll was called, and Assembly amendment to Senate Bill No. 468 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Williams, and Young—30.

NOES—None.

Senate Bill No. 468 ordered to enrollment.

Senate Bill No. 847—An act to amend section 31 and to amend and renumber sections 51a and 51b as added by Chapter 999 of the Statutes of 1933 and to add a new section to be numbered section 5.1 to an act entitled of "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers." approved May 31, 1921, relating to public utility districts in unincorporated territory.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 847.

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 3 and 4 of the title, and insert in lieu thereof the following: "of 1933,".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 13, inclusive, and on page 2, strike out lines 1 to 6, inclusive.

Amendment No. 3.

On page 2, line 7, of the printed bill, as amended, immediately before "Section", insert the following: "Section 1."

Amendment No. 4.

On page 6, line 9, of the printed bill, as amended, strike out "Sec. 3.", and insert in lieu thereof the following: "Sec. 2."

Amendment No. 5.

On page 9, line 26, of the printed bill, as amended, strike out "Sec. 4.", and insert in lieu thereof the following: "Sec. 3."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 847?

The roll was called, and Assembly amendments to Senate Bill No. 847 concurred in by the following vote:

AYES—Senators Biggar, Deneil, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—28.

NOES—None.

Senate Bill No. 847 ordered to enrollment.

Senate Bill No. 771—An act to add section 5a to "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 771.

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, after the period, insert the following: "In addition to being properly indentured such apprentices must be over eighteen years of age and under twenty-five years of age and a wage rate in each craft for such apprentices and the ratio of such apprentices in each craft to journeymen employed on a particular public works job must be set forth by the awarding body or officer in the call for bids for the contract and in the contract in conformity with the general prevailing custom or practice in the locality in which the work is performed. Such wage rate and ratio must also be maintained when the public officer or body does the work directly rather than by means of contract."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 6 to 11, inclusive.

Amendment No. 3.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section 5a", and insert in lieu thereof the following: "sections 5a and 7".

Amendment No. 4.

On page 1 of the printed bill, as amended, in the third from the last line of the title, before "contract", insert the following: "the".

Amendment No. 5.

On page 1 of the printed bill, as amended, after line 11, insert the following: "SEC. 2. Section 7 is hereby added to said act, to read as follows:

Sec. 7. This act may be cited and amended as the Wage Rate Act of 1931."

Amendment No. 6.

On page 1 of the printed bill, as amended, strike out lines 4 to 10, inclusive, and on page 2, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"of lawfully indentured apprentices upon public works; provided, however, that in addition to being lawfully indentured, such apprentices are over the age of sixteen years and under the age of twenty-one years, and are limited to a ratio of one apprentice to each seven journeymen of the craft employed on the particular public works job by the contractor employing such apprentices. The wage rate for each six months' employment in each craft for such apprentices must be set forth by the awarding body or officer in the call for bids and in the contract, in conformity with the general prevailing rate for apprentices of each craft in the locality in which the work is performed. Such wage rates, ratio and age limits must also be maintained when the public officer or body employs apprentices and does the work directly rather than by means of contract."

Amendment No. 7.

On page 2, line 14, of the printed bill, as amended, after "as the", insert the following: "Prevailing".

Amendment No. 8.

On page 2, line 11, of the printed bill, as amended, strike out "The", and insert in lieu thereof the following: "When apprentices are to be employed, the".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 771?

The roll was called, and Assembly amendments to Senate Bill No. 771 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—31.

NOES—None.

Senate Bill No. 771 ordered to enrollment.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 447 was refused passage.

The question being on the motion to reconsider.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—34.

The Secretary announced the absentees.

Time, eleven o'clock and twenty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 8, 1935

To the Honorable Members of the Senate,
State of California, Sacramento, California.

GREETINGS: It has just been called to my attention that none of the members of the Agricultural Prorate Commission, other than Mr. Preston McKinnon and Mr. E. A. Stokdyk, whose names were very recently placed before the Senate, have been submitted for the consideration required by law.

I am, therefore, handing you herewith the names of all of the appointees made to the commission on August 21, 1933, even though the terms of some have already expired, and am requesting confirmation of the entire list.

I am so submitting the following:

A. J. McFadden.....	Santa Ana
Joseph Brooks.....	Walnut Grove
Roy M. Pike.....	Vernalis
O. W. Schlensner.....	Los Angeles
Howard Miller.....	Los Angeles
George H. Hecke.....	Woodland
Fred W. Read.....	Sacramento

Respectfully submitted

FRANK E. MERRIAM, Governor of California.

Message referred to Committee on Rules

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator McGuinness moved to reconsider the vote whereby Assembly Bill No. 2445 was passed.

Postponement of Reconsideration.

On motion of Senator McGuinness, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2445 was passed was continued until the next legislative day.

Third Reading of Senate Bills.

Senate Concurrent Resolution No. 5—Providing for the appointment of a joint legislative committee to investigate and report upon the feasibility and practicability of the centralization of public ownership of public utilities in the State of California.

Amendments from the Floor.

During reading of Senate Concurrent Resolution No. 5, the following amendments, offered by Senator Seawell, were read and adopted:

Amendment No. 1.

On page 3, line 10, of the printed measure, as amended, strike out "two thousand five hundred", and insert in lieu thereof the following: "ten thousand".

Amendment No. 2.

On page 3, line 11, of the printed measure, as amended, strike out "two thousand five hundred", and insert in lieu thereof the following: "ten thousand".

Amendment No. 3.

On page 3, line 17, of the printed measure, as amended, strike out the period, and insert a semicolon, and the following: "and be it further

Resolved, That this resolution shall not be effective in the event that Senate Bill No. 731 of the fifty-first session of the Legislature, being entitled "An act providing for an investigation of and report on the feasibility and desirability, from the standpoint of the public interest, of acquisition by the State of California of the existing facilities for the generation and distribution of electric power in California, whether now under private or public ownership, providing for a committee therefor, and the appointment of such committee, defining the powers, duties of such committee in respect thereto, and making an appropriation therefor," is enacted into law."

Resolution read, ordered to reprint, re-engrossment, and on file.

Senate Bill No. 1127—An act to amend section 378 of the Fish and Game Code and to add thereto section 375.5, relating to migratory bird reservations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1127 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McColl, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Senate Bill No. 1127 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and thirty-five minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Crittenden.

The Secretary was directed to call the roll, on reconsideration, of the Senators who had not answered to their names.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—36.

The Secretary announced the absentees.

Time, eleven o'clock and forty minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills.

Assembly Bill No. 1870—An act to amend an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair discriminations, and declaring the urgency thereof, to take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 1870, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 2, line 28, of the printed bill, as amended, strike out "he or it".

Amendment No. 2.

On page 2, line 39, of the printed bill, as amended, after "and", as it appears the first time in said line, insert the following: "he or it".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1189—An act to amend sections 116, 116b, 274c, 437e, 477, 594, 632, 639, 652, 655, 664, 667a, 668, 670, 675, 973, 1033, 1052, 1134 and 1135 of the Code of Civil Procedure, and to add sections 35 and 982a thereto, relating to civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1189 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Snyder, Stow, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1189 ordered transmitted to the Assembly.

Assembly Bill No. 437—An act to amend section 112 of, and to add section 112a to, the Code of Civil Procedure, relating to the jurisdiction of justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 437 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Snyder, Stow, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 437 ordered transmitted to the Assembly.

Assembly Bill No. 205—An act to amend section 702 of the Code of Civil Procedure, relating to redemption interest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 205 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 205 ordered transmitted to the Assembly.

Assembly Bill No. 827—An act to validate the organization and bonds of municipal improvement districts formed under the Municipal Improvement District Act of 1927 and providing for the levy of special assessment taxes to pay said bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 827 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 827 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Crittenden.

The Secretary was directed to call the roll, on reconsideration of the Senators who had not answered to their names.

Reconsideration Granted.

The roll was called, and reconsideration of Senate Bill No. 447 finally granted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Jespersen, Keough, McColl, Metzger, Mixer, Olson, Pierovich, Schottky, Scollan, Sharkey, Slater, Swing, Waggy, Williams, and Young—21.

NOES—Senators Difani, Duval, Gordon, Hays, Hulse, Knowland, McCormack, McGuinness, Parkman, Perry, Powers, Rich, Seawell, Snyder, and Stow—15.

Reconsideration of Senate Bill No. 447.

Senate Bill No. 447—An act to add a new section to the Public Utilities Act to be numbered 19½, relating to wharfingers.

Amendment from the Floor.

The following amendment to Senate Bill No. 447, offered by Senator Crittenden, was read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out "No wharfinger operating as a public utility under"; also strike out lines 4 to 24, on said page, and strike out all of page 2, and insert in lieu thereof the following:

"The provisions of Chapter 276, Statutes of 1913, as it now exists and as it may be amended from time to time, in their application to wharfingers operating as public utilities and to the extent that they do apply to wharfingers operating as public utilities and no further, shall be enforced by the Railroad Commission as to such wharfingers. Nothing in this section shall be construed as abrogating or impairing the powers, duties, and authority of the Attorney General as prescribed in section 2 of said Chapter 276."

Bill amended, ordered to print, engrossment, and on file for third reading.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Sharkey moved to reconsider the vote whereby Senate Bill No. 1119 was refused passage.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Difam, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, Kneeland, McCormack, McGinness, Mixer, Parkman, Perry, Pirovich, Powers, Rich, Seaton, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—Senators Gordon, McColl, Metzger, Olson, and Schottky—5.

Re-reference of Senate Bill No. 1119.

Senator Duval moved that Senate Bill No. 1119 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

Withdrawal and Re-reference of Senate Bill No. 539.

Senator Swing moved that Senate Bill No. 539 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2429.—An act to provide for the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts, defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof.

Amendment from the Floor.

During third reading of Assembly Bill No. 2429, the following amendment, offered by Senator Difam, was read and adopted:

Amendment No. 1.

On page 3, line 51, of the printed bill, as amended in the Assembly May 27, 1935, strike out the word "three", and insert in lieu thereof the word "one".

Bill read, ordered to reprint, and on file for third reading.

Recess.

On motion of Senator Rich, at twelve o'clock and forty minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1129.—An act to add section 4093.5 to the Political Code, relating to transmission of moneys to counties by State officers and employees—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1126—An act to amend sections 105, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Leave of Absence.

Senator Crittenden was, on motion of Senator Young, granted leave of absence for the balance of this legislative day.

Call of the Senate.

Senator Slater moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Duval, Duval, Fletcher, Garrison, Gordon, Hays, McGuinness, Metzger, Mixter, Perry, Pierovich, Rich, Schottky, Scollan, Slater, Snyder, Swing, and Young—19.

The Secretary announced the absentees.

Time, two o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 870—An act to amend sections 1, 14, 18 and 41 of the "California Water District Act," approved June 13, 1913, relating to water districts, the purposes and administration thereof, to take effect immediately and declaring the urgency thereof;

Also: Senate Bill No. 1105—An act to amend section 1207 of the Agricultural Code, relating to the removal of officers and directors of nonprofit cooperative marketing associations, declaring the urgency thereof to take effect immediately;

Also: Senate Bill No. 1107—An act to amend the title and sections 1, 2, 3, 4 and 5 of, and to add section 6 to, an act entitled "An act to authorize municipal corporations to issue bonds, for the purpose of investing the proceeds arising from the sale thereof, in other bonds issued for public improvements," approved April 26, 1909, relating to the issuance, sale, or exchange and payment of the bonds issued under this act, and the acquisition, collection and payment of bonds acquired, declaring the urgency hereof and providing that this act shall take effect immediately; And reports that the same have been correctly enrolled, and presented to the Governor on the eighth day of June, 1935, at eleven o'clock and forty-five minutes a.m.

METZGER, Chairman.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 707—An act to amend sections 12, 13 and 16 of an act entitled "An act to provide for the regulation and licensing of horse

racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 707 read first time, and referred to Committee on Finance.

Appointment by the President of the Senate.

The following communication was received and read:

I beg leave to inform you that I have appointed

Per day

Kathleen Schottky, Page-----\$2.50

and respectfully request the consent of the Senate thereto.

GEORGE J. HATFIELD, President of the Senate.

Appointment Confirmed.

Senator Slater moved that appointment be confirmed by the Senate.

The question being on the confirmation of the appointment.

The roll was called, and the appointment confirmed by the following vote:

AYES—Senators Biggar, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, McGinness, Metzger, Myster, Perry, Parnick, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Wagy, Williams and Young. 25.
NOES—None.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 534—An act relating to persons in private psychopathic institutions.

The Senate took up for consideration Assembly amendments to Senate Bill No. 534.

Amendment No. 1.

On page 1, line 4, of the printed bill, as amended, strike out "or", where it first occurs in said line, and insert in lieu thereof a comma.

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, after "sanitarium", insert a comma and the following: "department or ward".

Amendment No. 3.

On page 1, line 7, of the printed bill, as amended, after "in", insert the following: "nor membership on the paid regular or consultant staff of".

Amendment No. 4.

On page 1, line 8, of the printed bill, as amended, after the comma following "institution", insert the following: "hospital, sanitarium, department or ward".

Amendment No. 5.

On page 1, lines 11 and 12, of the printed bill, as amended, strike out "or sanitarium", and insert in lieu thereof a comma and the following: "sanitarium, department or ward".

Amendment No. 6.

On page 1, lines 13 and 14, of the printed bill, as amended, strike out "communication", and insert in lieu thereof the following: "communications".

Amendment No. 7.

On page 1, line 17, of the printed bill, as amended, strike out "communication", and insert in lieu thereof the following: "communications".

Amendment No. 8.

On page 1, line 23, of the printed bill, as amended, strike out "deliver", and insert in lieu thereof the following: "send".

Amendment No. 9.

On page 1, line 23, of the printed bill, as amended, strike out "communication", and insert in lieu thereof the following: "communications".

Amendment No. 10.

On page 2, line 13, of the printed bill, as amended, strike out "or sanatorium", and insert in lieu thereof the following: "sanitarium, department or ward".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 534?

The roll was called, and Assembly amendments to Senate Bill No. 534 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, McGuinness, Metzger, Mixer, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Wagdy, Williams, and Young—24.

NOES—None.

Senate Bill No. 534 ordered to enrollment.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 53—Relative to approving a certain amendment to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of June, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 53.

Senator Duval asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 53, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 53—Relative to approving a certain amendment to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of June, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 53 adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, McGuinness, Metzger, Mixer, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Wagdy, Williams, and Young—23.

NOES—None.

Assembly Concurrent Resolution No. 53 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 480.

Senator Difani moved that Senate Bill No. 480 be re-referred to Committee on Insurance.

Motion carried, and such was the order.

Consideration of Daily File.**Third Reading of Assembly Bills.**

Assembly Bill No. 735—An act to amend sections 4 and 10 of an act entitled "An act defining industrial loan companies, providing for their

incorporation, powers and supervision." approved May 18, 1917, relating to the operation of the business of industrial loan companies.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 735 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Metzger, Mixter, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Wagy, Williams, and Young—22.

NOES—None.

Title read and approved.

Assembly Bill No. 735 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 61.

Relative to memorializing Congress to repeal "An act to amend the Tariff Act of 1930," approved June 12, 1934.

WHEREAS, The economic growth and well being of California has been built on tariff protection openly arrived at by Congress; and

WHEREAS, This policy has made possible the production and distribution of California's quality products in the home market at prices which permit American standards of living; and

WHEREAS, Reciprocal trade agreements, secretly arrived at, threaten to destroy this American standard of living and keep business in a condition of uncertainty and retard recovery; and

WHEREAS, These secret negotiations are un-American and will be disastrous to business recovery; now, therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That Congress be hereby memorialized to repeal "An act to amend the Tariff Act of 1930," approved June 12, 1934, by which these reciprocal trading parts are being secretly negotiated; and be it further

Resolved, That copies hereof be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Senators from California, and all members of the California delegation in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 61 adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, McGuinness, Metzger, Mixter, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Wagy, Williams, and Young—23.

NOES—None.

Assembly Joint Resolution No. 61 ordered transmitted to the Assembly.

Assembly Bill No. 1589—An act to amend section 12562 of the Insurance Code, relating to mortgage insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1589 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McGuinness, Metzger, Mixter, Perry, Pierovich, Rich, Schottky, Seawell, Slater, Snyder, Swing, Wagy, Williams, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 1589 ordered transmitted to the Assembly.

Assembly Bill No. 1579—An act to amend section 911 of the Insurance Code, relating to insurance practice regarding financial statements of insurers, and matters incidental thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1579 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McGuinness, Metzger, Mixter, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 1579 ordered transmitted to the Assembly.

Assembly Bill No. 1586—An act to repeal sections 12051 and 12052 of the Insurance Code, relating to surety insurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1586 passed by the following vote:

AYES—Senators Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McGuinness, Metzger, Mixter, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Wagy, Williams, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 1586 ordered transmitted to the Assembly.

Assembly Bill No. 955—An act to amend the title and sections 1 and 24, and to add section 8a to the "Storm-water District Act of 1909," approved March 13, 1909, as amended, relating to the formation of districts for the purpose of controlling soil erosion and protecting the lands in such district from damage by storm-water of other waters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 955 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McGuinness, Metzger, Mixter, Perry, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—25.

NOES—None.

Title read and approved.

Assembly Bill No. 955 ordered transmitted to the Assembly.

Assembly Bill No. 1398—An act to amend section 1 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased

penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, and relating to penalties for violations of this act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1398 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McGuinness, Mixer, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—26

NOES—None.

Title read and approved.

Assembly Bill No. 1398 ordered transmitted to the Assembly.

Assembly Bill No. 1170—An act relating to the Department of Professional and Vocational Standards and defining its powers and duties in relation to and providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as indicators of ownership and to protect the owners thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1170 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McGuinness, Metzger, Mixer, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1170 ordered transmitted to the Assembly.

Assembly Bill No. 800—An act to amend section 705 of the Vehicle Code, relating to vehicles and the weight and loading thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 800 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McGuinness, Metzger, Mixer, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 800 ordered transmitted to the Assembly.

Assembly Bill No. 1294—An act to amend Section 515 of the Vehicle Code, relating to motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1294 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McCormack, McGuinness, Metzger, Mixter, Perry, Pierovich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—25.
NOES—None.

Title read and approved.

Assembly Bill No. 1294 ordered transmitted to the Assembly.

Assembly Bill No. 1295—An act to amend section 702 of the Vehicle Code, relating to motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1295 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGuinness, Metzger, Mixter, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—29.
NOES—None.

Title read and approved.

Assembly Bill No. 1295 ordered transmitted to the Assembly.

Assembly Bill No. 812—An act to amend section 226 of the Civil Code, relating to proceedings on adoption.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 812 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGuinness, Mixter, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—27.
NOES—None.

Title read and approved.

Assembly Bill No. 812 ordered transmitted to the Assembly.

Assembly Bill No. 1906—An act to add section 987b to the Penal Code, relating to the office of public defender.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1906 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, McCormack, McGuinness, Metzger, Mixter, Perry, Pierovich, Scollan, Slater, Snyder, Swing, Williams, and Young—21.
NOES—Senators Difani, Hays, Rich, Schottky, and Waggy—5.

Title read and approved.

Assembly Bill No. 1906 ordered transmitted to the Assembly.

Assembly Bill No. 2457—An act to amend section 363i of the Political Code, relating to the administration of certain bays, ports and harbors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2457 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, McGuinness, Metzger, Mixter, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 2457 ordered transmitted to the Assembly.

Motion to Reconsider Continued.

Pursuant to his motion given on a previous day, Senator Biggar asked for, and was granted, permission to continue the motion to reconsider the vote by which the amendment offered by Senator Pierovich to Assembly Bill No. 2136 was adopted.

Special Order Reset.

On motion of Senator Biggar, the consideration of Assembly Bill No. 2136, heretofore set as a special order for this time, was reset as a special order for consideration at two o'clock and thirty minutes p.m. on Monday, June 10, 1935.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 814—An act to amend section 92 of, and to add section 95 to the Agricultural Code, relating to and providing for the exhibition of California products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 814 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 814 ordered transmitted to the Assembly.

Assembly Bill No. 88—An act to amend section 762 of the Political Code, relating to the office hours of clerks of the District Courts of Appeal.

Bill read third time.

Amendment to Title.

During third reading of Assembly Bill No. 88, the following amendment, offered by Senator Swing, was read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend section 762 of", and insert in lieu thereof the following: "add section 762 to".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 88 passed by the following vote:

AYES—Senators Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Park-

man, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title as amended, read and approved.

Assembly Bill No. 88 ordered transmitted to the Assembly.

Assembly Bill No. 972—An act to amend section 791 of the Agricultural Code, relating to apricots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 972 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Parkman, Perry, Pierovich, Powers, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—26.

NOES—None.

Title read and approved.

Assembly Bill No. 972 ordered transmitted to the Assembly.

Assembly Bill No. 975—An act to amend section 804 of the Agricultural Code, relating to pears.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 975 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 975 ordered transmitted to the Assembly.

Senator Pierovich in the Chair.

At two o'clock and forty-five minutes p.m., Senator Pierovich of the Ninth District was called to the chair.

Assembly Bill No. 976—An act to amend section 806 of the Agricultural Code, relating to plums and fresh prunes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 976 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 976 ordered transmitted to the Assembly.

Assembly Bill No. 973—An act to amend section 803 of the Agricultural Code, relating to peaches.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 973 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 973 ordered transmitted to the Assembly.

Assembly Bill No. 1500—An act to add section 92.5 to the Agricultural Code, relating to money appropriated for the encouragement of county and district agricultural fairs, declaring the urgency hereof and providing that this act shall go into immediate effect.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1500.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, March 20, 1935.

To Honorable Members of the Senate:

Assembly Bill No. 1500—An act to add section 92.5 to the Agricultural Code relating to money appropriated for the encouragement of county and district agricultural fairs, declaring the urgency thereof, and providing that this act shall go into immediate effect.

In my opinion said Assembly Bill No. 1500 constitutes an emergency bill within the meaning of that term as used in section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend the consideration of this bill as such an emergency measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting such urgency are as follows:

By the amendment of section 92 of the Agricultural Code by Chapter 24, Statutes of 1935, to enable agricultural fairs which have not been held in previous years to participate in the allocation of funds available for such fairs, and changing the basis of such allocation from the premiums paid in the preceding year to the premiums paid in the current year, those fairs which have been conducted for successive years will be unable to obtain the customary allocation of funds until after the fair is over. This act provides for an advance of a portion of the funds to which such fairs are entitled in order to enable them to continue in operation. Unless provision is made for such advance the conduct of such fairs will be hampered and the welfare of an important factor in the economic life of the State will be impaired. Such advances must be made prior to the ordinary effective date of this act, and consequently it is necessary that this act should go into immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1500 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1500 ordered transmitted to the Assembly.

Assembly Bill No. 1987—An act to amend section 3 of "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers; prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 9, 1931, relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1987 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1987 ordered transmitted to the Assembly.

Assembly Bill No. 2043—An act to add a new section to be known as section 5.724 to the School Code, relating to resignations, dismissals and leaves of absence of certified employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2043 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Waggy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2043 ordered transmitted to the Assembly.

Assembly Bill No. 1836—An act to amend section 622 of the Agricultural Code, relating to dairies and dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1836 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Park-

man, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, and Young—29

NOES—None.

Title read and approved.

Assembly Bill No. 1836 ordered transmitted to the Assembly.

Notice of Motion to Amend the Rules.

Senator Garrison gave notice that on the next legislative day he would move to amend Rule 51 of the Standing Rules of the Senate as follows:

Resolved, That Senate Standing Rule No. 51 of the fifty first session be amended to read as follows:

"51. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any Senator, provided notice of intention to move such consideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side, and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require 21 votes to carry any motion to reconsider the vote by which any bill (requiring 21 votes for passage), or any concurrent or joint resolution, has been passed or defeated, 14 votes to reconsider the vote by which any constitutional amendment (or bill requiring 27 votes for passage) has been passed, and 27 votes to carry any motion to reconsider the vote by which any constitutional amendment (or bill requiring 27 votes for passage) has been defeated. Notice of reconsideration of the vote by which a Senate bill was passed, or a Senate joint resolution, Senate concurrent resolution or Senate constitutional amendment adopted, shall not be in order on or after the eighth day preceding the last day of the session. No notice of reconsideration shall be in order on the day preceding the last day of the session."

Referred to Committee on Rules for consideration and report.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1462—An act to add section 4a to the act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relative to the definition of public contract work and the payment of the general prevailing rate therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1462 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, Knowland, McCormack, McGuinness, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1462 ordered transmitted to the Assembly.

Assembly Bill No. 1304—An act to amend the title and sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores, and spotting, sponging, and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging, and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations," approved May 28, 1931, relating to cleaning and dyeing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1304 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1304 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 63.

Relative to memorializing the President of the United States to make ample provision for the encouragement of the artistic, cultural, humane, patriotic and sentimental phases of our American National life in the Federal Works Plan.

WHEREAS, The Congress of the United States has approved the appropriation of huge sums to be expended under the direction of the President of the United States in a comprehensive Federal Works Plan; and

WHEREAS, The President of the United States has announced the tentative proportions of said sums as to their disbursement, which includes an amount allocated to so-called "white collar" workers; and

WHEREAS, The State of California is taking steps and has made provisions for numerous enterprises which may be of general benefit because of their inspirational and educational value, such as fairs, expositions, conventions, industrial and housing exhibitions, and celebrations to mark high attainment in the world of construction and engineering; and

WHEREAS, The State of California and several other of the sovereign States of our Union, are nearing the completion of certain such construction projects that bespeak the initiative and industry of our present generation, the accomplishment and achievement of which can be properly perpetuated as imperishable monuments, and fittingly recorded by employing the services of the "white collar" workers; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the President of the United States is hereby memorialized to make ample provision for the encouragement of the artistic, cultural, humane, patriotic and sentimental phases of our American National life in the great Federal Works Plan by the employment of "white collar" workers; and be it further

Resolved, That the Governor of the State of California is hereby requested, empowered and authorized to (1) transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States, and to the National Director of the Federal Work Relief Administration; and (2) designate and select the State department, official, agent or director to initiate projects for the employment of "white collar" workers to carry out the purpose of this resolution; and be it further

Resolved, That all departments of the State of California cooperate with the department designated by the Governor and aid in developing an appreciation of culture, beauty, science, history, arts and achievement.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 63 adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagv, Williams, and Young—32.

NOES—None.

Assembly Joint Resolution No. 63 ordered transmitted to the Assembly.

Assembly Bill No. 2458—An act to add Chapter 9, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2458 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McGoll, McCormack, McGinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagv, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2458 ordered transmitted to the Assembly.

Assembly Bill No. 1904—An act to amend section 3 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to wagering and to the powers of the California Horse Racing Board.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1904 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, Knowland, McGoll, McCormack, McGinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagv, Williams, and Young—31.

NOES—Senator Jespersen—1.

Title read and approved.

Assembly Bill No. 1904 ordered transmitted to the Assembly.

Assembly Bill No. 1470—An act to amend section 10 of "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to municipal utility districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1470 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Rich, Seawell, Snyder, Swing, Wagy, Williams, and Young—24.

NOES—Senators Perry, and Scollan—2.

Title read and approved.

Assembly Bill No. 1470 ordered transmitted to the Assembly.

Assembly Bill No. 1765—An act to amend section 649, 649a, 651a, 651b, 651c, and 651d of the Civil Code, relating to colleges and seminaries of learning.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1765 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1765 ordered transmitted to the Assembly.

Assembly Bill No. 522—An act to amend section 400 of the Vehicle Code, relative to the liability of governmental agencies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 522 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 522 ordered transmitted to the Assembly.

Assembly Bill No. 2435—An act to add section 642 to, and to repeal section 486 of, the Streets and Highways Code, relating to secondary State highway.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2435 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2435 ordered transmitted to the Assembly.

Assembly Bill No. 240—An act to amend section 362 of the Streets and Highways Code and to add section 603 thereto, relating to State highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 240 passed by the following vote:

AYES—Senators Bigger, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Senwell, Sharkey, Slater, Snyder, Swing, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 240 ordered transmitted to the Assembly.

Assembly Bill No. 941—An act to amend section 428 of the Fish and Game Code and to add thereto sections 428.5 and 428.6, relating to sporting fishing licenses, and the disposition of fees therefrom.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 941 passed by the following vote:

AYES—Senators Bigger, Duval, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Swing, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 941 ordered transmitted to the Assembly.

Assembly Bill No. 1861—An act to add section 76 to the Agricultural Code and to repeal section 694da of the Political Code, relating to the State Agricultural Society contingent fund.

Amendments from the Floor.

During third reading of Assembly Bill No. 1861, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 1 and 2.

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, strike out "See 2", and insert in lieu thereof the following: "Section 1".

Amendment No. 3.

On page 1, line 16, of the printed bill, as amended, after "including", strike out "the".

Amendment No. 4.

On page 1, line 17, of the printed bill, as amended, after "stratification", strike out the comma and "improvement", and insert in lieu thereof the following: "and improvements".

Amendment No. 5.

On page 1, line 22, of the printed bill, as amended, after "appropriated for", insert the following: "the".

Amendment No. 6.

On page 2, line 1, of the printed bill, as amended, before "support", insert the following: "the".

Amendment No. 7.

On page 2 of the printed bill, as amended, after line 4, insert the following:
 "Sec. 2. Section 694da of the Political Code is hereby repealed."

Bill read, ordered to reprint, and on file for third reading.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Senate in the sum of \$1,271.79 in favor of the Secretary of the Senate to pay the bills and for the purposes, set forth below, and the Treasurer is directed to pay the same.

State Supply Department-----	\$600 58
Geo. N. Hammond Typewriter Company-----	143 00
H. S. Crocker Company-----	42 92
Postal Telegraph-Cable Company-----	69 90
Western Union Telegraph Company-----	57 88
State Dept. of Finance, Pro Rata Senate Telephone Exchange-----	52 61
State Dept. of Finance, Carpenter Service-----	26 40
Cascade Towel Supply Company-----	78 50
Postage—for Senate-----	200 00

Total-----\$1,271 79

STOW.
POWERS.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagly, Williams, and Young—32.

NOES—None.

Third Reading of Senate Bills.

Senate Bill No. 404—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor.

Amendments from the Floor.

During third reading of Assembly Bill No. 404, the following amendments, offered by Senator Powers, were read and adopted:

Amendment No. 1.

On page 1, line 12, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "or by any person or persons."

Amendment No. 2.

On page 1, line 16, of the printed bill, as amended, after "county", insert the following: "and such necessary amount is not contributed by any person or persons".

Amendment No. 3.

On page 1, line 19, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "or contributed by any person or persons."

Amendment No. 4.

On page 1 of the printed bill, as amended, between lines 19 and 20, insert the following:

"The amounts contributed by any person or persons under the provisions hereof shall be deposited with the State Treasurer in accordance with the provisions of section 453a of the Political Code."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal

to issue certificates, suspension and revocation of certificates and probation of certificate holders.

Amendments from the Floor.

During third reading of Senate Bill No. 154, the following amendments, offered by Senator Williams, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "approved June 2, 1913, as amended,".

Amendment No. 2.

On page 3, lines 30 and 31, of the printed bill, as amended, strike out "(Added 1925)."

Amendment No. 3.

On page 4, line 11, of the printed bill, as amended, strike out "(Added 1925)."

Amendment No. 4.

On page 4, line 15, of the printed bill, as amended, strike out "(Added 1925)."

Amendment No. 5.

On page 4, line 22, of the printed bill, as amended, strike out "(license) (Added 1925.)", and insert in lieu thereof a period.

Amendment No. 6.

On page 4, line 25, of the printed bill, as amended, strike out "(Added 1925)."

Amendment No. 7.

On page 4 of the printed bill, as amended, strike out all of line 45.

Amendment No. 8.

On page 5 of the printed bill, as amended, strike out lines 40 to 48, inclusive.

Amendment No. 9.

On page 6, lines 10 and 11, of the printed bill, as amended, strike out "(Added 1927; amended 1929)."

Amendment No. 10.

On page 6 of the printed bill, as amended, strike out all of line 19.

Amendment No. 11.

On page 6 of the printed bill, as amended, strike out all of line 27.

Amendment No. 12.

On page 6 of the printed bill, as amended, strike out lines 37 to 43, inclusive.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At five o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Slater.

Special Order.

The President pro tempore ordered that Senate Bills Nos. 114, 75, and 1063 be placed on a special file, and that they be made a special order for immediately after the signing of the Budget Bill by the Governor.

Recess.

On motion of Senator Rich, at five o'clock and five minutes p.m., the acting President of the Senate declared recess until eight o'clock p.m.

Reconvened.

At eight o'clock p.m., the Senate reconvened.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read :

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 821—An act to amend section 605 of the Probate Code, relating to appointment of appraisers.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 821 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations, in anticipation of the collection of taxes and revenues—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 18 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 42—Providing for the appointment of a joint legislative committee to consult with the Department of Finance regarding the remodeling and refurbishing of legislative committee rooms and offices for the members in the State Capitol.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 42 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 219—An act to amend section 94 of the Agricultural Code, relating to citrus fairs;

Also: Senate Bill No. 367—An act to amend section 1 of "An act regulating the hours of labor of the operators of certain motor vehicles," approved June 10, 1933, relating to operators of vehicles;

Also: Senate Bill No. 834—An act to amend the title and sections 1, 7, and 12 of, to repeal section 15 of, and to add section 17 to an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor, approved May 9, 1929, relating to the California Institution for Women";

Also: Senate Bill No. 835—An act to add section 1168a to the Penal Code, relating to the California Institution for Women;

Also: Senate Bill No. 836—An act to amend sections 1202a, 1572, 1576, and 1586, of the Penal Code, relating to the State Prisons;

Also: Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 219, 367, 834, 835, 836, and 955 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2486—An act to repeal section 5 of Chapter

656 of the Statutes of 1933 entitled "An act to add section 484.5 to the Fish and Game Code, to amend section 665, and to repeal sections 823, 874, 887 and 942 thereof, relating to fish and game and making an appropriation for the purchase of certain property used in connection with the fishing industry," approved June 2, 1933, relating to an appropriation.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2486 read first time, and referred to Committee on Fish and Game.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 7, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly concurred in Senate amendments to Assembly Constitutional Amendment No. 63.—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 22 of Article XII of the Constitution of said State, relating to the creation and powers of the Public Service Commission.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2468.—An act to add a new section to the Code of Civil Procedure to be numbered 3491, relating to the limitation of the time within which actions, for trespass, use or occupancy of real property by oil or gas wells, and for damages by reason thereof, and for the conversion or for the taking or removing of oil, gas or other liquid or fluids by means of any such well, may be commenced, fixing the measure of damages in certain of such cases, and defining oil and gas for the purposes of this act.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Concurrent Resolution No. 44—Relating to the termination of the probationary period of all persons employed by the various departments of the State and mentioned in subdivision (c) of Article XXIV of the Constitution of this State.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 128—An act to add section 488a to the Penal Code, relating to the punishment for theft in certain cases:

Also: Assembly Bill No. 845—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 15, 16, 17, 20, 22 and 244 and to repeal section 54 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to fire departments in unincorporated towns and villages:

Also: Assembly Bill No. 1270—An act to add section 94 to "An act to provide for the aid and relief of indigents," approved June 5, 1933, relating to the sale of personal property of such persons upon their death:

Also: Assembly Bill No. 1324—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the division of fire safety in the Department of Industrial Relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, relating to clothes cleaning establishments:

Also: Assembly Bill No. 1666—An act to amend sections 2 and 7 of "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof, and repealing an act entitled 'An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof,'

approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act," approved May 15, 1933, relating to motor carrier transportation agents.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered read the second time.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 539—An act to amend the law relating to the Department of Motor Vehicles—has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—13; committee vote: Ayes—8; noes—2; absent—3.

DUVAL, Chairman.

Second Reading of Senate Bill No. 539.

Senate Bill No. 539—An act to amend the law relating to the Department of Motor Vehicles.

Bill read second time, ordered to engrossment, and on file for third reading.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 707—An act to amend sections 12, 13 and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—13; absent—6.

SHARKEY, Chairman.

Consideration of Assembly Bill No. 707.

Resolution.

The following resolution was offered:

By Senator Swing:

Resolved, that Assembly Bill No. 707 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Duval, Fletcher, Hays, Jespersen, Keough, McColl, Mixer, Olson, Parkman, Perry, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—22.

The Secretary announced the absentees.

Time, eight o'clock and twenty minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills.

Assembly Bill No. 1921—An act to amend section 1461 of the Probate Code, relating to guardians of insane or incompetent persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1921 passed by the following vote:

AYES—Senators Biggar, Duval, Fletcher, Hays, Jepsen, Keough, McColl, Mixer, Olson, Parkman, Perry, Rich, Schottky, Seawell, Slater, Snyder, Tickle, Wagy, and Young—21.

NOES—None.

Title read and approved.

Assembly Bill No. 1921 ordered transmitted to the Assembly.

Assembly Bill No. 338—An act to add section 731a to the Code of Civil Procedure, relating to the use of the injunction in industrial or commercial zones.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 338 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Fletcher, Hays, Jepsen, Keough, Knowland, McColl, Mixer, Olson, Parkman, Perry, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 338 ordered transmitted to the Assembly.

Assembly Bill No. 959—An act to amend section 59 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to referees of the Industrial Accident Commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 959 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Fletcher, Hays, Jepsen, Keough, Knowland, McColl, Mixer, Olson, Parkman, Perry, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 959 ordered transmitted to the Assembly.

Assembly Bill No. 2102—An act providing for the formation of nonprofit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute energy to the inhabitants of the State at the lowest cost con-

sistent with sound economy and the prudent management of the business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect.

Amendments from the Floor.

During third reading of Assembly Bill No. 2102, the following amendments, offered by Senator Jespersen, were read and adopted:

Amendment No. 1.

On page 4, line 13, of the printed bill, as amended, strike out "majority", and insert in lieu thereof the following: "two-thirds".

Amendment No. 2.

On page 4, line 19, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "and in no case shall the fees or commissions for engineering and legal expense exceed those established by the Railroad Commission of the State of California or the Federal Public Works Administration."

Amendment No. 3.

On page 5, line 40, of the printed bill, as amended, strike out the period, and insert in lieu thereof a semicolon and the following: "provided, however, that before proceeding with any improvement a similar economic survey shall be made as that provided for under the Public Works Administration to determine the feasibility of the project and the resources supporting the security issue."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 898—An act to amend section 488 of the Agricultural Code, relating to Grade A milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 898 passed by the following vote:

AYES—Senator Biggar, Deuel, Difani, Duval, Fletcher, Hays, Jespersen, Knowland, McColl, Metzger, Mixter, Olson, Parkman, Perry, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—24.

NOES—None.

Title read and approved.

Assembly Bill No. 898 ordered transmitted to the Assembly.

Assembly Bill No. 405—An act to add a new section to the Civil Code to be numbered 2934a, relating to substitution of trustees in trust deeds.

Amendments from the Floor.

During third reading of Assembly Bill No. 405, the following amendments, offered by Senator Difani, were read and adopted.

Amendment No. 1.

On page 1, line 9, of the printed bill, after the period, insert the following: "The said beneficiary or beneficiaries who elect to substitute trustee or trustees must give notice to the trustor or his successor in interest, by mailing a copy of the substitution herein-after mentioned, to the last known address of the trustor or his successor in interest, by registered United States mail."

Amendment No. 2.

On page 1, line 12, of the printed bill, strike out the period after the word "trustee", and insert in lieu thereof a comma and the following: "and affidavit attached to

said substitution to the effect that notice as hereinabove required has been given to the trustor or his successor in interest."

Bill read, ordered to reprint, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The Secretary was directed to call the roll, on the suspending of the Constitution, of the Senators who had not answered to their names.

The roll was called, and the Constitution was suspended for purpose of considering Assembly Bill No. 707, by the following vote:

AYES—Senators Biggar, Denel, Difant, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, Metzger, Mayer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of reading Assembly Bill No. 707 the second time.

Second Reading of Assembly Bill No. 707.

Assembly Bill No. 707—An act to amend sections 12, 13 and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions" approved June 5, 1933, relating to horse racing.

Bill read second time, and ordered on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2122—An act to postpone proceedings to enforce any guaranty of any special assessment or special assessment tax, or arising out of the issuance of any special assessment bond, or ad valorem district bonds or direct assessment district bonds, levied or issued to pay the cost of the improvement or acquisition of property for public purposes, in cases in which proceedings to enforce such assessments, bonds, or taxes are postponed by law declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1, of Article IV of the Constitution, and shall therefore take effect immediately. The following is a statement of the facts constituting such urgency:

The peace, safety and welfare of citizens of this State are dependent upon immediate relief from the payment of principal or installments thereof due upon such assessments, taxes, and bonds, by reason of the fact that the present economic crisis has made the owners of property upon which such lien falls unable to pay the principal due thereon. The property, as a result of the depression, has neither a reasonable existing sale value, nor does it at present furnish satisfactory or realizable security for raising funds for the payment of these bonds. If these persons lose their homes as a result of proceedings arising out of the nonpayment of these sums, the burden of their support and maintenance will have to be assumed by the State or by local taxation, to the great injury of the State or local government of this State. When a moratorium is declared upon such payments, it

would be grossly inequitable and would cause financial ruin to guarantors not to extend to them similar relief. It is therefore necessary that the temporary relief given by this act be immediately extended and this act should therefore take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Hays, Jespersen, Keough, Knowland, McColl, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—27.

NOES—Senator Powers—1.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2122 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Fletcher, Jespersen, Keough, Knowland, McColl, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—27.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 2122 ordered transmitted to the Assembly.

Assembly Bill No. 2305—An act to add section 9a to the State Medical Practice Act, relating to chiropody.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 2305 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2305 ordered transmitted to the Assembly.

Assembly Bill No. 2068—An act to amend section 76a of the Improvement Act of 1911, relating to foreclosure of bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2068 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2068 ordered transmitted to the Assembly.

Assembly Bill No. 1346—An act to amend section 107 of the Penal Code, relating to punishment for escape of a prisoner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1346 passed by the following vote:

AYES—Senators Bigger, Denel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1346 ordered transmitted to the Assembly.

Re-reference of Assembly Bill No. 2415.

Senator Olson moved that Assembly Bill No. 2415 be re-referred to Committee on Finance.

Motion carried, and such was the order.

Assembly Bill No. 1581—An act to amend sections 38 and 11741 of, and to add section 11557.5 to, the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto, particularly including notice, and revocation and suspension of certificates of authority.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1581 passed by the following vote:

AYES—Senators Bigger, Denel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1581 ordered transmitted to the Assembly.

Assembly Bill No. 834—An act relating to and imposing limitations on expenditures by counties, cities and counties, districts and other political subdivisions, under authority of section 20 of Article XI of the Constitution of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 834 passed by the following vote:

AYES—Senators Bigger, Denel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—27.

NOES—Senators Olson, and Young—2.

Title read and approved.

Assembly Bill No. 834 ordered transmitted to the Assembly.

Consideration of Senate Resolution Introduced by Senator Tickle.

Senate Resolution.

WHEREAS, A committee was appointed by the Senate April 19, 1933, and devoted two years of disinterested and arduous work to the study of health insurance; and

WHEREAS, The work of this committee is to be continued by a resolution adopted in the Senate May 17, 1935; and

WHEREAS, The members of this committee should not be compelled to carry on this important work at their own expense, especially in view of the fact that a committee has recently been provided for by the Assembly to do similar work and an appropriation has been made to defray their expenses; now, therefore, be it

Resolved, That the sum of two thousand five hundred dollars, or so much thereof as may be necessary for the purpose of defraying the expenses of the special Senate Committee on Health and Insurance appointed pursuant to resolution adopted in the Senate on May 17, 1935, and the cost of its investigation, is hereby made available and appropriated for the use of the committee out of the contingent fund of the Senate, and the State Controller is authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of the committee, and the State Controller is hereby authorized and directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the Senate resolution adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Jespersen, Keough, Knowland, McColl, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—28.

NOES—None.

Notice of Motion to Reconsider.

Senator Swing gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 834 was passed.

Leave of Absence.

Senator Tickle moved that Senator Garrison be excused for the balance of this legislative day.

Ayes and Noes Demanded.

A roll call was demanded by Senators Tickle, Parkman and Difani, on the adoption of the motion to excuse Senator Garrison.

The roll was called, and the motion was adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hulse, Jespersen, Keough, Knowland, McColl, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Wagy—27.

NOES—None.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 767—An act to amend sections 2, 2½, 3, 4, 10, 13, 14, 15, 18½ and 21, to add section 24, and to repeal sections 5 and 9 of the Old Age Security Act of the State of California, relating to aid to the aged—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—13; absent—6.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1130—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—13; absent—6.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubri-

ating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining gasoline and prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the expenses of the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization.

Also, Senate Bill No. 787—An act to amend sections 2, 10, 13a and 14 of the "Motor Vehicle Fuel License Tax Act," approved May 20, 1923, as amended.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote—Ayes—13; absent—6.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately:

Also, Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately," approved July 31, 1933, to repeal section 19 of said act; to add sections 94 and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property, and to provide that this act shall take effect immediately:

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote—Ayes—13; absent—6.

SHARKEY, Chairman.

On Building and Construction.

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred Assembly Bill No. 704—An act to regulate and limit residential zones, subdivisions, districts and lots or plots, upon which it shall be permissible to erect buildings for human habitation, and an act preventing the erection of buildings for human habitation in subdivisions, districts, lots or plots, known to be in old river beds, water courses or in the path of possible flood streams or in flood stream areas, and repealing all acts and parts of acts in conflict with this act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to the Committee on Finance.

Committee membership—7; committee vote—Ayes—4; absent—3.

GORDON, Chairman.

On County Government.

SENATE CHAMBER, SACRAMENTO, June 7, 1935.

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2477—An act to amend the title and sections 1, 2 and 5, and to repeal sections 4 and 6 of an act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," approved May 26, 1921, relating to public defenders—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—9; committee vote—Ayes—5; absent—4.

HULSE, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof—has had the same under con-

consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 2176—An act to amend section 1065 of the Fish and Game Code, relating to sardines—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—16; committee vote: Ayes—11.

(Signed out)

McCOLL, Chairman.

GORDON.

HULSE.

KEOUGH.

METZGER.

McGUINNESS.

PARKMAN.

PERRY.

SEAWELL.

SCOLLAN.

YOUNG.

Motion.

On motion of Senator Duval, Senate Bill No. 1119 was ordered read for purpose of amendment without reference to file.

Third Reading of Senate Bill No. 1119.

Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Senate Bill No. 1119 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "including"; also strike out lines 2, 3 and 4 of the title, and insert in lieu thereof the following: "providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 and 2, and insert in lieu thereof the following:

"SECTION 1. "Vehicle" as used herein means every vehicle subject to registration under the Vehicle Code.

"Department" means the "Department of Motor Vehicles."

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 3 to 26, inclusive, and on page 2, strike out lines 1 to 5, inclusive, of the printed bill, as amended, and insert in lieu thereof the following:

"SEC. 2. A license fee is hereby imposed for the privilege of operating in this State any vehicle. The annual amount of such license fee shall be a sum equal to one and three-quarters per cent of the actual market value of such vehicle, as determined by the department, but in no case shall the annual fee be less than one dollar and seventy-five cents. The department annually shall compile and publish a list showing the market values as determined by it of each class of vehicle subject to the license fee hereby imposed, such vehicles being classified by make, type and year of manufacture. The license fee imposed by this act shall not apply to any vehicle not subject to registration under the Vehicle Code, nor to any vehicle owned by the State, any political subdivision of the State, or any city, city and county, county, district or public corporation.

SEC. 3. Except as hereinafter provided, the license fee hereby imposed shall be due and payable to the department on the first day of January of each year. Such fee shall be paid to the department at the time of registration of such vehicle.

SEC. 4. Upon vehicles registered for the first time in this State after the end of January of any year, the fee imposed by this act for such year shall be reduced one-twelfth for each month which shall have elapsed since the beginning of such year. No additional license fee shall be imposed under this act upon any vehicle upon the transfer of ownership of such vehicle if such license fee on such vehicle has already been paid for the year in which transfer of ownership occurs.

SEC. 5. The license fee imposed under this act is in addition to any and all licenses and taxes otherwise imposed, except that no tax according to value shall hereinafter be levied or imposed upon any vehicle upon which is paid the license fee required by this act. Such vehicles are hereby exempted from all taxes, State, county or municipal, according to value levied for State or local purposes."

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 20 to 23, inclusive, and insert in lieu thereof the following: "for the seizure and sale of personal property by county assessors for the collection of taxes due on personal property. In the event, however, that the records of the department indicate that the registered owner of a vehicle so seized is not the legal owner thereof, as those terms are defined by the Vehicle Code, the department shall, before selling such vehicle, give notice to the legal owner of such vehicle by registered mail addressed to the last known address of such legal owner as shown by the records of the department, at least ten days prior to such proposed sale.

SEC. 7. The duty of collecting the license fee imposed by this act and enforcing the provisions hereof is hereby imposed upon the department. The department shall give to each person paying such license fee a receipt therefor which shall sufficiently designate and identify the vehicle upon which such fee is paid.

SEC. 8. The director of the department shall appoint and fix the salaries of such employees as may be necessary to administer and enforce the provisions of this act."

Amendment No. 5.

On page 2, line 27, of the printed bill, as amended, strike out "8", and insert in lieu thereof the following: "9".

Amendment No. 6.

On page 2 of the printed bill, as amended, strike out lines 29 to 32, inclusive, and insert in lieu thereof the following: "to the State Controller and at the same time deposited in the State treasury to the credit of the motor vehicle license fee fund, which fund is hereby created. The moneys in said fund are hereby appropriated as follows:

(a) One per cent, or so much thereof as may be necessary for the use of the Department of Motor Vehicles in the enforcement of the provisions of this act.

(b) Of the remainder of the moneys paid into said fund during the eighty-seventh and eighty-eighth fiscal years, twenty-five per cent thereof shall be paid quarterly to the cities and cities and counties of this State in the proportion that the total population of each such city or city and county bears to the total population of all cities and cities and counties in this State, as certified by the department. For the purpose of this subsection, the population of each city or city and county is that determined by the last Federal census. In the case of a city incorporated subsequent to the last census, or in the case of an unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by three. The moneys so paid shall be expended by the cities and cities and counties for law enforcement and the regulation and control of highway traffic.

(c) The balance of the moneys in said fund shall on order of the Controller be transferred to the general fund of the State. Out of such moneys so transferred there shall be set apart sufficient moneys in the".

Amendment No. 7.

On page 3 of the printed bill, as amended, strike out lines 1 to 7, and insert in lieu thereof the following:

"**SEC. 9.** If any section, subsection, clause, sentence or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional."

Bill read, amended, ordered to print, engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 978—An act to amend section 12 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to civil engineers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 978 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Knowland, McColl, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 978 ordered transmitted to the Assembly.

Assembly Bill No. 2260—An act relating to employment contracts and applications for employment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2260 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2260 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

Assembly Bill No. 2470—An act for the relief of purchasers of swamp and overflowed lands, declaring the urgency thereof and that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation of the public peace, health and safety and as such shall take effect immediately.

The following is a statement of facts constituting such necessity:

Due to the period of economic depression many applicants for the purchase of swamp and overflowed lands were unable to meet the payments thereon and the lands were forfeited to the State. In order to give such applicants an immediate opportunity to restore their interests in the lands so forfeited, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McGuinness, Metzger, Mixter, Olson, Perry, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, and Young—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2470 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McGinness, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—28

NOES—None.

Title read and approved.

Assembly Bill No. 2470 ordered transmitted to the Assembly

Assembly Bill No. 819—An act to amend sections 2167, 2167a, 2169, 2172 and 2175 of, to repeal sections 2168, 2170, 2171 and 2185e of, and to add new sections numbered 2168, 2168 1, 2168 2, 2168 3, 2168 4, 2168.5, 2168 6, 2168 7, 2168 8, 2171, 2185 1, 2185 2, 2185 3, 2185 4, 2185.5, 2185 6 and 2185 7 to the Political Code, relating to persons mentally disordered or otherwise incompetent.

Amendment from the Floor.

During third reading of Assembly Bill No. 819, the following amendment, offered by Senator Parkman, was read and adopted:

Amendment No. 1.

On page 4 of the printed bill, as amended, strike out lines 44 to 47 inclusive, and in line 48, strike out "ordered notice", and insert in lieu thereof the following:

"2168 6. When the report of the medical examiners recommends care and treatment in a State hospital and such report is received by the judge of the superior court, the person alleged mentally disordered must be taken before said judge who must then personally inform such person, and in addition serve or cause to be served upon him a notice in writing."

Bill read, ordered to reprint, and on file for third reading

Adjournment.

On motion of Senator Duval, at ten o'clock and fifteen minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock a.m., Monday, June 10, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE

SENATE CHAMBER,

SACRAMENTO, Monday, June 10, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—36.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Saturday, June 8, 1935, the further reading was dispensed with, on motion of Senator Swing.

Leaves of Absence.

Senator McCormack was, on motion of Senator Slater, granted leave of absence for this day.

Senator Reindollar was, on motion of Senator Sharkey, granted leave of absence for this day.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 52—Relative to the establishment of a free employment bureau in the city of Alameda.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 52 referred to Committee on Labor and Capital.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2490—An act to amend section 526 of the Political Code, relating to State printing.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2490 read first time, and referred to Committee on Engrossment, Enrollment and Printing.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 787—An act to amend sections 2, 10, 13a, and 14 of the "Motor Vehicle Fuel License Tax Act," approved May 30, 1923, as amended.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1130—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Senate Bill No. 1130 were read and adopted:

Amendment No. 1.

On page 3 of the printed bill, as amended, between lines 36 and 37, insert the following:

"380.64. The director shall, within thirty days prior to the regular session of the Legislature, submit to the Governor a full and true report of transactions under this article during the preceding biennium, including a complete statement of receipts and expenditures during the period."

Amendment No. 2.

On page 3, line 37, of the printed bill, as amended, strike out "380.64", and insert in lieu thereof the following: "380.65".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 704. An act to regulate and limit residential zones, subdivisions, districts and lots or plots, upon which it shall be permissible to erect buildings for human habitation, and an act preventing the erection of buildings for human habitation in subdivisions, districts, lots or plots, known to be in old river beds, water courses or in the path of possible flood streams or in flood stream areas, and repealing all acts and parts of acts in conflict with this act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Building and Construction, the following amendments to Assembly Bill No. 704 were read and adopted:

Amendment No. 1.

On page 1, line 7 of the title of the printed bill, as amended, after the word "arens," and before the word "and", insert the following: "directing the Department of Public Works to make an investigation and report and making an appropriation therefor".

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, strike out the following: "formulate and adopt", and in lieu thereof insert the following: "report to each city, county or other governmental agency having jurisdiction thereof as to the lands which are menaced by periodic floods", and in the same line, strike out the words "six months", and insert in lieu thereof the words "one year".

Amendment No. 3.

On page 1, line 5, of the printed bill, as amended, after the word "and", strike out the comma, and insert in lieu thereof a period; and strike out the balance of said line, and all of lines 6 and 7.

Amendment No. 4.

On page 1, line 8, of the printed bill, as amended, after the word "after", strike out the balance of the line, and in line 9, the following: "lations", and insert in lieu thereof the following: "receiving such report".

Amendment No. 5.

On page 1, line 18, of the printed bill, as amended, after the word "provisions" strike out "of this act", and insert in lieu thereof the following: "covering the zoning of such lands".

Amendment No. 6.

On page 2, line 3, of the printed bill, as amended, after the word "used", and before the word "for", strike out the word "primarily"; and in the same line, after the word "purposes," and before the word "which", insert the following: "or human habitation".

Amendment No. 7.

On page 2, line 4, of the printed bill, as amended, after the word "barriers", at the end of the line, add a new section to read as follows:

"Sec. 5. The sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of the funds of the State

treasury not otherwise appropriated, for defraying the expenses of carrying out the provisions and objects of this act, to be expended through and upon authorization of the Department of Public Works. The State Controller is hereby authorized and directed to draw his warrants on the State treasury in payment of claims of the Department of Public Works for said expenses and the State Treasurer is hereby directed to pay said warrants."

Bill read second time, ordered to reprint, and re-referred to Committee on Building and Construction.

Assembly Bill No. 767—An act to amend sections 2, 2½, 3, 4, 10, 13, 14, 15, 18½ and 21, to add section 24, and to repeal sections 5 and 9 of the Old Age Security Act of the State of California, relating to aid to the aged.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 767 were read and adopted:

Amendment No. 1.

On page 3, line 9, of the printed bill, as amended, strike out "five".

Amendment No. 2.

On page 3, line 43, of the printed bill, as amended, after "aid", insert the following: "by reason of fraud".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 19 of said act; to add sections 9½ and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2477—An act to amend the title and sections 1, 2 and 5, and to repeal sections 4 and 6 of an act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," approved May 26, 1921, relating to public defenders.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on County Government, the following amendments to Assembly Bill No. 2477 were read and adopted:

Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, strike out "the title and sections 1, 2 and 5, and to repeal sections 4 and 6", and insert in lieu thereof the following: "sections 4, 5 and 6".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "The title", and insert in lieu thereof the following: "Section 4".

Amendment No. 3.

On page 1 of the printed bill, strike out lines 3 to 25, inclusive, and on page 2, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"Sec. 4. The compensation of said public defender shall be paid by the several counties in the same manner as other county officers are paid and said compensation shall be in full for all services rendered, except actual and necessary traveling expenses while engaged in the discharge and performance of his official duties and which expenses shall be audited and paid as are other claims against the county. The compensation of the public defender shall be as follows: In counties of the first and second classes, eight thousand dollars per annum; in counties of the third class, four thousand dollars per annum; in counties of the fourth, fifth, sixth, seventh, eighth and ninth classes, one thousand eight hundred dollars per annum; in counties of the fourteenth class, nine hundred dollars per annum; in counties of the sixteenth class, twenty four hundred dollars per annum; provided, however, that in counties of the first, second and third classes the public defender shall devote all his time to the duties of his office and shall not engage in the practice of law except in the capacity of public defender."

Amendment No. 4.

On page 2, line 10, of the printed bill, strike out "Sec. 5", and insert in lieu thereof the following: "Sec. 2".

Amendment No. 5.

On page 2 of the printed bill, strike out line 13, and insert in lieu thereof the following: "In the counties of the first to the ninth class, inclusive, and in the sixteenth class the public defender shall perform the following duties:".

Amendment No. 6.

On page 2, line 26, of the printed bill, after the comma after "request", insert the following: "except in counties of the sixteenth class."

Amendment No. 7.

On page 2, line 32, of the printed bill, after the comma after "request", insert the following: "except in counties of the sixteenth class."

Amendment No. 8.

On page 2 of the printed bill, between lines 34 and 35, insert the following:

"In counties of the tenth to the fifty-eighth class, inclusive, except in the sixteenth class, the public defender shall defend, without expense to them, all persons who are found by the judge of the superior court not financially able to employ counsel and who are charged in the superior court of his county with a crime of felony or misdemeanor, and shall also prosecute all appeals to the appellate and supreme courts of any person who has been convicted upon any such charge, wherein, in his opinion, such appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction."

Amendment No. 9.

On page 2, line 46, of the printed bill, strike out "repealed", and insert in lieu thereof the following: "amended to read as follows:

Sec. 6. In the counties of the first to the ninth class, inclusive, and in the sixteenth class, the board of supervisors shall provide suitable rooms for the use of the public defender and office furniture and supplies with which to properly conduct the business of his office. The board of supervisors shall provide for a sufficient number of deputies, clerks and employees to properly conduct the office of public defender in each of said counties, and shall fix their salaries. All of the expenses herein referred to shall be a charge upon the county in which the public defender is employed. All appointments of deputies, clerks or other employees in the office of public defender shall be made in writing by the public defender and filed with the county clerk and may be revoked by a writing similarly filed.

In the counties of the tenth to the fifty-eighth class, inclusive, except in the sixteenth class, the public defender shall furnish at his own expense, his clerical help, his office, furniture, and supplies; provided, however, that in matters of appeal the expense of printing the briefs on behalf of the defendant shall be a county charge."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2176—An act to amend section 1065 of the Fish and Game Code, relating to sardines.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Fish and Game, the following amendment to Assembly Bill No. 2176 was read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, strike out the period, and insert a comma and the following: "provided, that in a ten-ounce can, fish of a size of not less than eight fish to the can may be used. Sardines may be packed in their own natural oil."

Bill read second time, ordered to reprint, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 405—An act to add a new section to the Civil Code to be numbered 2934a, relating to substitution of trustees in trust deeds.

Amendments from the Floor.

During third reading of Assembly Bill No. 405, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, strike out lines 3 to 6, inclusive, and in line 7, strike out the word "trustee", and substitute in lieu thereof the following:

"The trustee under a trust deed upon real property given to secure an obligation to pay money and conferring no other duties upon the trustee than those which are incidental to the exercise of the power of sale therein conferred, may be substituted by the recording in the county in which the property is located of a substitution executed and acknowledged by all of the beneficiaries under such trust deed, or their successors in interest."

Amendment No. 2.

On page 1 of the printed bill, between lines 17 and 18, insert the following:

"The substitution shall also contain an acknowledgment signed and acknowledged by the trustee named in the trust deed of a receipt of a copy thereof, or an affidavit of service of a copy thereof."

Amendment No. 3.

On page 1, line 19, of the printed bill, strike out the word "and", and insert in lieu thereof a comma.

Amendment No. 4.

On page 1, line 19, of the printed bill, after the word "authority", insert the following: "and title".

Bill read, ordered to reprint, and on file for third reading.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 424—An act granting to the city of Richmond and its successors certain salt marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands or wharf-out privileges hereby granted.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 424.

Amendment No. 1.

On page 2 of the printed bill, strike out lines 46, 47 and 48, and insert in lieu thereof the following:

"(c) There is excepted and reserved to the State of California all deposits of mineral, including oil and gas, in said lands."

Amendment No. 2.

On page 2 of the printed bill, add the following:

"(f) This grant is made subject to the rights of any and all persons under any title derived from the State of California in or to any part of said lands."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 424?

The roll was called, and Assembly amendments to Senate Bill No. 424 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Gordon, Hays, Howe, Jespersen, King, McGovern, McGovern, Morgan, O'Connell, Poff, Rost, Schmitt, Seollan, Shockey, Slater, Snyder, Swing, Tucke, Wagy, Williams, and Young—26.
NOES—None.

Senate Bill No. 424 ordered to enrollment.

Resolution.

The following resolution was offered:

By Senator Gordon:

WHEREAS, During the years 1924, 1929 and 1932, outbreaks of foot and mouth disease occurred in California; and

WHEREAS, The outbreak of 1929 was traced to meat brought to the United States from Argentina; and

WHEREAS, Such foot and mouth disease outbreaks have caused serious injury to both industry and agriculture in California; and

WHEREAS, The present Federal tariff law prohibits transportation of live stock or meat from any country where foot and mouth disease of ruminant exists; and

WHEREAS, It is expected that a plan will soon be presented to the Congress whereby the quarantine against infected countries will be lifted; that thereafter quarantines will apply only to infected zones within a country; now, therefore, be it

Resolved, That the California Senate is opposed to any change or modification in the present tariff laws relating to quarantines on live stock and meats, and to any plan whereby countries, such as Argentina, will be given to permit the shipment of live stock or meat to the United States; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, to United States Senators Johnson and McAdams, to all California Congressmen, to Secretary of State Cordell Hull and to Secretary of Agriculture Wallace.

Resolution read, and on motion of Senator Gordon, adopted.

Unfinished Business—(Resumed).

Senate Bill No. 718—An act to amend section 439 of the Vehicle Code, relating to stored vehicles.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 718.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections 384 and".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, strike out "stored", and insert in lieu thereof the following: "the registration and storage of".

Amendment No. 3.

On page 4 of the printed bill, as amended, between lines 2 and 3, insert the following:

"SECTION 1. Section 384 of the Vehicle Code is hereby amended to read as follows:

384. Credit for Fees Paid. Whenever any registered vehicle used or maintained for the transportation of persons for hire, compensation or profit for which fees have been paid under section 372 is withdrawn from service in this State before the expiration of such registration the owner may surrender the registration certificate and license plates previously issued for such vehicle to the department and make application for the registration of another vehicle which is subject to the fees specified in section 372. In such event and upon a proper showing of the facts the department upon determining the fees payable hereunder shall allow as credit thereon the amount of the fee paid under section 372 for the unexpired portion of the previous registration but in addition to fees otherwise payable hereunder less any such credit shall charge and collect an additional fee of two dollars for issuance of such new registration."

Amendment No. 4.

On page 4, line 3, of the printed bill, as amended, strike out "Section 1.", and insert in lieu thereof the following: "Sec. 2."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 718?

The roll was called, and Assembly amendments to Senate Bill No. 718 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, McGovern, McGuinness, Mixter, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Tickle, Wagy, Williams, and Young—26.
NOES—None.

Senate Bill No. 718 ordered to enrollment.

Senate Bill No. 464—An act to amend section 3051 of the Civil Code, relating to liens.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 464.

Amendment No. 1.

On page 1, line 15, of the printed bill, as amended, after "stable", insert the following: "or feed yard".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 464?

The roll was called, and Assembly amendment to Senate Bill No. 464 concurred in by the following vote:

AYES—Senators Biggar, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, King, McGovern, Metzger, Mixter, Olson, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—24.
NOES—None.

Senate Bill No. 464 ordered to enrollment.

Senate Bill No. 161—An act to amend sections 421 and 811 of the Fish and Game Code, relating to cockle clams.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 161.

Amendment No. 1.

On page 2, line 5, of the printed bill, following the word "cockles", insert the following: "of legal size as hereinafter provided when".

Amendment No. 2.

On page 1 of the printed bill, strike out the title, and insert in lieu thereof the following:

"An act to amend sections 421, 806 and 811 of the Fish and Game Code, relating to Pismo clams and cockle clams."

Amendment No. 3.

On page 1 of the printed bill, between lines 11 and 12, insert the following:

"Sec. 2. Section 806 of the Fish and Game Code is hereby amended to read as follows:

806. Pismo clams (*Tivela stultorum*) less than five inches in greatest diameter may not be taken or possessed. The bag limit on Pismo clams is fifteen per day. Not more than one daily bag limit of Pismo clams may be possessed by any person during one day."

Amendment No. 4.

On page 1, line 12, of the printed bill, strike out "2", and insert in lieu thereof "3".

Amendment No. 5.

On page 1, line 21, of the printed bill, following "day", add the following: "Cockles taken outside of the State, and brought within the State, may be possessed, transported, and sold without restriction."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 161?

The roll was called, and Assembly amendments to Senate Bill No. 161 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jaspersen, Keough, King, McGovern, Metzger, Mixer, Pionovich, Rich, Schottky, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—26.

NOES—None.

Senate Bill No. 161 ordered to enrollment.

Senate Bill No. 28—An act to amend section 1881 of the Code of Civil Procedure, relating to privileged communications.

Bill read third time.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 28.

Amendment No. 1.

On page 2, line 43, of the printed bill, strike out "examined", and insert in lieu thereof the following: "adjudged in contempt by".

Amendment No. 2.

On page 2, line 44, of the printed bill, strike out "before".

Amendment No. 3.

On page 2, line 44, of the printed bill, strike out "as", and insert in lieu thereof the following: "for refusing to disclose".

Amendment No. 4.

On page 2, line 45, of the printed bill, strike out "to".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 28?

The roll was called, and Assembly amendments to Senate Bill No. 28 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, McGovern, Metzger, Mixer, Olson, Pionovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Senate Bill No. 28 ordered to enrollment.

Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the State Highway Engineer,

State Engineer, the State Architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923, relating to the doing of public work by day's labor or force account.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 332.

Amendment No. 1.

On page 1 of the printed bill, as amended, in the next to the last line of the title, strike out "the doing of".

Amendment No. 2.

On page 1 of the printed bill, as amended, in the last line of the title, strike out "by day's labor or force account".

Amendment No. 3.

On page 1, line 1, of the printed bill, as amended, strike out "an act entitled 'An act relating', and all of lines 2 to 4, inclusive, of page 1, and lines 1 to 13, inclusive, of page 2, and insert in lieu thereof the following: "the act cited in the title hereof is".

Amendment No. 4.

On page 3, lines 10 and 11, of the printed bill, as amended, strike out "except construction work within State prison", and insert in lieu thereof the following: "the".

Amendment No. 5.

On page 3, line 12, of the printed bill, as amended, after the comma, insert the following: "except construction work in a State prison,".

Amendment No. 6.

On page 3, line 28, of the printed bill, as amended, strike out the comma.

Amendment No. 7.

On page 3, line 31, of the printed bill, as amended, after "district", insert the following: ", water district or water conservation district, or to the construction work of any water district or water conservation district,".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 332?

The roll was called, and Assembly amendments to Senate Bill No. 332 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Hulse, Jespersen, Keough, King, McGovern, Metzger, Mixer, Olson, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Waggy, Williams, and Young—27.

NOES—None.

Senate Bill No. 332 ordered to enrollment.

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations made by law, in anticipation of the collection of taxes and revenues.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 18.

Amendment No. 1.

On page 1, line 14, of the printed measure, as amended, strike out the following "such anticipated", and insert in lieu thereof the following: "all".

Amendment No. 2.

On page 1, line 15, of the printed measure, as amended, following the word "revenues", insert the following: "paid into the general fund during the preceding year".

Amendment No. 3.

On page 1, line 16, of the printed measure, as amended, following the word "revenues", insert the following: "together with interest thereon".

Amendment No. 4.

On page 1, line 17, of the printed measure, as amended, strike out "of the receipt of", and following the word "money", in said line, insert the following: "was borrowed".

Amendment No. 5.

On page 2, line 1, of the printed measure, as amended, following the comma after the word "revenues", insert the following: "and making an appropriation"; and following the quotation marks in said line, insert a comma.

Amendment No. 6.

On page 1, line 6 of the title of the proposed bill, as amended, after the word "appropriations", insert the following: "made by law".

Amendment No. 7.

On page 1, lines 11 and 12, of the printed bill, as amended, strike out the following: "made by the Legislature".

Amendment No. 8.

On page 1 of the printed bill, as amended, following line 18, insert the following: "The provisions of an act entitled: An act relating to the borrowing of money by the State in anticipation of taxes and revenues, passed at the fifth and second sessions of the Legislature, are hereby continued, ratified and declared to be fully and completely effective; but said act may at any time be amended or repealed by the Legislature."

Amendment No. 9.

On page 1, line 19, of the printed measure, as amended, strike out the word "was", and insert in lieu thereof the word "is".

Amendment No. 10.

On page 2, line 3, of the printed measure, as amended, strike out the quotation marks following the comma after the word "revenues", and insert quotation marks after the word "appropriation" in said line.

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 18?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Constitutional Amendment No. 18 by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Denel, Difuni, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, McGowan, Metzger, Meyer, Olson, Pierovich, Rich, Schottky, Sedlan, Seawell, Sharkey, Slater, Snyder, Wagy, and Williams—27.

Assembly requested to recede and amendment ordered on unfinished business file.

Motion to Reconsider Waived.

Senator Swing waived reconsideration on Assembly Bill No. 834.

Assembly Bill No. 834 ordered transmitted to the Assembly.

Third Reading of Senate Bills.

Senate Bill No. 1129—An act to add section 4093.5 to the Political Code, relating to transmission of moneys to counties by State officers and employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1129 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, McGovern, Metzger, Mixter, Olson, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—27.

NOES—None.

Title read and approved.

Senate Bill No. 1129 ordered transmitted to the Assembly.

Senate Bill No. 1038—An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to condemnation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1038 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, Mixter, Olson, Parkman, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—28.

NOES—None.

Title read and approved.

Senate Bill No. 1038 ordered transmitted to the Assembly.

Senate Bill No. 357—An act to repeal section 452a of the Political Code, relating to the safe-keeping of bonds deposited with treasurers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 357 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Garrison, Hulse, Jespersen, King, Knowland, McGovern, Mixter, Olson, Perry, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—24.

NOES—None.

Title read and approved.

Senate Bill No. 357 ordered transmitted to the Assembly.

Motion to Rescind.

Senator Snyder moved to rescind the action of the Senate on this day concurring in Assembly amendments to Senate Bill No. 718.

The question being on the motion to rescind.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Jespersen, King, Knowland, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—28.

NOES—None.

Reconsideration of Assembly Amendments to Senate Bill No. 718.

The Senate took up for reconsideration Assembly amendments to Senate Bill No. 718.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section", and insert in lieu thereof the following "sections 384 and".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, as amended, strike out "stored", and insert in lieu thereof the following "the registration and storage of".

Amendment No. 3.

On page 4 of the printed bill, as amended, between lines 2 and 3, insert the following "SECTION 1. Section 384 of the Vehicle Code is hereby amended to read as follows: 384. Credit for Fees Paid. Whenever any registered vehicle used or maintained for the transportation of persons for hire, compensation or profit for which fees have been paid under section 372 is withdrawn from service in this State before the expiration of such registration the owner may surrender the registration certificate and license plates previously issued for such vehicle to the department and make application for the registration of another vehicle which is subject to the fees specified in section 372. In such event and upon a proper showing of the facts the department upon determining the fees payable hereunder shall allow as credit thereon the amount of the fee paid under section 372 for the unexpired portion of the previous registration but in addition to fees otherwise payable hereunder less any such credit shall charge and collect an additional fee of two dollars for issuance of such new registration."

Amendment No. 4.

On page 4, line 3, of the printed bill, as amended, strike out "Section 1", and insert in lieu thereof the following: "Sec. 2."

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 718?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 718 by the following vote:

AYES—None

NOES—Senators Riggan, Crittenden, Denel, Difant, Duval, Fletcher, Garrison, Gordon, Jepsen, King, Knowland, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, and Williams—27.

Assembly requested to recess and bill ordered on unfinished business file.

Unfinished Business—(Resumed).

Senate Bill No. 356—An act to amend sections 1, 3, 4 and 5 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and to add a new section thereto numbered 9a.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 356.

Amendment No. 1.

On page 2, line 44, of the printed bill, as amended, after "school district," insert the following: "water district, water conservation district".

Amendment No. 2.

On page 3, line 4, of the printed bill, as amended, after "school district", insert the following: ", water district, water conservation district".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 356?

The roll was called, and Assembly amendments to Senate Bill No. 356 concurred in by the following vote:

AYES—Senators Biggar, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Senate Bill No. 356 ordered to enrollment.

Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653 and 655 thereof, relating to fish.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 436.

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "and 655", and insert in lieu thereof the following: "655 and 651".

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, after "spear", insert the following: "except as otherwise provided in this code,".

Amendment No. 3.

On page 1 of the printed bill, as amended, between lines 23 and 24, insert the following:

"Sec. 3. Section 651.6 of the Fish and Game Code is hereby amended to read as follows:

651.6. In that portion of the San Joaquin River from its mouth to the Mendota Weir, at or near Mendota, in that portion of the Tuolumne River from its mouth to the highway bridge opposite Waterford, and in that portion of the Stanislaus River from its mouth to the Santa Fe Railroad bridge opposite Riverbank, salmon may be taken with hook and line between April 1st and December 31st, and with spear between May 29th and October 31st."

Amendment No. 4.

On page 1, line 24, of the printed bill as amended, strike out "3", and insert in lieu thereof the following: "4".

Amendment No. 5.

On page 2, line 4, of the printed bill, as amended, strike out "4", and insert in lieu thereof the following: "5".

Amendment No. 6.

On page 2, line 10, of the printed bill, as amended, strike out "5", after "Sec.", and insert in lieu thereof the following: "6".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 436?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 436 by the following vote:

AYES—Senator Garrison—1.

NOES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—27.

Assembly requested to recede.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 539—An act relating to revenue and taxation, providing

for the levy and collection of an ad valorem tax upon all taxable property in this State; and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 5, Providing for the appointment of a joint legislative committee to investigate and report upon the feasibility and practicability of the centralization of public ownership of public utilities in the State of California;

Also: Senate Bill No. 404.—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cross, and to make an appropriation therefor.

Also: Senate Bill No. 447.—An act to add a new section to the Public Utilities Act to be numbered 194, relating to wharfage.

Also: Senate Bill No. 1018.—An act to amend sections 649, 657, 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to funds;

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1119.—An act relating to the licensing and taxing of vehicles, providing for license fees for the privilege of operating motor vehicles, providing for the exemption of such vehicles from all taxes amounting to value for State, county or municipal purposes, providing for the constitution and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein; and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Senator Snyder in the Chair.

At eleven o'clock and forty five minutes a.m., Senator Snyder of the twenty-third district was called to the chair.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 95.—An act to amend sections 356, 382 and 422 of, and to add sections 601, 602, 602 1/2, 602 3/4, 607 7/8, 604, 610, 612, 613, 614, 615, 617, 618, 621, 624, 625, 626, 627, 632, 633, 634, 635, 637, 639, 644, 645, 646, 647, 648, 649, 650, 651 and 652 of the Streets and Highways Code, establishing additional secondary State highways.

Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Garrison, was read:

Amendment No. 1.

On page 6 of the printed bill, as amended, between lines 10 and 11, insert the following:

"(e) From Route 41 near Newman to Route 4 near Livingston."

Ayes and Noes Demanded.

A roll call was demanded by Senators Perry, Fletcher and Seawell, on the adoption of the amendment offered by Senator Garrison.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Garrison and Olson—2.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Hays, McCall, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—25.

Further Amendment from the Floor.

During third reading of Senate Bill No. 95, the following amendment, offered by Senator Garrison, was read:

Amendment No. 1.

On page 6 of the printed bill, as amended, between lines 10 and 11, insert the following:

"(f) From Route 41 near Crows Landing to Route 4 near Modesto."

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Jespersen and Olson, on the adoption of the amendment offered by Senator Garrison.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Garrison, Jespersen, McColl, Olson, Swing, and Williams—6.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Hays, McGovern, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Slater, Snyder, Tickle, and Wagy—19.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 95 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Fletcher, Jespersen, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Slater, Snyder, Stow, and Williams—23.

NOES—Senators Deuel, Duval, Edwards, Garrison, Gordon, Hays, King, Rich, Swing, Tickle, and Wagy—11.

Title read and approved.

Senate Bill No. 95 ordered transmitted to the Assembly.

Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation.

Amendments from the Floor.

During third reading of Senate Bill No. 1128, the following amendments, offered by Senator Duval, were read and adopted:

Amendment No. 1.

On page 1, line 8, of the printed bill, as amended, after the word "Whenever", insert the following: "in the judgment of the board".

Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, after the word "board", insert the following: ", with the approval of the Governor."

Amendment No. 3.

On page 1, line 10, of the printed bill, as amended, strike out the comma following the word "authorized".

Amendment No. 4.

On page 1, line 10, of the printed bill, as amended, after the word "money", insert the following: "to meet such appropriations from the general fund in the State treasury".

Amendment No. 5.

On page 1, line 11, of the printed bill, as amended, after the word "revenues", insert the following: "which by law are payable into the general fund".

Amendment No. 6.

On page 1, lines 11 and 12, of the printed bill, as amended, strike out the following: "with the approval of the Governor."

Amendment No. 7.

On page 2, line 10, of the printed bill, as amended, after the word "thereof", insert the following: ", but if not so paid the same shall, nevertheless, continue to be payable from the general fund".

Amendment No. 8.

On page 2, line 15, of the printed bill, as amended, after the word "payment", insert the following: "of the purchase price".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of the work of June 8, 1935:

Bertram Snyder, Page	Per day
Kathleen Schottky, Page	\$2 50
	1 50

Resolution read, and on motion of Senator Tickle, adopted.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 4, 1935.

To the Honorable Members of the Senate:

State of California, Sacramento, California.

GREETINGS. Senate Bill No. 708. An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation.

In my opinion said Senate Bill No. 708 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Introduction, First Reading and Reference of Bill.

By Senators McGovern, Tickle, Schottky, Hays and Knowland. Senate Concurrent Resolution No. 44—Calling for the appointment by the Governor of a commission of ten, to investigate the advisability of commemorating the four-hundredth anniversary of the discovery of California, by causing the creation of an appropriate memorial to the memory of John Rodriguez Cabrillo and his compatriots.

Consideration of Senate Concurrent Resolution No. 44.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 44, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 44.

Calling for the appointment by the Governor of a commission of ten, to investigate the advisability of commemorating the four-hundredth anniversary of the discovery of California, by causing the creation of an appropriate memorial to the memory of John Rodriguez Cabrillo and his compatriots.

WHEREAS, John Rodriguez Cabrillo, a native of Portugal, discovered California on Thursday, September 28, 1542, while in the service of the King of Spain; and

WHEREAS, The Senate and the Assembly of California have heretofore, by an appropriate concurrent resolution, requested the Governor to call upon the people of this State to observe the twenty-eighth day of September of each year, as Cabrillo Day, by appropriate patriotic observances; and

WHEREAS, September 28, 1942, will be the four-hundredth anniversary of the discovery of California by John Rodriguez Cabrillo; and

WHEREAS, It is suitable and proper that the four-hundredth anniversary of the discovery of California be observed by special exercises and by the creation of some fitting memorial to the memory of John Rodriguez Cabrillo and to his compatriots; now, therefore, be it

Resolved by the Senate, the Assembly concurring, as follows: That the Governor is requested to appoint a commission of ten members, residents of California, whose duty it shall be to study the advisability of holding a special observance, in this State, on September 28, 1942, commemorating the four-hundredth anniversary of the discovery of California, and to make a further study of the advisability of creating a memorial in honor of the said John Rodriguez Cabrillo, discoverer of California, and his compatriots.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 44 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Garrison, Hays, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—32.

NOES—None.

Senate Concurrent Resolution No. 44 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the following message from the Governor:

(SEAL)

Frank F. Merriam.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 8, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento California.*

GREETINGS: It has just been called to my attention that none of the members of the Agricultural Prorate Commission, other than Mr. Preson McKinney and Mr. E. A. Stokdyk, whose names were very recently placed before the Senate, have been submitted for the consideration required by law.

I am, therefore, handing you herewith the names of all of the appointees made to the commission on August 21, 1933, even though the terms of some have already expired, and am requesting confirmation of the entire list.

I am so submitting the following:

A. J. McFadden.....	Santa Ana
Joseph Brooks.....	Walnut Grove
Roy M. Pike.....	Vernalis
O. W. Schleussner.....	Los Angeles
Howard Miller.....	Los Angeles
George H. Hecke.....	Woodland
Fred W. Read.....	Sacramento

Respectfully submitted.

(Signed) FRANK F. MERRIAM, Governor of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointments be confirmed.

Committee membership—5.

(Signed out)

RICH, Chairman.
DIFANI.
KNOWLAND.

Consideration of Appointments by the Governor.

Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. A. J. McFadden as a member of the Agricultural Prorate Commission?

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, King, McColl, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—33.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. A. J. McFadden as a member of the Agricultural Prorate Commission.

Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. Joseph Brooks as a member of the Agricultural Prorate Commission?

The roll was called, with the following result:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGuinness, Metzger, Mixer, Parkman, Perry, Pienovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—23.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. Joseph Brooks as a member of the Agricultural Prorate Commission.

Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. Roy M. Pike as a member of the Agricultural Prorate Commission?

The roll was called, with the following result:

AYES—Senators Crittenden, Denel, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, King, Knowland, McColl, McGuinness, Metzger, Mixer, Parkman, Perry, Pienovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—30.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. Roy M. Pike as a member of the Agricultural Prorate Commission.

Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. O. W. Schleussner as a member of the Agricultural Prorate Commission?

The roll was called, with the following result:

AYES—Senators Crittenden, Denel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, King, Knowland, McGuinness, Metzger, Mixer, Parkman, Pienovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. O. W. Schleussner as a member of the Agricultural Prorate Commission.

Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. Howard Miller as a member of the Agricultural Prorate Commission?

The roll was called, with the following result:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Hays, Jespersen, King, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—25.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. Howard Miller as a member of the Agricultural Prorate Commission.

Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. George H. Hecke as a member of the Agricultural Prorate Commission?

The roll was called, with the following result:

AYES—Senators Crittenden, Difani, Duval, Edwards, Garrison, Hays, Jespersen, King, Knowland, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—25.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. George H. Hecke as a member of the Agricultural Prorate Commission.

Motion Confirming Appointment by the Governor.

Senator Rich moved that the Senate confirm and consent to the appointment by the Governor.

The President put the question: Will the Senate confirm and consent to the appointment of Mr. Fred W. Read as a member of the Agricultural Prorate Commission?

The roll was called, with the following result:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Hays, King, Knowland, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—26.

NOES—None.

Appointment Confirmed.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mr. Fred W. Read as a member of the Agricultural Prorate Commission.

Recess.

On motion of Senator Rich, at twelve o'clock and forty minutes p.m., the acting President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Hon. W. P. Rich, President pro tempore of the Senate, in the chair.
Secretary Joseph A. Beek at the desk.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 213—An act to amend sections 137, 138, and 143 of, and to add sections 171 and 172 to the Fish and Game Code, relating to game refuges.

ARTHUR A. OHNIMUS, Chief Clerk
By FRED J. DIERCK, Assistant Clerk.

Assembly Bill No. 213 read first time, and referred to Committee on Fish and Game.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 8, 1935

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Williams to introduce a bill entitled—An act relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5, committee vote: Ayes—4, absent—1.

(Signed out)

RICH, Chairman.
PIFANI,
KNOWLAND,
SLATER.

The question being on the adoption of the report.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Schottky moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Hulse, Jepsen, King, Metzger, Mixer, Olson, Rich, Schottky, Seidlan, Sharkey, Slater, Snyder, Stow, Tickle, and Young—22.

The Secretary announced the absentees.

Time, two o'clock and fifteen minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and twenty-two minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Schottky.

The Secretary was directed to call the roll, on adoption of the report of the Committee on Rules, of the Senators who had not answered to their names.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report finally adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McGovern, Metzger, Mixter, Olson, Parkman, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Bill.

By Senator Williams: Senate Bill No. 1132—An act relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately.

Bill read first time, and referred to Committee on Civil Service.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 650.

SENATE CHAMBER, SACRAMENTO, June 6, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 650—An act to add two new sections to Article 2 of Chapter 3 of Division I of the Streets and Highways Code, relating to franchises in highways—reports that it has met a like committee of the Assembly, consisting of Assemblymen Hunt, Jones and Breed, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Assembly concur in Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 2, line 21, of the printed bill, as amended, strike out the words "or railroad".

Amendment No. 2.

On page 2, line 25, of the printed bill, as amended, after the comma after the word "department", strike out the following: "which demand may be made by the department".

Amendment No. 3.

On page 2, line 27, of the printed bill, as amended, after the word "highway", add the following: "provided that no such change of location shall be required for a temporary purpose".

**EDWARDS,
DIFANI,
OLSON,**

Senate Committee on Free Conference.

**HUNT,
JONES,
BREED,**

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, Metzger, Mixter, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—32.

NOES—None.

Third Reading of Assembly Bills.

Assembly Bill No. 2102—An act providing for the formation of nonprofit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and dis-

tribute energy to the inhabitants of the State at the lowest cost consistent with sound economy and the prudent management of the business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect.

Bill read third time.

Urgency Clause.

SEC. 23. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall go into effect immediately.

The following is a statement of the facts constituting such necessity: Unemployment has produced an alarming economic condition in the State of California. The adoption of a series of acts of which this is one, for the acquisition of rural electrification and the furnishing of energy at low cost will enable the construction of extensive works, plants and systems throughout the State for the acquisition, generation, transmission and distribution of energy to be readily and quickly completed, which otherwise can not be financed at this time. The development and construction of such works, plants and systems will furnish employment to many persons now idle, make them self supporting, and bring about a greater utilization of the resources of the State. It is advisable in the interests of the public welfare that the program contemplated by these acts be initiated forthwith.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Jespersen moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Donald, Duffell, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McGowan, McCutcheon, Mendenhall, Meyer, Olson, Pomeroy, Powers, Rich, Schottky, Sefton, Slater, Snyder, Stow, Swann, Tinkle, Williams, and Young—30.

The Secretary announced the absentees.

Time, two o'clock and fifty minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At two o'clock and fifty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Jespersen.

The Secretary was directed to call the roll, on adoption of the urgency clause to Assembly Bill No. 2102, of the Senators who had not answered to their names.

The roll was called, and the urgency clause finally adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Swing, Wagy, Williams, and Young—29.

NOES—Senators Difani, Duval, Hays, Stow, and Tickle—5.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2102 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Swing, Wagy, Williams, and Young—27.

NOES—Senators Difani, Hays, Snyder, Stow, and Tickle—5.

Title read and approved.

Assembly Bill No. 2102 ordered transmitted to the Assembly.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 1055.

SENATE CHAMBER, SACRAMENTO, May 28, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1055—An act to amend sections 400 and 401 of the Vehicle Code, relating to tort liability of drivers of police, fire and other emergency vehicles maintained by governmental bodies—reports that it has met a like committee of the Assembly, consisting of Assemblymen Lyon, Williamson, and Minard, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "of drivers of police,"; also strike out lines 3 and 4, and insert in lieu thereof a period.

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out line 21, and on page 2, strike out lines 1 and 2, and insert in lieu thereof the following: "and one thousand dollars".

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out lines 29 to 36, inclusive.

Amendment No. 4.

On page 2, line 47, of the printed bill, as amended, after "district", insert the following: ", or owned by such officer, member, or employee".

Amendment No. 5.

On page 2 of the printed bill, as amended, strike out lines 48 and 49, and insert in lieu thereof the following: "to emergency calls, in traffic patrol duty, in the immediate pursuit of an actual or suspected violator of the law or in responding to but not upon returning from a fire alarm."

Amendment No. 6.

On page 2, line 52, of the printed bill, as amended, after "officer", strike out "or publicly owned".

Amendment No. 7.

On page 3, line 2, of the printed bill, as amended, after "calls", strike out the period, and insert in lieu thereof the following: ", in responding to but not upon returning from a fire alarm, or in traffic patrol duty."

SEAWELL,

HAYS,

Senate Committee on Free Conference.

WILLIAMSON,

LYON,

MINARD,

Assembly Committee on Free Conference.

I am opposed to the committee report.

OLSON.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Knowland, McColl, Metzger, Mixer, Perry, Pierovich, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—26

NOES—Senator Olson—1

Consideration of Special Order.

The hour having arrived for the consideration of the motion to reconsider the vote whereby the amendment to Assembly Bill No. 2136, offered by Senator Pierovich, was adopted, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration was granted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Knowland, McGovern, Metzger, Mixer, Olson, Parkman, Pierovich, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—29

NOES—None.

Withdrawal of Amendment.

Senator Pierovich asked that his amendment offered and adopted on June 7, 1935, the vote on the adoption of which was reconsidered this day, be withdrawn.

Request granted.

Assembly Bill No. 2136 ordered to reprint, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2429—An act to provide for the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts, defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2429 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McGovern, Metzger, Mixer, Olson, Perry, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—32

NOES—None.

Title read and approved.

Assembly Bill No. 2429 ordered transmitted to the Assembly.

Leave of Absence Waived.

Senator McCormack waived his leave of absence for the balance of this legislative day.

Assembly Bill No. 1782—An act to amend sections 1142 and 1257a of the Political Code, relating to the elections and the canvass and counting of the ballots cast at elections.

Amendment from the Floor.

During third reading of Assembly Bill No. 1782, the following amendment, offered by Senator Olson, was read:

Amendment No. 1.

On page 6 of the printed bill, as amended, strike out all of lines 17 to 23, both inclusive.

Ayes and Noes Demanded.

A roll call was demanded by Senators Jespersen, Deuel and Olson, on the adoption of the amendment offered by Senator Olson.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Biggar, Difani, Fletcher, Garrison, Hulse, Olson, Scollan, Stow, Tickle, and Williams—10.

NOES—Senators Crittenden, Deuel, Duval, Edwards, Gordon, Hays, Jespersen, Keough, King, McGovern, Mixer, Parkman, Perry, Powers, Rich, Seawell, Sharkey, Slater, and Snyder—19.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1782 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Jespersen, King, Knowland, McCormack, McGuinness, Mixer, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Swing, and Williams—21.

NOES—Senators Difani, Hays, Hulse, Keough, McGovern, Metzger, Olson, Parkman, Powers, Seawell, Snyder, Stow, and Tickle—13.

Title read and approved.

Notice of Motion to Reconsider.

Senator Scollan gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1782 was passed.

Motion to Recall from Print.

Senator Duval moved that Assembly Bill No. 1273 be recalled from print.

Motion carried, and such was the order.

Motion to Rescind.

Senator Duval moved to rescind the action of the Senate in adopting the following portion of Amendment No. 3, preceding section 16, on June 7, 1935, to Assembly Bill No. 1273:

Amendment No. 3.

On page 10 of the printed bill, as amended, between lines 30 and 31, insert the following:

"In addition to the employees hereinbefore mentioned each member of the board is individually authorized and empowered to appoint one deputy who shall serve at the pleasure of such member and who shall possess the powers and may perform the duties attached by law to the office of his principal, save that such deputy may not vote instead of the member at any board meeting or with respect to any action requiring a vote of the board."

The question being on the motion to rescind.

The roll was called, and the motion to rescind was carried by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Assembly Bill No. 1273 ordered to reprint, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2134—An act to add section 62a to the School Code, relating to school property fire losses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2134 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Sobottky, Sullivan, Sharkey, Slater, Snyder, Stow, Swing, Tinkle, Wagg, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2134 ordered transmitted to the Assembly.

Assembly Bill No. 98—An act providing for the establishment, organization, operation and dissolution of municipal housing authorities, vesting them with authority to clear, replan and reconstruct areas in municipalities in which unsanitary and substandard housing conditions exist, to provide and maintain decent, safe and sanitary dwelling accommodations, in said areas and elsewhere for persons of low income, to acquire property therefor by purchase, option or lease, or by condemnation in the exercise of the power of eminent domain, to sell or lease their projects, to borrow money, and defining the duties and powers of such municipal housing authorities in the exercise of the authority so vested in them and authorizing any city or city and county establishing a municipal housing authority to give it financial assistance and to issue bonds therefor, and otherwise to aid, assist and cooperate with such municipal housing authority, and declaring the measure an urgency measure within the meaning of section 1 of Article IV of the Constitution and providing accordingly for the act to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 19. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State and shall therefore go into effect immediately.

The facts constituting such necessity are as follows: There exists throughout the State of California and throughout the United States widespread unemployment and disorganization of industry amounting to an economic emergency which is seriously affecting the morale and standard of living and threatens the safety, health and industrial peace of the public. In order to relieve these conditions it is necessary to cooperate with the Federal Government without delay in removing the existing unsanitary and substandard housing conditions in cities by supplying decent, safe and sanitary dwelling accommodations in cities for persons of low income, and thereby also stimulating the building industry in this State and aiding to reduce the amount of unemployment therein.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Hulse, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson,

Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 98 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Jespersen, Keough, King, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 98 ordered transmitted to the Assembly.

Assembly Bill No. 2409—An act to add sections 1217.5 and 1243.5 to the Penal Code, relating to capital punishment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2409 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Fletcher, Garrison, Hays, Jespersen, King, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Wagy, and Williams—21.

NOES—Senators Difani, Keough, Knowland, McColl, McCormack, McGovern, Powers, Rich, Stow, Swing, and Tickle—11.

Title read and approved.

Assembly Bill No. 2409 ordered transmitted to the Assembly.

Notice of Motion to Reconsider.

Senator Difani gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1038 was passed.

Motion to Recall Senate Bill No. 1038 from Assembly.

Senator Difani moved that Senate Bill No. 1038 be recalled from the Assembly.

Motion carried.

The Secretary of the Senate was ordered to transmit a message to the Assembly recalling Senate Bill No. 1038.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a resolution by Senator Garrison to amend Rule 51 of the Standing Rules of the Senate as follows:

Resolved, That Senate Standing Rule No. 51 of the fifty-first session be amended to read as follows:

"51. On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on motion of any Senator; provided notice of intention to move such consideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion, except a motion to adjourn. It shall require 21 votes to carry any motion to reconsider the vote by which any bill (requiring 21 votes for passage), or any concurrent or joint resolution, has been passed or defeated, 14 votes to reconsider the vote by which any constitutional amendment (or bill requiring 27 votes for passage), has been passed, and 27 votes to carry any

motion to reconsider the vote by which any constitutional amendment (or bill requiring 27 votes for passage) has been defeated. Notice of reconsideration of the vote by which a Senate bill was passed, or a Senate joint resolution, Senate concurrent resolution or Senate constitutional amendment adopted, shall not be in order on or after the eighth day preceding the last day of the session. No notice of reconsideration shall be in order on the day preceding the last day of the session."

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5

(Signed out)

RICH, Chairman.
SLATER
KNOWLAND.
TICKLE.
DIFANI.

Amendment to Standing Rule No. 51 read

The question being on the adoption of the amendment to Standing Rule No. 51.

The roll was called

Call of the Senate.

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Buggar, Crittenden, Daniel, Difani, Duval, Edwards, Garrison, Hays, Jepsen, Keough, King, Knowland, McCall, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Scherzky, Seellan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—34

The Secretary announced the absentees.

Time, four o'clock and forty-five minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Notice of Motion to Reconsider.

Senator Sharkey gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2409 was passed.

Resolution.

The following resolution was offered:

By Senator Swing:

WHEREAS, The repeal of the Eighteenth Amendment and the legalizing of the use of intoxicating liquor as a beverage has imposed upon the State the duty of providing reasonable and proper license fees and taxes for the manufacture and sale thereof and the adoption of proper laws, rules and regulations regulating the sale and use of such liquor in order that such privilege be not abused; and

WHEREAS, The sale and use of such liquor and the enforcement of the rules and regulations concerning the same has been in an unsatisfactory and chaotic condition; and

WHEREAS, Heretofore a committee of this Senate was appointed to investigate the costs of manufacture of beer and wines and to consider the proper legislation in connection therewith; and

WHEREAS, As the result of such investigation, such committee caused to be prepared and recommended for passage Senate Bill No. 919, which bill imposes new and additional license fees and taxes upon the manufacture and sale of such liquor and provides rules and regulations in connection therewith; and

WHEREAS, It is desirable that a study of such subject be continued in order that this Legislature may be fully advised as to whether the provisions of said Senate Bill No. 919 are sufficient and the license fees and taxes impose are reasonable and

determine what new and additional legislation, if any, should be adopted in connection therewith; now, therefore, be it

Resolved, That a committee of five members of the Senate be appointed by the President of the Senate with the duties hereinafter specified and said committee is empowered to adopt such rules as it shall deem necessary and advisable to enable it to properly carry out and perform the duties herein imposed upon it; and be it further

Resolved, That said committee be and it is hereby authorized and empowered to make a full and complete investigation of all of the matters and subjects hereinbefore referred to and relating thereto and to do any and all things necessary or proper in connection therewith and to do and perform each and all of the things necessary or convenient to enable said committee to prepare and submit at the next session of the Legislature such additional legislation and recommendations as said committee shall deem necessary for properly and satisfactorily regulating the manufacturing, use and sale of intoxicating liquors within the State of California; and be it further

Resolved, That the officers of this State and the heads of each and every department and the employees of such departments as have charge of the enforcement of such law and the levy and collection of the license fees and taxes imposed in and by said Senate bill, shall give and furnish to such committee, upon request, such information, records and documents as said committee shall deem necessary or proper for the purposes aforesaid. Said committee shall have power to engage such necessary assistance as it shall deem necessary or proper in connection with the aforesaid matters; and is authorized and empowered to summon and subpoena witnesses, require the production of persons, books, accounts, reports, documents, records and papers of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; the members of said committee are, and each of them is, hereby authorized to administer oaths; all of the provisions of Article VIII of Chapter II, Title I, Part III, of the Political Code of this State, relative to the attendance and examination of witnesses, before the Legislature and committees thereof, shall apply to the committee appointed under this resolution, and said committee shall have the power therein specified; the Sergeant-at-Arms of the Senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by said committee, when directed so to do by the chairman thereof, and do and perform any other service required of him by said committee; that said committee be and it is given leave to sit during the sessions of the Senate, between sessions of the Legislature and/or during recess, at such times, place or places as the committee may determine; such committee may, at its discretion, hold public or executive meetings, as it shall deem necessary or desirable; and be it further

Resolved, That said committee report to the Senate at the next regular session of the Legislature its findings and recommendations concerning the matters which it is by this resolution authorized to consider; and be it further

Resolved, That the sum of \$2,500 be and the same is hereby made available for the purpose of defraying the expenses of such committee, other than that required by law to be paid from the legislative help fund. Said sum to be paid from the contingent fund of the Senate, and the State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Waggy, Williams, and Young—30.

NOES—None.

Further Proceedings Under Call of the Senate Dispensed With.

At five o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Garrison.

The Secretary was directed to call the roll, on adoption of amendment, of the Senators who had not answered to their names.

The roll was called, and the amendment to Standing Rule No. 51 finally adopted by the following vote:

AYES—Senators Riggan, Crittenden, Difant, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McLeod, McGovern, Metzger, Olson, Parkman, Perry, Pirovich, Powers, Rich, Schottky, Seiden, Slater, Stow, Swing, Tickle, Wagy, and Williams—29.

NOES—Senators Deneil, Hays, McCormack, Mixer, Seagull, Sharkey, and Young—7.

Notice of Motion to Reconsider.

Senator Garrison gave notice that on the next legislative day he would move to reconsider the vote by which his amendment to Rule No. 51, of the Standing Rule of the Senate, was adopted.

Special Order.

Senator Olson moved that Assembly Bill No. 2136 be made a special order for Tuesday, June 11, 1935, at two o'clock and thirty minutes p.m. Motion carried and such was the order.

Third Reading of Senate Bills.

Senate Bill No. 1126—An act to amend sections 105, 106, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

Amendments from the Floor.

During third reading of Senate Bill No. 1126, the following amendments, offered by Senator Pirovich, were read and adopted:

Amendment No. 1.

On page 1, line 18, of the printed bill, strike out the words "Director of Finance as".

Amendment No. 2.

On page 1, line 19, of the printed bill, strike out the words "no salary", and insert in lieu thereof the following: "a salary of six thousand dollars per year".

Amendment No. 3.

On page 1, line 20, of the printed bill, strike out the word "but", and insert in lieu thereof the word "and".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1018—An act to amend sections 649, 657, 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to funds.

Amendments from the Floor.

During third reading of Senate Bill No. 1018, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 1, line 26, of the printed bill, as amended, strike out the word "daily", and insert in lieu thereof the word "monthly".

Amendment No. 2.

On page 2 of the printed bill, as amended, strike out all of lines 4 to 6, inclusive, and insert in lieu thereof the following: "the Treasurer shall place to".

Amendment No. 3.

On page 2, line 14, of the printed bill, as amended, insert a comma following the word "fees", and insert a comma after the figure "383", and strike out the following words in said line: "and deduct".

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out all of lines 15, 16 and 17, and insert in lieu thereof the following: "received for registration."

Amendment No. 5.

On page 2, line 18, of the printed bill, as amended, strike out the following: "year."

Amendment No. 6.

On page 2, line 20, of the printed bill, as amended, strike out the word "The", following the period, and strike out all of lines 21 to 25, inclusive, and insert in lieu thereof the following: "Deductions for retirement pay of State officers and employees whose salaries are paid out of the motor vehicle support fund shall be paid from the motor vehicle fund."

Amendment No. 7.

On page 2 of the printed bill, as amended, following the period in line 34, strike out the balance of said line, and strike out all of lines 35, 36, and 37, and the word "pensation," in line 38.

Amendment No. 8.

On page 2, line 49, of the printed bill, as amended, following the word "fund", insert the following: ", after the deductions for retirement pay authorized in section 776 of this code,".

Amendment No. 9.

On page 3, line 1, of the printed bill, as amended, strike out the words "net receipts", and insert in lieu thereof the following: "motor vehicle fund".

Amendment No. 10.

On page 3, line 26, of the printed bill, as amended, after the word "expenditures", insert the following: "and deductions".

Amendment No. 11.

On page 3, line 36, of the printed bill, as amended, after the period, insert the following: "Any appropriations heretofore made from the motor vehicle fund for the support of the Department of Motor Vehicles shall become payable from the motor vehicle support fund."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1989—An act to amend sections 677 and 689 of, and to add section 689.1 to, the Political Code, relating to State accounting.

Amendments from the Floor.

During third reading of Assembly Bill No. 1989, the following amendments, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, after "689", insert the following: "and to repeal section 686a".

Amendment No. 2.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections 686.5 and".

Amendment No. 3.

On page 1 of the printed bill, as amended, between lines 12 and 13, insert the following:

"SEC. 2. Section 686a of the Political Code is hereby repealed.

SEC. 3. Section 686.5 is hereby added to the Political Code, to read as follows: 686.5. For the purpose of administering the provisions of sections 658, 659, 660, 677, 677.5, 678, 679, 680, and 689.1 of this code, the Director of Finance shall have power to appoint, prescribe the duties, and fix the salaries of the superintendent of accounts, whose title is hereby changed to State Superintendent of Budgets and Accounts, and such number of skillful accountants and assistants as the director may deem necessary. Each such appointee shall be a civil executive officer and before entering upon the discharge of the duties of his office shall execute to the State of California an official bond conditioned upon the faithful performance of his duties in such penal sum not less than five thousand dollars, as the director shall prescribe."

Amendment No. 4.

On page 1, line 13, of the printed bill, as amended, strike out "2", and insert in lieu thereof the following: "4".

Amendment No. 5.

On page 2, line 20, of the printed bill, as amended, strike out "3", and insert in lieu thereof the following: "5".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1957—An act to amend the Public Utilities Act by adding two new sections numbered sections 133½ and 324½, relating to public utilities.

Amendments from the Floor.

During third reading of Assembly Bill No. 1957, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, as amended, before "A", insert the following: "SECTION 1."

Amendment No. 2.

On page 1, line 2, of the printed bill, as amended, before "reading", insert the following: "numbered 134 and".

Amendment No. 3.

On page 1, line 7, of the printed bill, as amended, strike out the semicolon and "provided", and insert in lieu thereof a period and the following: "However,".

Amendment No. 4.

On page 1, line 11, of the printed bill, as amended, strike out "or", and insert in lieu thereof the following: "of".

Amendment No. 5.

On page 1, lines 16 and 17, of the printed bill, as amended, strike out "provided, however, that", and insert in lieu thereof the following: "but".

Amendment No. 6.

On page 2, line 1, of the printed bill, as amended, before "A", insert the following: "SEC. 2."

Amendment No. 7.

On page 2, line 2, of the printed bill, as amended, before "reading", insert the following: "numbered 324½ and".

Amendment No. 8.

On page 2, lines 11 and 12, of the printed bill, as amended, strike out the semicolon and "provided, however, that when", and insert in lieu thereof a period and the following: "When".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2427—An act to amend sections 1, 7, 8 and 9 of an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, relating to practice of veterinary medicine.

Amendment from the Floor.

During third reading of Assembly Bill No. 2427, the following amendment, offered by Senator Wagy, was read and adopted:

Amendment No. 1.

On page 2, line 28, of the printed bill, as amended, strike out "or veterinarians employed full time by the Califor-", and strike out all of line 29.

Bill read, ordered to reprint, and on file for third reading.

Motion to Recall Assembly Bill No. 1836 from Assembly.

Senator Metzger moved that Assembly Bill No. 1836 be recalled from the Assembly.

Motion carried.

The Secretary of the Senate was ordered to transmit a message to the Assembly recalling Assembly Bill No. 1836.

Special Order

The President pro tempore ordered that Senate Bills Nos. 1128 and 1093 be placed on a special file, and that they be made a special order for immediately after the signing of the Budget Bill by the Governor.

Recess.

On motion of Senator Schottky, at five o'clock and ten minutes p.m., the President pro tempore of the Senate declared recess until nine o'clock p.m.

Reconvened.

At nine o'clock p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 6, 1935, passed Assembly Bill No. 328—An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad adequately to man their gas, gas-electric, diesel, or diesel-electric cars and locomotives.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 328 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 8, 1935, corrected and approved the Assembly action in reference to Senate Bill No. 919 as it appears in the Assembly Journal of June 4, 1935.

The attached is a copy of the corrected action as it appears, and as it was approved by the Assembly in the Assembly Journal of June 8, 1935.

(COPY)

Motion by Mr. Lyon.

Mr. Lyon moved that pages 52 to 57, inclusive, of the Assembly Journal of June 4, 1935, be corrected and approved to show that the amendments as offered by Mr. Lyon, and others, to Senate Bill No. 919 be correctly numbered, and that the following amendments, Nos. 26 and 27, as adopted by the Assembly on June 4th, and omitted from the Journal of that day, be noted therein; and that said Journal of June 4th, relative to said Senate Bill No. 919, be and the same is hereby corrected to read as follows:

Special Order.

The hour having arrived, the special order heretofore set for this hour was taken up for consideration.

Consideration of Senate Bill No. 919.

Senate Bill No. 919.—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages, to levy an excise tax on the sale of alcoholic beverages, to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages, to prescribe penalties for the violation of this act, to make an appropriation for the enforcement of this act, to take effect immediately.

Bill read third time.

Floor Amendments.

During third reading of the bill, the following amendments were submitted by Mr. Lyon:

Amendment No. 1.

On page 7 of the printed bill, as amended, between lines 24 and 25, insert the following:

"For failure to reapply for a license prior to the time when any license expires, the board may by regulation prescribe that in addition to the license fees specified in section 5 thereof a penalty of not to exceed twenty-five per cent of such fees must be paid."

Amendment No. 2.

On page 10, line 19, of the printed bill, as amended, strike out the words "upon the premises of such manufacturers and", and in lieu thereof insert the following: "unless proven to the satisfaction of the board".

Amendment No. 3.

On page 10, line 27, of the printed bill, as amended, strike out "cents", and insert in lieu thereof "cents".

Amendment No. 4.

On page 11, line 9, of the printed bill, as amended, strike out the word "security", and insert in lieu thereof the word "surety".

Amendment No. 5.

On page 11, line 16, of the printed bill, as amended, strike out the word "present", and insert in lieu thereof the word "presents".

Amendment No. 6.

On page 11, line 22, of the printed bill, as amended, strike out the word "Alcohol", and insert in lieu thereof the word "Alcoholic".

Amendment No. 7.

On page 11, lines 27 and 28, of the printed bill, as amended, strike out "taxes, penalties and fines", and insert in lieu thereof "taxes and penalties".

Amendment No. 8.

On page 11, line 32, of the printed bill, as amended, strike out the word "and", and insert in lieu thereof the word "or".

Amendment No. 9.

On page 11, line 34, of the printed bill, as amended, after the word "shall", insert the words "fail to".

Amendment No. 10.

On page 11, line 35, of the printed bill, as amended, strike out the word "registered".

Amendment No. 11.

On page 11, line 39, of the printed bill, as amended, after the word "sureties", insert "as hereinafter provided".

Amendment No. 12.

On page 16, line 13, of the printed bill, as amended, after the word "purchaser", add the following: "subject to a right of redemption as prescribed in the Code of Civil Procedure upon sales of real estate on execution".

Amendment No. 13.

On page 19 of the printed bill, as amended, between lines 13 and 14, insert the following:

"On and after July 1, 1935, it shall be unlawful for any manufacturer, rectifier, importer or wholesaler of distilled spirits to deliver to any premises for which an on or off-sale distilled spirits license is issued under this act or an on-sale license for liquor other than beer or wine is issued under the State Liquor Control Act, and it shall be unlawful for any such on or off-sale licensee to sell at the premises for which any such license is issued distilled spirits in packages containing more than one gallon."

Amendment No. 14.

On page 19, line 43, of the printed bill, as amended, strike out the words "by the board".

Amendment No. 15.

On page 19, lines 46 and 47, of the printed bill, as amended, strike out "There is hereby appropriated from said fund", and insert in lieu thereof the following: "All moneys in said fund are hereby appropriated as follows:".

Amendment No. 16.

On page 20, line 3, of the printed bill, as amended, strike out the words "per biennium".

Amendment No. 17.

On page 20 of the printed bill, as amended, between lines 12 and 13, insert the following:

"5. Ten thousand dollars for expenditure by the State Department of Finance in auditing the revenues and expenditures resulting from the provisions of this act;".

Amendment No. 18.

On page 20, line 13, of the printed bill, as amended, strike out "5", and insert in lieu thereof "6".

Amendment No. 19.

On page 20, line 13, of the printed bill, as amended, strike out the word "license".

Amendment No. 20.

On page 20, line 23, of the printed bill, as amended, strike out "6", and insert in lieu thereof "7".

Amendment No. 21.

On page 20, lines 23 and 24, of the printed bill, as amended, strike out "and 4", and insert in lieu thereof "4 and 5".

Amendment No. 22.

On page 20, line 25, of the printed bill, as amended, strike out the word "license".

Amendment No. 23.

On page 20, line 26, of the printed bill, as amended, strike out the word "license".

Amendment No. 24.

On page 20, line 29, of the printed bill, as amended, strike out "7", and insert in lieu thereof "8".

Amendment No. 25.

On page 20, line 31, of the printed bill, as amended, strike out "8", and insert in lieu thereof "9".

Amendment No. 26.

On page 27, line 33, of the printed bill, as amended, after the word "shall", strike out the words "after the passage of this act be installed, erected, placed and used", and insert in lieu thereof the following: "be maintained, erected, used or placed".

Amendment No. 27.

On page 24 of the printed bill, as amended, strike out lines 23 to 27, inclusive, and insert in lieu thereof the following: "a petition for reconsideration the board shall itself rehear the entire matter de novo and shall thereupon and within said thirty days either affirm, modify or set aside its original order."

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Bill No. 919, as amended, at this time, without reference to file.

Senate Bill No. 919, as amended, read

Floor Amendments.

During third reading of the bill, the following amendments were submitted by Mr. Cassidy:

Amendment No. 1.

On page 26 of the printed bill, as amended, strike out lines 45 to 51, inclusive.

Amendment No. 2.

On page 27 of the printed bill, as amended, strike out lines 1 and 2.

Amendment No. 3.

On page 27 of the printed bill, as amended, commencing in line 4, after the word "fixtures", strike out the following: "signs, except signs for interior use mentioned in subdivision (c) herein."

Amendment No. 4.

On page 27, line 43 of the printed bill, as amended, after the word "street", add the following:

"The manufacturer, distributor or wholesaler of alcoholic beverages may furnish to retail dispensers signs which are not prohibited from being displayed by the provisions of this section."

Amendment No. 5.

On page 27 of the printed bill, as amended, strike out lines 29 to 37 inclusive, and insert in lieu thereof the following:

"SEC. 55. There shall not be displayed on the windows of, or on, or in front of premises for which any 'on sale' license has been issued, any sign or other advertisement stating or implying that a saloon, bar, cocktail bar or lounge is operated or maintained upon the premises or that alcoholic beverages are sold upon the premises in any manner or fashion in violation of the law or the rules and regulations of the board; provided that these regulations shall not prohibit 'on sale' licenses from displaying signs reading, 'Beer,' 'Wine,' 'Liquor' and similar signs."

The question being on the amendments submitted by Mr. Cassidy to Senate Bill No. 919.

Roll Call.

The Speaker ordered a roll call taken on the amendments submitted by Mr. Cassidy.

The roll was called, and the amendments were refused adoption by the following vote:

AYES. Burns, Cassidy, Crowley, DeLap, Desmond, Donahue, Hornblower, Lore, Maloney, Nielsen, Patterson, Peterson, Turner, Wagner, and Williamson—15.

NOES. Anderson, Andreas, Bredt, Brennan, Chatters, Corwin, Cottrell, Cunningham, Donnelly, Evans, Herbert J. Evans, Ralph W. Field, Fisher, Fulcher, Garibaldi, Geyer, Gilbert, Gilmore, Glover, Hawkins, Heisinger, Hunt, Johnson, Latham, Laughlin, Lyon, Martin, Mayo, McBride, McCarthy, McMurray, Miller, Minard, O'Donnell, Pellerier, Phillips, Reaves, Retwine, Roche, Riley, Robertson, Rosenthal, Seudler, Utt, Voigt, Walker, Wallace, Waters, Weber, Wright, and Mr. Speaker—51.

Floor Amendments.

During third reading of the bill, the following amendments were submitted by Mr. Phillips:

Motion to Expunge Record.

Mr. Lyon moved that the vote taken on the amendments submitted by Mr. Phillips to Senate Bill No. 919 be expunged from the record, and the action rescinded.

Roll Call.

The Speaker ordered a roll call taken on the motion to expunge the record.

The roll was called, and the motion carried by the following vote:

AYES—Anderson, Andreas, Boyle, Breed, Brennan, Burns, Cassidy, Clark, Corwin, Cottrell, Cronin, Crowley, DeLap, Desmond, Donihue, Donnelly, Evans, Herbert J., Evans, Ralph W., Field, Fisher, Flint, Fulcher, Garibaldi, Geyer, Gilbert, Gilmore, Glover, Hawkins, Heisinger, Hornblower, Hunt, Jones, Kallam, Laughlin, Lore, Lyon, Maloney, Martin, Mayo, McBride, McMurray, Minard, Morgan, Nielsen, O'Donnell, Pelletier, Peyser, Phillips, Reaves, Redwine, Richie, Riley, Robertson, Rosenthal, Scudder, Thorp, Turner, Utt, Voigt, Wagner, Walker, Wallace, Waters, Weber, Williamson, and Mr. Speaker—66.

NOES—Johnson, Latham, Patterson, and Wright—4.

Senate Bill No. 919, as amended, read third time.

Floor Amendment.

During third reading of the bill, the following amendment was submitted by Mr. Cassidy:

Amendment No. 1.

On page 5, line 10, of the printed bill, as amended, strike out "75.00", and insert in lieu thereof the following: "50.00".

The question being on the amendment submitted by Mr. Cassidy to Senate Bill No. 919.

Roll Call.

The Speaker ordered a roll call taken on the amendment submitted by Mr. Cassidy.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Anderson, Boyle, Cassidy, Donihue, Lore, Patterson, Rosenthal, and Wagner—8.

NOES—Andreas, Breed, Brennan, Burns, Chatters, Clark, Cottrell, Cronin, Crowley, DeLap, Desmond, Donnelly, Evans, Herbert J., Evans, Ralph W., Field, Fisher, Flint, Fulcher, Garibaldi, Geyer, Gilbert, Hawkins, Hornblower, Hunt, Johnson, Jones, Kallam, Latham, Laughlin, Lyon, Maloney, Martin, McBride, McCarthy, McMurray, Miller, Minard, Morgan, Nielsen, Pelletier, Peyser, Phillips, Reaves, Richie, Riley, Robertson, Scudder, Stream, Turner, Utt, Voigt, Walker, Wallace, Weber, Wright, and Mr. Speaker—56.

Senate Bill No. 919, as amended, read third time.

Floor Amendments.

During third reading of the bill, the following amendments were submitted by Mr. Phillips:

Amendment No. 1.

On page 29, lines 2 and 3, of the printed bill, strike out "person engaged in the business of selling or serving alcoholic beverages", and insert in lieu thereof the following: "on or off-sale licenses".

Amendment No. 2.

On page 29, line 4, of the printed bill, as amended, strike out "for consumption on the premises,".

The question being on the amendments submitted by Mr. Phillips to Senate Bill No. 919.

Roll Call.

The Speaker ordered a roll call taken on the amendments submitted by Mr. Phillips.

The roll was called, and the amendments were adopted by the following vote:

AYES—Anderson, Andrews, Boyle, Breed, Brennan, Burns, Cassady, Chatters, Clark, Corwin, Cottrell, Cronin, Cunningham, Delap, Desmond, Evans, Herbert J., Field, Fisher, Fletcher, Geyer, Gilmore, Holsinger, Johnson, Kallam, Latham, Laughlin, Lore, Lyon, Martin, McCarthy, McMurray, Miller, Minard, Morgan, Patterson, Peyser, Phillips, Riley, Rosenthal, Souder, Stream, Thorp, Utt, Voigt, Wagner, Walker, Wallace, Waters, Wright, and Mr. Speaker—52.

NOES—Dunn and Donihue, First, Hawkins, Hornblower, Hunt, Jones, Maloney, Mayo, Nielson, Reeves, Robertson, and Weber—12.

Message from the Governor.

The following message from the Governor was received and read.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, MAY 27, 1935

To the Honorable Members of the Assembly,
State of California, Sacramento, California.

GREETINGS: Senate Bill No. 919—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act. To make an appropriation for the enforcement of this act, to take effect immediately.

In my opinion said Senate Bill No. 919 constitutes such a bill within the meaning of that term as used in Section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Request for Unanimous Consent.

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Bill No. 919, as amended, at this time, without reference to file.

Third Reading of Senate Bill No. 919, as Amended.

Senate Bill No. 919, as amended, read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 919, as amended, finally passed by the following vote:

AYES—Andrews, Boyle, Breed, Brennan, Burns, Cassady, Chatters, Clark, Corwin, Cottrell, Cronin, Cunningham, Delap, Desmond, Donihue, Donnelly, Evans, Herbert J., Evans, Ralph W., Field, Fisher, Finn, Fletcher, Garibaldi, Geyer, Gilbert, Gilmore, Hawkins, Holsinger, Hornblower, Hunt, Johnson, Jones, Kallam, Latham, Laughlin, Lore, Lyon, Maloney, Martin, Mayo, McBride, McCarthy, McMurray, Miller, Minard, Morgan, Nielson, O'Donnell, Patterson, Peyser, Phillips, Reeves, Rosenthal, Richie, Riley, Robertson, Rosenthal, Souder, Stream, Thorp, Utt, Wagner, Walker, Wallace, Waters, Weber, Wright, and Mr. Speaker—69.

NOES—Anderson—1.

Title read and approved.

Bill ordered transmitted to the Senate.

The foregoing motion by Mr. Lyon unanimously carried.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Call of the Senate.

Senator Edwards moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Deuel, Edwards, Gordon, Hulse, Jespersen, Keough, King, Knowland, McCormack, Parkman, Perry, Rich, Scollan, Sharkey, Slater, Snyder, Tickle, Waggy, and Young—19.

The Secretary announced the absentees.

Time, nine o'clock and seven minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 587—An act to repeal sections 3664, 3664a, 3664a-1, 3664aa, 3664c, 3664d, 3664e, 3665a, 3665b, 3665c, 3666, 3666b, 3667, 3667a, 3667b, 3669c, 3670, 3670b, 3670bb, 3670c, 3670cc, 3670d, 3671, 3671a, and 3671b of the Political Code, Chapter 154 of the Statutes of 1921, to amend sections 3664b, 3664b-1, 3664b-4, 3668, 3668a, 3668b, 3668c, 3669, and 3669c of the Political Code, all relating to the carrying into effect of the provisions of section 14 of Article XIII of the Constitution of the State of California.

The Senate took up for consideration Assembly amendments to Senate Bill No. 587.

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out the first four lines of the title, and insert in lieu thereof the following:

"An act to repeal sections 3664, 3664a, 3664a-1, 3664aa, 3664c, 3664d, 3664e, 3665a, 3665b, 3665c, 3666, 3666b, 3667, 3667a, 3667b, 3669c, 3670, 3670b, 3670bb, 3670c, 3670cc, 3670d, 3671, 3671a, and 3671b of the Political Code, Chapter 154 of the Statutes of 1921, to amend sections 3664b, 3664b-1, 3664b-4, 3668, 3668a, 3668b, 3668c, 3669, and 3669c of the Political Code."

Amendment No. 2.

On page 1, line 1, of the printed bill, as amended, after the numeral "3664a," insert the following: "3664a-1, 3664aa, 3664c,".

Amendment No. 3.

On page 1, line 1, of the printed bill, as amended, after the numeral "3664d", insert the following: ", 3664e, 3665a, 3665b, 3665c, 3666, 3666b, 3667, 3667a, 3667b, 3669c, 3670, 3670b, 3670bb, 3670c, 3670cc, 3671, 3671a, and 3671b."

Amendment No. 4.

On page 1, line 2, of the printed bill, as amended, after the word "Code", insert the following: "and Chapter 154 of the Statutes of 1921".

Amendment No. 5.

On page 1, lines 13 and 14, of the printed bill, as amended, strike out the words "county and municipal".

Amendment No. 6.

On page 1, line 17, of the printed bill, as amended, strike out "tax", and insert in lieu thereof "taxes".

Amendment No. 7.

On page 2, line 5, of the printed bill, as amended, strike out "Legislature", and insert in lieu thereof "Insurance Commission".

Amendment No. 8.

On page 2, line 11, of the printed bill, as amended, strike out "assessed by the State Board of Equalization";.

Amendment No. 9.

On page 2 of the printed bill, as amended, strike out all of lines 22 to 24, both inclusive, and insert in lieu thereof the following:

"Sec. 4. Section 3668 of the Political Code is hereby amended to read as follows:

Sec. 3668. The State Board of Equalization shall between the first Monday in March and the third Monday before the first Monday in July of each year assess and levy the taxes upon insurance companies as and in the manner provided for in section 14 of Article XIII of the Constitution of this State, and sections of this code enacted to carry the same into effect.

Clerical errors occurring or appearing in the name of any company, person or association subject to any tax assessed by the board, or in the making or extension of any assessment upon the records of the board which do not affect the substantial rights of the taxpayer, shall not invalidate the assessment.

On the third Monday before the first Monday in July the board shall publish a notice in one daily newspaper of general circulation published at the State capital, in one daily newspaper of general circulation published in the City and County of San Francisco, and in one daily newspaper of general circulation published in the city of Los Angeles, that the assessment of insurance companies has been completed, and that the record of assessments of such companies will be delivered to the Controller on the first Monday in July, and that if any company, person, or association is dissatisfied with the assessment made by the board, it may at any time before the taxes thereon shall become due and payable, apply to the board to have the same corrected in any particular. The board shall have power at any time on or before the first Monday in July to correct the record of assessments of such companies and may increase or decrease any assessment thereon if in its judgment the evidence presented or obtained warrants such action.

Sec. 5. Section 3668a of the Political Code is hereby amended to read as follows:

Sec. 3668a. The State Board of Equalization must prepare each year a book to be called the "Record of Assessments of Insurance Companies" in which must be entered, either in writing or printing, or by both writing and printing, each assessment made by said board pursuant to section 3668 of this code.

On the first Monday in July the Secretary of the State Board of Equalization must deliver to the Controller of State the record of assessments of insurance companies certified to by the chairman and secretary of the board.

Sec. 6. Section 3668b of the Political Code is hereby amended to read as follows:

Sec. 3668b. The taxes upon insurance companies assessed and levied as provided in section 14 of Article XIII of the Constitution of this State, and in and by the provisions of this code enacted to carry the same into effect, shall be due and payable on the first Monday in July in each year, and one-half thereof shall be delinquent on the sixth Monday after said first Monday in July at six o'clock p.m., and unless paid prior thereto, fifteen per cent shall be added to the amount thereof, and unless paid prior to the first Monday in February next thereafter at six o'clock p.m., an additional five per cent shall be added to the amount thereof, and the unpaid portion, or the remaining one-half of said taxes shall become delinquent on the first Monday in February next succeeding the day upon which they become due and payable, at six o'clock p.m.; and if not paid prior thereto five per cent shall be added to the amount thereof, provided, that all such taxes which are not fully secured by real property are due and payable at the time the assessment is made.

When in the opinion of the State Board of Equalization any of the taxes provided for in this section are not a lien upon real property sufficient to secure the payment of the taxes, said board may direct the Controller, or his duly authorized representative, to collect the same at any time before the first Monday in August thereafter, and the Controller may collect the taxes by seizure and sale of any property owned by the company against whom the tax is assessed.

The sale of any property so seized shall be made at public auction and of a sufficient amount of the property to pay the taxes, penalties and costs, and be made after one week's notice of the time and place of such sale given by publication in a newspaper of general circulation published in the county where the property seized is situate, or if there be no newspaper of general circulation published in such county, then by posting of such notice in three public places in such county.

Said notice shall contain a description of the property to be sold together with a statement of the amount of the taxes, penalties and costs due thereon and the name of the owner of said property and a further statement that unless the taxes, penalties and costs are paid on or before the day fixed in said notice for such sale of said property, or so much thereof as may be necessary to pay said taxes, penalties and costs, said property will be sold in accordance with law and said notice.

On payment of the price bid for any property sold, the delivery thereof with bill of sale executed by the Controller vests the title in the purchaser. The unsold portion of any property so seized, may be left at the place of sale at the risk of the owner. All of the proceeds of any such sale in excess of the taxes, penalties, and

costs, must be returned to the owner of the property sold, and until claimed must be deposited with the State Treasurer, as trustee for such owner, and subject to the order of the owner thereof, his heirs, or assigns.

SEC. 7. Section 3668c of the Political Code is hereby amended to read as follows:

Sec. 3668c. The taxes levied upon insurance companies under the provisions of section 14 of Article XIII of the Constitution of this State and sections of this code enacted to carry the same into effect shall constitute a lien upon all the property and franchises of every kind and nature belonging to such companies, which lien shall attach on the first Monday in March of each year. Every tax herein provided for has the effect of a judgment against the company, and every lien has the effect of an execution duly levied against all property of the delinquent: the judgment is not satisfied nor the lien removed until such taxes, penalties, and costs are paid, or the property sold for the payment thereof. No final discharge in bankruptcy or decree of dissolution shall be made and entered by any court, nor shall the county clerk of any county or the Secretary of State file any such discharge or decree, or file any other document by which the term of existence of any corporation shall be reduced or terminated until all taxes, penalties, and costs due on assessments made under the constitutional and statutory provisions aforesaid shall have been paid and discharged.

SEC. 8. Section 3669 of the Political Code is hereby amended to read as follows:

Sec. 3669. All taxes assessed and levied upon insurance companies under the provisions of section 14 of Article XIII of the Constitution of this State and sections of this code enacted to carry the same into effect shall be paid to the State Treasurer, upon the order of the Controller. The Controller must mark the date of payment of any tax on the record of assessments of insurance companies.

The Controller must give a receipt to the person paying any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of tax, paid, and the amount remaining unpaid, if any, with a description of the property assessed; provided, that the receipt for the second half of the taxes may refer, by number or in any other intelligible manner, to the receipt given for the first half of said taxes, in lieu of a description of the property assessed.

Whenever any taxes, penalties, or costs collected and paid to the State Treasurer as hereinbefore provided, shall have been paid more than once, or shall have been erroneously or illegally collected, or when any taxes shall have been collected and paid pursuant to said provisions of law upon a computation erroneously made by reason of clerical mistake of the officers or employees of the State Board of Equalization, or shall have been computed in a manner contrary to law, the State Board of Equalization shall certify to the State Board of Control the amount of such taxes, penalties, or costs, collected in excess of what was legally due, from whom they were collected or by whom paid, and if approved by said Board of Control, the same shall be credited to the company or person to whom it rightfully belongs, at the time of the next payment of taxes. No claim for such credit shall be so audited, approved, allowed, or paid unless presented within one year after the payment sought to be refunded.

In case the assessment of any company is duplicated upon the record of assessments of insurance companies, or there appears thereon the assessment of any company whose charter has been forfeited or right to do business in this State has been forfeited, or the assessment of any company which, for any reason, could not be legally assessed, the State Board of Equalization or the Controller shall certify such fact to the State Board of Control and said Board of Control shall authorize the cancellation of such assessment.

SEC. 9. Section 3669c of the Political Code is hereby amended to read as follows:

Sec. 3669c. Within ten days after the first Monday in February, the Controller shall send by mail to the last known address of any company whose taxes are delinquent a notice of the amount of said taxes, penalties and costs, and that if the said taxes, penalties, and costs are not paid on or before the Saturday preceding the first Monday in March next thereafter at six o'clock p.m. of said day, the corporate powers, rights and privileges of such delinquent company, if it be a domestic corporation, will be at that time suspended and thereafter incapable of exercise, and that if the delinquent company be a foreign corporation it will thereupon forfeit its right to do intrastate business in this State.

If the taxes, penalties, and costs are not paid within the time specified in said notice, the Controller shall, on said Saturday preceding the first Monday in March at six o'clock p.m. of said day, mark on the record of assessments of insurance companies opposite the assessment of the delinquent corporation the words "corporate powers suspended," if the delinquent corporation be a domestic corporation, and thereupon said corporate powers shall be suspended and incapable of exercise until restored as hereinafter provided; and if the delinquent corporation be a foreign corporation, the Controller shall mark said record of assessments opposite the assessment of such delinquent corporation the words "right to do intrastate business forfeited" and thereupon said right to do such business shall be so forfeited. He shall at once report to the Secretary of State and name and number of charter of each

corporation whose corporate powers have been suspended or right to do business has been forfeited for nonpayment of taxes.

On or before the first Monday in April of each year the Controller shall make a list of all corporations which have failed to pay the taxes imposed upon insurance companies under the provisions of section 14 of Article XIII of the Constitution and the sections of this code enacted to carry the same into effect, and transmit a certified copy thereof to each county clerk and county recorder in this State. Said county clerks and county recorders shall file such certified copies in their respective offices in such manner that the same shall be preserved in the form of a permanent record of such office and easily identified by and available to the public. Such copies so certified by the Controller and filed as herein provided shall in the case of each corporation state whether such corporation is a domestic or foreign corporation and specify the penalty which such corporation has incurred for failure to pay the tax imposed by this act. Such certified copies so filed with either of said county officers, or any copy thereof certified by the Controller shall be received in evidence in any court in lieu of the original record on file with the Controller and shall be prima facie evidence of the truth of all statements contained therein.

After six o'clock p. m. of the Saturday preceding the first Monday in March in any year, the corporate rights, privileges and powers of every domestic corporation which has failed to pay said tax and money penalty shall, from and after said hour of said day, be suspended, and incapable of being exercised for any purpose or in any manner, except to defend any action brought in any court against such corporation, until said tax with all accrued penalties, and all taxes and charges due the State under the corporation license act are paid as hereinafter provided. The right and privilege of every foreign corporation to transact intrastate business in this State shall, for failure to pay said tax and money penalty, be forfeited at said hour of said day, and the Controller shall make a record of such forfeiture. In the case of foreign corporations such forfeiture may be relieved and the corporation's privilege to transact intrastate business in this State restored in the manner hereinafter provided.

After said hour of said day and until such taxes, penalties and charges are paid, every person who attempts or purports to exercise any of the rights, privileges or powers of any delinquent corporation, or, who transacts or attempts to transact any intrastate business in this State in behalf of any forfeited foreign corporation, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not less than fifty days or more than five hundred days, or by both such fine and imprisonment. The jurisdiction of such offense shall be held to be in any county in which any part of such attempted exercise of such powers, or any part of such transaction of business was had or occurred. Every contract made in violation of this section is hereby declared to be void.

All corporate powers, rights and privileges suspended or forfeited may be revived and restored to full force and effect by the payment of all unpaid taxes and penalties due to the State under sections 2646th and 2646th of this code and also, in addition thereto, a sum of money equal to the tax last assessed under the provisions of said sections of this code, for each year succeeding the year in which such tax was levied, and to the time of such revival. Year' within the meaning of the preceding sentence is hereby defined as the period between the first Monday in March of any calendar year and the first Monday in March of the following calendar year.

Upon payment of all such taxes and penalties the State Controller shall issue a certificate under his seal evidencing such payment and restoration, which certificate when recorded in the office of any county recorder shall constitute a release of all existing liens for such taxes upon the property of such corporation. Each county recorder shall keep an index of all such Controller's certificates recorded by him. Upon presentation of such Controller's certificate of revival to any county clerk said officer shall make a record thereof in his office in a book kept for such purpose. The record so made by said county clerk shall be prima facie evidence of the restoration to such corporation of all previously suspended or forfeited rights, powers and privileges unless it appears from the records in the office of such county clerk or of the Secretary of State that subsequent to the date of such certificate of revival the powers of said corporation have been suspended or its right to do intrastate business forfeited.

The Controller may, on or before the thirtieth day of April next following said delinquency and suspension or forfeiture, bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent taxes, together with any penalties, or costs, which have not been paid in accordance with the provisions of this code and appearing delinquent upon the record of assessments for State taxes heretofore mentioned, and such actions shall be tried in the county of Sacramento unless the court, with the consent of the Attorney General, order a change of place of trial.

The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action

a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required.

In the case of companies whose right to do business has been forfeited or corporate powers suspended, service of summons may be made upon the persons provided for by law to be served as agents or officers of any of such companies and such persons shall be deemed to be the agents of such companies for all purposes necessary in order to prosecute such action. In the case of corporations whose powers have been suspended, the persons constituting the board of directors thereof shall have the power and right to defend such action. Payment of the taxes and penalties, or amount of the judgment recovered in such action must be made to the State Treasurer.

In such actions the record of assessments of insurance companies, or a copy of so much thereof as is applicable in said action, duly certified by the Controller, or by the Secretary of the State Board of Equalization, showing unpaid taxes against any company, person or association assessed by the State Board of Equalization, is prima facie evidence of the assessment upon the property and franchises, the delinquency, the amount of the taxes, penalties, and costs due and unpaid to the State, and that the company, person, or association is indebted to the people of the State of California in the amount of taxes and penalties therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 587?

The roll was called, and Assembly amendments to Senate Bill No. 587 concurred in by the following vote:

AYES—Senators Biggar, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Mixer, Parkman, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—28.

NOES—None.

Senate Bill No. 587 ordered to enrollment.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 669—An act to add section 3817½ to the Political Code, relating to taxation, declaring the urgency hereof and providing that this act shall take immediate effect.

Amendment from the Floor.

During third reading of Assembly Bill No. 669, the following amendment, offered by Senator Hays, was read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after the word "Executor", insert the word "or"; and in line 7, strike out the words "or other successors in"; and in line 8, strike out the word "interest".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1198—An act to repeal sections 2.1223 and 6.523 of the School Code, relating to reports of books purchased for any school district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1198 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGuinness, Mixer, Parkman, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1198 ordered transmitted to the Assembly.

Assembly Bill No. 1054—An act to add sections 2a, 2b, 2c, and section 3a to and to amend sections 3, 4, 5, 6, 7, 8, 10, 14, 15, 16, 17, 18, and 19 of the "Los Angeles County Flood Control Act," relating to the government and control of the district and the powers and duties of the board of directors thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1054 passed by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Sharkey, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1054 was passed.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and twenty five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Edwards.

Assembly Bill No. 2039—An act to add a new section to the Civil Code, to be numbered section 1972, relative to transportation expenses and return transportation expenses for workers brought into or sent out of the State to render personal services.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2039 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Garrison, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2039 ordered transmitted to the Assembly.

Assembly Bill No. 2144—An act to amend section 4242 of the Political Code, and to add thereto sections 4242.1, 4242.2, 4242.3, relating to the compensation of county and township officers in counties of the thirteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2144 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Gordon, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Olson, Park-

man, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2144 ordered transmitted to the Assembly.

Assembly Bill No. 406—An act to add a new article to Chapter I of Part I of Division I of the School Code to be known as Article VII, embracing section 1.45, relating to the participation of pupils in public exhibitions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 406 refused passage by the following vote:

AYES—Senators McCormack, McGovern, Sharkey, Slater, and Swing—5.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Mixer, Parkman, Perry, Rich, Scollan, Snyder, Stow, Tickle, Wagy, Williams, and Young—23.

Assembly Bill No. 1186—An act to add two new sections to the School Code to be numbered 2.807 and 5.533, relating to liability for the death of, or injury to, pupils enrolled in the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1186 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Walliams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 1186 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 42.

A resolution to propose to the people of the State of California, an amendment to Article XIII of the Constitution of the State, by amending section 9a thereof, relating to the computation of taxes on unsecured property.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fifty-first regular session, commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the Constitution of the State be amended by amending section 9a of Article XIII of the State Constitution to read as follows:

Sec. 9a. The taxes levied for any current tax year upon personal property and assessments upon possession of, claim to, or right to the possession of land and upon taxable improvements located on land exempt from taxation, which are not a lien upon land sufficient in value to secure their payment, shall be based upon the rates for taxes levied for the preceeding tax year upon property of the same kind where the taxes were a lien upon land sufficient in value to secure the payment thereof. Nothing in this section shall be construed to prohibit the equalization each year of the assessment on such property in the manner now or hereafter provided by law.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 42 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern,

McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—23.

NOES—None.

Assembly Constitutional Amendment No. 42 ordered transmitted to the Assembly.

Assembly Bill No. 1569—An act to amend section 4 of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the State Board of Health, and to repeal an act approved March 20, 1905, entitled "An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the Board of Regents of the University of California, and to provide penalties for violation thereof," approved June 12, 1913, relating to schools of nursing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1569 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Hays, Jespersen, King, McCormack, McGovern, Metzger, Mixer, Parkman, Pierovich, Rich, Scollan, Slater, Snyder, Tickle, Williams, and Young—22.

NOES—Senators Deuel, Gordon, Hulse, Keough, Olson, Perry, Sharkey, Swing, and Wagy—9.

Title read and approved.

Notice of Motion to Reconsider.

Senator Jespersen gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 1569 was passed.

Assembly Bill No. 2087—An act to add section 171b to the Code of Civil Procedure, relating to the qualification of judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2087 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, McCormack, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—27.

NOES—Senators Deuel, McGovern, Tickle, and Young—4.

Title read and approved.

Assembly Bill No. 2087 ordered transmitted to the Assembly.

Assembly Bill No. 46—An act to amend section 3766 of the Political Code, relating to the publication of delinquent tax lists.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 46 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuin-

ness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—33.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Hulse gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 46 was passed.

Assembly Bill No. 2444—An act to require security for the payment of wages of persons engaged in the canning industry and providing penalties for violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2444 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wag, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2444 ordered transmitted to the Assembly.

Assembly Bill No. 2469—An act to add section 590 to the Vehicle Code, relating to warning devices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2469 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Jespersen, Keough, King, McGovern, McGuinness, Mixer, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—27.

NOES—Senators Deuel, Gordon, Hays, McCormack, and Metzger—5.

Title read and approved.

Assembly Bill No. 2469 ordered transmitted to the Assembly.

Assembly Bill No. 1022—An act to add section 17 to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1022 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 1022 ordered transmitted to the Assembly.

Assembly Bill No. 2053—An act to amend the Building and Loan Association Act by adding a new section thereto to be numbered 6.01a, relating to withdrawal claims maturing in installments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2053 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2053 ordered transmitted to the Assembly.

Assembly Bill No. 2054—An act to amend the Building and Loan Association Act by adding a new section thereto to be numbered 8.11, relating to evidence of investment in building and loan associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2054 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2054 ordered transmitted to the Assembly.

Assembly Bill No. 2063—An act to amend the Building and Loan Association Act by adding section 9.07 thereto, relating to restrictions as to lending territory.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2063 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2063 ordered transmitted to the Assembly.

Assembly Bill No. 2064—An act to amend the Building and Loan Association Act by adding section 12.04b thereto, relating to foreign associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2064 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGuinness,

Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2064 ordered transmitted to the Assembly.

Assembly Bill No. 2065—An act to amend the Building and Loan Association Act by amending section 9.15 thereof relating to limitation on single loans.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2065 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 2065 ordered transmitted to the Assembly.

Assembly Bill No. 2066—An act to amend the Building and Loan Association Act by adding section 6.01b thereto, relating to period of notice of intention to withdraw.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2066 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2066 ordered transmitted to the Assembly.

Assembly Bill No. 2067—An act to amend the Building and Loan Association Act by amending section 12.06 thereof, relating to advertising by building and loan associations.

Bill read third time.

The question being on the passage of the bill.

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2067 ordered transmitted to the Assembly.

Assembly Bill No. 2441—An act to provide for the regulation and control of the sale of certain drugs or chemicals known as dinitrophenol and thyroid, to provide penalties for the violation of this act and to provide for the enforcement hereof by the California State Board of Pharmacy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2441 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seallan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2441 ordered transmitted to the Assembly.

Assembly Bill No. 1213—An act to amend section 10½ of an act entitled "An act to regulate the practice of optometry, to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1213 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 1213 ordered transmitted to the Assembly.

Assembly Bill No. 1282—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 19 and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices and to the powers of the State Board of Public Health in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1282 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagz, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1282 ordered transmitted to the Assembly.

Assembly Bill No. 2479—An act to add a new section, to be numbered 1582, to the Streets and Highways Code, relating to county highway funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2479 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Hays, Jespersen, Keough, King, Knowland, McColl, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Slater, Stow, Swing, Tickle, and Young—25.

NOES—Senators Fletcher, Gordon, Hulse, Sharkey, and Wagy—5.

Title read and approved.

Assembly Bill No. 2479 ordered transmitted to the Assembly.

Assembly Bill No. 2285—An act to amend section 1626 of the Streets and Highways Code, relating to relief to special assessment districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2285 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 2285 ordered transmitted to the Assembly.

Assembly Bill No. 93—An act to amend section 69 of the Civil Code, relating to marriage licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, eleven o'clock and fifteen minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and sixteen minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Scollan.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 93 finally refused passage by the following vote:

AYES—Senators Crittenden, Garrison, Gordon, McColl, McGuinness, Metzger, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Swing, and Young—15.

NOES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, Mixer, Olson, Parkman, Schottky, Snyder, Stow, Tickle, and Wagy—20.

Notice of Motion to Reconsider.

Senator Fletcher gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 93 was refused passage.

Assembly Bill No. 2480—An act to authorize the operation of stands in State buildings by blind persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2480 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jorgensen, Keough, King, McCall, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Rife, Scollin, Scoville, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2480 ordered transmitted to the Assembly.

Assembly Bill No. 487—An act to amend section 692 of, and to add a new section to be numbered 692a to the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 487 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jorgensen, Keough, King, McCall, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Rife, Scherby, Scollin, Scoville, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 487 ordered transmitted to the Assembly.

Assembly Bill No. 106—An act to amend section 6.750 of the School Code, relating to the use of school buildings for activities of a seditious nature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 106 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jorgensen, Keough, King, McCall, McGuinness, Mixer, Parkman, Perry, Pierovich, Rife, Scherby, Scollin, Scoville, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Notice of Motion to Reconsider.

Senator Garrison gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 106 was passed.

Assembly Bill No. 2468—An act to amend sections 6 and 11 of, to repeal section 7 of, and to add section 33 to, an act entitled "An act to provide for the formation, government, operation, reorganization, dis-

solution and alteration of boundaries of sanitary districts in any part of the State, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, relating to sanitary districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2468 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2468 ordered transmitted to the Assembly.

Assembly Bill No. 2160—An act to amend sections 117d and 117q of the Code of Civil Procedure, relating to small claims courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2160 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 2160 ordered transmitted to the Assembly.

Assembly Bill No. 2485—An act to add section 331 to the Political Code, relating to the construction of statutes fixing or authorizing the fixing of salaries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2485 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2485 ordered transmitted to the Assembly.

Assembly Bill No. 707—An act to amend sections 12, 13 and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to pro-

vide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 707:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 7, 1935

To the Honorable Members of the Senate,
State of California, Sacramento, California.

GREETINGS. Assembly Bill No. 707. An act to amend sections 12, 13 and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing.

In my opinion said Assembly Bill No. 707 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California

Amendments from the Floor.

During third reading of Assembly Bill No. 707, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 2, line 21, of the printed bill, as amended, after the period, insert the following: "All unclaimed redistributions shall be retained by the licensee for a period of one year. At the expiration of one year from the date of such redistribution all unclaimed money shall be paid into the State treasury to the credit of the "Fair and exposition fund."

At any meeting where the total daily average amount of money wagered is in excess of one hundred thousand dollars, the licensee shall pay to the State an additional tax of one-quarter of one per cent for each twenty-five thousand dollars or fraction thereof, up to three hundred thousand dollars, and as to the amount over three hundred thousand dollars no such additional tax shall be charged. The money derived under the provisions of this amendment shall be paid at the end of such meeting into the general fund of the State of California."

Amendment No. 2.

On page 2, line 27, of the printed bill, as amended, strike out "credited", and insert in lieu thereof the following: "created".

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Swing and Garrison, on the adoption of the amendments offered by Senator Olson.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Deuel, Fletcher, Garrison, Hays, King, Knowland, McColl, Metzger, Olson, Schottky, Scollan, and Waggy—12.

NOES—Senators Bugar, Crittenden, Duval, Edwards, Hulse, Keough, McGuinness, Mixter, Parkman, Pierovich, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—20.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 707 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McGuinness, Metzger, Mixer, Parkman, Pierovich, Rich, Schotky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—Senator Scollan—1.

Title read and approved.

Assembly Bill No. 707 ordered transmitted to the Assembly.

Assembly Bill No. 1309—An act to regulate the location, construction, occupancy and operation of hat cleaning and blocking establishments, or agencies thereof, and private schools and colleges of hat cleaning and blocking; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement; and providing penalties for violations.

Amendment from the Floor.

During third reading of Assembly Bill No. 1309, the following amendment, offered by Senator Difani, was read and adopted:

Amendment No. 1.

On page 7, line 16, of the printed bill, as amended, strike out "The fee shall be retained by the board."

Bill read, ordered to reprint, and on file for third reading.

Re-reference of Senate Bill No. 331.

Senator Young moved that Senate Bill No. 331 be re-referred to Committee on Agriculture and Live Stock.

Motion carried, and such was the order.

Motion to Reconsider Assembly Bill No. 2445.

Pursuant to notice given on a previous day, Senator McGuinness moved to reconsider the vote whereby Assembly Bill No. 2445 was passed.

Postponement of Reconsideration.

On motion of Senator McGuinness, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2445 was passed, was postponed until the next legislative day.

Third Reading of Senate Bills.

Senate Bill No. 285—An act to amend sections 12, 13, and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to horse racing.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 285.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 10, 1935.

To the Honorable Members of the Senate

State of California, Sacramento, California.

GREETINGS! Senate Bill No. 285—An act to amend sections 12, 13, and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof," to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions, relating to horse racing.

In my opinion said Senate Bill No. 285 does not contain a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this Bill as such a measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 285 passed by the following vote:

AYES—Senators Riggall, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jaspersen, Keough, King, Knowlton, McCall, MacIntosh, Menninger, Mixer, Olson, Packman, Perry, Piorovich, Reed, Sameth, Seabury, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 285 ordered transmitted to the Assembly.

Approval of Journals.

The Senate Journals of Monday, June 3, 1935; Tuesday, June 4, 1935; Wednesday, June 5, 1935; Thursday, June 6, 1935; Friday, June 7, 1935; and Saturday, June 8, 1935, were, on motion of Senator Schottky, approved as corrected by the Journal Clerk and Minute Clerk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 923—An act to amend section 4 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the rate of tax—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—13; committee vote: Ayes—10; absent—3.

DUVAL, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, June 8, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 90—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 12, relating to

the Rector Canyon Dam Project—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—5.

SNYDER, Chairman.

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Assembly Bill No. 2465—An act to add section 1156 to the Agricultural Code, relating to the marketing of agricultural products—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—10; absent—5.

CRITTENDEN, Chairman.

Adjournment.

On motion of Senator Schottky, at eleven o'clock and forty-five minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock a.m., Tuesday, June 11, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Tuesday, June 11, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal.

During the reading of the Journal of Monday, June 10, 1935, the further reading was dispensed with, on motion of Senator Williams.

Leaves of Absence.

Senator King was, on motion of Senator Fletcher, granted leave of absence for this day.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Scollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. Pauline Olson, teacher, and the following pupils of Crocker School, Sacramento: Eva Chapen, Barbara Gomes, Bessie Westcott, Mabel Vernatchi, Lois Reynolds, Beth Lennon, George Bulfan, Masa Narahara, Marvin Silva, Ralph Crook, Sammy Kahn, Robert Akins, Robert West, Alexander Fahin, Harriette Taylor, Harriet Ann Womack, Patricia Sitts, Betty

Lance, Itsuji Ishida, Wallace Turpen, Mary Dee Womack, Eloise Aguirre, Marsha Iki, Melvin Kelly, Rolland Lewis, Robert Wheeler, Lorraine Kelly, Mary Alice Hamilton, Joyce Hancock, Helen Bakke, Mavis Kurtz, Harriet Wood, Geraldine Bowers, Mary Anne Searlett, Lauren Kennedy, and Ernest Busch.

Consideration of Daily File.

Second Reading of Senate Bills.

Senate Bill No. 923—An act to amend section 4 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the rate of tax.

Bill read second time, ordered to engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 2465—An act to add section 1156 to the Agricultural Code, relating to the marketing of agricultural products.

Bill read second time, and ordered on file for third reading.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, JUNE 11, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1130—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands.

Also: Senate Concurrent Resolution No. 44—Calling for the appointment by the Governor of a commission of ten, to investigate the advisability of commemorating the four-hundredth anniversary of the discovery of California, by causing the creation of an appropriate memorial to the memory of John Rodriguez Cabrillo and his compatriots;

And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 923—An act to amend section 4 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the rate of tax—and reports that the same has been correctly engrossed.

WILLIAMS, Vice Chairman.

Third Reading of Senate Bills.

Senate Bill No. 780—An act to amend the title and sections 2, 3, 4, 5, 6 and 7 of an act entitled "An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil illegally produced and of gasoline, distillate, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded in whole or in part, from crude petroleum oil or gas illegally produced; providing for certificates to be filed with the State Superintendent of Weights and Measures, Department of Agriculture, at the time of bringing into this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not

illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced, and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to be paid therefor, and prescribing penalties for violation of this act," approved June 5, 1933, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the State Department of Agriculture, by the State Board of Equalization.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 780:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, May 27, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 780—An act to amend the title and sections 2, 3, 4, 5, 6 and 7 of an act entitled "An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil illegally produced and of gasoline, distillate, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded in whole or in part, from crude petroleum oil or gas illegally produced; providing for certificates to be filed with the State Superintendent of Weights and Measures, Department of Agriculture, at the time of bringing into this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced, and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to be paid therefor, and prescribing penalties for violation of this act," approved June 5, 1933, and to provide for the succession to the duties, powers, and funds thereunder of the Division of Weights and Measures of the State Department of Agriculture, by the State Board of Equalization.

In my opinion said Senate Bill No. 780 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Sharkey moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McColl, McCormack, McGovern, Metzger, Mixter, Olson, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—25.

The Secretary announced the absentees.

Time, ten o'clock and forty minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, pursuant to a request by the Senate, returns for further consideration Senate Bill No. 1038—An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to condemnation.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 1038 ordered held at the desk under notice of reconsideration by Senator Difani.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 6th passed Senate Bill No. 556—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 556 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 50—An act making an appropriation to meet a deficiency in the appropriation for salaries of the Bureau of Tuberculosis of the Department of Public Health, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 50 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 704—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy;

Also: Senate Bill No. 705—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydro electrical power and to acquire equipment, including stand-by plants, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act;

Also: Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 154, authorizing irrigation districts, heretofore or hereafter organized, and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 704, 705, and 706 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 43—Providing a rule for the Legislative Counsel Bureau, relating to opinions upon pending legislative measures.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 43 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 522—An act to add a new section to the Probate Code of the State of California, to be known as section 1028, relating to the ratable, partial, and final distribution of estates of deceased persons.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 522 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 112—An act to amend sections 2, 13 and 17 of the Orange County Water District Act, approved June 14, 1933, relating to powers and duties of the board of directors, the establishment of an office therefor and declaring and limiting their powers as to the district budget and the levy of assessments;

Also: Senate Bill No. 797—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings;

Also: Senate Bill No. 1103—An act to add section 1083b to the Political Code, relating to petitions;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 112, 797, and 1103 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 1124—An act to amend sections 1193, 1217, 1228, 1239 and 1243 of the Penal Code, relating to persons convicted of the commission of crime—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 1124 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, pursuant to a request by the Senate, returns for further consideration Assembly Bill No. 1836—An act to amend section 622 of the Agricultural Code, relating to dairies and dairy products.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day receded from Assembly amendments to Senate Bill No. 626—An act to add a new section, to be numbered 715.5, to the Vehicle Code, relating to weights of vehicles on certain highways.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 626 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 437—An act to amend section 112 of and to add sections 112a to, the Code of Civil Procedure, relating to the jurisdiction of justices' courts—and requests that your honorable body rescind therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Message and request ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1189—An act to amend sections 81, 116, 116b, 274, 437a, 477, 594, 632, 639, 652, 655, 664, 667a, 668, 670, 675, 973, 1031, 1052, 1144 and 1145 of the Code of Civil Procedure, and to add section 35 thereto, relating to civil actions.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 754—An act to make an appropriation from unemployment relief money for construction work by firms under State control.

Also Assembly Bill No. 2489—An act to amend sections 105, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

Also Assembly Bill No. 1302—An act to amend sections 2, 3, 7, 12, 18 and 20 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, relating to pharmacy.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 754 read first time, and referred to Committee on Finance.

Assembly Bill No. 2489 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1302 read first time, and referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1561—An act to amend sections 3, 3a, 3b, 10, 13, 17, and 18 of an act entitled "An act defining mattresses; regulating the making, remaking and sale thereof, prohibiting the use of unsanitary and unhealthy materials therein, requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, and to add thereto a new section to be numbered section 21, all relating to the administration of said act by the Bureau of Furniture and Bedding Inspection and the powers and duties of the officers thereof.

Also Assembly Bill No. 1562—An act to amend sections 1, 2, 5, 6, 7, 8, 9 and 14 of an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling or repairing upholstered furniture; and creating the upholstered furniture inspection fund," approved May 9, 1927, relating to the administration thereof by the Bureau of Furniture and Bedding Inspection of the Department of Professional and Vocational Standards.

Also Assembly Bill No. 2368—An act to amend sections 5, 13, 65, 78, 83, 85, 86, 100, 101 and 109 of, and to add sections 28a, 65a, 65b, 65c, 65d, 83a, 85a, 100a and 100b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of

the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 1561 and 1562 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 2368 read first time, and referred to Committee on Motor Vehicles.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 54—Relative to leave of absence of Richard E. Collins, member of State Board of Equalization.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 54.

Senator Slater asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 54, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 54.

Relative to leave of absence of Richard E. Collins, member of the State Board of Equalization.

Resolved by the Assembly, the Senate concurring. That leave of absence from the State for a longer period than 60 days, to wit, a period not exceeding six months, during his term of office, is hereby granted to Richard E. Collins, member of the State Board of Equalization for the Third Equalization District.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 54 adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, McCormack, McGovern, Mixter, Olson, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Assembly Concurrent Resolution No. 54 ordered transmitted to the Assembly.

Re-reference of Senate Bill No. 447.

Senator Crittenden moved that Senate Bill No. 447 be re-referred to Committee on Public Utilities.

Motion carried, and such was the order.

Special Order.

Senator Duval moved that Senate Bill No. 1119 be made a special order for today at two o'clock and fifteen minutes p.m.

Motion carried and such was the order.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1085—An act to amend sections 25 and 32 of the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights.

Amendment from the Floor.

During third reading of Senate Bill No. 1085, the following amendment, offered by Senator Mixter, was read and adopted:

Amendment No. 1.

On page 3 of the printed bill, as amended, after line 17, insert the following:
"The State Water Commission shall, within thirty days prior to the regular session of the Legislature, submit to the Governor a full and true report of transactions under this law during the preceding biennium, including a complete statement of receipts and expenditures during the period."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts.

Amendments from the Floor.

During third reading of Senate Bill No. 984, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out all of line 10, and insert in lieu thereof the following: "dollars for each unit of average daily attendance during the".

Amendment No. 2.

On page 1, line 18, of the printed bill, as amended, strike out the following: "average daily".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Unfinished Business.**Consideration of Assembly Amendments.**

Senate Bill No. 318—An act to amend section 11 of the State Contract Act, relating to qualification of bidders.

The Senate took up for consideration Assembly amendments to Senate Bill No. 318.

Amendment No. 1.

On page 1, line 22, of the printed bill, strike out the comma, and insert in lieu thereof the word "and".

Amendment No. 2.

On page 1, line 21, of the printed bill, after "a", insert the following: "reasonable and".

Amendment No. 3.

On page 1 of the printed bill, strike out line 23, and in line 24, strike out the words "public works of the State", and insert in lieu thereof the following: "rience in performing work similar to that for which the bidder is to be prequalified."

Amendment No. 4.

On page 2, line 6, of the printed bill, strike out "two", and insert in lieu thereof the following: "five".

Amendment No. 5.

On page 2, line 7, of the printed bill, strike out "opening", and insert in lieu thereof the following: "publicly opening sealed".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 318?

The roll was called, and Assembly amendments to Senate Bill No. 318 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McColl, McCormack, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schortky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Senate Bill No. 318 ordered to enrollment.

Senate Bill No. 546—An act to amend sections 1104, 1108, 1143, 1144, 1146 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 546.

Amendment No. 1.

On page 1, lines 10 and 11, of the printed bill, as amended, strike out the following: "by the Department of Agriculture".

Amendment No. 2.

On page 2, lines 6 and 7, of the printed bill, as amended, strike out the following: "to the Department of Agriculture for payment".

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out all of lines 11 to 16, inclusive, and insert in lieu thereof the following:

"1147. The director and the county agricultural commissioners shall and the Department of Public Health, the other city, county and State officers may enforce the provisions of Articles 1 and 3 of this chapter; and the Department of Public Health shall enforce the provisions of Article 4 of this chapter. The Department of Agriculture and the Department of Public Health shall make and enforce all necessary rules and regulations in relation to those articles which each respectively must enforce."

Amendment No. 4.

On page 1, line 1 of the title of the printed bill, as amended, after "1108", strike out the comma and "1143, 1144, 1146".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 546?

The roll was called, and Assembly amendments to Senate Bill No. 546 concurred in by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Senate Bill No. 546 ordered to enrollment.

Senate Bill No. 766—An act to add section 495 of the Fish and Game Code, relating to the taking of fish.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 766.

Amendment No. 1.

On page 1, line 3, of the printed bill, following the word "unlawful", insert the following: "in district 4 $\frac{1}{2}$ ".

Amendment No. 2.

On page 1, line 4, of the printed bill, following the word "fish", insert a period, and strike out all of the balance of lines 4 and 5.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 766?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 766 by the following vote:

AYES—None.

NOES—Senators Biggar, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger,

Mixer, Olson, Perry, Pierovich, Powers, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—30.

Assembly requested to recede and bill ordered on unfinished business file.

Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to licenses.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 422.

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out the word "licenses", and insert in lieu thereof the following: "permits and reports".

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, strike out that portion of the line following the word "persons", and preceding the word "to".

Amendment No. 3.

On page 1, line 5, of the printed bill, as amended, strike out the word "license", and insert in lieu thereof the word "permit".

Amendment No. 4.

On page 1, line 7, of the printed bill, as amended, strike out the word "license", and insert in lieu thereof the word "permit".

Amendment No. 5.

On page 1, line 9, of the printed bill, as amended, strike out all that portion of the line following the word "of", and all of line 10, and insert in lieu thereof the following: "one dollar. Such permit shall be accounted for by the commission in the same manner as sporting fishing licenses."

Amendment No. 6.

On page 1 of the printed bill, as amended, between lines 10 and 11, insert the following:

"The holder of the permit provided for in this section must keep a true record in the English language of all fish taken by fishermen transported by him and must comply with such regulations as the commission is hereby authorized to prescribe."

Amendment No. 7.

On page 1, line 12, of the printed bill, as amended, strike out the words "license prescribed herein", and insert in lieu thereof the following: "permit prescribed herein or who fails to keep the records or to comply with the regulations prescribed".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 422?

The roll was called, and Assembly Amendments to Senate Bill No. 422 concurred in by the following vote:

AYES—Senators Biegar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Senate Bill No. 422 ordered to enrollment.

Senate Bill No. 347—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make

such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 1.01 relating to definitions, 12.07 relating to bonds of officers and employees, 13.16 relating to liquidation by the Building and Loan Commissioner, 13.17 relating to assessments for salaries and expenses, 6.06 relating to payments entitled to preference, 12.04 relating to foreign associations, 13.13 relating to the commissioner's powers upon taking possession and 13.15 relating to schedules of property; and adding to said act new sections to be numbered 8.09 relating to dividends, 12.04a relating to foreign building and loan associations and 14.09 relating to liability for acts done or omitted in conformity with any rule, regulation, approval, consent, order, direction or other act of the Building and Loan Commissioner.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 347.

Amendment No. 1.

On page 2 of the title of the printed bill, as amended in Senate May 15, 1935, at the end of line 6 thereof, strike out "8.09", and insert in lieu thereof "8.09a".

Amendment No. 2.

On page 6, line 19, of the printed bill, as amended in Senate May 15, 1935, strike out "investors or other persons", and insert in lieu thereof "and persons other than investors".

Amendment No. 3.

On page 5, line 44, of the printed bill, strike out the word "two", and insert in lieu thereof the word "six".

Amendment No. 4.

On page 3 of the printed bill, as amended, strike out line 15, and insert in lieu thereof the following: "investment certificates or any thereof, shall not be limited to".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 347?

The roll was called, and Assembly amendments to Senate Bill No. 347 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, Knowland, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Senate Bill No. 347 ordered to enrollment.

Motion to Reconsider Waived.

Senator Difani waived reconsideration on Senate Bill No. 1038.

Senate Bill No. 1038 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and twenty minutes a.m. further proceedings under the call of the Senate were dispensed with, on motion of Senator Sharkey.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 780 finally passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Hulse, Keough, McColl, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Rich, Seollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Williams—25.
NOES—Senators Biggar, Garrison, Gordon, Jespersen, Knowland, McCormack, McGovern, Olson, Perry, Schottky, and Slater—11.

Title read and approved.

Senate Bill No. 780 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 782—An act to repeal an act entitled "An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating the distribution or sale of such products, defining the powers and duties of the Division of Weights and Measures, Superintendent of Weights and Measures, Department of Agriculture and officers and employees thereof in relation thereto, prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent herewith and making an appropriation to carry out the provisions of this act," approved June 5, 1929.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 782 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Hays, Hulse, Keough, McCormack, McGuinness, Metzger, Mixer, Parkman, Pierovich, Rich, Seollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—24.
NOES—Senators Deuel, Garrison, Gordon, Jespersen, Knowland, McGovern, Olson, Perry, Schottky, and Slater—10.

Title read and approved.

Senate Bill No. 782 ordered transmitted to the Assembly.

Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds there-

under of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 781:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 27, 1935.

To the Honorable Members of the Senate.

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization.

In my opinion said Senate Bill No. 781 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 781 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Hays, Hulse, Keough, McColl, McGovern, Metzger, Mixter, Parkman, Pierovich, Rich, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Waggy, Williams, and Young—24.

NOES—Senators Deuel, Garrison, Gordon, Jespersen, Knowland, McCormack, McGuinness, Olson, Perry, Schotky, and Slater—11.

Title read and approved.

Senate Bill No. 781 ordered transmitted to the Assembly.

Motion to Withdraw from Committee.

Senator Olson moved that Senate Bill No. 1117 be withdrawn from Committee on Judiciary for purpose of passage.

The question being on the motion to withdraw.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Fletcher, Garrison, Jespersen, McColl, McGuinness, Metzger, Olson, Perry, Schotky, and Scollan—10.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Keough, Knowland, McCormack, McGovern, Mixter, Parkman, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—26.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Assembly Bill No. 1782 was passed.

The question being on the motion to reconsider.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, eleven o'clock and fifty-five minutes a.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Scollan.

The Secretary was directed to call the roll, on reconsideration of Assembly Bill No. 1782, of the Senators who had not answered to their names.

Reconsideration Granted.

The roll was called, and reconsideration finally granted by the following vote:

AYES—Senators Higger, Crittenden, Difani, Duval, Fletcher, McCall, McCormack, McGovern, Mixer, Olson, Parkman, Pierovich, Powers, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tackle, Wagy, and Young—23.

NOES—Senators Douel, Edwards, Garrison, Gordon, Hays, Jespersen, Perry, and Rich—8.

Re-reference of Assembly Bill No. 1782.

Senator Scollan moved that Assembly Bill No. 1782 be re-referred to Committee on Elections.

Motion carried, and such was the order.

Motion to Reconsider Waived.

Senator Garrison waived reconsideration on Assembly Bill No. 106. Assembly Bill No. 106 ordered transmitted to the Assembly.

Motion to Reconsider Waived.

Senator Jespersen waived reconsideration on Assembly Bill No. 1569. Assembly Bill No. 1569 ordered transmitted to the Assembly.

Motion to Reconsider Waived.

Senator Garrison waived reconsideration of his resolution to amend the Standing Rules.

Whereupon the President declared the provisions of Rule No. 51, of the Standing Rules of the Senate amended as provided for in the above-mentioned resolution.

Third Reading of Senate Bills—(Resumed).**Senate Concurrent Resolution No. 5.**

Providing for the appointment of a joint legislative committee to investigate and report upon the feasibility and practicability of the centralization of public ownership of public utilities in the State of California.

WHEREAS, The development and exploitation of the great natural resources in the State of California has been for the most part conducted by and under the control of privately owned public utilities; and

WHEREAS, This development and exploitation by such public utilities, at least in so far as it relates to power and water, has been the subject of constant and continuous comment and controversy, resulting in recent years of a trend towards public ownership by various types of local political subdivisions and districts; and

WHEREAS, Recent developments indicate that centralization of public ownership, conduct and control of the power and water public utilities in the State of California would be for the best interests and welfare of the people of the State in securing

for them the most economical development and exploitation, and the direct benefit of the profit to be derived therefrom as a means of producing a much needed revenue to meet the increasing costs of government; and

WHEREAS, Centralized public ownership has repeatedly demonstrated itself in other areas to be possible and practical and a highly desirable and satisfactory means of securing the most economical and beneficial development and exploitation of the power and water resources as demonstrated by such development and exploitation of the water and power of Niagara Falls by the Province of Ontario, Canada as contrasted with private development and exploitation of the same power and water in the United States;

WHEREAS, The Tennessee Valley Authority further demonstrates, by the Federal Government, favor of centralization of the conduct and control of publicly owned public utilities in supplying electrical energy to a vast area of the United States in the South and Midwest; and

WHEREAS, This trend toward and appreciation of the benefits of centralization has also been demonstrated in this State by the recent approval of the Central Valley Water Project by the voters of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That a committee of six members be created to consist of three members of the Senate to be appointed by the President of the Senate, and three members of the Assembly to be appointed by the Speaker of the Assembly, to thoroughly and exhaustively investigate the feasibility and practicability of centralizing in the State of California the ownership, conduct and control of all public utilities concerned with the development and exploitation of power and water and report thereon to the fifty-second session of the Legislature, including in its report such legislative bills, resolutions, and constitutional amendments as the committee may find appropriate to carry into effect its recommendations; and be it further

Resolved, That the Railroad Commission of California and the Board of Equalization and any and all other public agencies both State and local are hereby directed to cooperate with the committee in furnishing it all assistance and information necessary to carry out the purposes of this resolution; and be it further

Resolved, That the committee shall proceed to organize by the election of one of its members as chairman and by the selection of a secretary and such technical and professional assistants as the committee shall deem necessary and thereupon proceed with the investigation in such manner as it shall determine; and be it further

Resolved, That the committee is authorized to hold hearings at any and all places and to investigate all matters and things pertinent to the subject of this resolution; and be it further

Resolved, That the committee is hereby authorized and empowered to require the production of books, agreements, documents, records, accounts and papers of every kind; to issue subpoenas, to compel the attendance of witnesses and to procure testimony and so far as practicable to have material testimony reported so that the same may be available for use by the Legislature; each member of the committee is authorized to administer oaths and all of the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution and it shall be the duty of all officers and employees of the State or of any county, city, and county, or political subdivision of the State to furnish such reports, information and evidence upon request of the committee as may be pursuant to the purposes herein stated; and be it further

Resolved, That the sum of five thousand dollars, or so much thereof as may be necessary for the purpose of defraying the expenses of the committee and the cost of its investigation, is hereby made available and appropriated for the use of the committee, ten thousand dollars out of the contingent fund of the Senate and ten thousand dollars out of the contingent fund of the Assembly, and the State Controller is authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of the committee and the State Treasurer is hereby authorized and directed to pay the same; and be it further

Resolved, That this resolution shall not be effective in the event that Senate Bill No. 731 of the fifty-first session of the Legislature, being entitled "An act providing for an investigation of and report on the feasibility and desirability, from the standpoint of the public interest, of acquisition by the State of California of the existing facilities for the generation and distribution of electric power in California, whether now under private or public ownership, providing for a committee therefor, and the appointment of such committee, defining the powers, duties of such committee in respect thereto, and making an appropriation therefor," is enacted into law.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES. Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Jespersen, McCall, McCormack, McGovern, McGuinness, Metzger, Moyer, Olson, Parkman, Perry, Piorovich, Powers, Schotky, Seollan, Seawell, Slater, Snow, Swang, Tickle, and Young—27.

NOES. Senators Gordon, Hays, Keough, Knowland, Sharkey, Snyder, Wagy, and Williams—8.

Senate Concurrent Resolution No. 5 ordered transmitted to the Assembly.

Unfinished Business—(Resumed).

Consideration of Assembly Amendments.

Senate Bill No. 618. An act to amend subsection 1, section 1203, of the Penal Code, relating to probation and probation officers.

The Senate took up for consideration Assembly amendments to Senate Bill No. 618.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "subsection 1, section 1203, of," and insert in lieu thereof the following: "section 1203 of, and to add sections 1203.1 to 1203.12, inclusive to."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 1 and 2, and insert in lieu thereof the following:

SECTION 1. Section 1203 of the Penal Code is hereby amended to read as follows:

1203. After the conviction by plea or verdict of guilty of a public offense in cases where discretion is conferred on the court or any board or commission or other authority as to the extent of the punishment the court, upon application of the defendant or of the people or upon its own motion, may summarily deny probation, or at a time fixed may hear and determine in the presence of the defendant the matter of probation of the defendant and the conditions of such probation, if granted; if probation is not denied, the court must immediately refer the matter to the probation officer to investigate and to report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment; the probation officer must thereupon make an investigation of circumstances surrounding the crime and the prior record and history of the defendant and make a written report to the court of the facts found upon such investigation and must accompany said report with his written recommendations as to the granting or withholding of probation to the defendant and as to the conditions of probation if it shall be granted and the report and recommendations must be filed with the clerk of the court as a record in the case. At such time or times fixed by the court, the court must hear and determine such application and in connection therewith must consider any report of the probation officer, and must make a statement that it has considered such report which must be filed with the clerk of the court as a record in the case. And if it shall determine that there are circumstances in mitigation of punishment prescribed by law, or that the ends of justice would be subserved by granting probation to the defendant, the court shall have power in its discretion to place the defendant on probation as hereinafter provided; if probation is denied, the clerk of the court must forthwith send a copy of the report and recommendations to the Board of Prison Directors; further provided, however, that probation shall not be granted to any defendant who shall have been convicted of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, attempt to commit murder, grand theft, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, kidnapping, mayhem, escape from a State prison, conspiracy to commit any one or more of the aforementioned felonies, or any of the aforementioned felonies, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted inflicted great bodily injury or torture, nor to any defendant unless the court shall be satisfied that he has never in any place been previously convicted of a felony, nor to any public official or peace officer of the State, county, city, city and county, or other political subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe or embezzled public money or was guilty of extortion."

Amendment No. 3.

On page 1, line 3, of the printed bill, strike out "1. Courts Power Over Punishment.", and insert in lieu thereof the following:

"SEC. 2. Section 1203.1 is hereby added to the Penal Code, to read as follows: 1203.1."

Amendment No. 4.

On page 1, line 22, of the printed bill, strike out "subdivision twenty-nine of section 4041", and insert in lieu thereof the following: "section 4041.12".

Amendment No. 5.

On page 2, line 8, of the printed bill, strike out "Additional Punishment."

Amendment No. 6.

On page 2, line 13, of the printed bill, strike out the semicolon, and insert in lieu thereof a comma.

Amendment No. 7.

On page 2 of the printed bill, after line 37, insert the following:

"SEC. 3. Section 1203.2 is hereby added to the Penal Code to read as follows:

1203.2. At any time during the probationary period of the person released on probation in accordance with the provisions of these sections, any probation or peace officer may without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed on probation under the care of a probation officer, and bring him before the court, or the court may in its discretion issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interests of justice so require, and if the court in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating any of the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates or a vicious life. Upon such revocation and termination the court may, if the sentence has been suspended, pronounce judgment after said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence, less any credits herein provided for.

SEC. 4. Section 1203.3 is hereby added to the Penal Code to read as follows:

1203.3. The court shall have power at any time during the term of probation to revoke or modify its order of suspension of imposition or execution of sentence. It may at any time when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, but no such order shall be made without written notice first given by the court or the clerk thereof to the proper probation officer of the intention to revoke or modify its order, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall at the end of the term of probation or any extension thereof, be by the court discharged subject to the provisions of these sections.

SEC. 5. Section 1203.4 is hereby added to the Penal Code to read as follows:

1203.4. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation of said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusation or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

SEC. 6. Section 1203.5 is hereby added to the Penal Code to read as follows:

1203.5. The offices of adult probation officer, assistant adult probation officer, and deputy adult probation officer are hereby created; provided, that except as hereinafter specified the probation officers, assistant probation officers and deputy probation officers appointed under an act known as the Juvenile Court Law and entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the

commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons; and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913 and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, or under any laws amending or superseding the same shall be ex officio adult probation officers, assistant adult probation officers and deputy adult probation officers respectively except in the case of offenses committed in any city and county and in any county or counties not operating under a franchisers' charter and having a population of more than three hundred thousand and under five hundred thousand and also in any county or counties having a population of more than one hundred thousand and under one hundred ten thousand, as the same is determined by the Federal census taken in the year anno Domini 1920, in which counties and cities and counties the adult probation officers, assistant and deputy adult probation officers appointed under section 1203.7 shall serve under those sections; provided, however, that in all cases of offenses defined by section 21 of said act, known as the Juvenile Court Law and by section 270 of the Penal Code, the same probation officers, assistants and deputies shall serve under those sections as are appointed under said Juvenile Court Law.

SEC. 7. Section 1203.6 is hereby added to the Penal Code to read as follows: 1203.6. In any county having a population of more than nine hundred thousand in any city and county, and in any such county or counties having a population of more than three hundred thousand and under five hundred thousand and also in any county or counties having a population of more than one hundred thousand and under one hundred ten thousand the judges presiding in the departments designated for the hearing and disposition of criminal cases and proceedings by a majority vote shall by order entered in the minutes of the court in the criminal department or departments thereof, appoint seven officers of good moral character to be known as the adult probation board and shall fill all vacancies occurring in such board. The clerk of said court shall immediately notify each person appointed on said board and thereupon said persons shall appear before a judge of the superior court and qualify by taking an oath, which shall be entered in said record, to perform faithfully the duties of such adult probation board.

The members of such adult probation board shall hold office for four years and until their successors are appointed and qualified; provided, that of those first appointed, one shall hold office for one year, two for two years, two for three years and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any adult probation board by expiration of the term of office of any member thereof, the successor shall be appointed to hold office for the term of four years. When any vacancy occurs for any other reason the appointee shall hold office for the unexpired term of his predecessor. Any member of the probation board may be removed for cause at any time by an affirmative vote of four members of said board at a meeting called for the special purpose of considering the question of said removal and the subsequent written approval of a majority of said judges designated for the hearing and disposition of criminal cases and proceedings, said written approval to be filed with the clerk of the court within thirty days after the written report of the said board has been received by said judges. Written notice as to said special meeting shall be served on each of the members of said board at least ten days prior to the date thereof and shall specify the purpose thereof. The member sought to be removed shall be informed in writing of the charges against him and be given an opportunity to be heard.

It shall be the duty of the members of such adult probation board to work in cooperation with the adult probation officer to meet at stated times, to familiarize themselves with the charges against the probationers under the charge of the adult probation officer and the conditions of such probation, to exercise a friendly supervision of probationers when so directed by the court, to furnish the court and the adult probation officer information, and to render special assistance when requested by the court, and from time to time to advise and recommend to the court any changes or modification of the order made in the case of a probationer, as may be for the best interests of such person. Members of the adult probation board shall serve without compensation.

SEC. 8. Section 1203.7 is hereby added to the Penal Code to read as follows:

1203.7. In any county having a population of more than nine hundred thousand there shall be one adult probation officer and eight assistant adult probation officers who shall receive salaries as follows: One adult probation officer three hundred dollars per month; one assistant adult probation officer two hundred twenty-five dollars per month; and seven assistant adult probation officers each one hundred

seventy-five dollars per month. In any city and county there shall be one adult probation officer and nine assistant adult probation officers who shall receive salaries as follows: The adult probation officer three hundred fifty dollars per month; one assistant adult probation officer two hundred seventy-five dollars per month; seven assistant adult probation officers each two hundred ten dollars per month; and one assistant adult probation officer who shall act as cashier and clerk, one hundred ninety dollars per month.

In any county or counties of more than three hundred thousand and under five hundred thousand, there shall be one adult probation officer, one assistant adult probation officer and two deputy probation officers who shall receive salaries as follows: The adult probation officer two hundred fifty dollars per month; one assistant probation officer two hundred dollars per month; one deputy adult probation officer one hundred seventy-five dollars per month and one deputy adult probation officer fifty dollars per month. One deputy adult probation officer in such county shall be a woman and shall be a competent stenographer and typist of sufficient ability to perform the clerical and stenographic work of the office in addition to her other duties.

In any county or counties of more than one hundred thousand and under one hundred ten thousand, there shall be one adult probation officer and one deputy adult probation officer who shall receive salaries as follows: The adult probation officer two hundred dollars per month and one deputy adult probation officer one hundred twenty-five dollars per month; provided, however, that if in the judgment of the majority of the judges regularly sitting in or assigned to the criminal department or department of superior court in any county or city and county herein mentioned, the services of any assistant adult probation officer or deputy adult probation officer are not required, such assistant or deputy shall not be appointed until the efficiency of the probation system and number of probationers in such county or city and county require such appointment.

The salaries of the adult probation officer, assistant and deputies herein provided shall be paid out of the treasury of the county or city and county in which they are appointed in the same manner as the salaries of other county or city and county officers. The adult probation officer, assistant deputies and members of the adult probation board shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any law of the State of California as may be authorized by a judge designated for the hearing and disposition of criminal cases and proceedings, or by the judge of a department to which criminal actions and proceedings are assigned, and the same shall be a charge upon the county or city and county and said expenses shall be paid out of the county or city and county treasury upon the written order of said judge, directing the county auditor to deliver his warrant upon the treasurer for the specified amount of such expenses and the adult probation officer shall keep a list of expenses and file a copy monthly with the board of supervisors.

SEC. 9. Section 1203.8 is hereby added to the Penal Code to read as follows:

1203.8. In counties and cities and counties herein mentioned the adult probation officer, assistants and deputies herein provided shall be nominated by the adult probation board and shall be appointed by a majority vote of the judges presiding in the departments designated for the hearing and disposition of criminal cases. The term of office of the adult probation officer, assistants and deputies herein provided for shall be two years from the date of their appointment. The said officers may at any time be suspended or removed by an order of a majority of the judges presiding in the department designated for the hearing and disposition of criminal cases and proceedings for good cause shown and on the filing of written charges by the said judge or judges by a written resolution of the adult probation board or by the chief probation officer. Upon filing such charges, said judge or judges shall make an order setting the same for hearing at a specified time and place not less than ten days nor more than twenty days after filing such charges. Notice shall be served upon the person against whom such charges are made at least five days before such hearing together with a copy of such charges.

Each adult probation officer, assistant and deputy shall give a bond in the sum of not more than two thousand dollars and approved by the judges of the superior court presiding in the departments designated for the hearing and disposition of criminal cases, conditioned for the faithful discharge of the duties of said office. If said bonds are furnished by a surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

The adult probation officer may appoint as many additional deputies as he may desire; provided, however, that such deputy shall not have authority to act until their appointment shall be approved by a majority vote of the adult probation board and by a majority vote of the judges presiding in departments designated for the hearing and disposition of criminal cases. The term of office of such deputies shall expire with the term of the adult probation officer making such appointment, but the adult probation officer may at any time in his discretion revoke and terminate

such appointment. Such deputies, except as herein provided, shall serve without compensation.

Boards of supervisors of counties and cities and counties herein mentioned shall provide and maintain at the expense of such county or city and county in a location in the vicinity of the county jail, suitable offices and quarters for the adult probation officer. Nothing contained in this subdivision shall apply to offenses defined by section 21 of the said Juvenile Court Law.

SEC. 10. Section 1203.9 is hereby added to the Penal Code to read as follows:

1203.9. Whenever any person is released upon probation under the provisions of these sections, the case may be transferred to any court of the same rank in any other county, or city and county, of this State in which such person resides, or to which such person may remove, and such court shall thereupon commit such person to the care and custody of the probation officer of the county or city and county, to which such person has been transferred; such court shall thereafter have entire jurisdiction over such cases, with like power to make transfer whenever to such court such transfer may seem proper.

SEC. 11. Section 1203.10 is hereby added to the Penal Code to read as follows:

1203.10. At the time of the plea or verdict of guilty of any person over eighteen years of age, the probation officer of the county of the jurisdiction of said criminal shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offenses of such person, and must report the same to the court and file his report in writing in the records of such court. When directed, his report shall contain his recommendation for or against the release for such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer shall keep a complete and accurate record in suitable books or other forms in writing of the history of the case in court, and of the name of the probation officer, and his act in connection with said case; also the age, sex, nativity, race, education, habit of temperance, whether married or single, and the conduct, employment and occupation, and parents' occupation, and condition of such person committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other heads of the police, unless otherwise ordered by the court. Said books or records shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

SEC. 12. Section 1203.11 is hereby added to the Penal Code to read as follows:

1203.11. Every probation officer, within fifteen days after the thirtieth day of June, and within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document with the county clerk a report to the superior court of the county or city and county in which such probation officer is appointed to serve, and shall furnish a copy of such report to each judge in said county or city and county who has released any person on probation, who at the time of such report remains on probation, and a further copy to the secretary of the State Department of Public Welfare. Such report shall state, without giving names, the exact number of persons, segregating male and female, and segregating misdemeanors and felones, who have been released on probation to such probation officer as such number exists, deducting all cases of expiration, discharge, dismissal, and restoration of rights, on said thirtieth day of June, and said thirty-first day of December, and such report shall further segregate such person as having been released on probation, as the case may be, in 1903, 1904, 1905, and so on, up to and including the calendar year in which such report is made and filed.

SEC. 13. Section 1203.12 is hereby added to the Penal Code to read as follows:

1203.12. The probation officer shall furnish to each person who has been released on probation, and committed to his care, a written statement of the terms and conditions of his probation unless such a statement has been furnished by the court, and shall report to the court, judge or justice, releasing such person on probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 618?

The roll was called, and Assembly amendments to Senate Bill No. 618 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, Knowland, McColl, McGuinness, Metzger, Mixter,

Parkman, Perry, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—30.
 NAYS—None.

Senate Bill No. 618 ordered to enrollment.

Senate Bill No. 609—An act to amend section 669 of the Penal Code, relating to terms of imprisonment.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 609.

Amendment No. 1.

On page 1, line 6, of the printed bill, before the word "judgment", insert the following: "second or other subsequent".

Amendment No. 2.

On page 1, line 14, of the printed bill, after the period, insert the following: "In the event that the court at the time of pronouncing the second or other judgment upon such person had no knowledge of a prior existing judgment or judgments, then, upon such prior judgment or judgments being brought to the attention of the court at any time prior to the expiration of sixty days from and after the actual commencement of imprisonment upon the said second or other subsequent judgment, the court shall determine how the term of imprisonment upon said second or other subsequent judgment shall run with reference to the prior incomplete term or terms of imprisonment. The State Board of Prison Directors shall advise the court pronouncing the second or other subsequent judgment of the existence of all prior judgments against the defendant, the terms of imprisonment upon which have not been completely served."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 609?

The roll was called, and Assembly amendments to Senate Bill No. 609 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, Knowland, McColl, McCormack, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—34.
 NAYS—None.

Senate Bill No. 609 ordered to enrollment.

Recess.

On motion of Senator Rich, at twelve o'clock and twenty-five minutes p.m., the President of the Senate declared recess until two o'clock p.m.

Reconvened.

At two o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 11—Relative to the disposition of revenues received from the lease of marginal lands in the Tule Lake Division of the Klamath Project:

Also: Senate Concurrent Resolution No. 41—Relative to the report of the Spanish War Commemoration Commission;

Also: Senate Bill No. 719—An act to amend the Vehicle Code by amending sections 142, 147, 150, 151, 159, 160, 161, 165, 184, 186, 205, 206, 207, 211, 215, 239, 252, 375, 376, 378, 382, and 383: by adding section 234, relating to vehicles;

Also Senate Bill No. 419—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to levy an excise tax on the sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale of alcoholic beverages; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act; to take effect immediately;

And reports that the same have been correctly compiled and presented to the Governor on the eleventh day of June, 1935, at twelve o'clock and fifteen minutes p.m.

METZGER, Chairman.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 2292—An act to amend sections 18 and 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State.

Amendment from the Floor.

During third reading of Assembly Bill No. 2292, the following amendment, offered by Senator McGovern, was read:

Amendment No. 1.

On page 3 of the printed bill, as amended, strike out lines 1, 2 and 3 of subdivision (j).

Ayes and Noes Demanded.

A roll call was demanded by Senators Schottky, Young and McColl, on the adoption of the amendment offered by Senator McGovern.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Crittenden, Donel, Edwards, Fletcher, Gordon, Hulse, Keough, McColl, McCormack, McGovern, Perry, Piersbach, Scollan, Seawell, Slater, Stow, Williams, and Young—19.

NOES—Senators Jespersen, Metzger, Mixer, Rich, Schottky, Snyder, and Tickle—7.

Further Amendment from the Floor.

During third reading of Assembly Bill No. 2292, the following amendment, offered by Senator Metzger, was read:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 48 and 49, inclusive.

Ayes and Noes Demanded.

A roll call was demanded by Senators Biggar, McGovern and McColl, on the adoption of the amendment offered by Senator Metzger.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Metzger, and Schottky—2.

NOES—Senators Biggar, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGinness, Mixer, Olson, Parkman, Perry, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Wagy, Williams, and Young—31.

Further Amendments from the Floor.

During third reading of Assembly Bill No. 2292, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 3, line 1, of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "subsection".

Amendment No. 2.

On page 3 of the printed bill, as amended, immediately following line 24, insert the following:

"Sec. 3. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 405—An act to add a new section to the Civil Code to be numbered 2934a, relating to substitution of trustees in trust deeds.

Amendments from the Floor.

During third reading of Assembly Bill No. 405, the following amendments, offered by Senator Fletcher, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, at the beginning of line 7, insert the following: "2934a."

Amendment No. 2.

On page 1 of the printed bill, commencing in line 14, strike out the following: "The said beneficiary or beneficiaries who elect to substitute trustee or trustees must give notice to the trustor or his successor in interest, by mailing a copy of the substitution hereinafter mentioned, to the last known address of the trustor or his successor in interest, by registered United States mail."; and insert in lieu thereof the following:

"The beneficiary or beneficiaries who elect to substitute trustees hereunder shall cause a copy of such substitution to be mailed, prior to the recording thereof, in the manner provided in section 2924b of this Code, to all persons to whom a copy of the notice of default would be required to be mailed by the provisions of section 2924b of this Code."

Amendment No. 3.

On page 2 of the printed bill, commencing in line 4, strike out the following: "as hereinabove required, has been given to the trustor or his successor in interest.", and insert in lieu thereof the following: "has been given to the persons and in the manner above required."

Bill read, ordered to reprint, and on file for third reading.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly Bill No. 2136, heretofore set as a special order for two o'clock and thirty minutes p.m., the same was taken up for consideration.

Assembly Bill No. 2136—An act relating to the relief of debtors and guarantors; permitting postponement of sales conferred by mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; repealing Chapter 1, Statutes of the Extra Session of 1934, and Chapter 7 of the Statutes of 1935; declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 30. This act shall be known and may be cited as the "Mortgage and Trust Deed Moratorium of 1935."

SEC. 31. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore take effect immediately.

The facts constituting the necessity are the dangers to the State and to the people involved in the unusually large number of foreclosures, sales, forfeitures and terminations which will result in the near future under mortgages, deeds of trust, and contracts of purchase of real property, or upon chattels attached to real property, because of defaults in payment by the owners or purchasers of such property. Such defaults are the result of exceptionally depressed conditions in this State, which have deprived a large proportion of the inhabitants and land purchasers of sufficient income to meet their obligations. The dangers in the situation are such as to threaten the maintenance of law and order, and to lead to the pauperization of many persons who have hitherto constituted an important part of the self-supporting and economically independent people of this State. This act will provide a means for delaying such sales, foreclosures, terminations and forfeitures so as to permit land-owners and land purchasers to find means of meeting their obligations, and at the same time will protect the interests of creditors. The dangers mentioned will thus be avoided.

Urgency clause read

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seidlman, Seawall, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—37.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2136 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seidlman, Seawall, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2136 ordered transmitted to the Assembly.

Third Reading of Senate Bills.

Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor.

Bill read third time.

Amendments from the Floor.

During third reading of Senate Bill No. 1063, the following amendments, offered by Senator Olson, were read:

Amendment No. 1.

On page 1, line 18, of the printed bill, as amended, strike out the comma and the words "and from each district", and strike out all of lines 19 and 20, and insert in lieu thereof a period.

Amendment No. 2.

On page 2, line 13, of the printed bill, as amended, strike out the words "and one delegate from each district", and strike out all of line 14, and, in line 15, the words "may be".

Amendment No. 3.

On page 2, line 20, of the printed bill, as amended, strike out the comma and the words "and one delegate from each district", and strike out all of line 21, and insert in lieu thereof a period.

Amendment No. 4.

On page 2, line 25, of the printed bill, as amended, strike out the words "or Senatorial".

Amendment No. 5.

On page 2, line 27, of the printed bill, as amended, strike out the words "or 'State Senator'".

Amendment No. 6.

On page 2, line 29, of the printed bill, as amended, strike out the words "or Senate".

Amendment No. 7.

On page 2, line 35, of the printed bill, as amended, strike out all of said line after the words "They shall".

Motion to Table.

Senator Hulse moved that the amendments offered by Senator Olson be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Hulse, Olson and Difani, on the adoption of the motion to table the amendments offered by Senator Olson.

The roll was called, and the motion to table carried by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McCormack, Metzger, Mixter, Parkman, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—30.

NOES—Senators Jespersen, McColl, McGovern, McGuinness, Olson, and Schottky—6.

Motion to Table.

Senator Olson moved that Senate Bill No. 1063 be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Garrison and Jespersen, on the adoption of the motion to table Senate Bill No. 1063.

The roll was called, and the motion to table refused adoption by the following vote:

AYES—Senators Garrison, McColl, McGovern, Olson, Perry, and Scollan—6.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Parkman, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—30.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1063:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 8, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 1063—An act to provide for the revision of the Constitution of this State, including the election of delegates to the convention, the proceedings, powers, duties, and matters incidental to the convention, the submission of the revised Constitution to the people and matters incidental thereto, and making an appropriation therefor.

In my opinion said Senate Bill No. 1063 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1063 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Dufani, Duval, Edwards, Fletcher, Hays, Hulse, Keough, Knowland, McCormack, McGuinness, Metzger, Mather, Olson, Parkman, Pierovich, Rich, Schottky, Seawell, Sharkey, Snyder, Stow, Swang, Tackie, Wagy, Williams, and Young—29.

NOES—Senators Garrison, Gordon, Jepsen, McGill, McGovern, Perry, Powers, Scollan, and Slater—9.

Title read and approved.

Notice of Motion to Reconsider.

Senator Olson gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1063 was passed.

President Pro Tempore in the Chair.

At three o'clock and fifty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2264—An act to amend section 658 of the Fish and Game Code, relating to salmon.

Amendment from the Floor.

During third reading of Assembly Bill No. 2264, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out lines 4 to 7, inclusive, and insert in lieu thereof the following: "hook and line between May 1 and August 30. There is no bag limit. Between Septem—".

Bill read, ordered to reprint, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Civil Service.

SENATE CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Senate Bill No. 1132—An act relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—5; committee vote: Ayes—5.

(Signed out)

KEOUGH, Chairman.
GORDON.
JEPSEN.
MCGILL.
WAGY.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 2013—An act to add section 379.5 to the Vehicle Code, relating to seizure and sale of vehicles—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—17; committee vote: Ayes—12; absent—5.

FLETCHER, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 754—An act to make an appropriation from unemployment relief money

for construction work by fairs under State control—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—12; absent—7.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 794—An act to amend sections 5.802, 5.804, 5.890, 5.891, 5.894, 5.900, 5.901, 5.904, 5.910, 5.911, 5.962, 5.970, 5.980, 5.990, 5.993, 5.1003, 5.1004, 5.1009, 5.1023, 5.1030, 5.1031, 5.1032, 5.1040, 5.1041, 5.1047, 5.1048, 5.1060, 5.1061, 5.1062, 5.1080 and 5.1083 of the School Code; to amend the titles of Chapter III, of Articles IV, V and VII of Chapter III, of Chapter VI, of Articles II, III and V of Chapter VI, all of Part IV of Division V of said code; to repeal sections 5.1042 to 5.1046, both inclusive, of said code and to repeal Article IV of Chapter VI of Part IV of Division V of said code; to add eight new sections to said code to be numbered 5.886, 5.971, 5.972, 5.981, 5.986, 5.1004, 5.1010 and 5.1011 and to add Chapter III of Part IV of Division V of said code a new article to be known as Article VIII; to add to Chapter V of Part IV of Division V of said code a new article to be known as Article V; and to add to Chapter VI of Part IV of Division V of said code a new article to be known as Article IV, all relating to the payment of retirement salaries and retirement annuities to persons serving the State, counties and school districts in positions having to do with teaching or other employment in, and/or the superintending, administration and supervision of colleges, schools, and classes maintained by the State and/or the school districts thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—12; absent—7.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1131—An act to make an appropriation for emergency reclamation and flood control work on the San Joaquin River, declaring the urgency thereof and providing that this act shall take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—12; absent—7.

SHARKEY, Chairman.

On Military Affairs.

SENATE CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Bill No. 1744—An act to add sections 644.1 and 644.2 to the Military and Veterans Code—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—8; absent—3.

McGUINNESS, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 2461—An act to amend section 71 of the Penal Code, relating to contracts, sales and purchases by public officers—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—14; committee vote: Ayes—8; noes—1; absent—5.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Bill No. 360—An act to amend section 10 of an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, relating to length of residence—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—14; committee vote: Ayes—8; noes—1; absent—5.

SWING, Chairman.

Consideration of Assembly Bill No. 754.**Resolution.**

The following resolution was offered:

By Senator Swing:

Resolved, That Assembly Bill No. 754 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days to each house is hereby dispensed with, and it is ordered that said bill be read the second time this day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deard, DeFane, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulise, Jaspersen, Keough, McCall, McCreary, McGovern, McGinniss, Myxter, Perry, Powers, Rich, Schottky, Seider, Seefeld, Sharkey, Slater, Snyder, Stow, Swing, Tuckie, Wagy, Williams and Young—33.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provision of section 15, Article IV of the Constitution requiring bills to be read on three several days suspended, and ordered Assembly Bill No. 754 read the second time.

Second Reading of Assembly Bill No. 754.

Assembly Bill No. 754—An act to make an appropriation from unemployment relief money for construction work by farms under State control.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 754 were read and adopted:

Amendment No. 1.

On page 1, line 7, of the printed bill after the word "associations", insert the following: "including the association defined in section 94 of the Agricultural Code".

Amendment No. 2.

On page 2 of the printed bill, between lines 12 and 13, insert the following:

"The sum last above mentioned shall be expended for construction of buildings and appurtenances of the association mentioned in section 94 of the Agricultural Code."

Amendment No. 3.

On page 2 of the printed bill, following line 46, add the following:

"Sec. 3. For the purposes of this act, the association defined in section 94 of the Agricultural Code shall be deemed a district agricultural association and shall be entitled as such to participate under the provisions of this act."

Bill read second time, ordered to reprint, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 794—An act to amend sections 5.802, 5.804, 5.890, 5.891, 5.894, 5.900, 5.901, 5.904, 5.910, 5.911, 5.921, 5.962, 5.970, 5.980, 5.990, 5.993, 5.1003, 5.1004, 5.1004, 5.1009, 5.1023, 5.1030, 5.1031, 5.1032, 5.1040, 5.1041, 5.1047, 5.1048, 5.1060, 5.1061, 5.1062, 5.1080 and 5.1083 of the School Code; to amend the titles of Chapter III, of Articles IV, V and VII of Chapter III, of Chapter VI, of Articles II, III and V of Chapter VI, all of Part IV of Division V of said code; to repeal sections 5.1042 to 5.1046, both inclusive, of said code and to repeal Article IV of Chapter VI of Part IV of Division V of said code; to add eight new sections to said code to be numbered 5.886, 5.971, 5.972, 5.981, 5.986, 5.1004½, 5.1010 and 5.1011 and to add Chapter III of Part IV of

Division V of said code a new article to be known as Article VIII; to add to Chapter V of Part IV of Division V of said code a new article to be known as Article V; and to add to Chapter VI of Part IV of Division V of said code a new article to be known as Article IV, all relating to the payment of retirement salaries and retirement annuities to persons serving the State, counties and school districts in positions having to do with teaching or other employment in, and or the superintending, administration and supervision of colleges, schools, and classes maintained by the State and or the school districts thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 794 were read and adopted:

Amendment No. 1.

On page 1, line 3 of the title of the printed bill, as amended, strike out the following: "5.1003, 5.1004,".

Amendment No. 2.

On page 4, line 20, of the printed bill, as amended, strike out the following: "Sec. 2a", and insert in lieu thereof the following: "Sec. 3".

Amendment No. 3.

On page 4, line 33, of the printed bill, as amended, strike out the following: "Sec. 2b", and insert in lieu thereof the following: "Sec. 4".

Amendment No. 4.

On page 4, line 45, of the printed bill, as amended, strike out the following: "Sec. 3", and insert in lieu thereof the following: "Sec. 5".

Amendment No. 5.

On page 5, line 3, of the printed bill, as amended, strike out the following: "Sec. 4", and insert in lieu thereof the following: "Sec. 6".

Amendment No. 6.

On page 5, line 10, of the printed bill, as amended, strike out the following: "Sec. 5", and insert in lieu thereof the following: "Sec. 7".

Amendment No. 7.

On page 5, line 23, of the printed bill, as amended, strike out the following: "Sec. 6", and insert in lieu thereof the following: "Sec. 8".

Amendment No. 8.

On page 5 of the printed bill, as amended, strike out lines 30 to 52, inclusive.

Amendment No. 9.

On page 6 of the printed bill, as amended, strike out lines 1 to 6, inclusive.

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 360—An act to amend section 10 of an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, relating to length of residence.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Unemployment, the following amendments to Assembly Bill No. 360 were read and adopted:

Amendment No. 1.

On page 2, line 15, of the printed bill, strike out "one year", and insert in lieu thereof the following: "three years".

Amendment No. 2.

On page 2, line 17, of the printed bill, strike out "year's residence within three", and insert in lieu thereof the following: "three years' residence within six".

Amendment No. 3.

On page 2, line 19, of the printed bill, strike out "three", and insert in lieu thereof the following: "six".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2013—An act to add section 379.5 to the Vehicle Code, relating to seizure and sale of vehicles.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Motor Vehicles, the following amendments to Assembly Bill No. 2013 were read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, after the word "of", strike out the balance of the line, and insert in lieu thereof the following: "Stolen or Abandoned Vehicles."

Amendment No. 2.

On page 1 of the printed bill, strike out all of line 4.

Amendment No. 3.

On page 1, line 20, of the printed bill, after the word "is", strike out the balance of the line, and strike out all of line 21, and insert in lieu thereof the following: "not the legal or registered owner of such vehicle or motor or is unable to show that he is entitled to the possession thereof."

Amendment No. 4.

On page 1 of the printed bill, strike out all of lines 22 to 25, inclusive, and insert in lieu thereof the following: "Any vehicle or motor so seized may be held until the person in possession thereof is able to show, to the satisfaction of the department, the reason for the alteration, removal, change or falsification of the motor, serial or other identification number or verifies the ownership of the vehicle or motor or his right to the possession thereof."

Amendment No. 5.

On page 2, line 1, of the printed bill, after the word "vehicle", insert the following: "or motor".

Amendment No. 6.

On page 2, line 6, of the printed bill, after the word "person", strike out the period, and insert the following: "and the department shall relinquish such vehicle or motor upon demand of the legal or registered owner or person entitled to the possession thereof."

Amendment No. 7.

On page 2, line 7, of the printed bill, after the word "vehicle", insert the following: "or motor".

Amendment No. 8.

On page 2, line 33, of the printed bill, after the word "vehicle", insert the following: "or motor".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2461—An act to amend section 71 of the Penal Code, relating to contracts, sales and purchases by public officers.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1744—An act to add sections 644.1 and 644.2 to the Military and Veterans Code.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Military Affairs, the following amendments to Assembly Bill No. 1744 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "sections 644.1 and 644.2", and insert in lieu thereof the following: "section 644.5".

Amendment No. 2.

On page 1, line 3 of the title of the printed bill, as amended, strike out the period at the end of said line, and insert the following: ", relating to military decorations."

Amendment No. 3.

On page 1, line 2, of the printed bill, as amended, strike out "644.1", and insert in lieu thereof the following: "644.5".

Amendment No. 4.

On page 1 of the printed bill, as amended, strike out lines 4 to 16, inclusive.

Amendment No. 5.

On page 1, line 17, of the printed bill, as amended, strike out "644.2", and insert in lieu thereof the following: "644.5".

Amendment No. 6.

On page 1, line 20, of the printed bill, as amended, after "State", and before the period, insert the following: "as shown by the records of the War Department".

Amendment No. 7.

On page 1, lines 21 and 22, of the printed bill, as amended, strike out "Veterans' Welfare Department", and insert in lieu thereof the following: "Adjutant General".

Amendment No. 8.

On page 2, line 3, of the printed bill, as amended, strike out "one", and insert in lieu thereof the following: "two".

Bill read second time, ordered to reprint, and on file for third reading.

Second Reading of Senate Bills.

Senate Bill No. 1132—An act relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Senate Bill No. 1131—An act to make an appropriation for emergency reclamation and flood control work on the San Joaquin River, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered to engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1870—An act to amend an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair discriminations, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause.

Sec. 15. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows:

The sale at less than cost of goods obtained at forced, bankrupted, close out, and other sales outside of the ordinary channels of trade is destroying healthy competition and thereby forestalling recovery. If such practices are not immediately

stopped many more businesses will be forced into bankruptcy, thus increasing the prevailing condition of depression. In order to prevent such occurrences it is necessary that this act go into effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jørgensen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—23.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1870 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difani, Edwards, Garrison, Hays, Hulse, Jørgensen, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1870 ordered transmitted to the Assembly.

Assembly Bill No. 1309—An act to regulate the location, construction, occupancy and operation of hat cleaning and blocking establishments, or agencies thereof, and private schools and colleges of hat cleaning and blocking; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement; and providing penalties for violations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1309 passed by the following vote:

AYES—Senators Bigger, Crittenden, Difani, Edwards, Fletcher, Garrison, Jørgensen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Schottky, Scollan, Slater, Snyder, Stow, and Young—23.

NOES—Senators Deuel, Hays, Olson, Powers, Tickle, and Wagy—6.

Title read and approved.

Assembly Bill No. 1309 ordered transmitted to the Assembly.

Assembly Bill No. 819—An act to amend sections 2167, 2167a, 2169, 2172 and 2175 of, to repeal sections 2168, 2170, 2171 and 2185e of, and to add new sections numbered 2168, 2168.1, 2168.2, 2168.3, 2168.4, 2168.5, 2168.6, 2168.7, 2168.8, 2171, 2185.1, 2185.2, 2185.3, 2185.4, 2185.5, 2185.6 and 2185.7 to the Political Code, relating to persons mentally disordered or otherwise incompetent.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 819 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Gordon, Hays, Keough, Knowland, McGovern, McGuinness, Mixter, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—21.

NOES—Senators Biggar, Jespersen, McColl, McCormack, Olson, Perry, and Scollan—7.

Title read and approved.

Assembly Bill No. 819 ordered transmitted to the Assembly.

Assembly Bill No. 1639—An act to amend sections 2.203 and 2.204 of the School Code and to add a new section thereto to be numbered 2.134, all relating to the formation of elementary school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1639 passed by the following vote:

AYES—Senators Crittenden, Duval, Edwards, Fletcher, Gordon, Jespersen, McColl, McGovern, McGuinness, Olson, Parkman, Perry, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—22.

NOES—Senators Deuel, Hays, Mixter, Rich, and Williams—5.

Title read and approved.

Assembly Bill No. 1639 ordered transmitted to the Assembly.

Assembly Bill No. 767—An act to amend sections 2, 2½, 3, 4, 10, 13, 14, 15, 18½ and 21, to add section 24, and to repeal sections 5 and 9 of the Old Age Security Act of the State of California, relating to aid to the aged.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 767, the following amendment, offered by Senator Olson, was read and adopted:

Amendment No. 1.

On page 3, lines 14 and 15, of the printed bill, as amended, strike out the words "twenty dollars nor more than thirty-five dollars per month", and insert in lieu thereof the following: "fifty dollars per month".

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Jespersen and Olson on the adoption of the amendment offered by Senator Olson.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—29.

The Secretary announced the absentees.

Time, four o'clock and fifty-six minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Assembly Bill No. 2466—An act to define motor transportation broker, to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof.

Amendment from the Floor.

During third reading of Assembly Bill No. 2466, the following amendment, offered by Senator Hays, was read and adopted:

Amendment No. 1.

On page 4 of the printed bill, between lines 12 and 13, insert the following paragraphs as additions to section 8:

"Nothing in this act shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished by any prior recovery or recoveries as the case may be.

No suit or action against the surety on any such bond shall be brought later than one year from the accrual of the cause of action thereon. The surety may terminate its liability under such bond by giving thirty days' written notice thereof, served either personally or by registered mail to the principal and to the Railroad Commissioner of the State of California, and upon giving such notice the surety shall be discharged from all liability under such bond for any act or omission of the principal occurring after the expiration of thirty days from the date of service of such notice. Unless on or before the expiration of such period the principal shall duly file a new bond in like amount and conditioned as the original in substitution of the bond so terminated, the license of the principal shall likewise terminate upon the expiration of such period."

Bill read, ordered to reprint, and on file for third reading.

Senator Snyder in the Chair.

At four o'clock and fifty nine minutes p.m., Senator Snyder of the twenty-third district was called to the chair.

Assembly Bill No. 826—An act to add a new section to the Code of Civil Procedure, to be numbered 336a and to amend section 337 thereof, relating to the periods prescribed for the commencement of actions.

Amendment from the Floor.

During third reading of Assembly Bill No. 826, the following amendment, offered by Senator Rich, was read and adopted:

Amendment No. 1.

On page 1, line 11, of the printed bill, as amended, after the period, insert the following: "Nothing in this section shall apply to bonds or other evidences of indebtedness of a public district or corporation."

Bill read, ordered to reprint, and on file for third reading.

President Pro Tempore in the Chair.

At five o'clock and five minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the Desk.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 1103—An act to add section 1083b to the Political Code, relating to petitions.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1103.

Amendment No. 1.

On page 1 of the title of the printed bill, strike out "1083b", and insert in lieu thereof the following: "1083c".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "1083b", and insert in lieu thereof the following: "1083c".

Amendment No. 3.

On page 1, line 3, of the printed bill, strike out "1083b", and insert in lieu thereof the following: "1083c".

Amendment No. 4.

On page 1, line 9, of the printed bill, strike out "ninety days", and insert in lieu thereof the following: "six months".

Amendment No. 5.

On page 1, line 10, of the printed bill, strike out the period, and insert a comma and the following: "unless such petition has been filed with the officer or officers with whom such petition must be filed in accordance with the provisions of law relating to the filing of such petitions."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1103?

The roll was called, and Assembly Amendments to Senate Bill No. 1103 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McGovern, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagly, and Williams—27.

NOES—None.

Senate Bill No. 1103 ordered to enrollment.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully requests the return of Assembly Bill No. 1561—An act to amend sections 3, 3a, 3b, 10, 13, 17, and 18 of an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, and to add thereto a new section to be numbered section 21, all relating to administration of said act by the Bureau of Furniture and Bedding Inspection and the powers and duties of the officers thereof;

Also: Assembly Bill No. 1562—An act to amend sections 1, 2, 5, 6, 7, 8, 9 and 14 of an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling or repairing upholstered furniture; and creating the upholstered furniture inspection fund," approved May 9, 1927, relating to the administration thereof by the Bureau of Furniture and Bedding Inspection of the Department of Professional and Vocational Standards.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Motion

Senator Difani moved that Assembly Bills Nos. 1561 and 1562 be withdrawn from the Committee on Public Health and Quarantine, and ordered returned to the Assembly.

Motion carried, and such was the order.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1271:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 4, 1935.

To the Honorable Members of the Senate:

State of California, Sacramento, California.

GREETINGS. Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

In my opinion said Assembly Bill No. 1271 constitutes such a bill within the meaning of that term as used in Section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1271 passed by the following vote:

AYES—Senators Bigger, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, Knowland, McCormack, McGovern, McGuinness, Myer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1271 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At five o'clock and twelve minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The Secretary was directed to call the roll, on the adoption of the amendment offered by Senator Olson to Assembly Bill No. 767, of the Senators who had not answered to their names.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Bigger, Fletcher, Garrison, Jepsen, Keough, McGovern, McGuinness, Olson, Perry, Pierovich, Schottky, Seawell, Tickle, and Williams—14.

NOES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Knowland, McCormack, Myer, Parkman, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Young—20.

Senator Schottky in the Chair.

At five o'clock and fifteen minutes p.m., Senator Schottky of the twenty-fourth district was called to the chair.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 767:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 4, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Assembly Bill No. 767—An act to amend sections 2, 2½, 3, 4, 10, 13, 14, 18½ and 21, to add section 24, and to repeal sections 5 and 9 of the Old Age Security Act of the State of California, relating to aid to the aged.

In my opinion said Assembly Bill No. 767 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 767 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 767 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 12—An act to amend sections 2, 3, 4, 6, 7, 10, 14, 15 and 21 and to repeal sections 5, 9, and 18½ of the Old Age Security Act of the State of California, relating to aid to the aged.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 12:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 4, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 12—An act to amend sections 2, 3, 4, 5, 6, 7, 10, 14, 15 and 21 and to repeal sections 9 and 18½ of the Old Age Security Act of the State of California, relating to aid to the aged.

In my opinion said Senate Bill No. 12 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McColl, McCormack, McGuinness, Mixer, Olson, Parkman, Perry, Piorovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young. 32

NOES—None.

Title read and approved.

Senate Bill No. 12 ordered transmitted to the Assembly

Recess.

On motion of Senator Rich, at five o'clock and twenty minutes p. m., the acting President of the Senate declared recess until eight o'clock and thirty minutes p. m.

Reconvened.

At eight o'clock and thirty minutes p. m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2393—An act to be known and cited as the Yacht and Ship Brokers Act, to define yacht and ship brokers and salesmen, to provide for the regulation, supervision and licensing thereof, to create the office of Yacht and Ship Brokers Commissioner within the Department of Professional and Vocational Standards; and to provide for the enforcement of said act and penalties for the violation thereof;

Also: Assembly Bill No. 674—An act prescribing the terms upon which certificates of registration of inspectors and, or sanitary officers as "registered sanitarians" shall be issued; prescribing a course and minimum amount of schooling or training to be possessed by applicants therefor after one (1) year from date of approval of this act; authorizing the State Board of Public Health to certify approved schools, conduct examinations and issue "registered sanitarian" certificates; prescribing the powers and duties of the State board; prescribing conditions under which the title "registered sanitarian" or the placing of the initials "R. S." may be used after the names of the certificate holders; providing penalties for violations hereof; and grounds for the suspension, cancellation, denial or revocation of such certificates of registration.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2393 read first time, and referred to Committee on Finance.

Assembly Bill No. 674 read first time, and referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 703—An act to establish the Southern

California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor;

Also: Assembly Bill No. 927—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved May 21, 1934; entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 1212—An act to amend section 7 of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry;

Also: Assembly Bill No. 1540—An act to amend section 4 of and to add section 8 to an act entitled "An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature, and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws," approved June 10, 1929, relating to reports and making an appropriation to carry out the provisions of the act.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 703 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 927 read first time, and referred to Committee on Education.

Assembly Bill No. 1212 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 1540 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 86—An act to establish a system of unemployment reserves for this State, and making an appropriation therefor;

Also: Assembly Bill No. 329—An act relating to codes of fair competition for certain trades and industries within this State;

Also: Assembly Bill No. 605—An act providing for the acquisition of lands for, and the construction, maintenance and operation of a building at the Pacific Exposition to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, resources of and other matters pertaining to the State of California at said Pacific Exposition, creating the California Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor;

Also: Assembly Bill No. 607—An act relating to the holding of the Pacific Exposition and the San Francisco Bay Exposition in California, providing for the issuance and sale of State bonds to be known as "California exposition bonds," providing for the payment and retirement of said bonds, providing for and creating funds for the carrying out of the purposes of this act, authorizing the expenditure of moneys in said funds for such purposes, creating two commissions, one to be known as the "Pacific Exposition Commission" and the other to be known as "San Francisco Bay Exposition Commission," creating an interest and sinking fund for the payment of interest on said bonds and the redemption of the same, and making appropriation therefor, making an appropriation of two thousand dollars for the expense of printing, lithographing and selling said bonds, designating the name by which this act shall be known and fixing the time at which this act shall be and become effective.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 86 read first time, and referred to Committee on Finance.

Assembly Bill No. 329 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 605 and 607 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2122—An act to postpone proceedings to enforce any guaranty of any special assessment or special assessment tax, or arising out of the issuance of any special assessment bond, or ad valorem district bonds or direct assessment district bonds, levied or issued to pay the cost of the improvement or acquisition of property for public purposes, in cases in which proceedings to enforce such assessments, bonds, or taxes are postponed by law, declaring the urgency thereof, and providing that it shall take effect immediately.

Also: Assembly Bill No. 2429—An act to provide for the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county supervisor relative to such districts; and providing for the levy and collection of taxes to defray the expenses thereof.

Also: Assembly Bill No. 2457—An act to amend section 3634 of the Political Code, relating to the administration of certain bays, ports and harbors.

Also: Assembly Bill No. 2458—An act to add Chapter 9, embracing sections 725 to 734, inclusive, to Division IV of the Agricultural Code, relating to dairies and dairy products.

Also: Assembly Bill No. 2470—An act for the relief of purchasers of swamp and overflowed lands, declaring the urgency thereof and that this act shall take effect immediately.

Also: Assembly Bill No. 834—An act relating to and imposing limitations on expenditures by counties, cities and counties, districts and other political subdivisions, under authority of section 20 of Article XI of the Constitution of the State.

Also: Assembly Bill No. 2305—An act to add section 9a to the State Medical Practice Act, relating to chiropody.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 976—An act to amend section 806 of the Agricultural Code, relating to plums and fresh prunes.

Also: Assembly Bill No. 1295—An act to amend section 702 of the Vehicle Code, relating to motor vehicles.

Also: Assembly Bill No. 1500—An act relating to money appropriated for the encouragement of county and district agricultural fairs; declaring the urgency hereof and providing that this act shall go into immediate effect.

Also: Assembly Bill No. 1589—An act to amend section 12562 of the Insurance Code, relating to mortgage insurance.

Also: Assembly Bill No. 1921—An act to amend section 1461 of the Probate Code, relating to guardians of insane or incompetent persons.

Also: Assembly Bill No. 2102—An act providing for the formation of nonprofit membership corporations to be known as electric membership corporations; authorizing such corporations to acquire, sell and distribute energy to the inhabitants of the State at the lowest cost consistent with sound economy and the prudent management of the business of such corporations; authorizing such corporations to construct or otherwise acquire, own, operate, maintain, extend and improve works, plants and systems for the acquisition, production, transmission or distribution of energy; authorizing such corporation to exercise the right of eminent domain and otherwise providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of revenue obligations by such corporations and providing for the payment of such obligations and the rights of the holders thereof; and providing that this act shall take immediate effect.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 88—An act to add section 762 to the Political Code, relating to the office hours of clerks of the District Courts of Appeal.

Also: Assembly Bill No. 240—An act to amend section 362 of the Streets and Highways Code and to add section 603 thereto, relating to State highways.

Also: Assembly Bill No. 338—An act to add section 731a to the Code of Civil Procedure, relating to the use of the injunction in industrial or commercial zones;

Also: Assembly Bill No. 800—An act to amend section 705 of the Vehicle Code, relating to vehicles and the weight and loading thereof;

Also: Assembly Bill No. 812—An act to amend section 226 of the Civil Code, relating to proceedings on adoption;

Also: Assembly Bill No. 959—An act to amend section 59 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to referees of the Industrial Accident Commission;

Also: Assembly Bill No. 972—An act to amend section 791 of the Agricultural Code, relating to apricots;

Also: Assembly Bill No. 975—An act to amend section 804 of the Agricultural Code, relating to pears.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1346—An act to amend section 107 of the Penal Code, relating to punishment for escape of a prisoner—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Message and request ordered on unfinished business file.

Report of Standing Committee.

The following report of standing committee was received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1131—An act to make an appropriation for emergency reclamation and flood control work on the San Joaquin River, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 1132—An act relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately. And reports that the same have been correctly engrossed.

MIXTER, Vice Chairman.

Consideration of Daily File.

Third Reading of Senate Bills.

Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act.

Amendment from the Floor.

During third reading of Senate Bill No. 392, the following amendment, offered by Senator Parkman, was read and adopted:

Amendment No. 1.

On page 4 of the printed bill, between lines 38 and 39, insert the following paragraph: "The State Board of Health shall, within thirty days prior to the regular session of the Legislature, submit to the Governor a full and true report of trans-

actions under this law during the preceding biennium, including a complete statement of receipts and expenditures during the period."

Bill read, ordered to reprint, re-engrossment, and on file.

Consideration of Special Order.

Senate Bill No. 1119, heretofore set as a special order was taken up for consideration.

Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, including certain license fees based upon value in lieu of taxation according to value, and providing for the administration and enforcement thereof.

Amendments from the Floor.

During third reading of Senate Bill No. 1119, the following amendments, offered by Senator Hulse, were read.

Amendment No. 1.

On page 4, line 8, of the printed bill, as amended, after "quarterly", insert a comma and the following: "one-half".

Amendment No. 2.

On page 4, line 9, of the printed bill, as amended, after "counties", insert a comma and the following: "and one-half to the counties".

Amendment No. 3.

On page 4, line 12, of the printed bill, as amended, strike out the period after "department", and insert in lieu thereof a comma and the following: "and is the proportion that the total population of each such county bears to the total population of all counties in this State, as certified by the department."

Amendment No. 4.

On page 4, line 13, of the printed bill, as amended, after "city", insert the following: ", county".

Motion to Table.

Senator Swing moved that the amendments offered by Senator Hulse to Senate Bill No. 1119 be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Gordon, Jespersen, and Crittenden, on the adoption of the amendments offered by Senator Hulse.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Seclan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

The Secretary announced the absentees.

Time, eight o'clock and fifty-five minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills.

Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 19 of said act; to add sections 9½ and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1273:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 4, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 19 of said act; to add sections 9½ and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately.

In my opinion said Assembly Bill No. 1273 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1273 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duell, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jepsen, Keough, King, Knowland, McCall, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Rich, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—Senator McGovern—1.

Title read and approved.

Assembly Bill No. 1273 ordered transmitted to the Assembly.

Assembly Bill No. 2176—An act to amend section 1065 of the Fish and Game Code, relating to sardines.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2176 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Rich, Seollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2176 ordered transmitted to the Assembly.

Assembly Bill No. 2023—An act to amend the title and sections 1, 2 and 3 of, and to add a new section, to be numbered section 4, to an act entitled "An act to provide for a day of rest from labor," approved February 27, 1893 (Stats. 1893, Chap. 41), relative to the scope of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for violation of the provisions thereof.

Amendment from the Floor.

During third reading of Assembly Bill No. 2023, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 2, line 15, of the printed bill, as amended, after the word "irrigation", insert the following: ", water, water conservation".

Re-reference of Assembly Bill No. 2023.

Senator Seollan moved that Assembly Bill No. 2023 be re-referred to Committee on Labor and Capital.

Ayes and Noes Demanded.

A roll call was demanded by Senators Fletcher, Olson and Jespersen on the adoption of the motion to re-refer.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Deuel, Hays, Keough, Knowland, McCormack, Metzger, Mixer, Parkman, Perry, Rich, Seollan, Sharkey, Slater, Snyder, Stow, Tickle, Williams, and Young—18.

NOES—Senators Biggar, Crittenden, Fletcher, Garrison, Jespersen, McGovern, McGuinness, Olson, and Wagy—9.

Bill read, ordered to reprint, and re-referred to Committee on Labor and Capital.

Assembly Bill No. 653—An act to provide for the creation in counties and cities and counties of departments of rehabilitation, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 7. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution. The facts constituting such necessity are as follows:

There exists an acute economic crisis and it is necessary that counties and cities and counties be provided with a method whereby they can establish a proper agency for the relief of persons in distress. The power of counties and cities and counties to establish departments of rehabilitation is not definitely set forth in the existing law and in order that counties and cities and counties may effectively rehabilitate persons in economic distress it is necessary that this act take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—Senators Hays, Knowland, Parkman, Rich, and Snyder—5.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 653 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—Senators Hays, Knowland, Rich, and Snyder—4.

Title read and approved.

Notice of Motion to Reconsider.

Senator Difani gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 653 was passed.

Further Proceedings Under Call of the Senate Dispensed With.

At nine o'clock and twenty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The Secretary was directed to call the roll, on the motion to table amendments offered by Senator Hulse to Senate Bill No. 1119, of the Senators who had not answered to their names.

The roll was called, and the motion to table finally carried by the following vote:

AYES—Senators Deuel, Difani, Duval, Edwards, Hays, Keough, King, Knowland, McCormack, Parkman, Pierovich, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams and Young—22.

NOES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Hulse, Jespersen, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Schottky, and Seawell—15.

Senator Schottky in the Chair.

At nine o'clock and fifty minutes p.m., Senator Schottky of the Twenty-fourth District was called to the chair.

President Pro Tempore in the Chair.

At nine o'clock and fifty-five minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich,

Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagg, Williams, and Young—38.

The Secretary announced the absentees.

Time, ten o'clock and twenty five minutes p.m.

The President pro tempore directed the Sergeant at Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Withdrawal and Re-reference of Assembly Bill No. 674.

Senator Difani moved that Assembly Bill No. 674 be withdrawn from Committee on Public Health and Quarantine, and referred to Committee on Finance.

Motion carried, and such was the order.

Withdrawal and Re-Reference of Assembly Bill No. 1212.

Senator Difani moved that Assembly Bill No. 1212 be withdrawn from Committee on Public Health and Quarantine, and referred to Committee on Finance.

Motion carried, and such was the order.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1281—An act to amend sections 4, 6, 13, 14, 20 and 21 of, and to add a new section to be numbered 8a to, an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulteration, mislabeling, misbranding, false advertising and sale of food and the powers of the State Board of Health in relation thereto.

Amendments from the Floor.

During third reading of Assembly Bill No. 1281, the following amendments, offered by Senator Scollan, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "and 21" and insert in lieu thereof a comma, and the following: "21 and 26".

Amendment No. 2.

On page 6 of the printed bill, as amended, after line 27, insert the following:

"Sec. 9. Section 26 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 26. If the provisions of this act conflict with the provisions of the National Pure Food Act, the provisions of the latter shall govern and shall take complete precedence over the application and enforcement hereof."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1367—An act validating the formation and organization of county sanitation districts under the provisions of an act of the Legislature of the State of California, approved May 29, 1923, as amended February 2, 1925, April 18, 1927, April 22, 1927, May 22, 1929 and June 9, 1931, and entitled, as amended, "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to

such districts, the issuance of bonds by such districts and the powers thereof," and validating bonds of such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1367 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1367 ordered transmitted to the Assembly.

Assembly Bill No. 1925—An act to amend sections 4 and 7 of "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, relating to the use of dead bodies.

Amendments from the Floor.

During third reading of Assembly Bill No. 1925, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, between the word "sections", and the numeral "4", insert the following: "1, 3".

Amendment No. 2.

On page 1, line 1 of the title of the printed bill, between the numeral "4", and the word "and", insert the following: ", 6".

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out the numeral "4", and insert in lieu thereof the numeral "1".

Amendment No. 4.

On page 1 of the printed bill, at lines 3 to 9, strike out all of said lines 3 to 9, inclusive, and insert in lieu thereof the following:

"SECTION 1. It shall be the duty of every sheriff, coroner, keeper of a county poorhouse or reformatory, public hospital or asylum, county jail, State prison, or city or county undertaker, or any and all State, county, town and city officers having knowledge of the existence of and possession, charge or control of bodies to be buried at public expense, or the legally constituted representatives of any or all of these, to use due diligence to notify the relatives of the deceased and in the absence of any known relative of deceased desiring to direct the disposition of the body in a manner other than in this act provided, and upon written request of the State Board of Health or the duly authorized agent of same to the effect that such notices are required for a definite period which shall be specified in the request, to notify by telegraph collect, immediately after the lapse of twenty-four hours after death, the State Board of Health or the duly authorized agent of the same, stating, whenever possible, the name, age, sex, and cause of death of any such person or persons required to be buried at public expense and without a known relative desiring to direct the disposition of the body in a manner other than in this act provided."

Amendment No. 5.

On page 1, line 10, of the printed bill, strike out the numeral "7", and insert in lieu thereof the numeral "3".

Amendment No. 6.

On page 1 of the printed bill, strike out lines 12 to 22, inclusive, and insert in lieu thereof the following:

"SEC. 3. The unclaimed dead retained by the State Board of Health for scientific or educational purposes within the State shall be embalmed according

to directions of said board, and disposed of in accordance with the instructions, of the said board or duly authorized officer or agent of same; provided, however, that such unclaimed dead shall be held for a period of thirty days by those to whom they may have been assigned for scientific or educational purposes, subject to claim and identification by any authenticated relative of the deceased for purpose of burial or other disposition in accordance with the directions of such relative."

Amendment No. 7.

On page 1, line 22, of the printed bill, after the word and period "State", insert new paragraphs as follows:

SEC. 3. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

"SEC. 4. The bodies of the unclaimed dead so returned shall be used solely for the purpose of instruction and study in the promotion of medical and chiropractic education and science within the State of California, and any person or persons found guilty of the unlawful disposition, use or sale of the body or bodies of the unclaimed dead or violating any of the provisions of this act shall be guilty of misdemeanor."

SEC. 4. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

"Sec. 6. Whenever, through the failure of any person to duly notify, or to promptly deliver into the custody of the scientific or educational institutions at the place of death, the body of a deceased indigent as required by this act, such body shall become unfit for scientific or educational purposes, the duly authorized officer or agent of said State Board of Health shall so certify and such body shall be buried at the expense of those guilty of noncompliance with such provisions of this act."

SEC. 5. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

SEC. 7. All persons authorized by law with the performance of post mortem examinations are hereby authorized and directed to permit, with the consent of relatives or in the absence of such relatives, with the consent of the State Board of Health or the duly authorized agent of the same, any representative of the anatomical or pathological departments of properly incorporated medical, chiropractic, or osteopathic departments, schools or colleges to obtain at the time of necropsy or request, such material in the recent state as may be needed for scientific purposes. If said material is not required for the legal purposes of the State."

Bill read, ordered to reprint, and on file for third reading

Assembly Bill No. 2456—An act to amend sections 3454 and 3455 of and to add sections 3454a and 3454b to the Political Code, relating to reclamation districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 5. This act is hereby declared to be an urgency measure within the meaning of section 1, Article IV, of the Constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace and safety that this law shall go into immediate effect.

The following is a statement of facts constituting such necessity: Within certain districts there are private irrigation systems through which lands within such districts and contiguous thereto are being furnished with water for irrigation. The toll rates and charges for such water service under present agricultural conditions are exceedingly high and far beyond the economic ability of the land to pay and the rules and regulations under which such water is supplied are burdensome. Unless this condition is remedied the owners of thousands of acres of good land will be forced to cease operations thereon and abandon the same. The land owners are unable to obtain relief from such situations except by purchasing, leasing or otherwise acquiring and operating such irrigation systems with the aid of Federal financing. Under the Federal Emergency Farm Mortgage Act of 1933 the Reconstruction Finance Corporation was authorized to make loans in an aggregate amount not exceeding \$125,000,000 to and for the benefit of drainage, levee, irrigation, reclamation and similar districts throughout the United States. Approximately \$85,000,000 of this sum has been applied for and allocated for the purposes stated. Approximately only \$40,000,000 remains to be allocated throughout the United States. Applications therefor are being made rapidly and the said sum of \$40,000,000 will be applied for and allocated before this act will become effective unless made effective immediately and if not so made said districts will

lose the opportunity of purchasing, leasing or otherwise acquiring and operating said irrigation systems on an economic basis, all to the great loss of landowners.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2456 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixter, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Assembly Bill No. 2456 ordered transmitted to the Assembly.

Motion to Reconsider Assembly Bill No. 2409.

Pursuant to notice given on a previous day, Senator Sharkey moved to reconsider the vote whereby Assembly Bill No. 2409 was passed.

Postponement of Reconsideration.

On motion of Senator Sharkey, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2409 was passed was postponed until the next legislative day.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 1182.

SENATE CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1182—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately—reports that it has met a like committee of the Assembly, consisting of Assemblymen Cottrell, Redwine and Williamson, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, strike out the words "State Board of Equalization", and insert in lieu thereof the following: "Bank and Corporation Franchise Tax Commissioner".

Amendment No. 3.

On page 2, line 14, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 4.

On page 2 of the printed bill, as amended, between lines 38 and 39, insert the following:

"(c) The words "personal holding company" means any corporation (other than a corporation exempt from taxation under section 101 of the Federal Revenue Act of 1934, and other than a bank or trust company incorporated under the laws of the United States or of any State or Territory, a substantial part of whose business is the receipt of deposits, and other than a life insurance company or society company) if (1) at least eighty per centum of its gross income for the taxable year is derived from royalties, dividends, interest, annuities, and (except in the case of regular dealers in stock or securities) gains from the sale of stock or securities, and (2) at any time during the last half of the taxable year more than fifty per centum in value of its outstanding stock is owned, directly or indirectly, by or for not more than five individuals. For the purpose of determining the ownership of stock in a personal holding company—(3) stock owned, directly or indirectly, by a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries, (4) an individual shall be considered as owning, to the exclusion of any other individual, the stock owned, directly or indirectly, by his family, and this rule shall be applied in such manner as to produce the smallest possible number of individuals owning, directly or indirectly, more than fifty per centum in value of the outstanding stock, and (5) the family of an individual shall include only his brothers and sisters (whether by the whole or half blood) spouse, ancestors, and lineal descendants.

"(p) The words "State board" mean the State Board of Equalization."

Amendment No. 5.

On page 2, line 40, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 6.

On page 3, line 38, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 7.

On page 5 of the printed bill, as amended, strike out lines 49 to 52, inclusive, and strike out all of pages 6, 7 and 8; and on page 9, strike out lines 1 and 2, and insert in lieu thereof the following:

"(a) There shall be levied, collected and paid for each taxable year ending December 31, 1939, or prior thereto, upon the entire net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State, taxes in the following amounts and at the following rates upon the amount of net income in excess of credits against net income provided in section 10:

Upon net incomes not in excess of five thousand dollars, one per centum of such net incomes.

Fifty dollars upon net incomes of five thousand dollars; and upon net incomes in excess of five thousand dollars and not in excess of ten thousand dollars, two per centum in addition of such excess.

One hundred fifty dollars upon net incomes of ten thousand dollars; and upon net incomes in excess of ten thousand dollars and not in excess of fifteen thousand dollars, three per centum in addition of such excess.

Three hundred dollars upon net incomes of fifteen thousand dollars; and upon net incomes in excess of fifteen thousand dollars and not in excess of twenty thousand dollars, four per centum in addition of such excess.

Five hundred dollars upon net incomes of twenty thousand dollars; and upon net incomes in excess of twenty thousand dollars and not in excess of twenty-five thousand dollars, five per centum in addition of such excess.

Seven hundred fifty dollars upon net incomes of twenty-five thousand dollars; and upon net incomes in excess of twenty-five thousand dollars and not in excess of thirty thousand dollars, six per centum in addition of such excess.

One thousand fifty dollars upon net incomes of thirty thousand dollars; and upon net incomes in excess of thirty thousand dollars and not in excess of forty thousand dollars, seven per centum in addition of such excess.

One thousand seven hundred fifty dollars upon net incomes of forty thousand dollars; and upon net incomes in excess of forty thousand dollars and not in excess of fifty thousand dollars, eight per centum in addition of such excess.

Two thousand five hundred fifty dollars upon net incomes of fifty thousand dollars; and upon net incomes in excess of fifty thousand dollars and not in excess of sixty thousand dollars, nine per centum in addition of such excess.

Three thousand four hundred fifty dollars upon net incomes of sixty thousand dollars; and upon net incomes in excess of sixty thousand dollars and not in excess of seventy thousand dollars, ten per centum in addition of such excess.

Four thousand four hundred fifty dollars upon net incomes of seventy thousand dollars; and upon net incomes in excess of seventy thousand dollars and not in excess of eighty thousand dollars, eleven per centum in addition of such excess.

Five thousand five hundred fifty dollars upon net incomes of eighty thousand dollars; and upon net incomes in excess of eighty thousand dollars and not in excess of one hundred thousand dollars, twelve per centum in addition of such excess.

Seven thousand nine hundred fifty dollars upon net incomes of one hundred thousand dollars; and upon net incomes in excess of one hundred thousand dollars and not in excess of one hundred fifty thousand dollars, thirteen per centum in addition of such excess.

Fourteen thousand four hundred fifty dollars upon net incomes of one hundred fifty thousand dollars; and upon net incomes in excess of one hundred fifty thousand dollars and not in excess of two hundred fifty thousand dollars, fourteen per centum in addition of such excess.

Twenty-eight thousand four hundred fifty dollars upon net incomes of two hundred fifty thousand dollars; and upon net incomes in excess of two hundred fifty thousand dollars, fifteen per centum in addition of such excess."

Amendment No. 8.

On page 9 of the printed bill, as amended, strike out line 40, and insert in lieu thereof the following: "act in respect of such annuity increased by the amount which would have been excluded from gross income in respect of such annuity had this act been in effect continuously from and after the date at which payments under such annuity were first received equals".

Amendment No. 9.

On page 10, line 12, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 10.

On page 10, line 15, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 11.

On page 10, line 37, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 12.

On page 10 of the printed bill, as amended, strike out lines 38 to 41, inclusive, and insert in lieu thereof the following:

"(g) (1) The term "dividend" when used in this act means any distribution made by a corporation to its shareholders, whether in money or in other property, out of its earnings or profits accumulated after February 28, 1913.

(2) For the purposes of this act every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. Any earnings or profits accumulated, or increase in value of property accrued, before March 1, 1913, may be distributed exempt from tax, after the earnings and profits accumulated after February 28, 1913, have been distributed, but any such tax-free distribution shall be applied against and reduce the adjusted basis of the stock provided in section 9.

(3) Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock, and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock. The gain or loss to the distributee resulting from such exchange shall be determined under section 7, but shall be recognized only to the extent provided in section 8. Despite the provisions of subsection (a) of this section, one hundred per centum of the gain so recognized shall be taken into account in computing net income. In the case of amounts distributed (whether before January 1, 1934, or on or after such date) in partial liquidation (other than a distribution within the provisions of subdivision 8 of this subsection or stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits within the meaning of subdivision 2 of this subsection for the purpose of determining the taxability of subsequent distributions by the corporation.

(4) If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before March 1, 1913, and is not out of earnings or profits, then the amount of such distribution shall be applied against and reduce the adjusted basis of the stock provided in section 9, and if in excess of such basis, such excess shall be taxable in the same manner as a gain from the sale or exchange of property.

(5) Any distribution made by a corporation, which was classified as a personal service corporation under the provisions of the Federal Revenue Act of 1918 or the Federal Revenue Act of 1921, out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Federal Revenue Act of 1921, shall be exempt from tax to the distributees.

(6) A stock dividend shall not be subject to tax.

(7) If a corporation cancels or redeems its stock (whether or not such stock was issued as a stock dividend) at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or

cancellation of the stock, to the extent that it represents a distribution of earnings or profits accumulated after February 28, 1913, shall be treated as a taxable dividend.

(8) The distribution before January 1, 1934, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization of its stock or securities or stock or securities in a corporation a party to the reorganization, if no gain to the distributees from the receipt of such stock or securities was recognized under the Federal Revenue Act applicable to such distributions, shall not be considered a distribution of earnings or profits within the meaning of this subsection for the purpose of determining the taxability of subsequent distributions by the corporation. As used in this subdivision, the terms "reorganization" and "party to the reorganization" shall have the meanings assigned to such terms in section 112 of the Federal Revenue Act of 1932.

(9) As used in this subsection the term "amount distributed in partial liquidation" means a distribution by a corporation in complete liquidation or redemption of a part of its stock, or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock."

Amendment No. 13.

On page 11, line 9, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 14.

On page 11, line 22, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 15.

On page 11, line 30, of the printed bill, as amended, after "than", insert the following: "estate, inheritance, legacy, succession and gift taxes, and other than".

Amendment No. 16.

On page 11, line 51, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 17.

On page 12, line 1, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 18.

On page 12, line 18, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 19.

On page 12, line 25, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 20.

On page 12, line 48, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 21.

On page 13, line 52, of the printed bill, as amended, strike out the semicolon, and insert in lieu thereof a period, and strike out "to an amount which in all the", and insert in lieu thereof the following: "The deductions under this subsection shall be allowed to an amount which in all the".

Amendment No. 22.

On page 14, line 5, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 23.

On page 14, line 43, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 24.

On page 15 of the printed bill, as amended, strike out lines 40 to 52, inclusive; and on page 16, strike out lines 1 to 26, inclusive, and insert in lieu thereof the following: "There shall be allowed for the purpose of the tax herein imposed:".

Amendment No. 25.

On page 16, line 27, of the printed bill, as amended, strike out "(1)", and insert in lieu thereof the following: "(a)".

Amendment No. 26.

On page 16, line 35, of the printed bill, as amended, strike out "(2)", and insert in lieu thereof the following: "(b)".

Amendment No. 27.

On page 16, line 40, of the printed bill, as amended, strike out "(3)", and insert in lieu thereof the following: "(c)".

Amendment No. 28.

On page 16, line 44, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 29.

On page 16, line 50, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 30.

On page 17, line 12, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 31.

On page 17, line 40, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 32.

On page 19, line 2, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 33.

On page 19, line 9, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 34.

On page 20 of the printed bill, as amended, strike out lines 1 to 19, inclusive, and insert in lieu thereof the following:

"(d) For the purpose of the tax herein imposed, the estate or trust shall be allowed the same personal exemption as is allowed to a single person under section 10 (a)."

Amendment No. 35.

On page 20 of the printed bill, as amended, strike out lines 37 to 40, inclusive.

Amendment No. 36.

On page 21, line 21, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 37.

On page 21, line 23, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 38.

On page 21, line 23, of the printed bill, as amended, strike out "its", and insert in lieu thereof the following: "his".

Amendment No. 39.

On page 21, line 23, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 40.

On page 21, line 24, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 41.

On page 21, line 35, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 42.

On page 21, line 35, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 43.

On page 21, line 39, of the printed bill, as amended, strike out "its", and insert in lieu thereof the following: "his".

Amendment No. 44.

On page 22, line 6, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 45.

On page 22, line 11, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 46.

On page 22, line 14, of the printed bill, as amended, strike out "its", and insert in lieu thereof the following: "his".

Amendment No. 47.

On page 22, line 14, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 48.

On page 22, line 24, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 49.

On page 22, line 34, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 50.

On page 22, line 36, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 51.

On page 22, line 44, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 52.

On page 23, line 11, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 53.

On page 23, line 36, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 54.

On page 24, line 16, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 54-a.

On page 24, line 18, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(1)".

Amendment No. 55.

On page 24, line 22, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 56.

On page 24, line 37, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 57.

On page 24 of the printed bill, as amended, strike out lines 50 to 52, inclusive; and on page 25, strike out lines 1 to 5, inclusive.

Amendment No. 58.

On page 25, line 34, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 59.

On page 25, line 37, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 60.

On page 25, line 44, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 61.

On page 25, line 45, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 62.

On page 25, line 46, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 63.

On page 25, line 47, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "him".

Amendment No. 64.

On page 25, line 52, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 65.

On page 26, line 4, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 66.

On page 26, line 10, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 67.

On page 26, line 22, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 68.

On page 26, line 25, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 69.

On page 26, line 26, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 70.

On page 26, line 30, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 71.

On page 26, line 36, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 72.

On page 26, line 40, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 73.

On page 26, line 42, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 74.

On page 26, line 43, of the printed bill, as amended, strike out "its", and insert in lieu thereof the following: "his".

Amendment No. 75.

On page 26, line 44, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 76.

On page 26, line 48, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 77.

On page 27, line 1, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 78.

On page 27, line 4, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 79.

On page 27, line 6, of the printed bill, as amended, strike out "board's", and insert in lieu thereof the following: "commissioner's".

Amendment No. 80.

On page 27, line 7, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 81.

On page 27, line 8, of the printed bill, as amended, strike out "its", and insert in lieu thereof the following: "his".

Amendment No. 82.

On page 27, line 8, of the printed bill, as amended, after the word "taxpayer", strike out the period, and insert in lieu thereof the following: ", unless within that thirty-day period the taxpayer appeals in writing from the action of the commissioner to the State board. The appeal must be addressed and mailed to the State

Board of Equalization at Sacramento, California, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento, California. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination, and the reasons therefor. Such determination shall be final, unless within sixty days from the time of such determination, the commissioner shall apply to the Supreme Court of the State for a writ of certiorari or review for the purpose of having the lawfulness of the decision of said board inquired into and determined."

Amendment No. 83.

On page 27, line 10, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 84.

On page 27, line 24, of the printed bill, as amended, strike out the word "board", and insert in lieu thereof the following: "Commissioner or of said board, as the case may be,".

Amendment No. 85.

On page 27, line 44, of the printed bill, as amended, strike out the word "board", and insert in lieu thereof the following: "commissioner, or State board, as the case may be,".

Amendment No. 86.

On page 27, line 46, of the printed bill, as amended, after the word "the", insert the following: "commissioner or said".

Amendment No. 87.

On page 27, line 50, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 88.

On page 28, line 12, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 89.

On page 28, line 12, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 90.

On page 28, line 14, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 91.

On page 28, line 17, of the printed bill, as amended, strike out "board's", and insert in lieu thereof the following: "commissioner's".

Amendment No. 92.

On page 28, line 17, of the printed bill, as amended, strike out the period after the word "final", and insert in lieu thereof the following: "unless within such thirty-day period the taxpayer appeals in writing from the action of the commissioner to the State board. The appeal must be addressed to the State Board of Equalization at Sacramento, California, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento, California. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination. Such determination shall be final, unless, within sixty days from the time of such determination, the commissioner shall apply to the Supreme Court of the State for a writ of certiorari or review for the purpose of having the lawfulness of the decision of said board inquired into and determined."

Amendment No. 93.

On page 28, line 29, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 94.

On page 28, line 35, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 95.

On page 28, line 39, of the printed bill, as amended, after the word "The", add the following: "Franchise Tax Counsel or the".

Amendment No. 96.

On page 28, line 45, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 97.

On page 29, line 7, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 98.

On page 29, line 8, of the printed bill, as amended, strike out the period after the word "section", and insert in lieu thereof the following: "; and provided further, that no action shall be brought to recover any deficiency assessment, or any part thereof, if the taxpayer has at any time appealed to the State board from the action of the commissioner in overruling the taxpayer's protest to the commissioner's proposal of the said deficiency assessment."

Amendment No. 99.

On page 29, line 11, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 100.

On page 29, line 16, of the printed bill, as amended, strike out "board's", and insert in lieu thereof the following: "commissioner's".

Amendment No. 101.

On page 29, line 18, of the printed bill, as amended, strike out the word "board", and the period, and insert in lieu thereof the following: "commissioner; provided, that no action shall be filed if the taxpayer has appealed to the State board from the action of the commissioner with respect to any refund claim."

Amendment No. 102.

On page 29, line 26, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 103.

On page 29, line 30, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 104.

On page 29, line 33, of the printed bill, as amended, after the word "The", insert the following: "Franchise Tax Counsel or the".

Amendment No. 105.

On page 29 of the printed bill, as amended, between lines 36 and 37, add, as a separate paragraph, the following:

"Within sixty days after the determination of the State board of any appeal from the action of the commissioner the appellant may apply to the Supreme Court of the State for a writ of certiorari or review for the purpose of having the lawfulness of the decision or order of the State board inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the State board to certify its record in the case to the court. On the return day, the cause shall be heard by the Supreme Court, unless for a good reason the same be continued. The State board and each party to the proceeding before such board shall appear in the review proceeding. The provisions of the Code of Civil Procedure of this State relating to the writs of review shall apply to proceedings instituted in the Supreme Court under the provisions of this section."

Amendment No. 106.

On page 29 of the printed bill, as amended, strike out lines 46 to 50, inclusive.

Amendment No. 107.

On page 29, line 51, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof the following: "(c)".

Amendment No. 108.

On page 30, line 7, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(d)".

Amendment No. 109.

On page 30 of the printed bill, as amended, strike out lines 13 to 18, inclusive.

Amendment No. 110.

On page 30, line 33, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 111.

On page 30, line 35, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "him".

Amendment No. 112.

On page 30, line 50, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 113.

On page 30, line 50, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 114.

On page 30, line 52, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "him".

Amendment No. 115.

On page 31, line 10, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 116.

On page 31, line 16, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 117.

On page 31, line 18, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 118.

On page 32, line 5, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 119.

On page 32, line 13, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 120.

On page 32, line 18, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 121.

On page 32, line 24, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 122.

On page 32, line 32, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 123.

On page 32, line 41, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 124.

On page 32, line 45, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 125.

On page 33, line 13, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 126.

On page 33, line 16, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 127.

On page 33, line 18, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 128.

On page 33, line 21, of the printed bill, as amended, after the word "The", insert the following: "Franchise Tax Counsel or the".

Amendment No. 129.

On page 33, line 27, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 130.

On page 33, line 29, of the printed bill, as amended, strike out the word "board", and insert in lieu thereof the following: "commissioner and the State board".

Amendment No. 131.

On page 33, line 34, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 132.

On page 33, line 48, of the printed bill, as amended, after the first "the", insert the following: "Franchise Tax Counsel or the".

Amendment No. 133.

On page 34, line 2, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 134.

On page 34, line 8, of the printed bill, as amended, after the word "the", insert the following: "Franchise Tax Counsel or the".

Amendment No. 135.

On page 34, line 15, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 136.

On page 34, line 19, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 137.

On page 34, line 26, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 138.

On page 34, line 35, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 139.

On page 34, line 37, of the printed bill, as amended, strike out "two", and insert in lieu thereof the following: "three".

Amendment No. 140.

On page 34, line 43, of the printed bill, as amended, strike out "two", and insert in lieu thereof the following: "three".

Amendment No. 141.

On page 35, line 11, of the printed bill, as amended, strike out "Board", and insert in lieu thereof "Commissioner".

Amendment No. 142.

On page 35, line 12, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 143.

On page 35, line 13, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 144.

On page 35, line 18, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 145.

On page 35, line 20, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 146.

On page 35, line 24, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "him".

Amendment No. 147.

On page 35, line 29, of the printed bill, as amended, strike out "its", and insert in lieu thereof the following: "his".

Amendment No. 148.

On page 35, line 31, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 149.

On page 35, line 33, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 150.

On page 35, line 34, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 151.

On page 35, line 39, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 152.

On page 35, line 39, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 153.

On page 35, line 40, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 154.

On page 35, line 43, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 155.

On page 35, line 44, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 156.

On page 35, line 46, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 157.

On page 35, line 47, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 158.

On page 35, line 49, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 159.

On page 35, line 49, of the printed bill, as amended, strike out "it", and insert in lieu thereof the following: "he".

Amendment No. 160.

On page 36, line 2, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 161.

On page 36, line 6, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 162.

On page 36, line 19, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 163.

On page 36, line 24, of the printed bill, as amended, strike out "board", and insert in lieu thereof the following: "commissioner".

Amendment No. 164.

On page 36, line 24, of the printed bill, as amended, strike out the word "Board", after "the", and insert in lieu thereof the following: "Commissioner".

Amendment No. 165.

On page 36 of the printed bill, as amended, between lines 38 and 39, insert the following:

"Sec. 34. Personal Holding Companies. For the purpose of this act a personal holding company whether or not organized under the laws of this State shall not be recognized as a legal entity separate and distinct from the shareholders thereof. Any such company having more than one shareholder shall be deemed a partnership."

Amendment No. 166.

On page 36, line 39, of the printed bill, as amended, strike out "34", and insert in lieu thereof the following: "35".

Amendment No. 167.

On page 36, line 49, of the printed bill, as amended, strike out "35", and insert in lieu thereof the following: "36".

Amendment No. 168.

On page 36, line 50, of the printed bill, as amended, strike out "(a)".

KNOWLAND,
PARKMAN,
POWERS,

Senate Committee on Free Conference.

WILLIAMSON,
COTTRELL,
REDWINE,

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen Keough, King, Knowland, McColl, McCormack, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—Senators McGovern, McGuinness, Metzger, Sharkey, and Stow—5.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2459—An act to prevent the entry into California of paupers, vagabonds, indigent persons, persons likely to become public charges, providing means for enforcing the same and prescribing penalties for the violation thereof, declaring the urgency thereof, and providing it shall take effect immediately.

Bill read third time.

Amendments from the Floor.

During third reading of Assembly Bill No. 2459, the following amendments, offered by Senator Olson, were read and refused adoption:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out all of lines 1 to 18, both inclusive.

Amendment No. 2.

On page 1, line 19, of the printed bill, as amended, strike out the figure "2", and insert in lieu thereof the figure "1"; and after the word "persons", insert a comma and the following: "financial racketeers, stock and bond jobbers, industrial monopolists, watered stock manufacturers, corporation plunderers, despoilers of the savings of the poor, bank wreckers and defaulters, sweat shop owners and child labor exploiters, defrauders of widows and orphans, fraudulent promoters, family deserters, violators of private or public trusts, bribers of public officials, recipients of bribes, beneficiaries of fraudulent contracts secured through public agencies, millionaire wartime profiteers and promoters of war".

Amendment No. 3.

On page 2, line 24, of the printed bill, as amended, after the word "vehicle", insert a comma and the words "railroad trains and airplanes".

Amendment No. 4.

On page 3 of the printed bill, as amended, strike out all of lines 5 to 51, both inclusive.

Amendment No. 5.

On page 1, line 21, of the printed bill, as amended, strike out "3", and insert in lieu thereof "2".

Amendment No. 6.

On page 2, line 6, of the printed bill, as amended, strike out "4", and insert in lieu thereof "3".

Amendment No. 7.

On page 2, line 10, of the printed bill, as amended, strike out "5", and insert in lieu thereof "4".

Amendment No. 8.

On page 2, line 18, of the printed bill, as amended, strike out "54", and insert in lieu thereof "5".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2459 refused passage by the following vote:

AYES. Senators Difani, Edwards, Gordon, Hays, Mixer, Parkman, Perry, Rich, Sharkey, Swing, and Tickle—11.

NOES. Senators Crittenden, Denei, Fletcher, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Olson, Pierovich, Powers, Schottky, Scollan, Slater, Snyder, Stow, Waggy, and Williams—22.

Assembly Bill No. 1053—An act requiring the compilation and publication of reports relative to the financial condition of the municipal corporations within the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1053 passed by the following vote:

AYES. Senators Bigger, Denei, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Williams—28.

NOES. Senator McGovern—1.

Title read and approved.

Assembly Bill No. 1053 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator McGuinness moved to reconsider the vote whereby Assembly Bill No. 2445 was passed.

Postponement of Reconsideration.

On motion of Senator McGuinness, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2445 was passed, was postponed until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Hulse moved to reconsider the vote whereby Assembly Bill No. 46 was passed.

Postponement of Reconsideration.

On motion of Senator Hulse, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 46 was passed, was postponed until the next legislative day.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 1054 was passed.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1054 was passed was continued until the next legislative day.

Motion to Reconsider.

Pursuant to the notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Assembly Bill No. 93 was refused passage.

Postponement of Reconsideration.

On motion of Senator Scollan, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 93 was refused passage was continued until the next legislative day.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and forty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Senate Bill No. 1119 finally passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGuinness, Metzger, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, and Young—30.

NOES—Senators Crittenden, Garrison, Gordon, King, McGovern, Mixter, Olson, Schottky, and Williams—9.

Title read and approved.

Notice of Motion to Reconsider.

Senator Jespersen gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bill No. 1119 was passed.

Notice of Motion to Reconsider.

Senator Stow gave notice that on the next legislative day he would move to reconsider the vote by which Assembly Bill No. 2459 was refused passage.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file.

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1018—An act to amend sections 649, 657, 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to funds;

Also: Senate Bill No. 1126—An act to amend sections 105, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles;

Also: Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation; And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 787—An act to amend sections 1, 2, 10, 13a and 14 of the "Motor Vehicle Fuel License Tax Act," approved May 30, 1923, as amended, relating to definitions of terms and phrases, applications for licenses and fees required in connection therewith, nontaxable sales and exemption certificates in connection therewith, revolving funds, penalties for violation of said act, and providing that this act shall take effect immediately—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Motion to Reconsider.

Pursuant to the notice given on a previous day, Senator Knowland moved to reconsider the vote whereby the amendment to Rule 51, of the Standing Rules of the Senate, offered by Senator Garrison, was adopted.

Postponement of Reconsideration.

On motion of Senator Knowland, the further consideration of the above motion to reconsider, was continued until the next legislative day.

Notice of Motion to Reconsider.

Senator Keough gave notice that on the next legislative day he would move to reconsider the vote by which Senate Bills Nos. 780, 781 and 782 were passed.

Motion to Recall Senate Bills Nos. 780, 781, and 782 from Assembly.

Senator Keough moved that Senate Bills Nos. 780, 781, and 782 be recalled from the Assembly.

Motion carried.

The Secretary of the Senate was ordered to transmit a message to the Assembly recalling Senate Bills Nos. 780, 781, and 782.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1126—An act to amend sections 105, 106, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

Amendments from the Floor.

During third reading of Assembly Bill No. 1126, the following amendments, offered by Senator Pierovich, were read and adopted:

Amendment No. 1.

On page 1, lines 6 and 7, of the printed bill, as amended, strike out "The Governor shall appoint the Director of Motor Vehicles", and insert in lieu thereof the following: "The director shall be appointed by, and hold office at the pleasure of, the Governor."

Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, strike out "as Director of Motor Vehicles".

Amendment No. 3.

On page 1, line 12, of the printed bill, as amended, strike out ", in", following the word "dollars", and insert in lieu thereof a period.

Amendment No. 4.

On page 1 of the printed bill, as amended, strike out all of line 13.

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Constitutional Amendment No. 90—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 12, relating to the Rector Canyon Dam project.

Amendment from the Floor.

During reading of Assembly Constitutional Amendment No. 90, the following amendment, offered by Senator Gordon, was read and adopted:

Amendment No. 1.

On page 1, line 16, of the printed measure, strike out "a sum"; also strike out all of lines 17 and 18, and insert in lieu thereof the following: "an amount not exceeding the sum heretofore or hereafter agreed to be paid by the Rector Dam Authority to the United States of America or any agency or department thereof,

over a period of not to exceed fifty years, for any loan made to and accepted by the authority in accordance with law."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2427—An act to amend sections 1, 7, 8 and 9 of an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, relating to practice of veterinary medicine.

Amendment from the Floor.

During third reading of Assembly Bill No. 2427, the following amendment, offered by Senator Young, was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended in Senate June 10, 1935, after the comma in line 28, insert the following: "or veterinarians employed full time by the California Department of Agriculture in meat inspection".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2359—An act to amend sections 238, 804, 814, 815 and 1261 of, and to add section 395.5 to the Military and Veterans Code, relating to military and veterans' affairs.

Amendments from the Floor.

During third reading of Assembly Bill No. 2359, the following amendments, offered by Senator Difani, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "238,".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 11, inclusive.

Amendment No. 3.

On page 1, line 12, of the printed bill, as amended, strike out "Sec. 2", and insert in lieu thereof the following: "Section 1".

Amendment No. 4.

On page 1, line 19, of the printed bill, as amended, strike out "Sec. 3", and insert in lieu thereof the following: "Sec. 2".

Amendment No. 5.

On page 2, line 1, of the printed bill, as amended, strike out "Sec. 4", and insert in lieu thereof the following: "Sec. 3".

Amendment No. 6.

On page 2, line 8, of the printed bill, as amended, strike out "Sec. 5", and insert in lieu thereof the following: "Sec. 4".

Amendment No. 7.

On page 2, line 21, of the printed bill, as amended, strike out "Sec. 6", and insert in lieu thereof the following: "Sec. 5".

Amendment No. 8.

On page 2, line 27, of the printed bill, as amended, strike out "Sec. 7", and insert in lieu thereof the following: "Sec. 6".

Amendment No. 9.

On page 2, line 31, of the printed bill, as amended, strike out "Sec. 8", and insert in lieu thereof the following: "Sec. 7".

Amendment No. 10.

On page 2, line 42, of the printed bill, as amended, strike out "Sec. 9", and insert in lieu thereof the following: "Sec. 8".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2467—An act to add to the Probate Code a new section, to be numbered 201.5, and amending section 220 of the Probate Code, both relating to the laws of succession.

Amendments from the Floor.

During third reading of Assembly Bill No. 2467, the following amendments, offered by Senator Knowland, were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "section", and insert in lieu thereof the following: "sections 201 and".

Amendment No. 2.

On page 1, line 3, of the title of the printed bill, as amended, strike out "both", and insert in lieu thereof the following: "all".

Amendment No. 3.

On page 1, line 3, of the printed bill, as amended, strike out "the husband", and insert in lieu thereof the following: "either husband or wife".

Amendment No. 4.

On page 1, line 8, of the printed bill, as amended, strike out "wife", and insert in lieu thereof the following: "spouse".

Amendment No. 5.

On page 1, line 9, of the printed bill, as amended, strike out "husband", and insert in lieu thereof the following: "decedent".

Amendment No. 6.

On page 1, line 10, of the printed bill, as amended, strike out "wife", and insert in lieu thereof the following: "spouse, subject to the debts of the decedent and to administration and disposal under the provisions of Division III of this code".

Amendment No. 7.

On page 1 of the printed bill, as amended, between lines 10 and 11, insert the following:

"Sec. 2. Section 201 of the Probate Code is hereby amended to read as follows:

201. Upon the death of either husband or wife, one-half of the community property belongs to the surviving spouse; and the other half is subject to the testamentary disposition of the decedent, and in the absence thereof goes to the surviving spouse, subject to the provisions of sections 202 and 203 of this code."

Amendment No. 8.

On page 1, line 11, of the printed bill, as amended, strike out "2", and insert in lieu thereof the following: "3".

Bill read, ordered to reprint, and on file for third reading.

Adjournment.

On motion of Senator Stow, at eleven o'clock and fifty-five minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock a.m., Wednesday, June 12, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Wednesday, June 12, 1935.

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

For a Moratorium.

O God, our Father, we are grateful that Thou dost not deal with us after our sins, nor reward us according to our iniquities.

We pray, this morning, for a moratorium on our shortcomings. Grant that these burdens be lifted; that our better selves may better survive.

By Thy grace and power put aside all hurtful things. Lift the mortgage of greed off the backs of our people, that love and brotherhood may restore happiness and prosperity to their hearts.

And give us, O Lord, a holiday from our fears. Our Nation has ever maintained a triumphant faith. We shall not quit now.

Keep in our hearts and in the heart of our Nation those glorious and blessed hopes that have made our country great, and when our trials are heaviest, may our faith be the strongest.

Oh Thou, who forgivest all things, forgive us our debts, and Thy name shall be praised now and forevermore. Amen.

Reading of the Journal.

During the reading of the Journal of Tuesday, June 11, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leave of Absence.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Stafford Hughes and Mrs. A. C. Hughes.

On request of Senator Young, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Ros Mannina of San Jose.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. L. W. Burby and Miss Ruth Burby of Clarksburg.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, pursuant to the request of the Senate, herewith returns the following bills for further consideration by the Senate—Senate Bill No. 780—An act to amend

the title and sections 2, 3, 4, 5, 6 and 7 of an act entitled "An act prohibiting the bringing in, sale and distribution in this State of crude petroleum oil illegally produced and of gasoline, distillate, kerosene, gas oil or other motor fuel extracted, manufactured, distilled or compounded in whole or in part, from crude petroleum oil or gas illegally produced; providing for certificates to be filed with the State Superintendent of Weights and Measures, Department of Agriculture, at the time of bringing into this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, certifying that such crude petroleum oil was not illegally produced or that such gasoline, distillate, kerosene, gas oil or other motor fuel was not extracted, manufactured, distilled or compounded from oil or gas illegally produced, and providing for a permit for taking delivery of such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel, and the fee to be paid therefor, and prescribing penalties for violation of this act," approved June 5, 1923, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the State Department of Agriculture, by the State Board of Equalization;

Also: Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization;

Also: Senate Bill No. 782—An act to amend an act entitled "An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating the distribution or sale of such products; defining the powers and duties of the Division of Weights and Measures, Superintendent of Weights and Measures, Department of Agriculture and officers and employees thereof in relation thereto; prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent herewith and making an appropriation to carry out the provisions of this act," approved June 5, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 277—An act to amend section 164 of the Civil Code, relating to community property.

Also: Senate Bill No. 365—An act to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924 of the Civil Code, relating to recording of notice of default and to giving notice of sale under deeds of trust and mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924b of the Civil Code, relating to giving of notice of recording of notice of default and of time and place of sale under deeds of trust or mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924c of the Civil Code, relating to reinstatement of loans when due date of principal sum has been accelerated; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580b of the Code of Civil Procedure, prohibiting deficiency judgments on purchase money mortgages and deeds of trust; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580c of the Code of Civil Procedure, limiting the trustee's or attorney's fees which a mortgagor or trustor may be required to pay; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 725a of the Code of Civil Procedure, permitting the beneficiary or trustee named in a deed of trust to bring suit to foreclose the same in the manner of a mortgage; and to amend section 2924j of the Civil Code, relating to mortgages and deeds of trust, all relating to the hypothecation of real property and to obligations secured thereby;

Also: Senate Bill No. 936—An act to repeal section 2610 of the Political Code as added by Chapter 992 of the fiftieth session of the Legislature, and to add a new section to the Political Code to be numbered section 2610a, relating to a Board of State Harbor Commissioners for the Bay of San Diego;

Also: Senate Bill No. 1125—An act to amend sections 376a and 376b of the Political Code, relating to the Department of Penology;
And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 277, 365, 936, and 1125 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 269—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment;

Also: Senate Bill No. 589—An act to add section 10112 to the Insurance Code, relating to contract of minors for life insurance and disability and annuity contracts;
And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 269 and 589 ordered on unfinished business file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 10, 1935, passed Senate Bill No. 233—An act repealing section 365e⁴ of the Political Code, and section 133 of the Streets and Highways Code, relating to the California Highway Commission.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 233 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day requested the return of Assembly Bill No. 329—An act relating to codes of fair competition for certain trades and industries within this State—for further consideration by the Assembly.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Motion to Return Assembly Bill No. 329 to the Assembly.

Upon motion of Senator Slater, the request of the Assembly concerning the return of Assembly Bill No. 329 was granted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 1837—An act to amend sections 269 and 271 of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653, 655 and 651.6 thereof, relating to fish—and appointed Assemblymen Donnelly, Hornblower and Redwine, as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Appointment of Committee on Free Conference.

The President announced the appointment of Senators Scollan, Young and Garrison, as a Committee on Free Conference, to meet

with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 436.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2495—An act making an appropriation for the contingent expenses of the Assembly at its fifty-first session, and declaring that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2495 read first time, and referred to Committee on Finance.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 1837.

SENATE CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1837—An act to amend sections 269 and 271 of the Code of Civil Procedure, relating to the appointment, duties and compensation of phonographic reporters—reports that it has met a like committee of the Assembly, consisting of Assemblymen O'Donnell, Hornblower and Cronin, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate recede from the Senate amendments.

PIEROVICH,
MCGOVERN,
SCHOTTKY.

O'DONNELL,
CRONIN,
HORNBLOWER.

Senate Committee on Free Conference.

Assembly Committee on Free Conference

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Riggall, Crittenden, Doud, Edwards, Garrison, Hulse, Jespersen, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Parkman, Pierovich, Powers, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Tickle, and Wagy—25.

NOES—None.

Third Reading of Senate Bills.

Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation.

Amendments from the Floor.

During third reading of Senate Bill No. 1128, the following amendments, offered by Senator Duval, were read and adopted:

Amendment No. 1.

On page 2, line 14, of the printed bill, as amended, after "notes", insert the following: "or other evidences of indebtedness".

Amendment No. 2.

On page 2, line 21, of the printed bill, as amended, after the second "or", in said line, insert the following: "other".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Unfinished Business.

Consideration of Assembly Amendment.

Senate Bill No. 112—An act to amend sections 2, 13 and 17 of the Orange County Water District Act, approved June 14, 1933, relating to powers and duties of the board of directors, the establishment of an office therefor and declaring and limiting their powers as to the district budget and the levy of assessments.

The Senate took up for consideration Assembly amendment to Senate Bill No. 112.

Amendment No. 1.

On page 3, line 22, of the printed bill, before the period after the word "purpose", insert a semicolon and the following: "providing, however, that neither said district nor its board of directors shall have power to enter in or upon the Mojave River or any of its tributaries or appropriate, take or condemn any of the water or the right to the use of any of the water of said Mojave River or any of its tributaries; nor shall anything in this act be deemed as authorizing or empowering said district or its board of directors to so do."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 112?

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 112, by the following vote:

AYES—Senators McGovern, McGuinness, and Swing—3.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—28.

Assembly requested to recede and bill ordered on unfinished business file.

Senate Bill No. 704—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of funds, for the issuance and sale of bonds, and providing for the control and distribution of electric energy.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 704.

Amendment No. 1.

On page 3, line 4, of the printed bill, strike out the words "and file".

Amendment No. 2.

On page 3, line 19, of the printed bill, after the comma following the word "provided", insert the following: "and that all the lands within the district will be benefited thereby,".

Amendment No. 3.

On page 3, line 24, of the printed bill, after the comma following the word "possibilities", insert the following: "and that all the lands within the district will be benefited thereby,".

Amendment No. 4.

On page 4, line 1, of the printed bill, strike out the word "revenue".

Amendment No. 5.

On page 5, line 10, of the printed bill, following the period, insert the following: "No bonds shall be issued by any irrigation district for any of the purposes of this act except as provided in the California Irrigation District Act, or as may be otherwise expressly provided by law. No irrigation district shall borrow any money for the acquisition or construction of works for any of the purposes of this act without the issuance of bonds, unless and until the board of directors thereof shall have adopted a resolution proposing so to borrow money, and stating the purpose for which the money is to be used, the amount proposed to be borrowed, the

maximum rate of interest to be paid therefor, and the terms of repayment thereof, and unless and until such proposal shall have been approved at a special election called and held within said district in the manner and upon the notice provided in the California Irrigation District Act in the case of an election to determine whether bonds of the district shall be issued. Such election may be called by the board of directors of the district, and must be called if a petition signed as provided in section 30e of the California Irrigation District Act is filed with said board. The notice of such election shall contain a statement of the matters required to be set forth in the resolution heretofore provided for, and the proposition shall be stated on the ballots used at such election in substantially the following form: "Shall the board of directors of _____ Irrigation District be authorized to borrow not to exceed \$_____ for the purposes, and on the terms set forth in a resolution of said board adopted on the _____ day of _____, 19____?" The returns of said election shall be canvassed and the result thereof declared in accordance with the provisions of the California Irrigation District Act regarding the issuance of bonds, and if said proposal is approved as provided in said act, the board of directors of the district shall be authorized to borrow money in an amount or amounts not exceeding in the aggregate the amount specified in said resolution and at a rate or rates of interest not exceeding the maximum rate specified in said resolution, and otherwise on such terms as are specified in said resolution."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 704?

The roll was called, and Assembly amendments to Senate Bill No. 704 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McGovern, Mixer, Parkman, Perry, Pierovich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—None.

Senate Bill No. 704 ordered to enrollment.

Senate Bill No. 705—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydro electrical power and to acquire equipment, including stand-by plants, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 705.

Amendment No. 1.

On page 2, line 52, of the printed bill, strike out the words "the provisions of", and insert in lieu thereof the following: "are provided for in".

Amendment No. 2.

On page 3, line 10, of the printed bill, strike out the period, and insert in lieu thereof a comma and the following: "except that nothing in said act or in this act shall be so construed as to prevent the sale of power by any district for use outside of the boundaries of such district or to require the distribution of such power in accordance with any assessments levied by such district."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 705?

The roll was called, and Assembly amendments to Senate Bill No. 705 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, Mixer, Olson, Pierovich, Powers, Rich, Schottky,

Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Senate Bill No. 705 ordered to enrollment.

Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 15½, authorizing irrigation districts, heretofore or hereafter organized, and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplemental thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 706.

Amendment No. 1.

On page 2, line 23, of the printed bill, after the word "therefor", strike out the semicolon, and insert in lieu thereof a comma and the following: "such contract or bonds to be approved and issued as in this act provided for other bonds of the district or as may be provided in any act or amendment or supplement thereto providing for and authorizing an irrigation district to borrow funds or authorizing loans to be made to irrigation districts;".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 706?

The roll was called, and Assembly amendment to Senate Bill No. 706 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Hays, Hulse, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Mixter, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Senate Bill No. 706 ordered to enrollment.

Senate Bill No. 797—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 797.

Amendment No. 1.

On page 1, line 9, of the printed bill, as amended, after "Works.", insert the following: "or any licensed structural engineer or licensed architect".

Amendment No. 2.

On page 1, line 17, of the printed bill, after the word "may", insert the word "be".

Amendment No. 3.

On page 1, line 4, of the printed bill, as amended, after the word "building", insert the following: "or buildings".

Amendment No. 4.

On page 1 of the printed bill, as amended, strike out lines 6, 7 and 8, and insert in lieu thereof the following: "Public Works, for the gov-".

Amendment No. 5.

On page 1, line 9, of the printed bill, as amended, after the word "district", insert a comma.

Amendment No. 6.

On page 1, line 16, of the printed bill, as amended, after the word "building", insert the following: "or buildings".

Amendment No. 7.

On page 1, line 18, of the printed bill, as amended, after the word "building", first appearing therein, insert the following: "or buildings".

Amendment No. 8.

On page 1, line 18, of the printed bill, as amended, after the word "building", second appearing therein, insert the following: "or buildings".

Amendment No. 9.

On page 1, line 19, of the printed bill, as amended, after the word "building", first appearing therein, insert the following: "or buildings".

Amendment No. 10.

On page 1, line 19, of the printed bill, as amended, after the word "building", second appearing therein, insert the following: "or buildings".

Amendment No. 11.

On page 2, line 7, of the printed bill, as amended, after the word "building", insert the following: "or buildings".

Amendment No. 12.

On page 2, line 8, of the printed bill, as amended, after the word "building", insert the following: "or buildings".

Amendment No. 13.

On page 2, line 11, of the printed bill, as amended, after the word "building", insert the following: "or buildings".

Amendment No. 14.

On page 2, line 12, of the printed bill, as amended, strike out the following: "shall within sixty days", and insert in lieu thereof the following: "may".

Amendment No. 15.

On page 2, line 13, of the printed bill, as amended, after the word "building", insert the following: "or buildings".

Amendment No. 16.

On page 2 of the printed bill, as amended, strike out lines 14 to 33, inclusive, and insert in lieu thereof the following: "election at which there shall be submitted to the qualified electors of the district three propositions, to wit:

(1) Authorization of bonds of the district in an amount sufficient, as shown by such estimate, to provide funds for the repair, reconstruction or replacement of such building or buildings.

(2) Authorization of the increase of the maximum tax rate of the district for such length of time as will permit raising sufficient funds by district taxation for the repair, reconstruction or replacement of such building or buildings.

(3) Abandonment of such building or buildings and use of lots or other temporary structures for school purposes in lieu of the building or buildings so abandoned.

In cases where authorization of the qualified electors for the expenditure of such funds is required under any law of this State, the proposition to authorize such expenditure shall be submitted at such election.

The resolution or notice calling the election shall specify the building or buildings proposed to be repaired, reconstructed or replaced, and those proposed to be abandoned.

Such election shall be called and held and the vote canvassed and result declared in the manner provided by law for the calling and holding of district bond elections. Each elector shall be entitled to vote upon each of such propositions.

If, at such election, the requisite number of voters cast their ballots in favor of the issuance of bonds, such bonds shall be issued and sold in the manner provided by law for the issuance and sale of bonds of such district, and the proceeds used for the purpose or purposes specified in the resolution or notice calling the election. In such event, the results of the voting upon the other two propositions submitted at such election as provided in this section shall be disregarded.

If, at such election, issuance of bonds of the district is not authorized, and if, on the proposition of increasing the tax rate of the district the number of votes cast in the affirmative, is sufficient to authorize an increase in the tax rate of the district such increase shall be authorized, and the governing board shall proceed to increase such rate and to use the proceeds of such increased tax solely for the purpose or purposes specified in the resolution or notice calling such election. In such event

the result of the voting upon the third proposition so submitted at such election shall be disregarded.

If, at such election, neither the proposition to issue bonds nor the proposition to increase the maximum tax rate is authorized by the electors, the result of the voting upon the proposition to authorize the use of tents or other temporary structures shall be considered by the governing board, as an advisory vote and such tents or other temporary structures used for school purposes to the extent that such use shall be deemed necessary by such governing board. No member of the governing board shall be held personally liable for any damage or injury to person or property as a result of such use of tents or other temporary structures, except in case of his own personal negligence or misconduct.

If, at such election, neither the issuance of bonds nor the increase of the tax rate is authorized, and the other proposition on the ballot does not receive a majority of the votes cast thereon in favor thereof, no member of the governing board".

Amendment No. 17.

On page 2, line 36, of the printed bill, as amended, strike out the following: "such building, nor shall any", and insert in lieu thereof the following: "any building or buildings referred to in the resolution or notice calling such election. No".

Amendment No. 18.

On page 2, line 37, of the printed bill, as amended, after the word "district", insert the following word: "shall".

Amendment No. 19.

On page 2, line 43, of the printed bill, as amended, after "refused", insert the following: ", after receiving a statement from the Superintendent of Public Instruction that such district has not sufficient funds therefor".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 797?

The roll was called, and Assembly amendments to Senate Bill No. 797 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—29.

NOES—None.

Senate Bill No. 797 ordered to enrollment.

Consideration of Senate Amendments to Assembly Bill No. 437.

Assembly Bill No. 437—An act to amend section 112 of, and to add section 112a to, the Code of Civil Procedure, relating to the jurisdiction of justices' courts.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 437?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 437 by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, Mixter, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—28.

Appointment of Committee on Free Conference.

The President announced the appointment of Senators Knowland, Olson and Hays, as a Committee on Free Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 437.

Consideration of Senate Amendments to Assembly Bill No. 1346.

Assembly Bill No. 1346—An act to amend section 107 of the Penal Code, relating to punishment for escape of a prisoner.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1346?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1346 by the following vote:

AYES—None.

NOES—Senators Riggan, Crittendon, Donel, Duval, Fletcher, Gordon, Hays, Jorgensen, Knepp, Knowland, Myrick, Olson, Parkman, Schottky, Senwell, Sharkey, Slater, Snider, Swang, Tickle, Waggy, Williams, and Young—23.

Appointment of Committee on Free Conference.

The President announced the appointment of Senators Knowland, Young and Dufani, as a Committee on Free Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1346.

Consideration of Assembly Amendment.

Senate Bill No. 1124. An act to amend sections 1193, 1217, 1228, 1239 and 1243 of the Penal Code, relating to persons convicted of the commission of crime.

The Senate took up for consideration Assembly amendment to Senate Bill No. 1124.

Amendment No. 1.

On page 1, line 14, of the printed bill, strike out "imposed"; and insert in lieu thereof the following: "reimposed".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 1124?

The roll was called, and Assembly amendment to Senate Bill No. 1124 concurred in by the following vote:

AYES—Senators Riggan, Crittendon, Donel, Dufani, Duval, Garrison, Gordon, Hays, Knepp, Knepp, Knowland, McCall, McCormack, McGuinness, Myer, Olson, Parkman, Schottky, Seaman, Slater, Stow, Swang, Tickle, Waggy, Williams, and Young—26.

NOES—None.

Senate Bill No. 1124 ordered to enrollment.

Motion to Rescind.

Senator Metzger moved to rescind the action of the Senate in passing Assembly Bill No. 1836 on June 8, 1935.

The question being on the adoption of the motion to rescind.

The roll was called, and the motion to rescind was carried by the following vote:

AYES—Senators Riggan, Crittendon, Donel, Dufani, Duval, Fletcher, Garrison, Gordon, Hays, Jorgensen, Knepp, Knepp, Knowland, McCall, McCormack, McGuinness, Metzger, Myer, Olson, Parkman, Perry, Powers, Rich, Schottky, Seaman, Sharkey, Slater, Swang, Tickle, Waggy, Williams, and Young—33.

NOES—None.

Assembly Bill No. 1836 ordered on file for third reading.

Motion to Reconsider Waived.

Senator McGuinness waived reconsideration on Assembly Bill No. 2445.

Assembly Bill No. 2445 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Sharkey moved to reconsider the vote whereby Assembly Bill No. 2409 was passed.

Reconsideration Granted.

The question being on the motion to reconsider.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Powers, Scollan, Sharkey, Slater, Stow, Tickle, Wagy, and Williams—25.

NOES—Senators Garrison, Olson, Rich, and Schottky—4.

Consideration of Assembly Bill No. 2409.

Assembly Bill No. 2409—An act to add sections 1217.5 and 1243.5 to the Penal Code, relating to capital punishment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2409 was refused passage by the following vote:

AYES—Senators Garrison, Olson, Perry, Schottky, Swing, and Williams—6.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—29.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 1054 was passed.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1054 was passed, was postponed until the next legislative day.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Scollan moved to reconsider the vote whereby Assembly Bill No. 93 was refused passage.

The question being on the motion to reconsider.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Scollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—37.

The Secretary announced the absentees.

Time, twelve o'clock and two minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and twenty-four minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Seollan.

The Secretary was directed to call the roll, on the motion to reconsider the vote whereby Assembly Bill No. 93 was refused passage, of the Senators who had not answered to their names.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES.—Senators Rigger, Crittenden, Garrison, Gordon, Keough, McColl, McCormack, McGovern, Metzger, Peery, Pierovich, Powers, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swang, and Williams. 21.

NOES.—Senators Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, King, Knowland, McGovern, Mixter, Olson, Parkman, Schottky, Tickle, Wagy and Young. 18.

Consideration of Assembly Bill No. 93.

Assembly Bill No. 93—An act to amend section 69 of the Civil Code, relating to marriage licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Seollan moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Rigger, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGoverness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Rein-dollar, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young. 38.

The Secretary announced the absentees.

Time, twelve o'clock and twenty-eight minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Motion to Reconsider Waived.**

Senator Hulse waived reconsideration of Assembly Bill No. 46.

Assembly Bill No. 46 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 404—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor.

Amendments from the Floor.

During third reading of Senate Bill No. 404, the following amendments, offered by Senator Powers, were read and adopted:

Amendment No. 1.

On page 1, line 9, of the printed bill, as amended, after "borne", insert the following: "as follows: not more than".

Amendment No. 2.

On page 1, line 10, of the printed bill, as amended, strike out "and", and insert in lieu thereof the following: "not more than".

Amendment No. 3.

On page 1, line 12, of the printed bill, as amended, strike out "or by any person or persons.", and insert in lieu thereof the following: "and any person or persons may contribute money or its equivalent in labor, equipment or materials for such purpose."

Amendment No. 4.

On page 1, line 17, of the printed bill, as amended, after "amount", insert the following: "or its equivalent".

Amendment No. 5.

On page 1, line 21, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "in money or its equivalent."

Amendment No. 6.

On page 1, line 22, of the printed bill, as amended, after "amounts", insert the following: "of money".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Senate Bill No. 1132—An act relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately.

Amendments from the Floor.

During third reading of Senate Bill No. 1132, the following amendments, offered by Senator Williams, were read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, strike out "shall be"; also strike out lines 3 to 5, inclusive, and insert in lieu thereof the following: "who by reason of an eligible list theretofore established for the position held by him on December 20, 1934, has had no opportunity to take an examination to determine his eligibility for certification and appointment to such position, and if no such examination has been held subsequent to December 20, 1934, shall be allowed to take such an examination."

Amendment No. 2.

On page 1 of the printed bill, strike out lines 14 to 19, inclusive, and insert in lieu thereof the following:

"Sec. 3. Each successful candidate at such an examination who held a position mentioned in section 1 hereof on the effective date of said Article XXIV shall be placed on the appropriate eligible list for certification and appointment to such position and with such priority thereon as is determined by the rating attained by him upon such examination as compared with the respective ratings of other persons on said list."

Amendment No. 3.

On page 2, line 6, of the printed bill, strike out "creating a State Per-"; also strike out all of lines 7 to 26, inclusive, and insert in lieu thereof the following: "which placed in the State civil service numerous offices and positions which prior thereto had not been in the State civil service. On the effective date of said constitutional amendment, many persons held positions which were thus brought into the State civil service and had held such positions for a considerable period, but not for the full period of six months immediately preceding said effective date. As to many of said positions there exist eligible lists established prior to the effective date of said constitutional amendment, and it appears that the existence of such eligible lists would operate to prevent the persons hereinabove mentioned from having any opportunity to take examinations for qualification for certification to the very positions which they then held, unless suitable legislation is enacted to provide therefor, and it is imperative that such legislation to accomplish this purpose take effect immediately."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills.

Assembly Bill No. 754—An act to make an appropriation from unemployment relief money for construction work by fairs under State control.

Amendments from the Floor.

During third reading of Assembly Bill No. 754, the following amendments, offered by Senator Swing, were read and adopted:

Amendment No. 1.

On page 1, line 5, of the printed bill, strike out "seventy-two", and insert in lieu thereof the words "seventy-seven".

Amendment No. 2.

On page 1, line 5, of the printed bill, after the word "construction", insert the words "and repair".

Amendment No. 3.

On page 2 of the printed bill, after line 16, insert the following:

"34 Model _____ 5,000"

Amendment No. 4.

On page 2, line 28, of the printed bill, strike out "\$2,872,000", and insert in lieu thereof the following: "\$2,877,000".

Bill read, ordered to reprint, and on file for third reading.

Communication.

The following communication, offered by Lieutenant Governor George J. Hatfield, was received, read, and ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, June 11, 1935.

Hon. Lieutenant Governor George J. Hatfield

New Federal regulations on unemployment relief, as transmitted to the Los Angeles County board of supervisors, and we understand same information was sent to all boards of supervisors in the State by the State Emergency Relief Administrator, threaten to throw back to counties a further portion of unemployment needs. Totally beyond ability of counties to pay this proposed new burden, not a county responsibility, and Los Angeles County today bearing an oppressive burden which is rapidly exhausting resources, personal and real taxpayers. President Roosevelt's attention should be called to possibility of state of chaos which would result in our State if new rulings become effective. The State of California and all its counties can point with pride to their substantial participation in unemployment relief as compared with many other States. We should not be penalized. If Federal Government insists upon enforcing these rulings, then State Legislature, now in session, should provide state-wide means to carry this load.

HERBERT C. LEGG, Chairman.

Communication referred to Committee on Unemployment.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Olson moved to reconsider the vote whereby Senate Bill No. 1063 was passed.

Reconsideration Refused.

The question being on the motion to reconsider.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Garrison, McColl, McCormack, Olson, Perry, Pierovich, Powers, and Slater—8.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Keough, King, Knowland, McGuinness, Metzger, Mixter, Parkman, Rich, Schottky, Seawell, Sharkey, Snyder, Tickle, Wagy, Williams, and Young—25.

Senate Bill No. 1063 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and fifty minutes a.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Scollan.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 93 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Garrison, Gordon, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, and Williams—21.

NOES—Senators Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, King, Knowland, Mixer, Olson, Parkman, Schottky, Tickle, Waggy, and Young—17.

Assembly Bill No. 93 ordered transmitted to the Assembly.

Recess.

On motion of Senator Rich, at twelve o'clock and fifty minutes p.m., the President of the Senate declared recess until two o'clock and thirty minutes p.m.

Reconvened.

At two o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:
By Senator McGovern:

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to amend section 737*ll* of the Political Code relating to salaries of the judges of the superior court of the City and County of San Francisco.

Respectfully submitted.

SENATOR MCGOVERN.

Request referred to Committee on Rules.

Motion to Reconsider Waived.

Senator Difani waived reconsideration on Assembly Bill No. 653.

Assembly Bill No. 653 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered read the second time:

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 213—An act to amend sections 137, 138, and 166 of, and to add sections 171 and 172 to the Fish and Game Code, relating to game refuges—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

McCOLL, Chairman.
HULSE.
PARKMAN.
MCGOVERN.
WILLIAMS.
YOUNG.
GORDON.
MCGUINNESS.
METGZER.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 2417—An act to amend section 844 of the Fish and Game Code, relating to nets, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

McCOLL, Chairman.
KEOUGH.
McGUINNESS.
HULSE.
McGOVERN.
YOUNG.
SCOLLAN.
WILLIAMS.
METGZER.
SLATER.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 22—Relative to Pacific Exposition;

Also Assembly Joint Resolution No. 23—Relative to the Pacific Exposition; Has had the same under consideration, and respectfully reports the same back, and recommends that they be adopted.

Committee membership—5; committee vote: Ayes—4; absent—1.

WAGY, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 2425—An act to add a new section to the Political Code, to be numbered 3631a, relating to the Division of Water Resources revolving fund, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Concurrent Resolution No. 50—Relative to the California Highway Patrol—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—11; committee vote: Ayes—7; noes—3; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 2473—An act to add section 269 to the Political Code, relating to officers of the Senate and Assembly—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1010—An act to amend sections 1, 2, 3, 4 and 5 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, as amended, relating to the inspection of canneries, the State Board of Public Health and to the power and duties thereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—10; absent—1.

HAYS, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, June 10, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1267—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the

health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of used bottles and containers used for foods, drugs and liquors—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Second Reading of Assembly Bills.

Assembly Bill No. 2417—An act to amend section 844 of the Fish and Game Code, relating to nets.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2425—An act to add a new section to the Political Code, to be numbered 363m, relating to the Division of Water Resources revolving fund.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1267—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of used bottles and containers used for foods, drugs and liquors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1010—An act to amend sections 1, 2, 3, 4 and 5 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, as amended, relating to the inspection of canneries, the State Board of Public Health and to the power and duties thereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Public Health and Quarantine, the following amendments to Assembly Bill No. 1010 were read and adopted:

Amendment No. 1.

On page 3, line 32, of the printed bill, as amended, strike out "It shall be", and strike out all of lines 33 to 39, inclusive.

Amendment No. 2.

On page 3, line 40, of the printed bill, as amended, strike out "Board".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2473—An act to add section 269 to the Political Code, relating to officers of the Senate and Assembly.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 2473 were read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "Senate and".

Amendment No. 2.

On page 1, line 4, of the printed bill, as amended, after "named", insert the following "of the Assembly".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 213. An act to amend sections 137, 138, and 166 of, and to add sections 171 and 172 to the Fish and Game Code, relating to game refuges.

Bill read second time, and ordered on file for third reading.

Consideration of Motion to Reconsider.**Amendment to Standing Rules.**

Pursuant to his motion given on a previous day, Senator Knowland requested consideration, at this time, of his motion to reconsider the vote whereby the amendment offered by Senator Garrison to Rule No. 51, of the Standing Rules of the Senate, was adopted.

The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Deuel, Difani, Duval, Edwards, Garrison, Hays, Hulse, Jespersen, King, Knowland, McGill, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Rich, Schatzky, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—29.

NOES—None.

Substitute Amendment.

Senator Rich moved that the following amendment be substituted for the amendment offered by Senator Garrison:

Resolved, That Senate Standing Rule No. 51 be amended to read as follows:

A member who voted on the prevailing side of any question may move to reconsider such vote upon the day on which the vote was taken, and the motion must be considered on the same day, unless consideration is continued by a three-fourths vote. It shall require 21 votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution, or constitutional amendment has been passed or defeated.

Motion carried.

Amendment to the Amendment.

Senator Garrison moved to amend the proposed amendment by striking out "three-fourths", and inserting in lieu thereof "majority".

Amendment to amendment refused adoption.

The question being on the adoption of the amendment to Rule No. 51.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, King, Knowland, McGill, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Seollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—30.

NOES—Senator Garrison—1.

Whereupon the President declared the provisions of Rule No. 51 of the Standing Rules of the Senate, amended in accordance with the amendment proposed by Senator Rich.

Withdrawal and Re-reference of Assembly Bill No. 927.

Senator Crittenden moved that Assembly Bill No. 927 be withdrawn from Committee on Education, and referred to Committee on Finance. Motion carried, and such was the order.

Re-reference of Senate Bill No. 539.

Senator Swing moved that Senate Bill No. 539 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

Motion to Return Assembly Bill No. 1836 to the Assembly.

Senator Metzger moved that Assembly Bill No. 1836 be returned to the Assembly in accordance with their request.

Motion carried.

Re-reference of Assembly Bill No. 1607.

Senator Scollan moved that Assembly Bill No. 1607 be re-referred to Committee on Public Health and Quarantine.

Motion carried, and such was the order.

Introduction, First Reading and Reference of Bill.

By Senator Biggar: Senate Joint Resolution No. 22—Relative to the application to Congress to propose an amendment to the Constitution of the United States, relating to tax exempt securities.

Referred to Committee on Federal Relations.

Motion to Reconsider Waived.

Senator Keough waived reconsideration on Senate Bill No. 780.

Motion to Reconsider.

Pursuant to the notice given on a previous day, Senator Jespersen moved to reconsider the vote whereby Senate Bill No. 780 was passed.

The question being on the motion to reconsider.

Reconsideration Refused.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Garrison, Gordon, Jespersen, Knowland, Olson, Perry, Schottky, and Tickle—8.

NOES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Keough, King, McColl, McCormack, McGuinness, Metzger, Parkman, Pierovich, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—25.

Senate Bill No. 780 ordered transmitted to the Assembly.

Motion to Reconsider Waived.

Senator Keough waived reconsideration on Senate Bills Nos. 781 and 782.

Senate Bills Nos. 781 and 782 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Senator Tickle:

WHEREAS, The present Capitol Building is inadequate to accommodate the various bureaus, boards, commissions, offices and the Legislature; and

WHEREAS, Appropriations of additional money are continually made necessary to improve and make possible the continuation of State offices in Sacramento; and,

WHEREAS, Weather conditions at Sacramento make satisfactory work difficult and make impossible the rapid conclusion of legislative work; and

WHEREAS, The city of Monterey was the first capital of the State of California; and,

WHEREAS, The city of Monterey is more centrally located than Sacramento with reference to the population of the State, both metropolitan and rural; and

WHEREAS, The climate of the city of Monterey is such as to facilitate instead of retarding the efficient and rapid prosecution of legislative endeavors; now, therefore, be it

Resolved, That a committee of three members of the Senate be appointed by the President thereof to investigate the feasibility and cost of removing the Capitol from the city of Sacramento to the city of Monterey, and to report thereon to the fifty-second session of the Legislature, including in its report such legislative bills, resolutions and constitutional amendments as the committee may find appropriate to carry into effect its recommendations; and be it further

Resolved, That any and all public agencies, both State and local, are hereby directed to cooperate with the committee in furnishing it all assistance and information necessary to carry out the purposes of this resolution; and be it further

Resolved, That the committee is authorized to hold hearings at any and all places and to investigate all matters and things pertinent to the subject of this resolution; and be it further

Resolved, That the committee is hereby authorized and empowered to require the production of books, agreements, documents, records, accounts and papers of every kind; to issue subpoenas to compel the attendance of witnesses and to procure testimony and so far as practicable to have material testimony reported so that the same may be available for use by the Legislature; each member of the committee is authorized to administer oaths and all of the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code relating to the attendance and assembly of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution and it shall be the duty of all officers and employees of the State or of any county, city, city and county, or political subdivisions, of the State to furnish such reports, information and evidence upon request of the committee as may be pursuant to the purposes herein stated.

Resolution read.

Motion by Senator Scollan.

Senator Scollan moved that the resolution be referred to Committee of the Whole

Motion carried, and such was the order.

Motion to Reconsider Waived.

Senator Jespersen waived reconsideration on Senate Bill No. 1119. Senate Bill No. 1119 ordered transmitted to the Assembly.

Withdrawal from Committee of Assembly Constitutional Amendment No. 78.

Senator Snyder moved that Assembly Constitutional Amendment No. 78 be withdrawn from Committee on Constitutional Amendments for purpose of adoption.

Motion carried.

Assembly Constitutional Amendment No. 78 ordered on file.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

**Consideration of Daily File.
Third Reading of Senate Bills.**

Senate Bill No. 1130—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1130:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 1130—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands.

In my opinion said Senate Bill No. 1130 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1130 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Pierovich, Powers, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—30.

NOES—None.

Title read and approved.

Senate Bill No. 1130 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Bill No. 2427—An act to amend sections 1, 7, 8 and 9 of an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, relating to practice of veterinary medicine.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2427 passed by the following vote:

AYES.—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagv, and Williams—30.

NOES.—None.

Title read and approved.

Assembly Bill No. 2427 ordered transmitted to the Assembly.

Assembly Bill No. 405.—An act to add a new section to the Civil Code to be numbered 2934a, relating to substitution of trustees in trust deeds.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 405, the following amendment, offered by Senator Duval, was read and refused adoption:

Amendment No. 1.

On page 2 line 12 of the printed bill, following the period, insert the following: "The provisions of this section shall control unless a different or other method of substitution is provided for in the deed of trust."

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 405 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Olson, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Slater, Snyder, Swing, Wagv, and Williams—26.

NOES.—Senators Deuel, Edwards, Gordon, McCormack, Metzger, Mixer, Sharkey, and Stow—8.

Title read and approved.

Assembly Bill No. 405 ordered transmitted to the Assembly.

Motion to Reconsider.

Pursuant to his notice given on a previous day, Senator Stow moved to reconsider the vote whereby Assembly Bill No. 2459 was refused passage.

Postponement of Reconsideration.

On motion of Senator Stow, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2459 was refused passage was continued until the next legislative day by the following vote:

AYES.—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, McColl, McCormack, McGovern, McGuinness, Mixer, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, Williams, and Young—32.

NOES.—Senators Garrison, Jespersen, King, Knowland, Metzger, Olson, and Perry—7.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator McGovern to introduce a bill entitled—An act to amend section 73711 of the Political Code relating to salaries of the judges of the superior court of the

City and County of San Francisco—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.
Committee membership—5.

RICH, Chairman.
SLATER.
DIFANI.
TICKLE.
KNOWLAND.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.
NOES—None.

Introduction, First Reading and Reference of Bill.

By Senator McGovern: Senate Bill No. 1133—An act to amend section 737*ll* of the Political Code, relating to salaries of the judges of the superior court of the City and County of San Francisco.

Bill read first time.

Unanimous Consent to Consider.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1133, without reference to committee for purpose of passage.

Senate Bill No. 1133 ordered to print, and on file.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 669—An act to add section 3817½ to the Political Code, relating to taxation, declaring the urgency hereof and providing that this act shall take immediate effect.

Amendments from the Floor.

During third reading of Assembly Bill No. 669, the following amendments, offered by Senator Seawell, were read and adopted:

Amendment No. 1.

On page 2, line 26, of the printed bill, as amended, after the period, insert the following: "If at the hearing the applicant offers an amount equal to the highest amount offered by any other person accompanied by a deposit of cash or certified check in an amount equal to ten per cent of such offer, he shall have preference over all other persons in the redemption of the property. The deposits of all other persons shall thereupon be returned to them by the clerk of the board of supervisors."

Amendment No. 2.

On page 3 of the printed bill, as amended, between lines 19 and 20, insert the following:

"The provisions of section 3817*c* of the Political Code, relating to suits to quiet title, are hereby made expressly applicable to this section."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1957—An act to amend the Public Utilities Act by adding two new sections numbered sections 13½ and 32½, relating to public utilities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1957 passed by the following vote:

AYES.—Senators Denel, Duval, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Piorovich, Powers, Rich, Schottky, Seollan, Sewell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—29.

NOTES.—None.

Title read and approved.

Assembly Bill No. 1957 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 90.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 12, relating to the Rector Canyon Dam Project.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding to Article XVI thereof a new section to be numbered 12, and to read as follows:

Sec. 12. Notwithstanding any other provisions of this Constitution, the Director of Finance is hereby authorized on behalf of the State of California to enter into a contract with the Rector Dam Authority for the delivery or furnishing of water by said authority to any State institution or institution, or other agencies supported in whole or in part by public funds, upon such terms and conditions as the director shall prescribe, and to pledge the credit of the State for that purpose in an amount not exceeding the sum hereinafter or hereafter agreed to be paid by the Rector Dam Authority to the United States of America or any agency or department thereof, over a period of not to exceed 50 years, for any loan made to and accepted by the authority in accordance with law. The making of said contract shall be contingent upon the granting to the Rector Dam Authority by the United States of America or an agency or department thereof of a grant or loan or grant and loan for the erection of the dam and the construction of a system for the distribution of the water of Rector Creek in the county of Napa, State of California, and the Rector Dam Authority is hereby authorized to enter into the above mentioned contract with the Department of Finance, to execute and accept in the name of the State such grant or loan, and to construct and maintain said dam and system of distribution.

The provisions of this section are self-executing, and require no legislative action in furtherance thereof, but the Legislature may provide by law for the carrying out of the provisions of this section.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 90 adopted by the following vote:

AYES.—Senators Ruggie, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkinson, Perry, Piorovich, Powers, Rich, Schottky, Seollan, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, and Young—32.

NOTES.—None.

Assembly Constitutional Amendment No. 90 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 15.

A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 3, 4 and 5 of Article IV of the Constitution, relating to the Legislative Department.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that sections 3, 4 and 5 of Article IV of the Constitution of said State be amended to read as follows:

First. That section 3 of Article IV of said Constitution be amended to read as follows:

Sec. 3. Members of the Assembly shall be elected in the year 1936 at the time and in the manner now provided by law. Thereafter members of the Assembly shall be chosen for a term of four years at an election on the first Tuesday after the first Monday in November. The seats of the 40 members of Assembly elected in the year 1938 from the even-numbered districts shall be vacated at the expiration of the second year, so that one-half of the members of the Assembly shall be elected every two years. No member of the Assembly is eligible to file a declaration of candidacy or an acceptance

of candidacy for election to the Senate unless he first resign from membership of the Assembly, such resignation to be effective December thirty-first of the year he files such declaration or acceptance of candidacy.

Second—That section 4 of Article IV of said Constitution is amended to read as follows:

Sec. 4. Senators shall be chosen for the term of six years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

Third—That section 5 of Article IV of said Constitution be amended to read as follows:

Sec. 5. The Senate shall consist of 40 members, and the Assembly of 80 members, to be elected by districts, numbered as hereinafter provided. The seats of the 13 Senators elected in the year 1938 from the even-numbered districts two to 26 inclusive shall be vacated at the expiration of the fourth year; those of the seven Senators elected in that year from the even-numbered districts 28 to 40 inclusive shall be vacated at the expiration of the sixth year; those of the six Senators elected in the year 1940 from the odd-numbered districts one to 11 inclusive shall be vacated at the end of the fourth year and those of the 14 Senators elected in the year 1940 from the odd-numbered districts 13 to 39 inclusive shall be vacated at the expiration of the sixth year, so that approximately one-third of the Senators shall be elected every two years.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 15 refused adoption by the following vote:

AYES—Senators Biggar, Edwards, Fletcher, Garrison, Gordon, Jespersen, King, McColl, McGuinness, Metzger, Parkman, Perry, Powers, Seawell, Slater, Stow, Swing, and Waggy—18.

NOES—Senators Crittenden, Deuel, Duval, Hays, Keough, Knowland, McCormack, McGovern, Mixer, Olson, Pierovich, Rich, Schottky, Scollan, Sharkey, Snyder, Tickle, and Young—18.

Motion to Reconsider.

Senator Edwards moved to reconsider the vote whereby the Senate refused to concur in Assembly amendments to Senate Bill No. 112.

The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—32.

NOES—None.

Reconsideration of Assembly Amendments.

The Senate took up for reconsideration Assembly amendments to Senate Bill No. 112.

Amendment No. 1.

On page 3, line 22, of the printed bill, before the period after the word "purpose", insert a semicolon and the following: "providing, however, that neither said district nor its board of directors shall have power to enter in or upon the Mojave River or any of its tributaries or appropriate, take or condemn any of the water or the right to the use of any of the water of said Mojave River or any of its tributaries; nor shall anything in this act be deemed as authorizing or empowering said district or its board of directors to so do."

Amendment No. 2.

On page 3, line 5, of the printed bill, as amended, after the word "beneficial," strike out "use or to", and insert in lieu thereof "or".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 112?

The roll was called, and Assembly amendments to Senate Bill No. 112 concurred in by the following vote:

AYES—Senators Riggall, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Senate Bill No. 112 ordered to enrollment.

Introduction, First Reading and Reference of Bills.

The following resolution was introduced:

By Senator Rich: Senate Concurrent Resolution No. 45—Relative to adjournment sine die.

Consideration of Senate Concurrent Resolution No. 45.

Senator Rich asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 45, without reference to committee, for purpose of adoption.

Senate Concurrent Resolution No. 45.

Relative to adjournment sine die.

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the fifty-first session of the Legislature of the State of California shall adjourn sine die at twelve o'clock noon on Saturday, June 15, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 45 adopted by the following vote:

AYES—Senators Riggall, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seallan, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—Senator Garrison—1.

Senate Concurrent Resolution No. 45 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 105—An act to amend section 1092 of the Agricultural Code, relating to a tax upon commercial feeding stuffs.

Amendments from the Floor.

During third reading of Senate Bill No. 105, the following amendments, offered by Senator Young, were read and adopted:

Amendment No. 1.

On page 1, lines 9 and 10, of the printed bill, as amended, strike out "this chapter", and insert in lieu thereof the following: "Chapter 7a, Division V of this code".

Amendment No. 2.

On page 1, line 13, of the printed bill, as amended, strike out "this chapter", and insert in lieu thereof the following: "said Chapter 7a of Division V of this code.

The director shall, within thirty days prior to each regular session of the Legislature, submit to the Governor a full and true report of transactions under Chapter 7a of Division V of this code during the current biennium, including a statement of receipts and expenditures during that period."

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 206—An act to amend section 1 of Chapter 339 of the Statutes of 1933, entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately,"

approved May 15, 1933, relating to the construction of certain words and phrases used in said act.

Amendment from the Floor.

During third reading of Assembly Bill No. 206, the following amendment, offered by Senator Garrison, was read and adopted:

Amendment No. 1.

On page 2, line 4, of the printed bill, as amended, after the period, insert the following: "The word "operator" excludes any person engaged in husbandry who occasionally transports property for neighboring farmers, compensation for which is in exchange for like services, labor or other services or things of value other than money or where the compensation received is in the form of money, the amount of which for any one haul is not in excess of fifty dollars."

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporation, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act.

Amendments from the Floor.

During third reading of Senate Bill No. 355, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 2, line 12, of the printed bill, as amended, strike out the word "paints", and insert in lieu thereof the word "points".

Amendment No. 2.

On page 2 of the printed bill, as amended, following line 27, insert the following: "The Railroad Commission shall, within thirty days prior to the regular session of the Legislature, submit to the Governor a full and true report of transactions under this law during the preceding biennium, including a complete statement of receipts and expenditures during the period."

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2465—An act to add section 1156 to the Agricultural Code, relating to the marketing of agricultural products.

Amendment from the Floor.

During third reading of Assembly Bill No. 2465, the following amendment, offered by Senator Garrison, was read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, after "contract", insert the following: "made for the purpose of injuring competitors and destroying competition".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2467—An act to add to the Probate Code a new section, to be numbered 201.5, and amending section 220 of the Probate Code, both relating to the laws of succession.

Amendment from the Floor.

During third reading of Assembly Bill No. 2467, the following amendment, offered by Senator McGovern, was read and adopted:

Amendment No. 1.

On page 1, line 18, of the printed bill, as amended, strike out "and".

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 150.—An act granting to the City and County of San Francisco certain lands of the State of California located in the City and County of San Francisco upon certain trusts and conditions.

Amendment from the Floor.

During third reading of Assembly Bill No. 150, the following amendment, offered by Senator McGovern, was read:

Amendment No. 1.

On page 2 of the printed bill, as amended May 30, 1935, between lines 10 and 11, insert the following, to wit:

"Reserving, however, unto the State of California all rents due or to become due under the terms and conditions of any existing lease or leases of all, or any part of the hereinabove described real property heretofore entered into by the State of California, or by any board or commission of the State of California, and which said rent is payable to the State of California or to any board or commission of the State of California."

Bill read, ordered to reprint, and on file for third reading.

Further Consideration of Assembly Bill No. 2013.

Assembly Bill No. 2013.—An act to add section 379.5 to the Vehicle Code, relating to seizure and sale of vehicles.

Additional Amendment from the Floor to Assembly Bill No. 2013.

During third reading of Assembly Bill No. 2013, the following amendment, offered by Senator Snyder, was read and adopted:

Amendment No. 1.

On page 2, line 21, of the printed bill, strike out the words "Department of Motor Vehicles", and insert in lieu thereof the following: "Motor vehicle support".

Bill read, ordered to reprint, and on file for third reading.

Introduction, First Reading and Reference of Bills.

The following resolution was introduced:

By Senator Olson: Senate Joint Resolution No. 23—Relative to the application to Congress to propose an amendment to the Constitution of the United States relating to the power of the Congress to regulate hours, wages, terms and conditions of employment of labor.

Unanimous Consent Granted.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 23, without reference to committee for purpose of adoption.

Senate Joint Resolution No. 23 ordered to print, and on file.

Recess.

On motion of Senator Rich, at five o'clock p.m., the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened. Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read :

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2480—An act to authorize the operation of stands in State buildings by blind persons;

Also: Assembly Bill No. 2160—An act to amend sections 117d and 117q of the Code of Civil Procedure, relating to small claims courts;

Also: Assembly Bill No. 2087—An act to add section 171b to the Code of Civil Procedure, relating to the qualification of judges;

Also: Assembly Bill No. 2285—An act to amend section 1626 of the Streets and Highways Code, relating to relief to special assessment districts;

Also: Assembly Bill No. 1282—An act to amend the title and to amend sections 2, 3, 4, 6, 12, 13, 15, 19 and 21 of, and to add section 6a to an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, as amended, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices and to the powers of the State Board of Public Health in relation thereto;

Also: Assembly Bill No. 2469—An act to add section 590 to the Vehicle Code, relating to warning devices;

Also: Assembly Bill No. 2441—An act to provide for the regulation and control of the sale of certain drugs or chemicals known as dinitrophenol and thyroid, to provide penalties for the violation of this act and to provide for the enforcement hereof by the California State Board of Pharmacy;

Also: Assembly Bill No. 2479—An act to add a new section, to be numbered 1582, to the Streets and Highways Code, relating to county highway funds.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment No. 42—A resolution to propose to the people of the State of California, an amendment to Article XIII of the Constitution of the State, by amending section 9a thereof, relating to the computation of taxes on unsecured property.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2449—An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor;

Also: Assembly Bill No. 2492—An act to amend section 38 of the "Alcoholic Beverage Control Act," relating to powers of the board and the persons employed by the board;

Also: Assembly Bill No. 234—An act creating a commission for the coordination of State and local governments, defining its powers and duties, and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2449 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 2492 and 234 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 89—A resolution to propose to the people of the State of California an amendment of Article XI of the Constitution of the State, by adding section 5c thereto, authorizing a local election to reestablish the city of Venice.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendment No. 89 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 29, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, to repeal section 19 of said act; to add sections 93 and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately.

Also: Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

And requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Request ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 718—An act to amend sections 384 and 439 of the Vehicle Code, relating to the registration and storage of vehicles—and appointed Assemblyman Peyser, Lyon and Kallan, as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1126—An act to amend sections 105, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles—and reports that the same has been correctly re-engrossed.

WILLIAMS, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts;

Also: Senate Bill No. 1085—An act to amend sections 25 and 32 of the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights;

And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 56—Relating to memorializing the President and the Congress to enact legislation proposed by H. R. 6984, providing benefits to persons who served in the Quartermaster's Corps or under the Quartermaster General during certain wars—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5; committee vote: Ayes—3; absent—2.

WAGY, Chairman.

Resolution.

The following resolution was offered:

By Senator Metzger:

WHEREAS, At the present time certain reciprocal trade agreements are being consummated by the Secretary of State of the United States with other countries; and

WHEREAS, It is reported that consideration is being given to the feasibility of lowering tariff duties on foreign grown olives; and

WHEREAS, The farmers of the State of California are producers of olives in great quantities and any lowering of the tariff thereon would result in the lowering of the price which the farmer receives for this crop and the continuation of the present tariff on said crop is absolutely essential and necessary to the agricultural prosperity of the Pacific Coast; now therefore, be it

Resolved by the Senate of the State of California, That the Senate of the State of California does hereby urge the Secretary of State of the United States that the present tariff rates on imported olives be maintained in order that the interests of the American farmer be not sacrificed in any reciprocity trade agreements; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Honorable Cordell Hull, Secretary of State at Washington, D. C.

Resolution read, and on motion of Senator Metzger, adopted.

Consideration of Daily File.**Third Reading of Senate Bills.**

Senate Bill No. 1055—An act to appropriate the sum of twenty-four thousand dollars to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba River, to provide for the manner of expending such appropriation, to create the Yuba River debris control fund, and to provide for the deposit in said fund of any unexpended balances of previous appropriations made for this purpose.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1055:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 1055—An act to appropriate the sum of twenty-four thousand dollars to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba River, to provide for the manner of expending such appropriation, to create the Yuba River debris control fund, and to provide for the deposit in said fund of any unexpended balances of previous appropriations made for this purpose.

In my opinion said Senate Bill No. 1055 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of

California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1055 passed by the following vote:

AYES—Senators Baggart, Crittenden, Denel, Difani, Duval, Edwards, Gordon, Hays, Jorgensen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Meyer, Olson, Parkman, Perry, Porovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Williams—34.
 NAYS—None.

Title read and approved.

Senate Bill No. 1055 ordered transmitted to the Assembly.

Senate Bill No. 801—An act to amend sections 2 and 3 of an act entitled "An act creating an advisory pardon board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 801:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
 SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,
 State of California, Sacramento, California.

GREETINGS. Senate Bill No. 801—An act to amend sections 2 and 3 of an act entitled "An act creating an advisory pardon board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board.

In my opinion said Senate Bill No. 801 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California; the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 801 passed by the following vote:

AYES—Senators Baggart, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jorgensen, Keough, King, Knowland, McColl, McCormack, McGovern, Miller, Olson, Parkman, Perry, Porovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, and Williams—33.
 NAYS—None.

Title read and approved.

Senate Bill No. 801 ordered transmitted to the Assembly.

Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 258:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor.

In my opinion said Senate Bill No. 258 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 258 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 258 ordered transmitted to the Assembly.

Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 425:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7, of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

In my opinion said Senate Bill No. 425 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health, and safety within the meaning of section 1 of Article IV of the Constitution of the State of California and shall

therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act relates to the disposition of certain fees collected by the Department of Agriculture. Some of these fees are payable on or before July first of each year. In the absence of a provision for the immediate effectiveness of this act, some fees received in the fiscal year commencing July 1, 1935, would be paid into the general fund and some into the Department of Agriculture fund. Therefore, in order to provide for the orderly disposition of such money and avoid confusion it is necessary that this act take immediate effect.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGinness, Milner, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seidlitz, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—36.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 425 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGinness, Milner, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Senwell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—34.

NOES—None.

Title read and approved.

Senate Bill No. 425 ordered transmitted to the Assembly.

Senate Bill No. 791—An act making an appropriation to reimburse the "Corporation Commission fund" for the excess moneys withdrawn and expended from that fund pursuant to Chapter 805, Statutes of 1929 and for necessary expenditures made pursuant to Chapter 1037, Statutes of 1933.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 791.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,
State of California, Sacramento, California.

GREETINGS—Senate Bill No. 791—An act making an appropriation to reimburse the "Corporation Commission fund" for the excess moneys withdrawn and expended from that fund pursuant to Chapter 805, Statutes of 1929, and for necessary expenditures made pursuant to Chapter 1037, Statutes of 1933.

In my opinion said Senate Bill No. 791 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 791 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl,

McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

NOES—None.

Title read and approved.

Senate Bill No. 791 ordered transmitted to the Assembly.

Senate Bill No. 339—An act making an appropriation for the armed forces of the State when called on active service.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 339:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 339—An act making an appropriation for the armed forces of the State when called on active service.

In my opinion said Senate Bill No. 339 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 339 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—36.

NOES—None.

Title read and approved.

Senate Bill No. 339 ordered transmitted to the Assembly.

Senate Bill No. 1003—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1003:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 1003—An act making an appropriation to pay the claim of Mrs. G. Field against the State of California.

In my opinion said Senate Bill No. 1003 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.
Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1003 passed by the following vote:

AYES. Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seelman, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Williams—34.
NOES. None.

Title read and approved.

Senate Bill No. 1003 ordered transmitted to the Assembly.

Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and defining a clinical laboratory, clinical laboratory technologist, and a clinical laboratory technician, authorizing the State Board of Health to make rules and regulations, thereunder, to hold examinations and to issue licenses and to provide penalties for the violation of the provisions of this act.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 392:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 10, 1935.

To the Honorable Members of the Senate.

State of California, Sacramento, California.

GREENING. Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act.

In my opinion said Senate Bill No. 392 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 392 passed by the following vote:

AYES.—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seelman, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.
NOES.—None.

Title read and approved.

Senate Bill No. 392 ordered transmitted to the Assembly.

Senate Bill No. 550—An act to provide for the cooperation of State officers and agencies, and stockmen's associations with the Federal Government in relation to grazing lands, and for the disposition of money received from the Federal Government in relation thereto.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 550:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 550—An act to provide for the cooperation of State officers and agencies, and stockmen's associations with the Federal Government in relation to grazing lands, and for the disposition of money received from the Federal Government in relation thereto.

In my opinion said Senate Bill No. 550 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 550 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 550 ordered transmitted to the Assembly.

Senate Bill No. 1085—An act to amend sections 25 and 32 of the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1085:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 8, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 1085—An act to amend sections 25 and 32 of the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights.

In my opinion said Senate Bill No. 1085 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.
Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1085 refused passage by the following vote:

AYES—Senators Riggart, Crittenden, Fletcher, Garrison, Jespersen, King, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Scollan, Seawell, Sharkey, Wag, Williams, and Young—21.

NOES—Senators Donel, Difani, Duval, Gordon, Hays, Keough, Knowland, McCormack, McGovern, Rich, Schottky, Slater, Snyder, Swing, and Tickle—15.

Senate Bill No. 1029—An act to provide for a claim against the State in favor of Superior Judge Anthony Caminetti, Jr., of Amador County.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1029:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,
State of California, Sacramento, California.

GREETINGS: Senate Bill No. 1029—An act making an appropriation to pay the claim of Anthony Caminetti, Jr., against the State of California.

In my opinion said Senate Bill No. 1029 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1029 passed by the following vote:

AYES—Senators Riggart, Crittenden, Donel, Difani, Duval, Edwards, Fletcher, Gordon, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 1029 ordered transmitted to the Assembly.

Senate Bill No. 120—An act making an appropriation to pay the claim of Pacific Transfer Van and Truck Company against the State of California.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 120:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,
State of California, Sacramento, California.

GREETINGS: Senate Bill No. 120—An act making an appropriation to pay the claim of Pacific Transfer Van and Truck Company against the State of California.

In my opinion said Senate Bill No. 120 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 120 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Stow, Swing, Tickle, Waggy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 120 ordered transmitted to the Assembly.

Senate Bill No. 403—An act making an appropriation to pay the claim of Modoc County Fair Association against the State of California.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 403:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 403—An act making an appropriation to pay the claim of Modoc County Fair Association against the State of California.

In my opinion said Senate Bill No. 403 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 403 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McColl, McCormack, McGovern, McGuinness, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Waggy, Williams, and Young—35.

NOES—None.

Title read and approved.

Senate Bill No. 403 ordered transmitted to the Assembly.

Senate Bill No. 487—An act making an appropriation to pay the claim of the Western Union Telegraph Company against the State of California.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 487:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 12, 1935

To the Honorable Members of the Senate,

State of California, Sacramento, California

GREETINGS: Senate Bill No. 487—An act making an appropriation to pay the claim of the Western Union Telegraph Company against the State of California.

In my opinion said Senate Bill No. 487 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 487 passed by the following vote:

AYES—Senators Boggess, Crittenden, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Seellan, Senwell, Sharkey, Slater, Stow, Swine, Wagy, Williams, and Young—30.

NOES—Senators Deuel, Duval, Hays, and Tickle—4.

Title read and approved.

Senate Bill No. 487 ordered transmitted to the Assembly.

Senate Bill No. 920—An act appropriating money for the restoration and rehabilitation of Marshall's cabin at Coloma.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 920:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California

GREETINGS: Senate Bill No. 920—An act appropriating money for the restoration and rehabilitation of Marshall's cabin at Coloma.

In my opinion said Senate Bill No. 920 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 920 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich,

Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 920 ordered transmitted to the Assembly.

Senate Bill No. 1027—An act making an appropriation for the clearing and cleaning of Ellis Creek.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1027:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate.

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 1027—An act making an appropriation for the clearing and cleaning of Ellis Creek.

In my opinion said Senate Bill No. 1027 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1027 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 1027 ordered transmitted to the Assembly.

Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 984:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate.

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts.

In my opinion said Senate Bill No. 984 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 984 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Senate Bill No. 984 ordered transmitted to the Assembly.

Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, the removal or destruction of improvements thereon, the cutting and removal of timber or the doing of any act impairing the value of the lands or of the improvements; providing for the renting of said lands and the collection of rents, issues and profits thereof, and the appointment of representatives by the Controller, providing for the recovery of the possession of said property and an accounting of rents, issues and profits; providing for the commencement of actions and the disposition of moneys received, and the removal or sale of property which has become a public nuisance.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 576.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GRIEVANCES—Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, and making an appropriation in relation thereto.

In my opinion said Senate Bill No. 576 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 576 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—38.

NOES—None.

Title read and approved.

Senate Bill No. 576 ordered transmitted to the Assembly.

Senate Bill No. 20—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions and making an appropriation therefor.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 20:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 20. An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions and making an appropriation therefor.

In my opinion said Senate Bill No. 20 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 20 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 20 ordered transmitted to the Assembly.

Senate Bill No. 731—An act providing for an investigation of and report on the feasibility and desirability, from the standpoint of the public interest, of acquisition by the State of California of the existing facilities for the generation and distribution of electric power in California, whether now under private or public ownership, providing for a commission therefor, and the appointment of such commission, defining the powers, duties and compensation of such commission in respect thereto, and making an appropriation therefor.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 731.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 731—An act providing for an investigation of and report on the feasibility and desirability, from the standpoint of the public interest, of acquisition by the State of California of the existing facilities for the generation and distribution of electric power in California, whether now under private or public ownership, providing for a committee therefor, and the appointment of such committee, defining the powers, duties of such committee in respect thereto, and making an appropriation therefor.

In my opinion said Senate Bill No. 731 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of Cali-

fornia, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 731 refused passage by the following vote:

AYES.—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Jespersen, King, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pirovich, Rich, Schottky, Seollan, Seawell, Slater, Stow, Wagy, and Williams—25.

NOES.—Senators Denel, Hays, Hulse, Keough, Knowland, Snyder, Swing, and Young—8.

Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 527:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS. Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments.

In my opinion said Senate Bill No. 527 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 527 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Rich, Schottky, Seollan, Seawell, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—35.

NOES.—None.

Title read and approved.

Senate Bill No. 527 ordered transmitted to the Assembly.

Senate Bill No. 48—An act making an appropriation to pay the claim of Index Investment Corporation, a corporation, against the State of California.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 48:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 48—An act making an appropriation to pay the claim of Index Investment Corporation, a corporation, against the State of California.

In my opinion said Senate Bill No. 48 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 48 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 48 ordered transmitted to the Assembly.

Senate Bill No. 163—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 163:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Senate Bill No. 163—An act requiring the licensing of certain vehicles used for the transportation of persons or property in this State, defining such vehicles, providing for the imposition, collection, and distribution of license taxes for the privilege of operating such vehicles in this State, making appropriations for the purposes of this act, prescribing penalties for the violation of this act, and providing that this act shall take effect immediately.

In my opinion said Senate Bill No. 163 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 163 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGinniss, Metzger, Myer, Olson, Parkman, Perry, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young. 33.

NOES—None.

Title read and approved.

Senate Bill No. 163 ordered transmitted to the Assembly.

Senate Bill No. 114—An act to amend section 737aaa of the Political Code, relating to the salary of the superior judge, in and for Trinity County.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 114:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,
State of California, Sacramento, California

GREETINGS—Senate Bill No. 114—An act to amend section 737aaa of the Political Code, relating to the salary of the superior judge, in and for Trinity County.

In my opinion said Senate Bill No. 114 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 114 passed by the following vote:

AYES—Senators Bigger, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGinniss, Metzger, Myer, Olson, Parkman, Perry, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young. 36.

NOES—None.

Title read and approved.

Senate Bill No. 114 ordered transmitted to the Assembly.

Senate Bill No. 75—An act making an appropriation to meet a deficiency in the appropriation for the support of the California Nautical School for the eighty-fifth and eighty-sixth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 75:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 75—An act making an appropriation to meet a deficiency in the appropriation for the support of the California Nautical School for the eighty-fifth and eighty-sixth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

In my opinion said Senate Bill No. 75 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: Under the terms of the act of Congress approved March 4, 1911, and the current Federal Naval Appropriation Bill, the Federal Government is authorized to reimburse the general fund of the State of California in the sum of twenty-five thousand dollars (\$25,000) at the close of each fiscal year during which the State of California has expended from State funds at least twenty-five thousand dollars (\$25,000) for the support of the California Nautical School. If this act does not become effective, the State of California will have expended from State funds for the support of the California Nautical School during the current fiscal year approximately twelve thousand dollars (\$12,000) only, and the general fund of the State of California will, therefore, not be reimbursed by the Federal Government in the sum of twenty-five thousand dollars (\$25,000) for moneys expended by the State for the support of the California Nautical School during the current fiscal year. If, however, this act does become effective during the current fiscal year the general fund of the State of California will be reimbursed at the close of the current fiscal year by the Federal Government in the sum of twenty-five thousand dollars (\$25,000).

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, King, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—35.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 75 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young—34.

NOES—None.

Title read and approved.

Senate Bill No. 75 ordered transmitted to the Assembly.

Senate Bill No. 1093—An act to add section 398 to the Political Code, relating to the Lieutenant Governor.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1093.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 1093—An act to add section 398 to the Political Code, relating to the Lieutenant Governor.

In my opinion said Senate Bill No. 1093 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1093 passed by the following vote:

AYES—Senators Bigger, Crittenden, Donel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jorgensen, Keough, King, Knowland, McCall, McCormack, McGovern, McGinness, Metzger, Mixter, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young. 35.

NOTES—None.

Title read and approved.

Senate Bill No. 1093 ordered transmitted to the Assembly.

Senate Bill No. 787—An act to amend sections 2, 10, 13a, and 14 of the "Motor Vehicle Fuel License Tax Act," approved May 30, 1923, as amended.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 787:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 787—An act to amend sections 1, 2, 10, 13a and 14 of the "Motor Vehicle Fuel License Tax Act," approved May 30, 1923, as amended, relating to definitions of terms and phrases, applications for licenses and fees required in connection therewith, nontaxable sales and exemption certificates in connection therewith, revolving funds, penalties for violation of said act, and providing that this act shall take effect immediately.

In my opinion said Senate Bill No. 787 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 787 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES—None.

Title read and approved.

Senate Bill No. 787 ordered transmitted to the Assembly.

Senate Bill No. 1018—An act to amend sections 649, 657, 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to funds.

Bill read third time.

Amendments from the Floor.

During third reading of Senate Bill No. 1018, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "649, 657,".

Amendment No. 2.

On page 1, line 1 of the title of the printed bill, as amended, strike out "and 779", and insert in lieu thereof the following: ", 779 and 781".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 1 to 18, inclusive.

Amendment No. 4.

On page 1, line 19, of the printed bill, as amended, strike out "Sec. 3", and insert in lieu thereof the following: "Section 1".

Amendment No. 5.

On page 2, line 25, of the printed bill, as amended, strike out "Sec. 4", and insert in lieu thereof the following: "Sec. 2".

Amendment No. 6.

On page 2, line 45, of the printed bill, as amended, strike out "Sec. 5", and insert in lieu thereof the following: "Sec. 3".

Amendment No. 7.

On page 3, line 21, of the printed bill, as amended, strike out "Sec. 6", and insert in lieu thereof the following: "Sec. 4".

Amendment No. 8.

On page 3, line 29, of the printed bill as amended, strike out "Sec. 7", and insert in lieu thereof the following: "Sec. 5".

Amendment No. 9.

On page 3, line 30, of the printed bill, as amended, strike out "Sec. 8", and insert in lieu thereof the following: "Sec. 6".

Bill read, ordered to reprint, re-engrossment, and on file for third reading.

Motion to Reconsider.

Senator Mixter moved to reconsider the vote whereby Senate Bill No. 1085 was refused passage.

The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Rich, Schottky,

Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Bill ordered on file for third reading.

Motion to Reconsider.

Senator Hays moved to reconsider the vote whereby Assembly Bill No. 1957 was passed.

Postponement of Reconsideration.

On motion of Senator Hays, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1957 was passed was continued until the next legislative day by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Hulse, Jepsen, Keough, Knowland, McColl, McCormack, McGovern, McGinness, Meager, Mixer, Olson, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Motion to Reconsider.

Senator Seawell moved to reconsider the vote whereby Senate Bill No. 731 was refused passage.

The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Hays, Jepsen, Keough, Kung, Knowland, McColl, McCormack, McGovern, McGinness, Meager, Mixer, Olson, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Swing, Wagy, Williams, and Young—33.

NOES—None.

Bill ordered on file for third reading.

Motion to Rescind.

Senator Scollan moved to rescind the action of the Senate in adopting the following amendments offered by Senator Scollan to Assembly Bill No. 1281:

Amendment No. 1.

On page 1, line 1, of the title of the printed bill, as amended, strike out "and 21", and insert in lieu thereof a comma, and the following: "21 and 26".

Amendment No. 2.

On page 6 of the printed bill, as amended, after line 27, insert the following: "Sec. 9. Section 26 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 26. If the provisions of this act conflict with the provisions of the National Pure Food Act, the provisions of the latter shall govern and shall take complete precedence over the application and enforcement hereof."

Motion carried by unanimous vote.

Re-reference of Senate Bill No. 555.

Senator Slater moved that Senate Bill No. 555 be re-referred to Committee on Agriculture and Live Stock.

Motion carried, and such was the order.

Re-reference of Senate Bill No. 265.

Senator McColl moved that Senate Bill No. 265 be re-referred to Committee on Municipal Corporations.

Motion carried, and such was the order.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 422—An act to amend section 690 of the Code of Civil Procedure, and to add sections 690.1 to 690.4, inclusive, 690.6 to 690.23, inclusive, and 690.50, thereto, relating to property exempt from execution or attachment.

Amendments from the Floor.

During third reading of Assembly Bill No. 422, the following amendments, offered by Senator Olson, were read and adopted:

Amendment No. 1.

On page 1, line 2, of the title of the printed bill, as amended May 31, 1935, strike out the figures "690.23", and insert in lieu thereof: "690.24".

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended May 31, 1935, strike out the figures "690.23", and insert in lieu thereof: "690.24".

Amendment No. 3.

On page 5, line 39, of the printed bill, as amended May 31, 1935, after the word "benefits", add a new section as follows:

"SEC. 24. Section 690.24 is hereby added to the Code of Civil Procedure, to read as follows:

690.24. One motor vehicle of a value not exceeding one hundred dollars."

Amendment No. 4.

On page 5, line 40, of the printed bill, as amended May 31, 1935, strike out the figures "24", and insert in lieu thereof: "25".

Amendment No. 5.

On page 5, line 43, of the printed bill, as amended May 31, 1935, strike out the figures "690.23", and insert in lieu thereof "690.24".

Bill read, ordered to reprint, and on file for third reading.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered to second reading:

On Roads and Highways.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Assembly Bill No. 641—An act to add a new section to be numbered 611, to an act entitled "An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17.

(Signed out)

EDWARDS, Chairman.
BIGGAR.
DIFANI.
HULSE.
JESPERSEN.
McCOLL.
McCORMACK.
PIEROVICH.
POWERS.
SCHOTTKY.
SEAWELL.
SLATER.
SNYDER.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 1831—An act to add section 586.5 to the Vehicle Code, relating to the control of traffic upon the public highways of the State of California, whether situated within unincorporated or incorporated territory—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—17; committee vote: Ayes—12; absent—5.

FLETCHER, Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 872—An act to repeal section 109a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted and that it do pass as amended.

Committee membership—7; committee vote: Ayes—7.

MIXTER, Chairman.

On Motor Vehicles.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 2368: An act to amend sections 5, 13, 65, 78, 83, 85, 86, 100, 101 and 109 of, and to add sections 28a, 65a, 65b, 65c, 65d, 85a, 85b, 100b and 100c to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass, and that it be re-referred to Committee on Finance.

Committee membership—17; committee vote: Ayes—12, absent—5.

FLETCHER, Chairman.

Assembly Bill No. 2368 ordered re-referred to Committee on Finance.

Second Reading of Senate Bills.

Senate Bill No. 872—An act to repeal section 109a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Irrigation, the following amendments to Senate Bill No. 872 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "repeal", and insert in lieu thereof the following: "amend".

Amendment No. 2.

On page 1, line 2, of the printed bill, strike out "repealed.", and insert in lieu thereof the following: "amended to read as follows:

Sec. 109a. The name of any district hereafter organized hereunder shall contain the words "Irrigation district".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Second Reading of Assembly Bills.

Assembly Bill No. 641—An act to add a new section to be numbered 611, to an act entitled "An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1831—An act to add section 586.5 to the Vehicle Code, relating to the control of traffic upon the public highways of the State of California, whether situated within unincorporated or incorporated territory.

Bill read second time, and ordered on file for third reading.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 42—Providing for the appointment of a Joint Legislative Committee to consult with the Department of Finance regarding the remodeling and refurnishing of legislative committee rooms and offices for the members in the State Capitol;

Also: Senate Concurrent Resolution No. 13—Providing a rule for the Legislative Counsel Bureau, relating to opinions upon pending legislative measures;

Also: Senate Bill No. 237—An act to add section 641 to, and to amend section 493 of, the Streets and Highways Code, relating to State highways;

Also: Senate Bill No. 421—An act to amend sections 782 and 786 of the Fish and Game Code, relating to lobsters;

Also: Senate Bill No. 529—An act to amend section 1426a of and to add sections 1426da, 1426db, 1426dc, and 1426ra to the Civil Code, relating to discovery locations and to discovery shafts on lode and placer mining locations;

Also: Senate Bill No. 1110—An act to amend sections 611.6, 613, 738.5, 957, and 1343 of the Fish and Game Code, relating to fish.

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of June, 1935, at four o'clock p.m.

MIXTER, Vice Chairman.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 100—An act to amend the "Reclamation Board Act," approved December 24, 1911, as amended, by amending section 37a thereof relating to the application of moneys released, reimbursed, or appropriated under and pursuant to Chapter 176 California Statutes of 1925 and the War Department Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930, being Public Law No. 843, Seventieth Congress, approved February 28, 1929.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 100 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2053—An act to amend the Building and Loan Association Act by adding a new section thereto to be numbered 6.01a, relating to withdrawal claims maturing in installments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 1346—An act to amend section 107 of the Penal Code, relating to punishment for escape of a prisoner;

Also: Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653, 655 and 651.6 thereof, relating to fish.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 755—An act to amend section 1 of an act entitled "An act making an appropriation to the State Board of Control to pay claims against the State of California" approved June 16, 1933, relating to claims against the State;

Also: Assembly Bill No. 916—An act to add sections 3a, 15a and 20a to "The California Agricultural Adjustment Act of 1935," relating to ways, means, and moneys, and providing and appropriating moneys, for the administration and enforce-

ment thereof and of regulation of producers, packers, distributors, shippers, marketers, handlers, processors, and others dealing in agricultural, viticultural, horticultural, animal, and poultry products and of any competing commodity or product thereof hereunder, and under the legislative standards in relating to the rehabilitation of agriculture therein specified, and declaring the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately;

Also, Assembly Bill No. 2040.—An act making an appropriation to pay the claim of the Chief Accounting Officer of the Department of Finance against the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 755 read first time, and referred to Committee on Finance.

Assembly Bill No. 916 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 2040 read first time, and referred to Committee on Finance.

Adjournment.

On motion of Senator Stow, at eleven o'clock and forty-five minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock a.m., Thursday, June 13, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Thursday, June 13, 1935

The Senate met at ten o'clock a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Bigger, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seidlman, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

Prayer was offered by the Chaplain, Rev. Newton E. Moats.

Reading of the Journal

During the reading of the Journal of Wednesday, June 12, 1935, the further reading was dispensed with, on motion of Senator McCormack.

Leave of Absence.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1870—An act to

amend an act entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair discriminations, and declaring the urgency thereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as Committee on Free Conference on Assembly Bill No. 437—An act to amend section 112 of, and to add section 112a to, the Code of Civil Procedure, relating to the jurisdiction of justices' courts—Assemblymen Miller, Wright and Cunningham.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed, as Committee on Free Conference, on Assembly Bill No. 1346—An act to amend section 107 of the Penal Code, relating to punishment for escape of a prisoner—Assemblymen Phillips, Corwin and Martin.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 329—An act relating to codes of fair competition for certain trades and industries within this State.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 329 read first time, and referred to Committee on Governmental Efficiency.

Message from the Governor.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 12, 1935.

*The Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am herewith returning Senate Bill No. 153, without my approval, the same being—An act to amend section 5 of an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to boats unequipped with propelling machinery.

In the attempt to bring a measure of relief to a particular locality, the author of this bill has probably overlooked the interests of other parts of the State. The proposed bill would release from inspection and examination the boats which more than any others should receive the attention of investigators and examiners.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Sustaining Governor's Veto.

Message from the Governor announcing his objections to Senate Bill No. 153, read previously.

The question being: Shall Senate Bill No. 153 become a law, notwithstanding the objections of the Governor?

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, Knowland, McGuinness, Parkman, Perry, Powers,

Rich, Schottky, Soodam, Starkley, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Williams. 27

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT, Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1132—An act relating to the status in the State civil service of those persons mentioned in subdivision (c) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons, and providing that this act shall take effect immediately—and reports that the same has been correctly reengrossed.

WILLIAMS, Vice Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT, Your Committee on Prisons and Reformatories, to which was referred Assembly Bill No. 703—An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out.)

FLETCHER, Vice Chairman.

PILROVICH.

WILLIAMS.

YOUNG.

KNOWLAND.

Assembly Bill No. 703 ordered read the second time.

Second Reading of Assembly Bill No. 703.

Assembly Bill No. 703. An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors, to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 754—An act to make an appropriation from unemployment relief money for construction work by fairs under State control.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 754:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 10, 1935.

To the Honorable Members of the Senate.

State of California, Sacramento, California.

GREETINGS: Assembly Bill No. 754—An act to make an appropriation from unemployment relief money for construction work by fairs under State control.

In my opinion said Assembly Bill No. 754 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of

California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 754 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagay, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 754 ordered transmitted to the Assembly.

Unfinished Business.

Consideration of Assembly Amendments.

Senate Bill No. 269—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

The Senate took up for consideration Assembly amendments to Senate Bill No. 269.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend section 690 of", and insert in lieu thereof the following: "add sections 690.30 and 690.40 to".

Amendment No. 2.

On page 1, lines 1 and 2, of the printed bill, as amended, strike out "690 of the Code of Civil Procedure is hereby amended", and insert in lieu thereof the following: "690.30 is hereby added to the Code of Civil Procedure,".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out lines 3 to 27, inclusive, and strike out all of pages 2, 3, and 4, and insert in lieu thereof the following:

"690.30. One motor vehicle of a value not exceeding two hundred dollars is exempt from execution or attachment, except from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

Sec. 2. Section 690.40 is hereby added to the Code of Civil Procedure, to read as follows:

690.40. The instruments and chest of a chiropractor, necessary to the practice of his profession, with his professional library and necessary office furniture, are exempt from execution or attachment, except that no such article or species of property is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon."

Amendment No. 4.

On page 1, line 1 of the title of the printed bill, as amended in the Assembly April 25, 1935, strike out the words "add sections 690.30 and", and insert in lieu thereof the following: "amend section 690 of".

Amendment No. 5.

On page 1, line 2 of the title of the printed bill, as amended in the Assembly April 25, 1935, strike out the word and figures "690.40 to".

Amendment No. 6.

On page 1 of the printed bill, as amended April 25, 1935, strike out all of lines 1 to 24, inclusive, and all of pages 2, 3, and 4, of said bill, and insert in lieu thereof the following:

"SECTION 1. Section 690 of the Code of Civil Procedure is hereby amended to read as follows:

690. The following property is exempt from execution or attachment, except as herein otherwise specially provided:

1. Chairs, tables, desks and books, to the value of two hundred dollars belonging to the judgment debtor;

2. Necessary household table and kitchen furniture belonging to the judgment debtor, including one dining machine, stove, stove pipes and furniture, wearing apparel, bed, bedding and toilet articles, hanging pictures, oil paintings and drawings, dresses or costumes for the members of the family, and family portraits and their necessary frames, provisions and fuel actually provided for individual or family use, sufficient for three months; and three cows and their suckling calves, four hogs and their suckling pigs, and feed for such cows and hogs for one month; also one piano, one stringed and one rifle, and one motor vehicle of a value not exceeding one hundred dollars.

3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; also two oxen or two horses or two mules, and their harness, one cart or buggy, and two wagons, and food for such oxen, horses or mules, for one month; also all seed grain or vegetables actually provided, necessary for use from the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars; and seventy-five dollars for one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business.

4. The tools or implements of a mechanic or artisan, necessary to carry on his trade; the necessary post, seal and office furniture of a notary public; the instruments and tools of a carpenter, joiner, an exterminator, surveyor or dentist, necessary to the exercise of their profession; with their professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers and music teachers, and their necessary office furniture; including one safe and one typewriter; also the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps and office furniture of a searcher of records necessary to be used in his profession; also the typewriters or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also one bicycle when the same is used by the owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business.

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also the tools, picks, hoes, windlass, derrick, cars, pumps, tools, implements and apparatus necessary for carrying on any mining operations, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules or oxen with their harness, and food for such horses, mules or oxen for one month, when necessary for the use of such picks, windlasses, derrick, car pump or hoisting gear; and also the fulling machine actually worked by him, not exceeding in value the sum of one thousand dollars.

6. Two horses, two oxen or two mules, and their harness, and one cart or wagon, one dray or truck, one coupe, one hack, or carriage, for one or two horses, by the use of which a railroad, delivery, team, hackster, peddler, hackman, teamster or other laborer habitually earns his living; and one horse with vehicle and harness or other equipments, used by a physician, surgeon, constable or minister of the gospel, in the legitimate practice of his profession or business; with food for such oxen, horses or mules for one month.

7. One fishing boat and net, not exceeding the total value of five hundred dollars, the necessary and equipment for the lawful use of which he earns his livelihood.

8. Poultry not exceeding in value seventy-five dollars.

9. The wages and earnings of all seamen, seagoing fishermen and sealers, not exceeding three hundred dollars, regardless of where or when earned, and in addition to all other exemptions otherwise provided by any law.

10. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise, that such earnings are necessary for the use of his family residing in this State, supported in whole or in part by his labor, but where debts are incurred by any such person, or his wife or family for the common necessities of life, or have been incurred at a time when the debtor had no family residing in this State, supported in whole or in part by his labor, or incurred for personal services rendered by any employee, or former employee, the amount of such earnings above mentioned is nevertheless subject to execution, garnishment or attachment to satisfy debts so incurred.

11. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars if the person holding the shares is not the owner of a homestead under the laws of this State.

12. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel.

13. All fire engines, hooks and ladders, with the carts, trucks and carriages, hose buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

14. All arms, uniforms, and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

15. All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers, and appurtenances belonging to the jail and public offices belonging and appertaining to any county of this State; and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State;

16. All material not exceeding one thousand dollars in value, purchased in good faith for use in the construction, alteration or repair of any building, mining claim or other improvement as long as in good faith the same is about to be applied to the construction, alteration or repair of such building, mining claim or other improvement;

17. All machinery, tools and implements, necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also the engines necessary for operating such machinery, implements, tools, etc., also all trucks necessary for the transportation of such machinery, tools, implements, engines, etc.; provided, that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars;

18. All moneys, benefits, privileges, or immunities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars, and if they exceed that sum a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid;

19. Shares of stock in any building and loan association to the value of one thousand dollars;

20. All money received by any person, a resident of the State as a pension from the United States Government, or as a pension or retirement salary from the State, or any county, city, or city and county, or any public board or boards whether the same shall be in the actual possession of such pensioner, or deposited, loaned or invested by him;

21. All money held, controlled or in process of distribution by the State or a city, county, city and county or other political subdivision of the State, derived from contributions from the State or such city, county, city and county, or other political subdivision, or by any officer or employee thereof for retirement or pension purposes or the payment of death benefits.

No article, however, or species of property, mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 269?

The roll was called, and Assembly amendments to Senate Bill No. 269 concurred in by the following vote:

AYES—Senators Biggar, Denel, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, McCormack, McGuinness, Parkman, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Wagye—22.

NOES—None.

Senate Bill No. 269 ordered to enrollment.

Senate Bill No. 365—An act to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924 of the Civil Code, relating to recording of notice of default and to giving notice of sale under deeds of trust and mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924b of the Civil Code, relating to giving notice of recording of notice of default and of time and place of sale under deeds of trust or mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924c of the Civil Code, relating to reinstatement of loans when due date of principal sum has been accelerated; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580b of the Code of Civil Procedure prohibiting deficiency judgments

on purchase money mortgages and deeds of trust; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580e of the Code of Civil Procedure, limiting the trustee's or attorney's fees which a mortgagor or trustor may be required to pay; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 725a of the Code of Civil Procedure, permitting the beneficiary or trustee named in a deed of trust to bring suit to foreclose the same in the manner of a mortgage; and to amend section 2924½ of the Civil Code, relating to mortgages and deeds of trust, all relating to the hypothecation of real property and to obligations secured thereby.

Bill read third time

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 365.

Amendment No. 1.

On page 1, line 13 of the title of the printed bill, after the semicolon, insert the following: "and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 580a of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced."

Amendment No. 2.

On page 1, line 25, of the title of the printed bill, strike out the semicolon, and in lines 26 and 27, strike out the following: "and to amend section 2924½ of the Civil Code relating to mortgages and deeds of trust".

Amendment No. 3.

On page 4, line 49, of the printed bill, after the period, insert the following:

"Sec. 4. Section 580a of the Code of Civil Procedure is hereby reenacted to read as follows:

580a. Whenever a money judgment is sought for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, the plaintiff shall set forth in his complaint the entire amount of the indebtedness which was secured by said deed of trust or mortgage at the time of sale, the amount for which such real property or interest therein was sold and the fair market value thereof at the date of sale and the date of such sale. Upon the application of either party made at least ten days before the time of trial the court shall, and upon its own motion the court at any time may, appoint one of the inheritance tax appraisers provided for by law to appraise the property or the interest therein sold as of the time of sale. Such appraiser shall file his appraisal with the clerk and the same shall be admissible in evidence. Such appraiser shall take and subscribe an oath to be attached to the appraisal that he has truly, honestly and impartially appraised the property to the best of his knowledge and ability. Any appraiser so appointed may be called and examined as a witness by any party or by the court itself. The court must fix the compensation of such appraiser, not to exceed five dollars per day, and expenses for the time actually engaged in such appraisal, which may be taxed and allowed in like manner as other costs. Before rendering any judgment the court shall find the fair market value of the real property, or interest therein sold, at the time of sale. The court may render judgment for not more than the amount by which the entire amount of the indebtedness due at the time of sale exceeded the fair market value of the real property or interest therein sold at the time of sale with interest thereon from the date of the sale; provided, however, that in no event shall the amount of said judgment, exclusive of interest after the date of sale, exceed the difference between the amount for which the property was sold and the entire amount of the indebtedness secured by said deed of trust or mortgage. Any such action must be brought within three months of the time of sale under such deed of trust or mortgage. No judgment shall be rendered in any such action until the real property or interest therein has first been sold pursuant to the terms of such deed of trust or mortgage, unless such real property or interest therein has become valueless."

Amendment No. 4.

On page 4, line 50, of the printed bill, strike out "4", and insert in lieu thereof "5".

Amendment No. 5.

On page 5, line 4, of the printed bill, strike out "5", and insert in lieu thereof "6".

Amendment No. 6.

On page 5, line 16, of the printed bill, strike out "6", and insert in lieu thereof "7".

Amendment No. 7.

On page 5 of the printed bill, strike out all of lines 24 to 35, inclusive.

Amendment No. 8.

On page 5, line 45, of the printed bill, after the word "sections", insert the following: "580a".

Amendment No. 9.

On page 5, line 51, of the printed bill, strike out all of said line, and on page 6, strike out all of line 1 and the words, "by this act" in line 2, and insert in lieu thereof the following: "sections 2924, 2924b, and 2924c of the Civil Code and sections 580a, 580b, 580c, and 725a of the Code of Civil Procedure".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 365?

The roll was called, and Assembly amendments to Senate Bill No. 365 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Gordon, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Senate Bill No. 365 ordered to enrollment.

Senate Bill No. 936—An act to repeal section 2610 of the Political Code as added by Chapter 992 of the fiftieth session of the Legislature and to add a new section to the Political Code to be numbered section 2610a, relating to a Board of State Harbor Commissioners for the bay of San Diego.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 936.

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, strike out " * * * ", and insert in lieu thereof the following: "reestablished and created. The members of said board".

Amendment No. 2.

On page 1 of the printed bill, as amended, after line 24, add the following:

"SEC. 3. Said section 2610a is a reenactment of said section 2610, which is hereby repealed, and is to be construed as a continuation of the provisions of said section 2610."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 936?

The roll was called, and Assembly amendments to Senate Bill No. 936 concurred in by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Senate Bill No. 936 ordered to enrollment.

Senate Bill No. 1125—An act to amend sections 376a and 376b of the Political Code, relating to the Department of Penology.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1125.

Amendment No. 1.

On page 1, lines 6 and 7, of the printed bill, strike out the words "the membership of the State Board of Public Deacons."

Amendment No. 2.

On page 1, line 6, of the printed bill, after the word "from", insert the words "the chiefs of the divisions of the department."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1125?

The roll was called, and Assembly amendments to Senate Bill No. 1125 concurred in by the following vote:

AYES. Senators Baggar, Crittenden, Donel, Duval, Edwards, Fletcher, Garrison, Gordon, Hayk, Jasperson, Keough, Knowland, McColl, McCormack, McGovern, McMillan, Morgan, Myler, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—35.

NOTES. None.

Senate Bill No. 1125 ordered to enrollment.

Consideration of Senate Amendments to Assembly Bill No. 1273.

Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 29, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 19 of said act; to add sections 91 and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1273?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1273 by the following vote:

AYES. None.

NOTES. Senators Baggar, Crittenden, Donel, Duval, Edwards, Fletcher, Garrison, Gordon, Hayk, Jasperson, Keough, King, Knowland, McColl, McCormack, McGovern, McGinness, Morgan, Myler, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—35.

Appointment of Committee on Free Conference.

The President announced the appointment of Senators Duval, Knowland and Myler, as a Committee on Free Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1273.

Consideration of Senate Amendments to Assembly Bill No. 1271.

Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making

an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1271?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 1271 by the following vote:

AYES—None.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—35.

Appointment of Committee on Free Conference.

The President announced the appointment of Senators Duval, Knowland and Mixer, as a Committee on Free Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 1271.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 66, relative to memorializing the President of the United States, the Federal Emergency Relief Administrator, and the State Relief Administrator, to lessen the burdens upon counties for unemployment relief.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Joint Resolution No. 66.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 66, without reference to committee for purpose of adoption.

Assembly Joint Resolution No. 66.

Relative to memorializing the President of the United States, the Federal Emergency Relief Administrator, and the State Relief Administrator, to lessen the burdens upon counties for unemployment relief.

WHEREAS, The counties of the State of California have heretofore participated to their utmost ability in the relief of destitution due to unemployment; and

WHEREAS, New Federal regulations have been proposed which would threaten to throw back to the counties a further portion of unemployment relief which is totally beyond the ability of the counties to pay; and

WHEREAS, The proposed new burdens are not county responsibilities; and

WHEREAS, Such regulations would result in a state of chaos and would exhaust the resources of the taxpayers in the many counties of this State; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes and petitions the President of the United States and the Federal Emergency Relief Administrator, together with the State Relief Administrator and the State Relief Commission to rescind any rules and regulations for unemployment relief which would in any way tend to increase the burdens upon the counties; and be it further

Resolved, That a copy of this joint resolution be transmitted to the President of the United States, to the Federal Emergency Relief Administrator, to the State Relief Administrator and the State Relief Commission.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 66 adopted by the following vote:

AYES.—Senators Bigger, Crittenden, Duval, Dufani, Edwards, Fletcher, Garrison, Gordon, Hays, Thompson, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Prinosch, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES.—None.

Assembly Joint Resolution No. 66 ordered transmitted to the Assembly.

Motion to Appoint Special Committee.

Senator Slater moved, seconded by Senator Sharkey, that the President of the Senate appoint a committee of three from the Senate to make appropriate floral arrangements for the funeral of Mrs. Rein-dollar, and that the committee be empowered to expend moneys not to exceed \$50 from the contingent fund of the Senate for that purpose.

Motion carried unanimously by a rising vote.

Appointment of Special Committee.

The President announced, in accordance with the above motion, the appointment of Senators Sharkey, Slater and McGovern.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 1346.

SENATE CHAMBER, SACRAMENTO, June 11, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1346: An act to amend section 197 of the Penal Code, relating to punishment for escape of a prisoner, reports that it has met a like committee of the Assembly, consisting of Assemblymen Phillips, Corwin, and Martin, and reports that the Committee on Free Conference has agreed to recommend the following:

That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 4, of the printed bill, as amended, after "prison or", insert the following: "who is".

Amendment No. 2.

On page 1, line 17, of the printed bill, as amended, strike out "fined", and insert in lieu thereof the following: "by a fine".

KNOWLAND,
DUFANI,
YOUNG,

Senate Committee on Free Conference.

PHILLIPS,
MARTIN,
CORWIN,

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES.—Senators Bigger, Crittenden, Duval, Dufani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Wagy, Williams, and Young—31.

NOES.—None.

Introduction, First Reading and Reference of Bill.

By Senator Swing: Senate Concurrent Resolution No. 46—A resolution relative to the Relief Commission and Relief Administrator and

requesting the same to provide employment for persons over sixty years of age and others only partially disabled in order to save the counties the expense of caring for and supporting such persons.

Consideration of Senate Concurrent Resolution No. 46.

Senator Swing asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 46, without reference to committee, print, or file for purpose of adoption.

Senate Concurrent Resolution No. 46.

A resolution relative to the Relief Commission and Relief Administrator and requesting the same to provide employment for persons over 60 years of age and others only partially disabled in order to save the counties the expense of caring for and supporting such persons.

WHEREAS, The Legislature did in and by Senate Bill No. 940 appropriate the sum of \$48,000,000 to aid and relieve hardship and destitution resulting from unemployment upon the assumption that every able-bodied adult person, irrespective of age, would be given employment and that no age discrimination would be made; and

WHEREAS, The Legislature has reduced the age limit of those entitled to participate under the State Old Age Pension Act (so-called) from 70 years to 65 years, thereby making aid under such act available to more than 20,000 additional persons within this State; and

WHEREAS, Such addition will add additional burdens to the counties and to the taxpayers thereof in that the counties will be required to cooperate in the care of such aged persons; and

WHEREAS, In addition thereto, counties are required to provide and care for all indigent persons unable to work and the combined costs of all such obligations so imposed upon the counties will be such that the taxpayers of said counties will be taxed to their maximum ability to pay; and

WHEREAS, It is reported to this Legislature that the Relief Commission and Relief Director are considering the adoption of a rule whereby persons over the age of 60 years and others only partially disabled will be refused employment and, as a result thereof, all such persons will likewise be forced on to the counties for care and support; and

WHEREAS, Such burden can not be borne by the taxpayers of the respective counties without the imposition of unjust and unfair additional tax burdens; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly concurring, That the Relief Commission and Relief Administrator be and each is hereby requested not to adopt or enforce any rule or regulation which would deprive or prevent any person over the age of 60 years or who may be only partially disabled from being employed and obtaining relief under the appropriation heretofore made from hardships and destitution due to unemployment; and be it further

Resolved, That said Relief Commission and Relief Administrator be and each is hereby requested to make provision and provide work for all such persons herein referred to so that they will not become an additional burden and charge upon the respective counties of the State but will be cared and provided for under the act appropriating said \$48,000,000; and be it further

Resolved, That the Secretary of the Senate is directed to immediately forward copies of this resolution to such Relief Commission and Relief Administrator.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 46 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Garrison, Gordon, Hays, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—27.

NOES—None.

Senate Concurrent Resolution No. 46 ordered transmitted to the Assembly.

Motion to Withdraw from Committee.

Senator Fletcher moved that Senate Bill No. 6 be withdrawn from Committee on Finance for purpose of passage.

Remarks.

The following remarks, offered by Senator Fletcher, were ordered printed in the Journal:

Mr. President and Fellow Members of the Senate:

I ask that my resolution be printed withdrawing from Finance Committee Senate Bill No. 6 pertaining to \$200,000 raised for flood control on the San Dieguito River, the money to be used for strengthening Lake Hodges Dam.

SENATOR RICE on the floor of the Senate stated that San Diego County was getting \$195,000 the next two years for flood control. He is mistaken. We are not getting one dollar. Plus on the authority of the State Engineer, Mr. Edward Hyatt. Our only help was the receipt of \$12,500 for the study of flood control on the San Diego River two years ago but never a dollar for any development work, while this Legislature has spent over \$20,000,000 in other sections of the State for flood control work the last 10 years.

Lake Hodges Dam, now recognized as construction inspected and finally approved, by the State authority. From the beginning it was a creature of the State, serving as it does the irrigation districts of 15,000 acres who are wholly dependent upon this source of supply for water, while San Diego city as well gets a part of its supply from Lake Hodges.

When this dam was built the assessed valuation of this property so irrigated in the two irrigation districts and at 1921 May was approximately \$400,000. Today the State of California is collecting taxes on the basis of a valuation of \$12,000,000.

We think this state under the personal direction of your State Engineer who formerly assessed same. Now legislation was later enacted, the dam was inspected by a board of engineers and pronounced unsafe in case of major earthquake, although I believe it is safe and I hold in my hand a photograph showing 57,000 second foot of water, one-fourth of the total flow of the Colorado River, going over the top of this Lake Hodges spillway. There have only been three or four years since the dam was built that the spillway was not in operation, with two major floods.

One branch of the State service demands that this dam be strengthened. The State of California brought suit to enforce the order of the State Engineer and lost out. Another suit has been filed and the State Engineer threatens to withdraw the water from that dam, an economic crime.

Your Director of Public Works and your State Engineer have both in writing stated that it is a moral obligation of the State, yet you do nothing. If the engineer's report is true, there is danger to life and property second only to that of the St. Francis Dam. The responsibility is wholly yours.

One of your arguments against this appropriation is that you have been so liberal to the California Pacific International Exposition and the other is the lack of finance.

That exposition, gentlemen, is yours and the whole State of California is getting many times the benefit of the donation made.

You have appropriated over \$15,000,000 for the Sacramento Valley flood control in the last ten years, \$1,000,000 more for Santa Barbara, \$3,600,000 for Los Angeles County, \$1,250,000 for San Bernardino, Orange and Riverside counties, yet not one dollar have you ever given to San Diego County, the fourth city in the State. To make matters worse you took away from us twenty-odd thousand dollars of our own money two years ago under the Rolph administration, money that belonged to San Diego County, collected from houses on San Diego Bay, and, by all that is holy, should have been kept in that special fund for the development of San Diego Bay, yet you seized it and put it into the general fund of the State.

You say these other projects that I have mentioned are matched dollar for dollar. So is ours. As a matter of fact the Government and the city are putting up \$100,000 against the State of California's \$60,000 for the strengthening of Lake Hodges Dam.

Are you going to allow the State of California to persecute us in the courts? I am of the opinion that, in the long run, the courts will hold the State of California responsible. They are at least from a moral standpoint.

I appeal to you in the name of justice to grant our petition and approve this bill.

San Diego financially is not in a position, with all its other obligations, to do more than it is offering now to do. The irrigation districts are broke. Their taxes are 35 per cent to 50 per cent delinquent. They are in the process of refinancing. Agriculture is bringing practically no returns and we have reached a point where we must have State help, particularly where the State is creating all this trouble and persecution.

This adverse publicity has cost us literally millions of dollars of damage in the sale of property and our good name.

Again I say the responsibility is yours in case of disaster.

I ask that my argument be made a matter of public record and printed in the Daily Journal this day.

The question being on the adoption of the motion to withdraw.

Ayes and Noes Demanded.

A roll call was demanded by Senators Stow, Seawell and Fletcher on the adoption of the motion.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Fletcher moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McColl, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Rich, Schotky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

The Secretary announced the absentees.

Time, twelve o'clock m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Reports of Standing Committees.**

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1133—An act to amend section 737H of the Political Code, relating to salaries of the judges of the superior court of the City and County of San Francisco—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 404—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor—and reports that the same has been correctly re-engrossed.

WILLIAMS, Vice Chairman.

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Concurrent Resolution No. 52—Relative to the establishment of a free employment bureau in the city of Alameda—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—9; committee vote: Ayes—7; absent—2.

OLSON, Chairman.

On motion of Senator McGovern, Senate Bill No. 1133 was ordered read the second time without reference to file.

Second Reading of Senate Bill No. 1133.

Senate Bill No. 1133—An act to amend section 737H of the Political Code, relating to salaries of the judges of the superior court of the City and County of San Francisco.

Bill read second time and ordered to third reading.

The following resolution was offered:

By Senator McGovern:

Resolution.

Resolved, That Senate Bill No. 1133 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with. And it is ordered that said bill be read third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES. Senators Baggett, Crittenden, Duffell, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaqueson, Keough, King, Knowland, McGovern, McGuinness, Meyer, Perkins, Perry, Powers, Rich, Schottky, Scollan, Senwell, Sharkey, Sherry, Stow, Swang, Tickle, Wagy, Williams, and Young—34.

NOES.—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of reading Senate Bill No. 1133 the third time.

Third Reading of Senate Bill No. 1133.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1133 passed by the following vote:

AYES. Senators Baggett, Crittenden, Duffell, Duval, Edwards, Fletcher, Garrison, Gordon, Jaqueson, Keough, King, Knowland, McCall, McGovern, McGuinness, Metzger, Meyer, Perkins, Perry, Rich, Powers, Rich, Schottky, Scollan, Senwell, Sharkey, Sherry, Sawyer, Stow, Swang, Tickle, Wagy, Williams, and Young—33.

NOES.—None.

Title read and approved.

Senate Bill No. 1133 ordered transmitted to the Assembly.

Third Reading of Senate Bills.

Senate Bill No. 1132—An act relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution and shall therefore take effect immediately.

The facts constituting the necessity are as follows:

At the general election, November 6, 1934, the people approved an initiative constitutional amendment adding Article XXIV to the State Constitution, which placed in the State civil service numerous offices and positions which prior thereto had not been in the State civil service. On the effective date of said constitutional amendment, many persons held positions which were thus brought into the State civil service and had held such positions for a considerable period, but not for the full period of six months immediately preceding said effective date. As to many of said positions there exist eligible lists established prior to the effective date of said constitutional amendment, and it appears that the existence of such eligible lists would operate to prevent the persons hereinabove mentioned from having any opportunity to take examinations for qualification for certification to the very positions which they then held, unless suitable legislation is enacted to provide therefor, and it is imperative that such legislation to accomplish this purpose take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1132 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—Senator Perry—1.

Title read and approved.

Senate Bill No. 1132 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At twelve o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Fletcher.

The Secretary was directed to call the roll of the Senators who had not answered to their names, on the motion to withdraw Senate Bill No. 6 from the Committee on Finance.

The roll was called, and the motion was refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Jespersen, Keough, King, McGuinness, Metzger, Mixter, Olson, Schottky, and Scollan—15.

NOES—Senators Deuel, Duval, Gordon, Hays, Knowland, McColl, McCormack, McGovern, Parkman, Perry, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—23.

Recess.

On motion of Senator Rich, at twelve o'clock and forty-five minutes p.m., the President of the Senate declared recess until two o'clock and fifteen minutes p.m.

Reconvened.

At two o'clock and fifteen minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returned to the Senate for further consideration Assembly Bill No. 1957—An act to amend the Public Utilities Act by adding two new sections numbered sections 13½ and 32½, relating to public utilities.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1957 ordered held at the desk pending motion of reconsideration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 13, 1935.

MR. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day passed as a case of urgency, Assembly Bill No. 2499—An act to prohibit under certain conditions, which would restrict financial mortgages, to extend the statute of limitations upon such mortgages, to make available at the instance of the lender any and every instrument of the act to preserve the time within which an action to avoid such a loan may be brought, and to secure the urgency thereof, and to provide that this act take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Bill No. 2499.

Unanimous consent was granted, for the consideration of Assembly Bill No. 2499, without reference to committee.

Bill read first time, and ordered on file for second reading.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 12, 1935.

MR. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day unanimously adopted a resolution from the Assembly to Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 17, relating to the power of the Legislature to provide for the securing of funds to meet special obligations made by law, in fulfillment of the contract of State and Revenue Bond approved by Alexander McBride, Riley, and Latham, as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Appointment of Committee on Conference.

The President announced the appointment of Senators Duval, Edwards, and Schottky, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Constitutional Amendment No. 18.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, JUNE 13, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 2492—An act to amend section 38 of the "Alcoholic Beverage Control Act," relating to powers of the board and the persons employed by the board—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—11; committee vote: Ayes—7; absent—4.

HAYS, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, JUNE 13, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1212—An act to amend section 7 of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry:

Also—Assembly Bill No. 2293—An act to be known and cited as the Yacht and Ship Brokers Act, to define yacht and ship brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create the office of Yacht and Ship Brokers Commissioner within the Department of Professional and Vocational Standards, and to provide for the enforcement of said act and penalties for the violation thereof:

Also: Assembly Bill No. 927—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an

act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved May 21, 1934; entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately; Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—11; absent—8.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 607—An act relating to the holding of the Pacific Exposition and the San Francisco Bay Exposition in California, providing for the issuance and sale of State bonds to be known as "California exposition bonds," providing for the payment and retirement of said bonds, providing for and creating funds for the carrying out of the purposes of this act, authorizing the expenditure of moneys in said funds for such purposes, creating two commissions, one to be known as the "Pacific Exposition Commission" and the other to be known as "San Francisco Bay Exposition Commission," creating an interest and sinking fund for the payment of interest on said bonds and the redemption of the same, and making appropriation therefor, making an appropriation of two thousand dollars for the expense of printing, lithographing and selling said bonds, designating the name by which this act shall be known and fixing the time at which this act shall be and become effective;

Also: Assembly Bill No. 605—An act providing for the acquisition of lands for, and the construction, maintenance and operation of a building at the Pacific Exposition to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, resources of and other matters pertaining to the State of California at said Pacific Exposition, creating the California Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor;

Also: Assembly Bill No. 1540—An act to amend section 4 of and to add section 8 to an act entitled "An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature, and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws," approved June 10, 1929, relating to reports and making an appropriation to carry out the provisions of the act;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—10; absent—9.

SHARKEY, Chairman.

On Public Health and Quarantine.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1302—An act to amend sections 2, 3, 7, 12, 18 and 20 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, relating to pharmacy—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—7; committee vote: Ayes—4; absent—3.

DIFANI, Chairman.

Second Reading of Assembly Bills.

Without Reference to File.

Senator Swing asked for, and was granted, unanimous consent to take up for second reading, without reference to file, the following Assembly bills:

Assembly Bill No. 605—An act providing for the acquisition of lands for, and the construction, maintenance and operation of a building at the Pacific Exposition to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, resources of and other matters pertaining to the State of California at said Pacific Exposition, creating the California Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 607—An act relating to the holding of the Pacific Exposition and the San Francisco Bay Exposition in California, providing for the issuance and sale of State bonds to be known as "California exposition bonds," providing for the payment and retirement of said bonds, providing for and creating funds for the carrying out of the purposes of this act, authorizing the expenditure of moneys in said funds for such purposes, creating two commissions, one to be known as the "Pacific Exposition Commission" and the other to be known as "San Francisco Bay Exposition Commission," creating an interest and sinking fund for the payment of interest on said bonds and the redemption of the same, and making appropriation therefor, making an appropriation of two thousand dollars for the expense of printing, lithographing and selling said bonds, designating the name by which this act shall be known and fixing the time at which this act shall be and become effective.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1219—An act to amend section 7 of an act entitled "An act to regulate the practice of optometry," to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 227—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved May 21, 1934, entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1302—An act to amend sections 2, 3, 7, 12, 18 and 20 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, relating to pharmacy.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1540—An act to amend section 4 of and to add section 8 to an act entitled "An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature, and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws," approved June 10, 1929, relating to reports and making an appropriation to carry out the provisions of the act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2393—An act to be known and cited as the Yacht and Ship Brokers Act, to define yacht and ship brokers and salesmen:

to provide for the regulation, supervision and licensing thereof; to create the office of Yacht and Ship Brokers Commissioner within the Department of Professional and Vocational Standards; and to provide for the enforcement of said act and penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2492—An act to amend section 38 of the "Alcoholic Beverage Control Act," relating to powers of the board and the persons employed by the board.

Bill read second time, and ordered on file for third reading.

Call of the Senate.

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Duval, Edwards, Fletcher, Hays, Keough, Knowland, Metzger, Mixer, Pierovich, Rich, Schottky, Scollan, Sharkey, Snyder, Swing, Tickle, Wagy, and Young—18.

The Secretary announced the absentees.

Time, two o'clock and thirty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills.

Assembly Joint Resolution No. 22.

Relative to Pacific Exposition.

WHEREAS, Pacific Exposition, an international exposition, is to be held in the county of Los Angeles, State of California, during 1937-1938, and thereafter, for the purpose of commemorating the completion of Boulder Dam and the power and water developments and projects thereof; be it therefore

Resolved by the Senate and Assembly of the State of California. That we, the representatives of the people of the State of California, do hereby respectfully request the President of the United States and the Congress of the United States to cause an invitation to be extended to the peoples of the world to participate in said exposition; be it further

Resolved, That copies of this resolution be transmitted by the Secretary of State to the President of the United States, to the Congress of the United States and to each of the Senators and Representatives of the State of California in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 22 adopted by the following vote:

AYES—Senators Duval, Duval, Edwards, Fletcher, Hays, Keough, King, Knowland, McColl, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, and Wagy—26.

NOES—None.

Assembly Joint Resolution No. 22 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 23.

Relative to the Pacific Exposition.

WHEREAS, In 1937-1938 and thereafter, an exposition to commemorate the completion of Boulder Dam and the power and water developments and projects thereof, will be held in the county of Los Angeles, State of California; and

WHEREAS It is the sense of the people of the State of California to issue a special obligation to the States particularly interested and affected by the completion of gold dams and the power and water developments thereof, now, therefore, be it

Resolved by the Senate and Assembly of the State of California, That the Legislature of the State of California authorizes Arizona, Colorado, New Mexico, Nevada, Utah and Wyoming to join with the people of this State in the commemoration of the completion of Boulder Dam and the power and water developments and projects thereof, and be it further

Resolved, That copies of this condition be forwarded by the Secretary of State to the Governors of the said States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 23 adopted by the following vote:

AYES: Senators: Deuel, DeVal, Lathrop, Patterson, Garrison, Hays, Keough, King, Knowland, Martin, McComb, McGowan, McHenry, Mixer, Olson, Park, Peary, Pomeroy, Rice, Sweeney, Siskien, Sharkey, Slater, Snyder, Stow, Swain, Little, Wagon, and Young—29.

NOES: None.

Assembly Joint Resolution No. 23 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 39.

A resolution to propose to the people of the State of California, an amendment to Article IV of the Constitution of the State, by amending section 31 thereof, reading: "to fulfill the principal and interest on bonds issued by city, county, city and county, district or other political subdivision whose funds are in the custody of the treasurer of any city, county, or city and county."

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its fifty-first regular session, commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the Constitution of the State be amended by amending section 31 of Article IV of the State Constitution to read as follows:

Sec. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending of the money of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may hereafter be established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to section 22 of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts, water districts and water conservation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporations; and

Provided, further, That nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payment for, farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans.

The California Veterans' Welfare Bond Act of 1921 (Statutes of 1921, Chapter 578), as enacted at the forty-fourth session of the Legislature of the State of California, authorizing the issuance and sale of State bonds in the sum of \$10,000,000 for the purpose of creating a fund to carry out the provisions of the California Veterans' Welfare Act, providing land settlement for veterans (Statutes of 1921,

Chapter 580), and the provisions of the "Veterans' Farm and Home Purchase Act," providing farm and home aid for veterans (Statutes of 1921, Chapter 519) is hereby approved, adopted, legalized, validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such Veterans' Welfare Bond Act of 1921 at the general election of November 7, 1922. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by, and for paying the interest on and the principal of bonds issued by, any city, county, city and county, district, or other political subdivision whose funds are in his custody and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed eighty-five per cent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

And provided, further, that the city of Glendale, of Los Angeles County, may, when authorized so to do, by a majority of the voters thereof voting at an election held for that purpose, pay from the surplus of the public service department of said city the amount of any assessment or assessments levied by said city between the eleventh day of May, 1921, and the ratification of this amendment, for the replacement of water mains, to the person or persons owning the property so assessed at the time said payment is so authorized; and that no statute of limitations shall apply in any manner.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 39 adopted by the following vote:

AYES—Senators Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—31.

NOES—None.

Assembly Constitutional Amendment No. 39 ordered transmitted to the Assembly.

Assembly Bill No. 1744—An act to add section 644.5 to the Military and Veterans Code, relating to military decorations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1744 passed by the following vote:

AYES—Senators Deuel, Duval, Edwards, Fletcher, Garrison, Hays, Keough, King, Knowland, McColl, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Snyder, Stow, Swing, Tickle, Wag, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1744 ordered transmitted to the Assembly.

Assembly Bill No. 2403—An act to amend sections 737j and 737bbb of the Political Code, relating to salaries of superior court judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2403 passed by the following vote:

AYES—Senators Deuel, D. J. Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2403 ordered transmitted to the Assembly.

Assembly Bill No. 826—An act to add a new section to the Code of Civil Procedure, to be numbered 336a and to amend section 337 thereof, relating to the periods prescribed for the commencement of actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 826 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 826 ordered transmitted to the Assembly.

Assembly Bill No. 2465—An act to add section 1156 to the Agricultural Code, relating to the marketing of agricultural products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2465 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—34.

NOES—None.

Title read and approved.

Assembly Bill No. 2465 ordered transmitted to the Assembly.

Assembly Bill No. 1861—An act to add section 76 to the Agricultural Code and to repeal section 694da of the Political Code, relating to the State Agricultural Society contingent fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1861 passed by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 1861 ordered transmitted to the Assembly.

Assembly Bill No. 1606 --An act to amend section 8 of and to add section 8a to the Sewer Revenue Bond Act, relating to acquisition and operation of sewerage disposal works.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1606 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Schottky, Seellan, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1606 ordered transmitted to the Assembly.

Assembly Bill No. 2467--An act to add to the Probate Code a new section, to be numbered 201.5, and amending section 220 of the Probate Code, both relating to the laws of succession.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2467 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Seellan, Sharkey, Slater, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2467 ordered transmitted to the Assembly.

Unfinished Business.

Senate Bill No. 589—An act to add section 2540a to Civil Code, relating to contract of minors for life, health and accident insurance and annuity contracts.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 589.

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "2540a to Civil", and insert in lieu thereof the following: "10112 to the Insurance".

Amendment No. 2.

On page 1, line 2 of the title of the printed bill, strike out the comma, also strike out "health and accident", and insert in lieu thereof the following: "insurance and disability".

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out "Civil", and insert in lieu thereof the following: "Insurance".

Amendment No. 4.

On page 1, line 2, of the printed bill, strike out "2540a", and insert in lieu thereof the following: "10112".

Amendment No. 5.

On page 1 of the printed bill, strike out line 3, and insert in lieu thereof the following: "10112. In respect of life or disability insurance, or".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 589?

The roll was called, and Assembly amendments to Senate Bill No. 389 concurred in by the following vote:

AYES—Senators Payne, Callender, Deuel, Dismal, Edwards, Fletcher, Garrison, Gordon, Hays, Johnson, Kneek, King, Knowland, McCormack, McGovern, McGinniss, Morgan, Miller, Olson, Perry, Powers, Rich, Schottky, Seidler, Shattuck, Slater, Snyder, Stone, Swain, Tickle, Waggy, Williams, and Young—34.

NAWS—None.

Senate Bill No. 389 ordered to enrollment.

Senate Bill No. 277—An act to amend section 164 of the Civil Code, relating to enumerated property.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 277.

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, strike out the comma after "State".

Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, after "State", insert a comma.

Amendment No. 3.

On page 1, line 11, of the printed bill, as amended, after "writing", insert a comma.

Amendment No. 4.

On page 1, line 16, of the printed bill, as amended, strike out "provided, however," and insert in lieu thereof the following: "except".

Amendment No. 5.

On page 1, line 21, of the printed bill, as amended, strike out "and the", and insert in lieu thereof a period and the following: "The".

Amendment No. 6.

On page 1, line 23, of the printed bill, as amended, strike out the comma after "woman".

Amendment No. 7.

On page 2, line 7, of the printed bill, as amended, strike out the comma after "property", and also strike out the following: "As to conveyances hereinafter made," and also strike out all of line 8, and in line 9, strike out "this act, and as to conveyances hereafter made."

Amendment No. 8.

On page 1 of the printed bill, as amended, before line 1, insert the following:

"SECTION 1. Section 164 of the Civil Code is hereby amended to read as follows:."

Amendment No. 9.

On page 1, line 23, of the printed bill, as amended, strike out "Limitation of actions."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 277?

The roll was called, and Assembly amendments to Senate Bill No. 277 concurred in by the following vote:

AYES—Senators Biggar, Callender, Deuel, Dismal, Drival, Edwards, Fletcher, Garrison, Gordon, Hays, Johnson, Kneek, King, Knowland, McCormack, McGovern, McGinniss, Morgan, Miller, Olson, Perry, Powers, Rich, Schottky, Seidler, Shattuck, Slater, Snyder, Swain, Tickle, Waggy, Williams, and Young—34.

NAWS—None.

Senate Bill No. 277 ordered to enrollment.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 437.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 437—An act to amend section 112 of, and to add section 112a to, the Code of Civil Procedure, relating to the jurisdiction of justices' courts—reports that it has

met a like committee of the Assembly, consisting of Miss Miller and Assemblymen Wright and Cunningham, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, lines 5 and 6, of the printed bill, as amended, strike out "A in counties having a population of nine hundred thousand or over", and insert in lieu thereof the following: "LA".

Amendment No. 2.

On page 2, line 15, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA".

Amendment No. 3.

On page 2, line 19, of the printed bill, as amended, strike out "A", and insert in lieu thereof the following: "LA".

Amendment No. 4.

On page 2, lines 43 and 44, of the printed bill, as amended, strike out "in counties having a population of less than nine hundred thousand".

Amendment No. 5.

On page 3, line 23, of the printed bill, as amended, strike out the comma and strike out all of line 24, and in line 25, strike out "thousand,".

Amendment No. 6.

On page 4, line 15, of the printed bill, as amended, strike out "or".

KNOWLAND,
HAYS,
OLSON.

Senate Committee on Free Conference.

MILLER,
CUNNINGHAM,
WRIGHT.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Minter, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Waggy, Williams, and Young—33.
NOES—None.

Further Proceedings Under Call of the Senate Dispensed With.

At three o'clock and twenty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Rich.

Third Reading of Senate Bills.

Senate Bill No. 1131—An act to make an appropriation for emergency reclamation and flood control work on the San Joaquin River, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1131:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 1131—An act to make an appropriation for emergency reclamation and flood control work on the San Joaquin River, declaring the urgency thereof and providing that this act shall take effect immediately.

In my opinion, said Senate Bill No. 1131 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and will therefore go into effect immediately. The facts constituting such necessity are as follows:

Due to recent high water on the San Joaquin River, levees have broken down with the result that the surrounding country has been flooded causing great damage to buildings and property. It is necessary that money be made available immediately in order that steps may be taken to control these flood waters and to rebuild the levees in order to prevent further damage to surrounding buildings and property, and also to permit the use of the land flooded. If this reclamation work is done immediately the land may be used for planting during the present year. Therefore, in order to provide for the use of the land and to eliminate the possibility of further damages, it is necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McCall, McGowan, McGowaness, Metzger, Mixer, Parkman, Pierovich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—27.

NOES—Senators Deuel, Duval, Hays, Rich, and Scollin—5.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1131 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Jespersen, Keough, King, McCall, McGowan, McGowaness, Metzger, Parkman, Pierovich, Schottky, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—25.

NOES—Senators Deuel, Hays, Metzger, Rich, Scollan, and Slater—6.

Title read and approved.

Senate Bill No. 1131 ordered transmitted to the Assembly.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 794.—An act to amend sections 5,802, 5,804, 5,890, 5,891, 5,894, 5,900, 5,901, 5,904, 5,910, 5,911, 5,921, 5,962, 5,970, 5,980, 5,990, 5,993, 5,1003, 5,1004, 5,1009, 5,1023, 5,1030, 5,1031, 5,1032, 5,1040, 5,1041, 5,1047, 5,1048, 5,1060, 5,1061, 5,1062, 5,1080 and 5,1083 of the School Code; to amend the titles of Chapter III, Articles IV, V and VII of Chapter III, of Chapter VI, of Articles II, III and V of Chapter VI, all of Part IV of Division V of said code; to repeal sections 5,1042 to 5,1046, both inclusive, of said code and to repeal Article IV of Chapter VI of Part IV of Division V of said code; to add eight new sections to said code to be numbered 5,886, 5,971, 5,972, 5,981, 5,986, 5,1004½, 5,1010 and 5,1011 and to add Chapter III of Part IV of Division V of said code a new article to be known as Article VIII; to add to Chapter V of Part IV of Division V of said code a new article to be known as Article V; and to add to Chapter VI of Part IV of Division V of said code a new article to be known as Article IV, all relating to the payment of retirement salaries and retirement annuities to persons serving

the State, counties and school districts in positions having to do with teaching or other employment in, and or the superintending, administration and supervision of colleges, schools, and classes maintained by the State and/or the school districts thereof.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 794:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 4, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California

GREETINGS: Assembly Bill No. 794—An act to amend sections 5802, 5804, 5809, 5891, 5894, 5900, 5901, 5904, 5910, 5911, 5921, 5962, 5970, 5980, 5990, 5993, 51003, 51004, 51009, 51023, 51030, 51031, 51032, 51049, 51041, 51047, 51048, 51060, 51061, 51062, 51080, and 51081 of the School Code; to amend the titles of Chapter III, of Articles IV, V and VII of Chapter III, of Chapter VI, of Articles II, III and V of Chapter VI, all of Part IV of Division V of said code, to repeal sections 51042 to 51046, both inclusive, of said code and to repeal Article IV of Chapter VI of Part IV of Division V of said code; to add eight new sections to said code to be numbered 5886, 5971, 5972, 5981, 5986, 51004a, 51010, and 51011 and to add Chapter III of Part IV of Division V of said code a new article to be known as Article VIII; to add to Chapter V of Part IV of Division V of said code a new article to be known as Article V; and to add to Chapter VI of Part IV of Division V of said code a new article to be known as Article IV, all relating to the payment of retirement salaries and retirement annuities to persons serving the State, counties and school districts in positions having to do with teaching or other employment in, and/or the superintending, administration and supervision of colleges, schools, and classes maintained by the State and/or the school districts thereof.

In my opinion said Assembly Bill No. 794 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 794 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Petrovich, Powers, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 794 ordered transmitted to the Assembly.

Assembly Bill No. 2013—An act to add section 379.5 to the Vehicle Code, relating to seizure and sale of vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2013 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Petrovich, Powers, Rich, Schottky, Seallan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 2013 ordered transmitted to the Assembly.

Assembly Bill No. 2473—An act to add section 269 to the Political Code, relating to officers of the Assembly.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 2473, the following amendment to the title offered by Senator Swing, was read and adopted:

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, strike out the period, and insert the following: "and dedicating the agency thereof."

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 2473 passed by the following vote:

AYES—Senators Crutcher, Dool, Duval, Edwards, Fletcher, Garrison, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Myers, Parkman, Patterson, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tinkle, Williams, and Young—31.

NOES—None.

Title read and approved, as amended.

Assembly Bill No. 2473 ordered transmitted to the Assembly.

Assembly Bill No. 150—An act granting to the City and County of San Francisco certain lands of the State of California located in the City and County of San Francisco upon certain trusts and conditions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 150 passed by the following vote:

AYES—Senators Crutcher, Dool, Duval, Edwards, Fletcher, Garrison, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Olson, Parkman, Perry, Patterson, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, and Williams—28.

NOES—Senator Metzger—1.

Title read and approved.

Assembly Bill No. 150 ordered transmitted to the Assembly.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 404—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 404:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.
SACRAMENTO, June 13, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 404—An act to add section 159a to the Agricultural Code, relating to the elimination of Austrian field cress, and to make an appropriation therefor.

In my opinion said Senate Bill No. 404 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State

of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 404 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—29.

NOES—Senator Pierovich—1.

Title read and approved.

Senate Bill No. 404 ordered transmitted to the Assembly.

Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 154 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 154 ordered transmitted to the Assembly.

Senate Bill No. 1126—An act to amend sections 105, 106, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

Bill read third time.

Amendments from the Floor.

During third reading of Senate Bill No. 1126, the following amendments, offered by Senator Young, were read:

Amendment No. 1.

On page 1, lines 7 and 8, of the printed bill, as amended, strike out "The director shall be appointed by, and hold office at the pleasure of, the Governor.", and insert in lieu thereof the following: "The Governor shall appoint the Director of Finance as Director of Motor Vehicles."

Amendment No. 2.

On page 1, line 8, of the printed bill, as amended, strike out "a salary of six", and insert in lieu thereof the following: "no salary".

Amendment No. 3.

On page 1 of the printed bill, as amended, strike out line 9, and insert in lieu thereof the following: "as Director of Motor Vehicles but".

Amendment No. 4.

On page 1, line 13, of the printed bill, as amended, strike out the period in said line, and insert in lieu thereof a comma and the following: "in addition to the bond executed by him as Director of Finance."

Ayes and Noes Demanded.

A roll call was demanded by Senators Young, Pierovich and Jespersen, on the adoption of amendments offered by Senator Young.

The roll was called, and amendments were refused adoption by the following vote:

AYES. Senators Denel, Duval, Knowland, McCormack, Slater, Wagy, and Young—7.

NOES. Senators Bigger, Crittenden, Difani, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McGovern, McGinness, Metzger, Parkman, Perry, Pierovich, Powers, Rice, Secretary, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, and Williams—27.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1126:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 13, 1935.

To the Honorable Members of the Senate,
State of California, Sacramento, California.

GRIEVANCES. Senate Bill No. 1126. An act to amend sections 105, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

In my opinion Senate Bill No. 1126 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1126 passed by the following vote:

AYES. Senators Bigger, Crittenden, Denel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, McCall, McCormack, McGinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Williams—32.

NOES. Senators Knowland, McGovern, Slater, and Young—4.

Title read and approved.

Senate Bill No. 1126 ordered transmitted to the Assembly.

Resolution.

The following resolution was offered:

By Senators Slater, Sharkey and McGovern:

WHEREAS, Almighty God, in the exercise of His infinite wisdom, has called Winnette Haun Reindollar, the wife of Senator Charles F. Reindollar, to her final reward; and

WHEREAS, Winnette Haun Reindollar was a devoted wife and mother, whose kindness and sympathy for friends and neighbors in distress was ever manifested, and won for her the love and affection of all who knew her; and

WHEREAS, Senator Charles F. Reindollar is one of the most esteemed members of this body, who has won the admiration of all because of his devotion to public duty; now, therefore, be it

Resolved, by the Senate of the State of California, in regular meeting assembled, That we hereby express our deep sympathy with Senator Charles F. Reindollar and the members of his family, and in so doing we express a high appreciation of the splendid devotion manifested by him in ministering to the every desire and want of his loved one during the many months of her illness, a portrayal of loving regard which has seldom, if ever, been excelled; be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of the Senate to Senator Charles F. Reindollar and family and that when the Senate adjourns today, it do so out of respect to the memory of Winnette Haun Reindollar.

Dated: Sacramento, California, this thirteenth day of June, 1935.

Resolution read, and on motion of Senator Slater, seconded by Senators Sharkey and McGovern, adopted unanimously by a rising vote of the Senate.

Introduction, First Reading and Reference of Bills.

By Senator Tickle: Senate Joint Resolution No. 24—Relative to memorializing Congress to permit State Emergency Relief Administration funds and Federal Emergency Relief Administration funds to be used in the restoration of California missions.

Consideration of Senate Joint Resolution No. 24.

Senator Tickle asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 24, without reference to print, file, or committee for purpose of adoption.

Senate Joint Resolution No. 24.

Relative to memorializing Congress to permit State Emergency Relief Administration funds and Federal Emergency Relief Administration funds to be used in the restoration of California missions.

WHEREAS, The California missions are of great significance in the early history not only of California but of the United States; and

WHEREAS, Many of the missions of California are in a deplorable state of repair and sorely in need of restoration; and

WHEREAS, State Emergency Relief Administration funds and the Federal Emergency Relief Administration funds could be used in this worthwhile work to give employment to many needy citizens; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California, respectfully urges and memorializes the Congress of the United States to permit State Emergency Relief Administration funds and Federal Emergency Relief Administration funds to be used in the restoration of the California missions; and be it further

Resolved, That certified copies of this resolution be forwarded by the Secretary of the Senate of the State of California to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, the Federal Relief Administrator, the State Relief Administrator, and to all the Senators and Representatives from California in the United States Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 24 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, Knowland, McColl, McCormick, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Senate Joint Resolution No. 24 ordered transmitted to the Assembly.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1267—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be

nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same." approved March 6, 1899, relating to the use of closed containers and providing for the sterilization of used bottles and containers used for foods, drugs and liquors.

Amendment from the Floor.

During third reading of Assembly Bill No. 1267, the following amendment, offered by Senator Swing, was read and adopted:

Amendment No. 1.

On page 2, line 24, of the statute last amended, strike out the word "five", and insert in lieu thereof "one and one-half".

Bill read, ordered to reprint, and on file for third reading.

Withdrawal and Re-reference of Assembly Bill No. 916.

Senator Grimes moved that Assembly Bill No. 916 be withdrawn from Committee on Agriculture and Live Stock, and referred to Committee on Finance.

Motion carried, and such was the order.

Recess.

On motion of Senator Kirk, at five o'clock and five minutes p.m., the President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrolment and Printing.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrolment and Printing has examined Senate Joint Resolution No. 23. Relative to the application to Congress to propose an amendment to the Constitution of the United States relating to the power of the Congress to regulate labor, wages, terms and conditions of employment of laborers and reports that the action has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrolment and Printing has examined Senate Bill No. 872—An act to amend section 100a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts—and reports that the same has been correctly engrossed.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrolment and Printing has examined Senate Bill No. 105—An act to amend section 1992 of the Agricultural Code, relating to a tax upon commercial feeding stuffs;

Also: Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporation, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vessels in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act;

Also: Senate Bill No. 1018—An act to amend sections 776, 777, 779 and 781 and to repeal section 778 of the Vehicle Code, relating to funds; And reports that the same have been correctly re-engrossed.

METZGER, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 22—Relative to the application to Congress to propose an amendment to the Constitution of the United States relating to tax exempt securities, has had the same under consideration, and respectfully reports the same back without recommendation.

Committee membership—5; committee vote: Ayes—4; absent—1.

WAGY, Chairman.

Call of the Senate.

Senator Stow moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Keough, McGuinness, Metzger, Mixer, Rich, Seellan, Snyder, Stow, Swing, Wagy, and Young—16.

The Secretary announced the absentees.

Time, eight o'clock and forty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 755—An act to amend section 1 of an act entitled "An act making an appropriation to the State Board of Control to pay claims against the State of California" approved June 16, 1933, relating to claims against the State;

Also: Assembly Bill No. 2040—An act making an appropriation to pay the claim of the chief accounting officer of the Department of Finance against the State of California;

Also: Assembly Bill No. 2495—An act making an appropriation for the contingent expenses of the Assembly at its fifty-first session, and declaring that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that they do pass as amended.

Committee membership—19; committee vote: Ayes—11; absent—8.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 2368—An act to amend sections 5, 13, 65, 78, 83, 85, 86, 100, 101 and 100 of, and to add sections 28a, 65a, 65b, 65c, 65d, 83a, 85a, 100a and 100b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol;

Also: Assembly Bill No. 2449—An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—11; absent—8.

SHARKEY, Chairman.

On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 2730—An act to add section 3462a to the Political Code, authorizing creation of reclamation districts to make refunds where wrongful assessments have been made, and the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 5.

(Signed out)

MCCORMACK, Chairman
CRITTENDEN
GARRISON
KING
SCHOTTKY

On Engraving, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing, to which was referred Assembly Bill No. 2490—An act to amend section 524 of the Political Code relating to State printing—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

METZGER, Chairman.
MCCLURE
MCCORMACK
MINTNER
WILLIAMS

On Public Utilities.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Bill No. 2190—An act to add a new section to be numbered section 294 to the Public Utilities Act, approved April 23, 1915, relating to reports of salaries and expenses of officers and employees of public utilities, and determination of rates, has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership: 11; committee votes: Ayes, 6; nays, 3; absent, 2.

BIGGAR, Chairman.

Second Reading of Assembly Bills.**Without Reference to File.**

Unanimous consent was granted to take up for second reading without reference to file the following Assembly Bills.

Assembly Bill No. 755—An act to amend section 1 of an act entitled "An act making an appropriation to the State Board of Control to pay claims against the State of California" approved June 16, 1933, relating to claims against the State.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 755 were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, as amended, strike out the balance of the line after "Section 1.", and insert in lieu thereof the following: "Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Section 1. Out of the net receipts of the motor vehicle".

Amendment No. 2.

On page 2, line 2, of the printed bill, as amended, after "claim", insert the following: "to the State Board of Control".

Amendment No. 3.

On page 2, line 7, of the printed bill, as amended, strike out "and, or taxes", and insert in lieu thereof the following: "and taxes relating to motor vehicles or the use thereof".

Amendment No. 4.

On page 2, line 12, of the printed bill, as amended, strike out "subdivision", and strike out all of line 13, and insert in lieu thereof the following: "section 779 of the".

Amendment No. 5.

On page 2, line 15, of the printed bill, as amended, strike out "subdivi-", and strike out all of line 16, and insert in lieu thereof the following: "section 781 of the Vehicle Code into the State highway".

Amendment No. 6.

On page 2, line 21, of the printed bill, as amended, strike out "maintenance".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2040—An act making an appropriation to pay the claim of the chief accounting officer of the Department of Finance against the State of California.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2040 were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, strike out all of lines 3 and 4, and insert in lieu thereof the following: "one hundred thirty-eight thousand five hundred thirty-three and sixty-two one-hundredths dollars (\$138,533.62) is hereby appropriated to be paid".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out all of lines 12 to 22, inclusive, and insert in lieu thereof the following:

"SEC. 2. The sum of one hundred thirty-eight thousand five hundred thirty-three and sixty-two one-hundredths dollars (\$138,533.62) shall be paid as follows: one hundred eighty-three and seven hundred thirty-one and seventy-seven one-hundredths dollars (\$108,731.77) out of any money in the State treasury not otherwise appropriated; one thousand fifty-one and thirty-two one-hundredths dollars (\$1051.32) out of any money in that fund, or portion of such fund, in the State treasury, out of which the Department of Motor Vehicles is supported; one hundred forty-three and fifty one-hundredths dollars (\$143.50) out of any money in the motor vehicle fuel fund in the State treasury; one thousand five hundred sixteen and seventy-six one-hundredths dollars (\$1516.76) out of any money in the fish and game preservation fund in the State treasury; seven thousand eighty-five and seventy-six one-hundredths dollars (\$7085.76) out".

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2120—An act to add a new section to be numbered section 29½ to the Public Utilities Act, approved April 23, 1915, relating to reports of salaries and expenses of officers and employees of public utilities, and determination of rates.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2310—An act to add section 3462a to the Political Code, authorizing trustees of reclamation districts to make refunds where wrongful assessments have been made.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2368—An act to amend sections 5, 13, 65, 78, 83, 85, 86, 100, 101 and 109 of, and to add sections 28a, 65a, 65b, 65c, 65d, 83a, 85a, 100a and 100b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2449—An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2450—An act making an appropriation for the contingent expenses of the Assembly at its fifty-first session, and declaring that this act shall take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 2495 was read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, after the word "Legislature", insert the following: "and certain committees thereof."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 2490—An act to amend section 526 of the Political Code, relating to State printing.

Bill read second time, and ordered on file for third reading.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to assent to the amendments to Senate Bill No. 406—An act to amend sections 610 of the Labor and Game Code, relating to trout and whitefish, and appointed Assemblymen Desmond, Scollan and Redwine, as a Committee on Fish Conference, to meet with a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Appointment of Committee on Conference.

The President announced the appointment of Senators Scollan, Gordon and Biggar, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 604.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended and on June 11, 1935, passed as amended, Senate Bill No. 604—An act to add sections 470, 477, 478 and 479 to the Political Code, relating to the powers and duties of the Attorney General—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 604.

Amendment No. 1.

On page 1, line 7, of the printed bill, as amended, after the word "investigators", insert a comma and the following: "not exceeding ten in number,".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 604?

The roll was called, and Assembly amendment to Senate Bill No. 604 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness,

Metzger, Mixer, Olson, Powers, Rich, Schottky, Scollan, Snyder, Stow, Tickle, Wagy, and Young--27.

NOES—None.

Senate Bill No. 604 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on June 12, 1935, passed as amended, Senate Bill No. 959—An act to amend section 675 of the Political Code, relating to the powers and duties of the Director of the Department of Finance and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Special Order.

Senator Swing moved that Assembly amendments to Senate Bill No. 959 be made a special order for Friday, June 14, 1935, at eleven o'clock a.m.

Motion carried.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 437—An act to amend section 112 of, and to add section 112a to, the Code of Civil Procedure, relating to the jurisdiction of justices' courts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 766—An act to add section 495 of the Fish and Game Code, relating to the taking of fish—and appointed Assemblymen Mayo, Crowley and Thorp, as a Committee on Free Conference, to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed as a Committee on Free Conference concerning Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately—Assemblymen Lyon, McBride and Redwine.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 11 passed Senate Bill No. 700—An act to amend sections 1015 and 1016 of the Fish and Game Code and to add thereto sections 670 and 1016.5, relating to fish.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 700 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment No. 90—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 12, relating to the Rector Canyon Dam Project.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day assented to a Conference on Finance conference concerning Assembly Bill No. 1274—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 29, 30 and 32 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and apportioning of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that it shall take effect immediately," approved July 31, 1933; to repeal sections 18, 19 and 20; to add sections 31 and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately—Assemblymen Lyon, McBride and Redgrave.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day assented to the Governor's veto on Assembly Bill No. 1771—An act to repeal section 1093 of "The California Irrigation District Act," approved March 31, 1897, relating to water of irrigating canals.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day assented to Senate amendments to Assembly Bill No. 2136—An act relating to the form of contracts and judgments, permitting postponement of sales conducted by mortgage, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of foreclosures and terminations under such conditions of purchase or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; repealing Chapter 1, Statutes of the Extra Session of 1934, and Chapter 7 of the Statutes of 1935; declaring the urgency hereof, and providing that it shall take effect immediately).

Also: Assembly Bill No. 46—An act to amend section 3766 of the Political Code, relating to the publication of delinquent tax lists;

Also: Assembly Bill No. 405—An act to add a new section to the Civil Code to be numbered 2934a, relating to substitution of trustees in trust deeds;

Also: Assembly Bill No. 819—An act to amend sections 2167, 2167a, 2169, 2172 and 2175 of, and to repeal sections 2168, 2170, 2171 and 2185e of, and to add new sections numbered 2168, 2168.1, 2168.2, 2168.3, 2168.4, 2168.5, 2168.6, 2168.7, 2168.8, 2171, 2185.1, 2185.2, 2185.3, 2185.4, 2185.5, 2185.6 and 2185.7 to the Political Code, relating to persons mentally disordered or otherwise incompetent;

Also: Assembly Bill No. 1309—An act to regulate the location, construction, occupancy and operation of hat cleaning and blocking establishments, or agencies thereof, and private schools and colleges of hat cleaning and blocking; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement; and providing penalties for violations.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day assented to Senate amendments to Assembly Bill No. 2176—An act to amend section 1065 of the Fish and Game Code, relating to sardines.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on June 10, 1935, passed as amended, Senate Bill No. 577—An act to amend section 3780 of the Political Code, relating to the redemption of property sold to the State for delinquent taxes and limiting the same to a period of three years from and after the date of the deed to the State pursuant to section 3785 of

the Political Code—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 577 and Assembly amendments ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2395—An act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, repealing all conflicting acts and making an appropriation to carry out the provisions hereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2395 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1825—An act to add section 929 to the Fish and Game Code, relating to and regulating the subject of fishing within the jurisdiction of the State of California;

Also: Assembly Bill No. 2080—An act to provide for the acquisition of the Muir Wood Toll Road by the State, and the inclusion thereof in the State Highway system, and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1825 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 2080 read first time, and referred to Committee on Finance.

Notice of Motion to Amend Standing Rules of Senate.

Senator Rich gave notice that on the next legislative day he would move to amend the Standing Rules of the Senate as follows:

Amendment No. 1.

Amend Rule 17 by adding after section 5, thereof, the following:

"6. The Secretary is hereby authorized and directed during and between sessions to order and distribute stationery for the members and other printing and to audit and approve bills from the State Printer. It shall further be the duty of the Secretary to order reprinted such bills and other legislative publications for which there is a demand before the supply of same shall become exhausted."

Appointment of Committee on Conference.

The President announced the appointment of Senators Snyder, Deuel and Difani, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 718.

Third Reading of Assembly Bills.

Assembly Bill No. 2264—An act to amend section 658 of the Fish and Game Code, relating to salmon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2264 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Gordon, Hays, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger,

Miner, Parkman, Perry, Pierovich, Rich, Seelham, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—25.
None—None.

Title read and approved.

Assembly Bill No. 1964 ordered transmitted to the Assembly.

Assembly Bill No. 2417—As yet to amend section 844 of the Fish and Game Code, relating to net.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 2417, the following amendment, offered by Senator Tickle, was read:

Amendment No. 1.

On page 1, line 4, of the printed bill, after the word "bill", insert the following: "except nothing had been done".

Ayes and Noes Demanded.

A roll call was demanded by Senators Young, Tickle and Edwards, on the adoption of the amendment offered by Senator Tickle.

The roll was called, and amendment refused adoption by the following vote:

Ayes—Senators Hays, McCormack, Olson, Parkman, Pierovich, Seelham, Seelaw, Slater, Stow, Tickle and Young—11.

Noes—Senators Hays, McCormack, Olson, Tickle, Tilton, Edwards, Fletcher, Johnson, King, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Perry, Rich, Schottky, Snyder, Waggy, and Young—21.

Further Amendments from the Floor.

During third reading of Assembly Bill No. 2417, the following amendments, offered by Senator Olson, were read and refused adoption:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out the comma, and insert in lieu thereof the following: "and to amend section 929, etc".

Amendment No. 2.

On page 1 of the printed bill, as amended, after line 10, insert the following:

"SEC. 2. Section 929 is hereby added to the Fish and Game Code, to read as follows:

"929. Whenever it appears that any boat, vessel or net is legally set, and has drifted by force of current, tide or wind from sections in which the use of a purse net is prohibited, the presence of the purse net in such waters is not a violation of this code. Fish contained in such a net may be retained by the person using the net and may be removed from the prohibited territory into which the net has drifted."

Amendment No. 3.

On page 1, line 8, of the printed bill, as amended, strike out the word "two", and insert in lieu thereof "one".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2417 passed by the following vote:

Ayes—Senators Rigger, Christopher, Daniel, Tilton, Daval, Edwards, Fletcher, Garrison, Gorrill, Johnson, Keene, King, Knowland, McColl, McGovern, McGuinness, Metzger, Miner, Perry, Rich, Schottky, Seelham, Sharkey, Snyder, Stow, Waggy, and Young—27.

Noes—Senators Hays, McCormack, Olson, Parkman, Pierovich, Powers, Slater, Swing, and Tickle—9.

Title read and approved.

Assembly Bill No. 2417 ordered transmitted to the Assembly.

Motion to Reconsider Waived.

Senator Hays waived reconsideration on Assembly Bill No. 1957.

Assembly Bill No. 1957 ordered transmitted to the Assembly.

Assembly Bill No. 730—An act to amend section 1 of an act entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931 (Statutes 1931, Chapter 397), relative to the definition of public contract work and payment of the prevailing rate therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 730 refused passage by the following vote:

AYES—Senators Crittenden, Garrison, Gordon, Jespersen, McGovern, McGuinness, Olson, and Slater—8.

NOES—Senators Biggar, Deuel, Difani, Edwards, Fletcher, Hays, Keough, King, Knowland, McColl, Metzger, Mixer, Parkman, Perry, Powers, Schottky, Seollan, Seawell, Sharkey, Snyder, Stow, Tickle, Wagy, Williams, and Young—25.

Assembly Bill No. 669—An act to add section 3817½ to the Political Code, relating to taxation, declaring the urgency hereof and providing that this act shall take immediate effect.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Due to the fact that many properties throughout the State of California have ceased to pay taxes and there being no existing method by which such property can be sold or redeemed and because of the fact that in many cases the taxes, penalties, and costs accrued against such property amount to more than the present market value of such property, a method must be provided whereby the accrued taxes, penalties, and costs may be reduced to an amount which will make the redemption of such property possible and further, that this measure offers such an opportunity for the original owner to retrieve and retain the property which he has to all intents and purposes lost, probably through no fault of his own, but through economic stress. The operation of this law will, in a great measure, relieve the economic pressure now burdening the various political subdivisions of this State by recovering a portion of the taxes, penalties, and costs now charged against these properties and further by restoring to the revenue tax rolls the said properties which are now not bearing any proportion of the cost of government due to the fact that said properties are not now being taxed. The pressing need for a method that will correct this condition is evidenced by the fact that in some counties this delinquent property approaches fifty per cent of the total taxable property within the county.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack,

McGovern, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Powers, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Tickle, Wagv, Williams, and Young—34.
 Nays—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 669 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difant, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Josephson, Knecht, King, Knowland, McColl, McCormack, McGovern, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Powers, Schottky, Seollan, Seawell, Slater, Snyder, Stow, Tickle, Wagv, Williams, and Young—34.
 Nays—None.

Title read and approved.

Assembly Bill No. 669 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1128. An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation—and reports that the same has been correctly re-engrossed.

METZGER, Chairman.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 46—Relative to requesting the State Relief Commission and State Relief Administrator to provide employment on public works for persons over the age of 60 years and those only partially disabled.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 46 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 754—An act to make an appropriation from unemployment relief money for construction work by labor under State control—and requests that your honorable body recede therefrom.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Senate Amendments to Assembly Bill No. 754.

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 754?

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Bill No. 754 by the following vote:

AYES—None.

NAYS—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Knecht, Knowland, McColl, McCormack, McGovern, McGovern, Mixer, Parkman, Pierovich, Powers, Rich, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagv, Williams, and Young—30.

Appointment of Committee on Conference.

The President announced the appointment of Senators Swing, Knowland and Sharkey, as a Committee on Conference, to meet with a like committee from the Assembly, to consider Senate amendments to Assembly Bill No. 754.

Third Reading of Senate Bills.

Senate Bill No. 105—An act to amend section 1092 of the Agricultural Code, relating to a tax upon commercial feeding stuffs.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 105:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 12, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 105—An act to amend section 1092 of the Agricultural Code, relating to a tax upon commercial feeding stuffs.

In my opinion said Senate Bill No. 105 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difuni, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Picovich, Powers, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Title read and approved.

Senate Bill No. 105 ordered transmitted to the Assembly.

Senate Bill No. 872—An act to repeal section 109a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 872 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Picovich, Powers, Schoutky, Seawell, Slater, Snyder, Stow, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Senate Bill No. 872 ordered transmitted to the Assembly.

Senate Bill No. 355—An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 355:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 11, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GENTLEMEN: Senate Bill No. 355. An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons or corporations operating ferries, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways; to amend the jurisdiction of the Railroad Commission of the State of California; proposing that the committee thereof by the Railroad Commission, and providing penalties for the violation of this act.

In my opinion said Senate Bill No. 355 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 355 passed by the following vote:

AYES—Senators Crittenden, Duval, Edwards, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Perry, Piersovich, Phipps, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tackle, Waggy, Williams, and Young—29.

NOES—Senator Garrison—1.

Title read and approved.

Senate Bill No. 355 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Stow.

Senate Bill No. 731.—An act providing for an investigation of and report on the feasibility and desirability, from the standpoint of the public interest, of acquisition by the State of California of the existing facilities for the generation and distribution of electric power in California, whether now under private or public ownership, providing for a commission therefor, and the appointment of such commission, defining the powers, duties and compensation of such commission in respect thereto, and making an appropriation therefor.

Bill read.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 731 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Garrison, Gordon, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Perry, Piersovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tackle, Waggy, Williams, and Young—30.

NOES—Senators Duval, Hays, and Snyder—3.

Title read and approved.

Senate Bill No. 731 ordered transmitted to the Assembly.

Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1128:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 7, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation.

In my opinion said Senate Bill No. 1128 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1128 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES—None.

Title read and approved.

Senate Bill No. 1128 ordered transmitted to the Assembly.

Senate Bill No. 1071—An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter, or otherwise distributed, and to provide for the inspection of all birds which may be kept in such places; to repeal an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933; to declare the urgency thereof and provide that this act shall take effect immediately.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1071:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 13, 1935.

*To the Honorable Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: Senate Bill No. 1071—An act to provide for the inspection, quarantine and registration of aviaries and other places where shell parakeets are sold,

offered for sale, trade or barter, or otherwise distributed, and to provide for the inspection of all birds which may be kept in such places; to repeal an act entitled "An act to provide for the inspection, quarantine and registration of aviaries and other places where shall parakeets are sold, offered for sale, trade or barter; and to provide for the inspection of all birds, which may be kept in such places; to declare the urgency thereof and provide that this act shall take effect immediately," approved May 26, 1933; to declare the urgency thereof and provide that this act shall take effect immediately.

In my opinion Senate Bill No. 1071 constitutes such a bill within the meaning of that term as used in section 34, Article IV, of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

Sec. 12. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency:

There is now prevalent in the State of California a disease known as psittacosis (parrot fever), which disease is carried and spread by certain birds of the psittacine family. In order to effectively control the contraction and spread of this disease, and thus properly safeguard the health of the people of this State, it is necessary that the transportation and sale of said birds be controlled and regulated by the proper State authority. To this end it is imperative that legislation be immediately adopted providing for the licensing and regulation of persons, firms and corporations selling, trading, bartering or otherwise distributing such birds.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Jepsen, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1071 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Jepsen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—31.

NOES—None.

Title read and approved.

Senate Bill No. 1071 ordered transmitted to the Assembly.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2292—An act to amend sections 18 and 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State.

Bill read third time.

Communications Referring to Assembly Bill No. 2292.

The following communications were, on motion of Senator Tickle, ordered printed in the Journal:

STATE OF CALIFORNIA, LEGAL DEPARTMENT,
SACRAMENTO, June 12, 1935.

Hon. Edward H. Tickle,
Senate Chamber, State Capitol, Sacramento, California.

MY DEAR SENATOR: I have before me your letter of even date herewith wherein you ask me to give you an opinion as to the constitutionality of Assembly Bill No. 2292. I understand your inquiry goes to subdivision (j) of section 23 of the bill, as amended in the Senate on June 11, 1935, and which subdivision provides that it shall be unlawful to operate or keep open any barber shop or college for more than six days in any one calendar week.

In 1905, section 310½ was added to the Penal Code, which provides as follows:

"Every person who as proprietor, manager, lessee, employee or agent keeps open or conducts, or causes to be kept open or conducted, any barber shop, bathhouse, and barber shop, barber shop of a bathing establishment or hair-dressing establishment, or any place for shaving or hairdressing used and conducted in connection with any other place of business or resort, or who engages at work or labor as a barber in any such shop or establishment on Sunday, or on a legal holiday, after the hour of twelve o'clock m. of said day, is guilty of a misdemeanor."

After the enactment of that section, one Leo Jentsch was convicted for a violation thereof and on appeal in the case of *Ex parte Jentsch*, decided April 17, 1896, by the Supreme Court of this State, the court held that section to be an undue restraint of personal liberty and special legislation based upon an arbitrary classification and not a proper exercise of the police power and unconstitutional and void. That section was subsequently and still is repealed. The court held that legislation to be contrary to sections 1 and 21 of Article I and section 25 of Article IV of the Constitution.

In a later case, *Ganley vs. Claeys*, 88 Cal. Dec. 107, decided by the Supreme Court of this State on January 21, 1935, the court held that an ordinance of the city of Martinez was unconstitutional, which provided that all barber shops should be closed from 6:30 p.m. of each day until 8:00 a.m. of the following morning, except on Saturdays and days preceding holidays specified in the ordinance, on which days they should close at 8:00 p.m. and remain closed all day on Sunday and on the specified holidays. The court again referred to sections 1 and 21 of Article I and section 25 of Article IV of the Constitution, and in addition thereto section 1 of the Fourteenth Amendment of the Constitution of the United States, and held that the ordinance constituted an unnecessary and undue restraint of and interference with personal liberty and deprivation of property without due process of law, being an unwarranted interference with the carrying on of a lawful business, and further that it was special legislation based upon arbitrary classifications.

From the foregoing, it is my opinion that subdivision (j) of section 23 of Assembly Bill No. 2292, as amended in the Senate on June 11, 1935, would be held by the courts to be unconstitutional.

Yours very truly,

JESS HESSION, Deputy Attorney General.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, June 12, 1935.

Honorable Edward H. Tickle,
Senate Chamber, State Capitol, Sacramento, California.

Subject: *Closing of Barber Shops One Day a Week*. (A. B. No. 2292.)

Request: No. 4148.

DEAR SENATOR TICKLE:

You have asked us whether the provisions of subdivision (j) of section 23 of the Barber Act, as that section would be amended by Assembly Bill No. 2292, are constitutional.

The provisions of this subdivision (j) would make it unlawful to operate or keep open any barber shop or college for more than six days in any one calendar week.

In our opinion this requirement is unconstitutional.

In *Ex parte Jentsch*, 112 Cal. 468, the court passed upon an act requiring barber shops to close on Sundays, and held the act unconstitutional on the ground that the barber business was not so peculiar in its nature that to subject it to this particular regulation would be valid. We find nothing in the later decisions which induces us to believe that the court today would rule otherwise.

In *Ganley vs. Claeys*, 89 Cal. Decs. 107 (Jan. 21, 1935), the court struck down as unconstitutional an ordinance of the city of Martinez requiring the closing of barber shops on Sundays and certain holidays. However, the basis of the decision

seems to be that State in the Barber Act had provided the complete scheme of the regulation of the location of barbering and, therefore, the cities were foreclosed from any regulation of that business. Apparently the thought of the proponents of the bill would be to put in the State law itself as a part of the regulation, the requirement that barber shops should not open more than six days a week. However, we feel that the earlier cases of *Ex parte Jentech* would make this provision unconstitutional by reason of its holding that the barber business was not so peculiar as to require that a shop be closed on a certain day. The cases sustaining ordinances requiring the closing of barber shops on certain days were distinguished by the court on the ground that the barber business was subject to a closer and a different type of regulation under the State law and an express delegation of power to cities to legislate as to barber shop sanitation occurred in the State law. At any rate, it is difficult to see how the requirement that a shop be not open more than six days a week has any relation to public health, which would seem to be the only ground upon which such a regulation could be sustained.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

By HAROLD B. HAAS, Deputy.

HBB:mb

cc: Honorable Joseph P. Gilmore (Author of A. B. No. 2292).

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 2292 passed by the following vote:

AYES. Senators Biggar, Crittenden, Donald, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Keough, King, McCall, McCormack, McGovern, McGuinness, Myster, Olson, Parkerson, Perry, Pomeroy, Powers, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, Williams, and Young—32.

NOES. Senators Knowland, Metzger, and Tickle—3.

Title read and approved.

Assembly Bill No. 2292 ordered transmitted to the Assembly.

Assembly Bill No. 1392.—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution, and providing for the reporting of appointments and certification of estimates, pay rolls and accounts of other officers and employees of the State and declaring the urgency of this act and providing that it shall take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 1392, the following amendments, offered by Senator Seollan, were read and adopted:

Amendment No. 1.

On page 5, line 21, of the printed bill, as amended, strike out "shall be allowed to take an examination to deter", and strike out all of lines 22 and 23, and insert in lieu thereof the following: "who, by reason of an eligible list theretofore established for the position held by him on December 20, 1934, has had no opportunity to take an examination to determine his eligibility for certification and appointment to such position; and if no such examination has been held subsequent to December 20, 1934, shall be allowed to take such an examination."

Amendment No. 2.

On page 5, line 29, of the printed bill, as amended, strike out "successful candidates at", and insert in lieu thereof the following: "each successful candidate at any".

Amendment No. 3.

On page 5, line 32, of the printed bill, as amended, strike out "or any position", and strike out all of line 33, and insert in lieu thereof the following: "and with such priority thereon as is determined by the rating attained by him upon such examination as compared with the respective ratings of other persons on said list."

Amendment No. 4.

On page 7, line 15, of the printed bill, as amended, strike out "entrance or minimum salary", and insert in lieu thereof the following: "maximum salary or compensation for such class or class of position".

Amendment No. 5.

On page 7 of the printed bill, as amended, strike out lines 16 to 18, inclusive, and insert in lieu thereof the following: "than one hundred twenty-five dollars per month."

Amendment No. 6.

On page 17, line 48, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "and within thirty days after the completion thereof render a decision, by concurrence of a majority of the members thereof."

Amendment No. 7.

On page 21, line 29, of the printed bill, as amended, strike out "ninety", and insert in lieu thereof the following: "sixty".

Amendment No. 8.

On page 21, line 31, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "or in the event an administrative remedy is accorded by this act, within sixty days after the exhaustion of such remedy."

Amendment No. 9.

On page 21, line 34, of the printed bill, as amended, after the numbers "63", add the following: " , both inclusive,".

Bill read, ordered to reprint, and on file for third reading.

Assembly Concurrent Resolution No. 50.**Relative to the California Highway Patrol.**

WHEREAS, The California Highway Patrol is a state-wide police body inaugurated for the protection of the health, peace, and safety of the people of California in the enforcement of the motor vehicle laws; and

WHEREAS, There are approximately six hundred members of this State body who engage in a hazardous occupation in the enforcement of motor vehicle laws of this State; and

WHEREAS, More than 484 minor accidents and 435 serious accidents and 16 fatal accidents occurred in this department during the past five years; and

WHEREAS, This occupation is made doubly hazardous due to certain type of equipment used by this department; and

WHEREAS, There are 44 officers incapacitated from motorcycle duty at this time in this department; and

WHEREAS, This appalling accident rate seriously disrupts the morale of the officers of this department and creates a serious situation in this important work of our State Government in the high cost of compensation insurance, and the severe handicap in the efficiency of this department; and

WHEREAS, Statistics prove conclusively that almost all minor or fatal accidents are caused by the use of motorcycles upon the highways of this State by the Highway Patrol; now, therefore, be it

Resolved, That the Assembly of the fifty-first session of the Legislature, and the Senate thereof, concurring, hereby request and urge the Director of the Department of Motor Vehicles and the Chief of the California Highway Patrol to seriously consider the advisability of discontinuing the use of motorcycles in this department and only permit their use in only very necessary and extraordinary cases.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 50 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Hays, Jespersen, Keough, King, Knowland, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Williams—30.

NOES—Senator Gordon—1.

Assembly Concurrent Resolution No. 50 ordered transmitted to the Assembly.

Assembly Bill No. 1215—An act to amend section 11 of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1215 passed by the following vote:

AYES: Senators Baggot, Crittenden, Deuel, Fletcher, Gordon, Jespersen, Keough, Knowlton, McGovern, McCallister, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schuchky, Southern, Sewell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Yeager—27.

NOES: None.

Title read and approved.

Assembly Bill No. 1215 ordered transmitted to the Assembly.

Assembly Bill No. 863—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 of an act entitled "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of employees," approved February 6, 1889 (Stats. 1889, Chap. 5), as amended, relative to the sanitation, lighting and ventilation of factories, workshops and other places of employment, providing for the enforcement thereof by the Division of Industrial Accidents and Safety and providing penalties for the violation thereof.

Amendments from the Floor.

During third reading of Assembly Bill No. 863, the following amendments, offered by Senator McGovern, were read and adopted:

Amendment No. 1.

On page 1, lines 12 and 13, of the printed bill, as amended, strike out "as defined in the Workmen's Compensation, Insurance and Safety Act," and insert in lieu thereof the following: "where five or more persons are employed".

Amendment No. 2.

On page 2, lines 13 and 14, of the printed bill, as amended, strike out "as defined in the Workmen's Compensation, Insurance and Safety Act," and insert in lieu thereof the following: "where five or more persons are employed".

Amendment No. 3.

On page 2, lines 33 and 34, of the printed bill, as amended, strike out "as defined in the Workmen's Compensation, Insurance and Safety Act," and insert in lieu thereof the following: "where five or more persons are employed".

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 50 to 52, inclusive.

Amendment No. 5.

On page 3 of the printed bill, as amended, strike out lines 1 to 5, inclusive.

Amendment No. 6.

On page 3, line 6, of the printed bill, as amended, strike out "7", and insert in lieu thereof the following: "6".

Amendment No. 7.

On page 3, line 14, of the printed bill, as amended, strike out "8", and insert in lieu thereof the following: "7".

Amendment No. 8.

On page 3, line 21, of the printed bill, as amended, strike out "9", and insert in lieu thereof the following: "8".

Bill read, ordered to reprint, and on file for third reading.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 1018—An act to amend sections 649, 657, 776, 777 and 779 and to repeal section 778 of the Vehicle Code, relating to funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1018 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 1018 ordered transmitted to the Assembly.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 754.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 754—An act to make an appropriation from unemployment relief money for construction work by fairs under State control—reports that it has met a like committee of the Assembly, consisting of Assemblymen Lyon, Fisher and Utt, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

In lines 1 and 2 of the title of the printed bill, as amended, strike out "unemployment relief money", and insert in lieu thereof the following: "money available for relief of hardship and destitution due to and caused by unemployment".

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, strike out "unemployment relief", and insert in lieu thereof the following: "relief of hardship and destitution due to and caused by unemployment".

Amendment No. 3.

On page 1, lines 4 and 5 of the printed bill, as amended, strike out "two million eight hundred seventy-seven", and insert in lieu thereof the following: "three million two".

Amendment No. 4.

On page 1, lines 8 and 9, of the printed bill, as amended, strike out "to be constructed", and insert in lieu thereof the following: "said work to be done".

Amendment No. 5.

On page 1, line 10, of the printed bill, as amended, strike out "to", and insert in lieu thereof the following: "shall".

Amendment No. 6.

On page 1, line 13 of the printed bill, as amended, strike out "\$75,000", and insert in lieu thereof the following: "\$200,000".

Amendment No. 7.

On page 2, line 35 of the printed bill, as amended, strike out "\$2,877,000", and insert in lieu thereof the following: "\$3,002,000".

SWING,
KNOWLAND,
SHARKEY,

Senate Committee on Free Conference.

LYON,
FISHER,
UTT,

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Wagy, and Williams—30.

NOES—None.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported thereon was ordered on file for second reading:

On Fish and Game.

SENATE CHAMBER, SACRAMENTO, JUNE 12, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 1035, An act to amend sections 713, 715, 731, 733.5, 807 and 808 of 920 and the Fish and Game Code, relating to the protection of fish—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that it do pass, as amended.

(Signed out.)

McCOLL, Chairman.

HULSE

KEOUGH

McGOVERN

McGUINNESS

METZGER

SCOLLAN

WILLIAMS

YOUNG.

Second Reading of Assembly Bill No. 1035.

Senator Fletcher asked for, and was granted, unanimous consent to take up for second reading without reference to file, Assembly Bill No. 1035.

Assembly Bill No. 1035: An act to amend sections 713, 715, 731, 733.5, 807 and 808 of 920 and the Fish and Game Code, relating to the protection of fish.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Fish and Game, the following amendments to Assembly Bill No. 1035 were read and adopted:

Amendment No. 1.

On page 1, line 4, of the printed bill, as amended, strike out "gill net and".

Amendment No. 2.

On page 1, line 12, of the printed bill, as amended, after "taken", insert the following: "with hook and line."

Amendment No. 3.

On page 1, [lines 15 and 16, of the printed bill, as amended, strike out "and gill nets".

Amendment No. 4.

On page 2, line 7, of the printed bill, as amended, strike out ", except a gill net,".

Amendment No. 5.

On page 2, line 8, of the printed bill, as amended, after "take", insert the following: "yellow tail."

Amendment No. 6.

On page 2, line 8, of the printed bill, as amended, strike out "set", and insert in lieu thereof the following: "sea".

Amendment No. 7.

On page 2, line 16, of the printed bill, as amended, strike out "June 30", and insert in lieu thereof the following: "August 31".

Amendment No. 8.

On page 2, line 20, of the printed bill, as amended, strike out "June 30", and insert in lieu thereof the following: "August 31".

Amendment No. 9.

On page 2 of the printed bill, as amended, at the end of line 26, insert the following: "Between May 1 and August 31, not more than two thousand five hundred pounds of yellow-tail, barracuda or white sea bass may be possessed on any boat, barge or vessel at any one time."

Bill read second time, ordered to reprint, and on file for third reading.

Motion to Reconsider.**Assembly Bill No. 2459.**

Pursuant to notice given on a previous day, Senator Stow moved to reconsider the vote whereby Assembly Bill No. 2459 was refused passage.

Postponement of Reconsideration.

On motion of Senator Stow, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2459 was refused passage, was postponed until the next legislative day.

Motion to Reconsider.**Assembly Bill No. 1054.**

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 1054 was passed.

Postponement of Reconsideration.

On motion of Senator Olson, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1054 was passed, was postponed until the next legislative day.

Report of Standing Committee.

The following report of standing committee was received and read :

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 741. An act to amend sections 2955, 2956, 2957, 2963, 2965 and 2966; and to repeal section 2959 of the Civil Code; and to add to said code new sections numbered 2953a, 2974, 2975, 2976, 2977 and 2978, relating to mortgages of personal property, and including provisions for the continuity of the liens thereof, the securing of additional advances and obligations thereunder, mortgaging of natural increase of live stock and other animate chattels, and of after acquired and consumable property, and providing for the recording of fictitious mortgages and the inclusion of the provisions thereof in other mortgages by reference, and constructive notice of such mortgages by the recording thereof;

Also: Senate Bill No. 742. An act to amend section 2924 of the Civil Code, relating to mortgages in general and providing for the recording of certain subordination agreements and waivers relating to mortgages of, liens upon and interests in personal property;

Also: Senate Bill No. 743. An act to amend section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animate chattels, mining equipment and machinery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of June, 1935, at six o'clock p.m.

MIXTER, Vice Chairman.

Adjournment.

On motion of Senator Sharkey, at eleven o'clock and forty-five minutes p.m., the President of the Senate declared the Senate adjourned out of respect to the memory of the late Mrs. Reindollar, wife of Senator Reindollar, of Marin County, until ten o'clock and thirty minutes a.m., Friday, June 14, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Friday, June 14, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schotky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—39.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

For the Flag.

Our Father, we thank Thee on this day set aside for the honoring of our Flag. May the symbolism of the Stars and Stripes stir our hearts on this legislative day with a renewed devotion.

We are men, pledged in heart and mind, to serve the great ideals for which it stands. This banner of sacrifice and heroic deeds, of justice and liberty, of brotherhood and freedom is sacred to us.

We love our flag, O Lord, and the principles for which it stands. Defend it from every peril, uphold it by Thy Divine Providence, in time of peace as in time of war.

Make strong our hearts, that we may defend it against every foe, and guard safe its blessed heritage.

Reverently we bow our hearts, before Thee, O Lord, our God, that Thy glory may ever be upon this, our flag, and that we as its representatives may have the honor, the courage, the patience and the devotion that these times demand.

For Thy sake and for our country's sake, we pray. Amen.

Reading of the Journal.

During the reading of the Journal of Thursday, June 13, 1935, the further reading was dispensed with, on motion of Senator Hays.

Leave of Absence.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator Seollan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Robert Cook of Sacramento.

Request for Permission to Introduce a Bill.

The following request for permission to introduce a bill was presented:

By Senator Hulse:

SENATE CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: In accordance with the provisions of section 2, Article IV of the Constitution, I request permission to introduce a bill, the title of which is set forth below:

An act to repeal sections 4a and 4b of an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to elections and to qualification of electors, this act to take effect immediately.

Respectfully submitted.

SENATOR HULSE.

Request referred to Committee on Rules.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Constitutional Amendment No. 18. A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations made by law, in anticipation of the collection of taxes and revenues.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 18 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Senate Bill No. 718—An act to amend sections 384 and 439 of the Vehicle Code, relating to the registration and storage of vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Free Conference concerning Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 29, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 19 of said act; to add sections 9 and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately;

Also: Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 767—An act to amend sections 2, 24, 3, 4, 10, 13, 14, 15, 184 and 21, to add section 24, and to repeal sections 5 and 9 of the Old Age Security Act of the State of California, relating to aid to the aged.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2473—An act to add section 269 to the Political Code, relating to officers of the Assembly.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 97—An act making an appropriation to pay the claim of the city of Coronado against the State of California;

Also: Assembly Bill No. 479—An act to amend section 410 of the Political Code, relating to the publication and circulation of the laws, resolutions and Journals of the Legislature, and making an appropriation therefor.

Also: Assembly Bill No. 922—An act to amend section 1300.2 of the Agricultural Code, relating to poultry markets.

Also: Assembly Bill No. 994—An act to add section 690.11 to the Political Code, relating to the disposition of fees received under the provisions of section 690.10 of the Political Code.

Also: Assembly Bill No. 1227—An act relating to the holding of the San Francisco Bay Bridge Exposition in the City and County of San Francisco, in the State of California, entitled as follows: To be known as the "San Francisco Bay Bridge International Exposition"; and making an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 97 and 419 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 912 and 994 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bill No. 1277 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 588—An act levying a tax upon the privilege of securing petroleum, natural gas, natural or casing head gasoline from the earth, providing for the issuance of permits to producers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof and providing that the act shall take effect immediately;

Also: Assembly Bill No. 444—An act to amend section 13 of the Motor Vehicle Fuel License Tax Act, relating to apportionment of the tax fund;

Also: Assembly Bill No. 1482—An act making appropriation for the elimination of camel's thorn out of certain moneys heretofore appropriated for that purpose declaring the present fund; take effect immediately.

Also: Assembly Bill No. 2376—An act making an appropriation for the support of the Legislative Counsel Bureau and declaring the urgency thereof, the act to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 588 and 444 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bills Nos. 1482 and 2376 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2382—An act to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2382 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1663—An act to amend section 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities, providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision

of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities," relating to fees;

Also: Assembly Bill No. 2019—An act to amend section 2289 of the Political Code, relating to State aid to indigent orphans;

Also: Assembly Bill No. 2238—An act to add a new section to be numbered section 17 to "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to the needy blind.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 1663, 2019 and 2238 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2396—An act to create the California Rural Rehabilitation Authority, to provide for its organization, define its powers and duties and to make an appropriation in aid of its operation.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2396 read first time, and referred to Committee on Governmental Efficiency.

Consideration of Daily File. Second Reading of Assembly Bills.

Assembly Bill No. 2499—An act to prohibit under certain conditions, sales under certain chattel mortgages, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately.

Bill read second time, and ordered on file for third reading.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 1273.

On Free Conference.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1273—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 29, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 19 of said act; to add sections 9½ and 19 to said act; all relating to the taxation of the privilege of selling, renting or leasing tangible personal property; and to provide that this act shall take effect immediately—reports that it has met a like committee of the Assembly, consisting of Assemblymen Lyon, McBride and Redwine; and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 4, line 29, of the printed bill, as amended, strike out "March", and insert in lieu thereof "April", and also strike out "June 30", and insert in lieu thereof "July 31".

Amendment No. 2.

On page 4, line 34, of the printed bill, as amended, strike out "July", and insert in lieu thereof—August.

MIXTER,
KNOWLAND,
DUVAL.

Senate Committee on Free Conference.

LYON,
McBRIDE,
REDWINE.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Bigger, Deuel, Garrison, Gordon, Hays, Hulse, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Powers, Rich, Schottky, Seollan, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—47.

NOES—None.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 1271.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1271—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately, reports that it has met a like committee of the Assembly, consisting of Assemblymen Lyon, McBride and Redwine, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 14, line 44, of the printed bill, as amended, after the period, insert the following: "All such assessments shall bear interest at the rate of one-half of one per cent per month, or fraction thereof, from the fifteenth day after the close of the period or periods, as the case may be, for which the amount of tax should have been paid to the State until the date of payment."

Amendment No. 2.

On page 11, line 49, of the printed bill, as amended, after "tax", insert ", interest".

Amendment No. 3.

On page 12 of the printed bill, as amended, strike out all of lines 27 to 30, both inclusive, and in lieu thereof insert "be added thereto a penalty of ten per cent of the amount of the tax".

MIXTER,
KNOWLAND,
DUVAL.

Senate Committee on Free Conference.

LYON,
McBRIDE,
REDWINE.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Bigger, Deuel, Duval, Garrison, Gordon, Hays, Keough, Knowland, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Schottky, Seollan, Slater, Stow, Swing, Tickle, Wagy, Williams, and Young—26.

NOES—None.

Consideration of Special Order.

The hour having arrived for the consideration of Assembly amendments to Senate Bill No. 959, heretofore set as a special order for eleven o'clock p.m., the same was taken up for consideration.

Senate Bill No. 959—An act to amend section 675 of the Political Code, relating to the power of the Director of the Department of Finance.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 959.

Amendment No. 1.

On page 1, line 2 of the title of the printed bill, as amended, strike out "power", and insert in lieu thereof the following: "powers and duties".

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, strike out "power", and insert in lieu thereof the following: "the following powers and duties".

Amendment No. 3.

On page 2 of the printed bill, as amended, after line 44, add the following:

"11. To lease in the name of, and upon behalf of, the State of California, and he shall, and is instructed to, lease, notwithstanding any act or acts inconsistent herewith, to the Gilmore Exploration Company for the production and extraction of oil, gas and other hydrocarbons therefrom, those certain tide, overflowed and submerged lands belonging to the State, situate in Orange County, described as follows, to wit:

Commencing at the point of intersection of the southwesterly prolongation of the center line of 10th Street of the city of Huntington Beach, Orange County, California, with the line of ordinary high tide of the Pacific Ocean, thence northwesterly along the line of ordinary high tide of the Pacific Ocean to the west line of section 3, township 6 S R 11W SBB & M; thence continuing along said line of ordinary high tide to the west line of section 33, township 5 south range 11 west SBB & M, thence continuing along the said line of ordinary high tide to the southeasterly line (or its prolongation northwesterly) of State prospecting permit No. 194 granted to Matilda Shallenmiller the fourth day of November, 1929; thence southwesterly along the southeasterly line of said permit and its prolongation southwesterly one mile to a point in the Pacific Ocean; thence southeasterly parallel to the above described line of ordinary high tide to a point on the southwesterly prolongation of the center line of the above described 10th Street, said point being one mile southwesterly from the intersection of said center line of 10th Street and the said line of ordinary high tide; thence northeasterly along the prolongation of the center line of said 10th Street to the point of beginning:

if such lease, in addition to other things, provides:

a. A royalty to the State of twenty per centum (20%) in value or amount of all oil, gas or other hydrocarbons produced and saved, until the lessee shall have received from the proceeds of eighty per cent of all oil, gas or other hydrocarbons, all such costs, expenses, charges and liabilities, incurred by lessee in developing and operating such property, as shall be approved by the director, and thereafter a royalty of thirty per centum (30%).

b. That all drilling shall be done from islands constructed by the lessee and that the lessee shall not construct any island within five hundred feet of the line of ordinary high tide of the Pacific Ocean.

c. That the term of the lease shall be thirty years.

d. That the State reserves the right to grant to littoral owners, and to the successor, assignee, or authorized person of such littoral owner, a lease or easement to operate wells already slant drilled into the leased lands and also to drill new wells therein.

e. That the lessee will operate two strings of tools until it has drilled twelve wells and thereafter one string until it has drilled eighteen additional wells or a total of thirty wells, with the right in the lessee to drill as many additional wells as it desires.

f. All such other provisions, agreements and conditions as in the judgment of the director shall be proper to fully safeguard and protect the interests of the State.

All acts or parts of acts inconsistent herewith are hereby repealed in so far as the same may be necessary to make said lease legal and valid."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 959?

Senator Swing, seconded by Senator Stow, moved that the Senate refuse to concur in the amendments.

The roll was called and the Senate refused to concur in Assembly amendments to Senate Bill No. 959 by the following vote:

Ayes—Senators Manager and Scowell, 2.

Noes—Senators Baggett, Callahan, Daniel, Dixon, Duval, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, King, Knowland, McCormack, McGuinness, Meyer, Olson, Parkman, Perry, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tisdale, Wagg, Williams, and Young, 31.

Assembly requested to recede and bill ordered on unfinished business file.

Unfinished Business.

Senate Joint Resolution No. 23—Relative to the application to Congress to propose an amendment to the Constitution of the United States, relating to the power of the Congress to regulate hours, wages, terms and conditions of employment of labor.

Amendment from the Floor.

During the reading of Senate Joint Resolution No. 23, the following amendment, offered by Senator Knowland, was read:

Amendment No. 1.

On page 1, line 16 of the printed measure, strike out "terms and conditions of employment of labor."

Ayes and Noes Demanded.

A roll call was demanded by Senators Garrison, Crittenden, and Olson, on the adoption of the amendment offered by Senator Knowland.

The roll was called, and the amendment was adopted by the following vote:

Ayes—Senators Baggett, Daniel, Dixon, Duval, Edwards, Gordon, Hays, Hulse, Keough, King, Knowland, McCormack, Manager, Parkman, Petrovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Wagg, Williams, and Young, 27.

Noes—Senators Crittenden, Fletcher, Garrison, Jaspersen, McGuinness, Olson, Perry, and Scowell, 8.

Consideration of Senate Joint Resolution No. 23.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Senate Joint Resolution No. 23, without reference to print for purpose of adoption.

Senate Joint Resolution No. 23.

Relative to the application to Congress to propose an amendment to the Constitution of the United States, relating to the power of the Congress to regulate hours, wages, terms and conditions of employment of labor.

WHEREAS, Article V of the Constitution of the United States provides that the Congress shall, on the application of the Legislature of two-thirds of the several States, call a convention for proposing amendments to the Constitution of the United States; now, therefore, be it

Resolved, by the Senate and the Assembly of the Legislature of the State of California, monthly, At its fifty-first regular session, commencing on the seventh day of January, 1935, a minority of all the members elected to each house of the Legislature voting in favor hereof, that the Congress of the United States be requested to call a convention upon the adoption by two-thirds of the several States of a resolution similar to this resolution, for the purpose of proposing an amendment to the Constitution providing that the Congress of the United States shall have the power to regulate hours of labor and prescribe minimum wages, in any and all industries engaged in intrastate, as well as interstate, commerce; and, be it further

Resolved, That certified copies of this resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, the

Speaker of the House of Representatives of the United States, and the Governor of each of the several States.

Resolution read, as amended.

The question being on the adoption of the resolution, as amended.

The roll was called, and Senate Joint Resolution No. 23 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Garrison, Hays, Jespersen, King, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Scollan, Seawell, Slater, Williams, and Young—22.

NOES—Senators Edwards, Rich, Schottky, Snyder, Stow, Swing, Tickle, and Wagy—8.

Senate Joint Resolution No. 23 ordered transmitted to the Assembly.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Senate Bill No. 436.

SENATE CHAMBER, SACRAMENTO, June 12, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 436—An act to add section 490.5 to the Fish and Game Code, and to amend sections 651, 652, 653, 655 and 651.6 thereof, relating to fish—reports that it has met a like committee of the Assembly, consisting of Assemblymen Hornblower, Redwine and Donnelly, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 5, of the printed bill, as amended, strike out "broad bill sword-fish,".

Amendment No. 2.

On page 2, lines 3 and 4, of the printed bill, as amended, strike out "from its mouth to the Mendota Weir, at or near Mendota", and insert in lieu thereof the following: "lying within the boundaries of Stanislaus County".

GARRISON,
YOUNG,
SCOLLAN,

Senate Committee on Free Conference.

HORNBLOWER,
REDWINE,
DONNELLY,

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, King, Knowland, McCormack, McGuinness, Metzger, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Williams, and Young—31.

NOES—None.

Senate Bill No. 436 ordered to enrollment.

Withdrawal from Committee of Assembly Constitutional Amendment No. 62.

Senator Young moved that Assembly Constitutional Amendment No. 62 be withdrawn from Committee on Constitutional Amendments for purpose of adoption.

Motion carried, and such was the order.

Unfinished Business—(Resumed).

Senate Bill No. 577—An act to amend section 3780 of the Political Code, relating to the redemption of property sold to the State for delin-

quent taxes and limiting the same to a period of three years from and after the date of the deed to the State pursuant to section 3785 of the Political Code.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 577.

Amendment No. 1.

Strike out lines 3 to 6 of the title of the printed bill, and insert in lieu thereof the following: "quent taxes."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 577?

The roll was called, and Assembly amendment to Senate Bill No. 577 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jaspersen, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Senate Bill No. 577 ordered to enrollment.

Assistant Secretary Carl A. Shipkey at the Desk.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Stow moved to reconsider the vote whereby Assembly Bill No. 2459 was refused passage.

The question being on the motion to reconsider.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Difani moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jaspersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

The Secretary announced the absentees.

Time, twelve o'clock and thirty-five minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred the notice of motion by Senator Rich to amend Standing Rules of the Senate as follows:

Amend Rule 17 by adding after section 5 thereof the following:

"6. The Secretary is hereby authorized and directed during and between sessions to order and distribute stationery for the members and other printing and to audit and approve bills from the State Printer. It shall further be the

duty of the Secretary to order reprinted such bills and other legislative publications for which there is a demand before the supply of same shall become exhausted."

Has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

Committee membership—5.

(Signed out)

RICH, Chairman.
TICKLE.
KNOWLAND.
SLATER.
DIFANI.

Standing Rules of Senate Amended.

Pursuant to his notice given on a previous day, Senator Rich moved to amend the Standing Rules of the Senate as follows:

Amendment No. 1.

Amend Rule 17 by adding after section 5 thereof the following:

"6. The Secretary is hereby authorized and directed during and between sessions to order and distribute stationery for the members and other printing and to audit and approve bills from the State Printer. It shall further be the duty of the Secretary to order reprinted such bills and other legislative publications for which there is a demand before the supply of same shall become exhausted."

The question being on the motion to amend the Rules.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Report of Standing Committee.

The following report of standing committee was received and read:

On Rules.

SENATE CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: Your Committee on Rules, to which was referred a request by Senator Hulse to introduce a bill entitled—An act to repeal sections 4a and 4b of an act entitled, "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to elections and to qualification of electors, this act to take effect immediately—has had the same under consideration, and respectfully reports the same back, and recommends that said request be granted.

Committee membership—5.

(Signed out)

RICH, Chairman.
DIFANI.
KNOWLAND.
SLATER.
TICKLE.

The question being on the adoption of the report.

The roll was called in accordance with the provisions of section 2 of Article IV of the Constitution, and the report adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Scollan, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Introduction, First Reading and Reference of Bills.

By Senator Hulse: Senate Bill No. 1134—An act to repeal sections 4a and 4b of an act entitled, "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and to

enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to elections and to qualification of electors, this act to take effect immediately.

Bill read first time.

Consideration of Senate Bill No. 1134.

Senator Hulse asked for, and was granted, unanimous consent for the consideration of Senate Bill No. 1134, without reference to committee for purpose of passage.

Bill ordered to print, and on file for second reading.

Third Reading of Senate Bills.

Senate Joint Resolution No. 22.

Relative to the application to Congress to propose an amendment to the Constitution of the United States relating to tax exempt securities.

WHEREAS, Article V of the Constitution of the United States provides that the Congress shall, on the application of the Legislature of two-thirds of the several States, call a convention for proposing amendments to the Constitution of the United States; and

WHEREAS, The Legislature of the State of California deems it necessary to the well being of the Nation that no securities heretofore or hereafter issued by the Federal Government or any State or political subdivision be exempt from taxation; now, therefore, be it

Resolved by the Senate and the Assembly of the Legislature of the State of California, hereby, at its fifteenth regular session, commencing on the seventh day of January, 1935, a majority of all the members elected to each house of the Legislature meeting in various towns: That the Congress of the United States be requested to call a convention upon the adoption by two-thirds of the several States of a resolution similar to this resolution, for the purpose of proposing an amendment to the Constitution providing that no securities heretofore or hereafter issued, either by the Federal Government or any State or political subdivision, shall be exempt from taxation; and, be it further

Resolved, That certified copies of this resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Governor of each of the several States.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 22 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Parnass, Schottky, Soellan, Sewell, Sharkey, Slater, Snyder, Stow, Swing, and Young—27.

NOES—Senators Gordon, Hays, Rich, Tickle, Wagz, and Williams—6.

Senate Joint Resolution No. 22 ordered transmitted to the Assembly.

Third Reading of Assembly Bills.

Assembly Bill No. 1989—An act to amend sections 677 and 689 of, and to add section 689.1 to, the Political Code, relating to State accounting.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1989 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness,

Metzger, Mixer, Parkman, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.
NOES—None.

Title read and approved.

Assembly Bill No. 1989 ordered transmitted to the Assembly.

Assembly Bill No. 1281—An act to amend sections 4, 6, 13, 14, 20 and 21 of, and to add a new section to be numbered 8a to, an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended, relating to adulteration, mislabeling, misbranding, false advertising and sale of food and the powers of the State Board of Health in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1281 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—33.
NOES—None.

Title read and approved.

Assembly Bill No. 1281 ordered transmitted to the Assembly.

Assembly Bill No. 2359—An act to amend sections 238, 804, 814, 815 and 1261 of, and to add section 395.5 to the Military and Veterans Code, relating to military and veterans' affairs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2359 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, King, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—34.
NOES—None.

Title read and approved.

Assembly Bill No. 2359 ordered transmitted to the Assembly.

Re-reference of Assembly Bill No. 50.

Senator Slater moved that Assembly Bill No. 50 be re-referred to Committee on Fish and Game.

Motion carried, and such was the order.

Re-reference of Assembly Bill No. 2477.

Senator Stow moved that Assembly Bill No. 2477 be re-referred to Committee on County Government.

Motion carried, and such was the order.

Further Proceedings Under Call of the Senate Dispensed With.

At one o'clock p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Difani.

The Secretary was directed to call the roll of the Senators who had not answered to their names.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Difani moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Josephson, Kessing, King, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Piersovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, Williams, and Young—37.

The Secretary announced the absentees.

Time, one o'clock and two minutes p.m.

The President directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2466.—An act to define motor transportation broker; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 2466.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Assembly Bill No. 2466—An act to define motor transportation broker, to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof.

In my opinion said Assembly Bill No. 2466 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2466 passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Duval, Edwards, Fletcher, Hays, Kessing, Knowland, McCormack, McGuinness, Metzger, Mixer, Parkman, Perry, Piersovich, Powers, Rich, Schottky, Seollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2466 ordered transmitted to the Assembly.

Assembly Bill No. 2330—An act to amend sections 62 and 93 of the Fish and Game Code, approved April 11, 1933, relating to fish and game and other wild life.

Amendments from the Floor.

During third reading of Assembly Bill No. 2330, the following amendments, offered by Senator Seawell, were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "sections 62 and 93", and insert in lieu thereof the following: "section 618".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 25, inclusive, and on page 2, strike out lines 1 to 7, inclusive, and insert in lieu thereof the following: "SECTION 1. Section 618 of the Fish and Game Code is hereby amended to read as follows:

618. Except as otherwise provided in this section, in any stream in District 23 flowing into the State of Nevada, not including its tributaries, nor any lake from which said stream may flow, all varieties of trout and whitefish may be taken from May 15 to October 31. In the Truckee River, its tributaries, and in Lake Tahoe and in Donner Lake, trout and whitefish may be taken between May 1 and October 15."

Bill read, ordered to reprint, and on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At one o'clock and ten minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Difani.

The Secretary was directed to call the roll, on reconsideration of Assembly Bill No. 2459, of the Senators who had not answered to their names.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Difani, Duval, Edwards, Hays, Hulse, McCormack, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—21.

NOES—Senators Biggar, Crittenden, Denel, Fletcher, Gordon, Jespersen, Keough, King, Knowland, McGovern, McGuinness, Metzger, Olson, Schottky, Scollan, and Williams—16.

Assembly Bill No. 2459 ordered on file.

Recess.

On motion of Senator Rich, at one o'clock and fifteen minutes p.m., the President of the Senate declared recess until two o'clock and forty-five minutes p.m.

Reconvened.

At two o'clock and forty-five minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, JUNE 14, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Joint Resolution No. 24—Relative to memorializing Congress to permit State Emergency Relief Administration funds and Federal Emergency Relief

Administration facts to be used in the restoration of California missions and reports that the same has been correctly engrossed.

Also:

METZGER, Chairman.

MR. PRESIDENT: Your Committee on Engraving, Enrollment and Printing has examined Senate Joint Resolution No. 22. Relative to the application to Congress to propose an amendment to the Constitution of the United States relating to tax exempt corporations and reports that the same has been correctly engrossed.

METZGER, Chairman.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 8, 1935, adopted the report of the Committee on Free Conference concerning Assembly Bill No. 11892—An act to add a new article to Chapter I of Part III of Division IV of the School Code, and to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, all to be known as Article XI, relating to school district funds.

ARTHUR A. OHNIMUS, Chief Clerk.

By Fred J. Desch, Assistant Clerk.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 1116—An act making an appropriation to the Department of Public Works for the removal of debris and snags from the Sacramento River between Chico Landing and the head of navigation near Red Bluff, to declare the urgency thereof and to take effect immediately, has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that the bill pass as amended.

Committee membership—19; committee votes: Ayes—13; absent—6.

SHARKEY, Chairman.

Senate Bill No. 1116 ordered read the second time, on motion of Senator Sharkey.

Second Reading of Senate Bill No. 1116.

Senate Bill No. 1116—An act making an appropriation to the Department of Public Works for the removal of debris and snags from the Sacramento River between Chico Landing and the head of navigation near Red Bluff, to declare the urgency thereof and to take effect immediately.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Senate Bill No. 1116 was read and adopted:

Amendment No. 1.

On page 1, line 3, of the printed bill, strike out the words "twenty thousand dollars", and insert in lieu thereof "six hundred dollars".

Bill read second time, ordered to reprint, engrossment, and on file for third reading.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$200 in favor of the Secretary of

the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

KING.
STOW.
POWERS.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Difani, Gordon, Hays, Keough, McCormack, McGovern, McGuinness, Metzger, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Stow, Swing, Tickle, Wagy, Williams, and Young—22.

NOES—None.

Introduction, First Reading and Reference of Bills.

The following resolution was introduced:

By Senator Wagy: Senate Concurrent Resolution No. 47—Relating to a commission to secure for the State its fair portion of the revenue from the public domain.

Consideration of Senate Concurrent Resolution No. 47.

Senator Wagy asked for, and was granted, unanimous consent for the consideration of Senate Concurrent Resolution No. 47, without reference to committee for purpose of adoption.

Senate Concurrent Resolution No. 47.

Relating to a commission to secure for the State its fair portion of the revenue from the public domain.

WHEREAS, Approximately 37 per cent or 37,000,000 acres of land in this State are in the public domain; and

WHEREAS, Large portions of said lands are set aside as forest reserves under the jurisdiction of the United States Department of Agriculture; and

WHEREAS, A large portion of said lands are under the jurisdiction of the United States Department of the Interior as National parks, mineral leases, grazing reserves and other purposes; and

WHEREAS, Public lands are not taxable by the State of California or its political subdivisions; and

WHEREAS, The receipts of the Federal Government from timber royalties, grazing fees, water power royalties, mineral royalties, royalties from naval petroleum reserves and other sources from said public domain in this State are approximately \$5,000,000 a year; and

WHEREAS, It is desirable that utilization of said lands and revenues derived from said lands should be made available to the greatest advantage of the citizens of this State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the State Controller, the Director of Finance, the Director of Natural Resources, and the Director of Public Works are hereby directed to organize and act as a Commission on Public Lands under the name "The California Commission of Public Lands"; and be it further

Resolved. That said commission is hereby directed to consult and cooperate with the officials of other States and the United States in developing and utilizing said public lands and securing for the State its fair portion of the revenue therefrom.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 47 adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Edwards, Gordon, Hays, Keough, McCormack, McGovern, McGuinness, Metzger, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Young—25.

NOES—None.

Senate Concurrent Resolution No. 47 ordered transmitted to the Assembly.

Report of Standing Committee.

The following report of standing committee was received, read, and the bills reported therein were ordered read the second time.

On Finance.

SENATE CHAMBER, SACRAMENTO, JUNE 14, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 2080—An act to provide for the acquisition of the Muir Wood Toll Road by the State, and the inclusion thereof in the State Highway system, and making an appropriation therefor.

Also, Assembly Bill No. 703—An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor, and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereon, and therefrom, to provide for the equipment, conduct and management thereof; and to make an appropriation therefor;

Also, Assembly Bill No. 916—An act to add sections 3a, 15a and 20a to "The California Agricultural Adjustment Act of 1935," relating to ways, means, and moneys, and providing and appropriating moneys, for the administration and enforcement thereof and of regulation of producers, packers, distributors, shippers, marketers, handlers, processors, and others dealing in agricultural, viticultural, horticultural, animal, and poultry products and of any competing commodity or product thereof thereunder, and under the legislative standards in relating to the rehabilitation of agriculture therein specified, and declaring the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—13; absent—6.

SHARKEY, Chairman.

Second Reading of Assembly Bills.

Assembly Bill No. 703—An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors, to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom, to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2080—An act to provide for the acquisition of the Muir Wood Toll Road by the State, and the inclusion thereof in the State highway system, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 916—An act to add sections 3a, 15a and 20a to "The California Agricultural Adjustment Act of 1935," relating to ways, means, and moneys, and providing and appropriating moneys, for the administration and enforcement thereof and of regulation of producers, packers, distributors, shippers, marketers, handlers, processors, and others dealing in agricultural, viticultural, horticultural, animal, and poultry products and of any competing commodity or product thereof thereunder, and under the legislative standards in relating to the rehabilitation of agriculture therein specified, and declaring the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately.

Bill read second time, and ordered on file for third reading.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Assembly Bill No. 1188.

SENATE CHAMBER, SACRAMENTO, JUNE 7, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Bill No. 1188—An act to add a new article to Chapter I of Part III of Division IV of the School Code to be known as Article XI, and to add a new chapter to Part III of Division IV of the School Code to be known as Chapter IV, all relating to school district funds—reports that it has met a like committee of the Assembly, consisting of Assemblymen Fulcher, McMurray and Desmond, and reports that the Committee on Free Conference has agreed to recommend the following: That the Assembly concur in the Senate amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 2, line 22, of the printed bill, as amended, strike out the word "chapter", and insert in lieu thereof the word "article".

YOUNG,
JESTERSEN,
SCOLLAN,

Senate Committee on Free Conference.

FULCHER,
McMURRAY,
DESMOND,

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Keough, King, McCormack, McGovern, McGuinness, Parkman, Perry, Pirovich, Schotky, Scollan, Sharkey, Stow, Swing, Tickle, Wagy, Williams, and Young 26.

NOES—None.

Leave of Absence.

Senator King was, on motion of Senator Fletcher, granted leave of absence for the balance of this legislative day.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Senate Bill No. 718.

SENATE CHAMBER, SACRAMENTO, JUNE 14, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Bill No. 718—An act to amend sections 384 and 439 of the Vehicle Code, relating to the registration and storage of vehicles—reports that it has met a like committee of the Assembly, consisting of Assemblymen Lyon, Kallam and Peyser, and reports that the Committee on Free Conference has agreed to recommend the following: That the Senate concur in the Assembly amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "amend sections 384 and", and insert in lieu thereof the following: "add section 384 to, and amend section".

Amendment No. 2.

On page 1, lines 1 and 2, of the printed bill, as amended, strike out "of the Vehicle Code is hereby amended", and insert in lieu thereof the following: "is hereby added to the Vehicle Code,".

SNYDER,
DEUEL,
DIFANI,

Senate Committee on Free Conference.

LYON,
KALLAM,
PEYSER,

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Denel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jepsen, McGovern, Metzger, M. Guinness, Metzger, Parkman, Pirovich, Schottky, Seollan, Sharkey, Stow, Swing, Tickle, Waggy and Young—23.

NOTES—None.

Senate Bill No. 718 ordered to enrollment.

Report of Committee on Free Conference.

The following report of Committee on Free Conference was received:

Concerning Senate Constitutional Amendment No. 18.

SENATE CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: Your Committee on Free Conference concerning Senate Constitutional Amendment No. 18. A resolution to propose to the people of the State of California, by amendment to the Constitution of said State by adding to Article XIII thereof a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations made by law, in anticipation of the collection of taxes and revenues—reports that it has met a like committee of the Assembly, consisting of Assemblymen McBride, Riley and Latham, and reports that the Committee on Free Conference has agreed to recommend the following: First, the Senate concurs in the Assembly amendments, and that the bill be further amended as follows:

Amendment No. 1.

On page 1, line 15, of the printed measure, as amended, after the word "preceding", insert the following: "fiscal".

Amendment No. 2.

On page 1, line 19 of the printed measure, as amended, after the word "State", insert the following: "; but if not so paid, shall, nevertheless, continue to be payable from the general fund".

SCHOTTKY,
EDWARDS,
DUVAL.

Senate Committee on Free Conference.

McBRIDE,
LATHAM,
RILEY.

Assembly Committee on Free Conference.

Report of Committee on Free Conference read.

The question being on the adoption of the report of the Committee on Free Conference.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Biggar, Denel, Difani, Duval, Edwards, Gordon, Hays, Hulse, Jepsen, Kneuhl, McGovern, McGovern, M. Guinness, Metzger, Mixer, Parkman, Pirovich, Pirovich, Rife, Schottky, Seollan, Sharkey, Stow, Swing, Tickle, Waggy, Williams, and Young—28.

NOTES—None.

Senate Constitutional Amendment No. 18 ordered to enrollment.

Lieutenant Governor George J. Hatfield, President of the Senate, in the Chair.

Third Reading of Assembly Bills.

Assembly Bill No. 2459—An act to prevent the entry into California of paupers, vagabonds, indigent persons, persons likely to become public charges, providing means for enforcing the same and prescribing penalties for the violation thereof, declaring the urgency thereof, and providing it shall take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 2459, the following amendments, offered by Senator Swing, were read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in line 1 of the title, strike out the comma after the word "paupers", and insert in lieu thereof the word "and".

Amendment No. 2.

On page 1 of the printed bill, in line 2 of the title, strike out the letter "s" in the word "bonds", and the comma immediately following it.

Amendment No. 3.

On page 1, line 1, of the printed bill, strike out the comma following the word "paupers", and insert in lieu thereof the word "and".

Amendment No. 4.

On page 1, line 1, of the printed bill, strike out the letter "s" in the word "vagabonds", and the comma immediately following it.

Amendment No. 5.

On page 1, line 16, of the printed bill, strike out the comma following the word "paupers", and insert in lieu thereof the word "and".

Amendment No. 6.

On page 1, line 16, of the printed bill, strike out the letter "s", in the word "vagabonds", and the comma immediately following it.

Amendment No. 7.

On page 1, line 19, of the printed bill, strike out the comma following the word "paupers", and insert in lieu thereof the word "and".

Amendment No. 8.

On page 1, line 19, of the printed bill, strike out the letter "s", in the word "vagabonds", and the comma immediately following it.

Amendment No. 9.

On page 3, line 32, of the printed bill, strike out the comma following the word "paupers", and insert in lieu thereof the word "and".

Amendment No. 10.

On page 3, line 32, of the printed bill, strike out the letter "s" in the word "vagabonds", and the comma immediately following it.

Amendment No. 11.

On page 3, line 49, of the printed bill, strike out the comma at the end of the line, and insert in lieu thereof the word "and".

Amendment No. 12.

On page 3, line 50, of the printed bill, strike out the letter "s", in the word "vagabonds", and the comma immediately following it.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2499—An act to prohibit under certain conditions, sales under certain chattel mortgages, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale made in violation of the act, to prescribe the time within which an action to avoid such a sale may be brought, and to declare the urgency thereof, and to provide that this act take effect immediately.

Amendments from the Floor.

During third reading of Assembly Bill No. 2499, the following amendments, offered by Senator Pierovich, were read and adopted:

Amendment No. 1.

On page 1, line 2, of the printed bill, strike out "or under any power of sale contained in", and insert in lieu thereof the following: "of, or under any power of sale contained in,".

Amendment No. 2.

On page 1, line 3, of the printed bill, after "executed", insert the following: "(a)".

Amendment No. 3.

On page 1, line 5, of the printed bill, between the comma and "sale", insert the following: "or the spouse and personal property, excluding personal property under lease contract and excluding live stock, which is used in connection with the customary operation of agricultural real property."

Amendment No. 4.

On page 1, line 20, of the printed bill, strike out "February", and insert in lieu thereof the following: "July."

Amendment No. 5.

On page 2, line 5, of the printed bill, after "Sec. 5", insert the following: "If any section, subsection, sentence, clause, word or part of this act, or the application thereof to any person or circumstance, is finally determined by the courts to be unconstitutional, such section, subsection, sentence, clause, word or part shall no longer be effective or such application shall no longer control, but all other sections, subsections, sentences, clauses, words or parts or the application thereof to other persons and circumstances shall continue in full force and effect. It is the intent of the Legislature to make this act as effective as possible to relieve debtors in the manner herein provided."

Sec. 6. This act shall be known and may be cited as the "Chattel Mortgage Moratorium of 1935."

Sec. 7."

Amendment No. 6.

On page 2, line 15, of the printed bill, between "the", and "mortgage", insert the following: "real property."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 863. An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 of an act entitled "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of employees," approved February 6, 1889 (Stats. 1889, Chap. 57), as amended, relative to the sanitation, lighting and ventilation of factories, workshops and other places of employment, providing for the enforcement thereof by the Division of Industrial Accidents and Safety and providing penalties for the violation thereof.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 863, the following amendment to the title offered by Senator McGovern, was read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "5,".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 863 passed by the following vote:

AYES.—Senators Baggot, Denel, Difani, Duval, Fletcher, Garrison, Gordon, Hays, Hyde, Jospetsate, Keough, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pirovich, Schottky, Sharkey, Snyder, Stow, Swing, Tickle, and Wagy. 26.

NOES.—None.

Title read and approved as amended.

Assembly Bill No. 863 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 86.

A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 23a of Article IV thereof, relating to legislative printing.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its fifty-first regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses of said Legislature voting therefor, hereby proposes to the people of the State of Cali-

forma, that the Constitution of said State be amended by amending section 23a of Article IV thereof to read as follows.

Sec. 23a. The Legislature may provide for additional help; but in no case, except as provided in this section, shall the total expense for officers, employees and attaches exceed the sum of \$300 per day for either house, at any regular or biennial session, nor the sum of \$200 per day for both houses at any special or extraordinary session, nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. The Legislature shall provide for the selection of all officers, employees and attaches of both houses and so far as advisable shall require such selection to be under the provisions of the law governing civil service. The restriction on total expense herein provided shall not apply to expenditures not in excess of \$5,000 for each house for the costs and expense of compiling the histories of bills, resolutions and constitutional amendments introduced in each house, indexing the same and, pursuant to legislative rules, supplying the public with full information as to such measures and, upon application, with copies thereof, and for the further purpose of correcting and indexing the Journals, and necessary expense incidental thereto, following the adjournment of sessions of the Legislature.

Amendment read.

The question being on the adoption of the amendment.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Edwards moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Denel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Young—29.

The Secretary announced the absentees.

Time, three o'clock and thirty minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 213—An act to amend sections 137, 138, and 166 of, and to add sections 171 and 172 to the Fish and Game Code, relating to game refuges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 213 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Powers, Rich, Scollan, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 213 ordered transmitted to the Assembly.

Assembly Bill No. 2425—An act to add a new section to the Political Code, to be numbered 363m, relating to the Division of Water Resources revolving fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2425 passed by the following vote:

AYES: Senators Bigger, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Huise, Jespersen, Keough, McCormack, McGovern, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Seollan, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Young—30

NOES: None.

Title read and approved.

Assembly Bill No. 2425 ordered transmitted to the Assembly.

Assembly Joint Resolution No. 56.

Relating to commensurating the President and the Congress to enact legislation proposed by H. R. 6984 providing benefits to persons who served in the Quartermaster's Corps or under the Quartermaster General during certain wars.

WHEREAS, Many persons who served in the Quartermaster's Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine Insurrection, and the China Relief Expedition were disabled while in such service; and

WHEREAS, Many of these persons, because of their disabilities, need aid from the National Government; and

WHEREAS, There was introduced into Congress by Hon. Richard J. Welch a bill known as H. R. 6984 which proposes to allow certain benefits to disabled persons mentioned therein; and

WHEREAS, Many social and civic organizations together with the service organization known as McKinley Fleet No. 1 have indorsed this bill; and

WHEREAS, The legislation proposed is humanitarian and for a worthy cause; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the President and the Congress are hereby respectfully urged to enact the legislation proposed by H. R. 6984 as speedily as possible; and, be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and member of the House of Representatives from California in the Congress of the United States and that such Senators and members from California are hereby respectfully urged to support such legislation.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 56 adopted by the following vote:

AYES: Senators Bigger, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Huise, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Seollan, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

NOES: None.

Assembly Joint Resolution No. 56 ordered transmitted to the Assembly.

Assembly Bill No. 641—An act to add a new section to be numbered 611, to an act entitled "An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 641 passed by the following vote:

AYES: Senators Bigger, Denel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Huise, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness,

Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Young—32.
NOES—None.

Title read and approved.

Assembly Bill No. 641 ordered transmitted to the Assembly.

Explanation of Absence.

The following explanation of absence was, on motion of Senator Sharkey, ordered printed in the Journal:

Senators Slater, Knowland and Crittenden were temporarily absent from the afternoon session of this legislative day on account of meeting as a subcommittee to consider Assembly Bill No. 86.

Assembly Bill No. 1831—An act to add section 586.5 to the Vehicle Code, relating to the control of traffic upon the public highways of the State of California, whether situated within unincorporated or incorporated territory.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1831 passed by the following vote:

AYES—Senators Biggar, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—32.
NOES—None.

Title read and approved.

Assembly Bill No. 1831 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With.

At four o'clock and five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Edwards.

The Secretary was directed to call the roll, on adoption of Assembly Constitutional Amendment No. 86, of the Senators who had not answered to their names.

The roll was called, and Assembly Constitutional Amendment No. 86 finally adopted by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Snyder, Stow, Swing, Tickle, Wagy, and Young—30.
NOES—None.

Assembly Constitutional Amendment No. 86 ordered transmitted to the Assembly.

Withdrawal from Committee of Assembly Bill No. 2476.

Senator Crittenden moved that Assembly Bill No. 2476 be withdrawn from Committee on Judiciary for purpose of passage.

The question being on the motion to withdraw.

Ayes and Noes Demanded.

A roll call was demanded by Senators Crittenden, Rich and Swing on the adoption of the motion.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McCall, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Peterson, Price, Thompson, Peters, R. L. Schottky, Seellan, Seawell, Sharkey, Slater, Snyder, Swing, Tinkle, Wagg, Wilcox, and Young. 32

The Secretary announced the absentees.

Time, four o'clock and fifteen minutes p.m.

The President of the Senate directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1540—An act to amend section 4 of and to add section 8 to an act entitled "An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws," approved June 10, 1929, relating to reports and making an appropriation to carry out the provisions of the act.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1540:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, June 10, 1935.

To the Honorable Members of the Senate.

State of California, Sacramento, California.

GREETINGS. Assembly Bill No. 1540—An act to amend section 4 of and to add section 8 to an act entitled "An act creating a commission to codify, consolidate, revise or compile the Statutes of California and to report thereon to the Legislature and making an appropriation therefor, and authorizing State departments, boards, bureaus and commissions to contract for the revision of certain laws," approved June 10, 1929, relating to reports and making an appropriation to carry out the provisions of the act.

In my opinion said Assembly Bill No. 1540 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1540 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness,

Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1540 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

Assembly Bill No. 927—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved May 21, 1934; entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 927:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 8, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Assembly Bill No. 927—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved May 21, 1934; entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately.

In my opinion said Assembly Bill No. 927 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

Urgency Clause.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

The facts constituting the necessity are as follows: There exists in the State of California at the present time an emergency due to the existing economic conditions prevailing throughout the United States, which economic conditions have resulted in a great increase in the unemployment of this State. This act constitutes a means whereby training and vocational education may be extended to the unemployed to fit them for positions in which they may be employed in lieu of the positions which they lost through no fault of their own.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scol-

Sen. Samuel Sharkey, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young. 34
Noes: None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 927 passed by the following vote:

AYES: Senators Biggar, Crittenden, Deuel, Duval, Gordon, Hays, Hulso, Jepsen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mosier, Quinn, Parkman, Perry, Pierovich, Powers, Rich, Seidler, Scovell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young. 33
Noes: None.

Title read and approved.

Assembly Bill No. 927 ordered transmitted to the Assembly.

President Pro Tempore in the Chair.

At four o'clock and twenty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assembly Concurrent Resolution No. 52.

Relative to the establishment of a free employment bureau in the city of Alameda.

WHEREAS, Within the boundaries of the city of Alameda there is a great industrial community and a large number of persons seeking employment therein; and

WHEREAS, The Legislature deems it advisable that the Chief of the Division of Labor Statistics establish a free employment agency in that district; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereat concurring, That it be recommended to the Chief of the Division of Labor Statistics and Law Enforcement that, under the authority vested in him by "An act to establish free employment bureaus under the control of the Commissioner of the Bureau of Labor Statistics and making an appropriation therefor," approved May 17, 1915, he establish a free employment agency in the city of Alameda; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk of the Assembly to the Chief of the Division of Labor Statistics and Law Enforcement.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 52 adopted by the following vote:

AYES: Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Mosier, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Seidler, Scovell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, Williams, and Young. 36
Noes: None.

Assembly Concurrent Resolution No. 52 ordered transmitted to the Assembly.

Assembly Bill No. 2040—An act making an appropriation to pay the salary of the chief accounting officer of the Department of Finance against the State of California.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 2040:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
 SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,
State of California, Sacramento, California.

GIVEN UNDER Assembly Bill No. 2040—An act making an appropriation to pay the salary of the chief accounting officer of the Department of Finance against the State of California.

In my opinion said Assembly Bill No. 2040 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2040 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2040 ordered transmitted to the Assembly.

Assembly Bill No. 2495—An act making an appropriation for the contingent expenses of the Assembly at its fifty-first session, and declaring that this act shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2495 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—35.

NOES—None.

Title read and approved.

Assembly Bill No. 2495 ordered transmitted to the Assembly.

Assembly Bill No. 2492—An act to amend section 38 of the "Alcoholic Beverage Control Act," relating to powers of the board and the persons employed by the board.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2492 passed by the following vote:

AYES—Senators Biggar, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—37.

NOES—None.

Title read and approved.

Assembly Bill No. 2492 ordered transmitted to the Assembly.

Assembly Bill No. 755—An act to amend section 1 of an act entitled "An act making an appropriation to the State Board of Control to pay claims against the State of California" approved June 16, 1933, relating to claims against the State.

Bill read third time.

Case of Urgency.**Recommendation of the Governor.**

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 755:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate.

State of California, Sacramento, California.

GORETINUS: Assembly Bill No. 755—An act to amend section 1 of an act entitled "An act checking an appropriation to the State Board of Control to pay claims against the State of California," approved June 16, 1933, relating to claims against the State.

In my opinion said Assembly Bill No. 755 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 755 passed by the following vote:

AYES: Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seidlitz, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—36.

NOES: None.

Title read and approved.

Assembly Bill No. 755 ordered transmitted to the Assembly.

Assembly Bill No. 2490—An act to amend section 526 of the Political Code, relating to State printing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2490 passed by the following vote:

AYES: Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, Knowland, McColl, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seidlitz, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—38.

NOES: None.

Title read and approved.

Assembly Bill No. 2490 ordered transmitted to the Assembly.

Assembly Bill No. 2310—An act to add section 3462a to the Political Code, authorizing trustees of reclamation districts to make refunds where wrongful assessments have been made.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2310 passed by the following vote:

AYES: Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jaspersen, Keough, McColl, McCormack, McGovern, McGinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky,

Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—35.

NOES—None.

Title read and approved.

Assembly Bill No. 2310 ordered transmitted to the Assembly.

Assembly Bill No. 2120—An act to add a new section to be numbered section 29½ to the Public Utilities Act, approved April 23, 1915, relating to reports of salaries and expenses of officers and employees of public utilities, and determination of rates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2120 refused passage by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Jespersen, McGovern, McGuinness, Metzger, Olson, Perry, Powers, Schottky, Scollan, Seawell, Slater, and Tickle—17.

NOES—Senators Denel, Difani, Duval, Edwards, Hays, Hulse, Keough, Knowland, McCormack, Mixer, Parkman, Pierovich, Rich, Sharkey, Snyder, Stow, Swing, Wagy, Williams, and Young—20.

Title read and approved.

Assembly Bill No. 2120 ordered transmitted to the Assembly.

Senator Schottky in the Chair.

At four o'clock and fifty minutes p.m., Senator Schottky of the twenty-fourth district was called to the chair.

Assembly Bill No. 1035—An act to amend sections 713, 715, 731, 733.5, 867 and 868 of 930 and the Fish and Game Code, relating to the protection of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1035 passed by the following vote:

AYES—Senators Crittenden, Denel, Difani, Fletcher, Garrison, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1035 ordered transmitted to the Assembly.

Further Proceedings under Call of the Senate Dispensed With.

At four o'clock and fifty-six minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Crittenden.

The Secretary was directed to call the roll, on the motion to withdraw, Assembly Bill No. 2476 from committee, of the Senators who had not answered to their names.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, McGuinness, Metzger, Mixer, Olson, Powers, Scollan, Seawell, and Young—16.

NOES—Senators Denel, Difani, Duval, Edwards, Hays, Knowland, McCormack, McGovern, Parkman, Perry, Pierovich, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Williams—21.

Third Reading of Senate Bills.

Senate Bill No. 1085. An act to amend sections 25 and 32 of the "Water Commission Act" approved June 16, 1913, relating to the adjudication of water rights.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1085 passed by the following vote:

AYES—Senators Catterall, Deuel, Fletcher, Garrison, Jespersen, Knowland, McGovern, Mixter, Oliver, Parkman, Perry, Pirovich, Powers, Schottky, Scollan, Shipkey, Snyder, Stow, Tickle, Wagy, Williams, and Young—24.

NOES—Senators Deuel, Gordon, Hays, Keough, McCormack, Rich, and Swing—7.

Title read and approved.

Senate Bill No. 1085 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Assembly Bill No. 444.

Senator Seywell moved that Assembly Bill No. 444 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Finance.

Motion carried, and such was the order.

Recess.

On motion of Senator Rich, at five o'clock and twenty minutes p.m., the Acting President of the Senate declared recess until eight o'clock and thirty minutes p.m.

Reconvened.

At eight o'clock and thirty minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Assistant Secretary Carl A. Shipkey at the desk.

Call of the Senate.

Senator Snyder moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bagge, Gordon, Hays, McGovern, Mixter, Perry, Rich, Scollan, Snyder, Stow, Swing, and Young—12.

The Secretary announced the absentees.

Time, eight o'clock and thirty-three minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Reference of Assembly Bill No. 785.

Senator Mixter moved that Assembly Bill No. 785 be referred to Committee on Labor and Capital.

Motion carried, and such was the order.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 86—An act to establish a system of unemployment reserves for this State, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it go out for reprint (rush order) and be referred to committee.

Committee membership—19; committee vote: Ayes—10; noes—2; absent—7.

SHARKEY, Chairman.

Unanimous Consent Granted.

Senator Sharkey asked for, and was granted, unanimous consent to take up for second reading, without reference to file, Assembly Bill No. 86.

Second Reading of Assembly Bill No. 86.

Assembly Bill No. 86—An act to establish a system of unemployment reserves for this State, and making an appropriation therefor.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 86 were read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 16 to 19, inclusive, and insert in lieu thereof the following: "act shall take effect only if and when there is enacted legislation by the United States Government providing for a tax upon the payment of wages by employers in this State, against which all or any part of the contributions required by this act may be credited.

Whenever such legislation enacted by the United States Government is repealed, amended, affected or otherwise changed in such manner that the contributions required by this act or some portion thereof can not be thus credited, then upon the date of such change, the provisions of this act requiring contributions and providing for payment of benefits shall cease to be operative and any assets in the unemployment fund or unemployment administration fund shall in the discretion of the State Treasurer be held in the then existing depositories or otherwise in the State treasury. In the case of the unemployment administration fund, such moneys may thereafter be dealt with by the State Treasurer pursuant to the conditions of the grant thereof to the State by the United States Government or agency thereof."

Amendment No. 2.

On page 5, line 31, of the printed bill, as amended, strike out "18", and insert in lieu thereof the following: "19".

Amendment No. 3.

On page 5, line 39, of the printed bill, as amended, strike out "19", and insert in lieu thereof the following: "20".

Amendment No. 4.

On page 5, line 50, of the printed bill, as amended, strike out "20", and insert in lieu thereof the following: "21".

Amendment No. 5.

On page 6, line 8, of the printed bill, as amended, strike out "21. All taxes", and insert in lieu thereof the following: "22. All contributions".

Amendment No. 6.

On page 6, line 15, of the printed bill, as amended, strike out "22", and insert in lieu thereof the following: "23".

Amendment No. 7.

On page 6 of the printed bill, as amended, strike out lines 30 to 50, inclusive.

Amendment No. 8.

On page 8, line 47, of the printed bill, as amended, strike out "40", and insert in lieu thereof the following: "37".

Amendment No. 9.

On page 8, line 50, of the printed bill, as amended, after the period, insert the following: "Thereafter, contributions shall accrue and become payable by any employer on and after the date on which he becomes subject to this act.

Sec. 38. Every such employer shall pay into the fund the following amounts:

(a) During the year 1935, with respect to payments of wages made during that year, ninety-one hundredths per cent of all wages paid by him in employments subject to this act.

(b) During the year 1937, with respect to payments of wages made during that year, one and eighty-one hundredths per cent of all wages paid by him in employments subject to this act.

(c) During the year 1938 and thereafter, with respect to payments of wages made during that year and thereafter, two and seventy-one hundredths per cent of all wages paid by him in employments subject to this act."

Amendment No. 10.

On page 9 of the original bill, an amended strike out lines 12 to 49, inclusive, and insert in lieu thereof the following:

Sec. 39. The commission shall, beginning in 1941, classify employers in accordance with their actual experience with regard to the contributions which they have paid in their own behalf and the benefits which the unemployment fund has paid to their employees, or to situations whose benefits are charged against such employers. If it appears in the accounts established and kept as provided below, that an employer shows an excess of contributions paid in his own behalf over benefits paid to his employees or chargeable on him, a reserve equal to eight per cent or more of the average of his 1941 pay rolls for the three preceding years, or the five preceding years whichever is higher, his rate of contribution shall be reduced to two and one-half per cent; if the reserve is ten per cent but less than twelve per cent, the rate shall be reduced to two per cent; if the reserve is twelve per cent but less than fifteen per cent, the rate shall be one and one-half per cent; and if the reserve is fifteen per cent or more, the rate shall be one per cent. The minimum contribution thus payable to the fund by the employer in his own behalf shall in no case amount to less than one per cent.

Sec. 40. The commission shall keep separate records of the amounts paid into the fund by each employer in his own behalf or chargeable to him as benefits; but nothing in this chapter shall be construed to grant any employer or his employees prior claims or rights to the amount contributed by him to the fund, either on his own account or on behalf of his employees. The amount of employer contributions together with the employee contributions shall be pooled and available to pay benefits to any employee entitled to benefits under the provisions of this chapter regardless of the source of such contributions.

Sec. 41. For the purpose of determining which employer shall be debited with the amount of benefits paid to an employee who, during the period of the effective operation of this act, prior to the receipt of benefits, has worked for more than one employer, the liability of the two or more accounts shall be in inverse order to the succession of the several employments of the employee.

Sec. 42. No employer shall have the advantage of a merit rating unless the reserve computed remains at a level justifying the lower rate of contributions, except that the commission may, for purposes of convenience, fix quarterly, half yearly, or other reasonable periods during which the lower contributions based on merit ratings shall remain unchanged.

Sec. 43. The commission shall investigate and report upon the degree of unemployment hazard in various industries and occupations and their cost to the unemployment fund. It shall recommend to employers in industries or occupations showing an excessive cost to the fund means for stabilizing employment. It shall also, if necessary, recommend to the Legislature a higher rate of contribution for any classification of industries or occupations in which unemployment is excessive or chronic.

Sec. 44. Beginning on January 1, 1936, each employee shall contribute to the fund one half of one per cent of his wages; and beginning on January 1, 1937, and thereafter he shall contribute one per cent; except that the rate of contributions required of employees shall not in any year exceed fifty per cent of the general rate required of employers. Each employer shall withhold such contribution from the wages of his employees, shall show such deduction on his pay roll records, and shall transmit all such contributions to the fund, pursuant to general rules of the commission."

Amendment No. 11.

On page 10 of the printed bill, as amended, between lines 14 and 15, insert the following:

"Sec. 47. The commission may exempt from the provisions of this act requiring contributions to the fund, and from such other provisions as the commission finds clearly inapplicable to guaranteed employment plans, any employer (and his employees) who guarantees, under a plan approved by the commission, to all employees in his employ at the time of putting such plan into effect (and to each employee who is thereafter employed and continued in employment after a total of eight weeks of employment), in advance for stated one-year periods, at least that number of weeks of work or wages, for at least that corresponding number of hours

in each week set forth in the following table, provided the commission is satisfied that the employer can and will make good such promise under all circumstances.

Minimum number of weeks per year	Minimum hours in each such week
42	36
43	34
44	32
45	30
46	28
47	26
48	24
49	22
50	20

The employer's guaranty to an employee under such a plan shall specify the one-year period applicable to such employee, the total wage rate guaranteed the employee for all work done by him for the employer during such year period and guaranteed him as a deficiency wage for each hour short of the number of guaranteed hours in a guaranteed week, the manner of extending or removing such guaranty, and such other matters as the commission finds necessary to safeguard and carry out guaranteed employment plans submitted under this act. But an employer shall not be required to make good such guaranty in the case of any individual employee who loses his employment under any of the conditions enumerated in section 56 of this act.

SEC. 48. The commission may exempt from paying to an account in the fund, the contributions provided for in sections 38, 39, 40, 41, 42, 43 and 44, any employer and employee or group of employers or employees submitting a plan for unemployment benefits which the commission finds: (1) makes eligible for benefits at least the employees who would be eligible for benefits under the compulsory features of this act; (2) provides that the proportion of the benefits to be financed by the employer or employers will on the whole be equal to or greater than the benefits which would be provided under the compulsory features of this act; and (3) is on the whole as beneficial in all other respects to such employees as the compulsory plan provided in this act. If under such a plan any contributions are made by employees, the accounts of the plan shall be so kept as to make clear what proportion of the benefits is financed by the employer or employers, and what proportion by the employees. If under such a plan any contributions are made by employees, the commission shall require that such employees be represented, by representatives of their own choosing, in the direct administration of such plan, and the commission may take any steps necessary and appropriate to assure such representation to contributing employees.

SEC. 49. As a condition of granting exemption, the commission may require the employer or group to furnish such security as the commission may deem sufficient to assure payment of all promised benefits or wages, including the setting up of proper reserves. Such reserves and other security and also the manner in which an exempted employer carries out his promises of benefits or employment shall be subject to inspection and investigation by the division at any reasonable time. If the commission shall deem it necessary it may require an exempted employer to furnish additional security to assure fulfillment of his promises to his employees.

SEC. 50. If an exempted employer or groups of employers fails to furnish security satisfactory to the commission, or fails to fulfill the promises made to employees, or wilfully fails to furnish any reports that the commission may require under this act, or otherwise to comply with the applicable portions of this act and the rules, regulations and orders of the commission pertaining to the administration thereof, the commission may, upon ten days' notice and the opportunity to be heard, revoke the exemption of such employer or group. In such case or in case any exempted employer or group voluntarily terminates exemption, such employer and each of such group of employers shall at once pay into the fund an amount equal to the balance which would have been standing to his account had he been making the contributions to the fund and paying out the benefits provided in this act; provided that, in any case where such balance can not reasonably and definitely be determined, and specifically in the case of an employer exempted under subsection (a) of this section, the commission may require such employer to meet his liability under the present subsection by paying into the fund a lump sum amount equal to the contributions he would, if not exempted, have paid into the fund under section 38 during the twelve months preceding termination of his exemption. The account of any employer whose exemption has been terminated shall thenceforth be liable to pay to his employees the benefits which may remain or hereafter become due them, as if such employer had not been exempted under this section; and such employer shall thenceforth pay all contributions regularly required under this act from nonexempted employers.

SEC. 51 (a) Each employer exempted under this article shall be liable to make all contributions, to pay directly to employees all benefits, to pay all penalties, and otherwise to comply with all the provisions of this act, except as specifically

provided to this journal and in conformity with it to be formulated by the commission consistent with the purposes and provisions of this act.

(b) Such plan for the continuation of such pension that upon the going out of business of the State of New Hampshire, or the legal abandonment of the plan, the funds which would have been contributed during such time shall be retained for a sufficient period so long as to enable the trustee to pay the benefits therefrom, and that at the end of such period the proceeds of the contributions of employer contributions shall be returned to the members of the pension, and the proportion then remaining of corporate contributions shall be distributed in such equitable manner as the commission may require.

(c) The terms and conditions for the payment of such plan must be submitted to and approved by the commission. A plan so approved shall when put into effect be subject to future review, and changes and every other employer participating in the plan, and between the employer or employers on the one hand and on the other hand of members who come under it, and shall not thereafter be abandoned or modified without the approval of the commission, but it is a condition of such contract that it may be so abandoned or modified with such approval.

Amendment No. 12.

On page 12, lines 27 and 28, of the printed bill, as amended, strike out "sixty-four" and insert in lieu thereof the following: "ten."

Amendment No. 13.

On page 17, line 41, of the printed bill, as amended, strike out "whether excepted or not."

Amendment No. 14.

On page 18 of the printed bill, as amended, strike out lines 21 to 27, inclusive.

Amendment No. 15.

On page 19, line 29 of the printed bill, as amended, strike out "10", and insert in lieu thereof the following: "9".

Amendment No. 16.

On page 19, line 37, of the printed bill, as amended, strike out "removal", and insert in lieu thereof the following: "remainder".

Bill read second time, ordered to reprint, and re-referred to Committee on Finance.

Rush Order to Printer.

On motion of Senator Shortley, the Secretary was directed to issue a rush order for printing Assembly Bill No. 86.

Motion to Reconsider.

Pursuant to notice given on a previous day, Senator Olson moved to reconsider the vote whereby Assembly Bill No. 1054 was passed.

The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

Ayes: Senators Bagg, Chamberlain, Deane, Edwards, Fletcher, Garrison, Gordon, Hays, Johnson, Kneass, Knowland, McCormack, McGovern, McGinness, Metzger, Merrill, Olson, Poirer, Poirer, Perry, Pierson, Rich, Seidlitz, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagye, and Young—31.

Noes: None.

Re-reference of Assembly Bill No. 1054.

Senator Olson moved that Assembly Bill No. 1054 be re-referred to Committee on Conservation.

Motion carried, and such was the order.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 934—An act to amend section 5.63 of the School Code, relating to admission of nonresident students.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 934 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 934 ordered transmitted to the Assembly.

Assembly Bill No. 1925—An act to amend sections 4 and 7 of "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, relating to the use of dead bodies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1925 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1925 ordered transmitted to the Assembly.

Assembly Bill No. 1023—An act to amend section 6 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1023 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1023 ordered transmitted to the Assembly.

Assembly Bill No. 2020—An act to add a new section to the Penal Code to be numbered 476b, relating to printing, duplicating or imitating blank checks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2020 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness,

Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.
NAYS—None.

Title read and approved.

Assembly Bill No. 2020 ordered transmitted to the Assembly.

Assembly Bill No. 1609—An act to repeal section 645 of the Penal Code, relating to carnal abuse.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 1609 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Hays, Keough, Knowland, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Snyder, Swing, Tickle, Wagy, and Young—27.
NAYS—None.

Title read and approved.

Assembly Bill No. 1609 ordered transmitted to the Assembly.

Senator Snyder in the Chair.

At ten o'clock and five minutes p.m., Senator Snyder of the Twenty-third District was called to the chair.

Assembly Bill No. 1885—An act to amend section 91.5 of the Agricultural Code, relating to the sixth district agricultural association fund.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1885:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Assembly Bill No. 1885—An act to amend section 91.5 of the Agricultural Code, relating to the sixth district agricultural association fund.

In my opinion said Assembly Bill No. 1885 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1885 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, and Young—32.
NAYS—None.

Title read and approved.

Assembly Bill No. 1885 ordered transmitted to the Assembly.

Assembly Bill No. 422—An act to amend section 690 of the Code of Civil Procedure, and to add sections 690.1 to 690.4, inclusive, 690.6 to 690.23, inclusive, and 690.50, thereto, relating to property exempt from execution or attachment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 422 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Stow, Swing, Tickle, Wagy, and Young—32.

NOES—None.

Title read and approved.

Assembly Bill No. 422 ordered transmitted to the Assembly.

Assembly Bill No. 206—An act to amend section 1 of Chapter 339 of the Statutes of 1933, entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the construction of certain words and phrases used in said act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 206 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—33.

NOES—None.

Title read and approved.

Assembly Bill No. 206 ordered transmitted to the Assembly.

Assembly Bill No. 935—An act to amend section 5.350 of the School Code, relating to fees for credentials and certificates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 935 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—34.

NOES—None.

Title read and approved.

Assembly Bill No. 935 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 60—A resolution to propose to the people of the State of California amendments to Article XI of the Constitution of said State by adding sections 4 and 7 $\frac{1}{2}$ thereto, relating to the consolidation of counties, cities and counties, and cities.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 60 refused adoption by the following vote:

AYES. Senators Deuel, Fletcher, Garrison, Hoys, Knowland, McGovern, Olson, Perry, Seidler, Starr, Tickle, and Waggy—12.

NOES. Senators Bigger, Cottle, Fox, Donald Edwards, Gordon, Hulse, Jespersen, Kneale, McCormack, McGovern, Metzger, Motter, Pierovich, Powers, Schottky, Seawell, Slater, Snyder, Strong, and Young—20.

Assembly Bill No. 2461. An act to amend section 71 of the Penal Code, relating to contracts, sales and purchases by public officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2461 passed by the following vote:

AYES. Senators Cottle, Fox, Deuel, Donald Edwards, Garrison, Gordon, Hulse, Kneale, Knowland, McCormack, McGuinness, Metzger, Parkman, Perry, Pierovich, Powers, Schottky, Seidler, Seawell, Snyder, Starr, Strong, Tickle, Waggy, and Young—25.

NOES. Senators Bigger and Olson—2.

Title read and approved.

Assembly Bill No. 2461 ordered transmitted to the Assembly.

Motion to Withdraw from Committee.

Senator Olson moved that Senate Concurrent Resolution No. 39 be withdrawn from Committee on Judiciary for purpose of adoption.

Motion refused adoption.

President Pro Tempore in the Chair.

At ten o'clock and thirty minutes p.m., Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Further Proceedings Under Call of the Senate Dispensed With.

At ten o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Snyder.

Resolution.

Public Utilities Investigation.

The following resolution was offered:

By Senators Seawell and Pierovich:

Resolved, At the Senate of the State of California, That a Special Senate Committee on Public Utilities consisting of five members of the Senate be appointed by the President of the Senate, to thoroughly and exhaustively investigate the feasibility and practicability of centralizing in the State of California the ownership, conduct and control of public utilities concerned with the development and exploitation of power and water, and report thereon to the Senate at the fifty second session of the Legislature, including in its report such legislative bills, resolutions, and constitutional amendments as the committee may find appropriate to carry into effect its recommendations; and be it further

Resolved, That the Railroad Commission of California and the Board of Equalization and any and all other public agencies both State and local are hereby directed to cooperate with the committee in furnishing it all assistance and information necessary to carry out the purposes of this resolution; and be it further

Resolved, That the committee shall proceed to organize by the election of one of its members as chairman and by the selection of a secretary and such technical and professional assistants as the committee shall deem necessary and thereupon proceed with the investigation in such manner as it shall determine; and be it further

Resolved, That the committee is authorized to hold hearings at any and all places and to investigate all matters and things pertinent to the subject of this resolution; and be it further

Resolved, That the committee is hereby authorized and empowered to require the production of books, agreements, documents, records, accounts and papers of every

kind; to issue subpoenas, to compel the attendance of witnesses and to procure testimony and so far as practicable to have material testimony reported so that the same may be available for use by the Legislature; each member of the committee is authorized to administer oaths and all of the provisions of Article VIII of Chapter II of Title I of Part III of the Political Code relating to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution and it shall be the duty of all officers and employees of the State or of any county, city, and county, or political subdivision of the State to furnish such reports, information and evidence upon request of the committee as may be pursuant to the purposes herein stated; and be it further

Resolved, That the sum of ten thousand dollars, or so much thereof as may be necessary for the purpose of defraying the expenses of the committee and the cost of its investigation, is hereby made available and appropriated for the use of the committee out of the contingent fund of the Senate, and the State Controller is authorized and directed to draw his warrants in favor of the person or persons entitled thereto for such expenditures as may be certified to him from time to time by the chairman of the committee and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Garrison, Jespersen, Keough, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Scollan, Seawell, Sharkey, Slater, and Wag—21.

NOES—Senators Gordon, McCormack, and Snyder—3.

Resolution.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the contingent fund of the Senate in the sum of \$169.90 in favor of the Secretary of the Senate, to pay the following bill, and the Treasurer is hereby directed to pay the same.

Pacific Telephone and Telegraph Company-----	\$169 90
	POWERS.
	STOW.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wag, and Young—33.

NOES—None.

Resolution.

Senate Chamber Improvements.

The following resolution was offered:

By Senator Deuel:

WHEREAS, It is known to all members of the Senate that the acoustical properties of the Senate Chamber gives personal discomfort and difficulty in the passage of proper legislation; and

WHEREAS, It is highly desirable that an investigation be made with a view to improving such acoustical properties; now, therefore, be it

Resolved by the Senate of the State of California, That the sum of \$3,500, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the Senate to the Bureau of Buildings and Grounds to be expended by it for the purpose of such investigation and for any necessary modifications arising therefrom; and be it further

Resolved, That Frank N. Killam, Chief, Bureau of Buildings and Grounds, is hereby directed to make such investigation and make any improvements which he may deem necessary; and be it further

Resolved, That the Controller is hereby directed to draw his warrant on the contingent fund of the Senate in favor of Frank N. Killam, Chief, Bureau of Buildings

and Grounds, in the sum of \$4,500, or so much thereof as may be necessary to carry out the provisions of this resolution; and he it further

Resolved, That the said Chief, Bureau of Buildings and Grounds, is hereby directed to issue proper support vouchers for all moneys received and expended under the terms of this resolution; and he it further

Resolved, That the State Controller is hereby directed to set aside the sum of \$4,500 from the contingent fund of the Senate for the payment of such bills as may be incurred under and by virtue of the terms of this resolution, the same to be set up as a special account on the Controller's books.

Resolution read

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baggay, Crutcher, Denel, Edwards, Fletcher, Gordon, Hays, Hulse, Jopson, Kessell, McCormack, McGovern, McGinness, Metzger, Mixter, Parkman, Perry, Pittmyck, Powers, Rosh, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Telle, Wagy, and Young—30.

NOES—None

Announcement by the President.

The President of the Senate announced that the Budget Bill had been signed by the Governor and that the same had been filed with the Secretary of State.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 607—An act relating to the holding of the Pacific Exposition and the San Francisco Bay Exposition in California, providing for the issuance and sale of State bonds to be known as "California exposition bonds," providing for the payment and retirement of said bonds, providing for and creating funds for the carrying out of the purposes of this act, authorizing the expenditure of moneys in said funds for such purposes, creating two commissions, one to be known as the "Pacific Exposition Commission" and the other to be known as "San Francisco Bay Exposition Commission," creating an interest and sinking fund for the payment of interest on said bonds and the redemption of the same, and making appropriation therefor, making an appropriation of two thousand dollars for the expense of printing, lithographing and selling said bonds, designating the name by which this act shall be known and fixing the time at which this act shall be and become effective.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 607:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 10, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS. Assembly Bill No. 607—An act relating to the holding of the Pacific Exposition and the San Francisco Bay Exposition in California, providing for the issuance and sale of State bonds to be known as "California exposition bonds," providing for the payment and retirement of said bonds, providing for and creating funds for the carrying out of the purposes of this act, authorizing the expenditure of moneys in said funds for such purposes, creating two commissions, one to be known as the "Pacific Exposition Commission" and the other to be known as "San Francisco Bay Exposition Commission," creating an interest and sinking fund for the payment of interest on said bonds and the redemption of the same, and making appropriation therefor, making an appropriation of \$2,000 for the expense of printing, lithographing and selling said bonds, designating the name by which this

act shall be known and fixing the time at which this act shall be and become effective.

In my opinion Assembly Bill No. 607 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Waggy, and Young—31.

The Secretary announced the absentees.

Time, eleven o'clock and thirty minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 703—An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 703:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 10, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Assembly Bill No. 703—An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors, to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and to construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

In my opinion said Assembly Bill No. 703 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore postpone the consideration of this bill as such a measure.
Respectfully submitted,

FRANK T. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 703 passed by the following vote:

Ayes: Benton, Brown, Callender, Foss, Fossel, Edwards, Fletcher, Garrison, Gannon, Hays, Johnson, Kitchin, McComb, McGovern, Miller, Packman, Paine, Rife, Shattuck, Smith, Smith, Stanley, Stone, Sugden, Swing, Tinkle, Wagy, and Young—25.

Noted—None.

Title read and approved.

Assembly Bill No. 703 ordered transmitted to the Assembly.

Assembly Bill No. 1302. An act to amend sections 2, 3, 7, 12, 18 and 20 of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof" and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, relating to pharmacy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1302 passed by the following vote:

Ayes: Benton, Brown, Callender, Foss, Fossel, Edwards, Garrison, Hays, Johnson, McGovern, McGovern, McGovern, Miller, Packman, Paine, and Hays, Stanley, Smith, Smith, Stanley, Stone, Swing, Tinkle, Wagy, and Young—25.

Noted—None.

Title read and approved.

Assembly Bill No. 1302 ordered transmitted to the Assembly.

Secretary Joseph A. Beek at the Desk.

Assembly Bill No. 1212. An act to amend section 7 of an act entitled "An act to regulate the practice of optometry, to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1212:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
 SACRAMENTO, June 10, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GENTLEMEN: Assembly Bill No. 1212—An act to amend section 7 of an act entitled "An act to regulate the practice of optometry: to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the regulation of the practice of optometry.

In my opinion Assembly Bill No. 1212 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of

California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1212 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1212 ordered transmitted to the Assembly.

Assembly Bill No. 2368—An act to amend sections 5, 13, 65, 78, 83, 85, 86, 100, 101 and 109 of, and to add sections 28a, 65a, 65b, 65c, 65d, 83a, 85a, 100a and 100b to an act entitled "An act to provide for the creation, establishment, and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 2368:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 10, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GREETINGS: Assembly Bill No. 2368—An act to amend sections 5, 13, 65, 78, 83, 85, 86, 100, 101 and 109 of, and to add sections 28a, 65a, 65b, 65c, 65d, 83a, 85a, 100a and 100b to an act entitled "An act to provide for the creation, establishment and adjustment with other such systems, of a retirement system for employees of the State of California, and make an appropriation therefor," approved June 9, 1931, relating to retirement of members of the California Highway Patrol.

In my opinion said Assembly Bill No. 2368 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2368 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Parkman, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2368 ordered transmitted to the Assembly.

Assembly Bill No. 2449—An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor.

Bill read third time.

Case of Urgency.

Recommendation of the Governor.

In accordance with section 34 of Article IV of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 2449:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 12, 1935.

To the Honorable Members of the Senate,

State of California, Sacramento, California.

GENTLEMEN: Assembly Bill No. 2449—An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor.

In my opinion said Assembly Bill No. 2449 constitutes such a bill within the meaning of that term as used in section 34, Article IV of the Constitution of the State of California the consideration of which should not await the final enactment of the Budget Bill.

I therefore authorize the consideration of this bill as such a measure.

Respectfully submitted,

FRANK F. MERRIAM, Governor of California.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2449 passed by the following vote:

AYES—Senators Rogers, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Peery, Petrovich, Rich, Seallan, Seawell, Sharkey, Slater, Snyder, Snow, Swang, Tinkle, Wagy, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 2449 ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 62.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section to be numbered section 16 of Article IX, relating to the management and control of museums and art galleries.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its fifty-first regular session, commencing on the seventh day of January, 1935, two-thirds of all the members elected to each of the houses thereof voting in favor hereof, hereby proposes to the people of the State of California that the Constitution of said State be amended as follows:

That a new section to be numbered 16, be added to Article IX, to read as follows:

Sec. 16. The Legislature of the State of California, the board of supervisors of a county or city and county, the council or other governing body of a municipal corporation and the governing body of any other political subdivision of the State of California, having authority to acquire and maintain publicly-owned museums or art galleries, are and each is hereby granted the power and authority to enter into contracts and leases with nonprofit corporations, organized under the laws of California, for the management and control of any part or all of the exhibits of such museums and art galleries.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and Assembly Constitutional Amendment No. 62 adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, Knowland, McCormack, McGovern, McGuinness,

Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—31.

NOES—None.

Assembly Constitutional Amendment No. 62 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 7, 1935, adopted Assembly Joint Resolution No. 65—Relative to memorializing the Public Works Administration to furnish aid in the construction of certain improvements in San Francisco Bay and the vicinity thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Joint Resolution No. 65.

Senator McGovern asked for, and was granted, unanimous consent for the consideration of Assembly Joint Resolution No. 65, without reference to committee for purpose of adoption.

Resolution ordered on file.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and forty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Swing.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 607 finally refused passage by the following vote:

AYES—Senators Edwards, Fletcher, Garrison, Keough, McGovern, Metzger, Parkman, Seawell, and Sharkey—9.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Gordon, Hays, Jaspersen, Knowland, McCormack, McGuinness, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Slater, Snyder, Stow, Swing, Tickle, Wagy, and Young—24.

Motion to Reconsider.

Senator Swing moved to reconsider the vote whereby Assembly Bill No. 607 was refused passage.

Postponement of Reconsideration.

On motion of Senator Swing, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 607 was refused passage was continued until the next legislative day.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 467—An act to amend sections 2411, 2418 and 2419 of the School Code, relating to disincorporation of high school districts;

Also: Senate Bill No. 544—An act to amend sections 5 and 6 of an act entitled "An act prescribing certain duties to be performed by the State Controller, State Treasurer and State Board of Examiners," approved February 20, 1872, relating to warrants;

Also: Senate Bill No. 566—An act to provide means for making applicable to judges of the superior courts the provisions of section 26 of Article VI of the Constitution of this State, relating to the method of selecting judges;

Also: Senate Bill No. 658—An act to amend section 3472 of the School Code, relating to the transportation of pupils, instructors and supervisors of high school agriculture classes;

Also: Senate Bill No. 686—An act relating to the redemption and sale of property sold to a county treasurer, as trustee of a reclamation district or of the bond fund, or to a succeeding district for delinquent assessments and installments thereof.

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1935, at ten o'clock and thirty minutes p.m.

METZGER, Chairman.

Also:

Mr. President: Your Committee on Engraving, Enrollment and Printing has examined Senate Bill No. 704—An act to provide for the development of electric power by irrigation districts and providing for the acquisition, construction, maintenance and operation of electric power plants and providing for the levying of assessments and the collection of fees, for the issuance and sale of bonds, and providing for the control and distribution of electric energy;

Also: Senate Bill No. 705—An act to extend to irrigation districts organized and existing under the California Irrigation District Act, the power and privilege to develop hydro-electric power and to acquire equipment, including stand-by plants, for development and distribution of electrical energy and creating of irrigation district power districts to be managed, operated and controlled under the provisions of the California Irrigation District Act.

Also: Senate Bill No. 706—An act to amend the California Irrigation District Act by adding a new section thereto, to be known as section 154, authorizing irrigation districts, heretofore or hereafter organized, and existing under and by virtue of the provisions of the California Irrigation District Act, or any act amendatory thereof or supplementary thereto, to develop and distribute electrical power or energy by the use of any waters under the control of such district and by contract to acquire and maintain any necessary equipment therefor and to provide for the management of such operations and the financing thereof;

Also: Senate Bill No. 818—An act to amend section 580b of the Code of Civil Procedure, relating to delinquent judgments.

Also: Senate Bill No. 820—An act to amend sections 2 and 13 of the State Medical Practice Act, relating to taxes and registration fees, and to reciprocity certificates.

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1935, at ten o'clock and thirty minutes p.m.

METZGER, Chairman.

Messages from the Governor.

The following messages from the Governor were received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 14, 1935.

To the Honorable Members of the Senate.

State of California, Sacramento, California.

GREETINGS: I am returning herewith, without my approval, Senate Bill No. 419, being—An act to amend section 3658a of the Political Code, relating to assessments by reference to maps.

This bill would allow assessors or the State Board of Equalization to describe property for assessment purposes by reference to a map furnished by the property owner.

In my opinion it is very doubtful whether property should be assessed by describing it with reference to a map prepared by the owner of the property and on file only with the assessor or the Board of Equalization.

In all other instances of assessment of property, a description is used which can be verified by public record, all checked by specific boundary lines such as sections, townships and ranges.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Message ordered on file as unfinished business.

Also:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, June 14, 1935.

Honorable Members of the Senate.

State of California, Sacramento, California.

GREETINGS: I am herewith returning, without my approval, Senate Bill No. 284—An act to amend section 1197 of the Political Code, relating to election ballots.

The author of this bill has requested me to veto it, and I am acting in harmony with his request.

Respectfully submitted.

FRANK F. MERRIAM, Governor of California.

Message ordered on file as unfinished business.

Adjournment.

On motion of Senator Stow, at eleven o'clock and fifty minutes p.m., the President pro tempore of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Saturday, June 15, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Saturday, June 15, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Roll Call.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Rich, Schottky, Seclan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young. 35.

Quorum present.

Prayer.

The following prayer was offered by the Chaplain, Rev. Newton E. Moats:

For a Strengthened Democracy.

O Thou, Giver of all light and wisdom, we pray for the ability to know what we want, to be sure we know what we want, and for the courage to legislate accordingly. May we not halt between opinions. At such a time as this, save us from the paralysis of indecision.

The tempo is swift, enterprise is vast, life is crowded, and human relationships are confused, but with Thy help, O Lord, we shall go forward. Lead us on.

In a world of dictators give us a strengthened democracy. In an age of regimentation give us a new burst of freedom. In a time of plenty help us to build and not destroy; to preserve and yet share.

And, by Thy Grace, may our statesmanship be as worthy as the needs that face us.

In Christ's name we pray. Amen.

Reading of the Journal.

During the reading of the Journal of Friday, June 14, 1935, the further reading was dispensed with, on motion of Senator Slater.

Leaves of Absence.

Senator Reindollar was, on motion of Senator McGovern, granted leave of absence for this day.

Senator King was, on motion of Senator Fletcher, granted leave of absence for this day.

Senator Swing was, on motion of Senator Sharkey, granted leave of absence for this day.

Privilege of Floor of Senate Extended.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Wm. J. Hynes and Mrs. Hynes of San Francisco.

On request of Senator McGovern, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Louise Stivers and Mrs. Genevieve Allen of San Francisco Business and Professional Club, San Francisco.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Rick and Master Jackie Callisto of San Bruno and Eleanor Ross of San Mateo.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Harry McKenzie of San Francisco.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 44. Calling for the appointment by the Governor of a commission of ten, to investigate the advisability of commemorating the four-hundredth anniversary of the discovery of California, by causing the erection of an appropriate memorial to the memory of John Rodriguez Cabrillo and his companions.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Concurrent Resolution No. 44 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 493—An act making an appropriation to pay the claim of Modoc County Fair Association against the State of California;

Also: Senate Bill No. 1027—An act making an appropriation for the clearing and cleaning of Ellis Creek.

Also: Senate Bill No. 1129—An act to add section 4003.5 to the Political Code, relating to transmittal of moneys to counties by State officers and employees;

Also: Senate Bill No. 1029—An act making an appropriation to pay the claim of Anthony Caminetti, Jr., against the State of California;

Also: Senate Bill No. 929—An act appropriating money for the restoration and rehabilitation of Marshall's cabin at Coloma;

Also: Senate Bill No. 1131—An act to make an appropriation for emergency reclamation and flood-control work on the San Joaquin River, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 403, 1027, 1129, 1029, 920 and 1131 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 192—An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any joint highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereof;

Also: Senate Bill No. 557—An act to repeal section 452a of the Political Code, relating to the safe-keeping of bonds deposited with treasurers;

Also: Senate Bill No. 527—An act to add a new article to Division III, Chapter 1, of the Agricultural Code to be numbered 1a, relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments;

Also: Senate Bill No. 791—An act making an appropriation to reimburse the "Corporation Commission fund" for the excess moneys withdrawn and expended from that fund pursuant to Chapter 805, Statutes of 1929 and for necessary expenditures made pursuant to Chapter 1037, Statutes of 1933;

Also: Senate Bill No. 801—An act to amend sections 2 and 3 of an act entitled "An act creating an advisory pardon board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board;

Also: Senate Bill No. 872—An act to amend section 109a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 192, 357, 527, 791, 801, and 872 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 55—Relative to proceedings for the removal of Gavin W. Craig as an associate justice of the District Court of Appeal of the State of California under and pursuant to the provisions of section 10, Article VI of the Constitution of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 55 referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed, as a Committee on Free Conference concerning Assembly Bill No. 754—An act to make an appropriation from unemployment relief money for construction work by fairs under State control—Assemblymen Lyon, Utt and Fisher.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day receded from Assembly amendments to Senate Bill No. 959—An act to amend section 675 of the Political Code, relating to the powers and duties of the Director of the Department of Finance.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 959 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1001—An act to amend section 348 of the Agricultural Code, relating to licenses and moneys collected for inspection of marks and brands;

Also: Senate Bill No. 1093—An act to add section 398 to the Political Code, relating to the Lieutenant Governor;

Also: Senate Bill No. 1127—An act to amend section 378 of the Fish and Game Code and to add thereto section 375.5, relating to migratory bird reservations.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 1001, 1093, and 1127 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1562—An act to amend sections 1, 2, 5, 6, 7, 8, 9 and 14 of an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling or repairing upholstered furniture; and

creating the upholstered furniture inspection board," approved May 9, 1927, relating to the administration thereof by the Bureau of Furniture and Bedding Inspection of the Department of Industrial and Agricultural Standards.

Also, Assembly Bill No. 1181, to amend section 422 of the Agricultural Code relating to the appointment of said board.

Also, Assembly Bill No. 1181, to amend section 372 of the Vehicle Code, and to add thereto section 373, relating to motor vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1367 read first time, and referred to Committee on Finance.

Assembly Bill No. 1368 read first time, and referred to Committee on Revenue and Taxation.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1181—An act to amend sections 4770, 4771, 4772, 4780, 4786, 4787, 4831 and 4884 of the School Code and to add thereto two new sections to be numbered 4773 and 4784, all relating to the appointment of State boards for public school purposes.

Also, Assembly Bill No. 1181, An act to make an appropriation to pay the charges of the new governing board of the State Department of Public Health against the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1181 read first time.

Unanimous consent was granted for the consideration of Assembly Bill No. 1181, without reference to committee for purpose of passage.

Assembly Bill No. 1181 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2502—An act to add a new section to the School Code, to be numbered 2972, relating to city boards of education in cities in the State and school districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2502 read first time.

Unanimous consent was granted for the consideration of Assembly Bill No. 2502, without reference to committee, for purpose of passage.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 997—An act to amend sections 18 and 21 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of prosecution programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to fowl.

Also: Assembly Bill No. 1001—An act to authorize the Division of Water Resources of the Department of Public Works to gather and correlate information and data pertinent to an annual forecast of seasonal water crop, including the making of snow surveys, and to cooperate with other agencies in such work, and making an appropriation therefor.

Also: Assembly Bill No. 1561—An act to amend sections 3, 3a, 3b, 10, 13, 17 and 18 of an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy

materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, and to add thereto a new section to be numbered section 21, all relating to the administration of said act by the Bureau of Furniture and Bedding Inspection and the powers and duties of the officers thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 997, 1001 and 1561 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 5—An act to amend sections 1 and 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax;

Also: Senate Bill No. 633—An act to add section 3343 to the Civil Code, relating to damages in connection with fraud and deceit;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 5 and 633 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 15—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 15 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1119.

Amendment No. 1.

On page 4 of the printed bill, as amended, between lines 22 and 23, insert the following:

"(c) Twelve and one-half per cent of said remainder of such moneys shall be paid quarterly during the eighty-seventh and eighty-eighth fiscal years to the counties and cities and counties of the State in the proportion that the population of each such county or city and county bears to the total population of all the counties and cities and counties of the State, as certified by the department. For the purpose of this subsection, the population of each county or city and county is that determined by the last Federal census."

Amendment No. 2.

On page 4, line 23, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(d)".

Amendment No. 3.

On page 4, line 22, of the printed bill, as amended in Senate June 8, 1935, after the word "and", insert the following: "and life protection".

Amendment No. 4.

On page 2, line 25, of the printed bill, as amended in Senate June 8, 1935, strike out the comma and all of the words in line 25 after the word "department", and insert in lieu thereof a period.

Amendment No. 5.

On page 2 of the printed bill, as amended in Senate June 8, 1935, strike out all of line 26 to and including the period.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1119?

The roll was called, and Assembly amendments to Senate Bill No. 1119 concurred in by the following vote:

AYES.—Senators Baggett, Deard, Difano, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Josephson, Keough, Knowland, McCormack, McGuinness, Mixter, Olson, Perry, Pomeroy, Powers, Rich, Schatzky, Seidman, Sharkey, Slater, Snyder, Stow, Tickle, Waggy, Williams, and Young—31.

NOES.—Senator McGovern—1.

Senate Bill No. 1119 ordered to enrollment.

Reports of Standing Committees.

The followings reports of standing committees were received, read, and the bills reported thereon were ordered on file for second reading:

On Civil Service.

SENATE CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Senate Bill No. 970—An act to amend the "State Civil Service Act"—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—5; committee vote: Ayes—4; absent—1.

KEOUGH, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 329—An act relating to Codes of Fair Competition for certain trades and industries within this State—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and without recommendation.

Committee membership—11; committee vote: Ayes—6; noes—2; absent—3.

HAYS, Chairman.

Second Reading of Senate Bill No. 970.

Senator Sharkey asked for, and was granted, unanimous consent to take up for second reading, without reference to file, Senate Bill No. 970.

Senate Bill No. 970. An act to amend the "State Civil Service Act."

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Civil Service, the following amendments to Senate Bill No. 970 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, strike out "amend", and insert in lieu thereof the following: "supplement".

Amendment No. 2.

On page 1, line 1 of the title of the printed bill, strike out the period, and insert in lieu thereof a comma.

Amendment No. 3.

On page 1, at the end of line 1 of the title of the printed bill, add the following: "relating to the status in the State civil service of those persons mentioned in

subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately."

Amendment No. 4.

On page 1, line 1, of the printed bill, after "Section 1," add the following:

"Every person mentioned in subdivision (f) of section 5 of Article XXIV of the Constitution of California still in the employ of the State on June 19, 1935, shall be given an examination to determine his eligibility for the position so held by him.

Sec. 2. The examination mentioned in section 1 of this act shall be in writing only and shall be held by the State Personnel Board within fifteen days after the effective date hereof, upon notice to said persons mailed at least seven days before the date of the examination to the last known address of each such person as shown by the records of the State department or agency in which employed. The State Personnel Board shall, within ten days after the date of such examination, mail to each such person a notice indicating his standing as the result of such examination. Such examination shall consist of tests not differing materially in character from heretofore existing practice in written examinations.

Sec. 3. Successful candidates at any such examination who held positions on June 19, 1935, as aforesaid, shall be placed on an appropriate eligible list or lists for certification and appointment to such position or positions above all other persons on any such list or lists in the State civil service.

Sec. 4. If any provision of this act, or the preference thereby given to any person or group of persons, is held invalid, the remainder of this act, or the preference given to other persons or groups by this act, shall not be affected thereby. If the preference given by this act to any person or group of persons is declared invalid, each such person shall be placed on the appropriate eligible list for certification and appointment to the position held by him on June 19, 1935, and with such priority thereon as is determined by the rating obtained by him upon such examination as compared with the respective ratings of other persons on said list.

Sec. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution and shall therefore take effect immediately.

The facts constituting the necessity are as follows:

At the general election, November 6, 1934, the people approved an initiative constitutional amendment adding Article XXIV to the State Constitution, placing in the State civil service numerous offices and positions which prior thereto had not been so included. On the effective date of said constitutional amendment, many persons held positions thus brought into the State civil service and had held such positions for a considerable period, but not for the full period of six months immediately preceding said effective date. Many complications in the adjustment of these positions in the State civil service have ensued, and unless opportunity is given to all such persons to qualify for the positions so held by them in the manner for which provision is made in this act, there will be serious disruption in the business of the State. It is therefore imperative that this act shall take effect immediately."

Bill read second time, ordered to reprint, engrossment and on file for third reading.

Rush Order to Printer.

On motion of Senator Sharkey, the Secretary was directed to issue a rush order for printing Senate Bill No. 970.

Second Reading of Assembly Bill No. 329.

Unanimous consent was granted to take up for second reading, without reference to file, Assembly Bill No. 329.

Assembly Bill No. 329 Relating to codes of fair competition for certain trades and industries within this State.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 329 were read and adopted:

Amendment No. 1.

On page 1, line 17, of the printed bill, as amended, strike out the word "automotive,".

Amendment No. 2.

On page 2, line 12 of the printed bill, as amended, strike out the word "automotive".

Bill read second time, ordered to reprint, and on file for third reading.

Re-reference of Assembly Bill No. 2077.

Senator Young moved that Assembly Bill No. 2077 be re-referred to Committee on Fish and Game.

Motion carried, and such was the order.

Assistant Secretary Carl A. Shipkey at the Desk.

Consideration of Daily File.**Third Reading of Assembly Bills.**

Assembly Bill No. 1363—An act to amend section 1530 of the Insurance Code and to add section 1281½ to Article 1, Chapter 3, Part 2, Division 1 thereof, relating to compulsory or other insurance exchanges.

Amendments from the Floor.

During third reading of Assembly Bill No. 1363, the following amendments, offered by Senator Schottky, were read:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike out "section".

Amendment No. 1-a.

On page 1, line 3 of the title of the printed bill, as amended, strike out "and to add"; also strike out lines 4 and 5 and insert in lieu thereof the following: "relating to regulation".

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 1 to 7, inclusive, and in line 8, strike out "Sec. 2.", and insert in lieu thereof the following: "Section 1."

Amendment No. 3.

On page 2, line 1, of the printed bill, as amended, strike out "companies", and insert in lieu thereof the following: "insurers".

Amendment No. 4.

On page 2, line 2 of the printed bill, as amended, strike out the words "the gross premium", and all of line 3, and in line 4 the words "preceding calendar year", and insert in lieu thereof the following: "all sums paid in the preceding calendar year by subscribers in this State by reason of the insurance exchanged, whether termed premium deposit, membership fee, or otherwise."

Amendment No. 5.

On page 2, line 8, of the printed bill, as amended, strike out "companies", and insert in lieu thereof the following: "insurers".

Ayes and Noes Demanded.

A roll call was demanded by Senators Hays, Pierovich and Young, on the adoption of the amendments offered by Senator Schottky.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Fletcher, Garrison, Gordon, Jorgensen, Knowland, McGill, McCormack, McGovern, Mixter, Olson, Parkinson, Powers, Pierovich, Powers, Schottky, Seollan, Slater, Snyder, Tickle, Wagy, and Young. 26.

NOES—Senators Hays, McGuinness, and Seawell. 3.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 2330—An act to amend sections 62 and 93 of the Fish and Game Code, approved April 11, 1933, relating to fish and game and other wild life.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2330 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Scollan, Seawell, Sharkey, Slater, Snyder, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2330 ordered transmitted to the Assembly.

Assembly Bill No. 162—An act to limit the jurisdiction of courts over matters arising out of or involving labor disputes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 162 was refused passage by the following vote:

AYES—Senators Jespersen, Knowland, McGovern, McGuinness, Olson, Perry, Scollan, and Seawell—8.

NOES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Hulse, Keough, McColl, Metzger, Mixer, Parkman, Pierovich, Powers, Rich, Schottky, Sharkey, Slater, Snyder, Stow, Tickle, Wagy, Williams, and Young—27.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 14th passed Assembly Bill No. 183—An act repealing sections 367a, 367b, and 367c of the Political Code, renumbering sections 367d to 367g, inclusive, thereof, to be sections 367q to 367t, inclusive, and adding sections 367a to 367p thereto, relating to the Department of Social Welfare.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 183 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 13th passed Assembly Bill No. 1037—An act to safeguard the public health, to regulate the diagnosis and treatment of human ailments by means of X-rays and the use, ownership and possession of X-ray appliances for said purposes; providing for the licensing of persons operating X-ray appliances and laboratories, declaring the treatment of human ailments by means of X-rays to constitute the practice of medicine; prescribing penalties for violation of the act; declaring the possession, maintenance or operation of X-ray appliances in violation of the provisions of the act to constitute a public nuisance, and otherwise providing for the enforcement of the act.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1037 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 14th passed Assembly Bill No. 2474—An act relating to fees and taxes for and upon certain vehicles, providing for the collection thereof and the enforcement of this act, and providing for the repeal of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor

vehicle and providing that this act shall take effect immediately," approved May 15, 1933.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 2474 read first time, and referred to Committee on Revenue and Taxation.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2080—An act to provide for the acquisition of the Muir Wood Toll Road by the State, and the inclusion thereof in the State highway system, and making an appropriation therefor.

Amendments from the Floor.

During third reading of Assembly Bill No. 2080, the following amendments, offered by Senator Slater, were read and adopted:

Amendment No. 1.

On page 1, line 4 of the printed bill, as amended, strike out "extended", and insert in lieu thereof the following: "extending"

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 16 to 19, inclusive, and insert in lieu thereof the following:

SEC. 3. Said commission may by resolution authorize the Department of Public Works through proceedings in eminent domain to condemn such franchise rights and other property, real or personal, as may be necessary in order to acquire said toll road.

SEC. 4. The cost of acquiring said toll road shall be paid out of the State highway fund."

Bill read, ordered to reprint, and on file for third reading.

Recess.

On motion of Senator Rich, at twelve o'clock and thirty-five minutes p.m., the President of the Senate declared recess until three o'clock and thirty minutes p.m.

Reconvened.

At three o'clock and thirty minutes p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

Leave of Absence.

Senator Williams was, on motion of Senator Tickle, granted leave of absence for the balance of this legislative day.

Report of Standing Committee.

The following report of standing committee was received, read, and the bills reported therein were, by unanimous consent, ordered read the second time without reference to file.

On Finance.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 379—An act to amend section 410 of the Political Code, relating to the publication and distribution of the laws, resolutions and Journals of the Legislature, and making an appropriation therefor;

Also Assembly Bill No. 2376—An act making an appropriation for the support of the Legislative Counsel Bureau and declaring the urgency thereof, the act to take effect immediately;

Also Assembly Bill No. 86—An act to establish a system of unemployment reserves for this State, and making an appropriation therefor;

Also: Assembly Bill No. 1663—An act to amend section 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporation,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities, relating to fees;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—14; absent—5.

SHARKEY, Chairman.

Second Reading of Assembly Bills.

Assembly Bill No. 2376—An act making an appropriation for the support of the Legislative Counsel Bureau and declaring the urgency thereof, the act to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1663—An act to amend section 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporation,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities," relating to fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 379—An act to amend section 410 of the Political Code, relating to the publication and distribution of the laws, resolutions and Journals of the Legislature, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment No. 39—A resolution to propose to the people of the State of California, an amendment to Article IV of the Constitution of the State, by amending section 31 thereof, relating to paying the principal and interest on bonds issued by city, county, city and county, district or other political subdivision whose funds are in the custody of the treasurer of any city, county, or city and county.

ARTHUR A. OIINIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 669—An act to add section 3817½ to the Political Code, relating to taxation, declaring the urgency hereof and providing that this act shall take immediate effect;

Also: Assembly Bill No. 863—An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, and 8 of an act entitled "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of employees," approved February 6, 1889 (Stats. 1889, Chap. 5), as amended, relative to the sanitation, lighting and ventilation of factories, workshops and other places of employment, providing for the enforcement thereof by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for the violation thereof;

Also, Assembly Bill No. 775—An act to amend section 1 of the Direct Primary Law, relating to qualifications in participating in primary election;

Also, Assembly Bill No. 1005—An act to amend sections 712, 715, 731, 733.5, 807 and 808.5 of 1920 and the Fish and Game Code, relating to the protection of fish;

Also, Assembly Bill No. 1024—An act to amend section 6 of an act entitled "An act to provide for the better regulation of health surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, relating to persons eligible to examination;

Also, Assembly Bill No. 1095—An act making an appropriation for the contingent expenses of the Assembly at its fifty-first session, and declaring that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Constitutional Amendment No. 86—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 23a of Article IV thereof, so that it shall read as follows:

Also, Assembly Bill No. 1000—An act making an appropriation to pay the claim of the chief accounting officer of the Department of Finance against the State of California;

Also, Assembly Bill No. 1925—An act to amend sections 1, 3, 4, 6 and 7 of "An act to provide for the unimpaired use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health, by requiring the dissection and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1907, relating to the use of dead bodies.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 150—An act granting to the City and County of San Francisco certain lands of the State of California located in the City and County of San Francisco upon certain trusts and conditions.

Also: Assembly Bill No. 826—An act to add a new section to the Code of Civil Procedure to be numbered 3394 and to amend section 337 thereof, relating to the periods prescribed for the commencement of actions;

Also, Assembly Bill No. 794—An act to amend sections 5,802, 5,804, 5,890, 5,891, 5,894, 5,900, 5,901, 5,904, 5,910, 5,911, 5,962, 5,970, 5,980, 5,990, 5,993, 5,1000, 5,1001, 5,1040, 5,1031, 5,1032, 5,1040, 5,1041, 5,1047, 5,1048, 5,1049, 5,1061, 5,1062, 5,1080 and 5,1081 of the School Code; to amend the titles of Chapter III, of Articles IV, V and VII of Chapter III, of Chapter VI, of Articles II, III and V of Chapter VI, of Part IV of Division V of said code; to repeal sections 5,1042 to 5,1046, both inclusive, of said code and to repeal Article IV of Chapter VI of Part IV of Division V of said code; to add eight new sections to said code to be numbered 5,886, 5,971, 5,972, 5,981, 5,986, 5,1004, 5,1010 and 5,1011 and to add Chapter III of Part IV of Division V of said code a new article to be known as Article VIII; to add to Chapter V of Part IV of Division V of said code a new article to be known as Article V; and to add to Chapter VI of Part IV of Division V of said code a new article to be known as Article IV, all relating to the payment of retirement salaries and retirement annuities to persons serving the State, counties and school districts in positions having to do with teaching or other employment by, or under the superintending, administration and supervision of colleges, schools, and classes maintained by the State and or the school districts thereof;

Also, Assembly Bill No. 422—An act to amend section 690 of the Code of Civil Procedure and to add sections 690.1 to 690.4, inclusive, 690.6 to 690.24, inclusive, and 690.50, thereto, relating to property exempt from execution or attachment.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2013—An act to add sections 879.5 to the Vehicle Code, relating to seizure and sale of vehicles;

Also, Assembly Bill No. 1861—An act to add section 76 to the Agricultural Code and to repeal section 694da of the Political Code, relating to the State Agricultural Society contingent fund;

Also: Assembly Bill No. 1744—An act to add section 644.5 to the Military and Veterans Code, relating to military decorations;

Also: Assembly Bill No. 1957—An act to amend the public utilities act by adding two new sections numbered sections 13½ and 32½, relating to public utilities;

Also: Assembly Bill No. 2427—An act to amend sections 1, 8 and 9 of an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, relating to practice of veterinary medicine;

Also: Assembly Bill No. 2264—An act to amend section 658 of the Fish and Game Code, relating to salmon.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 653—An act to provide for the creation in counties and cities and counties of departments of rehabilitation, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Assembly Bill No. 2465—An act to add section 1156 to the Agricultural Code, relating to the marketing of agricultural products;

Also: Assembly Bill No. 2467—An act to add to the Probate Code a new section, to be numbered 201.5, and amending sections 201 and 220 of the Probate Code, all relating to the laws of succession.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2493—An act to amend section 1 of, and to add section 1.5 to an act entitled "An act relating to the Department of Professional and Vocational Standards and defining its powers and duties in relation to and providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as indicia of ownership and to protect the owners thereof," passed at the fifty-first session of the Legislature of the State of California, relating to registration of names and marks or other devices on garments, towels, table linen or other articles.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Unanimous consent was granted for the consideration of Assembly Bill No. 2493, without reference to committee for purpose of passage.

Bill read first time, and ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1570—An act to add two new sections to the Public Utilities Act, to be numbered 2½ and 50½, defining highway common carriers and providing for the regulation thereof and requiring the issuance of certificates of public convenience and necessity therefor, and to repeal Chapter 213 of the Statutes of 1917, approved May 10, 1917, and amendments thereto.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1570 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1314—An act to amend sections 1a, 3, 4, 9,

10, 11 and 12 of, and to add new sections to be numbered 11.1, 11.2, 11.3, 11.4, 11.5 and 11.6 to an act entitled "An act to regulate land surveying and to define the duties of and to license land surveyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors and to provide penalties therefor, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 16, 1907," approved May 24, 1933, relating to land surveyors.

Also: Assembly Bill No. 1735—An act to add a new section to the Political Code, to be numbered 254, relating to use of the State's teletype system.

Also: Assembly Bill No. 1091—An act making an appropriation for the enforcement of standards quality and identity, covering the manufacture and sale of California waxes and varnishes.

Also: Assembly Bill No. 2351—An act relating to the use of convict labor in the State parks, forests, public lands and fish and game preserves, and National forests or parks in the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1314 read first time, and referred to Committee on Governmental Efficiency.

Assembly Bills Nos. 1735, 1091, and 2351 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 15, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 265—An act to add section 364k to the Political Code, relating to the Division of the Deaf in the Department of Industrial Relations, and making an appropriation therefor.

Also: Assembly Bill No. 2208—An act requiring marine architects to be certified as such, specifying qualifications, rules and regulations therefor, creating a board, establishing a fund, and granting penalties.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 265 and 2208 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 15, 1935

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1117—An act to amend section 5.21 of the School Code, relating to the support of State teachers colleges.

Also: Assembly Bill No. 617—An act making an appropriation to pay the claim of the fishers' union of the Department of Industrial Relations against the State of California.

Also: Assembly Bill No. 1041—An act providing employment for inmates of State prisons and reformatories and to establish a prison farm under the management and control of the State Board of Prison Directors; to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; for the transfer of prisoners thereto and therefrom; and for the employment of prisoners therein; and to make an appropriation therefor.

Also: Assembly Bill No. 100—An act making an appropriation for the support of Napa State Farm, to take effect immediately.

Also: Assembly Bill No. 1835—An act to amend sections 2 and 9 of, and to add sections 10 and 11 to, an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the regulation and inspection of the construction of public school buildings.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1117 read first time, and unanimous consent granted, was ordered on file for second reading without reference to committee.

Assembly Bills Nos. 617, 1041, 100 and 1835 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1884—An act to amend section 13 and to add a new section to be numbered 13a to "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1933, relating to the disposition and control of moneys received under said act.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1884 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1747—An act to add section 3a to "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to codification and compilation of county and city ordinances and resolutions;

Also: Assembly Bill No. 327—An act making an appropriation for the control of Bang's disease in cattle under the provisions of Article 2, Chapter 3, Division II of the Agricultural Code, and declaring the urgency hereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 1747 and 327 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 56—Relative to approving a certain amendment to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of June, 1935.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Concurrent Resolution No. 56.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Concurrent Resolution No. 56, without reference to committee for purpose of adoption.

Assembly Concurrent Resolution No. 56—Relative to approving a certain amendment to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of June, 1935.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Olson moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Gordon, Hulse, Jaspersen, Keough, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Schottky, Scollan, Seawell, Tickle, and Wagy—18.

The Secretary announced the absentees.

Time, three o'clock and fifty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate Dispensed With.

At three o'clock and fifty-five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Olson.

The Secretary was directed to call the roll, on adoption of Assembly Concurrent Resolution No. 56 of the Senators who had not answered to their names.

The roll was called, and Assembly Concurrent Resolution No. 56 finally adopted by the following vote:

Ayes: Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Gordon, Hulse, Jaspersen, Keough, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Schottky, Seawell, Stow, Tickle, and Wagy—22.
Noes: None.

Assembly Concurrent Resolution No. 56 ordered transmitted to the Assembly.

Withdrawal and Re-Reference of Assembly Bill No. 2382.

Senator Gordon moved that Assembly Bill No. 2382 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Building and Construction.

Motion carried, and such was the order.

Recall of Senate Bill No. 233.

Senator Difani moved that Senate Bill No. 233 be recalled from enrollment and returned to the Senate for consideration of Assembly amendment.

Motion carried, and such was the order.

Consideration of Assembly Amendment.

The Senate then took up for consideration Assembly amendment to Senate Bill No. 233.

Amendment No. 1.

On page 1, line 3, of the title of the printed bill, as amended, strike out "the California Highway Commission", and insert in lieu thereof the following: "High type paving."

The question being: Shall the Senate concur in Assembly amendment to the title of Senate Bill No. 233?

The roll was called, and Assembly amendment to the title of Senate Bill No. 233 concurred in by the following vote:

Ayes: Senators Biggar, Crittenden, Deuel, Difani, Edwards, Gordon, Hulse, Jaspersen, Keough, McGill, McGovern, McGinness, Metzger, Mixer, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Stow, Tickle, and Wagy—24.
Noes: None.

Senate Bill No. 233 ordered to enrollment.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported therein was ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1134—An act to repeal sections 4a and 4b of an act entitled "An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to elections and to qualification of electors, this act to take effect immediately—and reports that the same has been correctly engrossed.

MIXTER, Vice Chairman.

Report of Special Committee.

The following report of special committee was received and read:

June 15, 1935.

Honorable President and Members of the State Senate of California.

Your committee re Legislative Day, July 5th, next, at the California Pacific International Exposition, appointed to make program arrangements for that day, submit the following unanimous report:

The speakers of the day for the Senate are as follows: Lieutenant Governor Hatfield, Senators Walter McGovern, Ray W. Hays, Chris N. Jaspersen, Culbert L. Olson, Leonard Joseph Difani and Ben Hulse; Ross G. M. Marshall, Los Angeles, official correspondent.

All arrangements are made for a luncheon in the exposition grounds for the legislators and their wives.

The program in the afternoon will commence at two o'clock and thirty minutes.

The Assembly have arranged their own program and will participate jointly.

During the entire day the Legislature will be entertained on the exposition grounds.

The attaches and their wives are cordially invited to be present.

Respectfully submitted.

BEN HULSE.
ED FLETCHER.
N. T. EDWARDS.
L. J. DIFANI.
CULBERT L. OLSON.

Third Reading of Assembly Bills—(Resumed).

Assembly Joint Resolution No. 65.

Relative to memorializing the Public Works Administration to furnish aid in the construction of certain improvements in San Francisco Bay and the vicinity thereof.

WHEREAS, The building of certain sea walls, fills, locks and canals in the waters of San Francisco Bay to develop what is known as San Francisco Bay Project or Upper San Francisco Bay Project, will result in permanent improvements to the entire San Francisco Bay region, to the State of California and to the United States; and

WHEREAS, Said improvements include the creation of a great naval base for the United States fleet on the Pacific Coast, the conservation of millions of acre feet of fresh water now flowing unused and lost into the ocean, will add many miles of deep water wharfage to the San Francisco Bay region and result in immeasurable aid to navigation in San Francisco Bay and the navigable rivers of California; and

WHEREAS, Said improvements will result in aids of immense value to land transportation in the San Francisco Bay region, will result in the reclamation of thousands of acres of lands in California, and will be of advantage to existing industries in said region, and an invitation to additional industries to be established therein; and

WHEREAS, Said improvements will supply waters to the urban, suburban industrial and agricultural needs of the San Francisco Bay region; and

WHEREAS, The construction of these improvements will employ thousands of workers and decrease unemployment in the State of California; and

WHEREAS, Said improvements will be of great value to the Army and Navy and Air Corps of the United States in peace time and of inestimable value in time of emergency; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President of the United States and the Congress thereof, and the Public Works

Administration are hereby respectfully urged to consider favorably the undertaking of the *aforesaid* project, and be it further

Resolved, That the Governor of the State of California forward a copy of this resolution and maps of the proposed project to the President of the United States and to the Public Works Administration, and offer the services of the Engineering Department of the State of California to the Federal Government in the forwarding of this project or projects.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 65 adopted by the following vote

AYES—Senators Biggar, Crittenden, Denel, Difani, Gordon, Jespersen, Keough, McCall, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Seollan, Seawell, Tickle, and Wagy—22.

NOES—None.

Assembly Joint Resolution No. 65 ordered transmitted to the Assembly

Assembly Bill No. 2393—An act to be known and cited as the Yacht and Ship Brokers Act, to define yacht and ship brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create the office of Yacht and Ship Brokers Commissioner within the Department of Professional and Vocational Standards; and to provide for the enforcement of said act and penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2393 refused passage by the following vote

AYES—Senators Crittenden, Fletcher, Hulse, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Powers, Schottky, Seollan, Seawell, Tickle, and Wagy—15.

NOES—Senators Denel, Difani, Jespersen, Keough, Olson, Perry, and Stow—7.

Assembly Bill No. 1392—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution, and providing for the reporting of appointments and certification of estimates, pay rolls and accounts of other officers and employees of the State and declaring the urgency of this act and providing that it shall take effect immediately.

Amendment from the Floor.

During third reading of Assembly Bill No. 1392, the following amendment, offered by Senator Seollan, was read and adopted:

Amendment No. 1.

On page 5, line 27, of the printed bill, as amended, after the period, insert the following: "In determining the rating of each candidate at such an examination, there shall be added to the mark attained by him upon the examination, one point for each month, or fraction thereof, of State service rendered by him subsequent to June 20, 1934."

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 1010—An act to amend sections 1, 2, 3, 4 and 5 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, as amended, relating

to the inspection of canneries, the State Board of Public Health and to the power and duties thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1010 passed by the following vote:

AYES—Senators Biggar, Denel, Difani, Edwards, Gordon, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Schottky, Scollan, Seawell, Snyder, Stow, Tickle, and Wagy—24.

NOES—None.

Title read and approved.

Assembly Bill No. 1010 ordered transmitted to the Assembly.

Unanimous Consent Granted.

Senator Hulse asked for, and was granted, unanimous consent to take up for second reading, out of the regular order, Senate Bill No. 1134.

Second Reading of Senate Bill No. 1134.

Senate Bill No. 1134—An act to repeal sections 4a and 4b of an act entitled "An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to elections and to qualification of electors, this act to take effect immediately.

Bill read second time.

Resolution.

The following resolution was offered:

By Senator Hulse:

Resolved, That Senate Bill No. 1134 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Difani, Edwards, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Snyder, Stow, Tickle, and Wagy—30.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of reading Senate Bill No. 1134 the third time.

Third Reading of Senate Bill No. 1134.

Senate Bill No. 1134—An act to repeal sections 4a and 4b of an act entitled "An act to provide for the government of irrigation districts having an area of more than five hundred thousand acres and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the over-

flow of rivers and for that purpose to provide additional power for boards of directors within such irrigation districts." approved January 21, 1935, relating to elections and to qualification of directors, this act to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. That act is herein declared to be an urgent measure necessary for the immediate protection of the people, public health and safety, within the meaning of section 4 of Article IV of the Constitution of the State of Colorado, and therefore shall take effect immediately. The following is a statement of the facts constituting such emergency:

It is necessary that an election of trustees for said water board act for the purpose of submitting to the voters of the district election returns prepared according to the government of the United States and a petition or petitions for the issuance of district bonds, which election or elections must be called and held prior to ninety days after the final adjournment of the Legislature at this session if the district is to avoid (first of Federal and his county) election purposes within the time having therefor by the Federal Government. Pending legislation concerning the election and organization of the election board, necessary to the procedure pending the election of the board of directors of districts, which emergency it is the purpose of this act to avoid.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES: Senators Dugas, Cottonsden, Deuel, Deuel, Deuel, Edwards, Fletcher, Gordon, Hays, Hulce, Jorgensen, Keough, Knowland, McCormack, McGowan, McManis, Metzger, Minter, Parkman, Pennington, Reed, Schmitt, Sharkey, Slater, Sturges, Sutter, Sutter, Stew, Tuckie, and Wagoner.

NOTES: None.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1134 passed by the following vote:

AYES: Senators Rigger, Cottonsden, Deuel, Deuel, Deuel, Edwards, Fletcher, Gordon, Hays, Jorgensen, Keough, Knowland, McCormack, McGowan, McManis, Metzger, Minter, Parkman, Pennington, Reed, Schmitt, Slater, Sturges, Sutter, Stew, Tuckie, and Wagoner.

NOTES: None.

Title read and approved.

Senate Bill No. 1134 ordered transmitted to the Assembly.

Motion to Reconsider

Pursuant to notice given on a previous day, Senator Keith moved to reconsider the vote whereby Assembly Bill No. 207 was refused passage.

The question being on the motion to reconsider.

Reconsideration Refused

The roll was called, and reconsideration refused by the following vote:

AYES: Senators Fletcher, Keough, Knowland, McGowan, Parkman, Seward, and Sharkey. 7.

NOTES: Senators Rigger, Cottonsden, Deuel, Deuel, Deuel, Gordon, Jorgensen, McCormack, Minter, Pennington, Reed, Schmitt, Slater, Sutter, Stew, Tuckie, Wagoner, and Young. 17.

Re-reference of Assembly Constitutional Amendment No. 78.

Senator Hulce moved that Assembly Constitutional Amendment No. 78 be re-referred to Committee on Constitutional Amendments.

Motion carried, and such was the order.

Third Reading of Assembly Bills.

Assembly Bill No. 2459—An act to prevent the entry into California of paupers, vagabonds, indigent persons, persons likely to become public charges, providing means for enforcing the same and prescribing penalties for the violation thereof, declaring the urgency thereof, and providing it shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2459 refused passage by the following vote:

AYES—Senators Difani, Duval, Edwards, Hulse, Mixter, Parkman, Perry, Rich, Sharkey, Snyder, Stow, Wagy, and Young—13.

NOES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Jespersen, Keough, Knowland, McColl, McCormack, McGovern, McGuinness, Metzger, Olson, Pierovich, Schottky, Scollan, Seawell, Slater, and Tickle—20.

Assembly Bill No. 86—An act to establish a system of unemployment reserves for this State, and making an appropriation therefor.

Bill read third time.

Communications.

The following communications referring to Assembly Bill No. 86 were received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, June 15, 1935.

*Honorable William F. Knowland, Senate Chamber,
State Capitol, Sacramento, California.*

Subject: Assembly Bill No. 86, as amended in Senate June 14, 1935.

DEAR SENATOR KNOWLAND: You have asked for our opinion as to:

1. When Assembly Bill No. 86, as amended in Senate June 14, 1935, will take effect?

2. What will happen if the Federal law imposing the pay roll tax against which employers' contributions under Assembly Bill No. 86 may be credited, is repealed or amended so that the employers' contribution under Assembly Bill No. 86 can not be credited on the Federal tax?

In our opinion, Assembly Bill No. 86 will take effect when a Federal law is enacted which imposes a pay roll tax on employers and permits "all or any part" of the contributions under Assembly Bill No. 86 to be credited thereon.

Whenever such Federal law is changed to stop such crediting, or is repealed, then the provisions of Assembly Bill No. 86 requiring collection of contributions and payment of benefits will cease to operate, no further collections or payments will be made, and the State Treasurer will hold the moneys collected.

We base these conclusions on the provisions of section 2 of the bill as amended.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

Also:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, June 15, 1935.

*Honorable William F. Knowland, Senate Chamber,
State Capitol, Sacramento, California.*

Subject: Assembly Bill No. 86, as amended in Senate June 14, 1935.

DEAR SENATOR KNOWLAND: Supplementing our letter to you of this date on the above bill, we now take up the further question asked by you, which is the following:

Suppose legislation is enacted by the United States Government this year proposing a pay roll tax which, however, will not take effect until 1937 or some later date, would the tax levied by the bill take effect in 1936?

In our opinion, the provisions of the bill levying the tax in 1936 would not take effect.

We base this opinion upon the fact that the third sentence of section 2 of the bill as amended provides that the bill shall take effect only in the case legislation is enacted by the Federal Government providing for a tax upon the payment of wages by employers "against which all or any part of the contributions required by this act may be credited."

Obviously, the contributions required by this act for the year 1936 could not be credited against a Federal tax for that year if there were no such Federal tax. There-

fore, such a Federal bill would not come within the terms of section 2 of the bill and the bill would not take effect as to any tax in 1935 or such year.

Very truly yours,

FREDERICK WOOD, Legislative Counsel.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 86 passed by the following vote:

AYES.—Senators Ruggie, Cretzschmar, Donald, DeHaven, Thomas, Edwards, Franklin, Garrahan, Gordon, Hays, Johnson, Keith, Keithley, McLaughlin, McQuinn, McHenry, Moss, Metzger, Myers, Olson, Patterson, Patterson, Roth, Sandoz, Seidner, Stewart, Sharkey, Slater, Snyder, Snow, Tinkle, Wagg, and Young—33.

NOTES.—None.

Title read and approved.

Assembly Bill No. 86 ordered transmitted to the Assembly.

Senate Bill No. 1018 Recalled from Assembly.

Senator Sharkey moved that Senate Bill No. 1018 be recalled from the Assembly.

Motion carried.

Assembly Bill No. 1020 Recalled from Assembly.

Senator Sharkey moved that Assembly Bill No. 1020 be recalled from the Assembly.

Motion carried.

Resolution

Industrial Accident Commission Investigation.

The following resolution was offered:

By Senator Snyder:

WHEREAS The Industrial Accident Commission of the State of California is charged with the enforcement of the workmen's compensation and injury laws; and

WHEREAS The efficient administration of the duties imposed upon the Industrial Accident Commission is of the highest concern to the welfare both of employers and employees; and

WHEREAS It is of the utmost importance to such the employers and employees of this State that the duties of said commission be discharged in a judicial manner and with entire impartiality; now, therefore, be it

Resolved by the Senate of the State of California, That the President of the Senate shall be and he hereby is empowered to appoint a committee of five members of the Senate for the purpose of investigating the administration of the Workmen's Compensation, Insurance and Safety Act of 1917, by the present commission and all of the activities of said commission in all of their aspects and phases, and be it further

Resolved That the said committee be and it is hereby authorized to do and do all things necessary to make a full and complete investigation of the matters hereinbefore referred to and to require the production of books, documents, documents, reports, accounts and papers of every kind by every witness to attend the attendance of witnesses and to produce testimony. Every member of the committee is hereby authorized to administer oaths and all of the powers of Article VIII of Chapter VIII, Title I, Part III of the Political Code, relating to the attendance and assembly of witnesses before the Legislature and committees thereof shall apply to the committee created by this resolution, and it shall be the duty of all officers of the State or of any county, city and county, city, or other political subdivision of the State to furnish such information and reports as shall be required by the said committee; and be it further

Resolved That for the purpose of paying the expenses of said committee in connection with the duties imposed by this resolution and for the purpose of paying the expenses of the necessary assistants of said committee that there shall be and there hereby is appropriated out of the contingent fund of the Senate the sum of \$1,500 and the State Controller shall upon the certification of the chairman of said committee draw his warrant upon, and the State Treasurer shall pay, all sums so drawn from the contingent fund of the Senate of the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Gordon, Hays, Knowland, McColl, McCormack, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Seawell, Sharkey, Slater, Snyder, Stow, Waggy, and Young—27.

NOES—Senators Garrison, Jaspersen, Keough, Olson, Schottky, and Scollan—6.

Resolution to Withdraw from Committee.

The following resolution was offered:

By Senator Fletcher:

Resolved by the Senate of the State of California, That Assembly Bill No. 588 be withdrawn from the Senate Committee on Revenue and Taxation and placed on file.

Motion to Lay on the Table.

Senator Sharkey moved that the resolution offered by Senator Fletcher be laid on the table.

Ayes and Noes Demanded.

A roll call was demanded by Senators Olson, Crittenden and Garrison, on the adoption of the motion to lay on the table.

The roll was called, and the motion adopted by the following vote:

AYES—Senators Crittenden, Deuel, Difani, Duval, Edwards, Hays, Keough, Knowland, McCormack, McGuinness, Mixer, Parkman, Perry, Rich, Sharkey, Slater, Snyder, Stow, and Waggy—19.

NOES—Senators Fletcher, Garrison, Gordon, Jaspersen, Metzger, Olson, Pierovich, Schottky, Scollan, and Young—10.

Resolution.

The following resolution was offered:

By Senator Tickle:

Resolved, That the sum of \$3,548.50 be, and the same is hereby appropriated out of the fund for pay of officers, and other employees of the Senate, to the order of Joseph A. Beck, Secretary, for services of self and other officers and employees in arranging and preparing the bills, books and all other records of the Senate, in filing the same with the Secretary of State as provided by law, and for compiling, correspondence, mailing and otherwise attending to the business of the Senate, subsequent to adjournment of the fifty-first session of the Legislature.

For the further purpose of indexing, correcting, comparing and proof reading the Journal of the Senate of the fifty-first session of the Legislature, and making the information therein contained readily available for the use of members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the said fifty-first session.

And for the further purpose of compiling, preparing and having printed after final adjournment a Final Calendar of the legislative business of the fifty-first session, said calendar to comprise the history of all bills introduced, their authors, the number that shall have become laws, those that shall have been read a second time, and any and all such other information as will provide a perfect history of the session's business and a guide for the information of subsequent sessions of the Legislature. When said Final Calendar is prepared, the Secretary is directed to forward one copy to each public library in the State, which may apply for same, and one copy to each member of the Senate; and be it further

Resolved, That the State Controller is hereby authorized and directed to draw his warrant upon the unexpended balance of the fund provided for the pay of officers, and all other employees of the Senate, in favor of Joseph A. Beck, Secretary of the Senate, in the sum of \$3,548.50, and the Treasurer is hereby directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Keough, Knowland, McColl, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Snyder, Stow, Waggy, and Young—29.

NOES—None.

Resolution

The following resolution was offered:

By Committee on Contingent Expenses

WHEREAS, The members of the Society will have no been obliged by their common sense of reason that will they have of some advantage and other persons rather at the time of that society, therefore be it

Review of THE LIFE OF GEORGE A. COOPER, by F. N. COOPER. New York: Charles Scribner's Sons, 1906. Pp. 320. \$1.50.

Such a book is a rare thing, and it is a pleasure to find one so well written and so full of interest. The author, F. N. Cooper, is a well-known writer of fiction, and his knowledge of the life of George A. Cooper is well shown in the book. The book is a biography of George A. Cooper, and it is a very interesting and well-written one. It is a book that is well worth reading, and it is a book that is well worth recommending.

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Resolution read

The question being on the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

Aves: Saunders, Rice, Cuthbert, Dean, Jones, Jones, Phipps, Carson,
Gordon, Hays, Johnson, Keane, Keane, Marshall, May, May, McManis,
Motzger, Mixter, Olson, Parkman, Perry, Pionatich, Rich, Schottky, Seawell,
Shelton, Shinn, Steele, Stone, Wray, and Young.

1911

Resolution

The following result (Theorem 1) was obtained:

By Committee on Un-American Activities

Resolved, That the Committee be and they are authorized to draw his warrant on the contingent fund of the Senate in a sum of one thousand five hundred dollars (\$1,500) to be paid to the printer of the Senate and the House of Representatives for the cost of the printing, the telegraph service, telephone, manual typewriter, miscellaneous printing, expenses and any other incidental expenses of the Committee in the discharge of the duties assigned to it by the Senate of the United States, and to receive for and expend on behalf of the Committee on the part of the

KING
 & TOWN
 BOOKS

Resolution read

The question being on the adoption of the resolution

The roll was called and the resolutions adopted by the following vote:

[illegible]

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Recess

On motion of Senator Reed, at six o'clock and two minutes p.m., the President of the Senate declared recess until nine o'clock p.m.

Reconvened.

At nine o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate in the chair.

Secretary Joseph A. Beek at the desk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 15, 1907

MR. PRESIDENT. I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 95. An act making an appropriation for the control and conservation of flood waters in San Diego County.

Also: Assembly Bill No. 856—An act to appropriate money for flood control, including conservation and the relief of unemployment, in San Bernardino County and the Santa Ana River Basin;

Also: Assembly Bill No. 1084—An act providing for completion of investigation and report by Division of Water Resources, Department of Public Works on flood control, hydroelectric development and conservation and utilization of water supply of Salinas River Basin;

Also: Assembly Bill No. 1915—An act making an appropriation to dredge Alamos Bay;

Also: Assembly Bill No. 2487—An act to appropriate the sum of one million dollars for flood control work by the Los Angeles County Flood Control District, and to provide for the manner of expending such appropriation.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bills Nos. 95, 856, 1084, 1915, and 2487 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State by adding to Article XIII thereof, a new section to be numbered 5, relating to taxation.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Constitutional Amendment No. 9 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2475—An act making an appropriation to pay the claim of Fred Froehlinger against the State of California;

Also: Assembly Bill No. 2131—An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission against the State of California;

Also: Assembly Bill No. 2111—An act making an appropriation to be expended by and under the direction of the Department of Public Works for the purpose of rectifying, improving and protecting the channel of the Pajaro River, and providing flood protection for adjacent lands, in Santa Cruz and Monterey counties;

Also: Assembly Bill No. 1276—An act to provide for the investigation and study of the control and suppression of blackbirds, coots, linnets, horned larks and other birds or animals in relation to damage to agricultural crops;

Also: Assembly Bill No. 2496—An act to amend section 10 of the Political Code, relating to holidays;

Also: Assembly Bill No. 2464—An act to provide for the payment of delinquent taxes with farm products, creating the California Farm Delinquent Tax Adjustment Commission, defining its powers and duties and declaring the urgency thereof to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill Nos. 2475, 2131, and 2111 read first time, and referred to Committee on Finance.

Assembly Bill No. 1276 read first time, and referred to Committee on Agriculture and Live Stock.

Assembly Bill No. 2496 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 2464 read first time, and referred to Committee on Governmental Efficiency.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 2500—An act to amend section 4322 of the Political Code, relating to county officers and employees;

Also Assembly Bill No. 1429. An act authorizing any irrigation district, reclamation district, municipal utility district, public utility district, irrigation, water contract, water storage district, and any person or municipal corporation, public subdivisions, district, State agency or authority, or other person and various municipal districts with the Water Project Authority of the State of California created in and by the Central Valley Project Act of 1933, within the provisions of Chapter 1944 of the Statutes of 1933, and authorizing any such agency or entity to comply with the provisions of any such contract, and authorizing any such agency or entity to segregate, allocate, convey and pledge revenues derived from the creation or distribution of irrigation contract fees with future project authority under any such contract, for the purpose of securing corporate under such contracts, and authorizing any such agency or entity to receive a license or permit for the purpose of such contract, funds received in which shall be and constitute a trust fund for the purpose of making payments under such contract to such water project authority:

Also Assembly Bill No. 1471. An act to amend Section 84 of the Rural Sanitary Act of 1903, approved June 11, 1903, relating to the collection of the tax.

ARTHUR A. GHEINIMUS, Chief Clerk.
By FRED J. DIERER, Assistant Clerk.

Assembly Bill No. 2700 read first time, and referred to Committee on County Government.

Assembly Bill No. 1229 read first time, and by unanimous consent ordered on file for second reading, without reference to committee.

Assembly Bill No. 1871 read first time, and referred to Committee on Revenue and Taxation.

Also

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate Amendment to Assembly Bill No. 1215—An act to amend sections 13 of an act entitled "An act to regulate the practice of optometry," to provide for the appointment of a Board of Optometry, define its duties and powers and prescribing a penalty for the violation of the act," approved June 16, 1913, relating to the regulation of the practice of optometry—and requests that your honorable body concur therein.

ARTHUR A. GHEINIMUS, Chief Clerk.
By FRED J. DIERER, Assistant Clerk.

Message on Assembly Bill No. 1215 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in the Senate Assembly Bill No. 1689—An act to amend sections 677 and 680 and to repeal sections 686a of and to add sections 686b and 686c to the Political Code, relating to State government.

Also: Senate Bill No. 1018—An act to amend sections 776, 777, 779 and 781 and to repeal section 778 of the Vehicle Code, relating to funds.

ARTHUR A. GHEINIMUS, Chief Clerk.
By FRED J. DIERER, Assistant Clerk.

Assembly Bill No. 1989 and Senate Bill No. 1018 ordered on file as unfinished business.

Resolution.

The following resolution was offered:

By Senator Difani:

WHEREAS, Frank A. Miller, of Riverside, California, master of the Mission Inn, exponent and inspiration in matters of world peace and international good will, was one of the outstanding leaders, not only in his own community and his own country, but in the entire State; and

WHEREAS, The vision of Frank A. Miller and the personality, courage and ability which made it possible for him to translate this vision into reality, made him a reputation which was international and which reflected honor to the State in which he exerted such influence for so many years; and

WHEREAS, The news has just reached the Senate of the death of Frank A. Miller in his seventy-seventh year; therefore be it

Resolved by the Senate of the State of California assembled in its fifty-first session. That it express its profound sorrow at the death of one of its most outstanding citizens; that it pause for a moment in respect for his memory and that it adjourn on this fifteenth day of June, 1935, in the honor of Frank A. Miller; and be it further

Resolved. That this resolution be included in the Journal of this day; and that copies thereof be sent to Mrs. Frank A. Miller; Mrs. Alice Richardson; and Mr. and Mrs. DeWitt Hutchings.

Remarks.

The following remarks, offered by Senator Difani, were ordered printed in the Journal:

To the Hon. George J. Hatfield and the Members of the Senate of the State of California.

GENTLEMEN: When the Senate closes its labor day, it will do so out of respect to Frank A. Miller, master of the Mission Inn of Riverside, California, who this day was called to his reward by the Grand Master of us all.

California, in the passing of this beloved pioneer, has lost one other of those, who in the early years of the Nineteenth Century through vision of our glorious future, made it possible for those of us who were to follow to enjoy the fruits of their marvelous labors.

Frank Miller was honored as few men have been privileged. Japan conferred upon him the Order of the Rising Sun out of appreciation and respect for all his efforts in behalf of world peace, he being the sponsor of the Institute of International Relations where at his world famous hostelry, the Mission Inn, the meetings of the institute have been conducted for many years.

Largely through his efforts, and his father before him, the desert has been reclaimed and a veritable garden has replaced the sand wastes, with its thousands of acres of citrus and other agricultural acreage.

He it was who first inaugurated the Easter sunrise service upon Mt. Rubidoux and made of his hospitable inn a mecca for the tourists of the world.

Truly we mourn the passing of our friend, a true Californian, and our deepest sympathy has this day been expressed in the resolution adopted and found in our Senate Journal of this day.

LEONARD J. DIFANI,

Senator, 37th District of the State of California.

Resolution read, and on motion of Senator Difani, adopted.

Communication.

The following communication was received, read, and ordered printed in the Journal:

*To the Members of the Senate,
State of California.*

GENTLEMEN: This is to inform you that I have received from the State printing Department the communication set forth below, together with check from the State Printer in the sum of six hundred sixteen dollars and eleven cents (\$616.11) which check I have endorsed in favor of the State Controller to be credited to the legislative printing fund.

Respectfully submitted,

J. A. BEEK, Secretary of the Senate.

STATE OF CALIFORNIA, BUREAU OF PRINTING,
SACRAMENTO, June 10, 1935.

Hon. Joseph A. Beek,
Secretary of the Senate,
State Capitol.

DEAR SIR: I have the pleasure of rendering you a statement of accounts showing our disposition and sale of copies of the fiscal budget, legislative bills, Journals, histories or other material under Rules of the Fifty-first Legislature.

By accounts to May 31, 1935:	Subscribers	@	
Daily Service (all bills, etc.)-----	209	\$35 00 each-----	\$7,315 00
History and Journal service (daily) 1		17 50 each-----	17 50
Chaptered Law service (daily)-----	80	5 00 each-----	400 00
Reprints (various bills, subject lists, enrolled bills)-----	177		419 85
Fiscal Budget-----	325	50 each-----	162 50
Total-----			\$8,314 85

By expenses in operation.

Salaries administrative costs (estimated) postage, etc.		
January, 1915	\$7 10	98
February-----	107	50
March-----	1 174	11
April-----	1 061	05
May (estimated)-----	5 000	00
June (estimated)-----	576	05
Total	\$7,000	02

Net Surplus

\$1,268 20

By our check to order of the Assembly-----	\$634	12
By cash on hand from the Finance (on order California Chamberlain)	58	00
By our check to order of Senate-----	616	11

Total

\$1,268 20

Actual expenses for May and June will be shown when we render our annual report on July 1, 1915. Advertising and similar items representing our surplus will appear before the end of the Fifth Year Legislature is concluded. We anticipate when all expenses are paid that a net surplus of about 50 per cent will accrue to the credit of our Legislature.

Our check for \$616 11 is enclosed and the amount is accounted to the State Chamberlain for deposit in the appropriation for legislative printing, binding, etc., under Chapter 18, Statutes of 1915.

Respectfully submitted,

GEORGE H. MORRIS, State Treasurer.

Reports of Standing Committees

The following reports of standing committees were received, read, and the bills reported thereon were ordered on file for second reading:

On Finance.

SENATE CHAIRMAN, SENATOR GEORGE, June 15, 1915.

MR. PRESIDENT: Your Committee on Finance, to which were referred Assembly Bill No. 1565—An act to provide for the construction, printing, binding, purchasing, and distribution of a Legislative Manual and State Blue Book, on which, requesting all constituent acts and making an appropriation to carry out the provisions hereof.

Also, Assembly Bill No. 1568—An act to add a new section to be entitled section 17 to "An act to provide for county filers' powers, and revision of new constitution supported in whole or in part by the State or any of the political subdivisions, making appropriation therefor and appropriating monies for the training of the members of the act," approved May 28, 1915, relating to act to the county clerk. Has had the same under consideration, and respectfully states to the Senate body with members, and transmits that the amendments be adopted, and that time be taken as provided.

Committee membership—10. Committee vote: Aye—14; Aye—5.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which were referred Assembly Bill No. 1564—An act to amend sections 5, 6, 7, 8, 9, 10, 17, and 18 of an act entitled "An act defining malfeasance, neglecting the holding, thinking, and use thereof, prohibiting the use of machinery and electronic machines therein, providing that machinery used shall be submitted, together with the percentage of malfeasance used in such malfeasance cases, and prescribing the manner in which malfeasance shall be defined, and making the violation of any of the provisions of this act a misdemeanor, and repealing existing provisions with this act," approved June 7, 1915, and to add thereto a new section to be entitled section 23, all relating to the administration of said act by the Bureau of Furniture and Building Inspection and the powers and duties of the officers thereof.

Also, Assembly Bill No. 1567—An act to amend sections 18 and 24 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Product Commission, providing for the appointment of members of said commission, fixing the term of office of the members of said commission, prescribing the powers, duties and authority of said commission and the members thereof, providing for the institution of prosecution programs with respect to agricultural crops, providing for the enforcement of such programs, providing penalties for violation of such programs, providing for the creation of funds for the purposes of said act and providing for the

collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to fees;

Also: Assembly Bill No. 1001—An act to authorize the Division of Water Resources of the Department of Public Works to gather and correlate information and data pertinent to an annual forecast of seasonal water crop, including the making of snow surveys, and to cooperate with other agencies in such work, and making an appropriation therefor;

Also: Assembly Bill No. 1562—An act to amend sections 1, 2, 5, 6, 7, 8, 9 and 14 of an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling or repairing upholstered furniture; and creating the upholstered furniture inspection fund," approved May 9, 1927, relating to the administration thereof by the Bureau of Furniture and Bedding Inspection of the Department of Professional and Vocational Standards;

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote: Ayes—14; absent—5.

SHARKEY, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1037—An act to safeguard the public health, to regulate the diagnosis and treatment of human ailments by means of X-rays and the use, ownership and possession of X-ray appliances for said purposes; providing for the licensing of persons operating X-ray appliances and laboratories, declaring the treatment of human ailments by means of X-rays to constitute the practice of medicine; prescribing penalties for violation of the act; declaring the possession, maintenance or operation of X-ray appliances in violation of the provisions of the act to constitute a public nuisance, and otherwise providing for the enforcement of the act—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and the bill be re-referred to the Committee on Finance.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 2489—An act to amend sections 105, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles—has had the same under consideration, and respectfully reports the same back, without recommendation.

Committee membership—11; committee vote: Ayes—8; absent—3.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 234—An act creating a Commission for the Coordination of State and Local Governments, defining its powers and duties, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 1605—An act to amend sections 3.330, 3.331, 3.332, 3.333, 3.334, 3.335 and 3.337 of the School Code, relating to the attendance of pupils residing in California upon the public schools of adjoining States—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—15; committee vote: Ayes—9.

(Signed out)

JESPERSEN, Chairman.
DEUEL.
PARKMAN.
KNOWLAND.
SCHOTTKY.
OLSON.
POWERS.
TICKLE.
MCCOLL.

Second Reading of Assembly Bill.

Unanimous consent was granted to take up for second reading, without reference to file, the following Assembly bills:

Assembly Bill No. 234—An act creating a commission for the coordination of State and local governments, defining its powers and duties, and making an appropriation therefor.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendment to Assembly Bill No. 234 was read and adopted:

Amendment No. 1.

On page 1, lines 19 and 20, of the printed bill, to paragraph 1, strike out "The President pro tempore of the Senate and those Senators designated by him", and insert in lieu thereof the following: "Four members of the Senate to be appointed by the President of the Senate".

Bill read second time, ordered to reprint, and so file for third reading.

Assembly Bill No. 2278—An act to amend sections 3 and 9 of, and to add sections 17 and 18 to "An act to provide for county blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to the newly blind.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 2278 was read and adopted:

Amendment No. 1.

On page 2, line 45, of the printed bill, after the word "county", insert the words "or city and county", and in line 45, after the word "county", insert the words "or city and county", and in line 54, after the word "county", insert the words "or city and county".

Bill read second time, ordered to reprint, and so file for third reading.

Assembly Bill No. 2295—An act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book or Roster, repealing all conflicting acts and making an appropriation to carry out the provisions hereof.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Finance, the following amendments to Assembly Bill No. 2295 were read and adopted:

Amendment No. 1.

On page 1, line 4 of the title of the printed bill, strike out "making an appropriation", and insert in lieu thereof the following: "providing the means of meeting the expenses".

Amendment No. 2.

On page 1, line 1, of the printed bill, strike out "Secretary of State", and insert in lieu thereof the following: "State Printer".

Amendment No. 3.

On page 1, lines 2 and 3, of the printed bill, strike out "ten thousand", and insert in lieu thereof the following: "two thousand five hundred".

Amendment No. 4.

On page 1, line 5, of the printed bill, after the period after "year" insert the following: "The sum of seven thousand five hundred dollars to cover costs of compiling, publishing and distributing the Legislative Manual, State Blue Book or

Roster, shall be paid from the fund provided for printing of the Legislature in the fifty-first session thereof."

Amendment No. 5.

On page 1, lines 7 and 8, of the printed bill, strike out "State officer".

Amendment No. 6.

On page 1, line 8, of the printed bill, strike out "twenty-six", and insert in lieu thereof the following: "ten".

Amendment No. 7.

On page 1, line 9, of the printed bill, strike out "twenty copies;" and insert in lieu thereof the following: "three hundred fifty copies;"

Amendment No. 8.

On page 1 of the printed bill, strike out line 10, and insert in lieu thereof the following: "fifty copies, and to all other elective officers of this State, two copies".

Amendment No. 9.

On page 1, line 14, of the printed bill, strike out "Secretary of State", and insert in lieu thereof the following: "State Printer".

Amendment No. 10.

On page 1, line 15, of the printed bill, strike out "him", and insert in lieu thereof the following: "Department of Finance".

Amendment No. 11.

On page 1, line 16, of the printed bill, strike out "general", and insert in lieu thereof the following: "legislative printing".

Amendment No. 12.

On page 1 of the printed bill, strike out lines 19 to 22, inclusive.

Bill read second time, ordered to reprint, and on file for third reading.

Call of the Senate.

Senator Stow moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Deuel, Difani, Duval, Fletcher, Garrison, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Pierovich, Schottky, Slater, Stow, Tickle, Wagy, and Young—20.

The Secretary announced the absentees.

Time, nine o'clock and fifty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills.

Assembly Bill No. 1267—An act to amend the title and to add three new sections, to be numbered 2a, 2b and 2c, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the health of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to the use of closed containers and providing for the sterilization of used bottles and containers used for foods, drugs and liquors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1167 passed by the following vote:

[illegible]

Title not assigned

Assembly Bill No. 1977 introduced in the Assembly

Assembly Bill No. 2009—An act to amend section 10 of an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, relating to length of residence.

1310 round third glass.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 300 passed passage in the following vote:

AYER, CHARLES DORR. 1901. *Fishes of Massachusetts*. Univ. of Cal. Studies, Zoology, 1:1-315, and Plates 1-10.

New, Sweeney, Williams, Hawk, Gorman, Hale, Jennings, Knight, Wynn,
and McGowan, M.C. County, Missouri. Major, 1864; President, 1866; Kansas
State, Fiske, and Young, 48.

Assembly Bill No. 2499.—An act to prohibit credit unions from selling and/or certain chattel mortgages, to extend the rights of lienholders upon such obligations, to make available at the instance of the owner any sale made in violation of the act, to prescribe the same method which an action to avoid such a sale may be brought, and to declare the urgency thereof, and so possible that this act shall become operative.

Bill read third time

Lugones, Clara

See 7. This can be broadly defined to be an attempt, however necessary, to the immediate preservation of the system given health and safety, within the limits of Section 1 of Article IV of the Constitution, and shall therefore go unremediated.

The issue concerning the treatment of all patients. A social economic dimension exists throughout the State, involving issues of an unequal right to care by individual and of class differences in obtaining primary health care. As a result, citizens through primary care, that are being provided all their citizens. The provisions of the law regarding insurance contributions remain are being covered by persons who are subject to the property affected by that same legislation and that of those in that same class who receive insurance as a result of their obligation. Consequently, the civil society is to be considered by citizens relating to insurance as a mortgage and that of those in that same class who are being affected by the same situation covered by this act is considered.

Urgency clause read.

The question being on the adoption of the negative clause

The roll was called, and the majority clause adopted by the following vote:

[illegible]

1998-1999

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 2499 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2499 ordered transmitted to the Assembly.

Assembly Bill No. 605—An act providing for the acquisition of lands for, and the construction, maintenance and operation of a building at the Pacific Exposition to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, resources of and other matters pertaining to the State of California at said Pacific Exposition, creating the California Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor.

Amendment from the Floor.

During third reading of Assembly Bill No. 605, the following amendment, offered by Senator Rich, was read:

Amendment No. 1.

On page 2, line 36, of the printed bill, strike out "twenty-five thousand dollars", and insert in lieu thereof "five thousand dollars".

Amendment to the Amendment.

Senator Duval moved to amend the proposed amendment No. 1 by striking out "five thousand dollars", and inserting in lieu thereof the following: "one dollar".

Amendment to amendment No. 1 adopted.

Consideration of the Amendment, as Amended.

Amendment No. 1.

On page 2, line 36, of the printed bill, strike out "twenty-five thousand dollars", and insert in lieu thereof the following: "one dollar".

Amendment adopted.

Bill read, ordered to reprint, and on file for third reading.

Assembly Bill No. 916—An act to add sections 3a, 15a and 20a to "The California Agricultural Adjustment Act of 1935," relating to ways, means, and moneys, and providing and appropriating moneys, for the administration and enforcement thereof and of regulation of producers, packers, distributors, shippers, marketers, handlers, processors, and others dealing in agricultural, viticultural, horticultural, animal, and poultry products and of any competing commodity or product thereof thereunder, and under the legislative standards in relating to the rehabilitation of agriculture therein specified, and declaring the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

(a) The economic conditions of agricultural producers throughout the State are such as to require immediate relief if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined.

to define the powers of the board. Such litigation might result in the stoppage of essential State functions and would thereby endanger the public peace, health and safety.

In addition Article XXIV of the Constitution granted rights thereunder to certain persons in the State service who became subject to its provisions. Existing laws do not adequately recognize or cover the status thus newly created nor do they adequately provide for disciplinary proceedings concerning such persons or the review of such proceedings by an appropriate administrative agency. One purpose of this act is to correct such defects, to avoid multiple suits in connection therewith, unwarranted salary claims against the State, and to facilitate the effective operation of the constitutional amendment and thereby improve the State service and the proper and adequate performance of State functions. It is therefore necessary that this act take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sewell, Slater, Stow, Tickle, Wagy, and Young—30.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1392 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Schottky, Scollan, Sharkey, Slater, Stow, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1392 ordered transmitted to the Assembly.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 327—An act making an appropriation for the control of Bang's disease in cattle under the provisions of Article 2, Chapter 3, Division II of the Agricultural Code, and declaring the urgency hereof—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19; committee vote: Ayes—15; absent—4.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 617—An act making an appropriation to pay the claim of the disbursing officer of the Department of Industrial Relations against the State of California;

Also: Assembly Bill No. 1735—An act to add a new section to the Political Code, to be numbered 689a, relating to use of the State's teletype system;

Also: Assembly Bill No. 100—An act making an appropriation for the support of Napa State Farm, to take effect immediately;

Also: Assembly Bill No. 1747—An act to add section 3a to "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to codification and compilation of county and city ordinances and resolutions;

Also: Assembly Bill No. 1091—An act making an appropriation for the enforcement of standards, quality and identity, covering the manufacture and sale of California wines and brandy;

Has had the same happy consideration, and respectfully request that same be recommended that they be passed.

Committee membership: 40; members vote: Ayes—27; Oppos—4.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1134—An act relating to incorporation to use the flag of the American Union of San Francisco County District Officers (the flag of California).

Also: Assembly Bill No. 1135—An act relating to incorporation for the celebration of John's Union, and of several county districts, and to use the flag of the United States, and of several county districts, and to use the flag of the United States.

Also: Assembly Bill No. 1136—An act relating to incorporation for the celebration of John's Union, and of several county districts, and to use the flag of the United States.

Also: Assembly Bill No. 1137—An act relating to incorporation for the celebration of John's Union, and of several county districts, and to use the flag of the United States.

Has had the same happy consideration, and respectfully request that same be recommended that they be passed.

Committee membership: 40; members vote: Ayes—11; Oppos—4.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1138—An act relating to incorporation for the celebration of John's Union, and of several county districts, and to use the flag of the United States.

Committee membership: 40; members vote: Ayes—11; Oppos—4.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1139—An act relating to incorporation for the celebration of John's Union, and of several county districts, and to use the flag of the United States.

Committee membership: 40; members vote: Ayes—11; Oppos—4.

SHARKEY, Chairman.

On Building and Construction.

SENATE JOURNAL, SENATE CHAMBER, June 15, 1935.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred Assembly Bill No. 2393—An act to be known and cited as the Yacht and Ship Brokers Act, to define yacht and ship brokers and salesmen, to provide for the regulation, supervision and licensing thereof, to create the office of Yacht and Ship Brokers Commissioner within the

CORREY, Chairman.

Motion to Reconsider

Senator Stark moved to reconsider the vote whereby Assembly Bill No. 2393 was refused passage.

The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES: Senators Crocker, Deane, Fisher, Garrison, Harbo, Hunt, Knight, Kneeland, McCann, McQuinn, McQuinn, Miller, Pritchard, Smith, Sullivan, Stark, S. Stone, Stone, T. Webb, Young—21.

NOES: Senators Ford, Gibson, Jorgensen, McQuinn, Miller, Stone, and T. Webb—6.

Reconsideration of Assembly Bill No. 2393.

Assembly Bill No. 2393—An act to be known and cited as the Yacht and Ship Brokers Act, to define yacht and ship brokers and salesmen, to provide for the regulation, supervision and licensing thereof, to create the office of Yacht and Ship Brokers Commissioner within the

Department of Professional and Vocational Standards; and to provide for the enforcement of said act and penalties for the violation thereof.

Bill read.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2393 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Pierovich, Rich, Schottky, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, and Young—25.

NOES—Senators Duell, Hays, Perry, and Scollan—4.

Title read and approved.

Assembly Bill No. 2393 ordered transmitted to the Assembly.

Reports of Standing Committee.

The following reports of standing committee were received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 718—An act to amend sections 384 and 439 of the Vehicle Code, relating to the registration and storage of vehicles;

Also: Senate Bill No. 801—An act to amend sections 2 and 3 of an act entitled "An act creating an Advisory Pardon Board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, relating to the powers and duties of the board;

Also: Senate Bill No. 1093—An act to add section 398 to the Political Code, relating to the Lieutenant Governor;

Also: Senate Bill No. 1131—An act to make an appropriation for emergency reclamation and flood control work on the San Joaquin River, declaring the urgency thereof and providing that this act shall take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 577—An act to amend section 3780 of the Political Code, relating to the redemption of property sold to the State for delinquent taxes;

Also: Senate Bill No. 589—An act to add section 10112 to the Insurance Code, relating to contract of minors for life insurance and disability insurance and annuity contracts;

Also: Senate Bill No. 604—An act to add sections 476, 477, 478 and 479 to the Political Code, relating to the powers and duties of the Attorney General;

Also: Senate Bill No. 700—An act to amend sections 1015 and 1016 of the Fish and Game Code and to add thereto section 670 and 1016.5, relating to fish;

Also: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XIII thereof, a new section to be numbered 17, relating to the power of the Legislature to provide for the borrowing of money to meet appropriations made by law, in anticipation of the collection of taxes and revenues;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 46 Relative to requesting the State Relief Commission and State Relief Administrator to provide employment on public works for persons over the age of sixty years and those only partially disabled;

Also: Senate Bill No. 277—An act to amend section 164 of the Civil Code, relating to community property;

Also: Senate Bill No. 365—An act to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924 of the Civil Code, relating to recording of notice of default and to giving notice of sale under deeds of trust and mortgages with power of sale; and to reenact, in order to continue the same in effect subsequent to September 1, 1936, section 2924b of the Civil Code, relating to giving of notice of recording of notice of default and of time and place of sale under

deeds of trust or mortgages with power of sale, and to transmit, in order to continue the same in effect subsequent to September 1, 1936, section 756a of the Civil Code, relating to reinstatement of loans when the date of payment has been postponed, and to transmit, in order to continue the same in effect subsequent to September 1, 1936, section 758a of the Code of Civil Procedure, limiting amount of interest judgments and the time within which action thereon may be commenced, and to transmit, in order to continue the same in effect subsequent to September 1, 1936, section 758b of the Code of Civil Procedure, prohibiting judgments judgments on purchase money mortgages and deeds of trust, and to transmit, in order to continue the same in effect subsequent to September 1, 1936, section 759a of the Code of Civil Procedure, limiting the trustee or attorney's fees when a mortgage or trust may be required to pay, and to transmit, in order to continue the same in effect subsequent to September 1, 1936, section 759b of the Code of Civil Procedure, permitting the beneficiary or trustee action in a deed of trust to bring suit to foreclose the same in the manner of a mortgage, all relating to the liquidation of real property and to obligations secured thereby. And reports that the same have been minutely examined and presented to the committee on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engineering, Architecture and Planning has examined Senate Bill No. 1067—An act to amend sections 7 and 24 of Chapter 996, Statutes of 1911, entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to their conventions and for appointing members of President and Vice President of the United States, and providing for the election of state senate members, and to amend and repeal an act approved April 7, 1911, known as the House Primary Law, and also to amend an act approved December 20, 1911, amending sections 4, 5, 6, 7, 14, 15, 17, 22, 23, and 24 of the said House Primary Law, and also to amend all other laws or parts of laws inconsistent with or in conflict with the provisions of this act, approved June 19, 1914, as amended, relating to party conventions, membership and organization of State, several counties and county central committees.

Also: Senate Bill No. 1077—An act to amend section 10 of the Fish and Game Storage District Act, enacted in assembly with the following amendments:

Also: Senate Bill No. 1080—An act to add section 706.7 to the Fish and Game Code, relating to abalones.

Also: Senate Bill No. 1082—An act to add new sections to the School Code as is numbered 6.245 and 6.246, relating to the sale of housing of school property.

Also: Senate Bill No. 1087—An act to amend section 870 of the Agricultural Code, relating to the standardization of sugar beets.

And reports that the same have been minutely examined and presented to the committee on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engineering, Architecture and Planning has examined Senate Bill No. 878—An act to regulate graduate engineers and geologists, the engineers and to provide for the licensing of the same.

Also: Senate Bill No. 900—An act to amend section 2110 of the Political Code as added by Chapter 992 of the Statutes of the Legislature and to add a new section to the Political Code as so amended, section 2110a, relating to a Board of State Harbor Commissioners for the Port of San Diego.

Also: Senate Bill No. 1007—An act to amend section 104 of and to add sections 995, 996, 997 and 998 to the Agricultural Code, relating to sugar beets and beet diseases, the elimination of no weevils, and authorizing boards of agricultural insect control, for the enforcement of the provisions of said sections.

Also: Senate Bill No. 1010—An act to add sections 10 and 14 to "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the public highways, streets and grounds within the State of California," and for the planting, care, protection and preservation of shade and ornamental trees, bushes, lawns, shrubs and flowers growing and to be grown in, and upon such roads, highways, grounds and grounds, and to amend section 1000, and to authorize such boards to appoint county foresters, and to prescribe the duties and powers of such boards, and for the compensation of county foresters, and to amend such laws, to add all laws and adopt and enforce any and all laws and amendments upon the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, bushes, lawns, shrubs and flowers, with relation to fire, disease, pests or any other dangers, of any nature, to the safety and preservation of such growths," approved April 28, 1900, relating to ornamental trees and shrubs and to boards of forestry.

And reports that the same have been correctly enrolled and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 797—An act to add a new section to the School Code to be numbered 6.53, relating to the duties, powers and liability of governing boards of school districts and members thereof in connection with school district buildings;

Also: Senate Bill No. 824—An act to amend sections 4041.8 and 4041.18 of the Political Code, relating to jurisdiction and powers of boards of supervisors;

Also: Senate Bill No. 825—An act to amend the title and section 1 of an act entitled "An act to enable counties to purchase, lease, obtain, hold, improve and maintain land for the uses and purposes of public parks and boulevards," approved May 31, 1929, relating to public boulevards;

Also: Senate Bill No. 826—An act to amend sections 363a and 363bb of the Political Code, and to add section 363s thereto, relating to the Department of Public Works;

Also: Senate Bill No. 827—An act to amend section 2620 of the Political Code, relating to the width of highways;

Also: Senate Bill No. 830—An act to amend sections 13 and 13a of the Motor Vehicle Fuel License Tax Act, relating to the disposition of funds received under said act;

And reports that the same have been correctly enrolled and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 662—An act to add a new section to the Penal Code to be numbered 597h, relating to cruelty to animals;

Also: Senate Bill No. 697—An act to amend section 2 of the "Sacramento and San Joaquin Drainage District Refunding Act," approved May 26, 1927, as amended, relating to the operation and maintenance of certain units or portions of the flood control work within the Sacramento and San Joaquin Drainage District;

Also: Senate Bill No. 701—An act to add section 4237.9 to the Political Code, relating to grand jurors and trial jurors fees and mileage in counties of the eighth class;

Also: Senate Bill No. 772—An act to amend section 150 of the Agricultural Code, pertaining to the qualification and certification of persons engaging for hire in the business of eradicating or controlling pests;

Also: Senate Bill No. 790—An act to amend the Vehicle Code by amending sections 37, 38, 66, 67, 73 and 135 by repealing section 44; by adding sections 44, 73.5 and 76, relating to vehicles, and the enforcement of law in relation thereto;

And reports that the same have been correctly enrolled and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 361—An act to add a new section to the Code of Civil Procedure, to be numbered 675b, relating to the discharge of a bankrupt from judgment;

Also: Senate Bill No. 432—An act to amend section 859 of the Civil Code, relating to trusts;

Also: Senate Bill No. 443—An act to add a new section to the Political Code to be numbered 3720, relating to the filing by county clerk with county assessors and the State Board of Equalization of certifications of new districts and changes in the boundaries of existing districts;

Also: Senate Bill No. 561—An act to amend sections 194, 195, 196, 197, 198, and 188 of, and to add new sections to be numbered 199, 200, 201, 202, 203, and 204 to, the Streets and Highways Code, relating to allocation and expenditure of moneys from the State highway fund within cities, and providing a procedure therefor;

Also: Senate Bill No. 587—An act to repeal sections 3664, 3664a, 3664a-1, 3664aa, 3664c, 3664d, 3664e, 3665a, 3665b, 3665c, 3666, 3666b, 3667, 3667a, 3667b, 3669c, 3670, 3670b, 3670bb, 3670c, 3670cc, 3670d, 3671, 3671a, and 3671b of the Political Code, Chapter 154 of the Statutes of 1921, to amend sections 3664b, 3664b-1, 3664b-4, 3668, 3668a, 3668b, 3668c, 3669, and 3669c of the Political Code, all relating to the carrying into effect of the provisions of section 14 of Article XIII of the Constitution of the State of California;

And reports that the same have been correctly enrolled and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engagement, Enrollment and Printing has examined Senate Bill No. 1093. An act to amend the "Hereditary Deaf Act" approved December 24, 1911, as amended by Amending Senate Bill 1092 relating to the appointment of medical personnel, examined, as appropriate, under and pursuant to Chapter 114 California Statutes of 1927 and the War Relocation Appropriations Act of Congress of the United States for the fiscal year ending June 30, 1930 being Public Law No. 545, Ninetieth Congress, Second Session, 28, 1929.

Also: Senate Bill No. 112. An act to amend sections 2, 13 and 17 of the Orange County Water District Act, approved June 18, 1925, relating to project and limits of the board of directors the maintenance of an water district and providing for limiting their powers as to the district budget and the issue of assessments.

Also: Senate Bill No. 248. An act to amend section 1087 of the Political Code relating to ethics laws.

Also: Senate Bill No. 266. An act to amend section 680 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

And reports that the same have been carefully considered, and presented to the Governor on the 9th month day of June, 1933, at San Francisco, Cal.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engagement, Enrollment and Printing has examined Senate Bill No. 1100. An act relating to various subdivisions and subsequent limits of the State of California as was created by Senate Bill.

Also: Senate Bill No. 1108. An act relating to the United States of America certain city and submunicipal lands of the State of California that violate laws and conditions.

Also: Senate Bill No. 1111. An act to amend section 1 of an act entitled "An act to amend the provisions and conditions of said Act which read as follows: That the act by the State, and providing for the preservation of said provisions of said provisions the same," approved May 18, 1927, relating to the provisions for the act of June 1927.

Also: Senate Bill No. 81. An act to amend a law and law to be amended relating to, to an act entitled "An act establishing a State Mining Bureau, creating the office of State Mining Engineer, fixing his duties and providing for his salary and duties, providing for the employment of various and sundry persons in said Bureau, making it the duty of persons in charge of mines, mining operations and systems to make certain reports, providing for the investigation of mining operations, including and transmittals and the presentation of information, including such findings (thereby creating a State Mining Bureau, but for the purpose of carrying out the provisions of this act and providing for the same). An act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, this board being the business management and control of said State Mining Bureau, and for the duties of the management, duties, and composition of a State Mining Bureau, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau," approved March 28, 1928, and all laws supplementary thereto and supplemental thereto or in conflict herewith," approved June 10, 1929, relating to mining in State territory.

And reports that the same have been carefully considered, and presented to the Governor on the 9th month day of June, 1933, at San Francisco, Cal.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engagement, Enrollment and Printing has examined Senate Bill No. 1085. An act to amend section 10025 of the Judicial Court Law, relating to the prohibition thereof.

Also: Senate Bill No. 1124. An act to amend sections 1100, 1217, 1228, 1230 and 1243 of the Penal Code, relating to persons convicted of the commission of crime.

Also: Senate Bill No. 1125. An act to amend sections 276, and 276 1/2 of the Political Code, relating to the Department of Penology.

Also: Senate Bill No. 1097. An act to amend sections 2 and 3 of an act entitled "An act for the preservation of the public health of the people of the State of California and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 2, 1907, amended April 1, 1911, June 18, 1913, and May 24, 1917, so as to prevent the construction and use of sewer walls extending into subterranean water-bearing strata used or intended to be used, or suitable for, a source of water supply for domestic purposes.

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 1078—An act to amend sections 1 and 2 of an act entitled "An act to require tax clearance by assessors and the State Controller as a prerequisite for the registration by the Motor Vehicle Department," approved May 15, 1933, relating to taxes on motor vehicles;

Also: Senate Bill No. 1086—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, and poultry products and of any competing commodity or product thereof; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and licenses; to limit the effective period of this act; to declare the existence of a State and National agricultural emergency;

Also: Senate Bill No. 1091—An act to add a new section to be numbered 8.5 to an act entitled "An act for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof," approved June 12, 1931, relating to the incurring of a bonded indebtedness and the sale and payment of the bonds;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 940—An act relating to the relief of hardship and destitution due to and caused by unemployment, setting forth the powers and duties of the Relief Commission and the Relief Administrator and making an appropriation for the purposes thereof and providing for the expenditure of unexpended balances heretofore appropriated for such purposes, setting forth certain acts to be misdemeanors and providing for the punishment and penalties therefor;

Also: Senate Bill No. 955—An act to amend section 373j of the Political Code, relating to the Department of Natural Resources;

Also: Senate Bill No. 1008—An act to amend an act entitled "An act to amend section 11 of "The California Districts Securities Commission Act," relating to the levy of annual assessments by irrigation districts, providing that said section shall remain in effect until November 1, 1937, and declaring this act an emergency measure enacted under the police power, approved April 8, 1935, by adding a new section thereto to be numbered section 3, relating to refunding bonds of irrigation districts issued pursuant to a plan or readjustment confirmed in any proceedings under the Federal Bankruptcy Act, and authorizing the levy of assessments in accordance with the terms of such refunding bonds;

Also: Senate Bill No. 1010—An act to amend section 737bb of the Political Code, relating to the compensation of the judge of the superior court in and for the county of Napa;

Also: Senate Bill No. 1075—An act authorizing the Director of Natural Resources to receive and hold land for future development for forestry purposes, to manage such land and dispose of the products thereof, and providing for the distribution of revenue therefrom, and to acquire land for development for State forestry purposes;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 836—An act to amend sections 1202a, 1572, 1576, and 1586, of the Penal Code, relating to the State prisons;

Also: Senate Bill No. 846—An act to amend sections 56.1 and 91 of the Bank Act, relating to the definition and regulation of the business of banking;

Also: Senate Bill No. 884—An act to add section 321.5 to the Agricultural Code, relating to meat inspection;

Also: Senate Bill No. 888.—An act to add three new sections to the School Code to be numbered 2,199.1, 2,199 and 2,199.2, relating to the attendance of pupils upon the public schools of California.

Also: Senate Bill No. 910.—An act to amend the Insurance Code, by adding Article 36 to Chapter 1 of Part 2 of Division 1 of said code, comprising sections 57.01 relating to the deposit of funds for investment in policies, or otherwise, with an insurer.

Also: Senate Bill No. 913.—An act to amend section 430 of the Fish and Game Code, as added by Chapter 374, Statutes of 1933, and to renumber said section to be sections 460, relating to the transportation of fish and game into this State.

Also: Senate Bill No. 916.—An act to amend section 471 of the Penal Code, relating to punishment for forgery.

And reports that the same have been correctly enrolled and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engineering, Enrolment and Printing has examined Senate Bill No. 704.—An act to amend sections 163, 709, 1684, and 1686 of the Insurance Code, to amend and renumber section 10880 of Article 34 of Chapter 8 of Part 2 of Division 2 of said code, and to add sections 710, 1608.5, 1711.5 and 1713.1, thereto, relating to insurance companies, policies, and business and matters incident thereto.

Also: Senate Bill No. 711.—An act to add sections 76 and 77 to "An act to provide for the payment of not less than the general prevailing rate of wages on public work, and not less than the general prevailing rate of wages for night, holiday and overtime work on public works, providing for the enforcement of such general prevailing rate by the public body awarding the contract and its compliance in the contract and all the bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each violation of such record, any contract or sublet less than the said rate and for a requirement to this effect in the contract, and providing other penalties for violation of the provisions thereof," approved May 25, 1931, relating to the employment of apprentices.

Also: Senate Bill No. 821.—An act to amend section 995 of the Probate Code, relating to appointment of guardians.

Also: Senate Bill No. 884.—An act to add section 37 to an act entitled "An act to amend the title and sections 1, 7, and 12 of, to repeal section 15 of, and to establish an institution for the confinement, care and education of women delinquents, and women convicted of a felony the punishment for which is less than death, to provide for its maintenance, conduct and government, and to make an appropriation therefor," approved May 9, 1935, relating to the California Institution for Women.

Also: Senate Bill No. 825.—An act to add section 1168a to the Penal Code, relating to the California Institution for Women.

And reports that the same have been correctly enrolled and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engineering, Enrolment and Printing has examined Senate Bill No. 601.—An act to amend section 26 of the Public Utilities Act, relating to foreign corporations which may transact public utility business.

Also: Senate Bill No. 610.—An act to add section 1290c to the Penal Code, relating to filing of reports by probation officers, with the State Board of Prison Directors.

Also: Senate Bill No. 614.—An act to amend section 644 of the Penal Code, relating to habitual criminals.

Also: Senate Bill No. 617.—An act to amend section 1168 of the Penal Code and to add thereto sections 1169c and 1168a, relating to crimes.

Also: Senate Bill No. 642.—An act to add section 21.4 to the Fish and Game Code, relating to damages for destruction of fish and game.

Also: Senate Bill No. 669.—An act to amend section 11716 of the Insurance Code, relating to insurance practice in respect to deposits of cash or security by workmen's compensation insurers.

Also: Senate Bill No. 732.—An act to amend section 14 of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to vehicles exempt from the provisions of said act.

And reports that the same have been correctly enrolled and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 518—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add Division IIa thereto, relating to missing persons;

Also: Senate Bill No. 533—An act to add Title XXV to Part IV, Division I, of the Civil Code, relating to the incorporation of cooperative corporations, who may organize, purpose and powers, distribution of benefits, and vote and consisting of sections 653.1 to 653.16;

Also: Senate Bill No. 534—An act relating to persons in private psychopathic institutions;

Also: Senate Bill No. 552—An act to add sections 980, 981, 1029 and 1030 to the Streets and Highways Code, relating to powers and duties of county boards of supervisors with respect to county highways;

Also: Senate Bill No. 569—An act to amend section 2802 of the School Code, relating to judgments against school districts;

Also: Senate Bill No. 596—An act to amend sections 1, 2, 3, 4, 6 and 9a of, and to add section 3½ to "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, as amended, relating to contractors;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 442—An act to amend section 652 of the Civil Code and to add four new sections thereto to be numbered sections 652.1, 652.2, 652.3 and 652.4, all relating to the consolidation and government of colleges and institutions of higher education;

Also: Senate Bill No. 465—An act to provide certain standards of fair competition for the meat industry, prohibiting the making of misrepresentations in the sale of meat and prescribing penalties for violation of the act;

Also: Senate Bill No. 468—An act to amend the title and to add a new section numbered 18a to the State Medical Practice Act, approved June 2, 1913, as amended, relating to remedies for violations;

Also: Senate Bill No. 482—An act to amend section 1370 of the Insurance Code, relating to the assets of reciprocal insurers;

Also: Senate Bill No. 483—An act to add a new chapter to the Insurance Code, to be numbered Chapter 13 of Part 2 of Division 2 thereof, comprising sections 11525 to 11533, inclusive, relating to the voluntary mutualization of incorporated life insurers or life and disability insurers having a share capital and issuing non-assessable policies on a reserve basis;

Also: Senate Bill No. 505—An act to amend section 535 of the Political Code, relating to purchase of machinery or equipment for the State Printing Plant; And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 287—An act relating to the adoption of codes of fair competition for certain trades and industries within this State;

Also: Senate Bill No. 367—An act to amend section 1 of "An act regulating the hours of labor of the operators of certain motor vehicles," approved June 10, 1933, relating to operators of vehicles;

Also: Senate Bill No. 399—An act relating to the liability of irrigation districts, their officers and employees;

Also: Senate Bill No. 418—An act to add a new section to the Political Code to be numbered 3663c, relating to the correction of errors by the State Board of Equalization in assessments made by said board;

Also: Senate Bill No. 428—An act to authorize the Governor of the State of California to execute and deliver deeds or other conveyances of lands, rights of way or other easements granted to the United States of America in aid of public work, relief or other projects aiding recovery;

Also: Senate Bill No. 434—An act to amend section 400 of the Fish and Game Code, relating to licenses; And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 522—An act to add a new section to the Probate Code of the State of California, to be known as section 1028, relating to the ratable, partial and final distribution of estates of deceased persons;

Also: Senate Bill No. 546—An act to amend sections 1104, 1108 and 1147 of Chapter 8 of Division V of the Agricultural Code, relating to the administration of standards for eggs and egg products;

Also: Senate Bill No. 556—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education;

Also: Senate Bill No. 609—An act to amend section 669 of the Penal Code, relating to terms of imprisonment;

Also: Senate Bill No. 618—An act to amend section 1203 of, and to add sections 1203.1 to 1203.12, inclusive, to the Penal Code, relating to probation and probation officers;

Also: Senate Bill No. 626—An act to add a new section, to be numbered 715.5, to the Vehicle Code, relating to weights of vehicles on certain highways;

Also: Senate Bill No. 663—An act to add a new section to the School Code to be numbered 1.91, relating to the construction, design, operation, equipment and color of school buses;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 424—An act granting to the city of Richmond and its successors certain salt marsh, tide and submerged land of the State of California, including the right to wharf out therefrom and grant franchises and leases thereon and regulating the management, use and control thereof, also including the right of said city to collect the rents, issues and profits in any manner hereafter arising from the lands or wharf-out privileges hereby granted;

Also: Senate Bill No. 437—An act to amend section 618 of the Fish and Game Code, relating to trout;

Also: Senate Bill No. 488—An act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 954a, relating to abandonment and withdrawal of appeals;

Also: Senate Bill No. 489—An act to amend section 1053 of the Penal Code, relating to substitution of judges in criminal actions;

Also: Senate Bill No. 490—An act to amend section 1029 of the Penal Code, relating to trial of a judge of the superior court;

Also: Senate Bill No. 499—An act to add a new section, to be numbered 14a, to an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the enforcement of said act;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 358—An act to amend sections 1, 3, 4 and 10 of an act entitled, "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within the State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, and to add a new section to said act numbered 9a;

Also: Senate Bill No. 384—An act to add section 133 to the Civil Code, relating to entry of final judgment in divorce cases;

Also: Senate Bill No. 415—An act to add a new section to an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for permits to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933, to be numbered 264, relating to the priority of the State of California for taxes;

Also: Senate Bill No. 422—An act to add section 432.5 to the Fish and Game Code, relating to permits and reports;

And reports that the same have been correctly checked, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

MEITZGER, Chairman.

Also

MR. PRESIDENT: Your Committee on Engagement, Encumbrance and Disbursing has examined Senate Bill No. 341—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organizations, business operation, merger, consolidation and reorganization, and business limiting the generosity of the foregoing" also to be that following: to define and regulate the agents, salesmen and collectors of such organizations, and to regulate their efforts, salaries and employees; to define, authorize, and regulate the issuance of shares, stock and investment certificates of such organizations; and to provide for the report, issuance and liabilities of such organizations and the duties and conduct of their members; to regulate the formation, issue and management of such organizations, and their accounts, reports, audits, settlements and accounting; to create and establish the office of Building and Loan Commissioner, provide for and define the public powers, remedies and duties of the commissioner and his assistants and deputies; to provide provision for officers of such organizations, their directors, officers, agents, salesmen, collectors and employees and by whom persons and organizations may be created; Title XVI of Part IV of Division 1 of the Civil Code, Chapter 154 of the Statutes of 1911 and acts supplementary thereto and amendments thereto, Chapter 134 of the Statutes of 1927, and all other laws and parts of laws inconsistent therewith," approved May 5, 1931, as amended, by amending sections numbered 5.01 relating to definitions, 5.02 relating to heads of offices and employees, 5.03 relating to legislation by the Building and Loan Commissioner, 5.04 relating to assessments for shares and deposits, 5.05 relating to deposits received as premiums, 5.06 relating to foreign organizations, 5.07 relating to the commissioner's powers upon taking possession and 5.08 relating to the collection of premiums, and adding to said act new sections to be numbered 5.09 relating to directors, 5.09a relating to agents, building and loan associations and 5.09b relating to liability for note debt or security in compliance with new laws, regulations, statutes, orders, decrees or other act of the Building and Loan Commissioner.

Also, Senate Bill No. 350—An act to amend sections 5, 6, 7 and 8 of an act entitled "An act to authorize and require the deposit in funds of money belonging to or in the custody of the State, and to amend the laws in parts of laws in conflict with this act," approved April 12, 1933, and to add a new section thereto numbered 9a.

And reports that the same have been correctly checked, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

MEITZGER, Chairman.

Also

MR. PRESIDENT: Your Committee on Engagement, Encumbrance and Disbursing has examined Senate Bill No. 350—An act to amend sections 5, 6, 7 and 8 of an act entitled "An act to authorize and require the deposit in funds of money belonging to or in the custody of the State, and to amend the laws in parts of laws in conflict with this act," approved April 12, 1933, and to add a new section thereto numbered 9a.

Also, Senate Bill No. 356—An act to amend section 1714 of the Political Code, relating to the preparation, submission and adoption of county and district and special district budgets and to the levy of taxes and prescribing limitations on county expenditures.

Also, Senate Bill No. 332—An act to amend section 1 of an act entitled "An act relating to the doing of public work by day labor or piece contract, except emergency and maintenance work and work costing less than ten thousand dollars, requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county supervisors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers and the engineers of any commission, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and upon completion, prepare and file estimates of cost thereof, and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1928, relating to public work.

And reports that the same have been correctly checked, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

MEITZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 262—An act to amend sections 6, 10, 17 and 18 of, and to add section 24 to, an act entitled "An act to regulate and license persons engaged in the business of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside of the limits of incorporated cities or towns; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this act by the Director of Public Works; to create a special fund to assist in the administration of this act; to provide for the disposition of fees and penalties collected hereunder; to provide for the enforcement of this act; to require the permission of the owner or lessee of property upon which such advertising structure or sign is located; to provide for penalties; and to repeal all acts or parts of acts in conflict with this act," approved May 15, 1933, relating to outdoor advertising and the regulation thereof;

Also: Senate Bill No. 275—An act to amend section 426 of the Code of Civil Procedure, relating to complaints in civil actions;

Also: Senate Bill No. 315—An act relating to a contract by the Department of Finance, concerning the waters of Rector Creek;

Also: Senate Bill No. 318—An act to amend section 11 of the State Contract Act, relating to qualification of bidders;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 161—An act to amend sections 421, 806 and 811 of the Fish and Game Code, relating to Pismo clams and cockle clams;

Also: Senate Bill No. 172—An act to add section 662.5 to, the Fish and Game Code, relating to salmon;

Also: Senate Bill No. 213—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of one million dollars, together with any interest that may be due thereon, and other sums from the California Olympiad Commission, or any committee thereof;

Also: Senate Bill No. 231—An act to amend sections 33 and 3170 of the School Code, relating to attendance upon the public schools of Indian children, and children of Chinese, Japanese or Mongolian parentage;

Also: Senate Bill No. 236—An act amending section 3 of an act entitled: "An act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair, or improvement of any State structure, building, road, or other State improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 28, 1876," relative to bidding on public contracts;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 28—An act to amend section 1881 of the Code of Civil Procedure, relating to privileged communications;

Also: Senate Bill No. 50—An act making an appropriation to meet a deficiency in the appropriation for subsidies of the Bureau of Tuberculosis of the Department of Public Health, declaring the urgency thereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 77—An act to add section 3a to an act entitled "An act to provide for the establishment and maintenance of a Bureau of Tuberculosis under the direction of the State Board of Health; defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties and groups of counties for the support and care of persons affected with tuberculosis; making an appropriation therefor; and repealing certain acts of the Legislature of the State of California," approved June 12, 1915, relating to hospital central committees;

Also: Senate Bill No. 149—An act to amend section 1250 of the Fish and Game Code, relating to fully protected mammals;

Also: Senate Bill No. 155—An act to amend section 10 of the State Medical Practice Act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at four o'clock p.m.

METZGER, Chairman.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 900—An act providing for an investigation and report by a commission for the purpose of determining the extent of game receipts taken for the State or counties and for any or all of the gamekeepers' quotas, making an appropriation therefor, and authorizing them not to be an expense thereon to go into personally thereon.

Also: Assembly Bill No. 901—An act to amend section 2 of an act relating to the State Fish Exchange and licensing of the persons and boats thereof, approved June 10, 1934, and having in purpose the doing of the Department of Natural Resources and the Division of Fish and Game thereof in relation thereto.

Also: Assembly Bill No. 902—An act relating to an appropriation to pay the office of Henry E. Whitson against the State of California.

Also: Assembly Bill No. 903—An act to amend section 11 of the Public Utilities Act relating to power utility charges.

ARTHUR A. OHNIMUS, Chief Clerk.

By Fred J. Desch, Assistant Clerk.

Assembly Bill No. 900 read first time, and referred to Committee on Finance.

Assembly Bill No. 901 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 902 read first time, and referred to Committee on Finance.

Assembly Bill No. 903 read first time, and referred to Committee on Public Utilities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 12, 1935, passed Senate Bill No. 978—An act to amend section 274 of the Penal Code, relating to the crime of abortion.

ARTHUR A. OHNIMUS, Chief Clerk.

By Fred J. Desch, Assistant Clerk.

Senate Bill No. 978 ordered to engrossment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day transmitted to Senate chambers for Assembly Bill No. 999—An act to amend sections 844, 845, 847, 1010, 1018, 1020 and 1201 of, and to add section 1017 to the Military and Veterans Code, relating to military and veterans' affairs.

Also: Assembly Bill No. 1000—An act to amend section 6709 of the School Code relating to the use of school buildings for purposes of a swimming system.

Also: Assembly Bill No. 2006—An act to amend section 1 of an act entitled "An act imposing a license fee on tax for the transportation of persons in company for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that those not so licensed shall be liable for the same," approved May 15, 1935, relating to the construction of certain words and phrases used in said act.

Also: Assembly Bill No. 2024—An act to amend section 5061 of the School Code relating to admission of nonresident students to State teachers colleges.

Also: Assembly Bill No. 2020—An act to add a new section to the Penal Code to be numbered 476b relating to proving, displaying or receiving bank shares.

Also: Assembly Bill No. 2496—An act to define motor transportation broker; to provide for the regulation, supervision and licensing thereof; and to provide for the enforcement of said act and penalties for the violation thereof.

ARTHUR A. OHNIMUS, Chief Clerk.

By Fred J. Desch, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 95—An act to amend sections 356, 401, 407, 448 and 422 of, and to add sections 601, 602, 602.5, 602.6,

602.7, 604, 610, 612, 615, 617, 618, 621, 623, 624, 625, 626, 627, 628, 632, 637, 639, 639.1, 639.2, 639.3, 644, 645, 646, 648, 649, 650, 650.5, 651, 652, 653, 654 and 655 to the Streets and Highways Code, establishing additional secondary State highways—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 95.

Amendment No. 1.

On page 7 of the printed bill, as amended, between lines 17 and 18, insert the following: "from the terminus of Route 163 in Venice to Route 60 in Seal Beach via Manhattan Beach, Hermosa Beach, Redondo Beach, Point Vincent, Point Fermin, Terminal Island and Long Beach."

Amendment No. 2.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 2 (Boyle Avenue in the city of Los Angeles) to Route 162 in Beverly Hills via First Street and Beverly Boulevard".

Amendment No. 3.

On page 7 of the printed bill, as amended, strike out lines 28, 29, and 30, and insert in lieu thereof the following: "from Route 2 near Boyle Avenue to Route 60 in the city of Santa Monica via Wilshire Boulevard and Sixth Street".

Amendment No. 4.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 167 to Route 158 via Slauson Avenue".

Amendment No. 5.

On page 1 of the printed bill, in line 5 of the title, as amended, strike out "and 654", and insert in lieu thereof the following: ", 654 and 655 to".

Amendment No. 6.

On page 7 of the printed bill, as amended, after line 44, add the following: "SEC. 28. Section 653 is hereby added to the Streets and Highways Code, to read as follows:

655. There is hereby added to the State highway system a new route or portion of route comprising Whittier Boulevard from the easterly end of the Sixth Street viaduct in Los Angeles to Indiana Avenue."

Amendment No. 7.

On page 7 of the printed bill, as amended, between 30 and 31, insert the following: "from Huntington Drive south to Slauson Avenue in Huntington Park via Soto Street".

Amendment No. 8.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 173 to Route 165 via Hoover Street in the city of Los Angeles".

Amendment No. 9.

On page 5 of the printed bill, as amended, between lines 46 and 47, insert the following:

"(g) An extension of Skyline Boulevard easterly along the Santa Clara-Santa Cruz County line to Hecker Highway at or near the summit."

Amendment No. 10.

On page 1, line 4 of the title of the printed bill, as amended, strike out "651", and insert in lieu thereof the following: "650.5, 651, 653".

Amendment No. 11.

On page 7 of the printed bill, as amended, between lines 15 and 16, insert the following:

"SEC. 25.5. Section 650.5 is hereby added to the Streets and Highways Code, to read as follows:

650.5. The following new routes or portions of routes are hereby added to the State highway system:

(a) From Route 9 near Sunland to Route 2 in the city of Los Angeles near Cahuenga Pass, via Sunland Boulevard, Clybourne Street and Barham Boulevard.

(b) From Route 4 in Burbank to Route 2 near Wilbur Avenue in Los Angeles, via Burbank Boulevard.

(c) From Route 2 in Cahuenga Pass to Route 2 near Calabasas via Mulholland Highway.

(d) From Route 154 to Route 60 via Reseda Boulevard.

Sec. 25.6. Section 623 is hereby added to the Street and Highways Code, to read as follows:

623. There is hereby added to the State highway system a new route or portion of route from Route 61 near Red But to Route 28 near Vincent.

Amendment No. 12.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 2 at its intersection with Van Nuys Boulevard to Route 154 via South Sherman Way and Beverly Glen Boulevard."

Amendment No. 13.

On page 6 of the printed bill, as amended, between lines 17 and 17, insert the following: "State highway Route 52 at Montclair to State highway Route 72 near January, via Little Shasta."

Amendment No. 14.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 158 to Wilshire Boulevard via Century Avenue."

Amendment No. 15.

On page 6 of the printed bill, as amended, between lines 24 and 25, insert the following:

"(dd) From Route 75 near Farmington to Route 11 near Knight's Ferry."

Amendment No. 16.

On page 1, line 3 of the title of the printed bill, as amended, after "627," insert the following: "628."

Amendment No. 17.

On page 4 of the printed bill, as amended, between lines 30 and 31, insert the following:

Sec. 13c. Section 628 is hereby added to the Street and Highways Code, to read as follows:

628. There is hereby added to the State highway system a new route or portion of route from Route 2 near Grubbs Canyon to Route 87.

Amendment No. 18.

On page 7, line 22, of the printed bill, as amended, strike out the words "in the city of Los Angeles," and insert in its stead the following: "from Route 2 to Route 60 in the city of Los Angeles, vicinity of Los Angeles and city of Beverly Hills."

Amendment No. 19.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 2 at Hollywood to Route 174 at Inglewood via Vine Street and Crenshaw Boulevard."

Amendment No. 20.

On page 3 of the printed bill, as amended, between lines 17 and 18, insert the following:

"(mc) Pine Creek Road from the house of the town of Pine to Route 4."

Amendment No. 21.

On page 7 of the printed bill, as amended, between lines 17 and 18, insert the following:

"(ci) From Route 163 at Woodward Avenue to Plaza del Rey."

Amendment No. 22.

On page 3 of the printed bill, as amended, strike out lines 32, 33, 34.

Amendment No. 23.

On page 7 of the printed bill, as amended, between lines 21 and 22, insert the following:

"(aa) From Route 4 at Burbank to Route 165 via Riverside Drive."

Amendment No. 24.

On page 7 of the printed bill, as amended, between lines 22 and 23, insert the following:

"(bb) From Route 163 to Alameda Street in the city of Los Angeles, via Century Boulevard."

Amendment No. 25.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from the terminus of Route 163 in Venice to Route 60 at Surf Beach via Manhattan Beach, Hermosa Beach, Redondo Beach, Point Vincent, Point Fermin, Terminal Island and Long Beach."

Amendment No. 26.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 2 in Hollywood to Route 158 via La Brea Avenue and La Tijera Boulevard".

Amendment No. 27.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 167 to Vista Del Mar in Playa Del Rey via Century Boulevard".

Amendment No. 28.

On page 7 of the printed bill, as amended, between lines 37 and 38, insert the following:

"(j) From the junction of Routes 60 and 175 to Hermosa Avenue."

Amendment No. 29.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 167 to Vista Del Mar in Playa Del Rey via Imperial Highway".

Amendment No. 30.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 167 to Route 163 via Washington Boulevard".

Amendment No. 31.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 2 to Seventh Street in San Pedro via Los Angeles Street, San Pedro Street and Avalon Boulevard".

Amendment No. 32.

On page 1, line 4 of the title of the printed bill, as amended, after "651", insert a comma and the following: ", 652".

Amendment No. 33.

On page 7 of the printed bill, as amended, between lines 37 and 38, insert the following:

"SEC. 26a. Section 652 is hereby added to the Streets and Highways Code, to read as follows:

652. There is hereby added to the State highway system a new route or portion of route from Route 69 via Lake Temescal to Route 5."

Amendment No. 34.

On page 7 of the printed bill, as amended, between lines 37 and 38, insert the following:

"(i) From Route 2 near County Hospital to Route 171 via Chapman Avenue.

(j) From Route 43 south of Tustin to Route 182 near El Modena.

(k) From Route 170 near Norwalk to Route 62 west of La Habra."

Amendment No. 35.

On page 6, line 10, of the printed bill, as amended, at the first of said line, insert the following: "(e)".

Amendment No. 36.

On page 6 of the printed bill, as amended, between lines 10 and 11, insert the following:

"(f) From Route 1 north of Santa Rosa to Route 49 near Calistoga via Petrified Forest.

(g) From Freestone to Route 104 at Monte Rio.

(h) From Route 56 near Tomales to Route 1 near Petaluma."

Amendment No. 37.

On page 7, line 23, of the printed bill, as amended, strike out "in the county of Los Angeles", and insert in lieu thereof the following: "from Route 165 (Figueroa Street) to Route 161 (Verdugo Road) in the city of Los Angeles".

Amendment No. 38.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "from Route 26 at its intersection with Route 2 to Route 165 via Aliso Street and Temple Street in the city of Los Angeles".

Amendment No. 39.

On page 7 of the printed bill, as amended, between lines 5 and 6, insert the following:

"(d) From Route 28 near Bieber to State line near Hatfield.

(e) From Route 28 near Canby to a connection with the road described in subdivision (d) of this section near Spaulding Ranch.

(f) From Route 29 near Susanville to Route 28 near Adin."

Amendment No. 40.

On page 7 of the printed bill, as amended, between lines 35 and 36, insert the following:

"(c) From Route 101 to Highway 2 in Piedmont and Ocean Avenue."

Amendment No. 41.

On page 7 of the printed bill, as amended, between lines 36, 37 and 38, insert in lieu thereof the following: "From Route 2 to the intersection with Ocean Avenue in the city of Los Angeles, in Route 2 in Los Angeles with Ocean Avenue, Culver Boulevard, Bond Boulevard, Grand Boulevard and Bond Street."

Amendment No. 42.

On page 7 of the printed bill, as amended, strike out line 39, in 39, inclusive, and insert in lieu thereof the following:

"(f) From Route 2 to the intersection with California Avenue in the city of Los Angeles at Grand Avenue, in Grand Avenue, Grand Boulevard and Bond Boulevard."

Amendment No. 43.

On page 7 of the printed bill, as amended, between lines 21 and 22, insert the following:

"(du) From Route 2 at Piedmont to Route 101 via Broadway Bridge."

Amendment No. 44.

On page 7 of the printed bill, as amended, between lines 37 and 38, insert the following:

"(e) From Route 101 to Grand Boulevard in Alhambra Street in the city of Los Angeles."

Amendment No. 45.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "From Main Street in Los Angeles to Route 101 and Broadway Boulevard and Overland Avenue."

Amendment No. 46.

On page 7 of the printed bill, as amended, between lines 31 and 32, insert the following: "From Alhambra Street in Yosemite Avenue to Alhambra Street in the city of Los Angeles."

Amendment No. 47.

On page 7 of the printed bill, as amended, between lines 34 and 35, insert the following: "From Route 2 to Route 114 in Sacramento Avenue in the city of Los Angeles."

Amendment No. 48.

On page 7 of the printed bill, as amended, between lines 30 and 31, insert the following: "From Route 101 to Grand Boulevard in Los Angeles via Santa Barbara Avenue."

Amendment No. 49.

On page 6 of the printed bill, as amended, between lines 26 and 27, insert the following:

"(1) From Route 152 near Canal Avenue via Sunset and Home to Route 1 near Venice."

"(2) From Route 10 near Harbor to Route 4 near Keweenaw."

Amendment No. 50.

On page 4, line 35, of the printed bill, as amended, strike out "Furness's" and insert in lieu thereof the following: "Furness."

Amendment No. 51.

On page 3, line 31, of the printed bill, as amended, strike out "Outlet Creek", and insert in lieu thereof the following: "Outlet Creek".

Amendment No. 52.

On page 5 of the printed bill, as amended, strike out lines 11 to 13, inclusive.

Amendment No. 53.

On page 5, line 14, of the printed bill, as amended, at the first of said line insert the following: "(c)."

Amendment No. 54.

On page 5, line 17, of the printed bill, as amended, strike out "Doveriders", and insert in lieu thereof the following: "Doveriders."

Amendment No. 55.

On page 5 of the printed bill, as amended, strike out lines 27 to 30, inclusive.

Amendment No. 56.

On page 6, line 14, of the printed bill, as amended, strike out "portions", and insert in lieu thereof the following: "portion".

Amendment No. 57.

On page 7, line 8, of the printed bill, as amended, at the first of said line, insert the following: "(a)".

Amendment No. 58.

On page 7, line 10, of the printed bill, as amended, at the first of said line, insert the following: "(b)".

Amendment No. 59.

On page 7, line 11, of the printed bill, as amended, at the first of said line, insert the following: "(c)".

Amendment No. 60.

On page 7, line 12, of the printed bill, as amended, at the first of said line, insert the following: "(d)".

Amendment No. 61.

On page 7, line 15, of the printed bill, as amended, at the first of said line, insert the following: "(e)".

Amendment No. 62.

On page 7, line 18, of the printed bill, as amended, at the first of said line, strike out "(a)", and insert in lieu thereof the following: "(f)".

Amendment No. 63.

On page 7, line 21, of the printed bill, as amended, strike out "(b)", and insert in lieu thereof the following: "(g)".

Amendment No. 64.

On page 7, line 23, of the printed bill, as amended, strike out "(c)", and insert in lieu thereof the following: "(h)".

Amendment No. 65.

On page 3, line 19, of the printed bill, as amended, strike out "is", and insert in lieu thereof the following: "are".

Amendment No. 66.

On page 3, line 21, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "and another new route or portion of route from State highway at Watsonville to Route 2 near Dumbarton."

Amendment No. 67.

On page 1, line 7, of the printed bill, after the word "Carmel", add a comma, and insert the following: "Castroville, Watsonville".

Amendment No. 68.

On page 1, line 1 of the title of the printed bill, as amended, after "356", insert the following: "401".

Amendment No. 69.

On page 1 of the printed bill, as amended, between lines 11 and 12, insert the following:

"SEC. 1a. Section 401 of the Streets and Highways Code is hereby amended to read as follows:

401. Route 101 is from Birds Landing to Route 7 near Dixon."

Amendment No. 70.

On page 5 of the printed bill, as amended, between lines 50 and 51, insert the following:

"(e) From Route 74 near Vallejo to Sears Point Toll Road."

Amendment No. 71.

On page 6 of the printed bill, as amended, strike out lines 7 and 8, and insert in lieu thereof the following:

"(c) From Route 41 near Crows Landing to Route 4 near Modesto.

(d) From Route 41 near Newman to Route 4 near Livingston."

Amendment No. 72.

On page 6, line 9, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof the following: "(e)".

Amendment No. 73.

On page 2 of the printed bill, as amended, between lines 16 and 17, insert the following:

"(c) Route 68 near Redwood City to Route 55 via Woodside."

Amendment No. 74.

On page 1, line 3 of the title of the printed bill, as amended, after "621," insert the following: "623."

Amendment No. 75.

On page 3 of the printed bill, as amended, between lines 47 and 48, insert the following:

"Sec. 13. Section 623 is hereby added to the Streets and Highways Code, to read as follows:

623. There is hereby added to the Streets and Highways Code a new route or portion of route from San Pablo Avenue, Route 14, to Castro Point on Piedra Blanca Road and Cutting Boulevard.

Amendment No. 76.

On page 1, line 4 of the title of the printed bill, as amended, strike out "and 651" and insert in lieu thereof the following: "653 and 654."

Amendment No. 77.

On page 7 of the printed bill, as amended, after line 24, add the following:

"Sec. 27. Section 654 is hereby added to the Streets and Highways Code, to read as follows:

654. The following new routes or portions of routes are hereby added to the State highway system:

- (a) From State highway at Fresno, eastward to Route 142.
- (b) From Knoxville through the county of Kern to the Kern-Tulare County line.

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 95?

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 95 by the following vote:

Ayes—None.

Nays—Senators Bigger, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Kewell, Kierstead, McGowan, McGowan, Menger, Meyer, Olson, Parkman, Perry, Pineschke, Rich, Sargent, Sargent, Sargent, Slaty, Snow, Tinkle, Wagy, and Young—28.

Assembly requested to recede and bill ordered on its final passage and business file.

Report of Standing Committee.

The following report of standing committee was received, read, and the resolution reported therein was ordered on file:

On Engrossment, Enrollment and Printing.

SENATE CLERK, SACRAMENTO, JUNE 15, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 47—Relating to a commission to examine for the State its fair portion of the revenue from the public domain, and reports that the same has been correctly engrossed.

METZGER, Chairman.

Communication.**Opinion of Legislative Counsel.**

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL

Hon. George J. Hatfield, Lieutenant Governor,
State Capitol, Sacramento, California.

DEAR GOVERNOR HATFIELD: You ask, with reference to section 15 of Article IV of the Constitution and the manner of exercising the power of the Senate to dispense with the requirement that a bill be read on three several days, whether or not two or more bills may be included in one dispensing resolution.

It is our opinion that this may be done.

That point was definitely settled in *People vs. County of Glenn*, 100 Cal. 419.

At the session of 1891 the Senate, by two-thirds vote, adopted a dispensing resolution which included Assembly Bill No. 185 (the bill under consideration by the court) and a number of other bills.

The court held this entirely proper, saying:

"The Constitution does not undertake to provide the form, or to set limitations to the manner in which the dispensing power shall be exercised.

* * * It merely provides that a bill shall be read on three different days in each house unless such house by a two-thirds vote shall, in some appropriate form, dispense with that necessity." (p. 422.)
and that

"This was done in the case at bar with respect to the bill in question—the bill being expressly named in the resolution." (p. 422.)

That decision is still law; no subsequent citation to it on this point.

We recommend a resolution in the usual form designating (by bill number) all the bills in this category, instead of a separate resolution for each bill.

We recommend against the use of a resolution referring merely to all bills on the file; for then the Journal will not furnish a satisfactory record of the bills referred to. It would probably be sufficient but it would be difficult to find the identity of the bills in the record.

Very truly yours,

FRED B. WOOD, Legislative Counsel.

Resolution to Suspend Constitution.

The following resolution was offered:

By Senator Garrison:

Resolved, That Assembly Bills Nos. 95, 100, 327, 329, 617, 997, 1001, 1091, 1117, 1181, 1289, 1329, 1482, 1561, 1562, 1605, 1663, 1735, 1737, 1747, 1836, 2131, 2200, 2208, 2238, 2239, 2376, 2382, 2471, 2475, 2487, 2493, 2502, 1037, and Senate Bill No. 970, present a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Daniel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Porovich, Rich, Seolian, Sewell, Sharkey, Slater, Stow, Tickle, Wagy, and Young—30.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, article IV of the Constitution suspended for the purpose of considering the bills contained in the above resolution.

Third Reading of Senate Bills—(Resumed).

Senate Bill No. 970.—An act to supplement the "State Civil Service Act," relating to the status in the State Civil Service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause.

Sec. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution and shall therefore take effect immediately.

The facts constituting the necessity are as follows:

At the general election, November 6, 1934, the people approved an initiative constitutional amendment adding Article XXIV to the State Constitution, placing in the State civil service numerous offices and positions which prior thereto had not been so included. On the effective date of said constitutional amendment, many persons held positions thus brought into the State Civil Service and had held such positions for a considerable period, but not for the full period of six months immediately preceding said effective date. Many complications in the adjustment of these positions in the State Civil Service have ensued, and unless opportunity is given to all such persons to qualify for the positions so held by them in the manner for which provision is made in this act, there will be serious disruption in the business of the State. It is therefore imperative that this act shall take effect immediately.

Urgency clause read.

The question being on the adoption of the proposed clause

The roll was called, and the urgency clause adopted by the following vote:

AVES. Sometimes Biggest Collections: Israel Difani, Juvenile Flamingo, Gannet, Goshawk, Hawk, Jaeger, Kestrel, Kingbird, Mockingbird, Nighthawk, Osprey, Mink, Mitten, Olive-backed, Parula, Puffin, Raven, Red, Shrike, Sparrow, Stork, Turkey, Vulture, Wren, Yellow, and Young. 29.

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Amendments from the Floor

During third reading of Senate Bill No. 970, the following amendments, offered by Senator Difuria, were read and refused adoption:

Amendment N-1

The page is free of the printed text, as provided, since the coming after 1900, passed the following: "We did not of our time make an impression in passing the eligibility for the position held by him, and also, since his employment, has not an opportunity to take such an examination."

Amendment No. 2

On page 1, lines 4 and 5 of the printed text, an unneeded comma and "the position is held by" have been inserted in front of the following "such position".

Amendment No. 3

On page 1, line 7, of the General Reg. as amended, after "and", insert the following: "shall be taken for such persons and).

The question being on the position of the ball

The roll was called, and Senate Bill No. 970 passed by the following vote:

ADVIS: Secretary Rogers, Chairman Dool, Donald Frazier, Fletcher Gossman, Gordon Hart, Josephine Kricheldorf, Margaret Minton, Oscar Jones, Penelope Sadler, Samuel Shoberg, Susan Shaw, Todd Wagner and Young.

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Title read and approved.

Senate Bill No. 940 ordered transmitted to the Assembly.

Assistant Secretary Carl A. Shipkey at the Desk.

Motion to Withdraw from Committee

Senator Olson moved that Assembly Bill No. 1028 be withdrawn from Committee on Revenue and Taxation for purpose of passage.

The question being on the motion to withdraw.

Ayes and Noes Demanded

A roll call was demanded by Summers Olson, Sullivan and McGowan.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Crittenden, Fletcher, Garrison, Gorton, Jaspersen, Metzger, Olson, Pierovich, Schottky, and Sedlan—10.

News, Samuels, Bigger, Donald, Darrel, Edwards, Hays, Kennedy, Kneeland, McGormack, McGovern, Mixter, Parkman, Parry, Sharkey, Soper, Starr, Tracy, Wagy, and Young. 18.

Motion to Rescind.

Senator Sharkey moved to rescind the action of the Senate in passing Assembly Bill No. 1989 on June 14, 1935.

The question being on the motion to rescind.

The roll was called, and the motion to rescind adopted by the following vote:

AYES—Senators BIGGAR, Crittenden, Daniel, DeLoach, Duval, Edwards, Fletcher, Gordon, Haas, Jepsen, Keough, Knowland, McCarmack, McGovern, McGowan, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Schottky, Seawell, Slater, Stow, Tickle, Wager, and Young—28

None-None.

Further Consideration of Assembly Bill No. 1989.

Assembly Bill No. 1989—An act to amend sections 677 and 689, and to repeal section 686a of, and to add sections 686.5 and 689.1 to, the Political Code, relating to State accounting.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1989 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Schottky, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1989 ordered transmitted to the Assembly.

Motion to Rescind.

Senator Sharkey moved to rescind the action of the Senate in passing Senate Bill No. 1018 on June 13, 1935.

The question being on the motion to rescind.

The roll was called, and the motion to rescind adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Schottky, Sharkey, Slater, Stow, Tickle, Wagy, and Young—27.

NOES—None.

Further Consideration of Senate Bill No. 1018.

Senate Bill No. 1018—An act to amend sections 776, 777, 779 and 781 and to repeal section 778 of the Vehicle Code, relating to funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1018 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McGovern, McGuinness, Mixer, Olson, Parkman, Perry, Pierovich, Seollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Senate Bill No. 1018 ordered transmitted to the Assembly.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 95—An act to amend sections 356, 401, 407, 448 and 422 of, and to add sections 601, 602, 602.5, 602.6, 602.7, 604, 610, 612, 615, 617, 618, 621, 623, 624, 625, 626, 627, 628, 632, 637, 639, 639.1, 639.2, 639.3, 644, 645, 646, 648, 649, 650, 650.5, 651, 652, 653, 654 and 655 to the Streets and Highways Code, establishing additional secondary State highways—and appointed Assemblymen Mayo, Kallam, and Stream, as a Committee on Free Conference, to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Appointment of Committee on Conference.

The President announced the appointment of Senators Seawell, Schottky, and Pierovich, as a Committee on Conference, to meet with a

like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 95.

Unfinished Business

Consideration of Assembly Amendments.

Senate Bill No. 5—An act to amend sections 1 and 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1934, relating to persons exempt from tax.

The Senate took up for consideration Assembly amendments to Senate Bill No. 5.

Amendment No. 1.

On page 2, line 49, of the printed bill, as amended April 25, 1935, after "delinquency," add the following:

"Sec. 3. The provisions of this act shall become effective on January 1, 1936."

Amendment No. 2.

On page 1, line 17, of the printed bill, as amended April 25, 1935, strike out the words "one hundred" and insert in lieu thereof "five."

Amendment No. 3.

On page 2, line 26 of the printed bill, as amended April 25, 1935, after the word "hereunder," strike out the period and insert in lieu thereof a semicolon, and add the following: "provided, that if so much shall the aggregate fee paid by any operator exceed the sum of twenty-five dollars."

Amendment No. 4.

On page 1, line 17, of the printed bill, as amended, strike out the period after the word "dollars," insert a comma, and add the following: "and providing further, the word 'operator' shall not include any person whose sole transportation of persons or property for hire or compensation consists of the transportation of children to and from any public elementary or secondary school and whose total compensation from all sources for providing such transportation does not exceed fifty dollars per month."

The question being, Shall the Senate concur in Assembly amendments to Senate Bill No. 5?

The roll was called, and Assembly amendments to Senate Bill No. 5 concurred in by the following vote:

AYES—Senators BIGGAR, CATTLEDEN, DAVIS, EDWARDS, FLETCHER, GERRARD, GUSTON, HAYS, JENSEN, KENNEL, KNUSSLAND, McFARLAND, McFARLANE, METZGER, MITCHELL, OLSON, PARKMAN, PERRY, SCOLLAN, SLATER, SNOW, WAGG and YOUNG—23.

NOES—None.

Senate Bill No. 5 ordered to enrollment.

Third Reading of Assembly Bills—(Resumed)

Assembly Bill No. 1836—An act to amend section 622 of the Agricultural Code, relating to dairies and dairy products.

Amendment from the Floor.

During third reading of Assembly Bill No. 1836, the following amendment, offered by Senator Metzger, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, as amended, after line 29, add the following:

"(d) The director shall within thirty days prior to each regular session of the Legislature, submit to the Governor a full and true report of transactions under this law during the current biennium, including a complete statement of receipts and expenditures during the period."

Bill read, ordered to reprint, and on file for third reading.

Message from the Governor.

The following message from the Governor was received, read and ordered held as unfinished business:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, June 15, 1935.

*To the Honorable the Members of the Senate,
State of California, Sacramento, California.*

GREETINGS: I am returning herewith, without my approval, Senate Bill No. 78 entitled:

"An act to authorize the creation and establishment of a public utilities commission within any city, city and county, county, local governmental agency, society, associations, authority or entity rendering service to the public, and to authorize the issuance and sale of revenue bonds for the purpose of defraying costs of construction or acquisition of public utilities and extensions, repairs, replacements and improvements to public utilities; for the acquisition, production, purchase, sale and distribution of products, commodities, energy or services of such public utilities; and providing for the payment of such bonds and the interest thereon."

This bill is in substance and effect similar to Assembly Bill No. 1165 which I vetoed on June 7, 1935, and is subject to much the same objections which I made to that bill in my message to the members of the Assembly.

Senate Bill No. 78 authorizes the issuance of revenue bonds to an unlimited amount by votes of a majority of the electors; but, if the estimated cost of the construction or acquisition, extension, completion, replacement, repair, or improvement of any public utility then owned or operated by the political subdivision is less than 25 per cent of the capital cost of such utility, no submission to the people need be made. This provision makes it possible to evade the requirement of submission to the electors and assent by even a majority vote.

The Constitution of California has always required the assent of two-thirds of the electors voting at the bond election to authorize the State or counties, cities, towns, townships, boards of education, or school districts to incur any indebtedness or liability exceeding in any year the income and revenue provided for such year. This restriction is an indispensable brake on public borrowing and spending, which should not be made easier. Under existing laws the public debt of the State and its political subdivisions has continually increased. No difficulty has been encountered in procuring authorization by the electorate of bond issues for meritorious projects.

Experience with the bond debts of the irrigation and reclamation districts indicates clearly that public borrowing is not too severely restricted under the laws now in force. There is no need to review in detail the condition of the majority of the irrigation and reclamation districts in California, deep in debts which they can not pay.

Inconsistently, it seems to me, this bill permits a political subdivision to issue revenue bonds to an unlimited amount in order to build or purchase a public utility undertaking, on the vote of a majority, but provides (in section 9, subdivision 7) that the political subdivision can not get out of such an enterprise except with the assent of two-thirds of the voters. If the two-thirds requirement is sound in one case it should be at least equally sound in the other. Indeed, the time for the greater caution is at the threshold of a business undertaking before making firm commitments.

Although the bill makes no provision for investigation or approval of the safety or legality of particular bond issues by the Commissioner of Corporations, the Bank Superintendent, or any other public agency, it declares that the bonds to be issued shall be legal investments for all trust funds, State school funds, and funds of insurance companies and banks, and legal security for public deposits.

While this bill provides in section 15 that the revenue bonds to be issued thereunder shall not be a general obligation of the governmental agency issuing them, but shall be payable only out of "rates, charges and revenues", the bill contains language in other sections that seems inconsistent with that provision in section 15. For example, in section 17 it is provided "that nothing herein contained shall limit or restrict the use by the public utilities commission or the governing body of such city or local governmental agency, of any money appropriated or provided from other sources for the purpose of carrying out any of the provisions of this act"; and in section 19 it is provided "that nothing herein contained shall limit or restrict the use of any money appropriated from any general fund for the purpose of carrying out the provisions of this act". It appears, therefore, that the bill does contemplate the use of monies from the general fund or from other sources of tax money to support the bond obligations in one way or another.

Without repeating here the vote totals contained in my message vetoing Assembly Bill No. 1165, I again call attention to the facts that three times--the latest on May 2d of this year--the people of San Francisco, by decisive majorities, voted down charter amendments authorizing issuance of revenue bonds by a majority vote of the electors; that on April 2d last the people of the city of Los Angeles, by an over-

[illegible]

Neither public nor private law has the capacity to force change in the U.S. By my active support of the National Public Health and Human Services Institute, I have demonstrated that I have public objectives. This is not to be confused with public administration by politicians who have no public objectives, except the desire to remain in office.

Neither public facilities nor private enterprises should be permitted to receive government subsidies or loans, and the commercial insurance institutions should not be so insured.

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TABLE 1. MECHANISMS OF ACTION OF THE DRUGS

Third Reading of Assembly Bills (Resumed)

Assembly Bill No. 2007-10 not to add a new section to the School Code to be numbered 2-207 relating to any benefits of adjustment in either in the first and second class.

Will read this time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1000 passed by the following vote:

APES: Students' Paper Collection, Dept. Earth, Materials, Planning, Design, Urban, Human, Regional, and Environmental Management, Missouri University of Science and Technology, Rolla, MO, USA.

1997-1998

Title read and approved

Assembly Bill No. 3041 ordered (as amended) to the Assembly

Motion to Reconsider

Sen. Amy Stanger moved to reconsider the vote on the Assembly Bill No. 1002 was passed.

The question being on the motion is reconsidered.

The roll was called.

Call of the Senate.

Following the announcement of the vote, Senator Spector moved a bill of the Senate.

Motion carried.

The Secretary was directed to call the roll

The roll was called, and the following answered to their names:

Send us Bigger, Crippen, Deal, Jones, Landon, Gentry, Hays, Johnson, King, Knecht, McCracken, McGowan, Morgan, Morrow, Parham, Perry, Reed, Ross, Seaton, Shaffer, Smith, Stark, Ward, and Young—14.

The Secretary announced the absenters.

Time, eleven o'clock and forty-five minutes p.m.

The President directed the Sergeant at Arms to place the doors

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate

Withdrawal from Committee of Assembly Bill No. 1289.

Senator Hays moved that Assembly Bill No. 1289 be withdrawn from Committee on Revenue and Taxation for purpose of passage.

Motion carried and the bill ordered on file for second reading.

Withdrawal from Committee of Assembly Bill No. 273.

Senator Hays moved that Assembly Bill No. 273 be withdrawn from Committee on Revenue and Taxation for purpose of passage.

Motion carried and bill ordered read the second time.

Second Reading of Assembly Bill No. 273.

Assembly Bill No. 273—An act to amend section 372 of the Vehicle Code, relating to registration of certain vehicles used for the transportation of persons or property in this State.

Amendments from the Floor.

During second reading of Assembly Bill No. 273, the following amendments, offered by Senator Hays, were read and adopted:

Amendment No. 1.

On page 3, line 3, of the printed bill, as amended in Assembly June 1, 1935, strike out "25", and insert in lieu thereof "100".

Amendment No. 2.

On page 3, line 7, of the printed bill, as amended, strike out "65", and insert in lieu thereof "175".

Amendment No. 3.

On page 3, line 10, of the printed bill, as amended, strike out "85", and insert in lieu thereof "200".

Amendment No. 4.

On page 3, line 13, of the printed bill, as amended, strike out "125", and insert in lieu thereof "300".

Bill read second time, ordered to reprint, and on file for third reading.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of loaning money on pledges of personal property known as pawnbroking, and providing penalties for the violation hereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 875 ordered to enrollment.

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 93—An act to amend section 7 of the "California Nautical School Act," approved June 3, 1929, as amended, relating to the payment by pupils enrolled in the California Nautical School of fees and other charges and the disposition thereof;

Also: Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements, and the issue of bonds therefor and making an appropriation;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 93 and 1120 ordered on file as unfinished business.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended, Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 11, relating to a bond issue for certain major construction

and improvements—and respectfully suggests your honorable body to commit to such amendments.

ARTHUR A. CHRYMIS, Chief Clerk.
By Frank J. Dwyer, Assistant Clerk.

Senate Constitutional Amendment No. 26 referred to file as unfinished business.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported thereon was ordered to file for second reading.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Amendment Bill No. 114—An act relating to fees and taxes levied upon certain vehicles, providing for the collection thereof and the enforcement of the act, and providing for the payment of an act entitled "An act imposing a license fee or tax for the transportation of persons or property by bus or transportation upon the public streets, roads and highways in the State of California by incorporation and providing that this act shall take effect immediately," approved May 15, 1935, has had the same under consideration, and respectfully recommends that same shall pass amendments, and recommends that the amendments be passed, and that, to the pass as amended.

Committee membership: 12; conference: none; Ayes: 7.

DEVAL, Chairman.

Report of Standing Committee.

The following report of standing committee was received, read, and the bill reported thereon was ordered to file.

On Engraving, Enrolling and Printing.

SENATE CHAMBER, SACRAMENTO, June 14, 1935.

MR. PRESIDENT: Your Committee on Engraving, Enrolling and Printing has examined Senate Bill No. 113: An act relating to appropriation to the Department of Public Works for the removal of debris and logs from the Sacramento River between Chico Landing and the head of navigation near Post Hill, to declare the property thereof and to take effect immediately, and reports that the same has been correctly engrained.

METZGER, Chairman.

Second Reading of Assembly Bills—(Resumed).

Assembly Bill No. 95—An act making an appropriation for the control and conservation of flood waters in San Diego County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 100—An act making an appropriation for the support of Napa State Farm, to take effect immediately.

Bill read second time and ordered on file for third reading.

Assembly Bill No. 1037—An act to safeguard the public health, to regulate the diagnosis and treatment of human ailments by means of X-rays and the use, ownership and possession of X-ray appliances for said purposes; providing for the licensing of persons operating X-ray appliances and laboratories, declaring the treatment of human ailments by means of X-rays to constitute the practice of medicine, prescribing penalties for violation of the act; declaring the possession, maintenance or operation of X-ray appliances in violation of the provisions of the act to constitute a public nuisance, and otherwise providing for the enforcement of the act.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1037 were read and adopted:

Amendment No. 1.

On page 7, line 52, of the printed bill, as amended, after "dealers", insert the following: "and manufacturers' representatives".

Amendment No. 2.

On page 8, line 7, of the printed bill, as amended, after "dealers", insert the following: "and manufacturers' representatives".

Amendment No. 3.

On page 8 of the printed bill, as amended, between lines 9 and 10, insert the following:

"Nothing herein shall be construed as prohibiting the use in retail shoe stores or department stores of special X-ray machines and devices which are designed and utilized to produce a fluoroscopic image of the human foot for the purpose of demonstrating whether or not the contour of the shoe is such as to properly fit the subject's foot."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 327—An act to add Article 3a to Division II of the Agricultural Code, relating to Bang's disease in cattle.

Consideration of Committee Amendment.

Pursuant to the report of the Committee on Finance, the following amendment to Assembly Bill No. 327 was read and adopted:

Amendment No. 1.

On page 1, line 14, of the printed bill, as amended, after the word "Code", insert the following: "; provided, that the money hereby appropriated shall become available only when the Federal Government has agreed to contribute a sum not less than one hundred thousand dollars for purposes similar to that set forth herein."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1091—An act making an appropriation for the enforcement of standards, quality and identity, covering the manufacture and sale of California wines and brandy.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 617—An act making an appropriation to pay the claim of the disbursing officer of the Department of Industrial Relations against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1482—An act making appropriation for the elimination of camel's thorn out of certain moneys heretofore appropriated for that purpose declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1329—An act authorizing any irrigation district, reclamation district, municipal utility district, public utility district, municipality, water district, water storage district, and any public or municipal corporation, political subdivision, district, State agency or authority, to enter into and execute appropriate contracts with the Water Project Authority of the State of California, created in and by the Central Valley Project Act of 1933, under the provisions of Chapter 1042 of the Statutes of 1933, and authorizing any such agency or entity to comply with the provisions of any such contract; and

authorizing any such agency or entity to segregate all monies, debts and pledge revenues derived from the sale, use or distribution of facilities received from said water project authority under any such contract for the purpose of securing payments under such contract, and authorizing any such agency or entity to establish a special account for the purposes of such contract, funds accruing to which shall be and constitute a trust fund for the purpose of making payments under such contract to said Water Project Authority.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1663—An act to amend section 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities, providing for the enforcement of said act and penalties for the violation thereof, and creating a State Corporation Department and the office of "Commissioner of Corporations,"" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities," relating to fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1117—An act to amend section 321 of the School Code, relating to the support of State teachers colleges.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1989—An act to amend section 473 of the Vehicle Code, and to add thereto section 776.1, relating to motor vehicles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1181—An act to amend sections 4223, 4770, 4771, 4773, 4783, 4796, 4797, 4873, 4883 and 4886.1 of the School Code and to add thereto four new sections to be numbered 4223, 4774, 4784, and 4784.1, all relating to the apportionment of State funds for public school purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2474—An act relating to fees and taxes for and upon certain vehicles, providing for the collection thereof and the enforcement of this act, and providing for the repeal of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933.

Consideration of Committee Amendments.

Pursuant to the report of the Committee on Revenue and Taxation, the following amendments to Assembly Bill No. 2474 were read and adopted:

Amendment No. 1.

On page 2, line 2, of the printed bill, as amended, strike out "connection with" and also strike out all of lines 3 and 4, and in line 5, strike out "and", and insert in lieu thereof the following: "business to occasionally transport property for neighboring farmers, the sole compensation for such transportation being an exchange of like service, labor, or services or things of value—such taxi cabs, and such vehicles the use of which for the transportation of persons or property for hire

or compensation consists only of the transportation of children to and from any public elementary or secondary school when the total compensation from all sources for such transportation does not exceed fifty dollars per month."

Amendment No. 2.

On page 2, line 35, of the printed bill, as amended, strike out "general fund," and insert in lieu thereof the following: "motor transportation license fund, which fund is hereby created. The State Treasurer shall on the first day of January and the first day of July of each year transfer all of the moneys in the motor transportation license fund in equal amounts to the various special funds in the State treasury, the moneys in which such funds are used to pay the interest and redemption charges on bonds heretofore issued by the State of California for State highway construction."

Bill read second time, ordered to reprint, and on file for third reading.

Assembly Bill No. 1836—An act to amend section 622 of the Agricultural Code, relating to dairies and dairy products.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1735—An act to add a new section to the Political Code, to be numbered 689a, relating to use of the State's teletype system.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2376—An act making an appropriation for the support of the Legislative Counsel Bureau and declaring the urgency thereof, the act to take effect immediately.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2493—An act to amend section 1 of, and to add section 1.5 to an act entitled "An act relating to the Department of Professional and Vocational Standards and defining its powers and duties in relation to and providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as indicia of ownership and to protect the owners thereof," passed at the fifty-first session of the Legislature of the State of California, relating to registration of names and marks or other devices on garments, towels, table linen or other articles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1562—An act to amend sections 1, 2, 5, 6, 7, 8, 9 and 14 of an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling or repairing upholstered furniture; and creating the upholstered furniture inspection fund," approved May 9, 1927, relating to the administration thereof by the Bureau of Furniture and Bedding Inspection of the Department of Professional and Vocational Standards.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1561—An act to amend sections 3, 3a, 3b, 10, 13, 17, and 18 of an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy material therein, requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses

shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, and to add thereto a new section to be numbered section 21, all relating to the administration of said act by the Bureau of Furniture and Building Inspection and the powers and duties of the officers thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1901—An act to authorize the Division of Water Resources of the Department of Public Works to gather and correlate information and data pertinent to an annual forecast of seasonal water crop, including the making of snow surveys, and to cooperate with other agencies in such work, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1605—An act to amend sections 3330, 3331, 3332, 3333, 3334, 3335 and 3337 of the School Code, relating to the attendance of pupils residing in California upon the public schools of adjoining States.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 397—An act to amend sections 18 and 21 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission, providing for the appointment of members of said commission, fixing the term of office of the members of said commission, prescribing the powers, duties and authority of said commission and the members thereof, prescribing for the institution of proration programs with respect to agricultural crops, providing for the enforcement of such programs, prescribing penalties for violation of such programs; providing provision for the creation of funds for the purposes of said act and providing for the collection thereof, and making an appropriation therefor," approved June 5, 1933, relating to fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1747—An act to add section 3a to "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to codification and compilation of county and city ordinances and resolutions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2131—An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2208—An act requiring marine architects to be certified as such, specifying qualifications, rules and regulations therefor, creating a board, establishing a fund, and providing penalties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2382—An act to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for

the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2475—An act making an appropriation to pay the claim of Fred Froehlinger against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2487—An act to appropriate the sum of one million dollars for flood control work by the Los Angeles County Flood Control District, and to provide for the manner of expending such appropriation.

Bill read second time, and ordered on file for third reading.

Further Proceedings Under Call of the Senate Dispensed With.

At 11 o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Sharkey.

The Secretary was directed to call the roll, on the motion to reconsider Assembly Bill No. 1392, of the Senators who had not answered to their names.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Fletcher, Garrison, Gordon, Hays, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Sharkey, Slater, Stow, Wagy, and Young—26.

NOES—Senator Jespersen—1.

Reconsideration of Assembly Bill No. 1392.

Assembly Bill No. 1392—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution, and providing for the reporting of appointments and certification of estimates, pay rolls and accounts of other officers and employees of the State and declaring the urgency of this act and providing that it shall take effect immediately.

Amendment from the Floor.

During reading of Assembly Bill No. 1392, the following amendment, offered by Senator Sharkey, was read and adopted:

Amendment No. 1.

On page 21, of the printed bill, as amended, strike out lines 11 to 52, inclusive; and on page 22, strike out lines 1 to 32, inclusive.

Bill read, ordered to reprint, and on file for third reading.

Adjournment.

On motion of Senator Rich, at eleven o'clock and fifty-five minutes p.m., the President of the Senate declared the Senate adjourned, until ten o'clock and thirty minutes a.m., Sunday, June 16, 1935.

F. E. DALIN, Minute Clerk.

IN SENATE.

SENATE CHAMBER,

SACRAMENTO, Sunday, June 16, 1935.

The Senate met at ten o'clock and thirty minutes a.m.

Hon. George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

On Finance.**SENATE CHAMBER, SACRAMENTO, June 16, 1935.**

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 444—An act to amend section 13 of the Motor Vehicle Fuel License Tax Act, relating to apportionment of the tax fund—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—14; absent—5.

SHARKEY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 2080—An act to provide for the acquisition of the Muir Wood Toll Road by the State, and the inclusion thereof in the State Highway system, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19; committee vote: Ayes—14; absent—5.

SHARKEY, Chairman.

Second Reading of Assembly Bill No. 444.

Unanimous consent was granted to take up for second reading without reference to file, Assembly Bill No. 444.

Assembly Bill No. 444—An act to amend section 13 of the Motor Vehicle Fuel License Tax Act, relating to apportionment of the tax fund.

Bill read second time, and ordered on file for third reading.

Unfinished Business.**Consideration of Assembly Amendment.**

Senate Bill No. 633—An act to add section 3343 to the Civil Code, relating to damages in connection with fraud and deceit.

The Senate took up for consideration Assembly amendment to Senate Bill No. 633.

Amendment No. 1.

On page 1 of the printed bill, as amended, after line 8, insert the following:

"Nothing herein contained shall be deemed to deny to any person having a cause of action for fraud or deceit any legal or equitable remedies to which such person may be entitled."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 633?

The roll was called, and Assembly amendment to Senate Bill No. 633 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Senate Bill No. 633 ordered to enrollment.

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 11, relating to a bond issue for certain major construction and improvements.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Constitutional Amendment No. 26.

Amendment No. 1.

On page 1, line 15, of the printed measure, after the word "million", insert the following: "nine hundred fifty thousand".

The question being: Shall the Senate concur in Assembly amendment to Senate Constitutional Amendment No. 20?

The roll was called, and Assembly amendment to Senate Constitutional Amendment No. 20 concurred in by the following vote:

AYES: Senators Bigger, Donald, Duffell, Fletcher, Gordon, Hays, Jorgensen, Kneugh, Knowland, McConaug, McConnaug, McConnaug, Milton, Olson, Perry, Phoenix, Powers, Rich, Schottky, Seaborn, Seannell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—28.

NOES: None.

Senate Constitutional Amendment No. 26 ordered to enrollment.

Senate Bill No. 93—An act to amend section 7 of the "California Nautical School Act," approved June 3, 1929, as amended, relating to the payment by pupils enrolled in the California Nautical School of fees and other charges and the disposition thereof.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 93.

Amendment No. 1.

On page 1, line 12 of the printed bill, as amended, strike out the words "expended and forwarded to the treasurer and," and strike out all of lines 14 and 15, and insert in lieu thereof the following: "remitted to the treasurer to the credit of the general fund in augmentation of the current appropriation for the support of the school. No refund."

Amendment No. 2.

On page 1, line 18 of the printed bill, as amended, strike out the word "whenever", and insert in lieu thereof the following: "except upon approval of the executive member of the board and the Department of Finance."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 93?

The roll was called, and Assembly amendments to Senate Bill No. 93 concurred in by the following vote:

AYES: Senators Bigger, Donald, Duffell, Fletcher, Gordon, Hays, Jorgensen, Kneugh, Knowland, McConaug, McConnaug, McConnaug, Milton, Olson, Perry, Phoenix, Powers, Rich, Schottky, Seaborn, Seannell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—30.

NOES: None.

Senate Bill No. 93 ordered to enrollment.

Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor and making an appropriation.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1120.

Amendment No. 1.

On page 1, lines 2 and 3, of the printed bill, as amended, strike out the following: "by the State Building Commission created by this act."

Amendment No. 2.

On page 1, lines 4 and 5, of the printed bill, as amended, strike out the following: "by said commission".

Amendment No. 3.

On page 1, line 12, of the printed bill, as amended, after the word "construction", insert the following: ", improvement, and equipment", and after the word "thereon", in said line, insert the following: ", to be expended under the provisions of an act entitled 'An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors, to provide for purchase or

acquisition of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor." passed at the fifty-first session of the Legislature, in the amount and in lieu of the appropriation therein contained; provided, that should said act not become effective, then to be expended under the provisions of section 3 of this act".

Amendment No. 4.

On page 1 of the printed bill, as amended, between lines 18 and 19, insert the following:

"(5) In the event that the moneys hereby appropriated or otherwise made available for expenditure under the provisions of this act shall exceed the amount required under paragraphs numbered (1) to (4) of this section, the commission may, if it deems it in the best interests of the State, expend such excess for the construction or improvement of buildings for institutions supported in whole or in part by the State."

Amendment No. 5.

On page 2, line 1, of the printed bill, as amended, after the word "Institutions", insert the following: ", the Director of Public Works"; and strike out the following words in said line: "one member", and insert in lieu thereof the following: "two members".

Amendment No. 6.

On page 2, line 2, of the printed bill, as amended, strike out the following: "Unless otherwise", and strike out all of lines 3 to 6, inclusive.

Amendment No. 7.

On page 2, line 7, of the printed bill, as amended, strike out the following: "For the purposes of", and insert in lieu thereof the following: "To carry out the provisions of section 3 of".

Amendment No. 8.

On page 2, line 8, of the printed bill, as amended, strike out the following: "a superintendent of construction".

Amendment No. 9.

On page 2, line 9, of the printed bill, as amended, strike out the words "and such", and insert in lieu thereof the following: "such clerical and other".

Amendment No. 10.

On page 2, line 10, of the printed bill, as amended, strike out the word "Act".

Amendment No. 11.

On page 2, line 20, of the printed bill, as amended, strike out the word "The", and insert in lieu thereof the following: "Subject to the provisions of section 1, subdivision 2, of this act, the".

Amendment No. 12.

On page 3 of the printed bill, as amended, strike out all of lines 4 to 10, inclusive, and insert in lieu thereof the following: "The commission shall carry out construction or improvement, or any part thereof, through the Department of Public Works in accordance with the provisions of the State Contract Act, and other laws governing erection of State buildings."

Amendment No. 13.

On page 3, line 18, of the printed bill, as amended, strike out the following: "and the State Controller".

Amendment No. 14.

On page 3 of the printed bill, as amended, strike out all of line 19, and insert in lieu thereof the following: "repayment of such money or any part thereof to the general fund is not required in the best interests of the State and".

Amendment No. 15.

On page 3, line 22, of the printed bill, as amended, strike out the following: "and the State Controller".

Amendment No. 16.

On page 3 of the printed bill, as amended, strike out all of line 32, and insert in lieu thereof the following: "upon heads of departments by the provisions of section".

Amendment No. 17.

On page 3, line 48, of the printed bill, as amended, after the word "fifty", insert the word "thousand".

Amendment No. 18.

On page 5, line 41, of the printed bill, as amended, strike out the word "specific", and insert in lieu thereof the following: "State building fund".

Amendment No. 19.

On page 5 of the printed bill, as amended, strike out all of lines 42 and 43.

Amendment No. 20.

On page 5, line 44, of the printed bill, as amended, strike out the following "and three yet".

Amendment No. 21.

On page 5, line 52, of the printed bill, as amended, strike out the word "committee", and insert in lieu thereof the word "commission".

Amendment No. 22.

On page 6 of the printed bill, as amended, strike out all of line 44 and insert in lieu thereof the following: "the State Building fund".

Amendment No. 23.

On page 7, line 2, of the printed bill, as amended, strike out the word "committee", and insert in lieu thereof the word "commission".

Amendment No. 24.

On page 7, line 10, of the printed bill, as amended, strike out the following: "respective jurisdictions", and insert in lieu thereof the following: "general".

Amendment No. 25.

On page 7 of the printed bill, as amended, strike out all of line 14, and insert in lieu thereof a period.

Amendment No. 26.

On page 8 of the printed bill, as amended, strike out all of lines 15 and 16, and insert in lieu thereof the following: "the fund out of the State Building fund most derived of the State Department".

Amendment No. 27.

On page 8, line 31, of the printed bill, as amended, strike out the following: ", and", and insert in lieu thereof a period.

Amendment No. 28.

On page 8 of the printed bill, as amended, strike out all of lines 22 to 24, inclusive, and insert in lieu thereof the following: "AU funds".

Amendment No. 29.

On page 8 of the printed bill, as amended, between lines 29 and 30, insert the following:

"SEC. 20. Whenever the United States Government or any officer or agent thereof shall provide funds for the construction of public works at State institutions situated in whole or in part by the State, in cooperation to the State University and there is hereby authorized to such amount and to such extent in the State Building Commission may deem to be for the best interest of the State, and the funds herein appropriated shall become available for such purpose."

Amendment No. 30.

On page 8, line 30, of the printed bill, as amended, strike out the figure "20", and insert in lieu thereof "21".

Amendment No. 31.

On page 8, line 35, of the printed bill, as amended, strike out the figure "21", and insert in lieu thereof "22".

Amendment No. 32.

On page 1, line 3, of the printed bill, as amended, strike out "twelve" and insert in lieu thereof the following: "thirteen".

Amendment No. 33.

On page 2, line 7, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "and for the construction and equipment of a wing or wings to the State Building in Los Angeles, or for the improvement of said building."

Amendment No. 34.

On page 4, line 30, of the printed bill, as amended, strike out "twelve", and insert in lieu thereof the following: "thirteen".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1120?

The roll was called, and Assembly amendments to Senate Bill No. 1120 concurred in by the following vote:

AYES—Senators Biggar, Douel, Durant, Edwards, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, McCormack, McGowan, McGuinness, Moxer, Olson,

Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wag, Williams, and Young—29.

NOES—None.

Senate Bill No. 1120 ordered to enrollment.

Consideration of Daily File.

Third Reading of Assembly Bills.

Assembly Bill No. 1392—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution, and providing for the reporting of appointments and certification of estimates, pay rolls and accounts of other officers and employees of the State and declaring the urgency of this act and providing that it shall take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1392 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wag, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1392 ordered transmitted to the Assembly.

Assembly Bill No. 1363—An act to amend section 1530 of the Insurance Code and to add section 1281a to Article 1, Chapter 3, Part 2, Division 1 thereof, relating to reciprocal or interinsurance exchanges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1363 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wag, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1363 ordered transmitted to the Assembly.

Assembly Bill No. 76—An act to amend section 2924½ of the Civil Code, relating to mortgages and trust deeds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 76 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wag, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 76 ordered transmitted to the Assembly.

Assembly Bill No. 605—An act providing for the acquisition of lands for, and the construction, maintenance and operation of a building at

the Pacific Exposition to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, resources of and other matters pertaining to the State of California at said Pacific Exposition, creating the California Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 605 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dond, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Seallan, Seawell, Slater, Slater, Stow, Tickle, Wagy, and Young—20.

NOES—None.

Title read and approved.

Assembly Bill No. 605 ordered transmitted to the Assembly.

Assembly Bill No. 2080—An act to provide for the acquisition of the Muir Wood Toll Road by the State, and the inclusion thereof in the State highway system, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2080 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dond, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jaspersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Seallan, Seawell, Slater, Slater, Stow, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2080 ordered transmitted to the Assembly.

Assembly Bill No. 329—An act relating to codes of fair competition for certain trades and industries within this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 329 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dond, Duval, Edwards, Fletcher, Garrison, Gordon, Jaspersen, Keough, McCormack, McGovern, McGuinness, Olson, Perry, Pierovich, Powers, Seallan, Seawell, Slater, Wagy, and Young—22.

NOES—Senators Edwards, Hays, Knowland, Metzger, Mixer, Schottky, Sharkey, Stow, and Tickle—9.

Title read and approved.

Assembly Bill No. 329 ordered transmitted to the Assembly.

Assembly Bill No. 1181—An act to amend sections 4 222, 4 770, 4 771, 4 773, 4 785, 4 796, 4 797, 4 872, 4 883 and 4 886.1 of the School Code and to add thereto four new sections to be numbered 4 223, 4 774, 4 784, and 4 874-1, all relating to the apportionment of State funds for public school purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1181 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Stow, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1181 ordered transmitted to the Assembly.

Assembly Bill No. 379—An act to amend section 410 of the Political Code, relating to the publication and distribution of the laws, resolutions and Journals of the Legislature, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 379 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Sharkey, Slater, Tickle, Wagy, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 379 ordered transmitted to the Assembly.

Assembly Bill No. 2376—An act making an appropriation for the support of the Legislative Counsel Bureau and declaring the urgency thereof, the act to take effect immediately.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2376 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Gordon, Hays, Jespersen, Keough, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Tickle, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 2376 ordered transmitted to the Assembly.

Assembly Bill No. 1663—An act to amend section 26 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,' " approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities," relating to fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1663 passed by the following vote:

AYES—Senators Crittenden, Dorel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Kneifel, Knowland, McConnaughey, McGowan, McGowan, Menzger, Meyer, Parkman, Perry, Powers, Powers, Rose, Schottky, Seidman, Seawell, Sharkey, Slater, Stow, Thiele, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1663 ordered transmitted to the Assembly.

Assembly Bill No. 1117—An act to amend section 521 of the School Code, relating to the support of State teachers colleges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1117 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dorel, Difani, Edwards, Fletcher, Garrison, Hays, Kneifel, Knowland, McConnaughey, McGowan, McGowan, Menzger, Meyer, Parkman, Perry, Powers, Powers, Schottky, Seidman, Seawell, Sharkey, Slater, Stow, Thiele, Wagy, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1117 ordered transmitted to the Assembly.

Assembly Bill No. 1329—An act authorizing any irrigation district, reclamation district, municipal utility district, public utility district, municipality, water district, water storage district, and any public or municipal corporation, political subdivision, district, State agency or authority, to enter into and execute appropriate contracts with the Water Project Authority of the State of California, created in and by the Central Valley Project Act of 1913, under the provisions of Chapter 1042 of the Statutes of 1933 and authorizing any such agency or entity to comply with the provisions of any such contract; and authorizing any such agency or entity to segregate, allocate, devote and pledge revenues derived from the sale, use or distribution of facilities received from said Water Project Authority under any such contract, for the purpose of securing payments under such contract; and authorizing any such agency or entity to establish a special account for the purposes of such contract, funds accruing to which shall be and constitute a trust fund for the purpose of making payments under such contract to said Water Project Authority.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1329 passed by the following vote:

AYES—Senators Biggar, Crittenden, Dorel, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jorgensen, Knowland, McConnaughey, McGowan, McGowan, Menzger, Meyer, Olson, Parkman, Perry, Powers, Powers, Schottky, Seidman, Seawell, Sharkey, Slater, Stow, Thiele, Wagy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 1329 ordered transmitted to the Assembly.

Assembly Bill No. 1605—An act to amend sections 3330, 3331, 3332, 3333, 3334, 3335 and 3337 of the School Code, relating to the attend-

ance of pupils residing in California upon the public schools of adjoining States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1605 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Knowland, McCormack, McGovern, McGuinness, Metzger, Olson, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1605 ordered transmitted to the Assembly.

Assembly Bill No. 234—An act creating a commission for the coordination of State and local governments, defining its powers and duties, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 234 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Jespersen, Knowland, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 234 ordered transmitted to the Assembly.

Assembly Bill No. 997—An act to amend sections 18 and 21 of an act entitled "An act to conserve the agricultural wealth of the State of California, and to prevent economic waste in the marketing of agricultural crops produced in the State of California, and in that behalf creating an Agricultural Prorate Commission; providing for the appointment of members of said commission, fixing the term of office of the members of said commission; prescribing the powers, duties and authority of said commission and the members thereof; providing for the institution of proration programs with respect to agricultural crops; providing for the enforcement of such programs; providing penalties for violation of such programs; providing for the creation of funds for the purposes of said act and providing for the collection thereof; and making an appropriation therefor," approved June 5, 1933, relating to fees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 997 passed by the following vote:

AYES—Senators Biggar, Crittenden, Difani, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Knowland, McCormack, McGovern, Metzger, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 997 ordered transmitted to the Assembly.

Assembly Bill No. 1561—An act to amend sections 3, 4a, 23, 10, 13, 17, and 18 of an act entitled "An act defining mattresses; regulating the making, remaking and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor; and repealing legislation inconsistent with this act," approved June 7, 1915, and to add thereto a new section to be numbered section 21, all relating to the administration of said act by the Bureau of Furniture and Bedding Inspection and the powers and duties of the officers thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1561 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Knowland, McCormack, Metzger, Olson, Parkinson, Perry, Pirovich, Powers, Rich, Schlotzky, Seidman, Sharkey, Slater, Stark, Tuckie, Wagon, Williams, and Young—27.

NOES.—None.

Title read and approved.

Assembly Bill No. 1561 ordered transmitted to the Assembly.

Assembly Bill No. 1562—An act to amend sections 1, 2, 5, 6, 7, 8, 9 and 14 of an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same; providing for the licensing of persons manufacturing, selling or repairing upholstered furniture; and creating the upholstered furniture inspection fund," approved May 2, 1927, relating to the administration thereof by the Bureau of Furniture and Bedding Inspection of the Department of Professional and Vocational Standards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1562 passed by the following vote:

AYES.—Senators Biggar, Crittenden, Deuel, Dyfani, Dwyal, Edwards, Fletcher, Garrison, Gordon, Hays, Knowland, McCormack, Metzger, Olson, Parkinson, Perry, Pirovich, Powers, Rich, Schlotzky, Seidman, Sharkey, Slater, Stark, Tuckie, Wagon, Williams, and Young—28.

NOES.—None.

Title read and approved.

Assembly Bill No. 1562 ordered transmitted to the Assembly.

Assembly Bill No. 1001—An act to authorize the Division of Water Resources of the Department of Public Works to gather and correlate information and data pertinent to an annual forecast of seasonal water crop, including the making of snow surveys, and to cooperate with other agencies in such work, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Pierovich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—34.

The Secretary announced the absentees.

Time, twelve o'clock and thirty-five minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Assembly Bill No. 1037—An act to safeguard the public health, to regulate the diagnosis and treatment of human ailments by means of X-rays and the use, ownership and possession of X-ray appliances for said purposes; providing for the licensing of persons operating X-ray appliances and laboratories, declaring the treatment of human ailments by means of X-rays to constitute the practice of medicine; prescribing penalties for violation of the act; declaring the possession, maintenance or operation of X-ray appliances in violation of the provisions of the act to constitute a public nuisance, and otherwise providing for the enforcement of the act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1037 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Slater, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1037 ordered transmitted to the Assembly.

Assembly Bill No. 2238—An act to amend sections 3 and 9 of, and to add sections 17 and 18 to "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929, relating to aid to the needy blind.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2238 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Garrison, Gordon, Hays, Jespersen, Knowland, McCormack, McGovern, Metzger, Mixter,

Olsen, Parkman, Perry, Pierpont, Powers, Scherby, Seaton, Seawell, Sharkey, Slater, Stree, Tackle, Wags, Withams, and Young—*abs.*
None—None.

Title read and approved.

Assembly Bill No. 7228 ordered transmitted to the Assembly.

Motion to Withdraw and Refer.

Senator Hays moved that Assembly Bill No. 1871 be withdrawn from Committee on Revenue and Taxation and referred to Committee on Governmental Efficiency.

Motion refused adoption.

Re-reference of Assembly Bill No. 793

Senator Olson moved that Assembly Bill No. 793 be re-referred to Committee on Education.

Motion carried, and such was the order.

Reports of Standing Committee

The following reports of standing committee were received and read:

On Engrössment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Committee Resolution No. 44—relating to the appointment by the Governor of a commission of six to investigate the conditions of unincorporating the two hundredth anniversary of the signing of California, by signing the constitution of an appropriate memorial to the memory of John Rodriguez Canales and his compatriots.

Also: Senate Bill No. 127—An act to authorize all proceedings for the issuance of licenses and all bonds necessary issued or sold on or before June 30, 1935, by any State highway district, and dissolving the fees and collecting of a new system to put the principal and interest thereof.

Also: Senate Bill No. 357—An act to repeal section 452a of the Political Code, relating to the unincorporated of bonds dissolved with insurance.

Also: Senate Bill No. 400—An act making an appropriation to pay the claim of Modoc County Fire Association against the State of California.

Also: Senate Bill No. 476—An act to add sections 3807 to the Fish and Game Code and to amend sections 651, 652, 653, 654 and 651d (change relating to men). And reports that the same have been correctly enrolled and presented to the Governor on the fifteenth day of June, 1935, at ten o'clock p.m.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 527—An act to add a new article to Division 114, Chapter 1 of the Agricultural Code to be numbered 12, relating to exterminating, slaughtering or processing animals for purposes other than human consumption, and rendering establishments.

Also: Senate Bill No. 791—An act making an appropriation to purchase the "Corporation Commission fund" for the various mortgage commissions and expenses from that fund pursuant to Chapter 805, Statutes of 1929 and for necessary expenditures made pursuant to Chapter 1037, Statutes of 1933.

Also: Senate Bill No. 920—An act appropriating money for the restoration and rehabilitation of Marshall's school at Colusa.

Also: Senate Bill No. 1000—An act to amend section 348 of the Agricultural Code, relating to licenses and monies collected for inspection of marks and brands.

Also: Senate Bill No. 1027—An act making an appropriation for the clearing and cleaning of Ellis Creek.

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at ten o'clock p.m.

MIXTER, Vice Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrössment, Enrollment and Printing has examined Senate Bill No. 1029—An act making an appropriation to pay the claim of Anthony Caminita, Jr., against the State of California.

Also: Senate Bill No. 1127—An act to amend section 378 of the Fish and Game Code and to add thereto section 375.5, relating to migratory bird reservations.

Also: Senate Bill No. 1129—An act to add section 4093.5 to the Political Code, relating to transmission of moneys to counties by State officers and employees; And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at ten o'clock p.m.

MIXTER, Vice Chairman.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 1118—An act to call a special election to be held on the thirtieth day of July, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifty-first regular session, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 793—An act to amend section 1094 of the Political Code, relating to elections;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OIINIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1118.

Amendment No. 1.

On page 1 of the printed bill, between lines 16 and 17, insert the following:

"Assembly Constitutional Amendment No. 90—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 12, relating to the Rector Canyon Dam Project."

Amendment No. 2.

On page 1, lines 2 and 3, of the printed bill, strike out the words "thirtieth day of July", and insert in lieu thereof the following: "thirteenth day of August".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1118?

The roll was called, and Assembly amendments to Senate Bill No. 1118 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Difani, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—33.

NOES—None.

Senate Bill No. 1118 ordered to enrollment.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 793.

Amendment No. 1.

On page 2 of the printed bill, strike out lines 25 to 49, inclusive, and on page 3, strike out lines 1 to 3, inclusive.

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 793?

The roll was called, and Assembly amendment to Senate Bill No. 793 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Stow, Tickle, Wagy, Williams, and Young—31.

NOES—None.

Senate Bill No. 793 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 108. An act to amend sections 4 and 5 of an act entitled "An act to preserve all minerals in State lands to provide for examination, classification and report on the minerals and other state actor of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rental and royalties to be paid, and granting certain preference rights; to provide for the making of sales, regulations and contracts necessary to carry out the purposes of this act; and rendering acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1924, relating to the economy of prospecting permits for oil and gas which were in effect October 1, 1933, and upon which has been expended over thousand dollars or more in the prospecting for oil and gas.

Also: Senate Bill No. 285. An act to amend sections 12, 13, and 16 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to horse racing.

Also: Senate Bill No. 108. An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to communication.

Also: Senate Bill No. 258. An act to leave concrete facilities for the establishment and operation of a telephone typewriter system of communication between certain cities, and to make an appropriation therefor.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. CHINIMUS, Chief Clerk.

By FRED J. FURSE, Assistant Clerk.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 285.

Amendment No. 1.

On page 2, line 31, of the printed bill, as amended, strike out the period, and insert in lieu thereof a comma and the following: "and all such moneys to the amount of twenty-five thousand dollars (\$25,000) annually for five years, to the board to be expended for the purpose of encouraging the breeding industry in California and improving the breed of horses foaled in California."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 285?

The roll was called, and Assembly amendment to Senate Bill No. 285 concurred in by the following vote:

AYES—Senators Riggall, Crittenden, Deneil, Fletcher, Garrison, Gordon, Hahn, Hulse, Jorgensen, Kovich, Knowland, McCormack, McGovern, McGowan, Metzger, Mixer, Parkman, Perry, Pionovich, Powers, Schetzky, Seaman, Seawell, Sharkey, Slater, Stow, Wagf, Williams, and Young—29.

NOES—None.

Senate Bill No. 285 ordered to enrollment.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1038.

Amendment No. 1.

On page 2, line 2, of the printed bill, as amended May 23, 1935, after "highway district," insert the following: "water district, water conservation district, metropolitan water district, municipal utility district."

Amendment No. 2.

On page 2, line 10, of the printed bill, as amended May 23, 1935, after "highway district," insert the following: "water district, water conservation district, metropolitan water district, municipal utility district."

Amendment No. 3.

On page 2, line 19, of the printed bill, as amended May 23, 1935, after "highway district," insert the following: "water district, water conservation district, metropolitan water district, municipal utility district,".

Amendment No. 4.

On page 2, line 30, of the printed bill, as amended May 23, 1935, after the comma, after the word "appropriated", strike out the word "in", and also strike out all of lines 31, 32, 33, 34 and 35, and insert in lieu thereof the following: "provided, that private property located within any incorporated city and sought to be taken by such city shall be deemed not to be appropriated to the use of the county or district within which such city is located."

Amendment No. 5.

On page 3, line 28, of the printed bill, as amended May 23, 1935, after "water district", insert a comma and the following: "water conservation district, metropolitan water district, municipal utility district,".

Amendment No. 6.

On page 3, line 34, of the printed bill, as amended May 23, 1935, after "water district," insert the following: "water conservation district, metropolitan water district, or municipal utility district,".

Amendment No. 7.

On page 3, lines 46 and 47, of the printed bill, as amended May 23, 1935, strike out the following: "public utility, or water district," and insert in lieu thereof the following: "or public utility district,".

Amendment No. 8.

On page 4, line 6, of the printed bill, as amended May 23, 1935, after "utility district," insert the following: "a water conservation district, a metropolitan water district, a municipal water district,".

Amendment No. 9.

On page 4, line 16, of the printed bill, as amended May 23, 1935, after "trict," insert the following: "a water conservation district, a metropolitan water district, a municipal utility district,".

Amendment No. 10.

On page 4, line 20, of the printed bill, as amended May 23, 1935, after "utility district," insert the following: "a water conservation district, a metropolitan water district, a municipal utility district,".

Amendment No. 11.

On page 4, line 26, of the printed bill, as amended May 23, 1935, after the words "public use;" add the word "or".

Amendment No. 12.

On page 4, line 29, of the printed bill, as amended May 23, 1935, after the words "public use", strike out the following words appearing in lines 29 and 30: "; to furnish such a supply or provide vided for or".

Amendment No. 13.

On page 4, line 33, of the printed bill, as amended May 23, 1935, after "utility district," insert the following: "a water conservation district, a metropolitan water district, a municipal utility district,".

Amendment No. 14.

On page 4, line 39, of the printed bill, strike out the word "on", and insert in lieu thereof the word "or".

Amendment No. 15.

On page 4, line 40, of the printed bill, as amended May 23, 1935, after "utility district," insert the following: "a water conservation district, a metropolitan water district, a municipal utility district,".

Amendment No. 16.

On page 4, line 44, of the printed bill, as amended May 23, 1935, after "utility districts," insert the following: "water conservation districts, metropolitan water districts, municipal utility districts,".

Amendment No. 17.

On page 5, line 1, of the printed bill, after the comma, after the word "appropriated", strike out the words "in any case"; and on page 5, strike out all of lines 2 to 7, inclusive, and insert in lieu thereof the following: "provided, that private property located within any incorporated city and sought to be taken by such city shall be deemed not to be appropriated to the use of the county or district within which such city is located."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 4048?

The roll was called, and Assembly amendments to Senate Bill No. 1038 concurred in by the following vote:

AYES: Senators Biggs, Coffman, David, Daniel, Fletcher, Gordon, Hale, Hulsey, Johnson, Keough, McCann, McCann, McCann, Morgan, Myers, Parkman, Perry, Pierovich, Powers, Robt. Schuchter, Shurtz, Slater, Snow, Tracy, Wagy, Williams, and Young—28.

NOES: None.

Senate Bill No. 1038 ordered to enrollment.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 238.

Amendment No. 1.

On page 1, line 5 of the printed bill, as amended, after "Viable", insert the following: "Marcellite Quartzite".

The question being: Shall the Senate concur in Assembly Amendment to Senate Bill No. 238?

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 238 by the following vote:

AYES: None.

NOES: Senators Biggs, Coffman, David, Elmore, Fletcher, Gordon, Hale, Hulsey, Johnson, Keough, McCann, McCann, McCann, Morgan, Myers, Olson, Parkman, Perry, Pierovich, Powers, Robt. Schuchter, Shurtz, Slater, Snow, Tucke, Wagy, Williams, and Young—31.

Assembly requested to reconsider.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 398.

Amendment No. 1.

On page 1, line 3 of the printed bill, as amended, strike out everything except "Sec. 4."

Amendment No. 2.

On page 1 of the printed bill, as amended, strike out lines 8 to 12, inclusive, and insert in lieu thereof the following: "Grant 120 day period to prospectors of persons, who are citizens of the United States or who have pending their application of becoming such, or who are eligible to citizenship under the laws of the United States and are citizens of any country, dependency, colony or territory, the laws, customs and regulations of which require entry of such person as a citizen of the United States, or 120 day prospecting permit for one or more of the stock of which is owned by citizens of the United States or by citizens of any such country, dependency, colony or territory, whose citizens are eligible to citizenship under the laws of the United States, a prospecting contract as hereinafter described, providing, however, that the foregoing contract is hereby authorized to issue such a prospecting permit to any alien person entitled thereto by virtue of any treaty between the United States and the nation or country of which such alien person is a citizen or subject. Such prospecting permit shall give".

Amendment No. 3.

On page 2 of the printed bill, as amended, strike out line 41, and in line 42, strike out: "posting of notices. Resolving notices."

Amendment No. 4.

On page 3 of the printed bill, as amended, strike out line 9, and strike out all of line 10 except "The applicant shall".

Amendment No. 5.

On page 4, line 7, of the printed bill, as amended, strike out "Lease. Royalty."

Amendment No. 6.

On page 4, line 37, of the printed bill, as amended, after "lease", insert the following: "or permit".

Amendment No. 7.

On page 4, line 43, of the printed bill, as amended, strike out "the bonus", and strike out all of lines 44 to 47, inclusive, and insert in lieu thereof the following: "including the right of renewal as prescribed in section 8 hereof, the bonus and royalty to be determined by competitive bidding or fixed by such other method as the Surveyor General may by regulations prescribe; provided, that the Surveyor General shall have the right to reject any and all bids."

Amendment No. 8.

On page 4, line 36, of the printed bill, strike out "unfilled".

Amendment No. 9.

On page 1, line 12 of the title of the printed bill, as amended, before "extension", insert the following: "granting and".

Amendment No. 10.

On page 1 of the title of the printed bill, as amended, strike out lines 13 to 15, inclusive, and insert in lieu thereof the following: "pecting permits for oil and gas."

Amendment No. 11.

At the end of the printed bill, insert the following:

"The Department of Finance shall not permit any further wells to be drilled from the present island or piers, nor shall they permit any further piers or islands to be constructed on tidelands."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 398?

The roll was called, and Assembly amendments to Senate Bill No. 398 concurred in by the following vote:

AYES—Senators Crittenden, Duval, Edwards, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGuinness, Metzger, Mixer, Parkman, Rich, Sharkey, Stow, Tickle, Waggy, Williams, and Young—21.

NOES—Senators Biggar, Fletcher, Garrison, McGovern, Olson, Perry, Pierovich, Powers, Schottky, Seawell, and Slater—11.

Senate Bill No. 398 ordered to enrollment.

Further Proceedings Under Call of the Senate Dispensed With.

At one o'clock and fifteen minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Pierovich.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 1001 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Difani, Edwards, Fletcher, Garrison, Hulse, Jespersen, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Waggy, Williams, and Young—28.

NOES—Senators Duval, Gordon, Hays, Keough, Perry, Rich, and Tickle—7.

Title read and approved.

Assembly Bill No. 1001 ordered transmitted to the Assembly.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2487—An act to appropriate the sum of one million dollars for flood control work by the Los Angeles County Flood Control District, and to provide for the manner of expending such appropriation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2487 passed by the following vote:

AYES—Senators Rigger, Giffenden, Deuel, Edwards, Fletcher, Gierman, Jorgensen, Keough, Knowland, McGowan, McHenry, McGowan, Munger, Myers, Olson, Parkman, Perry, Peterson, Powers, Schaffert, Seaton, Sewall, Sharkey, Slater, Stone, Tickle, Wager, Williams, and Young—29.

NOES—Senator Hays—1.

Title read and approved.

Assembly Bill No. 2487 ordered transmitted to the Assembly.

Recess

On motion of Senator Rich, at one o'clock and seventeen minutes p.m., the President of the Senate declared recess until two o'clock and fifteen minutes p.m.

Reconvened

At two o'clock and fifteen minutes p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, in the chair.

Secretary Joseph A. Beck at the desk.

Approval of Journals

The Senate Journals of Monday, June 10, 1935; Tuesday, June 11, 1935; Wednesday, June 12, 1935; Thursday, June 13, 1935; and Friday, June 14, 1935, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

Reports of Standing Committees.

The following reports of standing committees were received, read, and the bills reported therein were ordered read the second time:

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1994—An act to add section 10041 to the Political Code, relating to the disposition of fees received under the provisions of section 10040 of the Political Code.

Also, Assembly bill No. 922—An act to amend section 13002 of the Agricultural Code, relating to produce dealers.

Also, Assembly Bill No. 1570—An act to add two new sections to the Public Utilities Act, to be numbered 24 and 504, defining highway common carriers and providing for the regulation thereof and requiring the issuance of certificates of public convenience and necessity therefor, and to repeal Chapter 213 of the Statutes of 1917, approved May 10, 1917, and amending thereof.

Also, Assembly Bill No. 2493—An act to amend section 1 of, and to add section 1.5 to an act entitled "An act relating to the Department of Professional and Vocational Standards and defining its powers and duties in relation to and providing for the adoption and registration of names and marks or other devices in garments, towels, table linen and other linen supplies used in the possession of a hotel or as indicia of ownership and to protect the owners thereof," passed at the fifty-first session of the Legislature of the State of California, relating to registration of names and marks or other devices on garments, towels, table linen or other articles. Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—11; committee vote: Ayes—9; absent—2.

HAYS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1835—An act to amend sections 2 and 9 of, and to add sections 10 and 11 to, an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10,

1933, relating to the regulation and inspection of the construction of public school buildings—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership: 11; committee vote: Ayes, 9; absent, 2.

HAYS, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Prisons and reformatories, to which was referred Assembly Bill No. 2129—An act amending section 111 of the Penal Code, relating to expense of trial of convicts—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

KNOWLAND.
WILLIAMS.
YOUNG.
FLETCHER.
POWERS.
PIEROVICH.

Second Reading of Assembly Bills.

Assembly Bill No. 992—An act to amend section 11 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the definition of dentistry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 994—An act to add section 690.11 to the Political Code, relating to the disposition of fees received under the provisions of section 690.10 of the Political Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1570—An act to add two new sections to the Public Utilities Act, to be numbered 23 and 503, defining highway common carriers and providing for the regulation thereof and requiring the issuance of certificates of public convenience and necessity therefor, and to repeal Chapter 213 of the Statutes of 1917, approved May 10, 1917, and amendments thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2129—An act amending section 111 of the Penal Code, relating to expense of trial of convicts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 2493—An act to amend section 1 of, and to add section 1.5 to an act entitled "An act relating to the Department of Professional and Vocational Standards and defining its powers and duties in relation to and providing for the adoption and registration of names and marks or other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as indicia of ownership and to protect the owners thereof," passed at the fifty-first session of the Legislature of the State of California, relating to registration of names and marks or other devices on garments, towels, table linen or other articles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1835—An act to amend sections 2 and 9 of, and to add sections 10 and 11 to, an act entitled "An act relating to the safety of design and construction of public school buildings, providing for

regulation, inspection and supervision of the construction, reconstruction or alteration of or additions to public school buildings; and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act to take effect immediately." approved April 10, 1933, relating to the regulation and inspection of the construction of public school buildings.

Consideration of Committee Amendments

Pursuant to the report of the Committee on Governmental Efficiency, the following amendments to Assembly Bill No. 1835 were read and adopted:

Amendment No. 1.

On page 1, line 1 of the title of the printed bill, as amended, strike and "Sections 2 and 9", and insert in lieu thereof "Section 2".

Amendment No. 2.

On page 3 of the printed bill, as presented, strike out lines 9 to 46, inclusive.

Amendment No. 3.

On page 3 of the printed bill, as amended, strike out "C", and insert in lieu thereof "D".

Amendment No. 4.

On page 4, line 19 of the printed bill, as amended, strike out the numeral "4", and insert in lieu thereof the numeral "5".

Amendment No. 5.

On page 4 of the printed bill, as amended, after line 29, add the following:

"Sec. 5. A new section, to be numbered section 11 is hereby added to the act cited in the title hereof and to read as follows:

"Sec. 11. When, as the result of an examination of any existing school building or buildings by the Division of Architecture or any other person or agency, such building is either found to comply with the standards of structural safety prescribed thereby by the said division, or is repaired, altered, or reconstructed for the purpose of securing such compliance, upon the written approval of the Division of Architecture as to such compliance shall be competent to prove the same."

Bill read second time, ordered to reprint, and on the far third reading

Call of the Senate.

Senator Knowland moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Crittenden, Bond, Fletcher, Hays, Knowland, McGinness, Perry, Ross, Schottky, Seaborn, Slater, Tinkle, and Wagg—13.

The Secretary announced the absentees.

Time, two o'clock and thirty minutes p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

President of the Senate in the Chair.

At two o'clock and forty-five minutes p.m., Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Senate Addressed by Miss Miller.

At two o'clock and forty-five minutes p.m., the Senate listened to an address by Miss Miller, of the Assembly, on the subject of Father's Day.

Father's Day Resolution.

The following resolution read by Miss Miller during her address was, on motion of Senator Seawell, declared to express the sentiment of the Senate, and ordered printed in the Journal.

WHEREAS, The sixteenth of June is known throughout the length and breadth of our fair land as Father's Day; and

WHEREAS, The recognition of this day is a tribute well deserved and graciously given by grateful mothers, daughters and sons everywhere to strong, brave, kind and loving men who work with diligence, who sacrifice with pleasure and who devote themselves assiduously in peace or war to the welfare of country, home and family even to the last supreme sacrifice; now, therefore, be it

Resolved, That we bow in reverence here in the Senate of our State Legislature in blessed memory of our dear fathers whom we have "loved long since and lost a while" and to those fathers who carry on today through joy or sorrow, through victory or defeat with an unflinching devotion to duty, we offer our love and appreciation unstinted and our best wishes for all good things that come to men in any time or any land.

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 1112—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits—and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1112.

Amendment No. 1.

On page 1, line 13, of the printed bill, as amended, after "aforesaid", insert a comma and the following: "except solvent credits".

Amendment No. 2.

On page 1, line 18, of the printed bill, as amended, strike out "solvent credits".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1112?

The roll was called, and Assembly amendments to Senate Bill No. 1112 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Waggy, Williams, and Young—29.

NOES—None.

Senate Bill No. 1112 ordered to enrollment.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 95—An act making an appropriation for the control and conservation of flood waters in San Diego County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 95 passed by the following vote:

AYES—Senators Biggar, Crittenden, Doud, Duval, Edwards, Fletcher, Garrison, Hulise, Jaspersen, Kneale, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Schottky, Seolian, Seawell, Slater, Stow, Wagy, Williams, and Young—27.

NOES—Senators Hays and Foster—2.

Title read and approved.

Assembly Bill No. 95 ordered transmitted to the Assembly.

Assembly Bill No. 2131—An act making an appropriation to pay the claim of the disbursing officer of the Fish and Game Commission, against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2131 passed by the following vote:

AYES—Senators Biggar, Crittenden, Doud, Duval, Edwards, Fletcher, Garrison, Hays, Hulise, Jaspersen, Kneale, Knowland, McCormack, McGovern, Metzger, Mixer, Parkman, Perry, Pierovich, Rabb, Schottky, Seolian, Seawell, Slater, Stow, Wagy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 2131 ordered transmitted to the Assembly.

Assembly Bill No. 1482—An act making an appropriation for the elimination of Canada's thorn out of certain nursery heretofore appropriated for that purpose declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution and therefore shall go into immediate effect. The facts constituting such emergency are as follows:

The appropriation made for the eradication of Canada's thorn in 1931 has not all been expended, but is needed for the purpose. This appropriation will expire on August 14, 1935, unless the balance is appropriated by this act. Canada's thorn is a destructive agricultural pest and it is necessary that its eradication be continued.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Doud, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulise, Jaspersen, Kneale, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Schottky, Seolian, Seawell, Slater, Stow, Wagy, Williams, and Young—29.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1482 passed by the following vote:

AYES—Senators Biggar, Crittenden, Doud, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulise, Jaspersen, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Schottky, Seolian, Seawell, Slater, Stow, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1482 ordered transmitted to the Assembly.

Assembly Bill No. 2475—An act making an appropriation to pay the claim of Fred Froehlinger against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2475 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Waggy, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2475 ordered transmitted to the Assembly.

Assembly Bill No. 1289—An act to amend section 372 of the Vehicle Code, and to add thereto section 776.1, relating to motor vehicles.

Amendment from the Floor.

During third reading of Assembly Bill No. 1289, the following amendment, offered by Senator Jespersen, was read and adopted:

Amendment No. 1.

On page 2 of the printed bill, as amended, immediately following line 50, insert the following:

"(d) Any vehicle designed, used or maintained as described in subdivision (a) hereof propelled by an engine designed to use fuel the distribution of which is not subject to the Motor Vehicle Fuel License Tax Act shall pay fees for registration according to the following schedule:

<i>Weight</i>	<i>Fee</i>
(1) When unladen, 3000 pounds or more, but less than 6000 pounds-----	\$50 00
(2) When unladen, 6000 pounds or more but less than 10,000 pounds and limited hereunder to a gross weight of vehicle and load of not exceeding 22,000 pounds-----	130 00
(3) When unladen, 10,000 pounds or more and limited hereunder to a gross weight of vehicle and load of not exceeding 22,000 pounds-----	170 00
(4) When unladen, 6000 pounds or more and entitled hereunder to a gross weight of vehicle and load in excess of 22,000 pounds-----	200 00'

Bill read, ordered to reprint, and on file for third reading.

Assistant Secretary Carl A. Shipkey at the Desk.

Assembly Bill No. 617—An act making an appropriation to pay the claim of the disbursing officer of the Department of Industrial Relations against the State of California.

Bill read third time.

Communication.

The following communication, referring to Assembly Bill No. 617, was ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE,

DIVISION OF BUDGETS AND ACCOUNTS, SACRAMENTO, June 16, 1935.

Hon. Walter McGovern, Senate Chamber,
State Capitol, Sacramento, California.

MY DEAR SENATOR MCGOVERN: Assembly Bill No. 617 makes an appropriation of \$33,300 to return to certain employers money paid by them into the State treasury under the provisions of the Workmen's Compensation Act of 1919 (Stats. of 1919, page 273), which was declared by the Supreme Court of this State (191 Cal. 267) to be unconstitutional.

The purpose of the act was to require employers to pay certain sums into a special fund for the purpose of rehabilitation and reeducation of persons injured in the service or for their dependents.

The roll was called, and Assembly Bill No. 1747 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Edwards, Garrison, Gordon, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Schottky, Scollan, Seawell, Slater, Stow, Waggy, Williams, and Young—27.

NOES—None.

Title read and approved.

Assembly Bill No. 1747 ordered transmitted to the Assembly.

Assembly Bill No. 1091—An act making an appropriation for the enforcement of standards, quality and identity, covering the manufacture and sale of California wines and brandy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1091 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Edwards, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Stow, Waggy, Williams, and Young—30.

NOES—Senator Olson—1.

Title read and approved.

Assembly Bill No. 1091 ordered transmitted to the Assembly.

Assembly Bill No. 327—An act making an appropriation for the control of Bang's disease in cattle under the provisions of Article 2, Chapter 3, Division II of the Agricultural Code, and declaring the urgency hereof.

Bill read third time.

Urgency Clause.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution, and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

In order that the State can take advantage of an allocation by the Federal Government of one hundred thousand dollars for Bang's disease control in California, it is necessary that certain assistance be given the Government in conducting necessary tests for detection of such disease. Bang's disease is of great economic importance to the dairy and live stock industry, and it is highly desirable that the State take advantage of the Federal Government's offer of financial assistance for controlling the disease. Since the Federal funds are immediately available provided the State will cooperate, it is necessary that this act take immediate effect in order that the work be undertaken without delay.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause refused adoption by the following vote:

AYES—Senators Biggar, Deuel, Edwards, Fletcher, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Pierovich, Rich, Schottky, Scollan, Seawell, Slater, Stow, Waggy, Williams, and Young—24.

NOES—Senators Duval, Garrison, Gordon, Hays, Metzger, Perry, and Sharkey—7.

Motion to Reconsider.

Senator Garrison moved to reconsider the vote whereby the urgency clause of Assembly Bill No. 327 was refused adoption.

Consideration of motion deferred by unanimous consent.

Further Proceedings Under Call of the Senate Dispensed With

At three o'clock and forty five minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Knowland.

Assembly Bill No. 2382—An act to regulate the practice of structural pest control, to create the Structural Pest Control Board, to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control.

Bill read third time.

The question being on the passage of the bill

The roll was called

Call of the Senate

Pending the announcement of the vote, Senator Young issued a call of the Senate.

Motion carried

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ruggar, Griffiths, David Edwards, Pauline Gurrill, Hans Huse, Jørgensen, Kenneth Kjørholt, Mogens Madsen, Morten Mathis, Oluf Parkman, Perry, Porsgaard, Sørensen, Steffen, Stenberg, Peter, Stein, Winge, and Young.—27.

The Secretary announced the discussion.

Time, three o'clock and fifty minutes p.m.

The President directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate

Message from the Assembly.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 16, 1907.

MR. PRESIDENT. I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 708—An act relating to the borrowing of money by the State in anticipation of taxes and revenues and making an appropriation.

Also Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 1, 4, 4b, 4c, 10, 18, 20, and 24 of Article VI, and by adding sections 4d, 4e, and 4f to said Article VI of the Constitution, relating to the judicial power of the State.

And respectfully requests your honorable body to excuse an early attendance.

ARTHUR A. GUINIMUS, *Ph.D.*

By FRED J. DUNN, Assistant Clerk

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 708.

Amendment No. 1.

On page 1 of the printed bill, strike out lines 4 to 13, inclusive, and insert in lieu thereof the following:

"Sec. 2. There is hereby created a board, consisting of the State Controller, State Treasurer, and the Director of Finance, hereinafter called the board, which board shall carry out the provisions of this act."

Amendment No. 2.

On page 1, line 14, of the printed bill, strike out "4", and insert in lieu thereof the following: "3".

Amendment No. 3.

On page 1, line 15, of the printed bill, after "appropriations", insert the following: "from the general fund".

Amendment No. 4.

On page 1, line 16, of the printed bill, strike out "shall", and insert in lieu thereof the following: "may".

Amendment No. 5.

On page 1, line 17, of the printed bill, strike out "for by law.", and insert in lieu thereof the following: "by law for the payment of such appropriations."

Amendment No. 6.

On page 1, line 18, of the printed bill, strike out "5", and insert in lieu thereof the following: "4".

Amendment No. 7.

On page 2, line 4, of the printed bill, strike out "6", and insert in lieu thereof the following: "5".

Amendment No. 8.

On page 2 of the printed bill, strike out lines 9, 10 and 11, and insert in lieu thereof the following: "shall be payable from the general fund not more than one year after the date of issuance thereof."

Amendment No. 9.

On page 2, line 12, of the printed bill, strike out "7", and insert in lieu thereof the following: "6".

Amendment No. 10.

On page 2, line 17, of the printed bill, strike out "8", and insert in lieu thereof the following: "7".

Amendment No. 11.

On page 1, line 2 of the title of the printed bill, after the word "revenues", insert a comma and the following: "and making an appropriation".

Amendment No. 12.

On page 2 of the printed bill, following line 23, add the following:

"SEC. 9. Out of any moneys in the State treasury not otherwise appropriated, there is hereby appropriated such sum or sums as may be required to pay interest on amounts borrowed under the provisions of this act."

Amendment No. 13.

On page 1 of the printed bill, as amended, strike out all of lines 20 to 23, inclusive, and insert in lieu thereof the following: "Legislature, the board is hereby authorized, to borrow money in anticipation of the collection of taxes and revenues."

Amendment No. 14.

On page 1, line 25, of the printed bill, as amended, strike out the following: "such estimated anticipated taxes and revenue", and insert in lieu thereof the following: "the amount of all taxes and revenues paid into the general fund during the preceding fiscal year."

Amendment No. 15.

On page 1 of the printed bill, as amended, strike out all of lines 26 and 27, and insert in lieu thereof the following: "The board shall fix and determine the form of such notes or other evidences of indebtedness of the State, provide for the execution thereof, fix the numbers and denominations, interest or discount rates, not to exceed five per cent, and the dates of issuance and maturity thereof."

Amendment No. 16.

On page 2, line 1, of the printed bill, as amended, strike out the word "cent".

Amendment No. 17.

On page 2, line 1, of the printed bill, as amended, following the word "notes", insert the following: "or other evidences of indebtedness".

Amendment No. 18.

On page 2, line 6, of the printed bill, as amended, following the word "notes", insert the following: "or other evidences of indebtedness".

Amendment No. 19.

On page 2, line 9, of the printed bill, as amended, strike out the figure "5", and insert in lieu thereof the figure "4".

Amendment No. 20.

On page 2, line 10, of the printed bill, as amended, strike out the following: "to be paid", and insert in lieu thereof the following: "or discount".

Amendment No. 21.

On page 2, line 12, of the printed bill, as amended, following the word "notes", insert the following: "or other evidence of indebtedness".

Amendment No. 22.

On page 2, line 14, of the printed bill, as amended, after the word "notes", insert the following: "together with interest thereon".

Amendment No. 23.

On page 2, line 18, of the printed bill, as amended, following the period, insert the following: "All of such notes or other evidence of indebtedness shall constitute negotiable instruments".

Amendment No. 24.

On page 2 of the printed bill, as amended, following line 38, insert the following: "Sec. 5. The State of California shall never contract the liability or payment of any notes or evidence of indebtedness issued hereunder after payment thereof has been actually made to the State Treasurer. All contracts or obligations of indebtedness for such purposes here or hereafter made by the State Treasurer shall be binding and enforceable upon the State of California and such and every taxpayer thereof."

Amendment No. 25.

On page 2, line 19, of the printed bill, as amended, following the word "notes", insert the following: "or other evidence of indebtedness".

Amendment No. 26.

On page 2, line 23, of the printed bill, as amended, following the word "thereof", insert a comma and the following: "or other prime interest at the rate specified in such notes. If any, shall be paid up to and including the date of payment of such notes, provided that if such notes are issued in discount form and are not paid at maturity, the State shall pay interest thereon from the date of maturity until paid, at the rate of five per cent per annum".

Amendment No. 27.

On page 2, line 24, of the printed bill, as amended, after the word "notes", insert the following: "or other evidence of indebtedness".

Amendment No. 28.

On page 2, line 26, of the printed bill, as amended, following the word "notes", insert the following: "or other evidence of indebtedness".

Amendment No. 29.

On page 2, line 27, of the printed bill, as amended, strike out the following: "payment of", and insert in lieu thereof the following: "State Treasurer to pay", and strike out the word "in", second line, and insert in lieu thereof the following: "thereon".

Amendment No. 30.

On page 2, line 28, of the printed bill, as amended, strike out the first three words "the State Treasurer".

Amendment No. 31.

On page 2, line 31, of the printed bill, as amended, following the word "treasury", insert the following: "as herein above and in said notes or other evidence of indebtedness provided".

Amendment No. 32.

On page 2, line 32, of the printed bill, as amended, strike out the figure "90", and insert in lieu thereof the figure "8".

Amendment No. 33.

On page 2, line 34, of the printed bill, as amended, strike out the following: "interest on", and insert in lieu thereof the following: "on".

Amendment No. 34.

On page 2, line 35, of the printed bill, as amended, following the word "and", insert a comma and the following: "together with interest thereon".

Amendment No. 35.

On page 1, line 8, of the printed bill, as amended, after the word "Whenever", insert the following: "in the judgment of the board".

Amendment No. 36.

On page 1, line 9, of the printed bill, as amended, after the word "appropriations", insert the following: "made by law".

Amendment No. 37.

On page 1, lines 9, 10, 11, and 12, of the printed bill, as amended, strike out the following: "by the Legislature".

Amendment No. 38.

On page 1, line 12, of the printed bill, as amended, after the word "board", insert the following: ", with the approval of the Governor.", and strike out the comma following the word "authorized".

Amendment No. 39.

On page 1, line 13, of the printed bill, as amended, following the word "revenues", strike out the following: ", by law", and insert in lieu thereof the following: "which by law are payable into the general fund,".

Amendment No. 40.

On page 1 of the printed bill, as amended, strike out all of lines 14, 15 and 16, and insert in lieu thereof the following: "to an amount not to exceed".

Amendment No. 41.

On page 2, line 4, of the printed bill, as amended, after the word "notes", insert the following: "or other evidences of indebtedness".

Amendment No. 42.

On page 2, line 15, of the printed bill, as amended, after the word "thereof", insert the following: ", but if not so paid the same shall, nevertheless, continue to be payable from the general fund".

Amendment No. 43.

On page 2, line 20, of the printed bill, as amended, after the word "payment", insert the following: "of the purchase price".

Amendment No. 44.

On page 2, line 21, of the printed bill, as amended, strike out the word "by", and insert in lieu thereof the word "to".

Amendment No. 45.

On page 2, line 32, of the printed bill, as amended, after the word "notes", insert the following: "or other evidences of indebtedness", and strike out the word "of", in said line, and insert in lieu thereof the word "when".

Amendment No. 46.

On page 2 of the printed bill, as amended, strike out all of line 33, and insert in lieu thereof the following: "such notes or other evidences of indebtedness are called for payment; provided, that if such notes or other evidences of indebtedness are issued".

Amendment No. 47.

On page 2, line 35, of the printed bill, as amended, strike out the word "paid", and insert in lieu thereof the following: "such notes or other evidences of indebtedness are called for payment".

Amendment No. 48.

On page 2, line 46, of the printed bill, as amended, after the period, insert the following: "Warrants for such payment shall be drawn by the State Controller upon the request of the State Treasurer."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 708?

The roll was called, and Assembly amendments to Senate Bill No. 708 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—27.

NOES—None.

Senate Bill No. 708 ordered to enrollment.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Constitutional Amendment No. 13.

Amendment No. 1.

On page 3, line 30, of the printed bill, as amended, after the word "therein", insert the following:

"In any case decided by the Court of Criminal Appeals wherein the Court of Criminal Appeals has directly passed upon the validity of any law or statute of this State, the Supreme Court shall have power to cause such case to be heard and determined by the Supreme Court. The entire last mentioned case shall be made within fifteen days after the judgment of the Court of Criminal Appeals has become final pursuant to the rules of said Court of Criminal Appeals. In any case so transferred to the Supreme Court from the Court of Criminal Appeals, the Supreme Court shall have power to pass upon the validity of such law or statute of this State and shall not deliberate any other question."

Amendment No. 2.

On page 6 of the printed bill, as amended, strike out from 19 to 32, inclusive, and on page 7, strike out lines 1 to 14, inclusive, and insert in two places the following:

Sec. 41. The salaries of the members of the Court of Criminal Appeals shall be paid by the State in the same and in the manner that the salaries of the justices of the Supreme Court are paid.

The clerk of the Supreme Court, the chief deputy clerk of the Supreme Court, and the deputy clerks of the Supreme Court shall respectively be the clerk of the Court of Criminal Appeals, the chief deputy clerk of the Court of Criminal Appeals and the deputy clerks of the Court of Criminal Appeals. The work of the Court of Criminal Appeals must comply with those laws now controlling as law to be performed by the clerk of the Supreme Court and such additional duties as may be required of him by the rules and orders of the Court of Criminal Appeals. The Legislature shall provide for the suitable remuneration of such persons in the Court of Criminal Appeals as such cases may come before, together, and all expenses shall be for publication by the printer. The reports and minutes of the decisions of the decisions of the Supreme Court shall be the reports and minutes of the decisions of the Court of Criminal Appeals. All minutes of decisions of the Court of Criminal Appeals shall be published in the same manner and under the same conditions as the minutes of the decisions of the Supreme Court, and all provisions of law relating to the publication of the reports of the Supreme Court not in effect or hereinafter adopted shall apply to the publication of the reports of the Court of Criminal Appeals. The Supreme Court and the Court of Criminal Appeals shall each have power and authority to appoint and employ during its session such photographic assistants, stenographers, secretaries and other assistants as it may deem necessary for the performance of the duties and mission of the courts conferred by law upon such of said courts and the members thereof and to discharge the duties and fix and pay the compensation of all such other officers and employees. Each of the District Courts of Appeals shall have power and authority to appoint and employ during its sessions a clerk as provided in section 21 of this article, and such deputy clerks, photographic assistants and stenographers and all the assistants as shall be provided by law and each of the District Courts of Appeals shall have power and authority to appoint and employ during its sessions such other officers and employees as it may deem necessary for the performance of the duties and mission of the courts conferred by law upon the said courts and the members thereof and to determine the duties and fix and pay the compensation of all such other officers and employees. All salaries and expenses as fixed and imposed by the Supreme Court or by the Court of Criminal Appeals or by any District Court of Appeals under the provisions of this section, shall be paid from the funds appropriated for the use of said court when approved by the order or orders of said court and subject to the Board of Control. The State shall supply proper rooms in which to hold the Court of Criminal Appeals and for the accommodation of the judges thereof together with furniture, fuel, lights, and stationary suitable and sufficient for the transaction of business and if such things are not provided by the State the court, or any three justices thereof, may direct the clerk of the Court of Criminal Appeals to provide such rooms, furniture, fuel, lights, and stationary and the expenses thereof incurred by any three justices to be incurred shall be paid out of the State treasury for which expenses a sufficient sum shall be annually appropriated out of any funds in the State treasury not otherwise appropriated."

The question being: Shall the Senate concur in Assembly amendments to Senate Constitutional Amendment No. 13?

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 13 concurred in by the following vote:

AYES—Senators Biggar, Crittendon, Douch, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Keough, Knowland, McCormack, McGovern, Metzger, Mixer, Olson,

Parkman, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—27.

NOES—None.

Senate Constitutional Amendment No. 13 ordered to enrollment.

Report of Standing Committee.

The following report of standing committee was received and read:

On Engrossment, Enrollment and Printing.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 233—An act repealing section 365¹/₄ of the Political Code and section 133 of the Streets and Highways Code, relating to high-type paving;

Also: Senate Bill No. 378—An act to amend section 274 of the Penal Code, relating to the crime of abortion;

Also: Senate Bill No. 872—An act to amend section 100a of "The California Irrigation District Act," approved March 31, 1897, relating to name of irrigation districts;

Also: Senate Bill No. 1119—An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein;

Also: Senate Bill No. 875—An act to carry into effect the provisions of section 22 of Article XX of the Constitution of the State of California as added at the general election held on November 6, 1934, relating to the business of loaning money on pledges of personal property known as pawnbroking, and providing penalties for the violation hereof;

And reports that the same have been correctly enrolled and presented to the Governor on the fifteenth day of June, 1935, at ten o'clock and thirty minutes p.m.

METZGER, Chairman.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1836—An act to amend section 622 of the Agricultural Code, relating to dairies and dairy products.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1836 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1836 ordered transmitted to the Assembly.

Assembly Bill No. 2395—An act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, repealing all conflicting acts and making an appropriation to carry out the provisions hereof.

Bill read third time.

Motion to Rescind.

Senator Sharkey moved to rescind the action of the Senate in adopting amendments to Assembly Bill No. 2395, on June 15, 1935.

Motion carried.

Amendments from the Floor.

During third reading of Assembly Bill No. 2395, the following amendments, offered by Senator Sharkey, were read and adopted:

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out "Secretary of State", and insert in lieu thereof the following: "State Printer".

Amendment No. 2.

On page 1, lines 2 and 3 of the printed bill strike out "ten thousand", and insert in lieu thereof the following: "one thousand five hundred".

Amendment No. 3.

On page 1, lines 7 and 8 of the printed bill, strike out "State Officer."

Amendment No. 4.

On page 1, line 8 of the printed bill, strike out "Twenty-two", and insert in lieu thereof the following: "Ten".

Amendment No. 5.

On page 1, line 9 of the printed bill, strike out "Twenty copies", and insert in lieu thereof the following: "Three hundred fifty copies".

Amendment No. 6.

On page 1 of the printed bill, strike out line 10, and insert in lieu thereof the following: "fifty copies, and on all other similar orders of this State, two copies."

Amendment No. 7.

On page 1, line 14 of the printed bill, strike out "Secretary of State", and insert in lieu thereof the following: "State Printer".

Amendment No. 8.

On page 1, line 15 of the printed bill, strike out "Ten", and insert in lieu thereof the following: "Department of Finance".

Amendment No. 9.

On page 1 of the printed bill, strike out all of line 16, and insert in lieu thereof the following: "in the State treasury to the credit of the appropriation herein made".

Amendment No. 10.

On page 1, line 21 of the printed bill, strike out the words "one thousand", and insert in lieu thereof the following: "one thousand five hundred".

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2395 passed by the following vote:

AYES—Senators Duval, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Kough, Knowland, McCormack, McGovern, McGowan, Munger, Mylar, Olson, Parkman, Perry, Piorevich, Powers, Schottky, Seillian, Seowall, Sharkey, Slater, Stow, Wagy, and Young—27.

NOES—Senator Riggan—1.

Title read and approved.

Assembly Bill No. 2395 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With

At four o'clock and five minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Young.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 2382 finally passed by the following vote:

AYES—Senators Riggan, Crittenden, Duval, Duval, Edwards, Garrison, Hulce, Jespersen, Knowland, McCormack, McGovern, McGowan, Munger, Mylar, Olson, Parkman, Piorevich, Schottky, Seillian, Slater, Stow, Wagy, Williams, and Young—24.

NOES—Senators Fletcher, Gordon, Hays, Kough, Perry, Seowall, and Sharkey—7.

Title read and approved.

Assembly Bill No. 2382 ordered transmitted to the Assembly.

Communication.**Opinion of Legislative Counsel.**

The following communication was received, read, and ordered printed in the Journal:

Assembly Bill No. 2382 requires only a majority vote.

FRED B. WOOD.

SACRAMENTO, CALIFORNIA, June 13, 1935.

*Honorable Eleanor Miller, Assembly Chamber,
State Capitol, Sacramento, California.*

DEAR MISS MILLER: You ask us what vote is required for passage of Assembly Bill No. 2382, as amended in Assembly May 15, 1935.

As we read the bill there is provided a license fee of \$25, which is to go into a special fund out of which the expense of administration of the act is to be paid.

In our opinion, since the appropriation of moneys for payment of cost of administration and carrying out the provisions of the act is entirely out of the special fund thus created, the bill is not governed by the provisions of section 34a of Article IV of the Constitution and only a majority of the members elected to each house is necessary for passage.

Very truly yours,

FRED B. WOOD, Legislative Counsel.
By HAROLD B. HAAS, Deputy.

Approved: FRED B. WOOD, Legislative Counsel.

Same is true of the bill as amended June 13th. It is an appropriation—but from a special fund, not general fund. Hence, only a majority vote.

F. B. W.

Consideration of Motion to Reconsider.

Senator Garrison requested consideration, at this time, of his deferred motion to reconsider the vote whereby the urgency clause to Assembly Bill No. 327 was refused adoption.

The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Deuel, Fletcher, Garrison, Gordon, Hays, Jespersen, Knowland, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—27.

NOES—Senators Crittenden and Metzger—2.

The question being on the adoption of the urgency clause.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Jespersen, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—29.

The Secretary announced the absentees.

Time, four o'clock and twenty minutes p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.
Withdrawal from Committee of Assembly Bill No. 2239.

Senator Knowland moved that Assembly Bill No. 2239 be withdrawn from Committee on Public Health and Quarantine for purpose of amendment.

Motion carried.

Second Reading of Assembly Bill No. 2239.

Assembly Bill No. 2239—An act to add section 2289a to the Political Code, relating to State aid to children.

Amendment from the Floor.

During second reading of Assembly Bill No. 2239, the following amendment, offered by Senator Knowland, was read and adopted:

Amendment No. 1.

On page 1 of the printed bill, in the title of the act, add, after the words "An act to add section 2289a to", the following: "and amend sections 2284 and 2289a of".

On page 1 of the printed bill, strike out lines 1 to 19, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 2289 of the Political Code is amended to read as follows:

Sec. 2289. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to such and every institution in this State organized for the support and maintenance of needy, orphan, half-orphan, abandoned children, or the child or children of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, and to such and every county, city and county, city or town, maintaining such orphan, half-orphan, abandoned children, or the child or children of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, supported and maintained in such institution or by such county, city and county, city or town, but such abandoned child maintained by an institution shall have been so inmate thereof for one year prior to such institution receiving and thereon, as provided in this chapter, provided, however, that upon receiving such aid such institution shall also be entitled to reimbursement from the State for said year in a sum not in excess of one hundred twenty dollars per annum for each such abandoned child where proof of abandonment sufficient to demonstrate the genuineness of the claim is presented to the State Board of Control; provided further, that in addition to the amount paid by the State for such orphan, half-orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, maintained in a private home or in an institution, the county, city and county, city or town may pay for the support of such orphan, half-orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, an amount equal to the sum paid by the State; provided, however, if, when and during such time as grants in aid are provided by the United States Government for such aid in this State and accepted by this State, the State shall reimburse the counties, or city and county, in the manner provided in sections 2284, 2285, 2287 and 2288 of the Political Code, their proportionate share of the Federal aid, prorated according to the proportion which the county, or city and county, and bears to the total amount of aid granted each eligible child or children; and provided further, that in any case where any such orphan, half-orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, is denied aid by the county, or city and county, upon a petition setting forth the facts in full as to the necessity of aid, verified by five reputable citizens of the county, city and county, city or town, the applicant in any such case shall have the right of appeal direct to the State Board of Control for aid for such child and should this appeal be sustained by said board, payment must be made for the child as above provided.

Sec. 2. Section 2289a, of the Political Code, is added, to read as follows:

Sec. 2289a. Notwithstanding the provision in section 2289, relative to length of residence, if, when and during such time as grants in aid are provided by the

United States Government for such aid in this State and accepted by this State, aid may be granted under this act to any child, otherwise eligible, who resides in the State of California and has so resided continuously for at least one year immediately preceding the date of application, or if such child was born in this State.

SEC. 3. Section 2290 of the Political Code is amended to read as follows:

Sec. 2290. The provisions herein made for the support of orphans, half-orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, shall be held to include children of a parent who has been deprived of civil rights by reason of commitment to a State or Federal hospital or to any prison, whether of this or any other State or of the United States, and foundlings and other dependent illegitimate infants who may have been or shall become dependent upon any regularly established foundling asylum or county, without regard to the time in which such infants have been dependent on such institution or county; provided, however, if, when and during such time as grants in aid are provided by the United States Government for such aid in this State and accepted by the State, the provisions herein made for the support of orphans, half-orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, shall be further held to include children, otherwise eligible, who have been deprived of parental support or care by reason of continued absence from the home, or mental incapacity of the parent, and who are living with their father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives, as his or their own home; and the relief herein provided shall be given for any fraction of a year, pro rata; and provided further, that for each abandoned or dependent illegitimate infant, who now is or shall become dependent upon such foundling asylum or county there shall be paid by the State the sum of fifteen dollars per month from the time it becomes dependent upon such institution or county until such infant's decease, or until it is adopted or reaches the age of two years, after which age such institution or county shall receive the same sum for such infants as for full orphans."

Bill read second time, ordered to reprint, and on file for third reading.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1227—An act relating to the holding of the San Francisco Bay Exposition in the City and County of San Francisco, in the State of California, creating a commission to be known as the "San Francisco Bay Exposition Commission," and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back with amendments, and recommends that the amendments be adopted, and that it do pass as amended.

Committee membership—19.

(Signed out)

SHARKEY, Chairman.
KNOWLAND.
WAGY.
CRITTENDEN.
SLATER.

DEUEL.
DUVAL.
SCHOTTKY.
PARKMAN.
EDWARDS.
FLETCHER.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 2483—An act making an appropriation to pay the claim of Harvey B. Whitten against the State of California—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

Committee membership—19.

(Signed out)

SHARKEY, Chairman.
KNOWLAND.
WAGY.
CRITTENDEN.
SLATER.

DEUEL.
DUVAL.
SCHOTTKY.
PARKMAN.
EDWARDS.
FLETCHER.

Resolution to Suspend Constitution.

The following resolution was offered:

By Senator Slattery:

Resolved, That Assembly Bill Nos. 1400, 1570, 922, 994, 1825, 444, 1225, 2259, 2482, 1989, and 1977 passed a vote of majority, so that none be read or taken up, Article IV of the Constitution, and the question of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that each bill be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Cuthbertson, Howell, Truitt, Guinnane, Gordon, Hawk, Josephson, Knapik, Kitchard, McConchick, McQuinn, McConchick, Mangat, Miller, Olson, Parkers, Pomeroy, Peterson, Quinn, Rife, Schaffert, Shattuck, Stewart, Slater, Stump, Wagner, Williams, and Young—29.

NOES—None.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering the bills contained in the above resolution.

Messages from the Assembly

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day conveyed to Senate authorities an Assembly Bill No. 1009. An act to amend section 618 of the Fish and Game Code. Approved April 14, 1935, relating to fish and game and game with life.

Also: Assembly Bill No. 86—An act to withhold a portion of unemployment remedies for this State, and making an appropriation therefor.

Also: Assembly Bill No. 1097—An act to amend the law and to add three new sections, to be numbered 26, 27 and 28, to be so entitled: An act providing for the detention of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the history of persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; deterring places and things in violation of this act to be numerous, dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same. Approved March 6, 1935, relating to the use of food establishments and providing for the destruction of food bottles and containers used for foods, drugs and poisons.

Also: Assembly Bill No. 2499—An act to prevent undue foreign influence, when under certain charged allegations, to extend the statute of limitations upon such allegations, to make available to the business of the owner and make in violation of the act, to prosecute the same within which our actions to such such a suit shall be brought, and to declare the urgency thereof, and to provide that this act take effect immediately.

ARTHUR A. CHINIMUS, Chief Clerk.

By Fred J. Dorsch, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 105—An act to amend section 1692 of the Agricultural Code, relating to a tax upon commercial feeding stuffs.

Also: Senate Bill No. 455—An act relating to law to be read in the Railroad Commission by railroad corporations, express corporation, freight forwarding, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act.

Also: Senate Bill No. 404—An act to add section 150a to the Agricultural Code, relating to the elimination of Austrian field cross, and to make an appropriation therefor;

Also: Senate Bill No. 1126—An act to amend sections 105, 109 and 111 of the Vehicle Code, relating to the Department of Motor Vehicles.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 105, 355, 404, and 1126 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 154—An act to amend section 14 of the State Medical Practice Act, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 154 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1130—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands;

Also: Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, and making an appropriation in relation thereto;

Also: Senate Bill No. 602—An act to amend section 30 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to the powers of said districts and the acquisition of utility property;

Also: Senate Bill No. 120—An act making an appropriation to pay the claim of Pacific Transfer Van and Truck Company against the State of California;

Also: Senate Bill No. 20—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions and making an appropriation therefor;

Also: Senate Bill No. 984—An act to amend sections 4.52 and 4.942 of the School Code, relating to junior college districts.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 1130, 576, 602, 120, 20, and 984 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act—and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 392.

Amendment No. 1.

On page 3 of the printed bill, as amended in Senate June 11, 1935, in line 23, after the word "by", insert the following: "the State of California or".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 392?

The roll was called, and Assembly amendment to Senate Bill No. 292 concurred in by the following vote:

AYES.—Senators Biggar, Crittenden, Donel, Garrison, Gordon, Hays, Jepsen, Knowland, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pomeroy, Powers, Rich, Schmitz, Searles, Sharkey, Slater, Stone, Wagon, Williams, and Youngquist.
NOES.—None.

Senate Bill No. 292 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1905.

MR. PRESIDENT.—I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 1003—An act to add section 1083 to the Political Code, relating to petitions; and respectfully requests your honorable body to concur in said amendment.

ARTHUR A. CHINIMUS, Chief Clerk.

By FRED J. DUNN, Assistant Clerk.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 1003.

Amendment No. 1.

On page 1, line 1, of the printed bill, strike out the word "carriers."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 1003?

The roll was called, and Assembly amendment to Senate Bill No. 1003 concurred in by the following vote:

AYES.—Senators Biggar, Crittenden, Donel, Dryal, Fletcher, Garrison, Gordon, Hays, Keough, Knowland, McCormack, McGovern, McGinness, Metzger, Mixer, Olson, Parkman, Perry, Pomeroy, Powers, Rich, Schmitz, Searles, Searles, Sharkey, Slater, Stone, Wagon, Williams, and Youngquist.
NOES.—None.

Senate Bill No. 1003 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1905.

MR. PRESIDENT.—I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 1085—An act to amend sections 25 and 32 of the "Water Commission Act," approved June 16, 1903, relating to the administration of water rights.

Also: Senate Bill No. 1018—An act to amend sections 776, 777, 779 and 781 and to repeal section 778 of the Vehicle Code, relating to funds;

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. CHINIMUS, Chief Clerk.

By FRED J. DUNN, Assistant Clerk.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 1085.

Amendment No. 1.

On page 1, line 3, of the printed bill, as amended, strike out "its own initiative or upon".

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 1085?

The roll was called, and Assembly amendment to Senate Bill No. 1085 concurred in by the following vote:

AYES.—Senators Biggar, Crittenden, Donel, Dryal, Garrison, Gordon, Hays, Jepsen, Keough, Knowland, McCormack, McGovern, McGinness, Metzger, Mixer,

Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—29.

NOES—None.

Senate Bill No. 1085 ordered to enrollment.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 1018.

Amendment No. 1.

On page 2, line 19, of the printed bill, as amended, following the period after the word "fund", add the following: "Except as provided in this section, all salaries and expenses of the department shall be paid from the motor vehicle support fund."

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1018?

The roll was called, and Assembly amendments to Senate Bill No. 1018 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Gordon, Hays, Jespersen, Knowland, McCormack, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Wagy, Williams, and Young—27.

NOES—None.

Senate Bill No. 1018 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day requests the return of Senate Bill No. 1118—An act to call a special election to be held on the thirtieth day of July, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifty-first regular session, and to provide that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Motion to Rescind.

Senator Duval moved to rescind the action of the Senate in concurring in Assembly amendment to Senate Bill No. 1118.

The question being on the motion to rescind.

The roll was called, and the motion to rescind adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Williams, and Young—30.

NOES—None.

Motion to Return to Assembly.

Senator Duval moved that Senate Bill No. 1118 be returned to the Assembly.

Motion carried, and such was the order.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 970—An act to supplement the "State Civil Service Act," relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately;

Also: Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 970 and 1128 ordered to enrollment.

under of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bills Nos. 782, 780 and 781 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 75—An act making an appropriation to meet a deficiency in the appropriation for the support of the California Nautical School for the eighty-fifth and eighty-sixth fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 75 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article II thereof a new section to be numbered section 7, relating to the registration of voters.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Senate Constitutional Amendment No. 1 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1010—An act to amend sections 18 and 23 of the California Barber Law, relating to restrictions upon barber shops or colleges in this State.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1010—An act to amend sections 1, 2, 3, 4 and 5 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, as amended, relating to the inspection of canneries, the State Board of Public Health and to the power and duties thereof.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 1055—An act to appropriate the sum of \$24,000 to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba River, to provide for the manner of expending such appropriation, to create the Yuba River debris control fund, and to provide for the deposit in said fund of any unexpended balances of previous appropriations made for this purpose.

Also: Senate Bill No. 425—An act to add a new section to the Agricultural Code, to be numbered 1079, relating to the disposal of funds received under the provisions of Chapter 7 of Division V of said code, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Also: Senate Bill No. 550—An act to provide for the cooperation of State officers and agencies, and stockmen's associations with the Federal Government in relation to grazing lands, and for the disposition of money received from the Federal Government in relation thereto.

Also: Senate Bill No. 1014—An act to add section 1412.5 to the Fish and Game Code, relating to the cost of keeping persons imprisoned for violating any provision of said code.

Also, Senate Bill No. 114—An act to amend section 777½ of the Political Code, relating to the salary of the superior judge, is and for Trinity County.

Also, Senate Bill No. 1143—An act to amend section 777½ of the Political Code, relating to salaries of the judges of the superior court of the City and County of San Francisco.

ARTHUR A. CHINIMUS, Chief Clerk.
By FRED J. TINSIE, Assistant Clerk.

Senate Bills Nos. 1055, 423, 550, 1014, 114 and 1143 ordered to enrollment.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended and on this day passed an amended Senate Bill No. 1090—An act to amend section 50 of the State Housing Act, approved June 15, 1933, relating to the character and construction of fire escapes, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. CHINIMUS, Chief Clerk.
By FRED J. TINSIE, Assistant Clerk.

Reference of Senate Bill No. 1090.

On motion of Senator Young, Senate Bill No. 1090 was ordered referred to Committee on Building and Construction.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 85—An act making an appropriation to pay the claim of Arthur A. Chinimus and restoring the original statute.

ARTHUR A. CHINIMUS, Chief Clerk.
By FRED J. TINSIE, Assistant Clerk.

Assembly Bill No. 85 read first time, and referred to Committee on Finance.

Reports of Standing Committees

The following reports of standing committees were received, read, and the bills reported therein were ordered read the second and third time:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1884—An act to amend section 13 of "An act imposing a license fee or tax for the transportation of persons or property for hire in communicating upon public streets, roads and highways in the State of California to motor vehicles, and providing that this act shall take effect immediately," approved May 15, 1932, relating to the disposition and control of moneys received under said act and to provide for certain appropriations in connection therewith.

Also, Assembly Bill No. 85—An act making an appropriation to pay the claim of Tony Sinnoff against the State of California.

Has had the same under consideration, and respectfully reports the same back, and recommends that they do pass.

Committee membership—19; committee vote, Ayes, 12; absent, 7.

SHARKEY, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 1314—An act to amend sections 1a, 3, 4, 9, 10, 11 and 12 of, and to add new sections to be numbered 11.1, 11.2, 11.3, 11.4, 11.5 and 11.6 to an act entitled "An act to regulate land surveying and to define the duties of and to license land surveyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors, and to punish perjury therefor, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 16, 1907," approved May 24, 1933, relating to

Urgency Clause

This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of article I of Article IV of the Constitution, and shall therefore take effect immediately.

Urgency clause read.

The question being on the adoption of the urgency clause.

The roll was called, and the urgency clause adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Kough, Knowland, McCormack, McGovern, McGowan, Morgan, Myers, Olson, Peterson, Price, Pomeroy, Powers, Ryan, Sharkey, Sinton, Stanford, Sharkey, Slater, Stow, Wagy, Williams, and Young—31.

NOES—None.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 85 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Kough, Knowland, McCormack, McGovern, McGowan, Morgan, Myers, Olson, Peterson, Price, Pomeroy, Powers, Ryan, Sharkey, Sinton, Stanford, Sharkey, Slater, Stow, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 85 ordered transmitted to the Assembly.

Assembly Bill No. 1884. An act to amend section 11 of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle, and providing that this act shall take effect immediately," approved May 15, 1913, relating to the disposition and control of moneys received under said act and to provide for certain appropriations in connection therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1884 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Kough, Knowland, McCormack, McGovern, McGowan, Morgan, Myers, Olson, Peterson, Price, Pomeroy, Powers, Ryan, Sharkey, Sinton, Stanford, Sharkey, Slater, Stow, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 1884 ordered transmitted to the Assembly.

Further Proceedings Under Call of the Senate Dispensed With

At five o'clock and forty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Garrison.

The Secretary was directed to call the roll, on the adoption of the urgency clause, to Assembly Bill No. 327, of the Senators who had not answered to their names.

The roll was called, and urgency clause finally adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Kough, Knowland, McCormack, McGovern, McGowan, Morgan,

Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—30.

NOES—Senator Perry—1.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 327 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—30.

NOES—Senator Perry—1.

Title read and approved.

Assembly Bill No. 327 ordered transmitted to the Assembly.

Motion to Withdraw from Committee.

Senator Pierovich moved that Assembly Bill No. 2501 be withdrawn from Committee on Fish and Game for purpose of passage.

The question being on the motion to withdraw.

The roll was called, and the motion refused adoption by the following vote:

AYES—Senators Pierovich, and Williams—2.

NOES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Olson, Parkman, Perry, Powers, Rich, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, and Young—27.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 2474—An act relating to fees and taxes for and upon certain vehicles, providing for the collection thereof and the enforcement of this act, and providing for the repeal of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2474 refused passage by the following vote:

AYES—Senators Deuel, Duval, Hays, Knowland, McGovern, Schottky, Stow, and Young—8.

NOES—Senators Crittenden, Fletcher, Garrison, Gordon, Hulse, Jespersen, Keough, McCormack, McGuinness, Metzger, Mixer, Olson, Perry, Pierovich, Powers, Rich, Scollan, Seawell, Sharkey, Slater, and Wagy—21.

Re-reference of Assembly Bill No. 1289.

Senator Hays moved that Assembly Bill No. 1289 be re-referred to Committee on Revenue and Taxation.

Motion carried, and such was the order.

Recess.

On motion of Senator Rich, at six o'clock and thirty minutes p.m., the President of the Senate declared recess until eight o'clock p.m.

Reconvened.

At eight o'clock p.m., the Senate reconvened.

Lieutenant Governor George J. Hatfield, President of the Senate, in the chair.

Secretary Joseph A. Bock at the desk.

Call of the Senate.

Senator Keough moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Denei, Dupai, Grooms, Gordon, Keough, Milton, Potts, and Young—8.

The Secretary announced the absentees.

Time, eight o'clock and five minutes p.m.

The President directed the Sergeant at Arms to close the doors.

The Sergeant at Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.**Approval of Journal.**

The Senate Journal of Saturday, June 15, 1935, was, on motion of Senator Bock, approved as corrected by the Minute Clerk and the Journal Clerk.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1806—An act to amend section 622 of the Agricultural Code, relating to income and dairy products.

Also: Assembly Bill No. 1989—An act to amend sections 677 and 680 and to repeal section 686a et. seq. and add sections 686.5 and 688.1 to the Political Code, relating to State government.

Also: Assembly Bill No. 2080—An act to provide for the expansion of the Muir Wood Toll Road by the State, and the inclusion thereof in the State highway system, and making an appropriation therefor.

Also: Assembly Bill No. 2208—An act to amend sections 2 and 9 et. seq. and to add sections 17 and 18 to: An act to provide for needy blind persons and members of any institution supported in whole or in part by the State or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act, approved May 28, 1929, relating to aid to the needy blind.

ARTHUR A. CHINIMUS, Chief Clerk.

By Fred J. Desch, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 2220—An act to add section 2280a to the Political Code, relating to State aid to children.

ARTHUR A. CHINIMUS, Chief Clerk.

By Fred J. Desch, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 204—An act creating a commission for the coordination of State and local governments, defining its powers and duties, and making an appropriation therefor.

Also: Assembly Bill No. 329—An act relating to codes of fair competition for certain trades and industries within this State;

Also: Assembly Bill No. 605—An act providing for the acquisition of lands for, and the construction, maintenance and operation of a building at the Pacific Exposition to be held in the county of Los Angeles, State of California, providing for the exhibiting of products, resources of and other matters pertaining to the State of California at said Pacific Exposition, creating the California Pacific Exposition Commission and defining its powers and duties, and making an appropriation therefor;

Also: Assembly Bill No. 1037—An act to safeguard the public health, to regulate the diagnosis and treatment of human ailments by means of X-rays and the use, ownership and possession of X-ray appliances for said purposes; providing for the licensing of persons operating X-ray appliances and laboratories, declaring the treatment of human ailments by means of X-rays to constitute the practice of medicine; prescribing penalties for violation of the act; declaring the possession, maintenance or operation of X-ray appliances in violation of the provisions of the act to constitute a public nuisance, and otherwise providing for the enforcement of the act;

Also: Assembly Bill No. 1363—An act to amend section 1530 of the Insurance Code, relating to reciprocal or interinsurance exchanges;

Also: Assembly Bill No. 1392—An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution, and providing for the reporting of appointments and certification of estimates, pay rolls and accounts of other officers and employees of the State and declaring the urgency of this act and providing that it shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day receded from its amendment to Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-typewriter system of communication between certain cities, and to make an appropriation therefor.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 258 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 787—An act to amend sections 1, 2, 10, 13a and 14 of the "Motor Vehicle Fuel License Tax Act," approved May 30, 1923, as amended, relating to definitions of terms and phrases, applications for licenses and fees required in connection therewith, nontaxable sales and exemption certificates in connection therewith, revolving funds, penalties for violation of said act, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Senate Bill No. 787 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt the report of the Committee on Free Conference concerning Senate Bill No. 95—An act to amend sections 356, 401, 407, 448 and 422 of, and to add sections 601, 602, 602.5, 602.6, 602.7, 604, 610, 612, 615, 617, 618, 621, 623, 624, 625, 626, 627, 628, 632, 637, 639, 639.1, 639.2, 639.3, 644, 645, 646, 648, 649, 650, 650.5, 651, 652, 653, 654 and 655 to the Streets and Highways Code, establishing additional secondary State highways—and appointed, as a second Committee on Free Conference, Assemblymen Frazier, Desmond and Boyle.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Appointment of Second Committee on Conference.

The President announced the appointment of Senators Biggar, Parkman and Williams, as a second Committee on Conference, to meet with a like committee from the Assembly, to consider Assembly amendments to Senate Bill No. 95.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1196. As yet to add a third section to the Political Code to be numbered _____, relating to the Department of Agriculture.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Assembly Bill No. 1196 read first time, and referred to Committee on Agriculture and Live Stock.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Concurrent Resolution No. 45: Relative to department pay day and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Concurrent Resolution No. 45.

Amendment No. 1.

At the end of the printed resolution, strike out "Tuesday, June 18, 1935", and insert in lieu thereof "every Friday and Saturday between June 16, 1935".

The question being: Shall the Senate concur in Assembly amendment to Senate Concurrent Resolution No. 45?

The roll was called, and Assembly amendment to Senate Concurrent Resolution No. 45 concurred in by the following vote:

AYES: Senators BAKER, DAVIS, DUFFY, FLETCHER, GERRARD, GORDON, HAYS, JENSEN, KNOX, KROGH, KUTNER, MCGINNIS, MILLER, PERRY, PIERSON, SCHULTZ, SUTCLIFF, SWELL, SLATER, WAGG, WILLIAMS, and YOUNG—21.

NOES: None.

Senate Concurrent Resolution No. 45 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended, Senate Bill No. 1118. As yet to add a special election to be held on the twentieth day of July, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its 45th first regular session, and to provide that this act shall take effect immediately, and respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Consideration of Assembly Amendments.

The Senate took up for consideration Assembly amendments to Senate Bill No. 1118.

Amendment No. 1.

On page 1, lines 1 and 2 of the title of the printed bill, as amended, strike out the words "thirtieth day of July", and insert in lieu thereof the following: "twentieth day of August".

Amendment No. 2.

On page 1, line 3, of the printed bill, as amended, after the word "August", insert the following: ", 1935".

The question being: Shall the Senate concur in Assembly amendments to Senate Bill No. 1118?

The roll was called, and Assembly amendments to Senate Bill No. 1118 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McGuinness, Mixter, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Slater, Wagy, Williams, and Young—25.

NOES—None.

Senate Bill No. 1118 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 58—Relative to the use of stop signs by certain persons;

Also: Assembly Concurrent Resolution No. 57—Relative to privileges of blind persons.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Assembly Concurrent Resolution No. 58 referred to Committee on Public Health and Quarantine.

Assembly Concurrent Resolution No. 57 referred to Committee on Public Health and Quarantine.

Further Proceedings Under Call of the Senate Dispensed With.

At eight o'clock and fifty minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Keough.

Third Reading of Assembly Bills.

Assembly Bill No. 1835—An act to amend sections 2 and 9 of, and to add sections 10 and 11 to, an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the regulation and inspection of the construction of public school buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1835 passed by the following vote:

AYES—Senators Crittenden, Deuel, Duval, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McGuinness, Metzger, Mixter, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, and Young—23.

NOES—None.

Title read and approved.

Assembly Bill No. 1835 ordered transmitted to the Assembly.

Assembly Bill No. 444—An act to amend section 13 of the Motor Vehicle Fuel License Tax Act, relating to apportionment of the tax fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 444 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Gordon, Hays, Jespersen, Keough, Knowland, McGuinness, Metzger, Mixter, Olson, Perry, Piero-

vich, Powers, Reeb, Schottky, Seefelt, Seawell, Sharkey, Slater, Snow, Wagt, Williams, and Young—27.

None—None.

Title read and approved.

Assembly Bill No. 444 ordered transmitted to the Assembly.

Assembly Bill No. 1070—An act to add two new sections to the Public Utilities Act, to be numbered 22 and 504, defining highway common carriers and providing for the regulation thereof and requiring the issuance of certificates of public convenience and necessity therefor, and to repeal Chapter 213 of the Statutes of 1917, approved May 10, 1917, and amendments thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Call of the Senate.

Pending the announcement of the vote, Senator Hays moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Crittenden, Duval, Duval, Gordon, Hays, Jespersen, Keough, Knowland, McCormack, McInnes, McInness, Metzger, Mixer, Parkman, Perry, Purdy, Reeb, Schottky, Seefelt, Seawell, Sharkey, Slater, Snow, Wagt, Williams, and Young—27.

The Secretary announced the absentees.

Time, nine o'clock p.m.

The President directed the Sergeant-at-Arms to close the doors.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

Proceedings Under Call of the Senate.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 1314—An act to amend sections 1a, 3, 4, 9, 10, 11 and 12 of, and to add new sections to be numbered 11.1, 11.2, 11.3, 11.4, 11.5 and 11.6 to an act entitled "An act to regulate land surveying and to define the duties of and to license land surveyors, to provide for the revocation of such licenses and the restoration thereof, to make certain acts misdemeanors and to provide penalties therefor, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 16, 1907," approved May 24, 1913, relating to land surveyors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1314 passed by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Duval, Fletcher, Gordon, Hays, Jespersen, Keough, Knowland, McInnes, McInness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Reeb, Schottky, Seefelt, Seawell, Sharkey, Slater, Wagt, Williams, and Young—27.

None—Senator McCormack—1.

Title read and approved.

Assembly Bill No. 1314 ordered transmitted to the Assembly.

Assembly Bill No. 994—An act to add section 690.11 to the Political Code, relating to the disposition of fees received under the provisions of section 690.10 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 994 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—31.

NOES—None.

Title read and approved.

Assembly Bill No. 994 ordered transmitted to the Assembly.

Assembly Bill No. 1227—An act relating to the holding of the San Francisco Bay Exposition in the City and County of San Francisco, in the State of California, creating a commission to be known as the "San Francisco Bay Exposition Commission," and making an appropriation therefor.

Bill read third time.

Amendment from the Floor.

During third reading of Assembly Bill No. 1227, the following amendment, offered by Senator Sharkey, was read and adopted:

Amendment No. 1.

On page 12, line 25, of the printed bill, strike out "\$25,000", and insert in lieu thereof "\$1.00".

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 1227 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Seawell, Sharkey, Slater, Wagy, Williams, and Young—29.

NOES—None.

Title read and approved.

Assembly Bill No. 1227 ordered transmitted to the Assembly.

Assembly Bill No. 2129—An act amending section 111 of the Penal Code, relating to expense of trial of convicts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2129 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2129 ordered transmitted to the Assembly.

Assembly Bill No. 2239—An act to add section 2289a to the Political Code, relating to State aid to children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2399 passed by the following vote:

AYES—Senators Biggar, Crittenden, Douel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Munroe, Olson, Parkman, Perry, Powers, Rife, Schottky, Seidman, Stewart, Storker, Stillor, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 2399 ordered transmitted to the Assembly.

Assembly Bill No. 2483—An act making an appropriation to pay the claim of Harvey B. Whitten against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2483 passed by the following vote:

AYES—Senators Biggar, Crittenden, Douel, Duval, Fletcher, Garrison, Gordon, Hays, Jepsen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Munroe, Olson, Powers, Perry, Rife, Schottky, Seidman, Stewart, Storker, Storer, Wagy, Williams, and Young—28.

NOES—Senator Hulse—1.

Title read and approved.

Assembly Bill No. 2483 ordered transmitted to the Assembly.

Assembly Bill No. 2493—An act to amend section 1 of, and to add section 1.5 to an act entitled "An act relating to the Department of Professional and Vocational Standards and defining its powers and duties in relation to and providing for the adoption and registration of names and marks on other devices on garments, towels, table linen and other linen supplies used in the rendition of a rental service as evidence of ownership and to protect the interests thereof," passed at the fifty-first session of the Legislature of the State of California, relating to registration of names and marks on other devices on garments, towels, table linen or other articles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2493 passed by the following vote:

AYES—Senators Biggar, Crittenden, Douel, Duval, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Munroe, Olson, Perry, Powers, Rife, Schottky, Seidman, Stewart, Storker, Storer, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 2493 ordered transmitted to the Assembly.

Assembly Bill No. 922—An act to amend section 1400.2 of the Agricultural Code, relating to produce dealers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 922 passed by the following vote:

AYES—Senators Biggar, Crittenden, Douel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jepsen, Keough, Knowland, McCormack, McGovern, McGuinness,

Metzger, Mixer, Olson, Perry, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Wagy, Williams, and Young—28.
NOES—None.

Title read and approved.

Assembly Bill No. 922 ordered transmitted to the Assembly.

Withdrawal and Re-reference of Assembly Bill No. 1166.

Senator Crittenden moved that Assembly Bill No. 1166 be withdrawn from Committee on Agriculture and Live Stock, and referred to Committee on Finance.

Motion carried, and such was the order.

Unfinished Business.

Senate Bill No. 15—An act to add a new section to the Penal Code to be numbered 159b, relating to the solicitation of law business.

Consideration of Assembly Amendment.

The Senate took up for consideration Assembly amendment to Senate Bill No. 15.

Amendment No. 1.

On page 1, line 12, of the printed bill, after the word "corporation", add the following: "or to solicit in any manner whatsoever any other kind of law practice or law business for himself or for any other person for any compensation, direct or indirect."

The question being: Shall the Senate concur in Assembly amendment to Senate Bill No. 15?

The roll was called, and Assembly amendment to Senate Bill No. 15 concurred in by the following vote:

AYES—Senators Biggar, Crittenden, Duval, Fletcher, Garrison, Gordon, Hulse, Keough, McGovern, McGuinness, Metzger, Mixer, Perry, Powers, Rich, Schottky, Scollan, Seawell, Wagy, Williams, and Young—21.

NOES—Senators Deuel, Hays, Knowland, and Sharkey—4.

Senate Bill No. 15 ordered to enrollment.

Third Reading of Assembly Bills—(Resumed).

Assembly Bill No. 273—An act to amend section 372 of the Vehicle Code, relating to registration of certain vehicles used for the transportation of persons or property in this State.

Bill read third time.

Amendments from the Floor.

During third reading of Assembly Bill No. 273, the following amendments, offered by Senator Wagy, were read and adopted:

Amendment No. 1.

On page 1, line 15, of the printed bill, as amended, strike out "\$28.25", and insert in lieu thereof the following: "\$30.00".

Amendment No. 2.

On page 1, line 16, of the printed bill, as amended, strike out "\$40.00", and insert in lieu thereof the following: "\$50.00".

Amendment No. 3.

On page 1, line 17, of the printed bill, as amended, strike out "\$60.00", and insert in lieu thereof the following: "\$70.00".

Amendment No. 4.

On page 2 of the printed bill, as amended, strike out lines 1 to 47, inclusive, and insert in lieu thereof the following:

	Weight	Fee
(1) When unladen, 3000 pounds or more, but less than 6000 pounds.....		\$8.00
(2) When unladen, 6000 pounds or more but less than 10,000 pounds and limited hereunder to a gross weight of vehicle and load of not exceeding 22,000 pounds.....		40.00
(3) When unladen, 10,000 pounds or more and limited hereunder to a gross weight of vehicle and load of not exceeding 22,000 pounds.....		50.00
(4) When unladen, 22,000 pounds or more and limited hereunder to a gross weight of vehicle and load in excess of 22,000 pounds.....		70.00

Amendment No. 5.

On page 2, line 14 of the printed bill, as amended, strike out "(d)" and insert in lieu thereof the following: "(e)".

Motion to Reconsider.

Senator Olson moved to reconsider the action of the Senate in adopting the amendments offered by Senator Wagy to Assembly Bill No. 273.

Motion carried.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 273 refused passage by the following vote:

AYES—Senators Rigger, Cushman, David, Donald, Fletcher, Garrison, Goodhue, Hays, Hulise, Jorgensen, Kough, Kowalski, McGowan, McGowan, McMillan, Metzger, Mayer, Perkins, Perry, Peterson, Phipps, Rich, Smalley, Sorenson, Stewart, Sharkey, Slater, Wagy, Williams, and Young—41.

NOES—None.

Motion to Reconsider.

Senator Rich moved to reconsider the vote whereby Assembly Bill No. 273 was refused passage.

The question being on the motion to reconsider.

Reconsideration Granted.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Rigger, Cushman, David, Donald, Fletcher, Garrison, Goodhue, Hays, Hulise, Jorgensen, Kough, Kowalski, McGowan, McGowan, McMillan, Metzger, Mayer, Perkins, Perry, Peterson, Phipps, Rich, Smalley, Sorenson, Stewart, Sharkey, Slater, Wagy, Williams, and Young—40.

NOES—None.

Reconsideration of Assembly Bill No. 273.

Assembly Bill No. 273. An act to amend section 372 of the Vehicle Code, relating to registration of certain vehicles used for the transportation of persons or property in this State.

Bill read third time.

Amendments from the Floor.

During third reading of Assembly Bill No. 273, the following amendments, offered by Senator Wagy, were read and adopted.

Amendment No. 1.

On page 2 of the printed bill, as amended, strike out lines 1 to 47, inclusive and insert in lieu thereof the following:

	Weight	Fee
(1) When unladen, 3000 pounds or more, but less than 6000 pounds.....		\$8.00
(2) When unladen, 6000 pounds or more but less than 10,000 pounds and limited hereunder to a gross weight of vehicle and load of not exceeding 22,000 pounds.....		40.00
(3) When unladen, 10,000 pounds or more and limited hereunder to a gross weight of vehicle and load of not exceeding 22,000 pounds.....		50.00
(4) When unladen, 22,000 pounds or more and limited hereunder to a gross weight of vehicle and load in excess of 22,000 pounds.....		70.00

Amendment No. 2.

On page 3, line 14, of the printed bill, as amended, strike out "(d)", and insert in lieu thereof the following: "(e)".

Amendment No. 3.

On page 3, between lines 13 and 14, of the printed bill, as amended, insert the following: "The excess of all fees collected under the provisions of this subdivision, over and above the fees which would have been collected for such vehicles had they been subject to the fees provided for in subdivision (c) of this section, shall not be subject to the appropriation made in sections 776 and 777 of this code, but shall be distributed one-third to the counties of this State in the manner provided by section 779 and two-thirds to the State highway fund as provided in section 781 of this code."

Unanimous Consent Granted.

Senator Olson asked for, and was granted, unanimous consent for the consideration of Assembly Bill No. 273, without reference to print, for purpose of passage.

The question being on the passage of the bill, as amended.

The roll was called, and Assembly Bill No. 273 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Fletcher, Garrison, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, Metzger, Mixer, Olson, Parkman, Perry, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—30.

NOES—None.

Title read and approved.

Assembly Bill No. 273 ordered transmitted to the Assembly.

Reports of Standing Committee.

The following reports of standing committee were received, read, and the bills reported therein were ordered on file for second reading:

On Finance.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 1166—An act making an appropriation, relating to the Department of Finance—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

SHARKEY, Chairman.
CRITTENDEN.
SCHOTTKY.
SLATER.
WAGY.
OLSON.
DUVAL.
POWERS.
FLETCHER.
McCORMACK.

Also:

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 900—An act providing for the creation of and an investigation and report by the California Tax Research Commission on the subject of gross receipts taxes for the State of California and for any or all of its governmental units—has had the same under consideration, and respectfully reports the same back, and recommends that it do pass.

(Signed out)

SHARKEY, Chairman.
FLETCHER.
PARKMAN.
DEUEL.
DUVAL.
WAGY.
HULSE.
POWERS.
SLATER.
SCHOTTKY.
CRITTENDEN.

Resolution to Suspend Constitution

The following resolution was offered:

By Senator Slater:

Resolved, That Assembly Bill No. 1166 presents a case of urgency, so that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Crittenden, Daniel, Duval, Fletcher, Garrison, Gordon, Hulce, Jorgensen, Keough, Knowland, McGovern, McGovern, McGovern, Metzger, Mixer, Parkman, Perry, Powers, Rich, Schottky, Seidlitz, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—20.

NOES—None.

Constitution Suspended

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 1166.

Second Reading of Assembly Bill No. 1166

Assembly Bill No. 1166—An act making an appropriation to the Department of Agriculture.

Bill read second time, and ordered to third reading.

Third Reading of Assembly Bill No. 1166

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1166 passed by the following vote:

AYES—Senators Bigger, Crittenden, Daniel, Duval, Fletcher, Garrison, Gordon, Hulce, Jorgensen, Keough, Knowland, McGovern, McGovern, McGovern, Metzger, Mixer, Parkman, Perry, Powers, Rich, Schottky, Seidlitz, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—20.

NOES—None.

Title read and approved.

Assembly Bill No. 1166 ordered transmitted to the Assembly.

Withdrawal from Committee of Assembly Bill No. 2496

Senator Stow moved that Assembly Bill No. 2496 be withdrawn from Committee on Judiciary for purpose of passage.

The question being on the adoption of the motion to withdraw.

The roll was called, and the motion to withdraw carried by the following vote:

AYES—Senators Crittenden, Fletcher, Garrison, Jorgensen, McGovern, McGinnness, Olson, Parkman, Pierovich, Powers, Schottky, Seidlitz, Seawell, Sharkey, Slater, Stow, Williams, and Young—18.

NOES—Senators Hays, Keough, Knowland, Mixer, Rich, and Wagy—6.

Second Reading of Assembly Bill No. 2496

Assembly Bill No. 2496—An act to amend section 10 of the Political Code, relating to holidays.

Bill read second time, and ordered on file for third reading.

Resolution to Suspend Constitution.

The following resolution was offered:

By Senator Stow:

Resolved, That Assembly Bill No. 2496 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Fletcher, Garrison, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Mixter, Olson, Parkman, Perry, Pierovich, Powers, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Waggy, Williams, and Young—27.

NOES—Senators Gordon, Hays, and Knowland—3.

Constitution Suspended.

Whereupon the President declared the provisions of section 15, Article IV of the Constitution suspended for the purpose of considering, at this time, Assembly Bill No. 2496.

Third Reading of Assembly Bill No. 2496.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2496 passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Duval, Garrison, Hulse, Jespersen, Keough, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Powers, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Williams, and Young—25.

NOES—Senators Gordon, Hays, Knowland, Rich, and Waggy—5.

Title read and approved.

Assembly Bill No. 2496 ordered transmitted to the Assembly.

Resolution to Suspend Constitution.

The following resolution was offered:

By Senator Sharkey:

Resolved, That Assembly Bill No. 900 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

Motion to Lay on the Table.

Senator Scollan moved that Assembly Bill No. 900 be laid on the table.

Motion carried.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1835—An act to amend sections 2 and 9 of, and to add sections 10 and 11 to, an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection

and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 19, 1933, relating to the regulation and inspection of the construction of public school buildings—and requests that your honorable body *recede therefrom*.

ARTHUR A. OHNIMUS, *Chief Clerk*
By FRANK J. DUNN, *Assistant Clerk*

Consideration of Senate Amendments to Assembly Bill No. 1835

The question being: Shall the Senate recede from Senate amendments to Assembly Bill No. 1835?

The roll was called, and the Senate receded from Senate amendments to Assembly Bill No. 1835 by the following vote:

AYES—Senators Crocker-Hughes, Daniel, Fletcher, Greenstein, Gooden, Hayes, Jorgensen, Keough, Kewland, McGowan, McGowan, Metzger, Olson, Potts, Punsnett, Schottky, Seidlitz, Seiwald, Seiwald, Slater, Stein, Wicks, Williams, and Young—24
NAYS—Senator Rock—1

Also

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 16, 1935.

MR. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 1227—An act relating to the leasing of the San Francisco Bay Exposition in the City and County of San Francisco, in the State of California, creating a commission to be known as the "San Francisco Bay Exposition Commission," and making an appropriation therefor—and requests that your honorable body *recede therefrom*.

ARTHUR A. OHNIMUS, *Chief Clerk*
By FRANK J. DUNN, *Assistant Clerk*

Message on Assembly Bill No. 1227 ordered on unfinished business file.

Resolution

The following resolution was offered:

By Senators Biggar, Seiwald and Fletcher:

Relative to addition of State highways

WHEREAS, Many bills have been introduced this session to add additional mileage to the State secondary highway system; and

WHEREAS, The tendency seems to be toward the inclusion of a greater amount of mileage in the State highway system, which greater mileage would probably necessitate certain changes in the manner of financing the acquisition, construction and maintenance of State highways; now, therefore, be it

Resolved by the Senate of the State of California, That the California Highway Commission and the Department of Public Works be and they are hereby directed to make the necessary studies based upon engineering, economic and traffic conditions, and on or before the adjournment of the fifty-second session of the Legislature to submit a report and recommendations to this Legislature for the inclusion in the State secondary highway system of such mileage as in the opinion of said commission and department is considered advisable, together with any recommendations that said commission and department may make regarding a change in the system of financial support with reference to the State highway system; and be it further

Resolved, That said commission and department shall make the recommendations in such a manner that the mileage added to the State secondary system will be equal in the north and in the south.

Resolution read, and on motion of Senator Seiwald, adopted.

Resolution.

The following resolution was offered:

By Senator Metzger:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn sine die, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Metzger, adopted.

Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Metzger, Fletcher and Garrison.

Resolution.

The following resolution was offered:

By Senator Sharkey:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn sine die, and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and on motion of Senator Sharkey, adopted.

Appointment of Special Committee.

The President announced, in accordance with the above resolution, the appointment of Senators Sharkey, Rich and Slater.

Further Proceedings Under Call of the Senate Dispensed With.

At eleven o'clock and fifteen minutes p.m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hays.

The Secretary was directed to call the roll, on passage of bill, of the Senators who had not answered to their names.

The roll was called, and Assembly Bill No. 1570 finally passed by the following vote:

AYES—Senators Biggar, Crittenden, Denel, Duval, Gordon, Hays, Hulse, Jespersen, Keough, Knowland, McCormack, McGovern, McGuinness, Metzger, Mixter, Parkman, Perry, Pierovich, Rich, Schottky, Scollan, Seawell, Sharkey, Slater, Stow, Wagy, Williams, and Young—28.

NOES—None.

Title read and approved.

Assembly Bill No. 1570 ordered transmitted to the Assembly.

Messages from the Assembly.

The following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day had die on the Assembly Calendar Senate Bill No. 127—An act to regulate the conduct of election campaigns, to provide penalties for corrupt practices defined therein, to repeal an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, and to repeal an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the State and providing penalties for violation of the provisions hereof," approved May 31, 1921;

Also: Senate Bill No. 798—An act to amend section 2 of, to, an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, relating to the powers and duties of the State Division of Architecture in connection with the erection, reconstruction, alteration of, or addition to school buildings.

ARTHUR A. OHNIMUS, Chief Clerk.

By **FRED J. DESCH**, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 7, 1935, ordered laid on the table Senate Bill No. 43—An act to amend section 3 of, and to add sections 11.5 and 11.6 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to definitions and the insurance of persons.

Also: Senate Bill No. 192—An act to add sections 9.4 and 9.5 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to liability.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 49—An act to amend section 16 of "An act to provide for the marketing of the net quantity of fisherella and crabs intended to be used or prepared for use as food for human beings, and oysters, and other commodities which shall be offered or exposed for sale in restaurants and providing for the marketing of oysters in the sale of commodities in respect to which there exists a definite trade custom and providing penalties for the violation thereof," approved May 24, 1933, relating to food or food products of fisherella.

Also: Senate Bill No. 280—An act to add chapters 2 to 4 inclusive of the Agricultural Code, to consist of sections 430 to 432, inclusive, relating to ownership or control of stockyards by packers.

Also: Senate Bill No. 300—An act making an appropriation for the armed forces of the State when called to active service.

Also: Senate Bill No. 312—An act providing for the convening of the general election to be held on November 1936 of a certain question herein provided, for the purpose of ascertaining the wish of the people of the State relative to the licensing of stores in this State.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 15, 1935, refused adoption to Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, being an amendment of section 4 of Article II of said Constitution, relative to elections and eligibility of voters, disqualifications and voters.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment of the Constitution of said State, by adding section 1 to Article IV, relating to amendments to initiative acts.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 14, 1935, refused adoption to Senate Concurrent Resolution No. 5—Providing for the appointment of a joint legislative committee to investigate and report upon the feasibility and practicability of the centralization of public ownership of public utilities in the State of California.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption to Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to section 2 of Article IV of the State Constitution, relating to the introduction of legislative bills.

ARTHUR A. OHNIMUS, Chief Clerk.

By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 11, 1935, ordered stricken from the Assembly Calendar Senate Bill No. 364—

An act to amend section 580a of the Code of Civil Procedure, limiting amount of deficiency judgments and the time within which actions therefor may be commenced.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on June 14, 1935, ordered stricken from the Assembly Calendar Senate Bill No. 393—An act to amend section 692 of the Code of Civil Procedure, relating to giving notice of sales under execution.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day ordered stricken from the Assembly Calendar Senate Bill No. 525—An act to amend section 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the transportation of persons or property for hire or compensation;

Also: Senate Bill No. 1132—An act relating to the status in the State Civil Service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns the following Senate Bills upon which no action was taken by Assembly Committees: Senate Bills Nos. 12, 29, 34, 156, 158, 163, 228, 267, 291, 297, 314, 316, 359, 374, 388, 389, 420, 427, 435, 438, 452, 471, 478, 486, 487, 493, 514, 521, 535, 538, 545, 593, 594, 619, 727, 731, 761, 765, 843, 854, 874, 877, 1047, 1058, 1063, 1071 and 1115;

Also: Senate Joint Resolutions Nos. 2, 13 and 18;

Also: Senate Concurrent Resolution No. 32;

Also: Senate Constitutional Amendment No. 15.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns to the Senate Senate Bill No. 446—An act relating to contracts between companies and public agencies for the delivery or sale of water, gas or electrical energy by the former to the latter; providing for the regulation, supervision and licensing of such companies; and providing for the enforcement of this act and penalties for the violation thereof—upon which no action was taken by Assembly Committee.

ARTHUR A. OHNIMUS, Chief Clerk.
By FRED J. DESCH, Assistant Clerk.

Reports of Standing Committees.

The following reports of standing committees were received and read:

On Agriculture and Live Stock.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Agriculture and Live Stock, to which was referred Senate Bill No. 3—An act to amend sections 1261 and 1262 of the Agricultural Code, relating to produce dealers;

Also: Senate Bill No. 68—An act to amend section 105 of the Agricultural Code, relating to inspection of lug boxes;

Also: Senate Bill No. 238—An act to provide for the elimination of Austrian field cress and to provide an appropriation therefor;

Also: Senate Bill No. 292—An act to amend section 312 of the Agricultural Code, relating to slaughtering establishments;

Also: Senate Bill No. 335—An act to amend section 40 of the Agricultural Code, relating to the State Board of Agriculture;

Also: Senate Bill No. 400—An act to amend section 893 of, and to add section 897.1 to the Agricultural Code, relating to field crops;

Also, Senate Bill No. 499—An act making an appropriation for the enforcement of standards, quality and identity, covering the manufacture and sale of California wines and brands.

Also, Senate Bill No. 498—An act to add Chapter 9 to Division IV of the Agricultural Code, relating to the construction and marketing of fruit cans and fruit cream, declaring the urgency of this act, to take effect immediately.

Also, Senate Bill No. 506—An act to amend sections 1977 of the Agricultural Code, relating to products used in the treatment of domestic animals.

Also, Senate Bill No. 564—An act to add Article 2 to Chapter 1 of Division I of the Agricultural Code, containing sections 45 to 48, (including relating to the State Board of Viticultural Commissioners).

Also, Senate Bill No. 605—An act to amend sections 1470 of the Civil Code, relating to nuisances.

Also, Senate Bill No. 616—An act to add new sections to the Agricultural Code, to be numbered 1148, 1149 and 1150, relating to farmers.

Also, Senate Bill No. 634—An act providing for the incorporation of a horticultural protection district, authorizing such district to levy and collect taxes to fund on its operation and provide for the proper management and government of such district and imposing certain duties and functions in connection with such district upon certain county officials.

Also, Senate Bill No. 665—An act to add Article 3a to Division II of the Agricultural Code, relating to being a farmer in equity.

Also, Senate Bill No. 645—An act to amend sections 1261 to 1273 of the Agricultural Code, relating to produce dealers.

Also, Senate Bill No. 663—An act to add a new section to the Penal Code, to be numbered 595, relating to the handling of farm produce on transportation.

Also, Senate Bill No. 749—An act to add section 1066 to the Civil Code, relating to lien of a vendor of farm products.

Also, Senate Bill No. 840—An act to add section 318 to the Agricultural Code, relating to local market inspection.

Also, Senate Bill No. 1067—An act to provide for the regulation and enforcement in the State of a code of fair competition in the live stock industry, establishing prices and standards of marketing agreement.

Also, Senate Bill No. 1109—An act to amend section 92 of the Agricultural Code, relating to agricultural fairs.

Also, Senate Bill No. 1111—An act to add Chapter 11 to Division IV of the Agricultural Code, relating to the construction and marketing of manufactured dairy products.

Also, Senate Bill No. 755—An act to add section 1109 to the Agricultural Code, relating to the handling of egg baskets.

Also, Assembly Bill No. 1,761—An act to provide for investigation and study of the control and suppression of black birds, etc.

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—15.

CRITTENDEN, Chairman.

On Aviation and Aircraft.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Aviation and Aircraft, to which was referred Senate Bill No. 123—An act to create the California Aviation Commission, to prescribe its duties and functions, to establish the California Aviation Commission fund, and to levy a tax upon motor vehicle fuel used in aircraft—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—5.

SCOLLAN, Chairman.

On Banking.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Banking, to which was referred Senate Bill No. 513—An act relating to the construction and legislation of banks and providing an act entitled "An act to define and regulate the business of banking" known as the "Bank Act" and relating to such business.

Also, Senate Bill No. 601—An act to amend section 126 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank Act," relating to the employment of deputies, assistants and legal counsel in liquidation proceedings.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

TICKLE, Chairman.

On Building and Construction.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Building and Construction, to which was referred Assembly Bill No. 2439—An act to amend section 50 of the "State Housing Act," approved June 15, 1923, relating to the character and construction of fire escapes—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—7.

GORDON, Chairman.

On Building and Loan Associations.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Assembly Bill No. 2061—An act to amend the Building and Loan Association Act and the title thereof;

Also: Senate Bill No. 1090—An act to amend section 50 of the "State Housing Act," approved June 15, 1923, relating to the character and construction of fire escapes;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

KNOWLAND, Chairman.

Also:

MR. PRESIDENT: Your Committee on Building and Loan Associations, to which was referred Senate Bill No. 600—An act to amend section 13.16 of the "Building and Loan Association Act," relating to the powers and duties of the Building and Loan Commissioner, and to building and loan associations;

Also: Senate Bill No. 528—An act to amend the "Building and Loan Association Act," approved May 5, 1931, relating to building and loan associations;

Also: Senate Bill No. 89—An act to amend the act entitled "An act to define building and loan associations and to regulate them and their organization, business, operation, merger, consolidation and liquidation, and (without limiting the generality of the foregoing) also to do the following: to define and regulate the agents, salesmen and collectors of such associations, and to regulate their officers, directors and employees; to define, authorize, and regulate the issuance of, shares, stock and investment certificates of such associations, and to prescribe the rights, remedies and liabilities of holders thereof, and to make such investment certificates legal investments for certain purposes; to prescribe the rights, powers, remedies, duties and liabilities of such associations and the rights and remedies of their creditors; to regulate the investments, loans and borrowings of such associations, and their accounts, reports, audits, statements and advertising; to create and continue the office of Building and Loan Commissioner, provide for and define the rights, powers, remedies and duties of the commissioner and his assistants and employees; to provide penalties for offenses by such associations, their directors, officers, agents, salesmen, collectors and employees and by other persons and corporations; and to repeal Title XVI of Part IV of Division I of the Civil Code, Chapter 354 of the Statutes of 1911 and acts amendatory thereof and supplemental thereto; Chapter 133 of the Statutes of 1927, and all other acts and parts of acts inconsistent herewith," approved May 5, 1931, as amended, by amending sections numbered 4.01 relating to guarantee stock, 6.02 relating to withdrawals, 6.07 relating to investment certificates and shares, 8.09 relating to interest and dividends, 9.02 relating to investments and 9.04 relating to purchases, sales, transfers and pledges of loans; postponing the effective date of the amendment of section 6.02 of said act as set forth in section 5a of Chapter 431 of the Statutes of 1933; adding to said act new sections to be numbered 8.10 relating to rate of return on shares and investment certificates, 9.18 relating to insurance, loans, advances of credit and purchases of obligations pursuant to the National Housing Act, 10.03a relating to reserve or surplus accounts, 10.09 relating to reports, statements and analyses by the Building and Loan Commissioner and 12.11 relating to conversion of a building and loan association into a Federal savings and loan association and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to vote for or approve such conversion, to exchange shares, stock, investment certificates or other rights or claims for shares issued by such Federal savings and loan association, and to continue to hold as a legal investment any shares so received; adding a new article to be numbered XVI to said act relating to the rehabilitation, readjustment or reorganization of one or more building and loan associations of the classes specified in such Article XVI, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the

kinds of securities issued in connection therewith and extending such protection from certain provisions of the Company Securities Act and applying existing substructure, guarantee, security, interest, discount, commission and security associations to insure in a plan as defined in said Article XVI, to exchange, above stock, investment certificates of value equal or almost for securities issued pursuant to such plan and to continue to hold up a legal dividend and interest in future and declaring the urgency of case and was providing that it shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken. Committee membership—11.

KNOWLAND, Chairman.

On Civil Service.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Civil Service, to which was referred Senate Bill No. 508—An act to amend sections 1 and 2 of an act entitled "An act to provide for a general system, based upon investigation as to merit, selection and fitness, for appointment to and holding of office and holding of office and employment under State authority," in that behalf, to provide a State Civil Service Commission, to prescribe the process and system, to make the proper selection of the personnel of this act, a subcommittee, to make, will now and parts of same, including members in as far as they may be possible, with the provisions of them act, and to make an appropriation therefor, approved June 10, 1935, is reported.

Also: Senate Bill No. 508—An act to amend the State Civil Service Act.

Also: Senate Bill No. 509—An act to amend the State Civil Service Act.

Also: Senate Bill No. 511—An act to amend the State Civil Service Act.

Also: Senate Bill No. 512—An act to amend the State Civil Service Act.

Also: Senate Bill No. 513—An act to amend the State Civil Service Act.

Also: Senate Bill No. 514—An act to amend the State Civil Service Act.

Also: Senate Bill No. 515—An act to amend the State Civil Service Act.

Also: Senate Bill No. 516—An act to amend the State Civil Service Act.

Also: Senate Bill No. 517—An act to amend the State Civil Service Act.

Also: Senate Bill No. 518—An act to amend the State Civil Service Act.

Also: Senate Bill No. 519—An act to amend the State Civil Service Act.

Also: Senate Bill No. 520—An act to amend the State Civil Service Act.

Also: Senate Bill No. 521—An act to amend the State Civil Service Act.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken. Committee membership—5.

KEOUGH, Chairman.

On Commerce and Navigation.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was referred Senate Bill No. 7—An act to amend section 2440 of the Political Code, relating to navigable streams and public highways.

Also: Senate Bill No. 110—An act to add sections 7, 8, and 9 to an act entitled "An act to regulate motor boats of less than 15 gross tons capacity operating in California waters, carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to tax phreatic companies.

Also: Senate Bill No. 140—An act to amend sections 2440, 2441, 2442, and 2443 of the Political Code, relating to the piloting of vessels in, from, and within ports and bays of the State of California.

Also: Senate Bill No. 141—An act to revise and consolidate the law relating to piloting on the waters of San Francisco Bay and tributaries, and to establish a Pilot Code for the bay of San Francisco and tributaries.

Also: Senate Bill No. 1020—An act to amend section 10 of "An act providing for formation, government and operation of harbor districts, the calling and conducting of elections in such districts of harbor commissioners, defining their powers and duties, and providing for the assessment and disposal of bonds of such harbor districts, and providing for the assessment, levy and collection of taxes for the payment of such bonds and for the ordinary annual expenses of such harbor districts," approved June 10, 1931, relating to the election of harbor commissioner.

Also: Assembly Bill No. 2428—An act granting to the city of Sausalito certain submerged and sublands for street, sea wall and other public purposes.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken. Committee membership—9.

PARKMAN, Chairman.

On Conservation.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Conservation, to which was referred Assembly Bill No. 1054—An act to add sections 2a, 2b, 2c, 3a and 15a to and to amend sections 2, 3, 4, 5, 6, 7, 8, 10, 14, 15, 16, 17, 18, and 19 of the "Los Angeles County Flood Control Act," relating to the government and control of the district and the powers and duties of the board of directors thereof—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason no committee action has been taken.

Committee membership—7.

PERRY, Chairman.

On Constitutional Amendments.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California by adding to Article IV thereof, a new section to be numbered 37, relating to the legislative power of the State;

Also: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding to Article XVI thereof, a new section to be numbered 4c, relating to the judicial power of the State;

Also: Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 22 of Article XX of said Constitution, relating to the regulation of the manufacture, sale, purchase, possession and transportation of intoxicating liquor; Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 89—A resolution to propose to the people of the State of California an amendment of Article XI of the Constitution of the State, by adding section 8c thereto, authorizing a local election to reestablish the city of Venice—has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Senate Bill No. 816—An act relating to and providing for the revision of the Constitution of California, including the election of delegates thereto, the proceedings, powers, and duties of the convention and the delegates and all things incidental thereto, the submission of the revised Constitution to the people, and making an appropriation therefor—has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 78—A resolution to propose to the people of the State of California that the Constitution of said State be amended by adding to Article XVI thereof a new section to be numbered 10, validating the act of the Legislature of the State of California providing for the issuance of bonds to the amount of ten million dollars for the purpose of providing funds to be used and disbursed for the purpose of the Pacific Exposition and San Francisco Bay Exposition to be held in California—has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

SNYDER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Constitutional Amendments, to which was referred Assembly Constitutional Amendment No. 9—A resolution to propose to the

people of the State of California, an amendment to the Constitution of the State by adding to Article XIII thereof, a new section to be numbered 5, relating to taxation, has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—6

SNYDER, Chairman

On Corporations and Financial Institutions.

SENATE CHAMBER, SACRAMENTO, June 16, 1935

MR. PRESIDENT: Your Committee on Corporations and Financial Institutions, to which was referred Senate Bill No. 342—An act to amend section 289 of the Civil Code, relating to corporations.

Also: Senate Bill No. 349—An act to prohibit the formation of corporations for the purpose of engaging in the retail (dry) grocery business.

Also: Senate Bill No. 359—An act relating to corporations and the ownership thereof, and prohibiting the ownership or control of corporate stock by any other corporation.

Also: Senate Bill No. 774—An act to amend the act entitled "An act defining credit unions, providing for their incorporation, business management and supervision," approved March 11, 1927, as amended.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—7

SCHOTTKY, Chairman

On County Government.

SENATE CHAMBER, SACRAMENTO, June 16, 1935

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Concurrent Resolution No. 4—Relative to approving certain amendments to the charter of the city of Alameda, in the county of Alameda, State of California, voted for and ratified by the citizens of said city on the sixth day of November, 1934, has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—9

HULSE, Chairman

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Assembly Bill No. 2447—An act to amend section 4041.13 of, and to add sections 4041.14 to 4041.18, inclusive, to the Political Code, relating to county purchasing agent and accountants.

Also: Assembly Bill No. 2477—An act to amend the title and sections 1, 2 and 5, and to equal sections 4 and 6 of an act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," approved May 26, 1924, relating to public defenders.

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—9

HULSE, Chairman

Also:

MR. PRESIDENT: Your Committee on County Government, to which was referred Senate Bill No. 84—An act to amend section 4057 of the Political Code, relating to passage of ordinances by boards of supervisors.

Also: Senate Bill No. 162—An act to amend sections 4254 and 4254a to 4254s, inclusive, of the Political Code, relating to counties of the twenty fifth class.

Also: Senate Bill No. 385—An act to amend section 3 of "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the allowing of police commissioners to create ordinances governing local conditions.

Also: Senate Bill No. 455—An act to amend sections 4130, 4140 and 4300 of the Political Code, relating to county recorders.

Also: Senate Bill No. 466—An act to amend section 27 of an act entitled, "An act providing for the incorporation, government, and management of regional park districts including therein city and county territory, for the purpose of acquiring, improving and maintaining parks, playgrounds, beaches, parkways, scenic drives, boulevards and other facilities for public recreation; providing for the management

and government of such districts; authorizing such districts to incur bonded indebtedness and to levy and collect taxes to pay the principal and interest on bonds and for carrying out the purposes of this act; and providing for the powers of such districts; and imposing certain duties and functions in connection with such districts upon certain county officers; and providing that this act shall take effect immediately." approved August 7, 1933, relating to the board of directors;

Also: Senate Bill No. 632—An act to add a new article to Part IV, Title II, Chapter V of the Political Code, to be numbered Article XI, embracing sections 4149e to 4149p, inclusive, and to amend sections 4017 and 4041.18 of said code, and to repeal sections 4041.13, 4041.26 and 4048 of said code, and to repeal Article I of Chapter VI of Part II of Division VI of the School Code embracing sections 6.470 to 6.479, inclusive, and to add a new article to Chapter VI of Part II of Division VI of the School Code, to be numbered Article I, embracing sections 6.470 to 6.478, inclusive, relating to central purchasing by counties and school districts, including the appointment, powers and duties of county purchasing agents, and prescribing certain penalties for violation thereof;

Also: Senate Bill No. 779—An act to amend the Political Code by adding a new section thereto to be numbered 4156d, prohibiting district attorneys or any deputy or assistant district attorney from participating in civil actions under certain circumstances;

Also: Senate Bill No. 860—An act to amend sections 1 and 2 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries;

Also: Senate Bill No. 861—An act to amend section 4185a of the Political Code, relating to qualifications and eligibility of justices of the peace;

Also: Senate Bill No. 866—An act to amend section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and typists;

Also: Senate Bill No. 947—An act to amend section 16x12 of the Weights and Measures Act, relating to the Sealer of Weights and Measures;

Also: Senate Bill No. 948—An act to amend section 2322x12 of the Political Code, relating to the Horticultural Commissioner;

Also: Senate Bill No. 949—An act to amend section 737gg of the Political Code, relating to judges salaries;

Also: Senate Bill No. 950—An act to amend section 9a12 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems,"' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, relating to the county librarian;

Also: Senate Bill No. 951—An act to amend section 19x12 of the Juvenile Court Law, relating to the juvenile court officer;

Also: Senate Bill No. 954—An act to amend section 4241 of the Political Code, relating to counties of the twelfth class;

Also: Senate Bill No. 987—An act to amend section 4242a of the Political Code, relating to jurors' fees in counties of the thirteenth class;

Also: Senate Bill No. 988—An act to amend section 4242 of the Political Code, relating to the compensation of county and township officers in counties of the thirteenth class;

Also: Senate Bill No. 1009—An act to amend Article 34 of Chapter 10, of Title 2, of Part 4 of the Political Code, relating to counties of the thirty-fourth class;

Also: Senate Bill No. 1020—An act to amend section 4041.18 of the Political Code, relating to bids;

Also: Senate Bill No. 1021—An act to amend section 4041.18 of the Political Code, relating to bids;

Also: Senate Bill No. 1022—An act to amend section 1326 of the Streets and Highways Code, relating to bids;

Also: Senate Bill No. 1036—An act to amend section 4285 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class;

Also: Senate Bill No. 1037—An act to amend section 4272 of the Political Code, relating to the compensation of county and township officers in counties of the forty-third class;

Also: Senate Bill No. 1049—An act to add a new section to the Political Code to be numbered 4026, relating to sheriff's deputies and detectives;

Also: Senate Bill No. 1050—An act to amend section 3714 of the Political Code, relating to budgets;

Also, Senate Bill No. 1951. An act to amend section 4310 of the Political Code, relating to officers' salaries and expenses.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership: 5.

HULSE, Chairman.

Also:

MR. PRESIDENT: Your Committee on Congress, Government, to which was referred Assembly Bill No. 5545. An act to amend section 4222 of the Political Code, relating to county officers and employees, has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership: 5.

HULSE, Chairman.

On Drainage, Swamp and Overflowed Lands.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Assembly Bill No. 1148. An act relating to the sale of property and to a public utility as owner of a reclamation district or of the local park, or as a governmental entity for subsequent government and reclamation thereof, declaring the urgency thereof, and providing that the act shall take effect immediately, has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership: 5.

McCORMACK, Chairman.

Also:

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to which was referred Senate Bill No. 1155. An act to amend the Reclamation Board Act, approved December 3, 1933, by amending section 7 thereof, to transfer the jurisdiction, control and operation of all levees on the Sacramento River, so far as the State of California is concerned, to the Reclamation Board.

Also, Senate Bill No. 544. An act to amend section 4542 of the Political Code, relating to creating a rule of jurisdiction of public lands held by religious, trust or other persons, or of unclaimed lands acquired by religious, trust or other persons, and to the occupancy of property, and to reclamation districts for delinquent payments and interests thereof, and to the sale by county treasurers of land held by delinquent taxpayers and delinquents thereof, and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency measure and providing that the act shall take effect immediately.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership: 5.

McCORMACK, Chairman.

On Education.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Education, to which was referred Senate Bill No. 67. An act to amend section 452 of the School Code, relating to the support of minor college districts;

Also, Senate Bill No. 74. An act to amend section 7 of the California National School Act, relating to admission of students and fees to be collected;

Also, Senate Bill No. 303. An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved May 21, 1934, entitled "An act to provide for the further development of vocational education in the several States and Territories," and making an appropriation therefor, and declaring the urgency thereof and providing that this act shall take effect immediately.

Also, Senate Bill No. 542. An act to add a new part to Division II of the School Code to be known as Part VI, relating to the formation, government, support, control and administration of unified school districts created from elementary and high school districts, and of elementary, high school and junior college districts having coterminous boundaries and governing boards of identical personnel;

Also, Senate Bill No. 543. An act to add a new part to Division II of the School Code to be known as Part VII, relating to the formation, government, support, control and administration of unified school districts created from school districts not coterminous and not having governing boards of identical personnel;

Also: Senate Bill No. 547—An act to add two new sections to the School Code to be known as sections 4.767-1 and 4.925, relating to the computation of average daily attendance in the public elementary school districts and high school districts;

Also: Senate Bill No. 558—An act to amend sections 4.161, 4.162, 4.190, 4.220 and 4.221 of the School Code, relating to unapportioned county school funds;

Also: Senate Bill No. 559—An act to amend section 3.331 of the School Code, relating to the county high school tuition tax;

Also: Senate Bill No. 567—An act to add a new chapter to Part III of Division VI of the School Code to be known as Chapter III, relating to the establishment of a State insurance fund for the purposes of insuring real and personal property of school districts and of insuring school districts, their officers, agents and employees against liability;

Also: Senate Bill No. 639—An act to repeal Article VI of Chapter I of Part IV of Division IV, embracing sections 4.750 to 4.753, inclusive, of the School Code and to enact in lieu thereof a new Article VI, embracing sections 4.750 to 4.752, all relating to emergency average daily attendance;

Also: Senate Bill No. 655—An act to amend section 6.2 of the School Code, relating to powers of boards of school trustees and city boards of education;

Also: Senate Bill No. 656—An act making an appropriation for the support of the California Polytechnic School;

Also: Senate Bill No. 657—An act making an appropriation for minor construction and improvement at the California Polytechnic School;

Also: Senate Bill No. 726—An act to provide for a uniform system of accounting in all public schools of this State, for a classification of public schools on the basis of average daily attendance, and to limit the expenditures per pupil in the elementary and high schools of this State;

Also: Senate Bill No. 804—An act to amend sections 2.1300 and 2.1302 of the School Code, relating to county boards of education;

Also: Senate Bill No. 883—An act to authorize the State Board of Education to provide dormitories and other revenue producing improvements at State supported educational institutions;

Also: Senate Bill No. 1066—An act to amend sections 4.274 and 4.275 of the School Code and to add thereto section 4.279, relating to payments from county school funds for the tuition charges of students of junior college grade attending an institution of learning in the county when there is no junior college;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—15.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 793—An act to amend section 5.900 of the School Code, relating to the retirement of public school teachers—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—15.

JESPERSEN, Chairman.

Also:

MR. PRESIDENT: Your Committee on Education, to which was referred Assembly Bill No. 299—An act to repeal Article IV of Chapter VII of Part I of Division II of the School Code and to add to said Chapter VII of Part I of Division II thereof a new article to be known as Article IV, both relating to the annexation of elementary school districts not in any high school district, to high school districts;

Also: Assembly Bill No. 661—An act to amend section 4.360 of the School Code, relating to school district budgets;

Also: Assembly Bill No. 926—An act to amend section 3.472 of the School Code, relating to the transportation of teachers of agriculture employed by high school districts and engaged in supervising project work of pupils;

Also: Assembly Bill No. 936—An act to amend section 5.21 of the School Code, relating to the collection of fees in the California State teachers colleges;

Also: Assembly Bill No. 998—An act to amend sections 4.765, 4.920, and 4.950 of the School Code, relating to computation of average daily attendance in elementary and secondary schools and junior colleges;

Also: Assembly Bill No. 1483—An act to amend section 5.750 of the School Code, relating to absence from service of certificated employees on account of illness;

Also: Assembly Bill No. 1516—An act to amend sections 6.240, 6.251, 6.252, 6.260, 6.262, 6.263, 6.265, 6.270, 6.274, 6.275, 6.292, 6.294, 6.295, 6.296, 6.320, 6.330, 6.332, 6.340, 6.341 of the School Code and to repeal Article VI of Chapter III of Part II of Division VI thereof, relating to textbook and supplementary textbooks;

Also: Assembly Concurrent Resolution No. 16—Relative to appointing of a committee from the Assembly and the Senate of the State of California to investigate the use of textbooks in all the public schools of California;

Also: Assembly Bill No. 1042—An act to amend sections 7, 682 of the School Code, relating to teachers.

Also: Assembly Bill No. 1043—An act to add sections 54 and 54 1/2 to the School Code, relating to teachers.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

JENSEN, Chairman.

On Elections.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 68—An act to add sections 116 to 119 to the Political Code, relating to the removal of elective officers of municipal cities and counties, and to amend Chapter 12, Statutes of 1911, which sections referred me with the proviso that the body of elective officers of incorporated cities and counties created January 2, 1911, approved May 8, 1901, relating to removal of elective officers of incorporated cities.

Also: Assembly Bill No. 1280—An act to amend sections 1141 and 1177 1/2 of the Political Code, relating to the election and the election and meeting of the bodies consisting of electors.

Also: Assembly Bill No. 1419—An act to amend sections 1197 1/2 of the Political Code, relating to the presentation of titles and summaries of the most proposed and points of proposed initiative measures.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—41.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California, as amendments to the Constitution of said State by adding to Article IV thereof, a new section to be numbered 5 1/2, relating to the removal of members of the Legislature.

Also: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California as amendments to section 11 of Article XX of the Constitution of the State of California, relating to the extension from office past and right of suffrage of elective persons.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

POWERS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Elections, to which was referred Senate Bill No. 10—An act to add section 64 to the Penal Code, relating to false statements concerning propositions on the ballot.

Also: Senate Bill No. 160—An act to amend sections 1103, 1105 and 1112 of the Political Code, relating to the registration of electors.

Also: Senate Bill No. 302—An act relating to the qualification of certain State, county, township and district officers.

Also: Senate Bill No. 307—An act to amend section 9 of and to add sections 2a and 2b to an act entitled "An act to regulate the conduct of election campaigns and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1903," approved March 19, 1907, relating to election campaigns.

Also: Senate Bill No. 1002—An act to amend sections 5, 7, 23, 24 and 25 of the Direct Primary Law, relating to candidates.

Also: Senate Bill No. 1048—An act to add a new section to be numbered 1190a to the Political Code, relating to ballots.

Also: Senate Bill No. 1053—An act to add a new section, to be numbered 1083aa to the Political Code, relating to the place of signing of small petitions.

Also: Senate Bill No. 1074—An act to amend section 1160 of the Political Code, relating to opening and closing of polls.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

POWERS, Chairman.

On Federal Relations.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 26—Relative to memorializing Congress to proceed

with the construction of the international highway from Canada to Fairbanks, Alaska:

Also: Assembly Joint Resolution No. 27—Relative to memorializing the President and Congress to carefully consider the required legislation necessary to restrict all immigration into the United States until such a time as the United States may recover its economic stability and its vast army of unemployed citizens are returned to positions of employment;

Also: Assembly Joint Resolution No. 42—Relative to memorializing the President and Congress to enact appropriate legislation to establish a social credit system in the United States by providing a currency based on actual assets;

Also: Assembly Joint Resolution No. 54—Relative to memorializing Congress, urging it to use or cause the adoption of safety slogans for various postal districts in canceling postage stamps so that each time canceled mail was handled the person handling it would have before him a reminder that the misuse of the highways, or violation of safety laws may cause a loss of life, injury of person, or loss of money;

Also: Assembly Joint Resolution No. 57—Relative to memorializing the Senate of the United States to amend H. R. 7260 as to the residence requirements in connection with grants to States for old age assistance;

Also: Assembly Joint Resolution No. 60—Relative to memorializing Congress to allocate to the Pacific coast a fair portion of Federal shipbuilding; Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—5.

WAGY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 2—Relating to memorializing Congress to continue the Home Owners' Loan Corporation in existence;

Also: Assembly Joint Resolution No. 5—Relative to memorializing the President and Congress to enact unemployment insurance legislation;

Also: Assembly Joint Resolution No. 11—Relative to memorializing the President and Congress to enact the necessary legislation to extend, for at least another two-year period, the existence and activities of the Home Owners' Loan Corporation, and to appropriate sufficient funds for the same;

Also: Assembly Joint Resolution No. 19—Relative to inviting the entire Atlantic Fleet of the United States Navy to the Pacific coast for several months this year;

Also: Assembly Joint Resolution No. 20—Relative to government control and ownership of munition plants;

Also: Assembly Joint Resolution No. 25—Relative to memorializing the President and Congress to enact the required legislation for a complete and impartial investigation of the military defense situation in the State of California;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—5.

WAGY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Bill No. 444—An act to amend section 990 of the Fish and Game Code, relating to commercial fishing licenses—has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—5.

WAGY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Senate Joint Resolution No. 15—Relative to the use by the President of the United States of unemployment relief funds in aid of producer and consumer cooperative organizations;

Also: Senate Joint Resolution No. 20—Relative to memorializing the President and Congress to enact legislation which will protect postmasters and extend to them civil service status;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—5.

WAGY, Chairman.

Also:

MR. PRESIDENT: Your Committee on Federal Relations, to which was referred Assembly Joint Resolution No. 13—Relative to memorializing the President and Con-

gross to carefully consider legislation that least will tend to eliminate the unfair competition of which labor against labor by citizens of the United States.

Also: Assembly Joint Resolution No. 41—Relative to the establishment of a joint authority for the development and improvement of the Colorado River Basin and the distribution of the waters of the Colorado River.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no preliminary action has been taken.

Committee membership—5.

WATY, Chairman.

On Finance.

SENATE CHAMBER, SACRAMENTO, June 16, 1945.

MR. PRESIDENT: Your Committee on Finance, to which was referred Assembly Bill No. 97, An act relating to appropriation to pay the claim of the city of Colorado against the State of California:

Also: Assembly Bill No. 305—An act to amend section 423 of the Agricultural Code, relating to live stock on highways.

Also: Assembly Bill No. 312—An act to amend section 2 of an act entitled "An act to create the office of State Fish Marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," appeared May 28, 1945, relating to the waters of the State (Fish Marshal).

Also: Assembly Bill No. 674—An act prescribing the terms upon which certificates of registration of hunters and of auxiliary officers as "registered accessories" shall be issued; prescribing a three-day waiting period of holding of license to be possessed by applicants thereafter after one (1) year from date of approval of the act; authorizing the State Board of Public Health to certify registered accessory hunters, registrars and issue "registered accessories" certificates, prescribing the powers and duties of the State board; prescribing conditions under which the title "registered accessories" on the placing of the initials "R. S." may be used upon the names of the registered hunters, prescribing penalties for violations thereof; and grounds for the suspension, revocation, denial or revocation of such certification of registration.

Also: Assembly Bill No. 704—An act to regulate and limit residential zones, subdivisions, districts and lots or plots, upon which it shall be permissible to erect buildings for human habitation, and an act prescribing the location of buildings for human habitation in subdivisions, districts, lots or plots, known to be in addition lands, water courses or in the path of possible flood streams or in flood stream areas, directing the Department of Public Works to make an investigation and report and making an appropriation therefor and repealing all acts and parts of acts in conflict with this act.

Also: Assembly Bill No. 856—An act to appropriate money for flood control, including conservation and the control of encroachments, in San Bernardino County and the Santa Ana River Basin.

Also: Assembly Bill No. 1044—An act providing employment for inmates of State prisons and reformatories and to establish a prison farm under the management and control of the State Board of Prison Directors to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; for the transfer of prisoners thereon and therefrom; and for the employment of prisoners thereon; and to make an appropriation therefor.

Also: Assembly Bill No. 1084—An act providing for completion of investigation and report by Division of Water Resources, Department of Public Works on flood control, hydroelectric development and conservation and utilization of water supply of Salinas River Basin;

Also: Assembly Bill No. 1915—An act making an appropriation to dredge Alamo Bay.

Also: Assembly Bill No. 2019—An act to amend section 2289 of the Political Code, relating to State and to indigent seamen.

Also: Assembly Bill No. 2111—An act making an appropriation to be expended by and under the direction of the Department of Public Works for the purpose of rectifying, improving and protecting the channel of the Palmd River, and providing flood protection for adjacent lands in Santa Clara and Monterey counties.

Also: Assembly Bill No. 2351—An act relating to the use of convict labor in the State parks, forests, public lands and fish and game preserves, and National forests or parks in the State of California.

Also: Assembly Bill No. 2415—An act to authorize the State Treasurer to accept, on behalf of the State of California, the sum of one million dollars, together with any interest that may be due thereon, and other sums from the California Olympic Commission, or any committee thereof;

Also: Assembly Bill No. 2430—An act to make an appropriation to pay the claim of the chief accounting officer of the State Department of Public Health against the State of California;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason no committee action has been taken.

Committee membership—19.

SHARKEY, Chairman.

Also:

Mr. PRESIDENT: Your Committee on Finance, to which was referred Senate Bill No. 394—An act making an appropriation to reimburse the owners of animals having bovine tuberculosis which have been slaughtered pursuant to the provisions of the Agricultural Code;

Also: Senate Bill No. 411—An act to appropriate the sum of four thousand dollars to lease the necessary facilities and to incorporate the city of Modesto into the teletype system;

Also: Senate Bill No. 445—An act making an appropriation to be expended in carrying out the provisions of the Bovine Tuberculosis Law;

Also: Senate Bill No. 509—An act making an appropriation to pay the claim of Louise C. McRae, widow of Philip McRae, deceased;

Also: Senate Bill No. 702—An act providing for the purchase of timber lands in San Bernardino County and making an appropriation therefor and vesting authority and power in the State Park Commission to make said purchases in the name of the State of California from the moneys herein appropriated and to manage and control said lands and whenever necessary in their judgment to exercise a right of eminent domain in acquiring said lands by condemnation proceedings and empowering the State Park Commission to receive gifts and contributions towards the purchase, care or maintenance of said lands;

Also: Senate Bill No. 721—An act making an appropriation to pay the claim of Sneed and Company against the State of California;

Also: Senate Bill No. 759—An act making an appropriation to pay the claim of Charles W. Gibson against the State of California;

Also: Senate Bill No. 776—An act making an appropriation to pay the claim of Yeoman Mutual Life Insurance Company against the State of California;

Also: Senate Bill No. 937—An act making an appropriation of \$1,250,000 for flood control work in San Diego County;

Also: Senate Bill No. 1062—An act to appropriate the sum of five thousand dollars to be used for general operating expense for the forty-fifth annual fair of the State Agricultural Association;

Also: Senate Bill No. 1084—An act to make an appropriation for predatory animal control;

Also: Senate Bill No. 1109—An act making an appropriation to pay the claim of the South Fork Union High School District against the State of California;

Also: Senate Bill No. 6—An act relating to and providing for flood control on San Dieguito River and for the prevention of floods and conserving of the waters of said river, making an appropriation therefor;

Also: Senate Bill No. 595—An act imposing an excise tax on the storage, use or other consumption in this State of tangible personal property, providing for the registration of retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof and providing that this act shall take effect immediately;

Also: Senate Bill No. 942—An act to amend sections 2, 3 and 21 of, to add section 9a to, and to repeal sections 4 and 5 of the Old Age Security Act of the State of California, relating to the protection, welfare and assistance of aged persons and the payment of pensions thereto;

Also: Senate Bill No. 998—An act making an appropriation for predatory animal control;

Also: Senate Bill No. 1081—An act making an appropriation to renovate certain portions of the State Capitol Building;

Also: Senate Bill No. 25—An act making an appropriation to pay the claim of J. E. Pomin against the State of California;

Also: Senate Bill No. 76—An act making an appropriation to pay the claim of John N. Metcalf against the State of California;

Also: Senate Bill No. 91—An act making an appropriation to pay the claim of the Massachusetts Mutual Life Insurance Company, against the State of California;

Also: Senate Bill No. 108—An act making an appropriation to pay the claim of Tony Siminoff against the State of California;

Also: Senate Bill No. 111—An act making an appropriation for major construction and equipment at Napa State Hospital;

Also: Senate Bill No. 220—An act making an appropriation to purchase certain real property to accommodate offices of certain State agencies, authorizing the renting and leasing of portions of such property, providing for the disposition of moneys received from the rents thereof, providing for insuring the buildings on such property and declaring the urgency of the act and providing the same shall take effect immediately;

Also: Senate Bill No. 254—An act to establish a State park to be known as the "William Brown Ide Memorial Park" in the city of Red Bluff; authorizing the Department of Natural Resources to select and purchase suitable lands for such park, and making an appropriation therefor;

Also: Senate Bill No. 305—An act to provide for the reimbursement of hospitals for expenditures incurred in the emergency care and treatment of indigent persons injured in motor vehicle accidents.

Also: Senate Bill No. 306—An act making an appropriation to the Emergency Board of the State of California to carry out the purposes of an act entitled "An act approving the report of the California Debtors' Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June 27, 1931, as amended by the report of California Debtors' Commission, dated January 5, 1935, and providing for the extent to which the State of California will contribute to the expense of executing the plan proposed in said report submitted upon the United States assuming a corresponding obligation and further providing the purposes to which said expenditures shall be applied," approved May 4, 1935.

Also: Senate Bill No. 341—An act making an appropriation to pay the claims of Paul Arnold against the State of California.

Also: Senate Bill No. 342—An act making an appropriation for the purchase of a site and the construction of an Arsenal in the City of Fresno, Fresno County, California.

Also: Senate Bill No. 397—An act making an appropriation to pay the claims of H. P. Rayon, Mildred Bonan and Mary Donahue against the State of California. Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—19.

SHARKEY, Chairman.

On Fish and Game

SENATE CHAMBER, SACRAMENTO, JUNE 16, 1935.

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 1028—An act to amend section 428 of and to add section 428.5 to the Fish and Game Code, relating to basses fish.

Also: Senate Bill No. 1039—An act to amend section 1275 and to repeal section 1274 of the Fish and Game Code, relating to sheep.

Also: Senate Bill No. 1031—An act to amend section 1177 of the Fish and Game Code, and to add a new section to said code to be numbered 1201.5, relating to sage hens.

Also: Senate Bill No. 1032—An act to amend section 1273 and to repeal section 1274 of the Fish and Game Code, relating to deer.

Also: Senate Bill No. 1033—An act to amend section _____ of the Fish and Game Code, relating to doves.

Also: Senate Bill No. 1034—An act to add section 615.4 of the Fish and Game Code, relating to trout.

Also: Senate Bill No. 1039—An act to amend sections 626, 627 of, and to add section 622.5 to the Fish and Game Code, relating to trout and basses.

Also: Senate Bill No. 1046—An act to amend section 807 of the Fish and Game Code, relating to Pismo clams.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—16.

MCCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 36—An act to amend section 600 of the Fish and Game Code and to add thereto section 600.4, relating to salmon.

Also: Senate Bill No. 52—An act to amend section 616 of the Fish and Game Code, relating to trout and whitefish.

Also: Senate Bill No. 113—An act to amend section 613 of the Fish and Game Code, relating to trout.

Also: Senate Bill No. 117—An act to add section 690.6 to the Fish and Game Code, relating to commercial fishing licenses.

Also: Senate Bill No. 148—An act to amend section 429 of the Fish and Game Code, relating to license fees.

Also: Senate Bill No. 157—An act to amend section 690 of the Fish and Game Code, relating to commercial fishing licenses.

Also: Senate Bill No. 206—An act to add section 65.5, 975, and 1009 to and to amend sections 721, 722, and 724 of the Fish and Game Code, relating to commercial catfishing.

Also: Senate Bill No. 268—An act to add section 975 to, to amend section 721 of the Fish and Game Code, relating to commercial catfishing.

Also: Senate Bill No. 301—An act to amend sections 79, 81 and 881.5 of the Fish and Game Code, relating to fish and game.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—16.

MCCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 375—An act to add section 420.5 to the Fish and Game Code, relating to licenses;

Also: Senate Bill No. 381—An act to amend sections 616, 617 and 618 of the Fish and Game Code, relating to trout;

Also: Senate Bill No. 407—An act to amend section 611.5 of the Fish and Game Code, relating to golden trout;

Also: Senate Bill No. 409—An act to repeal section 611.6 of the Fish and Game Code, relating to steelhead trout;

Also: Senate Bill No. 495—An act to add section 484.6 to the Fish and Game Code, relating to the regulation of the flow of water from natural or artificial bodies of water;

Also: Senate Bill No. 523—An act relating to game storage licenses, and the issuance of game storage license tags by the Fish and Game Commission, or its agents, upon the payment of certain fees;

Also: Senate Bill No. 625—An act to amend sections 691, 694, 695, 696, 697, and 865 of the Fish and Game Code and to add section 697.5 thereto, and to repeal section 691.6 thereof, relating to fishing;

Also: Senate Bill No. 641—An act to amend section 1270 of the Fish and Game Code and to repeal sections 1271, 1271.5 and 1272, relating to deer;

Also: Senate Bill No. 684—An act to add sections 65.5, 724.5, and 724.6 to, and to amend sections 65, 66.5, 722, and 724 of the Fish and Game Code, relating to catfish;

Also: Senate Bill No. 712—An act to amend sections 137 and 165 of the Fish and Game Code, and to add a new section thereto to be numbered -----, all relating to game refuge districts;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—16.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Senate Bill No. 713—An act to amend section 949 of the Fish and Game Code, relating to nets;

Also: Senate Bill No. 733—An act to add section 1110 to the Fish and Game Code, relating to the operation of fishing boats and the delivery of fish outside of the State;

Also: Senate Bill No. 767—An act to amend sections 1250 and 1274 of the Fish and Game Code, and to repeal section 1273 thereof, relating to deer and fully protected mammals;

Also: Senate Bill No. 855—An act to amend section 1200 of the Fish and Game Code, relating to the season on doves;

Also: Senate Bill No. 859—An act to amend section 166 of the Fish and Game Code, relating to the boundaries of fish and game district 4g;

Also: Senate Bill No. 891—An act to amend section 1315 of the Fish and Game Code, and to add section 1319.5 thereto, relating to fur-bearing mammals;

Also: Senate Bill No. 914—An act to add section 493.6 to the Fish and Game Code, relating to fish;

Also: Senate Bill No. 994—An act to amend sections 420 and 428 of the Fish and Game Code, relating to sporting, hunting and fishing licenses;

Also: Senate Bill No. 1023—An act to amend section 1315 of and to add section 1319.5 to the Fish and Game Code, relating to fur-bearing mammals;

Also: Senate Bill No. 1024—An act to amend section 1273 and to add sections 1273a, 1273b and 1273c of the Fish and Game Code, relating to deer hunting in district 1½;

Also: Senate Bill No. 1026—An act to amend sections 1271 and 1272 and to repeal sections 1270 and 1271.5 of the Fish and Game Code, relating to deer;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—16.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 50—An act to amend section 653 of the Fish and Game Code, relating to spearing salmon;

Also: Assembly Bill No. 2077—An act to amend section 1065 of the Fish and Game Code, relating to sardines;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—16.

McCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 36, An act to add section 429.5 to the Fish and Game Code, relating to fishing licenses.

Also, Assembly Bill No. 367. An act to amend section 429 of the Fish and Game Code, relating to fishing fees.

Also, Assembly Bill No. 730. An act to amend sections 652, 655, 656 and 665 of the Fish and Game Code, relating to seasons.

Also, Assembly Bill No. 1084. An act to amend section 1065 of the Fish and Game Code, relating to the taking of animals for commercial purposes.

Also, Assembly Bill No. 1384. An act to amend section 658 of the Fish and Game Code, relating to the minimum season in game districts 10 and 11.

Also, Assembly Bill No. 1586. An act to add a new section to the Fish and Game Code, to be known as section 788.5, relating to the payment of money.

Also, Assembly Bill No. 1628. An act to amend section 1010 of the Fish and Game Code and to add Section 1009.6, relating to lions.

Also, Assembly Bill No. 2140. An act to amend sections 721 and 722 of the Fish and Game Code and to repeal section 724 thereof, relating to seals.

Also, Assembly Bill No. 2486. An act to repeal section 5 of Chapter 676 of the Statutes of 1931 entitled "An act to add section 4815 to the Fish and Game Code, to amend sections 66a and to amend sections 866, 876, 887 and 912 thereof relating to fish and game and nothing in this chapter for the purposes of exempt property used in connection with the fishing industry," approved June 2, 1934, relating to an appropriation.

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—16.

MCCOLL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 2501. An act to amend section 3 of an act entitled "An act to repeal sections 1129 to 1149, inclusive, of the Fish and Game Code, relating to the State Fish Exchange, and disposing of the property and funds thereof," approved June 10, 1934, and relating to the powers and duties of the Department of Natural Resources and the Division of Fish and Game thereof in relation thereto. Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—16.

MCCOLL, Chairman.

On Governmental Efficiency.

SENATE CHAMBER, SACRAMENTO, JUNE 16, 1935.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Senate Bill No. 16. An act to provide for the formation and conduct of districts for the purpose of auditing posts, to declare the urgency of this act and to provide that it shall take effect immediately.

Also, Senate Bill No. 27. An act to add section 2897.5 to the Political Code, relating to lands sold or devised to the State for taxes and pending under the control of the Department of Natural Resources.

Also, Senate Bill No. 62. An act to amend section 2774 of the Political Code, relating to leasing of lands devoted to the State and regulating the persons thereof.

Also, Senate Bill No. 147. An act to amend section 747a of the Political Code, and to repeal sections 737a, 737b, 737c, 737d, 737e, 737f, 737g, 737h, 737i, 737j, 737k, 737l, 737m, 737n, 737o, 737p, 737q, 737r, 737s, 737t, 737u, 737v, 737w, 737x, 737y, 737z, 737aa, 737ab, 737ac, 737ad, 737ae, 737af, 737ag, 737ah, 737ai, 737aj, 737ak, 737al, 737am, 737an, 737ao, 737ap, 737aq, 737ar, 737as, 737at, 737au, 737av, 737aw, 737ax, 737ay, 737az, 737ba, 737bb, 737bc, 737bd, 737be, 737bf, 737bg, 737bh, 737bi, 737bj, 737bk, 737bl, 737bm, 737bn, 737bo, 737bp, 737bq, 737br, 737bs, 737bt, 737bu, 737bv, 737bw, 737bx, 737by, 737bz, 737ca, 737cb, 737cc, 737cd, 737ce, 737cf, 737cg, 737ch, 737ci, 737cj, 737ck, 737cl, 737cm, 737cn, 737co, 737cp, 737cq, 737cr, 737cs, 737ct, 737cu, 737cv, 737cw, 737cx, 737cy, 737cz, 737da, 737db, 737dc, 737dd, 737de, 737df, 737dg, 737dh, 737di, 737dj, 737dk, 737dl, 737dm, 737dn, 737do, 737dp, 737dq, 737dr, 737ds, 737dt, 737du, 737dv, 737dw, 737dx, 737dy, 737dz, 737ea, 737eb, 737ec, 737ed, 737ee, 737ef, 737eg, 737eh, 737ei, 737ej, 737ek, 737el, 737em, 737en, 737eo, 737ep, 737eq, 737er, 737es, 737et, 737eu, 737ev, 737ew, 737ex, 737ey, 737ez, 737fa, 737fb, 737fc, 737fd, 737fe, 737ff, 737fg, 737fh, 737fi, 737fj, 737fk, 737fl, 737fm, 737fn, 737fo, 737fp, 737fq, 737fr, 737fs, 737ft, 737fu, 737fv, 737fw, 737fx, 737fy, 737fz, 737ga, 737gb, 737gc, 737gd, 737ge, 737gf, 737gg, 737gh, 737gi, 737gj, 737gk, 737gl, 737gm, 737gn, 737go, 737gp, 737gq, 737gr, 737gs, 737gt, 737gu, 737gv, 737gw, 737gx, 737gy, 737gz, 737ha, 737hb, 737hc, 737hd, 737he, 737hf, 737hg, 737hh, 737hi, 737hj, 737hk, 737hl, 737hm, 737hn, 737ho, 737hp, 737hq, 737hr, 737hs, 737ht, 737hu, 737hv, 737hw, 737hx, 737hy, 737hz, 737ia, 737ib, 737ic, 737id, 737ie, 737if, 737ig, 737ih, 737ii, 737ij, 737ik, 737il, 737im, 737in, 737io, 737ip, 737iq, 737ir, 737is, 737it, 737iu, 737iv, 737iw, 737ix, 737iy, 737iz, 737ja, 737jb, 737jc, 737jd, 737je, 737jf, 737jg, 737jh, 737ji, 737jj, 737jk, 737jl, 737jm, 737jn, 737jo, 737jp, 737jq, 737jr, 737js, 737jt, 737ju, 737jv, 737jw, 737jx, 737jy, 737jz, 737ka, 737kb, 737kc, 737kd, 737ke, 737kf, 737kg, 737kh, 737ki, 737kj, 737kk, 737kl, 737km, 737kn, 737ko, 737kp, 737kq, 737kr, 737ks, 737kt, 737ku, 737kv, 737kw, 737kx, 737ky, 737kz, 737la, 737lb, 737lc, 737ld, 737le, 737lf, 737lg, 737lh, 737li, 737lj, 737lk, 737ll, 737lm, 737ln, 737lo, 737lp, 737lq, 737lr, 737ls, 737lt, 737lu, 737lv, 737lw, 737lx, 737ly, 737lz, 737ma, 737mb, 737mc, 737md, 737me, 737mf, 737mg, 737mh, 737mi, 737mj, 737mk, 737ml, 737mm, 737mn, 737mo, 737mp, 737mq, 737mr, 737ms, 737mt, 737mu, 737mv, 737mw, 737mx, 737my, 737mz, 737na, 737nb, 737nc, 737nd, 737ne, 737nf, 737ng, 737nh, 737ni, 737nj, 737nk, 737nl, 737nm, 737nn, 737no, 737np, 737nq, 737nr, 737ns, 737nt, 737nu, 737nv, 737nw, 737nx, 737ny, 737nz, 737oa, 737ob, 737oc, 737od, 737oe, 737of, 737og, 737oh, 737oi, 737oj, 737ok, 737ol, 737om, 737on, 737oo, 737op, 737oq, 737or, 737os, 737ot, 737ou, 737ov, 737ow, 737ox, 737oy, 737oz, 737pa, 737pb, 737pc, 737pd, 737pe, 737pf, 737pg, 737ph, 737pi, 737pj, 737pk, 737pl, 737pm, 737pn, 737po, 737pp, 737pq, 737pr, 737ps, 737pt, 737pu, 737pv, 737pw, 737px, 737py, 737pz, 737qa, 737qb, 737qc, 737qd, 737qe, 737qf, 737qg, 737qh, 737qi, 737qj, 737qk, 737ql, 737qm, 737qn, 737qo, 737qp, 737qq, 737qr, 737qs, 737qt, 737qu, 737qv, 737qw, 737qx, 737qy, 737qz, 737ra, 737rb, 737rc, 737rd, 737re, 737rf, 737rg, 737rh, 737ri, 737rj, 737rk, 737rl, 737rm, 737rn, 737ro, 737rp, 737rq, 737rr, 737rs, 737rt, 737ru, 737rv, 737rw, 737rx, 737ry, 737rz, 737sa, 737sb, 737sc, 737sd, 737se, 737sf, 737sg, 737sh, 737si, 737sj, 737sk, 737sl, 737sm, 737sn, 737so, 737sp, 737sq, 737sr, 737ss, 737st, 737su, 737sv, 737sw, 737sx, 737sy, 737sz, 737ta, 737tb, 737tc, 737td, 737te, 737tf, 737tg, 737th, 737ti, 737tj, 737tk, 737tl, 737tm, 737tn, 737to, 737tp, 737tq, 737tr, 737ts, 737tt, 737tu, 737tv, 737tw, 737tx, 737ty, 737tz, 737ua, 737ub, 737uc, 737ud, 737ue, 737uf, 737ug, 737uh, 737ui, 737uj, 737uk, 737ul, 737um, 737un, 737uo, 737up, 737uq, 737ur, 737us, 737ut, 737uu, 737uv, 737uw, 737ux, 737uy, 737uz, 737va, 737vb, 737vc, 737vd, 737ve, 737vf, 737vg, 737vh, 737vi, 737vj, 737vk, 737vl, 737vm, 737vn, 737vo, 737vp, 737vq, 737vr, 737vs, 737vt, 737vu, 737vv, 737vw, 737vx, 737vy, 737vz, 737wa, 737wb, 737wc, 737wd, 737we, 737wf, 737wg, 737wh, 737wi, 737wj, 737wk, 737wl, 737wm, 737wn, 737wo, 737wp, 737wq, 737wr, 737ws, 737wt, 737wu, 737wv, 737ww, 737wx, 737wy, 737wz, 737xa, 737xb, 737xc, 737xd, 737xe, 737xf, 737xg, 737xh, 737xi, 737xj, 737xk, 737xl, 737xm, 737xn, 737xo, 737xp, 737xq, 737xr, 737xs, 737xt, 737xu, 737xv, 737xw, 737xx, 737xy, 737xz, 737ya, 737yb, 737yc, 737yd, 737ye, 737yf, 737yg, 737yh, 737yi, 737yj, 737yk, 737yl, 737ym, 737yn, 737yo, 737yp, 737yq, 737yr, 737ys, 737yt, 737yu, 737yv, 737yw, 737yx, 737yy, 737yz, 737za, 737zb, 737zc, 737zd, 737ze, 737zf, 737zg, 737zh, 737zi, 737zj, 737zk, 737zl, 737zm, 737zn, 737zo, 737zp, 737zq, 737zr, 737zs, 737zt, 737zu, 737zv, 737zw, 737zx, 737zy, 737zz.

Also, Senate Bill No. 204. An act to add Article 11, to Chapter III of Title I of Part III of the Political Code, relating to the Department of Fish and Game.

Also, Senate Bill No. 206. An act to amend section 737mp of the Political Code, relating to the compensation of the judges of the superior court in and for the county of San Joaquin.

Also, Senate Bill No. 208. An act to amend section 111 of the Penal Code, relating to a payment by the State of costs of certain original trials.

Also, Senate Bill No. 226. An act to add section 675e to the Political Code, relating to the furnishing of information to California State agencies concerning State agencies of other States.

Also, Senate Bill No. 243. An act to add section 675e to the Political Code, relating to the furnishing of information to California State agencies concerning State agencies of other States.

Also, Senate Bill No. 327. An act relating to relief from hardship and destitution due to and caused by unemployment, and providing for and relating to industrial and social rehabilitation of persons suffering and in distress from unemploy-

ment through and by means of cooperative organizations and associations and prescribing the powers and duties of the Relief Administrator and the Relief Commission and repealing all laws in conflict herewith;

Also: Senate Bill No. 349—An act to amend sections 373a and 373g, and to repeal section 373b of the Political Code, and to add a new article to Chapter III of Title I of Part III of the Political Code, to be numbered Article 11p, embracing sections 379 to 379g, relating to the creation, powers, duties and functions of a Department of Mineral Resources;

Also: Senate Bill No. 380—An act creating a State Board of Eugenics and defining the powers and duties thereof; and providing for the care, protection, and decrease of the State's defectives, and lowering of the expenses therefor;

Also: Senate Bill No. 417—An act authorizing a nursing survey to be made by the University of California, defining the powers and duties of the State Director of Finance in relation thereto, and making an appropriation therefor;

Also: Senate Bill No. 459—An act to amend section 408 of the Political Code, relating to the duties of the Secretary of State;

Also: Senate Bill No. 500—An act to create a board or authority to be known as California State Capitol Park Extension Authority, to provide for its organization and specify its powers and duties;

Also: Senate Bill No. 501—An act to create a board or authority to be known as California State Capitol Park Extension Authority, and to provide for its membership and specifying its powers and duties; to authorize said California State Capitol Park Extension Authority to purchase, condemn or otherwise acquire for and in the name of the State of California certain real property situate in the city of Sacramento, State of California, to prepare or cause to be prepared plans and specifications and to execute the same, to make contracts, purchase material and employ labor for the purpose of an extension to the present State Capitol Park; also to authorize any city, county, city and county, incorporated city or town, to advance or contribute money, rights of way, labor, materials, or other property in aid of the acquisition of said property, or to close and abandon streets and alleys; also to authorize the said California State Capitol Park Extension Authority to enter into any agreement with any such political subdivision for the repayment of contributions or advances; and providing the time and manner of making such repayments; also to authorize said California State Capitol Park Extension Authority to receive donations of money from the United States Government, or any department or instrumentality thereof, and also to make and enter into such deeds, leases, agreements, contracts or stipulations with the United States Government, or with any agent or officer thereof, or any corporation, agency or instrumentality existing thereunder as it may deem proper, for assistance or contribution in the acquisition of said property; also to authorize said California State Capitol Park Extension Authority to make agreements with steam and electric or other railroad or transportation companies for the use of any portion of any street running through said extension or the property hereafter acquired under the provisions of this act; to authorize any portion of the ground to be created into a park for the erection thereon of buildings to be used for State purposes; also to provide for the closing and abandoning of any street or alley forming a part of said extension of Capitol Park; also to empower the Department of Public Works to designate roads or streets through said extension as State highways; and also to do any other act or thing that may be useful, convenient or proper in carrying out the provisions of this act;

Also: Senate Bill No. 504—An act to amend section 677a of the Political Code, relating to departmental budgets;

Also: Senate Bill No. 507—An act to amend sections 5 and 9 of, to add sections 1a, 1b and 10 to, and to amend and renumber section 1 to be section 1c of an act entitled "And act to regulate the practice of architecture," approved March 23, 1901, as amended;

Also: Senate Bill No. 515—An act to add sections 95, 95.1, 95.2, 95.3, 95.4, 95.5, 95.6, 95.7, and 95.8 to the Agricultural Code, relating to agricultural district bonds;

Also: Senate Bill No. 520—An act providing for State planning and a State Planning Board, prescribing the powers, duties and jurisdiction thereof;

Also: Senate Bill No. 541—An act to amend sections 223, 228 and 231 of and to add section 228.1 to the Agricultural Code, relating to bovine tuberculosis;

Also: Senate Bill No. 557—An act relating to a convention to revise the Constitution of this State and providing for calling and holding the same, including the election of delegates, the proceedings, powers, and duties of the convention and the delegates, and the submission to the people of the Constitution that may be agreed upon by the convention and making an appropriation therefor;

Also: Senate Bill No. 562—An act relating to the instruction of the art of golf and creating the California Board of Professional Instructors of Golf;

Also: Senate Bill No. 563—An act to add section 3237 to the Political Code, relating to contracts for materials for use on public buildings;

Also: Senate Bill No. 572—An act to add sections 4060 to 4060.54, inclusive, to the Political Code, and to amend section 3714 of said code, relating to the fiscal

affairs of counties, cities and counties and districts, including budgeting, accounting, reporting, and auditing.

Also, Senate Bill No. 574—An act to amend sections 1, 2, 9, 12a, 15, 19, 20a and 20b and to add sections 1a, 2a, 3a, 4a, 5a, 6a, 7a, 8a, 12b, 20c, 20d, 20e, 20f, 30g, 30h, 30i, 30j, 30k and 30l to the California Real Estate Act, relating to the creation of the Real Estate Board and promoting real estate and other interests, to the regulation and licensing of real estate brokers and salesmen, and to the inspection and regulation of corporations.

Also, Senate Bill No. 575—An act to amend sections 365, 365a, 365b, 365c, 365d, 365e, 365f, and 365g of the Political Code of the State of California, relating to the California Highway Commission.

Also, Senate Bill No. 587—An act to amend sections 365, 365a, 365b, 365c, 365d, 365e, 365f, 365g, and 365h of the Political Code of the State of California.

Also, Senate Bill No. 591—An act to amend an act to organize for the regulation of the Railroad Commission, to define the powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees, and by other persons and corporations, creating the Railroad Commission fund and appropriating the moneys therein to carry out the provisions of this act, and repealing Title XV of Part IV of Division 1 of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act.

Also, Senate Bill No. 600—An act to amend section 2 of the California Deceptive Securities Commission Act.

Also, Senate Bill No. 645—An act relating to the compensation of public officers who are receiving financial aid from any governmental agency for disability or old age.

Also, Senate Bill No. 659—An act to amend section 2 of "An act to authorize and control the deposit in banks of moneys belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act" approved April 12, 1923, relating to banks.

Also, Senate Bill No. 665—An act to amend an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil, regulating the distribution and sale of such products" defining the powers and duties of the Division of the Inspection of Weights and Measures of the Department of Agriculture, and persons authorized by it, against all persons and their agents, and their inspection, and other offenses, defining "gasoline" and prescribing punishments for persons who are offered for sale as gasoline, prescribing penalties for the violation of provisions hereof, and repealing acts and parts of acts inconsistent herewith, approved June 5, 1931, by adding a new section therein, to be numbered 2a, relating to the standard measures for measuring oil and gasoline.

Also, Senate Bill No. 666—An act to regulate the sale of gasoline, define the standard measure for gasoline, and prescribe penalties for the violation hereof.

Also, Senate Bill No. 709—An act creating a State Board of Engineers and defining the powers and duties thereof, and providing for the same, promotion, and decrease of the State's deficits, and lowering of the expense thereof.

Also, Senate Bill No. 786—An act to amend section 3709 of the Political Code, relating to salaries of the members of the State Board of Equalization.

Also, Senate Bill No. 802—An act to amend section 84 of "An act to organize for the organization of the Railroad Commission, to define the powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities and to provide penalties for offenses by public utilities, their officers, agents and employees, and by other persons and corporations, creating the Railroad Commission fund and appropriating the moneys therein to carry out the provisions of this act," and repealing Title XV of Part IV of Division 1 of the Civil Code and all acts and parts of acts inconsistent with the provisions of the act as amended.

Also, Senate Bill No. 850—An act to authorize the Division of Water Resources of the Department of Public Works to enter into compromise settlements with judgment debtors under judgments heretofore rendered in proceedings under sections 25 to 36f, both inclusive, of the Water Commission Act, declaring a moratorium on the collection of such judgments and suspending the accrual of interest thereon, and making an appropriation into the cash revolving fund created by Chapter 84, Statutes of 1921, to reimburse said fund in the amounts by which such settlements shall be less than the amounts due from such judgment debtors.

Also, Senate Bill No. 851—An act to declare a moratorium on the collection of judgments rendered in proceedings pursuant to the provisions of sections 25 to 36f, both inclusive, of the Water Commission Act for unpaid costs or for unpaid assessments taxed as costs in such judgments, suspending the accrual of interest upon such judgments during the period of such moratorium, and extending the statute of limitations upon any such judgment.

Also: Senate Bill No. 857—An act to safeguard life and property, to register, license, and regulate stationary and hoisting engineers, to regulate the practice of steam engineering, the registering and licensing of persons engaged in such practice and to insure the better education and to promote competency and skill among engineers in the State of California;

Also: Senate Bill No. 868—An act providing for the incorporation of improvement authorities; prescribing the powers and duties of such authorities; and authorizing such authorities to engage in the enterprise of furnishing water, sewerage facilities, gas or electric heat, light or power services, to issue bonds and providing for the payment of such bonds; and declaring the urgency thereof;

Also: Senate Bill No. 881—An act to amend section 155 of the California Vehicle Act, relating to distinctive uniforms of traffic officers;

Also: Senate Bill No. 882—An act to amend section 750 of the Vehicle Code, relating to the color of vehicles and uniforms to be used by enforcement officers;

Also: Senate Bill No. 935—An act to amend section 13 of an act entitled "An act regulating the practice of civil engineering," approved June 14, 1929, relating to the reinstatement of expired certificates of registration;

Also: Senate Bill No. 956—An act to amend section 363b of the Political Code, relating to the California Highway Commission;

Also: Senate Bill No. 957—An act to amend sections 355 and 470 of the Political Code, relating to the Attorney General;

Also: Senate Bill No. 958—An act to amend section 376b of the Political Code, relating to the State Board of Prison Directors;

Also: Senate Bill No. 960—An act to amend section 656 of the Political Code, relating to the Division of Budgets and Accounts;

Also: Senate Bill No. 993—An act to create a board, designated as California Surplus and Waste Products Authority, for the purpose of preventing waste and conserving and preserving and causing to be utilized all surplus products of the soil of the State, defining their duties and powers, fixing their compensation;

Also: Senate Bill No. 1056—An act to amend section 12 of an act entitled "An act to provide a central bureau for the preservation of records of marriage, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the Superintendent of the State Bureau of Vital Statistics; the issuance of registration of burial . . . and certificates of births and deaths; the appointments of State and local registrars of vital statistics; prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration; and to fix a penalty for the violation of this act; to create the offices of the State and local registrars of vital statistics, provide for the salaries and fees of same; to repeal all acts and parts of acts in . . . herewith," approved May 19, 1915, as amended, relating to registration of births;

Also: Senate Bill No. 1076—An act to amend section 2 of an act entitled "An act providing for the establishment and maintenance of a State nursery under the jurisdiction and management of the State Forester for the growing of stock for reforestation and the planting of trees along highways and in public places, and making an appropriation therefor," approved May 15, 1917, relating to the sale of nursery stock;

Also: Senate Bill No. 1096—An act to add section 544 to the Political Code, and to amend sections 778, 779, and 782 thereof, relating to the publication of certain laws and court decisions;

Also: Senate Bill No. 1099—An act to add section 5 to an act entitled "An act providing for the control and management of a tract of land owned by the State of California and situated in the county of Napa, in said State," approved May 5, 1917, relating to the transfer of the management and control of said land;

Also: Senate Bill No. 1100—An act to add section 366f to the Political Code, relating to the Preston School of Industry and the officers and employees thereof;

Also: Senate Concurrent Resolution No. 18—Creating a joint legislative committee on governmental efficiency and defining its powers and duties;

Also: Assembly Bill No. 183—An act repealing sections 367a, 367b, and 367c of the Political Code, renumbering sections 367d to 367g, inclusive, thereof, to be sections 367q to 367t, inclusive, and adding sections 367a to 367p thereto, relating to the Department of Social Welfare;

Also: Assembly Bill No. 428—An act to add sections 1611 to 1617, inclusive, to the Political Code, relating to the State Board of Recreational Harbor Commissioners for Mission Bay, and to repeal certain acts in conflict herewith;

Also: Assembly Bill No. 728—An act to amend sections 1246, and 1249 of the Code of Civil Procedure, relating to eminent domain;

Also: Assembly Bill No. 1698—An act to add a new section to the Political Code to be numbered 696, relating to a fact finding bureau in the Department of Finance;

Also: Assembly Bill No. 2161—An act to provide for the aid and rehabilitation of citizens of the State of California who are the victims of economic and business depression;

Also Assembly Bill No. 2240—An act to amend sections 2285 and 2286 of the Political Code, relating to State and local elections.

Also Assembly Bill No. 2296—An act to create the California Rural Rehabilitation Authority, to provide for its organization, define its powers and duties and to make an appropriation in aid of its operation.

Also Assembly Bill No. 2404—An act to provide for the payment of delinquent taxes with 5 per cent interest, creating the California Farm Income Tax Adjustment Commission, defining its powers and duties, making an appropriation therefor, and declaring the urgency thereof to take effect immediately.

Also Assembly Constitutional Amendment No. 55—A resolution to propose to the people of the State of California, as amendments to the Constitution of said State by amending section 9 of Article IX thereof, relating to the election of the trustees of the University of California, and to their terms.

Has had the same under consideration, and respectfully requests the same be taken without recommendation, for the reason that no committee action has been taken. Committee membership—11.

HAYS, Chairman.

Also.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred Assembly Bill No. 2480—An act to amend sections 105, 109 and 111 of the Vehicle Code, relating to the Impoundment of Motor Vehicles—has had the same under consideration, and respectfully requests the same be taken without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

HAYS, Chairman.

On Hospitals and Asylums.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to which was referred Senate Bill No. 680—An act making an appropriation for major reconstruction and equipment at Mendocino State Hospital—and the same under consideration, and respectfully requests the same be taken without recommendation, for the reason that no committee action has been taken.

Committee membership—7.

SLATER, Chairman.

On Insurance.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Insurance, to which was referred Senate Bill No. 250—An act to amend sections 2072, 2073 and 2074 of and to amend section 2051 of the Insurance Code, and to add a new section thereto to be numbered 2075, all relating to fire insurance.

Also Senate Bill No. 440—An act to add a new section to the Insurance Code to be known as section 6052, relating to county mutual fire insurance.

Also Senate Bill No. 448—An act to add a new section to the Insurance Code to be numbered 6071.5, relating to county mutual fire insurers.

Also Senate Bill No. 449—An act to add a new chapter to be known as Chapter 6a of Part 1 of Division 2 of the Insurance Code, relating to the organization, powers and functions of reinsurance bureaus and to enforcement of and by county mutual fire insurers.

Also Senate Bill No. 473—An act to amend section 100 of the Insurance Code and to add a new section to said code, to be numbered section 100a, relating to medical and hospital service insurance.

Also Senate Bill No. 474—An act to amend the Insurance Code by adding thereto a new chapter, to be numbered Chapter 13, to Part 2 of Division 2 of said code, relating to medical and hospital service insurance.

Also Senate Bill No. 476—An act to amend section 984 of the Insurance Code, relating to insolvency of life insurers issuing nonassessable policies on a reserve basis.

Also Senate Bill No. 477—An act to amend section 1151 of the Insurance Code, relating to real property held by insurers.

Also Senate Bill No. 481—An act to amend section 11715 of the Insurance Code, relating to deposits required to secure payment of awards of workmen's compensation.

Also Senate Bill No. 484—An act to amend the Insurance Code by adding a new article to Chapter 5 of Part 2 of Division 2 of said code, and to be numbered Article 4, relating to rating and advisory agencies.

Also Senate Bill No. 494—An act to amend section 11 of Chapter 1121, Laws of 1931, Workmen's Compensation Insurance and Safety Act.

Also Senate Bill No. 540—An act to amend the Insurance Code, relating to the law governing insurance and providing for the administration and enforcement thereof.

Also: Senate Bill No. 597—An act to amend section 13 of the Reciprocal or Interinsurance Act of the State of California, approved June 3, 1921, Statutes of 1921, page 1599, as amended, relating to applicability of insurance laws thereto;

Also: Senate Bill No. 598—An act to amend section 2 of the Reciprocal or Interinsurance Act of the State of California, approved June 3, 1921, Statutes of 1921, page 1599, as amended, to require certain provisions in forms used thereunder;

Also: Senate Bill No. 599—An act to amend the Reciprocal or Interinsurance Act of the State of California, approved June 3, 1921, Statutes of 1921, page 1599, as amended, by adding thereto a new section to be numbered 6(a), relating to statements to the public;

Also: Senate Bill No. 671—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto;

Also: Senate Bill No. 672—An act to amend the Insurance Code, relating to insurance principles, practice and business, and matters incidental thereto;

Also: Senate Bill No. 673—An act to amend sections 1 to 650 of the Insurance Code, to repeal certain sections thereof and to add certain sections thereto, all relating to insurance;

Also: Senate Bill No. 674—An act to amend sections 680 to 1106 of the Insurance Code, to repeal certain sections thereof, and add new sections thereto, all relating to transaction of insurance in this State and matters incidental thereto;

Also: Senate Bill No. 675—An act to amend sections 1140 to 1253 of the Insurance Code, to repeal certain sections thereof, and to add new sections thereto, all relating to incorporated insurers;

Also: Senate Bill No. 676—An act to amend sections 1280 to 1530 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to reciprocal insurers;

Also: Senate Bill No. 677—An act to amend sections 1560 to 1607 of the Insurance Code, to repeal certain sections thereof and to add certain new sections thereto, all relating to foreign insurers;

Also: Senate Bill No. 678—An act to amend sections 1640 to 1779 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to persons representing insurers or insureds;

Also: Senate Bill No. 679—An act to amend sections 1880 to 9093 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to fire, marine, and fire and marine insurance;

Also: Senate Bill No. 680—An act to amend sections 10020 to 10080 of the Insurance Code, to repeal certain sections thereof and to add certain new sections thereto, all relating to underwriters fire patrols;

Also: Senate Bill No. 728—An act to amend sections 11, 12, 18, 19, 20, 26, 29, 31 and 59 of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 23, 1917, relating to compensation, awards, proceedings, jurisdiction and insurance under the Workmen's Compensation Act.

Also: Senate Bill No. 805—An act to amend section 1710 of the Insurance Code, relating to life agents;

Also: Senate Bill No. 806—An act to amend sections 12903 and 12923 of the Insurance Code, relating to the Insurance Commissioner;

Also: Senate Bill No. 807—An act to amend section 780 and 781 of the Insurance Code, relating to misrepresentation of policies;

Also: Senate Bill No. 812—An act to amend sections 1500 and 1678 of the Insurance Code, relating to insurance;

Also: Senate Bill No. 813—An act to add Chapter 1a to Part 2 of Division 1 of the Insurance Code, comprising sections 1109 to 1138, inclusive, to add Article 3 to Chapter 3, Part 3, Division 2 of said code comprising section 11760, to add Article 12 to Chapter 2, Part 6, Division 2 of said code comprising section 12640, and to amend sections 1282, 2010, 7060, 9060, 10190, 10395, and 12400 of said code, all relating to insurance;

Also: Senate Bill No. 831—An act to amend section 20 of the California Workmen's Compensation Insurance and Safety Act of 1917, relating to compensation insurance;

Also: Senate Bill No. 839—An act to amend sections 2, 6, and 12 of "An act providing for the organization and management of mutual workmen's compensation insurance companies and defining the same and regulating the transactions of the business of mutual workmen's compensation insurance in the State of California," approved May 26, 1913, Statutes of 1913, page 321, as amended;

Also: Senate Bill No. 894—An act to amend sections 12140 to 12311 of the Insurance Code, relating to motor clubs;

Also: Senate Bill No. 896—An act to amend sections 1880 to 9093 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to fire, marine, and fire and marine insurance;

Also: Senate Bill No. 897—An act to amend sections 1640 to 1779 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to persons representing insurers or insureds;

Also, Senate Bill No. 898—An act to amend sections 1560 to 1607 of the Insurance Code, to repeal certain sections thereof and to add certain new sections thereto, all relating to foreign insurance.

Also, Senate Bill No. 899—An act to amend sections 1280 to 1520 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to commercial insurance.

Also, Senate Bill No. 900—An act to amend sections 1110 to 1250 of the Insurance Code, to repeal certain sections thereof and to add new sections thereto, all relating to incorporated insurers.

Also, Senate Bill No. 901—An act to amend sections 1 to 650 of the Insurance Code, to repeal certain sections thereof and to add certain sections thereto, all relating to insurance.

Also, Senate Bill No. 902—An act to amend sections 12600 to 12741 of the Insurance Code, relating to land value insurance.

Also, Senate Bill No. 903—An act to amend sections 12420 to 12631 of the Insurance Code, relating to mortgage insurance.

Also, Senate Bill No. 904—An act to amend sections 12340 to 12400 of the Insurance Code, relating to fire insurance.

Also, Senate Bill No. 905—An act to amend sections 12650 to 12711 of the Insurance Code, relating to automobile and casualty insurance.

Also, Senate Bill No. 906—An act to amend sections 11000 to 11050 of the Insurance Code, to repeal certain sections thereof and to add certain new sections thereto, all relating to miscellaneous fire policies.

Also, Senate Bill No. 907—An act to amend sections 11750 to 11920 of the Insurance Code, relating to insurance against legal liability, including liability, workmen's compensation, and common carrier liability insurance.

Also, Senate Bill No. 908—An act to amend section 12000 to 12070 of the Insurance Code, relating to the powers, functions and duties of the Insurance Commissioner.

Also, Senate Bill No. 911—An act to amend sections 1, 5, 6, 7, 9, 11, 12, and 13 of an act entitled, "An act for the regulation and control of foreign-owned insurance companies," approved May 1, 1911, amending the subdivisions of life, health, accident and automobile sections, and adding to the definitions of life, health, accident and automobile sections as subdivisions of general liability section, hedge system, representative form of government, the maintenance and insurance of funds and the payment of benefits on the proceeds of services.

Also, Senate Bill No. 914—An act to amend the title and sections of the "Workmen's Compensation, Insurance and Safety Act of 1917," approved May 28, 1917, relating to workmen's compensation.

Also, Senate Bill No. 1088—An act to amend sections 781 and to add four new sections, to be numbered 10140 to 10140, inclusive, to Article 3 of Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to insurance policies.

Also, Senate Bill No. 441—An act to add a new section to the Insurance Code to be known as section 6020.5, relating to certain mutual fire policies.

Also, Senate Bill No. 480—An act to amend section 10840 and 10844 of the Insurance Code, relating to business assessment plan life or disability insurance.

Also, Senate Bill No. 722—An act to add a new section to the Insurance Code, to be numbered 10430, relating to loans on life policies.

Also, Senate Bill No. 1095—An act to amend sections 10650 to 10671, inclusive, 10684 to 10713, inclusive, 10770 and 10780, of the Insurance Code, and to add sections 10650, 10670, and 10671 thereto, and to make certain other provisions, all relating to mutual benefit associations.

Also, Assembly Bill No. 854—An act to amend section 234 of the Insurance Code, relating to materiality of assessments and representations.

Also, Assembly Bill No. 875—An act to amend sections 9, 20 and 24 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to industrial accidents.

Also, Assembly Bill No. 194—An act to amend sections 20 and 24 of the "Workmen's Compensation, Insurance and Safety Act of 1917," as amended, relative to awards and disposition thereof.

Has had the same under consideration, and respectfully reports the same back without recommendation for the reason that no committee action has been taken.

Committee membership—11.

MCGUINNESS, Vice Chairman.

On Irrigation.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 59—An act to amend section 11 of the California District Reclamation Commission Act, providing that said section shall remain in effect until November 1, 1937, and declaring this act an emergency measure enacted under the police power;

Also, Senate Bill No. 151—An act to amend section 4 of the Central Valley Project Act of 1933, relating to units:

Also: Senate Bill No. 169—An act to amend section 9 of the Central Valley Project Act of 1933, relating to the support, prices, rates and charges in the several units of the project;

Also: Senate Bill No. 170—An act to amend "An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof," approved September 20, 1934, by amending sections 1 and 3 thereof, relating to delinquent assessments, and declaring the urgency thereof;

Also: Senate Bill No. 334—An act relating to reclamation and irrigation districts;

Also: Senate Bill No. 348—An act to amend section 4 of the Central Valley Project Act of 1933, relating to units;

Also: Senate Bill No. 412—An act to amend the California Irrigation District Act by adding thereto section 32f, providing for extension of maturity and reduction of interest and/or principal of bonds, and authorizing the directors of irrigation districts to enter into contracts for that purpose;

Also: Senate Bill No. 516—An act to amend section 47 of the California Irrigation District Act, relating to time allowed for redemption of property;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—7.

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 873—An act to amend the title of, and to amend an act entitled, "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," (Chapter 1020, Statutes of 1931), to repeal sections 51 to 54 inclusive, and to add new sections to be numbered 51 to 80 inclusive, relating to exclusion of lands from water conservation districts and to improvement districts within water conservation districts (Chapter 906, Statutes of 1933)—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—7.

MIXTER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Irrigation, to which was referred Senate Bill No. 629—An act to repeal section 52a of the California Irrigation Act, relating to irrigation districts;

Also: Senate Bill No. 636—An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts; and authorizing and directing the collection of the assessments in such improvement districts sufficient to pay the principal and interest of said warrants; validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein;

Also: Senate Bill No. 637—An act to amend an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said district," approved June 10, 1913, as amended by adding to said act as amended section 52a, relating to an optional method of electing directors;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—7.

MIXTER, Chairman.

On Judiciary.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to section 24 of Article IV of the Constitution of said State, relating to acts codifying, revising, consolidating, rearranging or repealing the law—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason no committee action has been taken.

Committee membership—14.

SWING, Chairman.

Also:

Mr. President: Your Committee on Judiciary, to which was referred Assembly Bill No. 1—An act relating to rules, agreements, and standards of fair competition, respecting certain retail allied business.

Also: Assembly Bill No. 27—An act to amend section 1507 of the Probate Code, relating to undue granting authority as partition.

Also: Assembly Bill No. 28—An act to amend section 1000 of the Probate Code, relating to partition and notice of hearing.

Also: Assembly Bill No. 40—An act to amend section 407 of the Code of Civil Procedure, relating to witnesses.

Also: Assembly Bill No. 44—An act to prohibit, since February 1, 1935, sales under certain mortgage and deeds of trust, and the enforcement of the interest of the purchaser under certain contracts of purchase, for default in the payment of the principal sum of obligations secured thereby or contracted to be paid thereunder, to extend the statute of limitations upon certain obligations, to make voidable at the instance of the owner any sale or foreclosure made in violation of this act, to prescribe the time within which an action to avoid the same may be brought, to postpone sales for default in payment of obligations due between effective date of act and February 1, 1935, to guarantee within bond, to guarantee against forfeiture, to guarantee the enforcement of the security for which is affected by this act, to repeal all act entitled "An act relating to the right of sellers and purchasers, and permitting purchase, contract of foreclosure and sales under mortgages, deeds of trust, or contracts of purchase of real property, or postponement of foreclosures and terminations under such contracts of foreclosure, foreclosing the remedy thereof and providing that it shall take effect immediately," approved January 21, 1935, to repeal an act entitled "An act to prohibit, since February 1, 1935, sales under certain mortgages and deeds of trust, and the foreclosures of the interest of the purchaser under certain contracts of purchase, for default in the payment of the principal sum of obligations secured thereby or contracted to be paid thereunder, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale or foreclosure made in violation of the act, to prescribe the time within which an action to avoid the same may be brought, to postpone sales for default in payment of obligations due between effective date of act and February 1, 1935, to guarantee within bond, to guarantee against forfeiture, to guarantee the enforcement of the security for which is affected by this act, and to amend the remedy bond," approved September 15, 1934, declaring the remedy bond, and providing that it shall take effect immediately).

Also: Assembly Bill No. 71—An act relating to the disciplining or discharging any employee upon a report by a special agent, detective or assistant agent, and repealing an act relating to the same subject.

Also: Assembly Bill No. 110—An act to amend sections 104 and 150a of the Code of Civil Procedure, relating to witness oaths.

Also: Assembly Bill No. 244—An act to amend section 650a of the Penal Code, relating to the House of a conjurer.

Also: Assembly Bill No. 289—An act to add section 1724 to the Code of Civil Procedure, relating to establishing the fact of death of a joint tenant.

Also: Assembly Bill No. 308—An act to amend section 309a of the Penal Code, relating to the possession or control of gambling devices.

Also: Assembly Bill No. 403—An act to amend "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and upon, providing any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the case of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1933, as amended, by adding section 11b thereto and repealing section 114 thereof, relating to the fees of private employment agencies.

Also: Assembly Bill No. 694—An act to amend sections 327, 340, 331, 341 and 1201 of the Probate Code, relating to publication of notices in probate proceedings.

Also: Assembly Bill No. 697—An act to amend section 422 of the Probate Code, relating to the right of certain persons to appointment as administrator.

Also: Assembly Bill No. 702—An act to amend section 150a of the Code of Civil Procedure, relating to qualifications of witnesses in the present.

Also: Assembly Bill No. 714—An act to amend section 337 of and to add section 335a to the Code of Civil Procedure, relating to the time within which actions upon any contract, obligation or liability founded upon an instrument in writing may be commenced.

Also: Assembly Bill No. 728—An act to amend sections 1246, and 1249 of the Code of Civil Procedure, relating to eminent domain.

Also: Assembly Bill No. 732—An act to amend section 2280 of the Civil Code, relating to trusts.

Also: Assembly Bill No. 792—An act to prohibit child labor.

Also: Assembly Bill No. 880—An act to amend section 726 of the Code of Civil Procedure, relating to foreclosure of mortgages;

Also: Assembly Bill No. 942—An act to amend section 423 of the Probate Code of the State of California, relating to nomination of administrators;

Also: Assembly Bill No. 1100—An act to amend sections 49 and 1624 of, add sections 43a, 1590, and 1606.5 and 1624.5 to, and repeal section 3319 of the Civil Code, relating to causes of action based upon criminal conversation, seduction alienation of affection and breach of promise;

Also: Assembly Bill No. 1349—An act to amend section 817 of the Penal Code, relating to peace officers;

Also: Assembly Bill No. 1464—An act to amend section 182 of the Penal Code, relating to punishment for criminal conspiracy;

Also: Assembly Bill No. 1860—An act to declare a moratorium on the collection of judgments rendered in proceedings pursuant to the provisions of sections 25 to 36f, both inclusive, of the Water Commission Act for unpaid costs or for unpaid assessments taxed as costs in such judgments, suspending the accrual of interest upon such judgments during the period of such moratorium, and extending the statute of limitations upon any such judgment;

Also: Assembly Bill No. 2133—An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments;

Also: Assembly Bill No. 2139—An act to amend section 281 of the Code of Civil Procedure, relating to attorneys and counsellors at law;

Also: Assembly Bill No. 2391—An act to amend sections 125, 374, 375, 1881, and 1973 of, and to add sections 341.5 and 1973.5 to the Code of Civil Procedure, relating to criminal conversation breach of promise and alienation of affections suits;

Also: Assembly Bill No. 2399—An act to amend section 1514 of the Civil Code, relating to rights of parties to contract in the event of prevention of performance thereof by a cause other than an act of a party;

Also: Assembly Bill No. 2476—An act to add section 24.5 to the State Bar Act, relating to examinations for admission to practice law;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—14.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section 9 of Article I thereof, relating to the rights of juries in criminal prosecutions for libel;

Also: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending section 8 of and adding section 8a to Article I thereof, relating to grand juries;

Also: Senate Concurrent Resolution No. 19—Relative to the appointment of a committee to study and investigate the activities and practices of chain stores;

Also: Senate Concurrent Resolution No. 39—Relative to the removal of Gavin W. Craig from the office of justice of District Court of Appeal, Second Appellate District, Division Two;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—14.

SWING, Chairman.

Also:

MR. PRESIDENT: Your Committee on Judiciary, to which was referred Senate Bill No. 14—An act relating to the solicitation of law business and to contracts and releases arising out of claims for damages for personal bodily injuries, and to solicitation of representation of claimants for such injuries;

Also: Senate Bill No. 22—An act to provide for the registration by county clerks of all persons in the State of California for purposes of identification, and to prescribe the penalty for the violation thereof;

Also: Senate Bill No. 35—An act to repeal section 1027 of the Probate Code, relating to the distribution of estates;

Also: Senate Bill No. 66—An act relating to codes, agreements, and standards of fair competition, repealing certain acts cited herein, and declaring the urgency of this act and providing that it shall go into immediate effect;

Also: Senate Bill No. 79—An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment;

Also: Senate Bill No. 97—An act to amend sections 726 and 580a of the Code of Civil Procedure, to amend section 2924 of the Civil Code, and to add section 580d to the Code of Civil Procedure, relating to deficiency judgments;

Also: Senate Bill No. 103—An act to amend section 13 of the State Liquor Control Act, relating to licenses for the sale of intoxicating liquor;

Also: Senate Bill No. 352—An act to amend section 3 of the Workmen's Compensation, Insurance and Safety Act of 1917, relating to occupational diseases;

Also: Senate Bill No. 363—An act to amend section 423 of the Probate Code, relating to appointment of administrators;

Also: Senate Bill No. 372—An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof;

Also: Senate Bill No. 386—An act to add section 433 of the Civil Code, relating to entry of final judgment in divorce cases *nunc pro tunc*;

Also: Senate Bill No. 416—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately;

Also: Senate Bill No. 431—An act to amend section 685 of the Code of Civil Procedure, relating to the execution of judgments;

Also: Senate Bill No. 456—An act relating to mortgages and conditional sales of personal property;

Also: Senate Bill No. 457—An act to amend sections 2965 to 2973, inclusive, and section 2980 of the Civil Code, relating to mortgages and conditional sales of personal property;

Also: Senate Bill No. 458—An act to amend sections 2955 to 2964, inclusive, of the Civil Code, relating to mortgages and conditional sales of personal property;

Also: Senate Bill No. 460—An act to amend sections 335 to 348, inclusive, of the Code of Civil Procedure, relating to statutes of limitation;

Also: Senate Bill No. 461—An act to amend section 943 of the Code of Civil Procedure, relating to appeals;

Also: Senate Bill No. 462—An act to amend sections 2986 to 3011, inclusive, of the Civil Code, relating to pledges of personal property;

Also: Senate Bill No. 463—An act to amend sections 2920 to 2942, inclusive, of the Civil Code, relating to mortgages;

Also: Senate Bill No. 496—An act to amend sections 224m and 226 of the Civil Code, relating to adoptions;

Also: Senate Bill No. 506—An act to authorize the adoption of codes of fair competition for certain trades and industries within this State, to declare the urgency thereof, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 536—An act to license, regulate and control the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages; to make an appropriation for the enforcement of this act; and to prescribe penalties for the violation of this act;

Also: Senate Bill No. 568—An act to prohibit until January 1, 1936, sales of real property on foreclosure of mortgages or deeds of trust, or under a power contained in a mortgage or deed to trust, to prohibit the forfeiture of the interest of a purchaser under a contract for the purchase of real property, to extend the statute of limitations upon certain obligations; and to postpone such sales or forfeitures until January 1, 1936; to authorize the waiver of the provisions of this act, to declare the urgency hereof, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 579—An act to add a new section to the Code of Civil Procedure to be known as section 1021a, creating the lien of an attorney at law;

Also: Senate Bill No. 583—An act for the relief of certain assessment districts, and for that purpose empowering counties to render financial aid to such districts and making available to such districts the provisions of Chapter 9 of the act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, and to declare the urgency of this act, to take effect immediately;

Also: Senate Bill No. 627—An act to add a new section to be numbered 1463 to the Probate Code, relating to guardianship proceedings of incompetent or insane persons;

Also: Senate Bill No. 628—An act to amend section 2142a of the Political Code, relating to insane or incompetent persons;

Also: Senate Bill No. 638—An act to amend an act entitled "An act validating the formation and organization, and determining the boundaries of Alameda County Water District in the county of Alameda, State of California," approved April 10, 1915, by amending section 2 of said act relating to the boundaries of said district and by adding section 3 to said act relating to the laws governing said district and providing for elections therein;

Also: Senate Bill No. 660—An act to amend sections 2957, 2959, 2965 and 2966 of the Civil Code, relating to mortgages of personal property;

Also: Senate Bill No. 667—An act to amend sections 204 and 241 of the Code of Civil Procedure, relating to grand juries;

Also: Senate Bill No. 688—An act to amend sections 336, 341, 681 and section 685 of the Code of Civil Procedure, relating to limitation of actions and deficiency judgments;

Also: Senate Bill No. 689—An act to require the acceptance of certificates or other evidences of investment secured by mortgages and or deeds of trust, in payment of the obligations for which said security is given;

Also: Senate Bill No. 740. An act to amend section 422 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 741. An act relating to the court of sessions and probate, and amending provisions of An Act providing that home-broken homesteads, crops of grain, or continuity of possession, or real property, or improvements of land, and improvements having been interests of mortgagors, including the agency, demand and providing that it shall take effect immediately.

Also: Senate Bill No. 742. An act to amend sections 1302 and 1350 of the Civil Code, relating to the execution of process for maintenance of, and enforcement of, title to land and personal property, and amendments to various provisions of the Civil Code.

Also: Senate Bill No. 743. An act to amend the headings of Chapter 37, Title IV, Part IV, Division II, of the Civil Code, and Articles I and II thereof, to make still inoperative the provisions of the provisions of said articles.

Also: Senate Bill No. 744. An act to amend sections 301 and 302 of the Civil Code, relating to process to general delivery, and giving such process and return, and providing that for the purposes of mortgaging, crops, fruits, berries, embankments, shall be treated as real property.

Also: Senate Bill No. 745. An act to amend section 302 of the Civil Code, relating to the matter of the definition of crops.

Also: Senate Bill No. 746. An act to amend section 312 of the Probate Code, relating to the removal of administrators, and to amend section 313 of the Probate Code, relating to the removal of administrators, and to amend section 314 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 747. An act to amend section 315 of the Probate Code, relating to the removal of administrators, and to amend section 316 of the Probate Code, relating to the removal of administrators, and to amend section 317 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 748. An act to amend section 318 of the Probate Code, relating to the removal of administrators, and to amend section 319 of the Probate Code, relating to the removal of administrators, and to amend section 320 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 749. An act to amend section 321 of the Probate Code, relating to the removal of administrators, and to amend section 322 of the Probate Code, relating to the removal of administrators, and to amend section 323 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 750. An act to amend section 324 of the Probate Code, relating to the removal of administrators, and to amend section 325 of the Probate Code, relating to the removal of administrators, and to amend section 326 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 751. An act to amend section 327 of the Probate Code, relating to the removal of administrators, and to amend section 328 of the Probate Code, relating to the removal of administrators, and to amend section 329 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 752. An act to amend section 330 of the Probate Code, relating to the removal of administrators, and to amend section 331 of the Probate Code, relating to the removal of administrators, and to amend section 332 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 753. An act to amend section 333 of the Probate Code, relating to the removal of administrators, and to amend section 334 of the Probate Code, relating to the removal of administrators, and to amend section 335 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 754. An act to amend section 336 of the Probate Code, relating to the removal of administrators, and to amend section 337 of the Probate Code, relating to the removal of administrators, and to amend section 338 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 755. An act to amend section 339 of the Probate Code, relating to the removal of administrators, and to amend section 340 of the Probate Code, relating to the removal of administrators, and to amend section 341 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 756. An act to amend section 342 of the Probate Code, relating to the removal of administrators, and to amend section 343 of the Probate Code, relating to the removal of administrators, and to amend section 344 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 757. An act to amend section 345 of the Probate Code, relating to the removal of administrators, and to amend section 346 of the Probate Code, relating to the removal of administrators, and to amend section 347 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 758. An act to amend section 348 of the Probate Code, relating to the removal of administrators, and to amend section 349 of the Probate Code, relating to the removal of administrators, and to amend section 350 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 759. An act to amend section 351 of the Probate Code, relating to the removal of administrators, and to amend section 352 of the Probate Code, relating to the removal of administrators, and to amend section 353 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 760. An act to amend section 354 of the Probate Code, relating to the removal of administrators, and to amend section 355 of the Probate Code, relating to the removal of administrators, and to amend section 356 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 761. An act to amend section 357 of the Probate Code, relating to the removal of administrators, and to amend section 358 of the Probate Code, relating to the removal of administrators, and to amend section 359 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 762. An act to amend section 360 of the Probate Code, relating to the removal of administrators, and to amend section 361 of the Probate Code, relating to the removal of administrators, and to amend section 362 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 763. An act to amend section 363 of the Probate Code, relating to the removal of administrators, and to amend section 364 of the Probate Code, relating to the removal of administrators, and to amend section 365 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 764. An act to amend section 366 of the Probate Code, relating to the removal of administrators, and to amend section 367 of the Probate Code, relating to the removal of administrators, and to amend section 368 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 765. An act to amend section 369 of the Probate Code, relating to the removal of administrators, and to amend section 370 of the Probate Code, relating to the removal of administrators, and to amend section 371 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 766. An act to amend section 372 of the Probate Code, relating to the removal of administrators, and to amend section 373 of the Probate Code, relating to the removal of administrators, and to amend section 374 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 767. An act to amend section 375 of the Probate Code, relating to the removal of administrators, and to amend section 376 of the Probate Code, relating to the removal of administrators, and to amend section 377 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 768. An act to amend section 378 of the Probate Code, relating to the removal of administrators, and to amend section 379 of the Probate Code, relating to the removal of administrators, and to amend section 380 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 769. An act to amend section 381 of the Probate Code, relating to the removal of administrators, and to amend section 382 of the Probate Code, relating to the removal of administrators, and to amend section 383 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 770. An act to amend section 384 of the Probate Code, relating to the removal of administrators, and to amend section 385 of the Probate Code, relating to the removal of administrators, and to amend section 386 of the Probate Code, relating to the removal of administrators.

Also: Senate Bill No. 985—An act relating to adjustment in lieu of enforcement of bonds which are in default, when the bonds are secured by a lien on or interest in real property situated in this State, and limiting the enforcement of such bonds;

Also: Senate Bill No. 999—An act to amend section 542 of the Code of Civil Procedure, relating to attachment of real and personal property;

Also: Senate Bill No. 1040—An act to amend section 1510 of the Probate Code, relating to the appointment of guardian;

Also: Senate Bill No. 1041—An act to amend section 372 of the Code of Civil Procedure, relating to the powers of guardian;

Also: Senate Bill No. 1092—An act to provide for the relief of cities, cities and counties, and assessment districts from obligations evidenced by outstanding and unpaid bonds;

Also: Senate Bill No. 1117—An act to add section 44.5 to the Civil Code, relating to liability for statements broadcasted over a radio or a radio broadcasting system;

Also: Senate Bill No. 371—An act to amend sections 226 and 227 and to repeal section 227a of the Civil Code, relating to adoption;

Also: Senate Bill No. 271—An act to amend section 281 of the Code of Civil Procedure, relating to the practice of law;

Also: Senate Bill No. 138—An act relating to the acquisition of land, rights of way, easements and rights in land by the State or any department, agency or official thereof or by any city, county, or county and to the procedure therefor; Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—14.

SWING, Chairman.

On Labor and Capital.

SENATE CHAMBER, SACRAMENTO, June 15, 1935.

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Assembly Bill No. 182—An act to amend the title and sections 1 and 3a of "An act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, relating to the employment of females:

Also: Assembly Bill No. 785—An act to amend the title, sections 1, 2, 3, 4 and 5 of, and to add a new section, to be numbered section 6, to an act entitled "An act to regulate the work and hours of employees engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for violation thereof," approved February 28, 1905 (Stats. 1905, Chap. 34), relating to the hours of drug clerks, requiring the keeping of records and posting schedules of such hours, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and providing that all fines for violation of the provisions hereof shall be paid into the State treasury to the credit of the general fund;

Also: Assembly Bill No. 2023—An act to amend the title and sections 1, 2 and 3 of, and to add a new section, to be numbered section 4, to an act entitled "An act to provide for a day of rest from labor," approved February 27, 1893 (Stats. 1893, Chap. 41), relative to the scope of the act, providing for the enforcement of the act by the Chief of the Division of Labor Statistics and Law Enforcement and providing penalties for violation of the provisions thereof;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

OLSON, Chairman.

Also:

MR. PRESIDENT: Your Committee on Labor and Capital, to which was referred Senate Bill No. 46—An act to add a new section to the Penal Code, to be numbered 368b, relating to the safe manning of railroad engines;

Also: Senate Bill No. 166—An act to amend sections 3244, 3245 and 3246 of the Political Code and to amend section 3247 as added by Chapter 85, Statutes of 1887, renumbering said section to be section 3246a, relating to hours and wages of labor; relating to hours of labor on public works;

Also: Senate Bill No. 167—An act to amend section 653c of the Penal Code, relating to hours of labor on public works;

and their use by said division for the administration of said laws in augmentation of its current appropriations;

Also: Senate Bill No. 564—An act to amend section 535 of the Political Code, relating to purchase of machinery or equipment for the State printing plant;

Also: Senate Bill No. 565—An act to amend section 677a of the Political Code, relating to departmental budgets;

Also: Senate Bill No. 573—An act to amend section 7 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the Commissioner of the Bureau of Labor Statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913 (Stats. 1913, Ch. 282), as amended, relating to the amount of license fees and bonds of employment agencies, and providing for the use of license fees and fines by the Division of Labor Statistics and Law Enforcement for the administration of the act in augmentation of its current appropriations;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

OLSON, Chairman.

On Military Affairs.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Concurrent Resolution No. 34, Relative to reports of the department encampment of the Grand Army of the Republic—has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

McGUINNESS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Assembly Bill No. 1319—An act to amend section 27 of the "State Civil Service Act," relating to preference to veterans and the widows of veterans;

Also: Assembly Bill No. 1830—An act to amend sections 803, 804, 810, 813, 814 and 815 of the Military Code, relating to the extension of veterans' rights for loan grants on homes and farms;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

McGUINNESS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Military Affairs, to which was referred Senate Bill No. 109—An act to create the Commemoration Commission to succeed to the Spanish War Commemoration Commission; to prescribe the powers, duties, functions, and purposes thereof; to provide for the cooperation of State and local agencies and political subdivisions therewith;

Also: Senate Bill No. 343—An act to amend sections 101 and 102, and to add sections 37a, 37b, 37c, 37d, 37e, 76a, 102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 102i, 115a, 382a, and 382b to the Military Code, relating to personnel;

Also: Senate Bill No. 862—An act to add a new section to be numbered section 2a to an act entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments or appliances sold for the cure of disease, injury or deformities," approved March 29, 1903, as amended, relating to the exemption of soldiers and sailors from license fees;

Also: Senate Bill No. 1072—An act to amend Part VII, Chapter II of Division II of the Military Code, approved June 16, 1933, relating to the Naval Militia;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

McGUINNESS, Chairman.

On Mines and Mining.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Mines and Mining, to which was referred Senate Bill No. 152—An act to amend "An act to require security for the payment of wages of persons engaged in the mining industry," approved April 25, 1933, by amending section 1 thereof, relating to security for the payment of wages;

Also, Section 101.5, 101.5.1, and 101.5.2 are providing for the regulation of the practice of nursing supervision and monitoring.

[illegible]

Also, because Hill No. 200 is not the top component of a well-sorted sequence of the lower Helderberg of Mass., but rather an unconformable member.

Allyl, *Journal*, 1111 No. 1005. An allyl compound, allyl methyl carbonate, has been added to some insecticides, resulting in better control of pest insects, particularly *Aedes* and *Phaenicia* species, against an acidic environment.

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At the same time, Bill has been an important witness to some of the American South's best poetry, especially in the 1970s, working as a poetry consultant. How had this most poetic individual and community begun the search back, without recognition, for the reason that the American poem has been hiding

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thereof; and placing the duty of enforcement of said act in the Department of Mineral Resources.

Also, Bureau Hall No. 774—An act to provide for the housing of persons engaged in the service.

Agreements, and to provide for the recordance of the same.

Also, because H(a) is $H(0) = 0$, we can use section 11 of The Company Securities Act, regulating the company management.

Thus, both the actual number of observations and the number of subjects in the sample have a significant effect on the results. The first finding that an individual's ability has little effect

Continuing development:

On Motor Vehicles.

SOCIETY OF AMERICAN STATESMEN, 1890-1900.

Bill No. 54.—An act to add sections 50, 50.1, 50.11, 50.12, and 50.13 to the Vehicle Code, relating to the carrying and use of firearms legally by motorist owners, vehicle operators, owners of motorized snow machines.

Alvin S. Brown, III, No. 700. An act to amend sections 272 of the Virginia Code, relating to construction law.

After a Summer Ball No. 14 was given by several societies, 26 of October, 1900. Students of 1100 attended the Conference. Twelve A. & S. students. May 20, 1901 no students.

[illegible]

Also, *State v. Rios*, N. J. 271 A.2d 100, 101 (N.J. 1971), on the California Vehicle Act, approved May 19, 1972, resulting in the following sentence:

Also, *State v. Rios*, N. J. 271 A.2d 100, 101 (N.J. 1971), on the California Vehicle Act, approved May 19, 1972, resulting in the following sentence:

May 30 1927, resulting in injury of cotton in bloom.

Also	Section 101	As an independent contractor, you are not an employee.
Relating to liability for	Section 102	As an independent contractor, you are not an employee.
Also	Section 103	As an independent contractor, you are not an employee.

the Vehicle Code, relating to vehicles, two length classes, and one registration and license fees. However,

Also, Senate Bill No. 439. An act to add sections 603 and 604 and to amend section 607 of the Vehicle Code, relating to Dress and Grooming.

Also, Senate Bill No. 447, Art. III, sec. 10, of the Virginia Code, relating to such an "it is so reported" highway.

Also, Senate Bill No. 520, An act to amend Sections 311 and 759 of the Vehicle Code relating to motor vehicles.

Also Senate Bill No. 5591, An act to amend an act to better regulate the transportation agent, to provide for the regulation, supervision and licensing thereof, is hereby introduced and referred to the committee on transportation.

thereof; and to provide for the enforcement of said act and penalties for the same thereon; and repealing all acts entitled "An act to amend certain existing laws relating to the navigation of the Mississippi River," approved March 27, 1890.

and to provide for the regulation, supervision and financing thereof," approved June 5, 1931, and all acts or part of acts inconsistent with

thereof, approved June 3, 1931, and all acts or part of acts inconsistent with the provisions of this act;

Also: Senate Bill No. 592—An act regulating the use of public highways by motor carriers of passengers for hire, requiring the operators of such vehicles to secure permits from the Railroad Commission of California for the operation thereof, to foster a fair distribution of traffic between the several highway transportation agencies to the end that the public highways may be relieved of unnecessary commercial traffic and that necessary existing agencies of transportation shall be preserved, and providing penalties for violation of this act;

Also: Senate Bill No. 711—An act to amend sections 480, 481, 482, 483, 503, 505, 736, 737, 738 and 743 of the Vehicle Code, to repeal sections 592 and 739 of said code and to add sections 500, 501, 502, 506, 739, 743.5 and 743.6 to said code, relating to accidents involving motor vehicles, the duty of drivers of such vehicles to stop, render aid and give certain information, defining the crime of negligent homicide and prescribing penalties therefor, also relating to persons driving motor vehicles while under the influence of liquor or narcotic drugs, to the stealing or unlawful taking of motor vehicles, and the reckless driving of such vehicles, to the taking of persons arrested before magistrates, and the duties of arresting officers in connection with said persons, to the procedure to be followed where the person arrested is either taken before a magistrate or is given a notice to appear in court, to changes of venue in prosecutions for violations of said code, and to the procedure to be followed upon the arrest of all persons violating said code;

Also: Senate Bill No. 775—An act to amend section 576 of the Vehicle Code, relating to special stops required of vehicles;

Also: Senate Bill No. 796—An act to add a new section to the Vehicle Code to be numbered 599.5, relating to trailers;

Also: Senate Bill No. 858—An act to amend section 141½ of the California Vehicle Act, relating to the liability for death of or injury to guest;

Also: Senate Bill No. 953—An act to add a new section to the Vehicle Code to be numbered section 628, relating to dash lamps on motor vehicles and connections therewith;

Also: Senate Bill No. 1004—An act to amend sections ----- of the Vehicle Code, relating to registration of motor vehicles;

Also: Senate Bill No. 1005—An act to add a new section to be numbered 677.5 to the Vehicle Code, relating to commercial vehicles;

Also: Senate Bill No. 1006—An act to add section 587.5 to the Vehicle Code, relating to parking;

Also: Senate Bill No. 1043—An act to amend section 403 of the Vehicle Code, relating to the liability for death or injury to guest;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason no committee action has been taken.

Committee membership—17.

FLETCHER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Motor Vehicles, to which was referred Assembly Bill No. 74—An act to amend sections 147 and 158 of the Vehicle Code and to add thereto sections 158.4, 177.5, 177.6 and 209, relating to license plates;

Also: Assembly Bill No. 294—An act to amend section 403 of the Vehicle Code, relating to liability for injuries of guests;

Also: Assembly Bill No. 1124—An act amending sections 554 and 671 of the Vehicle Code, relating to authorized emergency vehicle;

Also: Assembly Bill No. 1274—An act to add section 384 to the Vehicle Code, relating to registration and license fees;

Also: Assembly Bill No. 2300—An act to amend section 503 of the Vehicle Code, relating to the theft and unlawful taking of a motor vehicle;

Also: Assembly Bill No. 2303—An act to amend sections 425 and 426 of the Vehicle Code, relating to liens on vehicles;

Also: Assembly Bill No. 2372—An act to amend section 14 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways, in the State of California, by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the exemption of certain vehicles;

Has had the same under consideration, and respectfully reports the same back, without recommendation, for the reason no committee action has been taken.

Committee membership—17.

FLETCHER, Chairman.

On Municipal Corporations.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Municipal Corporations, to which was referred Assembly Bill No. 434—An act approving, validating and confirming leases or letting of lands or of any interest therein for airport purposes by governmental agencies of this State;

Also: Assembly Bill No. 1968—An act to amend section 752 of "An act to provide for the organization, incorporation, and government of municipal corpora-

On Oil Industries.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Assembly Bill No. 1030—An act defining unlawful gas, prohibiting dealing in and transporting by pipe of unlawful gas, requiring certain corporations, individuals and associations of individuals engaged in the business of buying lawful gas and transporting the same by pipe line to be common purchasers of such gas, and fixing penalties for violations of the act—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

STOW, Chairman.

Also:

MR. PRESIDENT: Your Committee on Oil Industries, to which was referred Senate Bill No. 396—An act to amend section 12 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the conservation of natural resources;

Also: Senate Bill No. 397—An act to amend section 18 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the powers of the Surveyor General, now the Chief of the Division of State Lands;

Also: Senate Bill No. 1121—An act to conserve and prorate the production of an irreplaceable and exhaustible natural resource of the State of California, to wit: petroleum oil; to define the policy of the State of California relating thereto; to define waste and provide for the prevention thereof; to create a committee of oil producers and provide for the election thereof; to define the duties of such committee and for the recall of the members thereof; to create a petroleum commission and provide for its nomination and appointment; to provide that the Director of Natural Resources shall be a member thereof; to define the duties of said commission and of the members thereof; to provide for the recall of said commissioners except the Director of Natural Resources; to provide for the appointment of an oil umpire, and define his duties; to provide for the levy and collection of assessments from the producers of crude oil in the State of California to pay the expenses of enforcement of this act; to provide for actions and proceedings in the courts of the State of California for the enforcement of orders made by said commission; fixing a penalty for violation of this act or of the orders of said commission; to provide a short title for this act; to provide a limitation upon the term for which this act is passed;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—9.

STOW, Chairman.

On Prisons and Reformatories.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to which was referred Senate Bill No. 217—An act to establish a State prison, providing for the selection and acquisition of a site, and the construction and equipment of buildings and structures therefor, the management, conduct and use thereof and making an appropriation therefor;

Also: Senate Bill No. 225—An act to provide for the establishment, government, and maintenance of an institution or farm for the confinement, cure, care and rehabilitation of certain drug addicts and to provide for the admission and commitment of such addicts;

Also: Senate Bill No. 607—An act to add section 74 to an act entitled "An act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, relating to penalties;

Also: Senate Bill No. 608—An act to amend section 487 of the Penal Code, defining grand theft;

Also: Senate Bill No. 164—An act to prohibit cooking, eating, sleeping or the engagement in of any other function of domestic life in any cleaning and dyeing shop, clothes cleaning establishment, agency conducted for the purpose of collecting clothing to be spotted, pressed or renovated or private school or college of spotting, sponging or pressing, and to provide for sanitation, lighting and ventilation in such places, and to repeal "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores and spotting, sponging and or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations.," approved May 28, 1931:

Also: Senate Bill No. 264—An act to amend an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to habit forming, narcotic and other dangerous drugs:

Also: Senate Bill No. 373—An act to amend section 1 of "An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores and spotting, sponging, and or pressing establishments, or agencies thereof, and private schools and colleges of spotting, sponging and or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the State Fire Marshal as Chief of the Bureau of Fire Safety in the Department of Industrial Relations; providing ways and means for enforcement, and providing penalties for violations.," approved May 28, 1931:

Also: Senate Bill No. 390—An act to provide for the establishment and administration of a system of health insurance:

Also: Senate Bill No. 391—An act to provide for the establishment, regulation and supervision of systems of health service insurance in California:

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—7.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Senate Bill No. 454—An act to provide for the establishment and administration of a system of health insurance for persons in certain income groups:

Also: Senate Bill No. 512—An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy:

Also: Senate Bill No. 869—An act to regulate the manufacturing of dog and cat foods, and to provide for the licensing of same;

Also: Senate Bill No. 893—An act to regulate the manufacture and sale of sausage meat:

Also: Senate Bill No. 1035—An act to amend section 6 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, relating to the Board of Dental Examiners for the examining and licensing of persons who have been engaged as apprentices;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—7.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Bill No. 1607—An act creating a State Board of Eugenics and defining the powers and duties thereof; and providing for the care, protection, and decrease of the State's defectives, and lowering of the expenses therefor—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—7.

DIFANI, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to which was referred Assembly Concurrent Resolution No. 57—Relating to privileges of blind persons—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—7.

DIFANI, Chairman.

define the powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission fund,' and appropriating the moneys therein to carry out the provisions of this act, and repealing Title XV of Part IV of Division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," and designated in the act so entitled as the "Public Utilities Act," approved April 23, 1915, as amended;

Also: Senate Bill No. 661—An act to promote the safety of employees and the traveling public upon railroads by prohibiting persons, firms, and corporations operating railroads in this State from requiring or permitting certain employees to receive, deliver or transmit over telegraph or telephone lines any orders for the movement of trains, defining an emergency and repealing the act entitled "An act to promote the safety of employees and the traveling public upon railroads by prohibiting certain persons, firms and corporations operating railroads in this State from requiring or permitting certain employees to receive, deliver or transmit over telegraph or telephone lines any orders for the movement of trains except in such cases or classes of cases as may be permitted by the Railroad Commission," approved May 24, 1915;

Also: Senate Bill No. 553—An act to add a new section to the Public Utilities Act to be numbered 25½, relating to the operation and ownership of wharves or dock facilities by railroad corporations;

Also: Senate Bill No. 150—An act to add a new section to be numbered section 29½ to the Public Utilities Act, approved April 23, 1915, relating to reports of salaries and expenses of officers and employees of public utilities, and determination of rates;

Also: Senate Bill No. 144—An act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad adequately to man their gas, gas-electric, Diesel, or Diesel-electric cars and locomotives;

Also: Senate Bill No. 370—An act to amend section 3 of an act entitled "An act providing for the sale of street, rail and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting acts approved March 22, 1906, relating to franchises in counties and municipalities;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

BIGGAR, Chairman.

Also:

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred Assembly Bill No. 2098—An act to amend section 13 of the Public Utilities Act, relating to public utility charges—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

BIGGAR, Chairman.

On Reapportionment.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Reapportionment, to which was referred Senate Bill No. 809—An act to amend section 125 of the Political Code, relating to State Board of Equalization districts, has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—3.

GARRISON, Chairman.

On Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 472—An act to add section 3819a to the Political Code, relating to installment paying of delinquent taxes;

Also: Assembly Bill No. 567—An act to amend sections 3817f and 3817g of the Political Code, relating to amount to be credited, on redemption of property from sale for delinquent taxes, for prior payments on account;

Also: Assembly Bill No. 588—An act levying a tax upon the privilege of severing petroleum, natural gas, natural or casing head gasoline from the earth, providing for the issuance of permits to producers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof and providing that the act shall take effect immediately;

Also: Assembly Bill No. 652—An act to add section 11b to the Motor Vehicle Fuel License Tax Act, relating to fuel used in unemployment cooperative relief work;

Also, Assembly Bill No. 1038—An act for the purpose of amending the expenditures of this State, and otherwise providing for payments to the officers in the first paragraph of section 15 of Article XIII of the Constitution, and setting certain records to the Political Code, relating to the taxation of operation of gas lines used in the transportation of gas between points in this State, except common carriers, including tax delinquencies, tax payments and notes, tax liens, franchises for unauthorized taxation, and defining the duties of operators of such gas lines, and providing penalties for violations of the act.

Also, Assembly Bill No. 1039—An act for the purpose of amending the expenditures of this State, and otherwise providing for payments to the officers in the first paragraph of section 15 of Article XIII of the Constitution, and setting certain records to the Political Code, relating to the taxation of operation of gas lines used in the transportation of gas between points in this State, except common carriers, including tax delinquencies, tax payments and notes, tax liens, franchises for unauthorized taxation, and defining the duties of operators of such gas lines, and providing penalties for violations of the act.

Also, Assembly Bill No. 1040—An act to amend section 18 of the Inheritance Tax Act, relating to the taxing of inheritance taxes.

Also, Assembly Bill No. 1126—An act to amend section 1804 of the Political Code, relating to marriage.

Also, Assembly Bill No. 1166—An act to amend section 1015 of the Political Code, relating to amendments by reference to maps.

Also, Assembly Bill No. 1170—An act to add section 1096a to the Political Code, relating to naturalization.

Also, Assembly Bill No. 1171—An act to amend section 1040 of the Political Code, relating to distribution of money received on account of redemption of purchase of lands sold to the State for homestead of lands.

Also, Assembly Bill No. 1177—An act to amend section 1065 of the Political Code, relating to the Board of Supervisors.

Also, Assembly Bill No. 1178—An act to amend section 84 of the Fiscal Code, approved July 31, 1934, relating to the collection of the tax.

Also, Assembly Bill No. 1179—An act to amend section 85 of the Fiscal Code, approved July 31, 1934, relating to the collection of the tax.

Also, Assembly Bill No. 1179—An act to amend section 85 of the Fiscal Code, approved July 31, 1934, relating to the collection of the tax.

Also, Assembly Bill No. 1179—An act to amend section 85 of the Fiscal Code, approved July 31, 1934, relating to the collection of the tax.

Also, Assembly Bill No. 1180—An act to amend section 2 of the Inheritance Tax Act, relating to computation of tax, including definition of operation of administration.

Also, Assembly Bill No. 117—An act relating to the subject in the State of California, concerning persons, dependent with certain interests, and providing for the collection, use and disposal thereof.

Also, Assembly Constitutional Amendment No. 43—A resolution to propose to the people of the State of California, an amendment to Article XIII of the Constitution of the State, by amending section 7 thereof, relating to the payment of taxes in installments.

Also, Assembly Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending section 11 of Article XIII thereof, relating to exemption from taxes of buildings and personal property used therein, solely and exclusively for religious worship.

Also, Assembly Bill No. 1289—An act to amend section 372 of the Vehicle Code, and to add thereto section 776 I, relating to motor vehicles—has had the same under consideration, and respectfully requests the great body without recommendation, for the reason that no committee action has been taken.

Committee membership—13.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Assembly Bill No. 1289—An act to amend section 372 of the Vehicle Code, and to add thereto section 776 I, relating to motor vehicles—has had the same under consideration, and respectfully requests the same body without recommendation, for the reason that no committee action has been taken.

Committee membership—13.

DUVAL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred Senate Bill No. 13—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 31—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 40—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, to provide for the disposition of the revenues therefrom, to make an appropriation for the administration hereof, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 41—An act to amend sections 4, 5, 6, 6½ of the Inheritance Tax Act, relating to exemptions and rates of taxes;

Also: Senate Bill No. 42—An act to amend sections 4a and 23 of the Bank and Corporation Franchise Tax Act, relating to taxes of banks, corporations, and public service companies, including the rates thereof, and the extension thereof to companies other than insurance companies specified in section 14 of Article XIII of the Constitution of this State, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 43—An act to levy a tax on natural resources severed from the earth and waters of the State of California;

Also: Senate Bill No. 44—An act to add section 2639a to the Political Code, relating to county taxation for road purposes;

Also: Senate Bill No. 56—An act to levy an excise tax on the sale of all butter substitutes, providing for licensing dealers therein, fixing a penalty for a violation of the provisions of the act, and declaring that this act shall take effect immediately;

Also: Senate Bill No. 60—An act to add new sections to the Political Code to be numbered 3817j, 3817k and 3817l, relating to taxation, redemptions and tax sales, declaring the urgency thereof, to take effect immediately;

Also: Senate Bill No. 63—An act to amend section 3787 of the Political Code to provide for the assessment of property which has been deeded to the State and which is included in a road or acquisition and improvement district, declaring the urgency thereof, the act to take effect immediately;

Also: Senate Bill No. 65—An act to amend section 3804a of the Political Code, relating to cancellation of taxes;

Also: Senate Bill No. 80—An act to amend section 3 of the Retail Sales Tax Act of 1933, relating to the rate of tax, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 110—An act to amend section 4 of the Bank and Corporation Franchise Tax Act, relating to rates of bank and corporation taxes;

Also: Senate Bill No. 115—An act to add a new section numbered 433 to the Penal Code, relating to payment of taxes by public officers;

Also: Senate Bill No. 130—An act imposing a tax on the conducting of business by the system of chain stores for selling or otherwise disposing of goods, wares, articles or commodities at retail, providing penalties for failure to pay such tax, and defining certain crimes in connection with the enforcement of such tax;

Also: Senate Bill No. 134—An act to amend sections 1 and 3 of and to add section 7½ to the Motor Vehicle Fuel License Tax Act, relating to the taxation of Diesel fuel and fuel of a similar nature;

Also: Senate Bill No. 136—An act to amend section 5 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," approved April 27, 1933, relating to excise tax on beer, and to repeal acts inconsistent therewith;

Also: Senate Bill No. 209—An act to amend section 9 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to refunds;

Also: Senate Bill No. 214—An act to amend section 3766 of the Political Code, relating to delinquent tax lists;

Also: Senate Bill No. 241—An act to impose a tax on the transfer of shares or certificates of stock, certificates of rights to stock, or certificates of deposits of stock, to provide for the collection thereof, to take effect immediately;

Also: Senate Bill No. 244—An act relating to revenue and taxation, providing for an excise tax on the sale of all oleomargarine containing any fat or oil ingredient other than any one or more of the following: oleo oil, oleo stock, oleo stearine from cattle, neutral lard from hogs, sheep fat, cottonseed oil, peanut oil, corn oil, soya bean oil or milk fat; providing a penalty for a violation of the provisions thereof and declaring that this act shall take effect immediately;

Also: Senate Bill No. 251—An act to amend sections 3, 10, 12, 13 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing;

ALB. SENATE BILL No. 79.—An act to be known as the "Tobacco Tax Act," to establish a tax on gins, bagging, baling, harvesting, handling, shipping, transferring, and consuming and consuming in quantity for the collection and to exempt the distribution of the growing tobacco for the consumption of those entitled to that use and to give the tobacco consumed and for sales to other than regular users of tobacco for smoking, or which were not handled through a tobacco company for factory or household use, the protection of this act, and to amend Chapter 82, of the laws of the session of the Legislature of California of 1911, approved June 21, 1911, known as the "Tobacco Tax Act," and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act.

[illegible]

Also, pursuant to N.J.A.C. 17:27, to be placed within 100.2 of the Proposed Code relating to Government.

Also: Simon Hall No. 36. An act to amend sections 5 and 7 of the Rural State Tax Act of 1909, relating to the rate of tax and exemptions, including branch.

one county in this State; prescribing the licence and filing fees to be paid therefor, providing for the sale of the liquor at this rate and providing for the revenue therefrom.

Also, Senate Bill No. 377—An act requiring license for the operation, maintenance, or abandonment of mines in this State, providing the Federal and King fees to be paid therefor, providing for penalties for violation of this act, power vested in the commissioner in this act.

ADMINISTRATIVE BILL NO. 140. An act to authorize the deposit of selected tax instruments, together with an appropriation, to take, for deposit, the contributions of a special trust fund created, and the provisions relating thereto.

Alonso SANCHEZ, R. No. 719. An act to amend section 1 of Chapter 100 of the Statutes of 1911 entitled "An act creating a bureau for the management of prisons and reformatory and for compensation upon the public account, and to empower the State of California by public sale and providing that they shall take effect immediately." Approved May 15, 1916, reading to the amendment of certain words and phrases used in said act.

4. To provide for the licensing of the manufacture, distribution and sale; to prescribe conditions for the granting of such license; that they may take effect immediately upon approval April 17, 1933, relating to the licensing of persons of a certain class in the tax on distilled spirits.

Abstract Summary: Part No. 188. An attempt is made in sections 5 and 6 of "An act to improve the census law" and the instructions there issued, distribution of statistics, to encourage the private sector for the collection and dissemination of statistics. The act is intended to encourage the private sector and to ensure that they are able to take effect as a system of statistics. It is reported on April 6, 1963, referring to the submission to the Senate of a project of the law, and to the fact that the law is based on studies made in such areas.

Also, Section 1361(c)(2)(B) says: "An S corporation may not be a partner in, or a grantor or owner of an interest in, any partnership, trust, or other entity that is not an S corporation." This means that an S corporation cannot be a partner in, or a grantor or owner of an interest in, any partnership, trust, or other entity that is not an S corporation.

Art. 5. *Norma* R. L. No. 414. An act to amend section 3617 of the Political Code, relating to the determination of terms for purposes of taxation.

Also, Senate Bill No. 503—An act relating to and providing for the collection of a stamp tax on the sale of cigarettes, providing methods and means of affixing stamps, the disposing of such tax, making an appropriation for the administration thereof, prescribing penalties for violations thereof and providing this act to take effect immediately.

Also, Senate Bill No. 539—An act relating to revenue and taxation, providing for the levy and collection of an ad valorem tax upon all taxable property in this State;

Also: Senate Bill No. 551—An act to amend the title and sections 2, 9, 15, 17, 18, 20, 21, 22, 23, 24, 26, 27, 30 and 33 of an act entitled "An act imposing a tax for the privilege of selling tangible personal property and for the privilege of furnishing, preparing or serving tangible personal property, providing for payments to retailers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, prescribing

penalties for violations of the provisions hereof, and providing this act shall take effect immediately," approved July 31, 1933; to repeal section 19 of said act; to add sections 19 and 19 to said act; all relating to the taxation of the privilege of selling tangible personal property; and to provide that this act shall take effect immediately;

Also: Senate Bill No. 646—An act to create for the State of California a Tax Commission, providing for the employment by said commission of a secretary, agents and other employees, authorizing said commission to fix their compensation, prescribing the duties of said commission, its officers and employees, and empowering said commission to levy, collect and distribute all of the taxes for the State of California, the political subdivision thereof, all municipalities and districts within said State, and making an appropriation for the purpose of carrying out the provisions hereof;

Also: Senate Bill No. 647—An act relating to the payment of certain special assessments and providing relief for owners of property subject thereto;

Also: Senate Bill No. 648—An act requiring licenses for the operation, maintenance or establishment of stores in this State, prescribing the license and filing fees to be paid therefor; providing for penalties for the violation of this act, providing for the enforcement of this act;

Also: Senate Bill No. 699—An act to amend section 3617 of and to add section 3640 and 3748a to the Political Code, relating to taxation of credits, claims, debts and demands due, owing or accruing for or on account of money deposited with certain institutions;

Also: Senate Bill No. 703—An act to impose an excise tax on admissions, providing for levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations of the provisions hereof, and providing that this act shall take effect immediately;

Also: Senate Bill No. 710—An act to amend section 5 of the Retail Sales Tax Act of 1933, relating to exempt sales;

Also: Senate Bill No. 724—An act to add a new section to the Inheritance Tax Act, to be numbered section 2a, relating to the time for valuation of transfers under said act, and authorizing the superior court having jurisdiction of determining such tax to fix a different date for valuing property subject to inheritance tax;

Also: Senate Bill No. 729—An act to impose a tax on the conducting of business by the system of chain stores for selling or otherwise disposing of goods, wares, articles or commodities; providing penalties for failure to pay such tax, and defining certain crimes in connection with the enforcement of such tax;

Also: Senate Bill No. 737—An act to amend the title and sections 4, 4a, 5, and 23 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, including the rates thereof and the extension thereof to companies, other than insurance companies, specified in section 14 of Article XIII of the Constitution of this State;

Also: Senate Bill No. 773—An act authorizing the creation of a debt or debts, liability or liabilities through the issuance and sale of State bonds for the single object of providing for the rehabilitation of the existing and the construction of new State prisons, corrective homes and State hospitals;

Also: Senate Bill No. 768—An act relating to the placing and maintaining of works and facilities of public utilities in or upon public highways, and to repeal section 536 of the Civil Code;

Also: Senate Bill No. 783—An act to provide for the levy and collection of a tax upon the incomes of individuals, estates and trusts, to provide for the disposition of the revenues therefrom, to make an appropriation for the administration hereof, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 784—An act to amend section 372 of the Vehicle Code by adding subdivision (cc) thereto, providing for additional registration fee for Diesel propelled motor vehicles;

Also: Senate Bill No. 785—An act to levy an excise tax on the manufacture, distribution and sale of alcoholic beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act; to make an appropriation for the enforcement of this act and to provide that this act shall take effect immediately;

Also: Senate Bill No. 808—An act to provide that deposits made by consumers with public utilities shall escheat to the State seven years after deposit and that moneys now deposited with public utilities which have been so deposited for a period of seven years or more shall also escheat to the State;

Also: Senate Bill No. 837—An act to amend sections 370 and 779 of and to add section 782 to the Vehicle Code, relating to registration fees and the disposition thereof;

Also: Senate Bill No. 838—An act to exempt motor vehicles from an ad valorem tax and to restrict the levy of any such tax on such personal property to the State of California, and to repeal acts and portions of acts in conflict herewith;

Also: Senate Bill No. 852—An act to amend sections 1 and 3 of the Motor Vehicle Fuel License Tax Act, relating to the taxation of Diesel fuel and fuel of a similar nature;

Also: Senate Bill No. 907—An act relating to and providing for the levy and collection of a tax upon sales of transient personal property and taxing authority for the administering thereof and providing penalties for violation of the provisions thereof to take effect immediately.

Also: Senate Bill No. 908—An act to provide revenue by imposing a State tax upon the sale of transient personal property in various forms for which license, covering the method and manner of levying and collecting such tax, imposing penalty and imposing charges on the Treasurer. The Commissioners, providing penalties for non-enforcement of this act, enforcing the revenue derived therefrom, and making an appropriation for the administration of this act.

Also: Senate Bill No. 909—An act providing for levying of certain values used for the determination of property in this State, defining such values, providing for the imposition, collection, and enforcement of license taxes for the privilege of operation and collection of these taxes, making appropriations for the payment of this act, providing penalties for the violation of this act and providing that this act shall have effect immediately, and to provide an act entitled "An act imposing a license tax on the transportation of persons and baggage in the State of Oklahoma, and providing that this act shall take effect immediately," approved May 15, 1935.

Also: Senate Bill No. 910—An act relating to the method for the State of Oklahoma whereby licensed motor vehicle owners will provide for the licensing and inspection thereof.

Also: Senate Bill No. 911—An act to amend section 5 of the Motor Vehicle Registration Tax Act, relating to the levy of an additional tax of one cent on motor vehicle tax, and providing for the enforcement of the taxing thereof.

Also: Senate Bill No. 912—An act levying a tax upon the privilege of operating, maintaining, or owning a tax-generating motor vehicle, providing for the enforcement and enforcement thereof and making an appropriation therefor.

Also: Senate Bill No. 913—An act imposing a tax upon amusement and providing for the enforcement and enforcement thereof.

Also: Senate Bill No. 914—An act to amend an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of beverages, to provide for the licensing of manufacturers, distributors and sales, to provide penalties for the violation of this act and to provide that this act shall take effect immediately," approved April 27, 1935.

Also: Senate Bill No. 915—An act imposing a tax on the privilege of receiving or sending the communication or message of public utility, providing for penalties payable for the violation and enforcement thereof, making an appropriation for the administration of this act, providing penalties for the violation of the provisions thereof, and providing that this act shall take effect immediately.

Also: Senate Bill No. 916—An act to amend sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Also: Senate Bill No. 941—An act providing for the levy and collection of a graduated tax on real holdings held out of productive use, and providing for the expiration thereof;

Also: Senate Bill No. 967—An act to amend sections 3817a, 3817d and 3897 of the Political Code, and to add to said code new sections numbered 3817b2, 3817b2, 3817f, 3817g, 3817h and 3817i, relating to taxation, including tax delinquencies, tax penalties and costs, tax assessments and tax sales, and declaring the urgency thereof, to take effect immediately;

Also: Senate Bill No. 983—An act to amend the title and sections 1 and 5 of an act entitled "An act to levy an excise tax and to regulate the manufacture, distribution and sale of certain beverages; to provide for the licensing of the manufacture, distribution and sale; to prescribe penalties for the violation of this act and to provide that this act shall take effect immediately," approved April 27, 1933, extending the provisions thereof to cover all intoxicating liquors, and relating to the rate of tax;

Also: Senate Bill No. 995—An act to amend the "Retail Sales Tax Act of 1933," approved July 31, 1933, relating to exemption of hospitals from payment of tax;

Also: Senate Bill No. 996—An act to amend the "Retail Sales Tax Act," of 1933, approved July 31, 1933, relating to taxes on sales;

Also: Senate Bill No. 1017—An act to amend section 3780 of the Political Code, relating to taxation;

Also: Senate Bill No. 1064—An act to add a new section to be numbered section 3a to the "Motor Vehicle Fuel License Tax Act," approved May 30, 1923, as amended, relating to additional tax;

Also: Senate Bill No. 1114—An act imposing a tax for the privilege of severing petroleum, natural gas and natural gasoline from the earth, providing for the issuance of permits to producers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration thereof, and providing this act shall take effect immediately;

Also: Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding section 11 to Article XVI thereof, relating to the issuance of bonds, debentures or other evidences of debt;

Also: Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding section 11 to Article XVI thereof, relating to the issuance of bonds, debentures or other evidence of debt;

Also: Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending sections 10, 14, and 16 of Article XIII thereof, relating to taxation;

Also: Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding to Article XVI thereof a new section to be numbered 11, relating to issuance and sale of State bonds;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—13.

DUVAL, Chairman.

On Revision of Criminal Law and Procedure.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Revision of Criminal Law and Procedure, to which was referred Senate Bill No. 19—An act to amend section 1026 of the Penal Code, relating to procedure when defendant in a criminal case claims insanity as a defense;

Also: Senate Bill No. 279—An act to add a new section to the Penal Code to be known as section 644a thereof, relating to persons ineligible to parole;

Also: Senate Bill No. 309—An act to amend section 7 of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, relating to poisons;

Also: Senate Bill No. 310—An act to add section 221a to the Penal Code, relating to punishment for assault in certain cases;

Also: Senate Bill No. 311—An act to amend section 10 of "An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," approved May 4, 1929, relating to punishments;

Also: Senate Bill No. 312—An act to amend section 264 of the Penal Code, relating to punishment for rape;

Also: Senate Bill No. 360—An act creating a Commission for the Improvement of the Administration of Criminal Justice, defining its duties, making an appropriation for its expenses, and repealing an act creating the Crime Commission;

Also: Senate Bill No. 969—An act to amend section 367 of the Penal Code and to add sections 367a to and 367c, relating to disclosure of, and recovery, maintenance, or production of confidential sources.

Also: Senate Bill No. 970—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 981—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 100—An act to add sections 370a to the Penal Code relating to criminal use of telephone facilities.

Also: Senate Bill No. 101—An act relating to the punishment of persons charged with crimes and to modify sections 369 and 370 of the Penal Code.

Also: Senate Bill No. 746—An act to authorize the Governor of California to seal the names of any persons, or make any agreement with persons with certain State or local officers, for the purpose of effecting the removal of any person from office, or to make any agreement for the removal of any person from office, or to make any agreement for the removal of any person from office, or to make any agreement for the removal of any person from office.

Also: Senate Bill No. 750—An act to amend section 370 of the Penal Code relating to recovery, but the amendments had been of very little effect.

Also: Senate Bill No. 980—An act to amend sections 369, 370 and 371 of the Penal Code relating to the time for commencing prosecution.

Also: Senate Bill No. 979—An act to amend a law relating to the Penal Code to be amended section 369, relating to criminal use of telephone facilities and relating to the punishment of persons charged with crimes.

Also: Senate Bill No. 978—An act to add a new section to the Penal Code to be numbered section 369b, relating to the crime of selling alcoholic beverages to minors and providing for the punishment therefor.

Also: Senate Bill No. 977—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 976—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 975—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 974—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 973—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 972—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 971—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 970—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 969—An act to amend section 367 of the Penal Code relating to recovery.

Also: Senate Bill No. 968—An act to amend section 367 of the Penal Code relating to recovery.

YOUNG, Chairman.

On Roads and Highways.

SENATE, California, Sacramento, June 16, 1955.

MR. PASSENGER, Vice Chairman of Roads and Highways, to which had referred Assembly Bill No. 244—An act to amend section 1 of the Penal Code and to amend the Streets and Highways Code, relating to the construction, maintenance, and improvement of State highways, including the transfer of the State system and planning and directing the expenditure of funds for the construction, maintenance, and improvement of State highways, enacted March 29, 1952, relating to State highways.

Also: Assembly Bill No. 1478—An act to amend section 27 of the Streets and Highways Code, relating to the transfer of highways.

Also: Assembly Bill No. 1956—An act to amend section 350 of the Streets and Highways Code relating to State highways.

Also: Assembly Bill No. 2474—An act to add to Division 1 of the Streets and Highways Code a new Chapter 3a, comprising sections 750 to 754, concerning

to provide for the conservation, development and maintenance of the scenic value along State highways and important county highways;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—17.

EDWARDS, Chairman.

Also:

MR. PRESIDENT: Your Committee on Roads and Highways, to which was referred Senate Bill No. 8—An act to establish a State highway from Westport in Mendocino County to Ferndale in Humboldt County, and classifying it as a secondary State highway;

Also: Senate Bill No. 9—An act to amend section 356 of, and to add sections 614, 615 and 639 to, the Streets and Highways Code, relating to State highways;

Also: Senate Bill No. 11—An act to establish a State highway and classifying it as a secondary State highway;

Also: Senate Bill No. 82—An act to establish an additional State highway and classifying it as a secondary State highway;

Also: Senate Bill No. 83—An act to add section 601 to the Streets and Highways Code, establishing a secondary State highway;

Also: Senate Bill No. 85—An act to establish an additional State highway and classifying it as a secondary State highway;

Also: Senate Bill No. 86—An act to add section 600 to the Streets and Highways Code, relating to secondary State highways;

Also: Senate Bill No. 87—An act to amend section 422 of the Streets and Highways Code, relating to State highways;

Also: Senate Bill No. 88—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to State highways;

Also: Senate Bill No. 94—An act to establish an additional State highway and classifying it as a secondary State highway;

Also: Senate Bill No. 218—An act directing the Department of Public Works to lay out and construct as a part of the State highway system a road and bridge from the city of Needles easterly over and across the Colorado River and declaring the same to be a public highway and a part of the State highway system, requiring the maintenance thereof and prescribing the manner in which the cost of such construction and maintenance shall be paid;

Also: Senate Bill No. 232—An act to amend section 365½ of the Political Code, relating to powers and duties of the California Highway Commission in respect to construction or repair of highways;

Also: Senate Bill No. 240—An act to add section 607 to the Streets and Highways Code, establishing an additional secondary State highway;

Also: Senate Bill No. 246—An act to add section 600 to the Streets and Highways Code, establishing an additional secondary State highway to be known as the "Divisional Highway";

Also: Senate Bill No. 247—An act creating the "Divisional Highway" in the City and County of San Francisco, and making it a part of the secondary highway system of this State;

Also: Senate Bill No. 321—An act to amend sections 64, 712, 713, 714, 715, 771, and 778, and to repeal sections 779, 780, and 781 of the Vehicle Code;

Also: Senate Bill No. 322—An act to amend section 13 of the Motor Vehicle Fuel License Tax Act, relating to the disposition of funds;

Also: Senate Bill No. 323—An act relating to public highways, the laying out, construction, improvement, maintenance, administration and control thereof, the allocation and expenditure of moneys appropriated therefor, declaring certain highways State highways, amending and repealing certain provisions of the Streets and Highways Code and adding certain provisions thereto, and repealing certain acts relating to public highways;

Also: Senate Bill No. 324—An act to amend section 70 of the Streets and Highways Code, relating to the California Highway Commission;

Also: Senate Bill No. 401—An act to add section 612 to the Streets and Highways Code, establishing an additional secondary State highway;

Also: Senate Bill No. 402—An act to add section 613 to the Streets and Highways Code, establishing an additional secondary State highway;

Also: Senate Bill No. 405—An act relating to the construction, maintenance and administration of public highways in the State of California, making an appropriation therefor, repealing sections 2, 3 and 5 of an act entitled "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance

main and improvement of State highways" approved May 26, 1927, as amended, and Chapter 101, Laws, concerning highways.

Also, Senate Bill No. 909—An act to add sections 614 and 615 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 931—An act to add section 616 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 933—An act authorizing the Department of Public Works to acquire additional railroad rights of way and rights of way of railroads that are in process of abandonment.

Also, Senate Bill No. 935—An act to amend section 12 of the Motor Vehicle Fuel Taxation Tax Act, Chapter 373, Laws of 1934, amended May 26, 1935, as amended relating to the taxation of motor vehicles that have been in use.

Also, Senate Bill No. 936—An act to amend the "Streets and Highways Code," relating to streets and highways.

Also, Senate Bill No. 937—An act to add sections 617 and 618 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 938—An act to add a new section, to be numbered 12nd to the Streets and Highways Code, relating to streets and highways.

Also, Senate Bill No. 939—An act to add section 619 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 940—An act to add section 620 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 941—An act to add section 621 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 942—An act to add section 622 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 943—An act to add section 623 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 944—An act to add section 624 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 945—An act to add section 625 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 946—An act to add section 626 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 947—An act to add section 627 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 948—An act to add section 628 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 949—An act to add section 629 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 950—An act to add section 630 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 951—An act to add section 631 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 952—An act to add section 632 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 953—An act to add section 633 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 954—An act to add section 634 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 955—An act to add section 635 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 956—An act to add section 636 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 957—An act to add section 637 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 958—An act to add section 638 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 959—An act to add section 639 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 960—An act to add section 640 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 961—An act to add section 641 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 962—An act to add section 642 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 963—An act to add section 643 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 964—An act to add section 644 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 965—An act to add section 645 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 966—An act to add section 646 to the Streets and Highways Code, establishing additional secondary State highways.

Also, Senate Bill No. 967—An act to add section 647 to the Streets and Highways Code, establishing additional secondary State highways.

Also: Senate Bill No. 990—An act to add section 625 to the Streets and Highways Code, establishing a secondary State highway;

Also: Senate Bill No. 991—An act to add section 626 to the Streets and Highways Code, establishing a secondary State highway;

Also: Senate Bill No. 992—An act to add section 627 to the Streets and Highways Code, establishing a secondary State highway;

Also: Senate Bill No. 997—An act to add section 637 to the Streets and Highways Code, establishing a secondary State highway;

Also: Senate Bill No. 1042—An act to add sections 1622.1, 1622.2, 1622.3, 1622.4, 1622.5 and 1622.6 to the Streets and Highways Code, relating to the expenditure of highway funds;

Also: Senate Bill No. 1045—An act to amend section 7 of an act entitled "An act to provide for the acquisition of rights of way for construction, maintenance and improvement of the State highways, classifying the highways in the State system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of State highways," approved May 26, 1927, relating to highways;

Also: Senate Bill No. 410—An act to amend Chapter 763 Statutes of 1929, approved June 10, 1929 as amended by Chapter 401 Statutes of 1931, approved May 25, 1931 and as amended by Chapter 10, Statutes of 1933, approved January 26, 1933, entitled and known and cited as "California Toll Bridge Authority Act," by amending the title thereof and by amending sections 2, 9, 11, 14, 16, 20 and 22, and by adding thereto new sections numbered 4, 5, 5½, 5½, 8, 8½, 9, 9½, 12, 13, 14, 16 and 16½, relating to and prescribing additional duties, powers and limitations regarding the construction and financing of toll bridges; and providing for the acquisition, construction, financing and operation of transportation facilities thereof and thereto; and providing that this act become effective immediately;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—17.

EDWARDS, Chairman.

On Unemployment.

SENATE CHAMBER, SACRAMENTO, June 16, 1935.

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Senate Bill No. 30—An act to establish a system of unemployment reserves for this State, and making an appropriation therefor;

Also: Senate Bill No. 102—An act to authorize the Commemoration Commission to spend relief funds for the employment and operation of self help artists' cooperatives, and to make an appropriation;

Also: Senate Bill No. 691—An act relating to work relief compensation;

Also: Senate Bill No. 692—An act relating to funds received as grants to the State of California from the Federal Emergency Relief Administrator or other unemployment relief or works agency or board of the Federal Government;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

SEAWELL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Senate Bill No. 693—An act to add section 8.6 to the Workmen's Compensation, Insurance and Safety Act of 1917, relating to employees of the State Relief Administration;

Also: Senate Bill No. 695—An act to amend section 8 and to repeal section 12½ of the Workmen's Compensation, Insurance and Safety Act of 1917, and to add section 8.5 thereto, relating to persons on work relief;

Has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

SEAWELL, Chairman.

Also:

MR. PRESIDENT: Your Committee on Unemployment, to which was referred Assembly Concurrent Resolution No. 14—Relative to the further increase of machine work while laborers and their families are in distress—has had the same under consideration, and respectfully reports the same back without recommendation, for the reason that no committee action has been taken.

Committee membership—11.

SEAWELL, Chairman.

On Universities and Teachers' Colleges.

2000 年 12 月 1 日 星期一 晴 12 月 1 日 星期一 晴

Mr. PUGHMAN: Your Committee on Information and Education, to which were referred Senate bill No. 200—An act to promote and establish a system of national colleges providing for short duration, quantitative, scientific and technical instruction, and to amend the laws relating thereto, had respectfully request the Senate to pass this bill without amendment, for the reason that the committee have been unable

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Y Y Y Y . . .

Reports of Standing Committee.

The following reports of shading submitted were received and read:

On Engagement, Enrollment and Pricing

Revised: 10/1/2000

Mr. Patschke's *Young's* *Journal on Supervision, Investment and Printing* has been published (Vol. No. 111, Jan. 201) including the accompanying 12 columns of "Cooperative Construction Fund" for the month ending, including and reported from that fund payment for Chicago 1976, Division of 1976 and for various expenditures made previously in Chicago 1976, Division of 1976.

Am. Soc. Hort. Sci., 1950. An act incorporating within the act concerning the establishment of the University of Maryland a system of extension.

Allen, Sharon Hill N. 1993. *As an as a generalization* 716 of the *Agreement*.
Cable, relating to *General* and *General* *General* for *General* of *General* and *General*.

Ann. Science. Univ. No. 107. An interesting contribution for the knowledge and utilization of *Pinus* trees.

[illegible]

Also, Senate Bill No. 1147, which is currently pending 75% of the vote, and House Bill 1001 to add housing within 77.5, (which is currently held under consideration).

Also: Senate Bill No. 1129. An act to add section 4093.5 to the Political Code relating to transmission of records or messages by State officers and employees. And requests that the same have been carefully considered and presented in the absence of the Governor on June 10, 1906, by the Senate.

MELTHER, G. 1980.

91-00

Mr. PROSSER: A committee on Engineering, Education and Training has examined Senate Concurrent Resolution No. 44—Calling for the appointment by the Government of a Commission on the Education of Engineers. The committee has the honor to inform the Senate that the committee has approved the resolution and recommends that the Senate favorably consider and pass the same.

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1150

MR. PRESIDENT: Your Committee on Engagement, Enrollment and Printing has examined Senate Bill No. 496. As set forth in the bill, passed in the House and passed by the Senate, it would amend the following sections of the Code, and to amend sections 654, 654.1, 654.2, 654.3 and 654.4 thereof, to read as follows:

Also, Senate Bill No. 102, An act to authorize all proceedings for the recovery of bonds and all bonds forfeitures issued or sold or to be issued or sold by any State highway district, and directing the levy and collection of a tax sufficient to pay the principal and interest thereon.

Also: Senate Bill No. 357—An act to repeal section 452a of the Political Code, relating to the sale of land, and to amend section 452b of the Political Code, relating to the sale of land, and to amend section 452c of the Political Code, relating to the sale of land.

Also, Senate Bill No. 403, An act relating to the incorporation of the State of Mosier County Fair Association, State of California.

Also, Senate Bill No. 527, An act to add a new article to Division III, Chapter I, of the Agricultural Code to be read as follows: relating to establishments slaughtering or processing animals for purposes other than human consumption, and rendering establishments.

And reports that the same have been correctly compiled and presented to the Government on the fifteenth day of June, 1935, at ten o'clock p. m.

METZGER (2, 77-28)

Also:

MR. PRESIDENT. Your Committee on Engraving, Ballot and Printing has examined Senate Concurrent Resolution No. 45—Relative to adjournment sine die.

and reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1935, at ten o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 5—An act to amend section 1 and 2 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to persons exempt from tax—and reports that the same has been correctly enrolled, and presented to the Governor on the fifteenth day of June, 1935, at ten o'clock and thirty minutes p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XVI thereof a new section to be numbered 11, relating to a bond issue for certain major construction and improvements;

Also: Senate Bill No. 93—An act to amend section 7 of the "California Nautical School Act," approved June 3, 1929, as amended, relating to the payment by pupils enrolled in the California Nautical School of fees and other charges and the disposition thereof;

Also: Senate Bill No. 1120—An act to provide for certain major construction and improvements by the State, including the construction of a State prison, certain other construction and improvements and the issue of bonds therefor and making an appropriation;

Also: Senate Bill No. 1038—An act to amend sections 1240 and 1241 of the Code of Civil Procedure, relating to condemnation;

Also: Senate Bill No. 1112—An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1935, at eleven o'clock p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 18—An act making an appropriation to pay the claim of Index Investment Corporation, a corporation, against the State of California;

Also: Senate Joint Resolution No. 22—Relative to the application to Congress to propose an amendment to the Constitution of the United States relating to tax exempt securities;

Also: Senate Joint Resolution No. 23—Relative to the application to Congress to propose an amendment to the Constitution of the United States relating to the power of the Congress to regulate hours, wages, terms and conditions of employment of labor;

Also: Senate Joint Resolution No. 24—Relative to memorializing Congress to permit State Emergency Relief Administration funds and Federal Emergency Relief Administration funds to be used in the restoration of California missions;

Also: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article II thereof a new section to be numbered section 7, relating to the registration of voters;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1935, at eleven o'clock and thirty minutes p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Concurrent Resolution No. 47—Relating to a commission to secure for the State its fair portion of the revenue from the public domain;

Also: Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by amending sections 1, 4, 4b, 4c, 10, 18, 23, and 24 of Article VI and by adding sections 4d, 4e, and 4f to said Article VI and amending section 19 of Article IV of the Constitution, relating to the judicial power of the State;

Also: Senate Bill No. 1128—An act relating to the borrowing of money by the State in anticipation of taxes and revenues, and making an appropriation;

required in connection therewith, nontaxable sales and exemption certificates in connection therewith, revolving funds, penalties for violation of said act, and providing that this act shall take effect immediately.

Also: Senate Bill No. 1055—An act to appropriate the sum of twenty-four thousand dollars to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba River, to provide for the manner of expending such appropriation, to estimate the Yuba River debris control fund and to provide for the deposit in said fund of any unexpended balances of previous appropriations made for this purpose;

Also: Senate Bill No. 1014—An act to add section 1412.5 to the Fish and Game Code, relating to the cost of keeping persons imprisoned for violating any provision of said code;

Also: Senate Bill No. 970—An act to supplement the "State Civil Service Act," relating to the status in the State civil service of those persons mentioned in subdivision (f) of section 5 of Article XXIV of the State Constitution, providing for examinations to determine the eligibility of such persons and providing that this act shall take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1935, at eleven o'clock and thirty minutes p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 781—An act to amend the title and sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, and 18 of an act entitled "An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the Division of Weights and Measures, of the Department of Agriculture, and persons authorized by it, sealers of weights and measures, their deputies, and other officers; defining 'gasoline' and prescribing specifications for products sold or offered for sale as 'gasoline'; prescribing penalties for the violation of the provisions hereof; and repealing acts and parts of acts inconsistent herewith," approved June 5, 1931, as amended, and to provide for the succession to the duties, powers and funds thereunder of the Division of Weights and Measures of the Department of Agriculture by the State Board of Equalization;

Also: Senate Bill No. 576—An act to amend section 3773 of the Political Code, relating to lands sold for taxes, and making an appropriation in relation thereto;

Also: Senate Bill No. 392—An act relating to the conduct of clinical laboratories and the licensing of clinical laboratory technologists and clinical laboratory technicians and the issuance of permits to physicians and surgeons conducting clinical laboratories for the purpose of protecting the public health and to provide penalties for the violation of the provisions of this act;

Also: Senate Bill No. 398—An act to amend sections 4 and 5 of an act entitled "An act to reserve all minerals in State lands; to provide for examination, classification and report on the mineral and other character of State lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, relating to the granting and extension of prospecting permits for oil and gas;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of June, 1935, at eleven o'clock and thirty minutes p.m.

METZGER, Chairman.

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 114—An act to amend section 737aaa of the Political Code, relating to the salary of the superior judge, in and for Trinity County;

Also: Senate Bill No. 1130—An act to add a new article to the Agricultural Code, to be numbered Article 5, Chapter 1, Division 3, relating to horse, mule, burro and sheep marks and brands;

Also: Senate Bill No. 1118—An act to call a special election to be held on the thirteenth day of August, 1935, for the purpose of submitting to the qualified electors of this State certain amendments to the Constitution of this State proposed by the Legislature at its fifty-first regular session, and to provide that this act shall take effect immediately;

Also: Senate Bill No. 1085—An act to amend sections 25 and 32 of the "Water Commission Act," approved June 16, 1913, relating to the adjudication of water rights;

Also:

MR. PRESIDENT: Your Committee on Engrossment, Enrollment and Printing has examined Senate Bill No. 258—An act to lease adequate facilities for the establishment and operation of a telephone-exchange system of communication between certain cities, and to make an appropriation therefor;

Also: Senate Bill No. 959—An act to amend section 675 of the Political Code, relating to the power of the Director of the Department of Finance;

And reports that the same have been correctly enrolled and presented to the Governor on the sixteenth day of June, 1935, at eleven o'clock and thirty minutes p.m.

METZGER, Chairman.

Message from the Assembly.

At eleven o'clock and twenty minutes p.m., a committee from the Assembly, consisting of Messrs. Pelletier, Wagner and Richie, appeared at the bar of the Senate and announced that the Assembly had no further communications to submit to the Senate, and was now prepared to adjourn sine die.

Appointment of Senators to Prepare Arguments.

The President announced that, pursuant to section 1195 of the Political Code, he had appointed the following Senators to draft arguments giving the reasons for the adoption of the following proposed amendments to the Constitution, and that there having been no opposing vote and no persons having requested permission to write arguments opposed to the adoption of these constitutional amendments no persons to write opposing arguments have been appointed:

Senate Constitutional Amendment No. 26—For adoption, Senators Seollan, Duval, Knowland, Rich, Stow, and Swing (joint authors).

Senate Constitutional Amendment No. 18—For adoption, Senator Duval (author) and Senator Williams.

Appointment of Senators to Prepare Arguments.

The President announced that pursuant to the provisions of section 1195 of the Political Code, he had appointed the following Senators to prepare and file with the Secretary of State, arguments in favor of and in opposition to, the adoption of proposed constitutional amendments as hereinafter set forth:

Senate Constitutional Amendment No. 1—For adoption, Senators Sharkey (author) and Swing; in opposition, Senator Knowland.

Senate Constitutional Amendment No. 13—For adoption, Senators McGovern (author) and Rich; in opposition, Senator Seollan.

Senate Constitutional Amendment No. 21—For adoption, Senators Wagy (author) and Swing; in opposition, Senator Hays.

Appointment of Special Committees.

The President announced the appointment of the following special committees:

Committee to Investigate Administration of San Francisco Harbor pursuant to Senate resolution by Senator McGovern, adopted June 7, 1935—Senators McGovern, Rich, Parkman, Hays, and Slater.

Committee to Investigate Feasibility of State Ownership of Water and Power Public Utilities pursuant to Senate resolution by Senators Seawell and Pierovich, adopted June 14, 1935—Senators Seawell, Difani, Jespersen, Garrison, and Duval.

Committee to Investigate Liquor Control and Taxation, pursuant to Senate resolution by Senator Swing, adopted June 10, 1935.—Senators Swing, Edwards, Pierovich, Powers, and Schottky.

Committee to Investigate Administration of Workmen's Compensation, Insurance and Safety Act of 1917 by the Industrial Accident Commission of the State, pursuant to Senate resolution by Senator Snyder, adopted June 15, 1935.—Senators Snyder, Wiggins, McCall, Mixer, and Olson.

Also as Senate members of Joint Legislative Committee, pursuant to Senate Concurrent Resolution No. 42.—Senators Dalin, Sullivan, and Todd.

Reports of Special Committees.

The following reports of special committees were received:

Senators McLaughlin, Flatow and Garrison, the special Committee appointed to notify the Assembly that the Senate was ready to adjourn, reported that they had notified the Assembly in accordance with their instructions.

Also:

Senators Sharkey, Rich and Sauer, the Special Committee appointed to wait upon the Governor and inform him of the Senate's readiness to adjourn sine die, reported that they had performed their duty.

Approved of Journal.

The Senate Journal of this legislative day, Sunday, June 16, 1935, was, on motion of Senator Rich, approved as corrected by the Minute Clerk.

Final Adjournment

Whereupon at eleven o'clock and fifty-five minutes p.m., in accordance with the provision of Senate Concurrent Resolution No. 43, the President declared the fifty-first session of the Senate of the State of California adjourned sine die.

JOSEPH A. BEEK,
Secretary of the Senate.

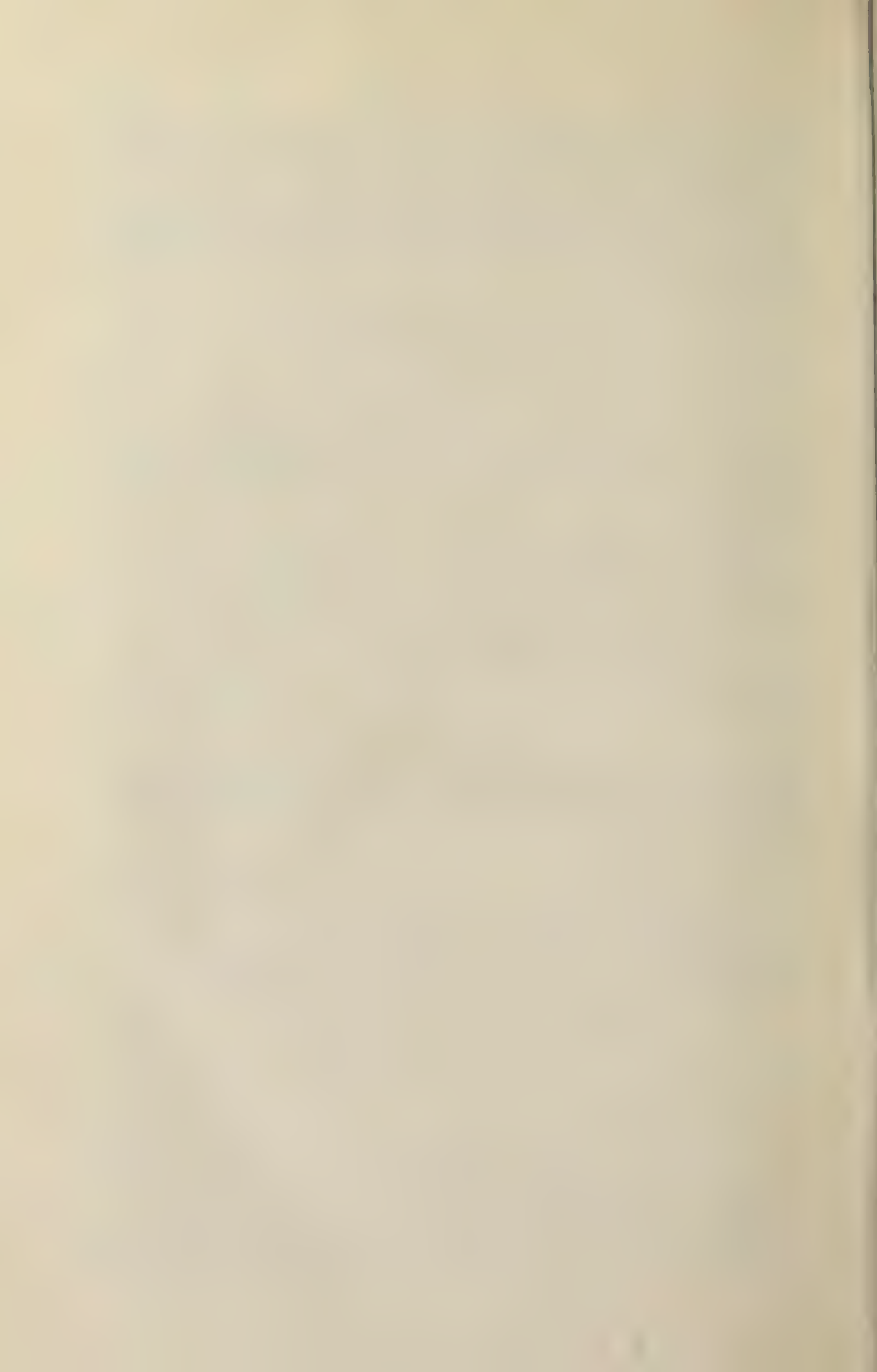
GEORGE J. HATFIELD,
President of the Senate.

CARL A. SHIPKEY,
Chief Assistant Secretary
of the Senate.

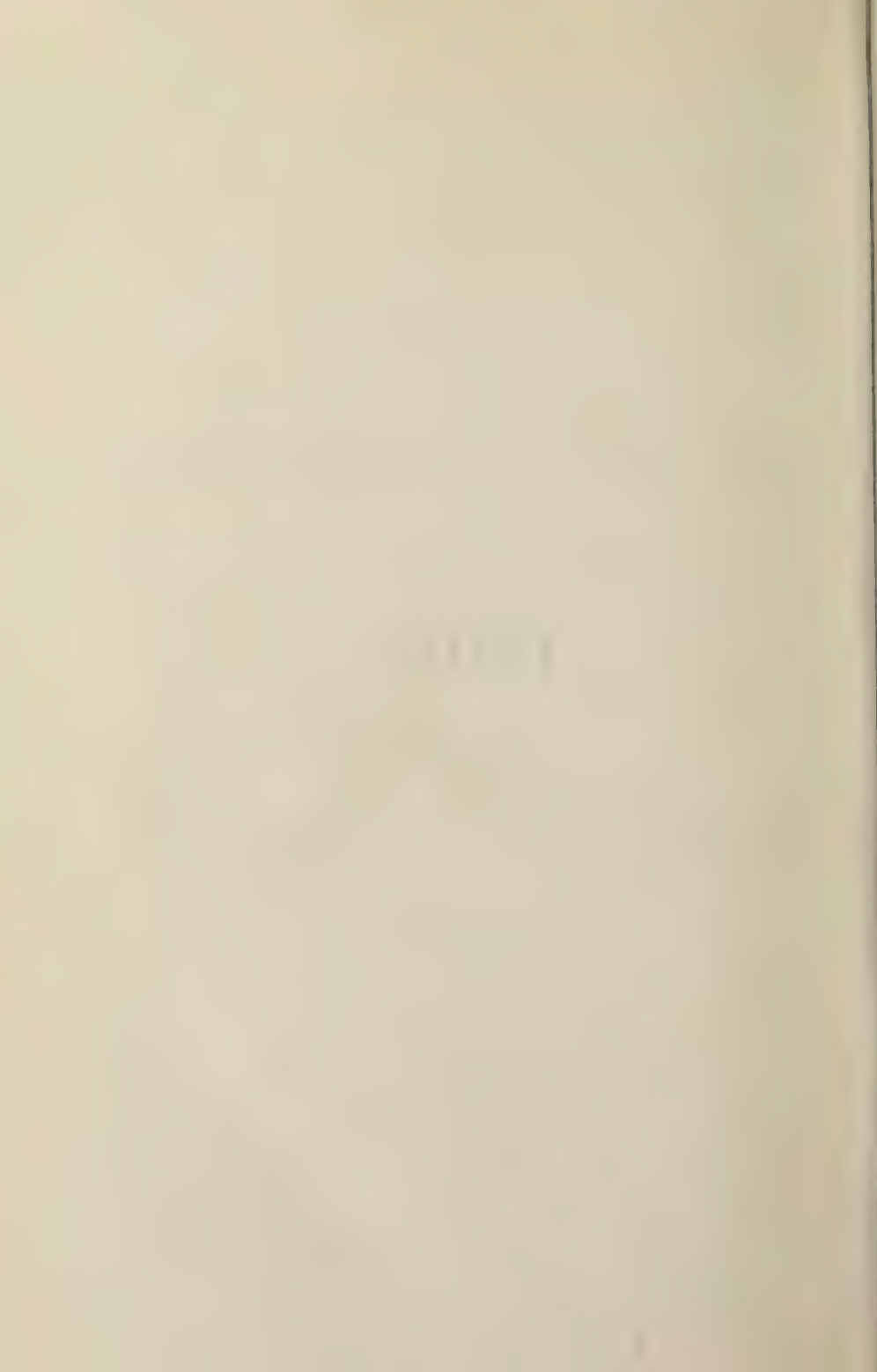
WM. P. RICH,
President pro tempore of the Senate.

F. E. DALIN,
Minute Clerk of the Senate.

JAMES ROYD GARRISON,
Assistant Minute Clerk of the Senate.



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GOVERNOR FRANK F. MERRIAM • 1901

M. J. Griffin, D. J. Griffin, C. Whitham & C. Whitham

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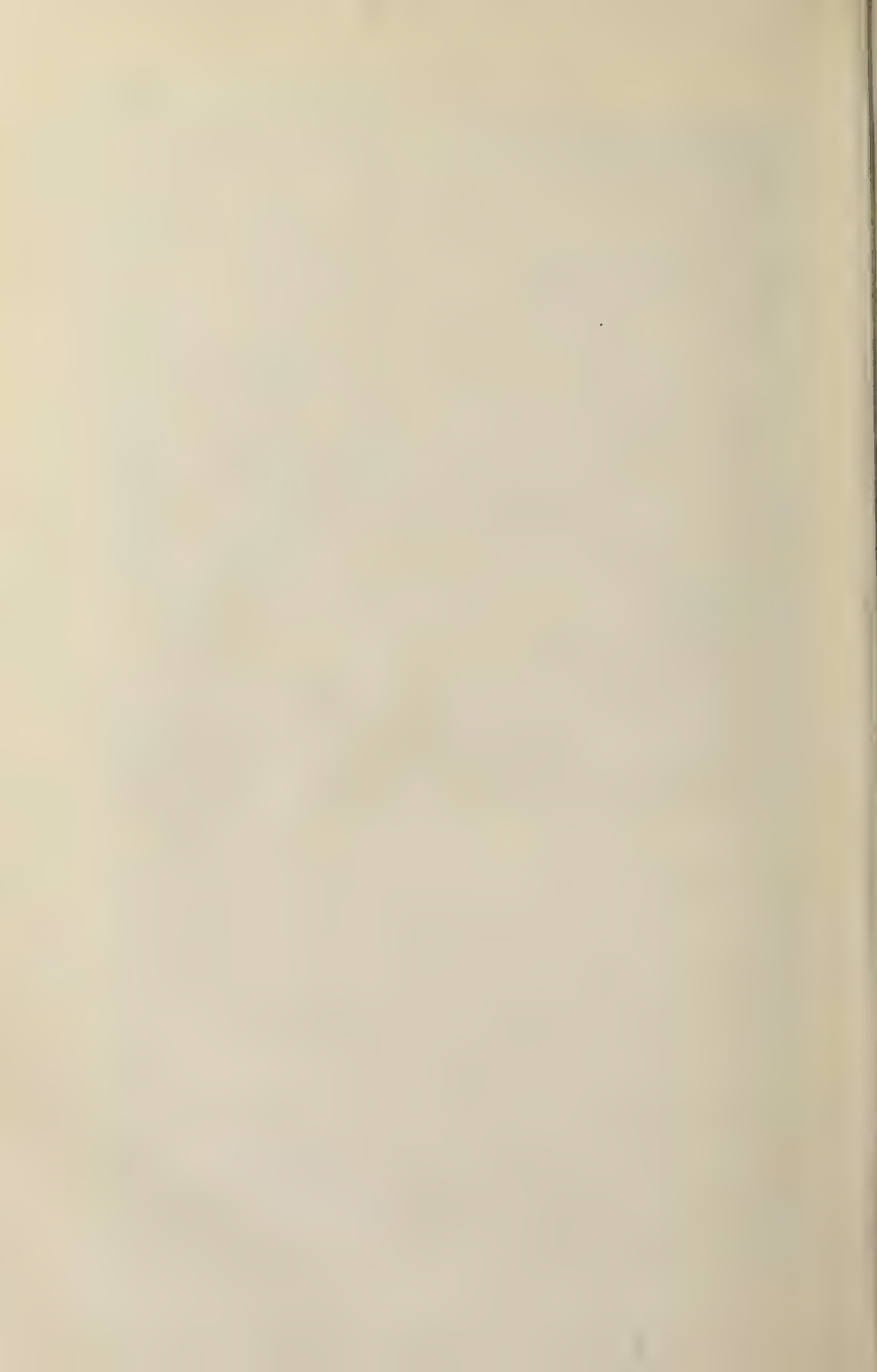


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[illegible]

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